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MISCELLANEOUS PUBLIC LANDS BILLS

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

ON

S. 3000 **S. 3599**
S. 3794 **S. 3854**
H.R. 3603 **H.R. 5025**

SEPTEMBER 27, 2006

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CONTENTS

STATEMENTS

	Page
Bingaman, Hon. Jeff, U.S. Senator From New Mexico	2
Blumenauer, Hon. Earl, U.S. Representative From Oregon	20
Calvert, Chad, Principal Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior	22
Craig, Hon. Larry E., U.S. Senator From Idaho	1
Crapo, Hon. Mike, U.S. Senator From Idaho	9
Grant, Fred Kelly, Chairman, Owyhee County Initiative Implantation Act, Nampa, ID	71
Hansen, Cliff, Commissioner, Custer County, ID	69
Heughins, Russ, Issues Coordinator, Idaho Wildlife Federation, Boise, ID	53
Huff, Fred D., Land Use Coordinator, Las Cruces Four Wheel Drive Club, Las Cruces, NM	48
Hunt, Adrian P., Ph.D., Executive Director, New Mexico Museum of Natural History and Science	46
Johnson, Rick, Executive Director of the Idaho Conservation League, Boise, ID	61
King, Carole, Custer County, ID	98
Madron, Brett William, President, Idaho Trail Machine Association, Boise, ID	86
Maguire, Brian, Member of the Board of Directors, Back Country Hunters and Anglers, Portland, OR	114
Matthews, Amanda, Stanley, ID	96
Murkowski, Hon. Lisa, U.S. Senator From Alaska	7
Rey, Mark, Under Secretary, Natural Resources and Environment, Department of Agriculture	31
Salazar, Hon. Ken, U.S. Senator From Colorado	7
Simonds, Grant, Executive Director, Idaho Outfitter and Guides Association, Boise, ID	77
Simpson, Hon. Michael K., U.S. Representative From Idaho	13
Smith, Hon. Gordon H., U.S. Senator From Oregon	6
Van Winkle, Jill, Trail Specialist, International Mountain Biking Association, Boulder, OR	122
Walden, Hon. Greg, U.S. Representative From Oregon	17
Ward, Jay, Conservation Director, Oregon Natural Resources Council, Portland, OR	117
Webster, Mike, President, Idaho Cattlemen's Association, Roberts, ID	92
Wyden, Hon. Ron, U.S. Senator From Oregon	4

APPENDIXES

APPENDIX I

Responses to additional questions 137

APPENDIX II

Additional material submitted for the record 153

MISCELLANEOUS PUBLIC LANDS BILLS

WEDNESDAY, SEPTEMBER 27, 2006

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

The committee met, pursuant to notice, at 10 a.m., in room SD–628, Dirksen Senate Office Building, Hon. Larry E. Craig presiding.

OPENING STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO

Senator CRAIG. Good morning, ladies and gentlemen and welcome to the Public Lands and Forests Subcommittee of the Senate Energy and Natural Resources Committee. We have a very long hearing day scheduled for all of you, and a number of very large and complex pieces of legislation. It is my desire that these matters get a full airing on all of the issues of concern. If we are going to give our last panel of witnesses the same consideration as we do our first panel, then it is going to be my concerted effort to keep us all on schedule today. I'm going to start the hearing with a forewarning to all of our committee members first, as well as our Member witnesses, that due to the number of bills and the extraordinary number of witnesses who will testify, I'm going to be exceedingly strict on our time limits today, out of sheer courtesy to all of our witnesses.

As most of you know in this audience, Idaho is a State of competing interests. For all other kinds of things that are critical to our State. I've reserved judgment and am ready to hear how you all feel. The Federal lands of our State that are now under question ought to be designated. I have never strictly opposed wilderness in my tenure and believe wilderness is appropriate. However, I am concerned that these Idaho bills we are talking about today place unique restrictions on approximately 825,000 acres and the next Congress will face the same competing interests, wanting to add some additional unique restrictions to the very lands of our State.

I want you all to think about your respective States. There are four that will be under consideration here today and future, along with current, land allocations. Will this be it or will we be back in a generational sense, to decide future or different kinds of restrictions as it relates to accessing our public lands?

I want to welcome my colleagues from Idaho, Senator Mike Crapo and Representative Mike Simpson. We will be joined by Congressman Greg Walden and Earl Blumenauer, Congressman from

Oregon, to comment on legislation today. All have sponsored or cosponsored legislation we will consider. I also want to welcome Chad Calvert, Principal Deputy Assistant Secretary for Land and Minerals Management, Department of Interior, along with Mark Ray, Undersecretary for Natural Resources and the Environment, Department of Agriculture. I suspect you're not being paid enough today to do what I sense will be an interesting political dance that these two witnesses will do. In fact, I was admonishing Mark Ray a moment ago for the brevity, believe it or not, of his testimony.

I also want to welcome all of the other witnesses that we have before us. We will consider the following legislation today: S. 3599, Senator Bingaman's Prehistoric Trackways National Monument Establishment Act; S. 3794, Senator Mike Crapo's Owyhee Initiative Implementation Act; H.R. 3854, Representative Mike Simpson's Central Idaho Economic Development and Recreation Act; and H.R. 3603, Senator Wyden's and Senator Smith's Louis and Clark Mount Hood Wilderness Act; H.R. 5025, Representative Walden and Blunenauer's Mount Hood Storageship Legacy Act; and Senator Steven's and Senator Murkowski's Copper Valley Native Allotment Resolution Act.

I would observe that most of the bills that we will be hearing today have provisions that some have found troubling and I would encourage all of our sponsors to work with the committee and our staff to address these concerns so that there is an opportunity to move these bills forward in the markup.

Finally, some housekeeping. We have a vote this morning at, I believe, 11:45. We make take that opportunity to break for a lunch period, which would take us from 11:45 to approximately 1 o'clock. I would then reconvene the committee at 1 o'clock and we will move through the balance of the day to complete these hearings so that everybody has an equal opportunity.

On the tables in front of the witnesses is this device that will flash red and we would hope that all of you would adhere to that so that we can stay on time. We will also leave the committee's record open for 10 days for additional statements to be a part of the record.

With that, let me turn to the Senior Ranking Member of the Senate Energy and Natural Resources Committee, Senator Bingaman. Jeff?

STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

Senator BINGAMAN. Thank you very much, Senator Craig and thank you for having this hearing. I wanted to briefly speak about one of the bills being considered, S. 3599, which is a bill that I introduced to establish the Prehistoric Trackways National Monument outside Las Cruces, New Mexico. Senator Domenici is cosponsoring this legislation. Senator Domenici and myself and former Congressman Joe Skeen sponsored legislation that directed the BLM to study this site and access the significance of the fossilized footprints that had been discovered there. This was back in 1994, when that study was completed.

These fossilized footprints date back over 280 million years. Despite the study's glowing recommendations, unfortunately little has

been done in the 14 years since the study was completed. In order to move ahead with this, I hope the creation of the national monument that is proposed in this bill will change that, and will bring new attention and investigation to this find. I want to just mention that Jerry McDonald, who is a resident of Las Cruces, was the first to discover these trackways. He has labored for years to see that they have received proper protection and attention. Finally, I think we have two New Mexico witnesses here today, Adrian Hunt, who is the Executive Director of the Mexican Museum of National History and Science and was one of the authors of the 1994 study that I referred to. Fred Huff is with the Las Cruces Four Wheel Drive Club so I welcome them.

Let me just make a couple of very general statements about wilderness legislation. I know that we do have wilderness bills before us here and others that have been introduced and I have not had a chance to review in detail these bills. I look forward to hearing and studying the testimony, but I understand that any proposal to designate wilderness involves compromise and tradeoffs as to how many acres need to be protected and what potential impacts will be on other users. Ultimately, the size of the wilderness area being designated reflects the balancing of those issues.

I think this balancing has become complicated in recent years in that many wilderness proposals are now packaged together with provisions directing Federal land sales, requiring the use of inflated land valuations, mandating motorized use areas, and requiring land management agencies to fund local development projects and I think that there has been a trend of more and more of that type of provision included. I think it is a troubling trend and it's one that I believe, although we all defer to the senators from individual States as to wilderness issues in their States, I think these other issues that I've referred to, are broader management issues and it is appropriate for our committee to look into those and try to understand the impact of those provisions in some detail.

So I look forward to the testimony and learning more about each of these bills and I welcome all the witnesses. Thank you.

Senator CRAIG. Jeff, thank you very much. Before I recognize the Ranking Member of the Subcommittee, Senator Wyden, let me knit you another housekeeping. It's obvious by the room today, we have an overflow crowd and that is appreciated. We're glad you're all here. There is an overflow room for those of you who are simply here to observe. It doesn't truly have the flavor of a live hearing room but it is a room where you can sit and watch it on television and that is Russell 428A. Russell 428A, that's the office building just next door to us here, for those of you who might like a more comfortable environment than standing up.

With that, let me turn to the Ranking Member of the Subcommittee on Public Lands and Forests, Senator Ron Wyden. Ron and I have worked very closely together over the years, to craft what we think is some very futuristic and appropriate forest policy and we're continuing to work on a variety of projects. We have your legislation before us today, Ron. Ron?

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

Senator WYDEN. Thank you very much, Mr. Chairman. As you've noted, whether it's been county payments or whether it is a forest health legislation, we've worked together and we are going to continue to do that. Senator Smith is here as well and we're going to work with you in a bipartisan way.

It's obvious that today, from around the West, the committee is going to get a sense of how much Americans love the great outdoors. In my home State, Oregonians treasure Mount Hood and protecting the land and air and water that surrounds our beloved mountain is practically in our chromosomes.

Mount Hood is a place of spectacular vistas, extraordinary hiking and fantastic views, an outdoor experience without parallel. The bipartisan Lewis and Clark Mount Hood Wilderness legislation I've introduced my friend and colleague is built on a citizen's driven process. It included scores of meetings that the two of us have held over the last 3 years, to listen to Oregonians and incorporate suggestions and ideas that I have learned during the more than two decades that I have been honored to represent Oregon in the U.S. Congress.

Two years ago, Senator Smith held a hearing on my original Lewis and Clark Mount Hood Wilderness legislation and it would have been very easy for my colleague, at that point, to say that he had heard from me and he was going to call it a day. But suffice it to say, Senator Smith didn't want to go that route. We have been working very, very closely for more than 3 years. We intend to work very closely with our colleagues as well. They'll be joining us in a moment and sufficed to say, the bill that Senator Smith and I have jointly introduced in the U.S. Senate is different than my original legislation.

For example, it is not as many acres but I think from the very beginning, we have said, this is not primarily a contest about who can get the most acres. More than anything, wilderness legislation is about protecting special places. For example, in the Senate legislation, we protect one of those places, Memaloose Lake, an extremely popular part of our State listed in every single hiking guidebook I've ever seen. It's the last intact forest in the area and it has to be protected as a means of helping to restore surrounding areas.

The same is true of the Lower White River. Proposed additions to the Bangor Creek Wilderness area and then we also feel very strongly about protection for the newly designated Richard L. Constall Memorial Area dedicated in honor of a gentleman who passed recently, who restored the historic Timberline Lodge, built originally by the WPA in 1937 and the late Dick Constall restored it to its former grandeur.

These are all areas where we have been able, working in a bipartisan way, to protect special places. They are not in the House legislation. We are going to work with our colleagues to try to reconcile those differences.

We also wanted to look at some of the big challenges for wilderness and recreation in the days ahead and so we took up a special approach to deal with the concerns of mountain bikers, which is

something I know our Idaho colleagues know a lot about. There is a lot of interest in our part of the country in it. We felt that we ought to get away from a one-kind sort of fits all approach and come up with a homegrown way to make sure that their concerns were addressed. We thought that local riders raised some very valid concerns about the use of the mountain, so we did two things. We proposed a national recreation area. It will offer greater permanent environmental protection for these special treasures while providing mountain bikers and other recreational users an opportunity to continue to recreate in these areas.

Additionally, we made boundary adjustments to ensure open mountain biking trails were not part of the wilderness we included beyond that House bill. This is also an area where we have differences of opinion with the House but as I indicated before our friends arrived, we are going to be working very closely and cooperatively with our House colleagues on that.

Wild and scenic rivers—another area Senator Smith and I felt strongly about. It is the third area where there are differences that the delegation is going to work on and finally, yesterday, the General Accounting Office released a disturbing report indicating that an appraisal used for one of the exchanges does not meet the Federal standard. The Senate bill does not require the use of this deficient appraisal process, doesn't legislate the land values and stipulated that the Secretary of Agriculture has the last word on the appraisal process to ensure that any appraisal complies with required general appraisal standards.

But the bottom line on the appraisal is both of Oregon's senators and Congressman Walden and Congressman Blunenauer want to honor the fact that there has been an awful lot of work done by citizens at home on this exchange, so we're going to work constructively to get this addressed and do it in a way that meets the General Accounting Office standards.

Our colleagues have arrived and time is short. I want to wrap up by way of saying that I think our colleagues from the House deserve substantial credit for their efforts. They have put in many, many hours on this. It has been a citizen's driven process. In the House, they have made contributions, particularly Congressman Blunenauer talking about transportation issues because you can't enjoy some of these recreational treasures if you don't address those concerns. So Senator Smith and I are going to work very closely with our colleagues in the House to again, an Oregon solution to this and I welcome them here today and thank again, my friend and colleague, Senator Smith. It would have been awful easy for my colleague to say, I'm going to pass on this. After holding that first hearing on my original legislation and watch what happens in the House. He didn't do any of that and I want to thank him for all of the efforts he's made to get us to this day.

Thank you, Mr. Chairman.

Senator CRAIG. Well, thank you very much. Now let me turn to your colleague and mine, from the State of Oregon, Gordon Smith.

STATEMENT OF HON. GORDON H. SMITH, U.S. SENATOR FROM OREGON

Senator SMITH. Thank you, Senator Craig. Thank you also for including the Mount Hood bills on today's ambitious docket. I'm grateful you have also included our Congressman from Oregon, Congressman Walden and Congressman Blunenauer. These two gentlemen have done tremendous work on this bill. They have shown great leadership and esteem them for it.

In moving this concept forward, we have all, in our own ways and in our two chambers, grappled with very divergent interests and have come to a closer conclusion. As my colleague, Senator Wyden, has recalled from our hearing that we held on this issue 2 years ago, at the time I was concerned that we were protecting the mountain from the people rather than for the people. Since that time, Senator Wyden and I have worked in good faith with one another to try and craft, as best we can, a consensus bill for the Senate.

But I think it is important to say that both the House and Senate bills are the result of significant dialog with Oregonians, all users of Mount Hood. And I can now say that both bills, in the House and the Senate, are designed to protect Mount Hood for the people.

Two years ago, the Senate legislation proposed to designate roughly 180,000 acres of wilderness on Mount Hood but over the last couple years, again after countless meetings and responding to thousands of letters, we have, I think, reached very close to an agreement. I'm now the proud co-sponsor of the Lewis and Clark Mount Hood Wilderness Act. I believe it is a fair compromise between the bill this committee heard 2 years ago and the bill passed by the House. I also recognize that it is not the only compromise and it is my hope that in the course of the next few weeks, we'll be able to tell the Chairman here that there is a single Oregon position and we would like to pass the legislation this year.

That being said, let me spend a moment now addressing how Senator Wyden and I arrived at the bill we've introduced. First, we generally accepted the House-passed bill in its entirety. In school, that would be called plagiarism. In Congress, it's called embracing the House position.

Second, we wanted to be respective of existing uses on the mountain—snowmobiling, mountain biking and the like. In doing so, we drew the wilderness boundaries in such a way so as to minimize or eliminate any detrimental effect to recreational users. However, there were areas where protection was strongly supported by our constituents but wilderness just did not seem appropriate for those areas. In these cases, we proposed to designate them as National Recreation Areas. This will not only allow but enhance existing recreational uses. We also intend these areas to be managed according to their forest health needs. In this sense, our bill breaks new ground in terms of demonstrating that protection need not be at the expense of the resource we're trying to protect nor does protection need to be at the expense of loggers and mills that will be needed as partners in restoring forest health on public lands.

I fully recognize the needs of Oregon's forest products industry and in the past, I have objected to larger wilderness proposals that

would have seriously impacted the Federal Timber Program, the Northwest Forest Plan as proposed and passed by the Congress with President Clinton. As such, Senator Wyden and I carefully excluded areas designated for timber production or matrix, as it's known, from our wilderness additions to the House bill. I recognize that this is a complex piece of legislation, that it is certainly not perfect. I, Mr. Chairman, have yet to vote for a perfect bill. I suppose I never will. As Churchill once said, "to improve is to change. To be perfect is to change often."

The concept of a Mount Hood Wilderness bill has changed often and will change more before reaching its legislative summit. But I think all of us in the congressional delegation are inspired by the landscape, which we seek to protect, which we know as Oregon. Mount Hood is the singular icon of our State. It is viewed with equal awe from the office suites of Portland, as from the wheat fields of eastern Oregon. As such, it is fitting that this legislation reflects those diverse views to the best of our ability. Thank you, Mr. Chairman.

Senator CRAIG. Gordon, thank you very much. We've been joined by more of our colleagues. I'll ask them if they wish to make comments, I trust in brevity, so we can move to this long list of witnesses. Senator Salazar, of Colorado. Ken?

STATEMENT OF HON. KEN SALAZAR, U.S. SENATOR FROM COLORADO

Senator SALAZAR. Thank you very much, Mr. Chairman. I will be brief. I know you have a long agenda in front of you.

There are two bills that are not on the agenda that we write to Colorado, that I hope to be able to bring to the attention of the committee at later times. One involves the designation of the Rocky Mountain National Park as a Wilderness Area. We are working through some final commas and periods on that legislation and we hope to be able to get that in front of the Senate. The second is a Brown's Canyon Wilderness Area legislation, which Representative, happily retiring now from the House of Representatives, legislation that is his and that of Senator Allard's. We hope to be able to make some progress yet on that legislation in this session.

And I appreciate, Mr. Chairman, your long agenda that you have in front of you here today and I look forward to listening to all the testimony.

Senator CRAIG. Well, thank you very much, Ken. We will be back in early November and this Subcommittee will be convening to look at some other pieces of public land legislation. We hope maybe you will be ready by then and if you are, we'll take a run at it. Thank you very much. Let me turn to Senator Lisa Murkowski of Alaska. She and her colleague, Senator Stevens, do have a piece of legislation before us today. Lisa?

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

Senator MURKOWSKI. Thank you, Mr. Chairman and I will be very brief. I have my full comments that I would like included in the record.

Senator CRAIG. Without objection, they will be.

Senator MURKOWSKI. But I just want to speak just very quickly to S. 3000. This relates to the Copper Valley Electric Association, which is a rural electric co-op for the eastern part of Alaska that borders the Wrangell-St. Elias National Park. This is a part of the State that is not particularly wealthy. It built power lines under the authority of the Department of Interior rights-of-way over lands that were subsequently determined to belong to native Allakakets. The Department of Interior now claims that it was never authorized to grant those rights-of-ways. The Allakakets, we feel, are clearly deserving of compensation and the question is, whether or not the compensation will come from Copper Valley's rate payers, who are by no means wealthy people, following prolonged litigation with the Federal Government, which granted the rights-of-way and will hopefully make things right.

At Senator Stevens' request, the GAO looked into the situation, validated these facts and the need for a legislative solution and Mr. Chairman, I would like to submit that report and their testimony before the Resources Committee and the other body as well as the letter from the State of Alaska, supporting S. 3000.*

Senator CRAIG. Without objection.

Senator MURKOWSKI. I do understand that the Interior Department will also validate the need for a legislative solution but wishes to exclude from S. 3000, situations where Copper Valley built its right-of-way within highway easements that were reserved for the State of Alaska. The sponsors clearly stand ready to work with the Interior Department and our colleagues toward a resolution that is acceptable to the parties and to the administration. I look forward to working with you and thank you, Mr. Chairman, for the opportunity to, just very briefly, address the legislation. Thank you.

[The prepared statement of Senator Murkowski follows:]

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

Good morning, Mr. Chairman and Ranking Member Wyden. I know that we have a full day so I will be brief.

One of the bills that the committee will hear today is S. 3000 pertaining to Interior Department rights of way granted to a rural electrical cooperative in eastern Alaska known as the Copper Valley Electric Association.

Senator Stevens and I often observe to our colleagues that things are different in Alaska. Our colleagues often grumble back that nothing involving Alaska is ever easy. I share both of these sentiments this morning.

The Alaska Allotment Act of 1906 authorized the Secretary of the Interior to allot not more than 160 acres of land in Alaska to Alaska Natives as a homestead. The Act was repealed by the Alaska Native Claims Settlement Act of 1971, although pending allotment applications were grandfathered and Congress has since loosened the restriction to allow Alaska Native veterans to file applications after the cutoff. Unlike the allotment situation in the Lower 48, these lands were never set aside as Indian reservations nor were they ever held by tribal governments.

I've often expressed frustration in this committee at the slow pace with which Native allotment applications have been processed by the Interior Department. Suffice it to say that delays in processing applications have been substantial and we are hopeful that by the 50th anniversary of Alaska's statehood in 2009, all of the land owed to the allottees will finally be distributed. At least that was the intent of the Alaska Land Transfer Acceleration Act we passed in 2004.

Copper Valley Electric Association is the rural electrical cooperative for the part of eastern Alaska that borders Wrangell-St. Elias National Park. It is not a particularly wealthy part of Alaska. It built power lines under the authority of Department of Interior rights of way over lands that we subsequently determined to belong to

*The report and letter have been retained in subcommittee files.

Native allottees. The Department of the Interior now claims that it was never authorized to grant those rights of way. The allottees are deserving of compensation. The question is whether that compensation will come from Copper Valley's ratepayers, who are by no means wealthy people, following prolonged litigation or the federal government which granted the rights of way will make things right.

At Senator Stevens request the Government Accountability Office looked into the situation and validated these facts and the need for a legislative solution. I would like to submit that report and their testimony before the Resources Committee in the other body as well as a letter from the State of Alaska supporting S. 3000.

I understand that the Interior Department will also validate the need for a legislative solution but wishes to exclude from S. 3000 situations where Copper Valley built its right of way within highway easements reserved to the State of Alaska. The sponsors stand ready to work with the Interior Department and our colleagues toward a resolution that is acceptable to the administration.

I thank my colleagues and look forward to hearing from the witnesses.

Senator CRAIG. Thank you, Lisa. Now let us turn to our witnesses at the table. Did we have a time crunch with you or are you OK?

Mr. SIMPSON. I have to preside at 11 o'clock, so——

Senator CRAIG. Oh, we're in good shape. Let me, first of all, then recognize my colleagues from Idaho and as they testify, let me comment that both of these gentlemen, both Senator Crapo and Congressman Simpson, have worked for a good long while with a variety of interests, to strike a compromised piece of legislation that they feel addresses the issues of the area that these pieces cover. I had said at the time and say today, I stepped back from that because of my past experience in trying to strike compromises and not being as successful as they appear to have been and I congratulate them for that. These are very difficult and arduous tasks with very strong opinions and competing forces and I appreciate that very much.

So that's why, in part, we are here today, to give as thorough an open hearing process as we can, to these very important pieces of legislation.

Let me introduce my colleague, Mike Crapo, first, to talk about the Owyhee Initiative. This will be the first time that this bill has been aired fully before a public body of this type and we're pleased to be able to do that. Obviously that southwestern corner of our State is unique and beautiful and many of us have struggled mightily for a good long while to try to strike balance in the region for all of the importance that it is to our State and to those who live there and make a living from that region. So with that, let me turn to Senator Mike Crapo, to talk about the Owyhee Initiative. Mike?

STATEMENT OF HON. MIKE CRAPO, U.S. SENATOR FROM IDAHO

Senator CRAPO. Thank you very much, Senator Craig, Ranking Member Bingaman, other members of the Subcommittee. I appreciate the opportunity for this prompt hearing on the Owyhee Initiative Implementation Act of 2006. I would also like to recognize my friend and colleague, Mike Simpson, whose efforts I want to acknowledge and I support his work and his legislation. As well, I acknowledge Representatives Walden and Blunenauer, who are here today to testify on behalf of their legislation.

Mr. Chairman, I would like to thank you and the members of the Energy Committee for giving us the opportunity to speak to you

today on behalf of legislation that I introduced earlier this year, the Owyhee Initiative Implementation Act of 2006. This comprehensive land management bill is the result of a 5–year collaborative effort between a remarkably diverse group of stakeholders, local, State and Federal Governments, the tribes, ranchers, hunters, outfitters, motorized recreational users and conservationists, to resolve decades of heated land use conflict in the Owyhee Canyon lands. The Owyhee Initiative is a ground-breaking proposal that seeks lasting protection for significant ecological areas in Owyhee County, while ensuring economic viability for the local community. This picture of the confluence of the Owyhee River and Battle Creek establishes for everyone the unique character of this wonderful place. Seventy-three percent of Owyhee County's land base is owned by the United States and while traditionally, it has been ranching country, it has long been prized by recreationists, hunters, anglers and motorized users alike.

The county is within an hour's drive of one of the fastest growing metropolitan areas in the nation, Boise, Idaho. This combination is having an explosive effect on property value, community expansion and development and ever-increasing demands on public land. Given this confluence of circumstances and events, the Owyhee County faces this question: How do we manage for this diversity and do so in a way that protects and restores the quality of that fragile environment? The core that was to become the Owyhee Working Group said, enough is enough and decided to focus on efforts to solve these problems rather than wasting resources on endless fighting.

In 2001, I was asked to join the effort. I told the group that if it could form a comprehensive base of interests, who would agree to collaborate in a process committed to problem solving, that I would dedicate myself to working with them and if they were successful, would introduce the resulting legislation. They did it and we are here today. The group operated on a true consensus basis, only making decisions when there was no voiced objection to a proposal. The members spent hundreds of hours modifying proposals and developing solutions. They have driven thousands of miles, listening to and soliciting ideas from people and they've sought to ensure that they had a thorough understanding of the issues on the ground. This has been difficult work for everyone but the result has proven to be worth the effort. For me, one of the most gratifying outcomes has been to see this group transform itself from polarized camps into an extraordinary force of intense effort to accommodate trust and a willingness to work toward a solution.

The Owyhee Initiative represents the next generation of collaborative, cooperative conservation. It transforms protracted conflict and uncertainty into a resolution with bright prospects for the future. Ranchers can plan for subsequent generations. Off-road vehicle users have access ensured. Wilderness is established. The Shoshone Paiute Tribes know their cultural resources will be protected. The Air Force will train its pilots in perpetuity. Local, State and Federal Government agencies will have structure to assist their joint management of the region. The Owyhee Initiative protects water rights, releases wilderness study areas and protects traditional uses. This will all coincide with the preservation of environ-

mental and ecological health. This is a revolutionary land management structure that looks ahead to the future.

This can't be called solely a ranching or a wilderness or Air Force or tribal bill. It is a comprehensive land management bill. Each group negotiated aggressively and now remarkably, each supports the objectives of those with whom they had previous conflict. That is the most crucial element to consider as you hear further testimony today. Certainly there are those who oppose the Owyhee Initiative. Respectfully I assert that they are wrong. There are others who are uncertain or have reservations. To them, I pledge to continue working to perfect this legislation and to assure its passage. I appreciate your willingness to work with us in this process, to achieve a win-win solution.

Let's move forward to successfully managed conflict rather than to exploit disagreements. The status quo is unacceptable. The Owyhee Canyon lands and its inhabitants deserve their conflicts to be resolved in a meaningful and timely fashion. The surge in support since the bill has been introduced, has been powerful with letters of support received from dozens of organizations and entities. As with the Work Group that forged this agreement, the advocates of the bill have proved strong and diverse. The Owyhee Canyon lands, all its inhabitants, and the cultures that they represent are truly a treasure of Idaho and of the United States and I ask you to join me in ensuring their future by passing this legislation. Thank you, Mr. Chairman.

[The prepared statement of Senator Crapo follows:]

PREPARED STATEMENT OF HON. MIKE CRAPO, U.S. SENATOR FROM IDAHO, ON S. 3794

Good Morning, Chairman Craig, Ranking Member Bingaman, and Members of the Subcommittee. I'd also like to recognize my colleague from Idaho, Representative Mike Simpson, as well as Representatives Walden and Blumenauer, who are here today to testify on behalf of their legislation.

Mr. Chairman. I would like to thank you and members of the Energy Committee for giving me the opportunity to speak to you today on behalf of legislation I introduced earlier this year, the Owyhee Initiative Implementation Act of 2006. This comprehensive land management bill is the result of a five-year collaborative effort between a remarkably diverse group of stakeholders—the Tribe, local, state, and federal governments, ranchers, hunters, outfitters, motorized recreational users, and conservationists—to resolve decades of heated land-use conflict in the Owyhee Canyonlands in the southwesternmost part of my home state of Idaho. The Owyhee Initiative is a groundbreaking proposal that seeks lasting protection for significant ecological areas in Owyhee County while ensuring economic viability for the local community.

Owyhee County contains some of the most unique and beautiful canyonlands in the world and offers large areas in which all of us can enjoy the grandeur. Many people wonder about the origin of the name 'Owyhee.' Interestingly, 'Owyhee' was an early spelling for Senator Akaka's home state of Hawaii. The initial "0" in the name is a reflection of the fact that in Hawaiian, the name of the island is expressed by saying '0 Hawaii, which means "[This] is Hawaii." The Owyhee Canyonlands were so named for a group of native Hawaiian fur-trappers of the Hudson's Bay Company who disappeared there during an expedition in the area in 1826. The river and surrounding area was named in their honor. Very significantly, this history is brief compared to the that of the Shoshone-Paiute Tribes who have worked with us from the beginning to develop the Owyhee initiative and support its passage. The Shoshone-Paiutes believe this to be a major step forward as we protect and honor their homeland.

This picture of the Confluence of the Owyhee River and Battle Creek (point to poster), establishes for everyone the unique character of this place. 73% of Owyhee County's land base is owned by the United States and while traditionally ranching country, has long been prized by recreationists, hunters & anglers and motorized

users alike. The county is located within an hour's drive of one of the fastest-growing metropolitan areas in the nation: Boise, Idaho.

This combination of attributes is having an explosive effect on property value, community expansion & development and ever-increasing demands on public land. Given this confluence of circumstances and events, Owyhee County has been at the core of decades of heated political and regulatory battles. The conflict over land management is both inevitable and understandable. The question is: how do we manage for this diversity and do so in a way that protects and restores the quality of that fragile environment?

In this context, the core that was to become the Owyhee Working Group said "enough is enough" and decided to focus efforts on solving these problems rather than wasting resources on an endless fight. In 2001, I was asked to join the effort. I told them if they could form a comprehensive base of interests who would agree to collaborate in a process committed to problem-solving, I would dedicate myself to working with them and if they were successful, would introduce resulting legislation. They did and here we are today.

This unique group of people worked face-to-face and together created new ideas. For me, one of the most gratifying and emotional outcomes has been to see this group transform itself from polarized camps into an extraordinary force that has become known for its intense effort, comity, trust and willingness to work toward a solution.

They operated on a true consensus basis, only making decisions when there was no voiced objection to a proposal. They spent hundreds of hours modifying proposals and developing solutions. They have driven thousands of miles inspecting roads and trails, listening to and soliciting ideas from people from all walks of life who have in common deep roots and deep interest in the Owyhee Canyonlands. They sought to ensure that they had a thorough understanding of the issues and could take proper advantage of the insights and experience of all these people.

This is very difficult work for everyone and I want to acknowledge the effort of my friend and colleague from Idaho, Representative Mike Simpson. I support his work and his legislation.

The Owyhee Initiative represents the next generation of collaborative conservation. It transforms protracted conflict and uncertainty into resolution with bright prospects for the future. Ranchers can plan for subsequent generations. Off-road vehicle users have access assured. Wilderness is established. The Shoshone-Paiute Tribe knows its cultural resources will be protected. The Air Force will train its pilots in perpetuity. Local, state and federal government agencies will have structure to assist their joint management of the region. The Owyhee Initiative protects water rights, releases wilderness study areas and protects traditional uses. And this will all happen within the context of the preservation of environmental and ecological health. This is indeed a revolutionary land management structure—and one that looks ahead to the future.

This can't be called solely a ranching, wilderness, Air Force or Tribal bill. It is comprehensive land management legislation. Each group negotiated aggressively, and now remarkably, each supports the objectives of those with whom they had previous conflict. That is the most crucial element to consider as you hear further testimony today.

Certainly there is opposition to the Owyhee Initiative. Respectfully, I assert that they are wrong. There are others who are uncertain or have reservations. To them, I pledge to continue working to perfect this legislation and assure its passage; I appreciate your willingness to work rather than simply oppose. We prefer to move forward in an effort that successfully manages conflict and land, rather than exploit disagreements.

The status quo is unacceptable. The Owyhee Canyonlands and all its inhabitants deserve to have their conflicts resolved in a meaningful and timely fashion. The people of Idaho have agreed. The surge in support since the introduction has been powerful. I have received letters of support from dozens of organizations and entities. As with the Work. Group that forged this agreement, the advocates of the bill have proved diverse and strong.

The Owyhee Canyonlands, all it's inhabitants and cultures are truly a treasure of Idaho and the United States; I ask you to join me in ensuring their future by passing this legislation.

Senator CRAIG. Senator Crapo, thank you very much for that testimony. Now we move from the southwestern corner of the State to the south central part of our State, a few hundred miles away, to another beautiful and critical area and being represented in the

legislation that Representative Mike Simpson brings before this committee. Mike, please proceed.

STATEMENT OF MICHAEL K. SIMPSON, U.S. REPRESENTATIVE FROM IDAHO

Mr. SIMPSON. Thank you, Chairman Craig, Ranking Member Bingaman, Ranking Member Wyden, and members of the committee. I appreciate you hearing this testimony. I've submitted my full remarks for the record and I want to talk to you just a little bit about why we are here with this bill today.

For over 30 years, Idahoans have been debating and arguing about some older White Clouds and what to do with them. Several attempts have been made, unsuccessfully, to try to create—to designate what was going to be wilderness and what was not going to be wilderness and how we were going to manage this land.

As I said, there have been unsuccessful attempts and as a result, we've been managing this land by lawsuits, which I think you'd all agree, is both a poor way and a very expensive way to manage public lands. Senator Bingaman, I appreciate your opening remarks. The wilderness debates and wilderness bills are changing. They are different that they have been in the past. The attempts that were made in the Boulder White Clouds before were attempts to just draw lines and decide what was going to be wilderness and what was not going to be wilderness. None of those had been successful.

For over 6 years now, myself and my staff have been working on this legislation. We decided that we had to address more than just what was wilderness in the area. We had to address the other conflicts that existed and the other problems that existed if we were going to get the collaboration and the support that was necessary to get this type of bill done.

Let me tell you that this has four components that we identified that were necessary in order to get a bill together. One was we had ranchers in the east who were being ran out of their area. Some of them were using about 20 percent of their AUMs because of Endangered Species Acts and other management decisions. They had non-viable operations. We tried to do some things to help them. Unfortunately, because of some opposition of the cattle industry and concerns about AUM buy-outs and those types of things, we haven't been successful in this bill yet, at helping them but we are still working on ways and we think we have some methods that we can use to address their concerns.

Second, we have Custer County. This is a county that is 3.4 million acres, bigger than three States. It is 96 percent Federal land. That means 4 percent of the property are paying the property taxes to provide the services that everyone uses. People that come there and recreate, these people, these 4,000 citizens of Custer County, on this 4 percent of the land are paying to provide the services for these individuals. We needed to do something to give them a larger economic base on which to support themselves.

Third was the motorized use. We have areas in the Boulder White Clouds that motorized use has been used over the years. We wanted to protect that high elevation snow machining that these individuals use so they wont' be run out of there in the future by lawsuits. Now, someone can still bring a lawsuit but at least a Fed-

eral law would be on their side and it still leaves the Forest Service with the ability, if there is damage because of this, environmental damage and other things, to be able to close down certain trails but they would have to open other ones of comparable use.

Fourth is the wilderness area. This creates 315,000 acres of wilderness and releases 131,000 acres of wilderness study area for multiple use. We've also put a very unique provision in here, which is the first ever wheelchair accessible trail in a wilderness area. If you think this is a paved trail, you ought to see these guys in their wheelchairs. Some of the areas are pretty tough to walk in.

Some of the provisions caused people some concern. It has been called both a motorized Disneyland and by motorized people that were locking all the motorized people out. Well, both those things can't be true. The reality is and what we've tried to do is strike a compromise so that we won't be managing this motorized use by lawsuits in the future. Some are concerned about the land transfers. We give this county 5,000 acres of public lands. Most of it is used for parks, for transfer stations and other things for public uses.

There are 162 acres that caused people some heartburn within the Stanley area. If you look at it, over the years, we have transferred 7,000 acres of private land into the Sawtooth National Recreation Area. What we are asking for is to transfer 162 acres out so that they can build homes on it, for home sites. You've got a city there that actually has a $200,000 budget. They can double their city budget with the home sites. We've got building restrictions in there that the Sawtooth Society requires for them to support it, which I support. Some people are concerned that we are putting building restrictions in Federal law. I can tell you that is absolutely essential that those remain in the bill so that the Sawtooth Society and the SNRA can maintain the unique characteristics of Stanley.

Some people are concerned that we don't have reserved Federal water rights in this bill. I would remind you that the Boulder White Clouds is headwaters. It doesn't need a reserved water right. In fact, we've used the language that has commonly been used in the Colorado Wilderness bills and other areas, to preserve the water in the area.

Last, I would ask the committee to remove, during the markup, Section 302 as it applies to the unpatented mining claims. CBO has scored that at a cost of $155,000 million, which is kind of a strange score. What they are saying is, they would lose that amount of revenue but it is revenue that they would never be able to mine anyway. But nevertheless, it is what is it. They've said it is $155,000 million cost so we would ask you to remove that section of the bill as it relates to unpatented mining claims.

Mr. Chairman, I can tell you that every provision in this bill is essential to this compromise. Many people have worked a long time to try to create a bill for Idaho by Idahoans. I hope this committee supports it during markup and I look forward to working with you. Thank you, Senator.

[The prepared statement of Mr. Simpson follows:]

PREPARED STATEMENT OF HON. MICHAEL K. SIMPSON, U.S. REPRESENTATIVE FROM IDAHO

Mr. Chairman, it is a pleasure to testify before Idaho's senior Senator and alongside Idaho's junior Senator. I want to thank you for holding today's hearing on the Central Idaho Economic Development and Recreation Act (CIEDRA). It is historic that both Senator Crapo and I are here today with separate wilderness bills that were developed in Idaho by Idahoans for Idahoans. This is a significant occasion and a long time coming. I am pleased that after significant work in the House Resources Committee, we have moved CIEDRA out of the House and are here before your committee today.

Since my election to Congress, one of my priorities has been to resolve conflicts in central Idaho's Boulder-White Cloud Mountains. Mine is not the first attempt to solve management issues in this area. Senator McClure and Governor Andrus worked together to find a wilderness compromise. Representative Stallings and then Representative Crapo each made their own attempts. Their efforts faced a political climate that had little desire for compromise.

Things are different today; lawsuits, national monument threats, ESA protections for fish and wildlife, as well as a myriad of other restrictions and conflicts have forced all parties to reconsider the need for a compromise in the Boulder-White Clouds. Today we have a rare opportunity to control our own destiny by crafting legislation that fits the needs of the people who live and recreate in central Idaho while creating substantive wilderness.

During the past three years, my staff and I have had countless meetings with the groups and individuals that will be impacted by my proposed wilderness designation. These meetings included Custer County's commissioners, ranchers, snowmobilers, off road vehicle users, outfitters, conservationists and others as well as public meetings I held in Stanley, Challis and Ketchum. What I heard made me believe that we could find a positive outcome in the management of the Boulder-White Clouds that benefits all users.

In my discussions I found there were some important issues that had to be addressed if this bill were to move forward. These include providing economic stability for Custer County, securing roads and trails for today's motorized recreation users and future generations of motorized users, providing economic viability to ranching families, and creating a substantive wilderness. CIEDRA represents my best effort at resolving these issues in a manner that provides certainty for today's users and future generations in the Boulder-White Clouds.

This bill is a carefully balanced compromise that seeks to protect the needs of the people who live and recreate in the Boulder-White Clouds while creating a substantive wilderness. It's unique in that we are trying to be inclusive and recognize the needs of motorized users, the community surrounding it, the ranchers who live in the area, even creating new opportunities such as a first of its kind "primitive access wheelchair trail" into the wilderness. The old approach to wilderness of sacrificing the needs of individuals and specific user groups to the benefit of others will not work anymore. I began this process with the assumption that those who are affected by wilderness creation must be a part of the solution. In short, the needs of the people who live and recreate in the area are as important as the lines drawn on a map.

What I have heard has made me believe we can find a positive, reasonable outcome for the management of the Boulder-White Clouds that benefits all users. It has also made me realize there are four main components that have to be addressed in this legislation.

The first component is the need for economic development in Custer County. Custer County is larger than three states yet has just over 4,000 people. Unfortunately, it is burdened with a high proportion of public lands with over 95% of the county's 3.4 million acres administered by federal agencies. As we will hear from Custer County Commissioner Hansen, this grossly disproportionate public ownership causes a severe strain on their resources. Simply put, the county's tax base, or more specifically the lack thereof, is inadequate to support the services required for such an expansive county. I think it's important to note, the county's citizens and taxpayers are supporting those who recreate in the area by maintaining roads, law enforcement, search and rescue, medical aid and other services, infrastructure and facilities.

The second component is ensuring our ranchers, outfitters, miners and others who are permitted to operate on Forest Service and BLM lands in the Boulder-White Clouds can continue to maintain their livelihoods. They need an opportunity to remain as viable and sustainable operations so that they and their children can continue their traditional way of life. I must say that at this point, we have not found

the solution to compensating ranchers for their AUMs. In the House passed bill I remained silent on the grazing issue. I will continue to work to find a way to compensate these ranching families in a manor that provides for AUMs that they have lost and stand to lose.

The third component consists of recreation and motorized users who need certainty so that they are guaranteed continued access to recreation areas without finding their roads, trailheads, or snowmobiling areas have been shut down overnight.

The last component is to release 131,600 acres of wilderness study areas back to multiple use according to their current management plans and to designate approximately 319,000 acres as wilderness in the Boulder-Hemingway Wilderness, the White Clouds Wilderness and the Jerry Peak Wilderness.

I would like to address some concerns I hear regarding this legislation.

1. There are concerns with the transfer of 162 acres to Stanley and Custer County. As part of the overall compromise 162 SNRA acres adjacent to Stanley and Custer County is a small price to pay to create a 300,000 acre wilderness in the Boulder-White Clouds. With respect to these 162 acres, the land is being made available to aid the local economy by increasing the tax base through the sale of no more than 14 home sites and providing land for low income housing or parks and other public purposes. There are significant deed restrictions on these lands to assure that the SNRA's special qualities are protected.

2. I have heard that my bill will both create a "motorized Disneyland" and in the alternative it will "prohibit all motorized activity". Under CIEDRA there will not be an increase in motorized use beyond existing motorized roads or motorized trails and at the same time motorized users will not be locked out of the Boulder-White Clouds. With the exception of closing one motorized trail and two segments of motorized trails, the SNRA travel map will remain as it is today with the requirement that if roads or trails are impeded they shall be fixed or placed in a manner that will allow continued access to traditional recreation areas or trailheads. As part of our compromise, we have closed the motorized Grand Prize corridor and we have left the Germania motorized corridor open. In addition, snowmobilers will be locked into their high elevation snowmobile areas in the Fourth for July, Washington Basin, Champion Lakes and Warm Springs areas. By its name, the SNRA is a "recreation area" which encompasses many uses. Today and into the future, we will not deprive traditional recreation users for the benefit of others. The bottom line is that there will not be new motorized trails or roads beyond what are used today. My goal has been to maintain the status quo as close as possible so all can use and enjoy the SNRA.

3. Some have stated that there is no "trigger language" in CIEDRA and that promises made in the legislation will not be kept. What they do not state is that immediately upon enactment of CIEDRA the following will take place: Custer County and the local communities will receive their land grants; one million dollars that has already been appropriated will go immediately to Custer County; 131,600 acres will be released from wilderness study area into multiple use under the current management plans; the existing travel plan will be locked into place for motorized users as detailed above; as well as many other aspects of the legislation.

4. I have also heard that the pristine waters of the Boulder-White Clouds will be vulnerable to future appropriations by the State of Idaho. This is incorrect as CIEDRA contains language regarding water rights commonly referred to as "headwaters language". This language makes clear that the wilderness is high elevation land, that there are no upstream threats to its waters and thus, it is not necessary to assert a new federal water right to protect those waters. In addition, the language prevents any new water projects from being developed inside the wilderness. This language was first proposed by Colorado Democratic Senator Tim Wirth in 1993 and has been used a number of times to apply to that state's high elevation wilderness areas, most recently, I believe, by Mr. Mark Udall in the James Peak Wilderness designated in 2002.

5. In response to concerns by the BLM related to Section 302. "Land Acquisition and Acquisition of Unpatented Mining Claims in Management Area", I am asking Senator Craig to remove that provision in markup or will remove it myself in conference. It has come to my attention that my intentions of acquiring unpatented mining claims within the management area will have unintended consequences on general mining law.

6. Finally, it is critical that the restrictions on development on SNRA lands conveyed to Custer County and Stanley in Sections 101 and 103 remain as writ-

ten. These restrictions were developed cooperatively between the Sawtooth Society, the City of Stanley and the Custer County Commissioners. They are vital to the integrity of CIEDRA and removing or changing these provisions would alter the cooperative agreement that was reached in Idaho putting the true compromise of CIEDRA in peril. I would ask the committee to inquire directly with Commissioner Hansen regarding the necessity of these provisions when his panel is up shortly. Cliff was directly involved in developing the transfers and recognizes the importance of the provisions in providing "assurances" to the Sawtooth Society and others that any development on these parcels will take place as agreed upon with explicit restrictions.

There is no doubt that Idahoans are passionate about CIEDRA. In my office alone I have received over 3000 pieces of mail including personal letters, form letters, post cards and petitions. I know that Senators Craig and Crapo have received a significant amount also.

The scope and breadth of the bill is one of its greatest detriments in that it provides its critics an opportunity to read, interpret, and disseminate their views in any manner they see fit. This is not a perfect bill. I have told many people that this isn't the bill I would have written-which sounds kind of funny since I'm the author-however, it's the compromise that best balances the needs of the people who live near and use and enjoy the Boulder-White Clouds. I would like to add that these compromises place the legislation on a precarious knife edge. I want to reassure people that I will not allow the compromises we reached in Idaho to be changed here in Washington in a manner that affects the substance of the bill.

To the people on each side of the wilderness debate who oppose this bill I would only ask—are they fighting my efforts as a continuation of past wilderness battles-seeking all or nothing—or are they opposing my efforts because they think that today's users and future generations will be made worse off. It appears to me that those individuals and organizations on both sides who oppose my efforts would prefer to roll the dice and take their chances on the status quo of threatened lawsuits and litigation rather than see their own or another user group gain a certain, definite future for their continued use and enjoyment in the Boulder-White Clouds.

CIEDRA meets the needs of today's users and secures the future for generations of Idahoans who want to continue using and enjoying our beautiful Boulder-White Clouds. I firmly believe that this is our last best opportunity to resolve many of the long standing and thorny land use, recreation, and wilderness designation issues in Central Idaho. It may well be another 25 years before we see this chance again. By enacting CIEDRA, we can put to rest many long standing conflicts and move ahead to a stronger, more secure economy in the rugged, beautiful and productive heart of Idaho.

I want to thank Senator Craig again for allowing me to testify today.

Senator CRAIG. Mike, thank you very much. Now let us turn to our Oregon colleagues who've joined us today from the House and as both of my Oregon colleagues who are on the dais, have mentioned that they have worked mightily on a piece of legislation that is co-equally before us at the moment. So let us turn, first of all, to Representative Greg Walden for any comments he would like to make and then to Representative Earl Blumenaur. We welcome both of you.

STATEMENT OF HON. GREG WALDEN, U.S. REPRESENTATIVE FROM OREGON

Mr. WALDEN. Thank you very much, Mr. Chairman. We certainly appreciate the opportunity to be here today and your indulgence in allowing us to comment on this very important piece of legislation. I want to recognize my Oregon colleagues and Ranking Member of the Subcommittee, Mr. Wyden, Mr. Smith, my friend and colleagues and other members on the committee for their work on this issue as well and we are delighted to be here today. I would ask that my full statement be inserted into the record, along with a handout we have on some fact sheets involving the mountains.

Senator CRAIG. It will be.

Mr. WALDEN. Mount Hood is many things to many people but for most, it is Oregon's recreation mountain where most people who come to visit actually come to ski. That's the predominant use on the mountain. It is also home to great backpacking, hiking, viewing, camping, not to mention snowmobiling, climbing, bird watching and much more and from its flanks to the water for farms and cities, it is a spiritual place for Native Americans and holds similar qualities for many who escape to its environs today.

When Earl came to me more than 3 years ago, to say the mountain is under pressure. Let's work together to find something that can help solve the problems. I agreed to work with him and we have had an extraordinary and positive and very public partnership in crafting the legislation that we bring to you today from the House. This has not been easy and it's not going to be easy to get into law. But we are here to try and find common ground that we actually enact into law to provide the protections, whether they be wilderness or forest health improvement or improvements to recreation or improvements to transportation, that I think in common, Oregonians would like to see happen.

I want to tell you how we built our plan. We started by looking at what are the protections already on the mountain? First, in green, you will see there are 118,350 acres already designated as roadless. The next overlay will show you Lake Success reserve of 360,000 acres already designated on the mountain to be managed for old growth characteristics. The forest green color next is designed for timber production, about 99,000 acres. The next overlay shows the current wild land urban interface area. Mount Hood National Forest lies within 50 miles of nearly two million people.

The blue overlay is the repairing reserves. These are areas protected around our streams today. That's 71,400 acres.

The next show the bug infestation areas, actually I think it is the red one, right, Colby?

[Off mic—identified as Colby]: It is out there.

Mr. WALDEN. These are the class II and III areas on the forest, predominately on the north and east sides, that are overstocked and are at high risk of catastrophic fire. The final one, I think, is the bug infestation area, some 87,000 acres of land that is subject to catastrophic fire because of the overstock and the bug infestation.

We looked at all of those overlays and then in multiple public sessions starting in August 2003, one of three summits we held where we invited everybody who had an interest in this issue to bring forth their ideas and suggestions and we built a plan from the ground up. That is the legislation that the House has sent to you today, much of which you have incorporated into the Senate version of your bill and we are very appreciative of that.

We are here because we want to see a law. We are here because as Oregonians, all of us—the House, the Senate—care a lot about this mountain. Earl and I cared enough about it that last August we became the only bipartisan backpacking congressional duo in Congress. We actually put on 50–pound packs or more and hiked around the mountain and in the course of that hike, we included advocates for every side of this issue: the technical experts from the Forest Service who talked about bug infestation, recreation, wildlife

issues, geologic and hydrological issues, to give us help and guidance. I have to tell you, it was an extraordinary hike and we learned a lot and we've learned a lot from our various summits and our various roundtables and in working together and I am convinced that if we are willing to exert the same energy in this process that we exerted on the mountain, then all of us together can hopefully, sooner rather than later, come to terms with a bill that makes sense for all the users of the mountain and for the future of Oregon and its citizens.

Mr. Chairman, thank you again for your assistance in allowing us to be here today and to testify and that of our staff, on both sides of the isle. We look forward to working with you to come to conclusion with an Oregon plan that can become law. Thank you, Mr. Chairman.

[The prepared statement of Mr. Walden follows:]

PREPARED STATEMENT OF HON. GREG WALDEN, U.S. REPRESENTATIVE FROM OREGON

Chairman Craig, Ranking Member Wyden, committee members. Thank you for allowing us to testify today regarding the future of Mt. Hood.

Mt. Hood is many things to many people, but for most it is Oregon's recreation mountain where most people who visit come in the winter to ski. It is also home to great backpacking, hiking, viewing and camping, not to mention snowmobiling, climbing, bird watching and much more. From its flanks flow water for farms and cities. It is a spiritual place for Native Americans and holds similar qualities for many who escape to its environs today.

It is also an area under increasing pressure from human demands and from Nature. Bugs are chewing their way through its forests and fuel loads are increasing. Some 87-thousand acres suffer from significant amounts of dead trees from recent bark beetle outbreaks. The overall growth rate of trees in the forest is more than 13 times that of harvest or fuel reduction activity. The natural yearly tree death rate exceeds all stewardship activities on the forest by an eight-toone ratio. And this summer we saw first hand the devastating effect of fire on Mt. Hood as it shut down access, polluted our air sheds and destroyed habit.

More than a decade ago, an historic agreement laid out a plan to manage its forests, and yet the promises of the Northwest Forest Plan have gone unfulfilled. Areas that should be managed for late successional reserve—old growth characteristics—are in desperate need of work, for example.

For nearly three decades, a dispute has raged in the upper Hood River Valley about various development plans for the north side of Mt. Hood. The opposing parties reached a mediated settlement to end such plans. That settlement agreement, supported by the local county and the state of Oregon, requires Congressional approval to take effect.

I tell you this because after nearly four years of public work, my colleague from Portland, Earl Blumenauer and I wrote and passed in the House a comprehensive measure to address all of these issues and more. Our bill, H.R. 5025, won unanimous approval of the House Resources Committee and the full House, and the President has said he will sign it into law.

Earl and I recognize that this is a bicameral process, and have had our staffs working day, night and weekends to seek comment from the many stakeholders we've consulted over the years in an effort to find accommodation with the senate proposal which was made public earlier this month.

We look forward to finding common ground on legislation that can pass both chambers and provide the necessary legacy Mt. Hood deserves.

Senator CRAIG. Greg, thank you very much. Your timing is excellent. You are right on cue and a bipartisan backpacking trip is, in itself, not a junket.

Mr. WALDEN. We actually picked up junk along the way.

Senator CRAIG. Oh, I see. All right.

Mr. WALDEN. I carried out our trash——

Senator CRAIG. All right, thank you very much. Earl?

Mr. BLUMENAUER. Dozens of dollars on freeze-dried food!

Senator CRAIG. Welcome to the committee. Please proceed.

STATEMENT OF HON. EARL BLUMENAUER, U.S. REPRESENTATIVE FROM OREGON

Mr. BLUMENAUER. Thank you, Mr. Chairman, Ranking Member Bingaman and Senator Wyden and Senator Smith. We appreciate both the courtesy to make a presentation today and to focus on the leadership that this committee can have, not just in our legislation but other items. It can really be a signal event for this Congress.

As my colleagues have mentioned, this represents a tremendous amount of hard work by thousands of Oregonians who have found common ground on our icon. I can say that now in my 34th year of policymaking on the State, local and Federal level, this is the single-most rewarding experience I have had in terms of how the process can work for things that we hold dear. And I extend my heartfelt thanks to my colleague, Greg Walden, for his friendship, even if it was his idea to hike around the mountain! I had some second thoughts about that, about the third night. But it was an extraordinary punctuation point where we were able not just to experience it ourselves but to invite dozens of people for a series of meetings on the move and it made this even more real for me.

I'm proud that we've been able to enact, in the House, the first new wilderness legislation on Mount Hood in either Chamber, in 22 years and I believe that the collaboration with Senator Wyden and Senator Smith, can take what I think is an excellent piece of House legislation, we think we can make it stronger with your help. We've had tremendous effort in the last couple of weeks on behalf of staff from all four of us, which leads me to think that we are perhaps only hours away from being able to tighten these things down and reach what Senator Smith referred to as an Oregon solution. I hope that is something that we are able to deliver on. I'm not going to go through further the process so that I am proud of it and it was great fun. But I want to say, Senator Smith, that I don't regard it as plagiarism. I think this has been an iterative process. I think it would be unfortunate to re-plow the same ground and I think what we have all come to share as a common framework, allows us to get to a decision point much, much faster, with the help of this committee.

Senator SMITH. The pleasure in common was just a poor attempt at humor!

Mr. BLUMENAUER. I am pleased that the language you have in the Senate bill, for instance, incorporates the so-called mediated settlement. I think what is critical is less the mechanism than we honor the hard work that people on the north side of the mountain have done over the last years, to settle a long simmering dispute that puts at risk the delicate environment on the north side of the mountain and I think that this is an extraordinary opportunity, not only to protect that fragile north side but also to avoid needless expenditure of tens of millions of dollars that nobody has in their budget, if development were to occur on the north side.

Our bill, frankly, is—probably it did not go as far as some people would—frankly, that I represent and candidly, if it were just me and not the legislative process, the legislation would look much different and have a larger footprint. Frankly, my colleague, Con-

gressman Walden, has, perhaps in the most difficult of positions, because the people he represents, this legislation pushed limits. But our goal was and remains to be able to pass a bill in a difficult environment that honored the mountain and was an important step forward. We do feel that with the House and the Senate united on a solution to a Oregon solution that we can successfully stretch further in terms of meeting Mount Hood's challenges. We've already suggested that it looks like we're in the neighborhood of 100,000 acres and there are areas with the wild and scenic that working together, we might be able to identify—that would meet those tests and be able to move forward. I just want to say that as we finish the final discussions with our Senate partners, hopefully this week, that together with the leadership of this committee, we can break new ground, not just for Oregon and Mount Hood, but as referenced here by the senator and representative who spoke before, that you are dealing with things that can move the ball forward in a different way. We are appreciative of the opportunity to be here this morning and continue the process and ultimately, it's going to make a difference not just for the future of our mountain, but I think a model for natural resource management in Oregon and beyond. We look forward to working with the committee in any way that we can.

[The prepared statement of Mr. Blumenauer follows:]

PREPARED STATEMENT OF HON. EARL BLUMENAUER, U.S. REPRESENTATIVE FROM OREGON

I would like to thank Chairman Craig and Ranking Member Wyden for the opportunity to testify today on H.R. 5025, the "Mount Hood Stewardship Legacy Act." This proposal represents a tremendous amount of hard work by thousands of Oregonians who found common ground on the crucial issues concerning our state's greatest icon, Mt. Hood. I was pleased to see it pass unanimously by the House of Representatives on July 24th, 2006 and I appreciate the Senate's willingness to discuss it today.

I look forward to this hearing as another chapter in an exciting four year process. The collaboration with my colleague on the House side, Representative Greg Walden, and more recently with Oregon's two Senators, has been a very rewarding process. While I am proud of our House legislation, which would designate the first new wilderness on Mount Hood in 22 years, I believe that by working with the Senate we can make it even stronger.

The strength of this proposal comes from extensive involvement by citizen groups, environmental organizations, recreation advocates, public agencies, tribal representatives and local governments. With their help, we were able to create a bill that establishes a long term, sustainable vision for the mountain and addresses immediate challenges of wilderness protection, recreation, transportation, forest health and water quality, development, and Native American rights. The ideas in this bill were developed through two major public summits, a 41-mile hike around the mountain, and long sessions with experts and stakeholders, and were the subject of public review and comment at two town hall meetings last fall—one in Portland and one in Hood River.

I would like to highlight one specific piece in H.R. 5025 that I hope will continue to be part of the Senate discussion. The House legislation incorporated a local agreement that settles a 30-year dispute by shifting development away from the pristine North side while keeping it on the South side of Mt. Hood where infrastructure already exists. Allowing development on the North side would not be in the public interest, and would bring huge impacts in just transportation costs alone. The House and Senate proposals address this issue in different ways, but it is essential that this agreement, which is widely supported by conservation groups, citizens, the ski industry, and county government, is honored.

Thanks again for the opportunity to be here this morning and to continue this conversation on building a legacy for Mount Hood. I believe our success here is crit-

ical not only for the future of the Mountain, but as a model for natural resources management in Oregon.

Senator CRAIG. Gentlemen, thank you both for being here. It is also very good to hear that you are working together to see if we can't arrive at one approach toward this and I think that is going to be appreciated by all of us, if that can be accomplished. Are there questions of my colleagues, of any on the panel? If not, we all thank you very much for being here this morning and participating. Mike, if you wish to join us at this dais, you are certainly welcome to do so, for the proceedings of the day.

Thank you and we'll call our first panel forward. Let me once again invite Chad Calvert, Principal Deputy Assistant Secretary, Land and Minerals Management, Department of Interior and the Hon. Mark Ray, Undersecretary, National Resources and Environment, Department of Agriculture.

Chad, rearranging the deck chairs on the Titanic does not get you out of testifying first.

Gentlemen, thank you for being with us this morning. Chad, you may proceed.

STATEMENT OF CHAD CALVERT, PRINCIPAL DEPUTY ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. CALVERT. Thank you, Mr. Chairman. I'd start with just two indulgences for you. I promise to keep my statement brief. I've got four bills here in 5 minutes but I will hopefully come in under that.

Senator CRAIG. Well, because both of you are covering a much broader range than are our witnesses, I'll be a little lenient but not too lenient.

Mr. CALVERT. Thank you. The second indulgence—I just offer which dance you would like to see us perform this morning, a two-step or perhaps we could attempt a line dance for you, if that's—

Senator CRAIG. At arm's length.

Mr. CALVERT. All right, well thank you for the opportunity to testify today. I'll start with Copper Valley. The Department of the Interior supports the goals of S. 3000, the Copper Valley Native Allotment Resolution Act and this would resolve many issues that were raised by the General Accountability Office in 2004. The Department's concerns are noted in our written statement. We do have an interest in granting this easement to the Copper Valley Electric Association and we have some concerns about two provisions in the bill, notably relating to the codification of the other easements and the use of the judgment fund.

With regard to the Prehistoric Trackways National Monument, the Department supports this bill. We too, are excited about the discovery of these trackways. We believe they are natural wonders of the world and would like to work with the sponsor, Senator Bingaman and Senator Domenici and the subcommittee staff on the legislation.

I think the theme that I see here today is really one of cooperative conservation and the three bills relating to land uses in Idaho and Oregon are strong examples of cooperative conservation and we want them all to be successful. The Owyhee Initiative Implementation Act is the culmination of a multiyear effort to resolve

land use controversies in southern Idaho. All of the participants in this process deserve credit for their hard work, diligence and cooperative spirit. Senator Crapo particularly deserves recognition for his ongoing commitment to the Initiative.

We would like to work with the committee. We support the resolution of these local entities' conflicts. We do want to work with the committee to resolve some issues relating to land valuation and what we see as issues relating to grazing retirements, before the legislation moves forward.

With regard to the Central Idaho Economic Development and Recreation Act, this too, is the result of a lengthy, very thorough, collaborative process led by Congressman Simpson. It would resolve a number of issues in the Boulder White Cloud area and help deal with Custer County and its 96 percent Federal land. We want to work with Mr. Simpson and this committee on issues relating to that, that are raised in my written statement. We have definitely supported bills of this kind before and we support of the use of these types of collaborative agreements.

There are issues relating to the transfer of Federal lands without compensation and language relating to the purchase of patented mining claims. It may be that the issues relating to unpatented mining claims are resolved before I had an opportunity to testify.

With that, I will conclude and I'll be happy to answer any questions that you have.

[The prepared statement of Mr. Calvert follows:

PREPARED STATEMENT OF CHAD CALVERT, PRINCIPAL DEPUTY ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

S. 3000

Mr. Chairman and Members of the Committee, thank you for the opportunity to testify on S. 3000, the "Copper Valley Native Allotment Resolution Act of 2006." As discussed in more detail below, the Department supports the goals of S. 3000, which would grant rights-of-way for electric transmission lines over certain Alaska Native allotments.

BACKGROUND

The issues related to this bill are described in detail in a September 2004 Government Accountability Report titled "Alaska Native Allotments: Conflicts with Utility Rights-of-Way Have Not Been Resolved Through Existing Remedies" (GAO-04-923). As noted in the GAO Report, the Department and the State of Alaska have granted rights-of-way for a variety of uses, including electrical transmission lines, and some of these rights-of-way cross Alaska Native allotments, giving rise to conflicts between Alaska Natives and holders of rights-of-way. One such holder is Copper Valley, a rural nonprofit electric cooperative which provides electricity to about 4,000 members in Alaska's Valdez and Copper River Basin areas. According to the Report, as early as 1958, Copper Valley obtained rights-of-way permits from Interior, and later from the State of Alaska, to construct and maintain electric lines. However, in some instances it has been determined (either by the Department or the Alaska Realty Consortium, which provides realty services for over 160 Native allotments in south-central Alaska) that Copper Valley is trespassing or allegedly trespassing across Alaska Native allotments.

Since the late 1980s, the Department has applied the "relation back" doctrine when addressing disputes between Alaska Native allotments and rights-of-way holders. Under that doctrine, the rights of Alaska Native allottees relate back to when each first started using the land, not when the allotment was filed or granted. Prior to that time, Alaska Native allotments generally were subject to rights-of-way existing at the time the allotment was approved. Federal courts have dismissed legal challenges to Interior's use of the relation back doctrine because of sovereign immunity.

DISCUSSION

The GAO identified 14 specific allotments where Copper Valley's rights-of-way conflict with Native Allottee ownership. S. 3000 would resolve the dispute by granting to Copper Valley a right-of-way over the specific allotments listed in the bill; the bill would also ratify any existing right-of-way within a federally-granted highway easement granted by the State to Copper Valley before the date of enactment. In exchange for the rights-of-way granted across each of the properties, owners of the listed allotments would each be compensated based on the results of an appraisal conforming with the Uniform Appraisal Standards for Federal Land Acquisitions, plus interest, from the date of first entry of Copper Valley on the allotment. We have not yet conducted any appraisals, but we do not expect these costs to be significant. Compensation would be paid from the Judgment Fund (31 U.S.C. 1304).

As noted above, the Department supports the resolution of this matter. With this in mind, however, we do have some concerns with the bill. Specifically, we recommend that section 3(c)(1) be deleted. The provision addresses a property dispute between the State and the federal government based on highway easements, and has nothing to do with conflicts between Copper Valley and owners of Alaska Native allotments. In fact, this section would reverse a longstanding Departmental interpretation upheld by the Ninth Circuit Court (See *United States v. Gates of the Mountains Lakeshore Homes, Inc.,* 732 F.2d 1411 (9th Cir. 1985)), and could be cited by the State as a precedent in future disputes with the BLM. In addition, we have concerns about whether this is an appropriate use of the Judgment Fund. We also believe that section 3(c)(1) is unnecessary, as section 3(a) provides the ratification being sought by Copper Valley. Finally, we note that there are alternative methods for calculating the value of the property interest granted to Copper Valley that could result in different amounts of compensation being awarded to allotment owners. We think this is an important issue and one that should be addressed. We look forward to working with you on this and other technical issues.

CONCLUSION

Thank you, Mr. Chairman, for the opportunity to present this testimony. I will be pleased to answer any questions you and other Members of the Committee may have.

S. 3599

Thank you for the opportunity to testify in support of S. 3599, the Prehistoric Trackways National Monument Establishment Act. We are excited about the discovery of these important prehistoric trackways on Bureau of Land Management (BLM) managed land in New Mexico and agree with Senator Bingaman that we must permanently protect these exceptional resources.

BACKGROUND

The Paleozoic trackways site is located on public land managed by the BLM in the Robledo Mountains in south-central New Mexico. The area is located within a sequence of sedimentary rocks representing a transition zone between marine and continental environments that existed during the early Permian period (280 million years ago). During times of higher sea level, limestone formed. The limestones contain a variety of invertebrate fossils. As the sea retreated, a tidal flat environment developed and sand, silt and clay dominated deposition. The sandy siltstones contain a variety of sedimentary structures, including raindrop impressions, mudcracks, and ripple laminations. These sandy siltstones are known to contain fossil tracks of land dwelling vertebrates which roamed New Mexico before the age of the dinosaurs.

In 1987, Las Cruces resident Jerry MacDonald discovered a major Paleozoic trackways area. Over the next few years, other significant sites were also discovered by MacDonald. The resources that have been found in the Robledos are considered by scientists who have examined them to be the largest, and scientifically, the most important Paleozoic fossil footprint discovery ever made in the western United States and possibly the world. The trackways are extremely diverse and varied, and appear to represent a very broad spectrum of ancient animal life; including the 11 foot long, fin-backed Dimetrodon and the big headed amphibian Batrachichnus, as well as other reptiles, amphibians, insects and other invertebrates. They also represent not just an occasional footprint, but entire trackways where different animals had left a record of activity. This is considered the best locality in the world for early Permian tetrapod trackways.

In 1990, the Congress passed legislation sponsored by Senator Bingaman along with Senator Domenici and Representative Skeen which withdrew 736 acres around the trackway site and called for a study of the area. In 1993, the BLM using its resource management planning process designated 720 acres as a Research Natural Area (RNA). The study was completed in 1994 and gave a range of alternatives for protection, most of which were implemented, including an agreement BLM initiated with the New Mexico Museum of Natural History and Science to ensure professional curation of fossils. The Museum holds the largest collection of these important fossils to allow for scientific study and interpretation from around the world. In fact, the public is now able to access the collection on the Museum's website. As part of the BLM's ongoing planning process, additional protections for the area are being considered.

Jerry MacDonald's excavation and collection of material from the trackways site is now preserved in the New Mexico Museum of Natural History and Science, the Carnegie Museum, the Smithsonian, the Los Angeles County Museum, and the City of Las Cruces Natural History Museum.

The legislation before the Committee today would designate 5,367 acres of public land in Dona Ana County as the Prehistoric Trackways National Monument. The legislation's stated goal is to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the area. We strongly support those goals and legislation to implement them. We would like the opportunity to work with Senator Bingaman, as well as Senator Domenici and the Committee staff, on amendments which we believe can improve the legislation.

Section 5(a)(3) of the bill directs the BLM to "manage public land adjacent to the Monument in a manner that is consistent with the protection of the resources and values of the monument." The intent of this provision is not clear, and it is not clear how the BLM would implement it. In addition, we would encourage the sponsor and the Committee to include within the monument boundaries all public lands intended for protection without setting up de facto buffer zones.

Section 5(d) of the bill gives priority to exhibiting and curating the resources from the monument in Dona Ana County, New Mexico. Many, if not most, of the significant specimen resources will remain in situ for study. Those that are removed for scientific purposes deserve the highest level of curation. At this time we are concerned that there may not be adequate facilities in Dona Ana County for curation at the level afforded by the excellent facility at the New Mexico Museum of Natural History and Science. It may be preferable for curation to take place at the museum in Albuquerque and then exhibition in Dona Ana County.

The legislation in section 5(g) withdraws the area from the land, mining, mineral leasing and minerals materials laws. We generally support this withdrawal in order to protect the important paleontological resources within the proposed monument. We encourage the sponsor and the Committee to consider whether it might be wise to exclude a small 90 acre parcel on the southern boundary of the proposed monument. Within this area is a ten acre site on which a mineral materials operation has existed for a number of years. Continuation of this operation should not interfere with the protection of the resources within the monument and there is strong local demand for the rock produced from the mine.

While we strongly support the concept of protecting the Prehistoric Trackways, we believe a designation of the area as a National Conservation Area (NCA) is more appropriate. The title of "National Monument" may raise the expectation of the public that this area is similar to an area like the Kasha Katuwe Tent Rocks National Monument. The visual qualities found at Tent Rocks will not be replicated at the trackways site. An NCA would provide as much as or even more protection for the trackways than a National Monument, depending on the legislation written, and may be preferable.

Finally, we would like to clarify that the BLM does not regulate hunting on public lands, but may in some circumstances work cooperatively with the state to limit firearms in particular areas such as campgrounds or active excavation sites.

CONCLUSION

We want to express our deep appreciation to Senator Bingaman and Senator Domenici for introducing this legislation to protect the important Paleozoic Trackways in south-central New Mexico. It is critical that we protect these resources for future generations. We look forward to working cooperatively with the Committee to ensure their protection.

S. 3794

Thank you for inviting me to testify on S. 3794 the Owyhee Initiative Implementation Act of 2006. This bill is the culmination of a multi-year effort to resolve many of the land use controversies in southwestern Idaho. The Department of Interior commends the hard work, diligence and cooperative spirit of the participants of this effort. Senator Crapo deserves special recognition for his ongoing commitment to the Owyhee Initiative. I also want to recognize the dedication and collaborative efforts of the Owyhee Initiative Work group. They have worked tirelessly for several years to resolve land management issues in southwestern Idaho. The Department of the Interior supports the resolution of local land use conflicts and we will work with the sponsors and the Committee to resolve or clarify issues raised related to land and grazing preferences acquisition and valuation to help advance this effort.

BACKGROUND

Owyhee County encompasses over 7,600 square miles of the southwestern corner of Idaho. With a population of just over 11,000, it is a sparsely-peopled land where magnificent canyons, rushing rivers, and wide-open skies dominate the landscape. Ranching is the traditional and predominant economic force throughout Owyhee County.

In 2000, the Owyhee County Commissioners invited a number of interested parties to begin discussions with an eye toward resolving a wide range of natural resource issues in the county. Innumerable meetings, conversations, and dialogues ensued. Over time, the Owyhee initiative included representatives from many interests within the county, including: local government officials, tribal representatives, ranchers, conservationists, recreationists, and others. The BLM has provided technical assistance and information to this group but is not a member of the initiative group.

On May 10 of this year the Owyhee Initiative Agreement (Agreement) was signed by 12 representatives and in early August, Senator Crapo introduced S. 3794 aimed at implementing that initiative.

Title I—Owyhee Initiative Agreement

Title I describes the role of the Secretary of the Interior. We suggest clarifying several parts of the Secretary's role. Section 2(b) states that the purpose of S. 3794 is to provide for the implementation of the Agreement, but the language in the rest of the title is ambiguous as to what is expected of the Department. Section 102, for example, requires the Secretary to coordinate with the Board of Directors of the Owyhee Initiative Project in conducting the science review processes outlined in the Agreement, however, it does not make clear the Secretary's responsibilities (if any) in the conduct of the science review process or requirements on how the information from the science review process is to be used. Likewise section 103 references the Conservation and Research Center described in the Agreement. While $20 million is authorized to the Secretary to carry out the provisions of Title I, it is not clear how these funds are to be expended or what the Secretary's responsibilities are in expending them. In particular, we would be concerned about the ongoing costs of establishing and operating a new Conservation and Research Center. These questions should be resolved before moving the legislation forward.

Title II—Wilderness and Wild and Scenic Rivers

The Department of the Interior supports the Wilderness and Wild and Scenic River designations in the bill, subject to adjustments in boundaries and management language as is routine in such proposed designations.

In general, the Department of the Interior supports the efforts of Congressional delegations to resolve wilderness issues in their states. Congress has the sole authority to designate lands to be managed as wilderness and we have repeatedly urged that these issues be addressed legislatively. It is our general policy to defer to the consensus of a state's delegation in the designation of wilderness and the release of wilderness study areas (WSAs) while at the same time making recommendations for boundary adjustments to ensure that designated areas can be managed as wilderness.

Section 201 of Title II of S. 3794 designates as wilderness over a half million acres in six separate areas. This section also releases approximately 200,000 acres from WSA status and will return these lands to non-wilderness, multiple use status. We have been working with Senator Crapo's office to construct maps for this title and our comments are based on those maps dated September 14, 2006. The Department generally supports the designations and releases proposed by the legislation.

The areas identified to be designated as wilderness include: Big Jacks Creek Wilderness, Bruneau-Jarbidge Rivers Wilderness, Little Jacks Creek Wilderness, North Fork Owyhee Wilderness, Owyhee River Wilderness and Pole Creek Wilderness. These proposed wilderness areas contain some of the most beautiful and remote desert landscapes in the American West. The terrain within the proposed wilderness is diverse, ranging from deep river canyons to vast sagebrush and grassland plateaus that provide habitat for sage grouse, pronghorn antelope, bighorn sheep, songbirds, raptors, and numerous rare plant species. The river canyons are spectacular. Many are more than 1,000 feet deep—nearly twice as deep as the Washington Monument is tall. Rivers meander for hundreds of miles through southwestern Idaho and form what may be the largest, most unaltered, desert region remaining in the continental United States.

Section 202 would designate more than 380 miles of waterways as segments of the Wild and Scenic Rivers System. These 25 segments ranging from 6 tenths of a mile to 67 miles would be established on 20 different rivers including the Owyhee, Bruneau, and Jarbidge Rivers. As with wilderness, it is the prerogative of the Congress to make determinations for additions to the Wild and Scenic River System and we generally defer to the consensus of individual congressional delegations while providing input on manageability and potential conflicts. We would like the opportunity to clarify some of the management language to ensure consistency with the Wild & Scenic Rivers Act.

The proposed additions to the Wild and Scenic River System are rugged, isolated and unique. This region, the Owyhee Uplands, is unlike any other desert region in the United States because it is dissected by hundreds of miles of free-flowing rivers. The rivers begin in the mountains of northern Nevada and, flowing north, radiate like spokes across southwestern Idaho. Each river has cut a deep, magnificent canyon through alternating layers of black and red volcanic rock. Each river is also an oasis for wildlife, including bighorn sheep and large flocks of waterfowl. There are no paved roads along any of these rivers and only a few dirt roads provide limited access to these remote streams. The larger rivers, like the Owyhee and Bruneau, contain some of the most challenging whitewater in the United States. River enthusiasts come from around the country to float these rivers and experience one of the ultimate river adventures in the United States.

Section 204—Land Exchanges and Acquisitions and Grazing Preferences

The Department would like to work with the Committee, Senator Crapo, and the Owyhee Initiative to clarify Section 204 of S. 3794, which addresses land valuation issues and the Secretary's authorities and responsibilities under this section.

In December 2004, then Secretary of the Interior Gale Norton issued policy guidance (Secretary of the Interior Order No. 3258) to all Interior bureaus on legislative exchanges and land valuation issues. This policy was developed to ensure that land transactions are conducted with integrity and earn public confidence.

The policy requires that the Department subject all exchanges or sales of real property or interests in real property to appraisals that conform to nationally recognized appraisal standards (i.e., the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) and the Uniform Standards of Professional Appraisal Practice (USPAP)). Accordingly, the policy specifically prohibits the use of alternative methods of valuation in appraisals. The policy recognizes, however, there may be times when Congress will direct the use of alternative methods of valuation other than or in addition to a standard appraisal. Under the policy guidance, if Congress directs the Department to use an alternative method of valuation in a specific transaction, the Department will expressly describe the alternative method of valuation applied; explain how the alternative method of valuation differs from appraisal methods applied under the Uniform Appraisal Standards or the Uniform Standards of Professional Appraisal Practice; and, if directed by Congress, provide this material to the appropriate Committees prior to or after completion of the transaction, as required by the direction.

Section 204 appears to require the Secretary of the Interior to enter into a number of exchanges and acquisitions of land and grazing preferences from private parties within Owyhee County. We note that the language as drafted is ambiguous. In the absence of explicit direction from Congress, the Department views this language in its entirety as providing discretion to carry out the acquisitions provided for under subsection (a), and would apply the Department's land transaction standards with regard to valuation and public interest that are contained in the Federal Land Policy Management Act (FLPMA).

Section 206 of the FLPMA provides the BLM with the authority to undertake land exchanges where the Secretary "determines that the public interest will be well served by making that exchange." Exchanges allow the BLM to acquire environ-

mentally-sensitive lands while transferring public lands into private ownership for local needs and consolidating scattered tracts.

Section 204(a)(3) of the bill, however, specifically references a document entitled "Land Exchanges and Acquisitions" and dated September 1, 2006. This document includes a list of properties to be exchanged to the Federal government or acquired by the Federal government along with assigned monetary values as well as a description of Federal lands available to landowners for exchange. The discretion provided in the general authority to carry out section 204(a), means that the direction contained in the document entitled "Land Exchanges and Acquisition" will not control the terms of these transactions. In addition, this section of the bill references the September 2006 document for purposes of identifying the land or interest that may be acquired. It does not incorporate the terms of that document into the Act. The Department will therefore look to FLPMA with regard to these transactions.

The BLM has not had an opportunity to fully assess the values of the various parcels of land proposed for exchange to or acquisition by the Federal government under section 204(a). In addition, many of the lands identified for exchange to private parties from the Federal government have not been identified and would be subject to surveys for cultural resources and wildlife habitat values. Such detail is necessary to ensure the public interest is served in exchanging these lands. The Department would like to work with the Committee to modify the legislation to clearly state that the land exchanges and acquisitions authorized by the bill take place in accordance with uniform appraisal standards.

Finally, section 204(b) provides for the buyout by the Federal government of grazing interests according to values assigned them in the September 1, 2006, document entitled "Land Exchanges and Acquisitions." While we oppose the permanent retirement of grazing permits, we acknowledge that the goals of the Owyhee Initiative behind this proposal are consistent with the multiple use mission of the BLM. We are committed to working with the Committee, Senator Crapo, and the Owyhee Initiative to reconcile their specific objectives on this landscape with our longstanding position.

We also note that, because this section does not give the Secretary discretion, it would appear that Congress intends to determine the value of these interests in accordance with the referenced document. This diverges from the valuation process in section 402(g) of FLPMA which provides that, when grazing leases are canceled in whole or in part, a permittee or lessee shall receive reasonable compensation for the adjusted value, to be determined by the Secretary, of his or her interest in authorized permanent improvements made by the permittee or lessee, but not to exceed the fair market value of the terminated portion of the permittee's or lessee's interest. Without conducting appraisals, the Department is unable to determine whether the amounts provided for in the referenced document are consistent with the valuation method provided in FLPMA. The Department would like to work with the Committee to ensure that the grazing provisions of the bill provide a fair outcome for all parties.

The legislation would also permanently retire the AUMs associated with conveyed preference rights. This approach is consistent with a Solicitor's Opinion issued by Solicitor Bill Myers in 2002 which stated only Congress can permanently retire AUMs permitted in districts originally created pursuant to the Taylor Grazing Act, where these lands had been identified as "chiefly valuable for grazing."

Title III—Transportation and Recreation Management

This title calls on the BLM to establish travel plans for the areas covered by this legislation. The BLM in Idaho is currently working on travel management plans (TMPs) for a number of the areas covered by the legislation and supports the development and implementation of TMPs as part of an open and inclusive public process. We would like the opportunity to work with the sponsors and the Committee to make these provisions consistent with the land use planning process and to clarify the intent of certain sections of Title III.

Finally, section 303 calls on the BLM to establish a search and rescue program in cooperation with the county. Search and rescue operations are traditionally local functions and the BLM does not have the expertise to establish such a program. The language in the bill provides the Department considerable discretion in negotiating this agreement and we welcome more specificity to ensure the sponsors' expectations are clearly understood.

Title IV—Cultural Resources

Title IV provides for the implementation of a plan for the management of cultural resources on public lands by the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. The BLM and the Shoshone-Paiute Tribe have an excellent cooperative

relationship and work together effectively on a wide range of public land management issues in southwest Idaho. We look forward to continuing and expanding this cooperative relationship. We oppose this section as written, because it does not clearly reserve to BLM appropriate oversight and ultimate enforcement authority over the lands in question.

This language may change or alter the way in which cultural and historic resources are managed by the BLM on public lands. Under Federal law (including FLPMA, the Antiquities Act, the National Historic Preservation Act, the National Environmental Policy Act, the American Indian Religious Freedom Act, the Archaeological Resources Protection Act, and the Native American Graves Protection and Repatriation Act of 1990) the BLM is mandated to protect cultural and historic resources and to consult with federally-recognized tribes regarding that protection. The BLM routinely consults with Tribes regarding the management of cultural resources of interest to them. The BLM and other Federal land-managing agencies have the authority to enter into cooperative agreements and partnerships with Tribes to enhance our government to government relationship. For example, the BLM has a cooperative agreement with the Pueblo de Cochiti to co-manage the Kasha Katuwe Tent Rocks National Monument in New Mexico. However, in the end, the BLM maintains responsibility for the enforcement of Federal law. We look forward to working with the Committee toward clarifying the roles and responsibilities of all stakeholders under this title.

CONCLUSION

We have great respect for the hard work and commitment shown by the participants in the Owyhee Initiative process, and offer to work with the sponsors and the Committee to clarify the bill and advance this effort. Mr. Chairman, this concludes my statement. I will be happy to answer any questions that you or other Members of the Committee may have.

H.R. 3603

Thank you for the opportunity to testify on H.R. 3603, the Central Idaho Economic Development and Recreation Act (CIEDRA) as passed by the House of Representatives on July 24. We support the goals of the bill and the collaborative approach taken by Congressman Simpson in crafting it. While generally supportive of the legislation, as discussed in more detail below the Administration continues to oppose the provisions relating to the transfer of Federal lands without compensation, the buyout of patented mining claims, and the acquisition of unpatented mining claims.

We recognize that H.R. 3603 is the result of a lengthy and very thorough collaborative process led by Congressman Mike Simpson of Idaho. Congressman Simpson and his staff have spent a substantial amount of time and energy on this legislation. We look forward to continuing to work with the Congressman and the Committee to address our concerns with the bill.

My comments today will only address issues of interest to the DOI and the BLM. We defer to the Department of Agriculture and the Forest Service on those matters that lie strictly within their jurisdiction.

We would also note that the BLM has been working with Congressman Simpson on accurate maps for Sections 102, 104, 105 and 106 as well as for the Jerry Peak Wilderness described in section 201(a)(3). Therefore our comments today will reflect the information on those maps dated September 13, 2006 for sections 102, 104, 105 and 106 and dated August 30, 2006 for Jerry Peak Wilderness.

In addition to the specific items we outline below, we would like the opportunity to work on a number of minor technical issues including timeframes and resolution of any mapping inconsistencies.

Title I—Land Transfers and Recreation Promotion

Title I of the legislation proposes a number of land transfers by the BLM to local governments, including Blaine County, the cities of Clayton, Mackay, and Challis, as well as to the State of Idaho. In addition, this title authorizes the BLM to undertake additional trail construction and maintenance and campground improvements as well as to extend outfitter and guide permits. Finally Title I proposes a series of land exchanges with the State of Idaho.

The land conveyances to local communities in sections 102, 104, 105, and 106 all require conveyance at no cost to the benefiting entity while requiring that the Secretary of the Interior bear the cost of the survey; other costs related to the transfer are not addressed. The legislation does not clarify the purposes for these transfers. If the transfers are for public purposes, we ask the Congress to consider whether

these transfers should be done under the auspices of, or at least consistent with, the Recreation and Public Purposes Act (R&PP). If the transfers are intended for subsequent sale or development for nongovernmental purposes, we would instead recommend that the bill direct the BLM to sell the identified lands at auction or through a modified competitive sale to local governments for fair market value.

The various transfers outlined in sections 102, 104, 105, and 106 comprise 21 parcels totaling approximately 4,500 acres. It should be noted that we have neither undertaken surveys of these lands, nor can provide estimates of values without substantial additional work. Some of the lands have been identified for disposal by the BLM through its land use planning process, and others have not. Most of the parcels have current uses, including grazing, recreation, and hunting. In addition, there are a number of encumbrances, including roads, power lines, and pipelines. The BLM could support disposal of some of these parcels if they were transferred consistent with the suggestions we have outlined.

In addition, all costs related to the transfers, including surveys, National Environmental Policy Act (NEPA) compliance, and related clearances should be borne by the benefiting entity, not by the Federal government. Furthermore, it should be made clear that these transfers are subject to valid existing rights.

Section 107 directs the transfer, without consideration, of 960 acres of public land near Boise to the State of Idaho for a motorized recreation park to be administered by the State. At this time, the 960 acres to be transferred have not been specifically identified. Until we know which acres are proposed for transfer, we cannot fully analyze any possible conflicts, or identify current uses or encumbrances. As noted above, all costs associated with this transfer should be borne by the benefiting entity. Furthermore, we note that the various conditions of the transfer should be included as deed restrictions to provide for the currently authorized uses and to avoid the necessity of the Federal government retaining the responsibility for monitoring.

Sections 109 and 110 authorize $550,000 for the construction and maintenance of bike and snowmobile trails in Idaho by the Secretaries of Agriculture and the Interior. While we support bike trails and outdoor recreation, we believe these are expenses more appropriately borne by State and local governments, especially when they are not on Federal lands.

Section 111 provides for a 10-year extension of permits for each guide or outfitter currently operating within the areas designated by the bill as wilderness or within the Boulder-White Cloud Management Area established by the bill. The BLM currently allows for the granting of 10-year permits. We would prefer to renew or issue new permits in accordance with established policies and the existing public process.

Section 114 calls for the expansion and improvement of the Herd Lake Campground facilities and authorizes $500,000 for this purpose. Currently, that campground consists of a single campsite. We note that this is simply an authorization and this project would need to compete with other similar projects, and the needs of the public lands in general, for actual funding.

Finally, section 115 authorizes land exchanges between the State of Idaho and the Departments of the Interior and Agriculture in order to eliminate State inholdings within the wilderness areas designated by the bill and in the Sawtooth National Recreation Area. It is our understanding that neither the map of the State inholdings nor the lands proposed for exchange by the Federal government have been finalized. Until that information is available we are unable to comment on this section of the bill.

Title II—Central Idaho Wilderness

The bill would establish three wilderness areas, the Ernest Hemingway-Boulder Wilderness, White Clouds Wilderness, and Jerry Peak Wilderness. Only the Jerry Peak Wilderness includes lands managed by the BLM. Under the bill, Jerry Peak Wilderness would total approximately 131,700 acres including approximately 31,700 acres of BLM-managed lands. This wilderness area would include portions of the Jerry Peak Wilderness Study Area (WSA), the Jerry Peak West WSA, and the Boulder Creek WSA. The portions of those WSAs not designated as wilderness as well as the Corral Horse Basin WSA (approximately 79,384 acres) are released under the legislation from WSA status and are incorporated into the Boulder-White Cloud Management Area established by Title III of the bill. We support the designation of this Wilderness Area and believe that the BLM lands included could be managed as wilderness. We would like the opportunity to work with the sponsor and the committee on minor boundary modifications to ensure manageability. Additionally, we would like to work on standardizing the management language to be consistent with other wilderness designations. By making minor adjustments to the language of the bill, we believe we can both protect the wilderness character and allow important uses in a manner consistent with wilderness management.

We oppose section 203 of this title, which provides for the purchase of all patented mining claims within the designated wilderness at $20,000 a claim. Any proposal to buy out private inholdings or property interests should be based on the appraised fair market value and subject to the availability of funds.

Title III—Boulder White Cloud Management Area

Title III of the bill creates a new and unique entity, the Boulder-White Clouds Management Area. Both Forest Service lands and BLM-managed lands released from WSA status would be managed for multiple use, including recreation, grazing, conservation, and resource protection. We support the establishment of this area. Title III includes an authorization of appropriations for this title totaling nearly $7 million. We are concerned that the local community may have heightened expectations that the BLM may not be able to fulfill. Congress and the local community must be aware that competing budget priorities may prevent full funding of these initiatives. In addition, we would like to work with the sponsor and committee to ensure that the language on trails is workable and consistent with both BLM regulations and practicalities on the ground.

A new subsection 302(b) has been added to the legislation since we testified during House Resources consideration in October of 2005. This subsection requires the Secretaries of Interior and Agriculture to accept charitable contributions of unpatented mining claims within the boundary of the Boulder-White Management Area. As we understand it, the donor of that claim would then be allowed a tax deduction for that contribution. Furthermore, the bill appears to allow a business entity to value itself for donation purposes if the assets of that business are substantially based upon the ownership of the mining claim. We oppose these provisions, because it is inappropriate to attribute value to claims without a demonstration of validity under the mining laws, and the Department defers to the Department of Treasury regarding additional information on the tax implications of the charitable donation element of this section. There are currently over 1300 unpatented mining claims within the proposed Boulder-White Cloud Management Area.

CONCLUSION

We appreciate the hard work and collaborative spirit that has brought the bill to this point and we applaud Congressman Simpson for his leadership and dedication. We would be happy to work with the sponsor and the Committee to further improve the bill to. a point where the Administration could fully support it.

Senator CRAIG. Chad, thank you very much. Now Mark, we'll turn to you. Please proceed.

STATEMENT OF MARK REY, UNDERSECRETARY, NATIONAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Mr. REY. Thank you, Mr. Chairman. I will reserve my comments on the two Mount Hood bills and on the central Idaho bill.

On the Mount Hood bills, the administration can support 55,000 acres of wilderness. The balance of the wilderness parcels either do not enjoy wilderness characteristics or are of a size and location to create management conflicts with adjacent uses. We can support all but two of the Wild and Scenic River designations.

Additionally, however, the bill contains a number of management prescriptions that the administration objects to. There are relatively more of those in the Senate than in the House bill but the administration would support neither bill as they are currently written.

Nevertheless, we look forward to continuing to work with the sponsors and the committees to work through to a mutually acceptable conclusion on the Mount Hood Wilderness bill.

With respect to the central Idaho bill, we support all of the wilderness acres but have concerns with a number of management restrictions as well as with the conveyance of Federal land for no con-

sideration. These lands should be sold for fair market value if they are sold at all.

At the risk of being the only witness today that will be criticized for not being long winded, that concludes my remarks. I'd be happy to answer any questions the committee has.

[The prepared statement of Mr. Rey follows:]

PREPARED STATEMENT OF MARK REY, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to appear before you to today to provide the Department's views on the bills which are on the agenda today.

H.R. 5025 and S. 3854

The Mount Hood bills have many similarities in providing management direction that emphasizes the importance of wilderness, recreation, and forest health, as well as, cultural, historical, environmental and scenic values of Mount Hood and the surrounding landscapes.

Both H.R. 5025 and S. 3854 would expand the National Wilderness Preservation System and the National Wild and Scenic Rivers System, and designate a special resources management unit. They would provide for the retention of fees from recreation and other special uses and establish a recreational working group. In addition, both bills would direct the Secretary to work with the State of Oregon to develop an integrated transportation plan, and study the feasibility of establishing a gondola connection and a multi-modal transportation center.

Both H.R. 5025 and S. 3854 would require the Secretary of Agriculture to conduct a Forest Stewardship Assessment to address forest health, to establish Memoranda of Understanding for watershed management between the Forest Service and irrigation districts or municipalities and to study long-term biomass available on the national forest. The bills would direct the Secretary to establish priority-use areas and provide exclusive rights for the gathering of first foods by members of Indian tribes with treaty-reserved gathering rights. The bills would require the Secretary to enter into specified land exchanges with private landowners. S. 3854 would designate a Mount Hood National Recreation Area.

The Administration recognizes that the bill's sponsors have conducted a considerable amount of outreach and worked with a number of communities of interest including local and state governmental entities, tribes, profit and non-profit organizations and individuals in the development of S. 3854 and H.R. 5025.

However, we have concerns regarding those facets of the bills that appear to be highly prescriptive and limiting, and we believe, could benefit from additional collaboration among all stakeholders. While we strongly support public involvement and community collaboration, the concept of legislating management direction is problematic. We would like to work with this committee and the sponsors to ensure that existing legal and cooperative frameworks for decision-making continue to be honored as we seek to meet the goals of the legislation.

ANALYSIS

I will address each resource in order; but in summary the Administration supports many of the concepts and provisions of the bills including some wilderness and wild and scenic river designations, and the attention focused on recreation, watershed and forest health and transportation issues on and around Mount Hood.

We would like to work with the committee and sponsors to resolve concerns, as well as a number of technical issues in the legislation, including a definition of old growth, effects of some of the wilderness proposals, the special use fee retention, the establishment of a recreation working group, the restrictive management requirements of the Crystal Springs Watershed Management Unit, and the requirement to enter into a below market land exchange. In addition, S. 3854 authorizes approximately $16 million in appropriations and H.R. 5025 authorizes approximately $2 million in appropriations without identifying any source for these funds or proposed offsets.

WILDERNESS

S. 3854 proposes to add about 128,400 acres and H.R. 5025 proposes to add about 77,200 acres of Wilderness on the Mount Hood National Forest. The Administration

would support the designation of wilderness for areas that are consistent with the hallmarks of wilderness described in the Wilderness Act of 1964—areas dominated by the forces of nature, with primeval character and natural conditions that contrast with developed lands and offering outstanding opportunities for solitude or primitive and unconfined recreation. It appears from the maps we have received from the sponsors that H.R. 5025 provides the best opportunities for achieving these conditions within those proposed areas that are contiguous to existing wilderness areas. The additions that, in our opinion, could enhance existing wilderness areas include approximately 55,000 acres consisting of the following: Bull of the Woods (4,000 acres), Mount Hood (2,800 acres), Salmon-Huckleberry (3,100 acres), and Gorge Ridgeline (12,000 acres). We would also support inclusion of a new area recommended in both bills, Roaring River (33,000 acres). We would like to work with the sponsors to seek agreement on mapping changes that would provide manageable boundary locations and enhance the overall wilderness character of the proposed wildernesses.

We have specific concerns with other proposed wilderness designation including many of the smaller, isolated areas. This is much more problematic with the Senate bill. Many of these areas are currently managed for values and uses that are inconsistent with wilderness designation, including motorized access. Examples of proposed wilderness with limited or impaired wilderness character would include areas close to I-84 and Highways 35 and 26, and small extrusions and peninsulas extending from existing wilderness. We believe these proposed areas would be adversely impacted from external, adjacent activities or from activities associated with the exercise of existing uses. We would like to work with the Committee to explore alternatives that could meet the intent of protecting these areas for future generations short of wilderness designation.

Both H.R. 5025 and S. 3854 propose new wilderness within the boundary of the Columbia River Gorge National Scenic Area (CRGNSA) designated by Congress in 1986. The CRGNSA designation has been highly successful in protecting and enhancing the scenic, cultural, and natural and recreation resources of the area while accommodating economic development consistent with these purposes. Most of the area within the CRGNSA covered under the bills is adjacent to urbanized areas and significant infrastructure (i.e., the cities of Hood River, Bonneville, and Cascade Locks, the unincorporated communities of Dodson and Warrendale, Bonneville Power Administration's high voltage power lines that traverse and transect the Gorge, Interstate 84, and the Union Pacific Rail Line). We believe that adjacent land uses, in conjunction with special provisions for existing rights such as the Army Corps of Engineers permit related to Bonneville Dam, could potentially conflict with and compromise the wilderness character of the proposed Gorge Ridgeline Wilderness.

Section 106 in S. 3854 would require the Secretary to establish fire safe community zones. The Committee should be aware that significant community involvement has already resulted in the development of the City of Cascade Locks Community Wildfire Protection Plan, which was completed in January 2005. A core team acting as an advisory committee during the plan's development by a contractor consisted of representatives from the City of Cascade Locks, Hood River County, Oregon Department of Forestry, the Forest Service, Cascade Locks Fire Department, Hood River County Fire Chief's Association, Port of Cascade Locks, and interested citizens. In addition, the Clackamas County Community Wildfire Protection Plan was completed in October 2005 with partners including Clackamas County, Oregon Department of Forestry, and the Clackamas District Fire Defense Board. They involved the County's Fire Protection Districts as an avenue to reach citizens in the County, and held workshops in six communities, including Government Camp. This bill should better reflect this ongoing effort.

The Administration does not support Section 107 which would authorize grants to gateway communities. We oppose this authorization since other rural and economic development funds are suitable to this purpose.

WILD & SCENIC RIVER DESIGNATIONS

The Department supports the wild and scenic river designations proposed by H.R. 5025 and S. 3854, with the exception of the Fifteen Mile Creek and the East Fork Hood River as proposed in S. 3854. The former did not rise to the level of suitability for study during the Land and Resource Management Planning process and we believe it still does not merit consideration. The East Fork Hood River was determined not a suitable addition to the National Wild and Scenic Rivers System in the Mount Hood Land and Resource Management Plan. The language amending Section 3(a) of the Wild and Scenic Rivers Act is incorrectly formatted and contains a number

of errors in describing the termini, segment divisions and/or classification of proposed rivers. We look forward to working with the Committee to address these concerns.

The Forest Service is also concerned about its ability to protect wild and scenic river values with the language relative to water rights and flow requirements; culverts; and treatment of State highways. We prefer to use our existing authority under the Wild and Scenic Rivers Act to protect the values associated with these special resources. We would like to work with Committee staff on amendments to address these concerns.

RECREATION

We recognize the importance of outdoor recreation to the social and economic well-being of the Mount Hood region today and into the future. While we share the sponsors' concerns with the challenges of managing complex and often conflicting recreation values and uses, the new fee retention authority for the Mount Hood National Forest as specified in the legislation is unnecessary. Currently, the Secretary has the authority to offset concession fees for Federally-owned concessions under the Granger-Thye Act. The Federal Lands Recreation Enhancement Act (FLREA) of 2004 provides authority to retain fees for outfitting and guiding, recreation events, recreation use. Additional authorities are provided for retention of commercial filming fees and organizational camp permits. The inclusion of new authority for retention and expenditure of land use fees would result in a loss of Treasury receipts which are used to fund ongoing programs.

The proposed legislation would provide for the establishment of a Mount Hood National Forest Recreational Working Group that would be exempt from the Federal Advisory Committee Act (FACA). The FLREA already requires the creation of a Recreational Advisory Committee, with similar membership. We believe creation of any additional advisory council would be administratively burdensome and costly and would like to work with the Committee to develop a means to address the objectives of this provision.

S. 3854 would designate a Mount Hood National Recreation Area. The Administration could support this designation, which recognizes the variety of recreational activities that visitors currently enjoy in the proposed area. However, some of the management prescriptions in the bill are too restrictive. We suggest that some of the smaller isolated tracts now proposed for wilderness would be excellent candidates for National Recreation Area designation as an alternative to wilderness. We would like to further explore these ideas with the sponsors. The Administration could support the recreation provisions of these bills if they are amended to address our concerns.

TRANSPORTATION

The Administration supports collaboratively participating with the State of Oregon, local governments, and Federal departments in the development of a comprehensive, multi-modal transportation strategy for the Mount Hood region. We do not support language contained in Section 402(e) of S. 3854, which assigns responsibility for the transportation plan to the Secretary, or Section 402(f) which authorizes the appropriation of $2 million to carry out the section. We also oppose H.R. 5025, Section 403(f) which authorizes $2 million for the Secretary to be passed to the State of Oregon for this purpose. Existing funding mechanisms under section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59) are already available to the Oregon Department of Transportation to address transportation planning. Indeed, the Mount Hood National Forest has recently received notice that $100,000 of funding under section 3021 of SAFETEA-LU has been secured and will be transferred to the State to begin work on this collaborative planning effort.

In addition to the transportation plan, the bills would require the Secretary to conduct a study of the feasibility of establishing a gondola connecting Timberline Lodge to Government Camp and an inter-modal transportation center in close proximity to Government Camp. Given the complexity of conducting this study, we suggest that the Department of Transportation has the appropriate expertise to carry it out.

A 2001 gondola feasibility study conducted with funding from the Federal Highway Administration estimated the cost to construct a gondola from Government Camp to Timberline Lodge ranged from $21 to $26 million, and estimated the cost of the gondola from Government Camp to Mount Hood Meadows ranged from $37 to $56 million. We do not believe another study of this issue would be needed and

we would recommend including the completed study as part of the regional transportation planning process.

FOREST & WATERSHED STEWARDSHIP

We support the objectives of the Forest Stewardship Assessment in both bills to determine forest health needs. The Forest Service is currently developing an integrated vegetation management approach similar to the approach provided for in the legislation. The ability to use existing information and processes would expedite developing a forest stewardship assessment consistent with other agency efforts. However, the legislation requires compulsory implementation of the stewardship assessment projects within a limited time frame, and the Department is concerned this requirement will redirect other available funds allocated to meet priority need determined at the national scale to conduct ongoing activities within the National Forest System. The bill, if enacted, therefore would require the Forest Service to utilize existing funds and displace other, more critical, ongoing work. Again, we would like to work with the Committee to address this concern.

We support the concept of assessing the amount of long-term sustainable biomass available in the Mount Hood National Forest. We have already begun a study as part of a recent memorandum of understanding signed by the Confederated Tribes of Warm Springs, the Forest Service, and others to analyze the supply of biomass for a tribal co-generation plant.

CRYSTAL SPRINGS WATERSHED MANAGEMENT UNIT

We have concerns over the establishment of Crystal Spring Watershed Special Resources Management Unit as proposed in both H.R. 5025 and S. 3854. The boundaries of the Crystal Watershed Special Resources management Unit are based on the zone of contribution which crosses hydrologic divides. We would like to work with the sponsors to resolve issues associated with this boundary. We believe existing regulations, direction and policies are already in place to ensure protection of the quality and quantity of the watershed. These authorities and direction include the Mount Hood National Forest Land and Resource Management Plan; the East Fork Hood River and Middle Fork Hood River Watershed Analysis, and surface and ground water protection areas delineated by Oregon Department of Environmental Quality and the Clean Water Act.

The prescriptive listing of authorized and prohibited activities is too restrictive for future management that could benefit resource protection and enhancement for purposes of the proposed legislation. Hazardous fuels are a major issue in the Crystal Springs Watershed. This bill restricts the ability to efficiently address this issue. If enacted the legislation would establish an exclusive priority for a small municipal watershed area that is similar to thousands of other municipal watersheds on National Forest System lands across the country which are adequately managed without such an exclusive priority. In addition, this system is not a surface water system but is a ground water or spring fed system which may require less protective measures. The Secretary would be required to develop a management plan separate from the Land and Resource Management Plan, a duplicative and inefficient use of limited resources. The bill also limits the Secretary's ability to deal with changing circumstances and perpetuates these restrictions by proscribing the Department's conveyance of lands within the unit. We would like to work with the sponsors to resolve our objections.

LOCAL AND TRIBAL RELATIONS

The bills would encourage the Secretary of Agriculture to cooperate with the Tribes, Federal and State entities, and local communities. We support this general direction although we have concerns about authorizing exclusive use of National Forest System lands for traditional cultural and religious activities (as provided in section 103(i)(2) of H.R. 5025) and exclusive rights for gathering "first foods" in priority use areas for tribes with treaty reserved rights (as provided in section 801(b) of S. 3854 and in section 702(b) of H.R. 5025). We believe that the current treaty rights and memorandum of understanding cited in the bills are sufficient to accommodate these needs and would like to work with the Committee on language to afford the Forest discretion to work with the relevant Tribes on identified specific uses.

LAND CONVEYANCES

We appreciate the sponsors' efforts to resolve long-standing conflicts on Mount Hood with the proposed Cooper Spur-Government Camp land exchange proposal.

While we support the direction in S. 3854 to use nationally recognized appraisal standards, the Administration is compelled to object to the requirement to obtain an existing appraisal for review. To date the Forest Service has been unable to obtain permission from the owner of the current appraisal to carry out a review of the existing appraisal. In at least two locations in the appraisal reports, the appraiser imposes limiting conditions on the use of the reports and explicitly retains ownership and control of the reports.

However, we have a number of suggestions for improving the land exchange proposal. First, we recommend an assessment of the requirement that the Forest Service would take possession of an aging infrastructure and solicit a new concessionaire, both of which could be problematic. Second, we recommend an evaluation of the unique resource implications of privatizing the two parcels of land at Government Camp. We have other concerns regarding the appraisal process and would like to work with the Committee on amendments to address these concerns.

The Administration supports the proposed exchange with the Port of Cascade Locks to improve the Pacific Crest National Scenic Trail. The administration does not object to the Hunchback Mountain exchange with Clackamas County. We note that this exchange would require a legislated adjustment to the Mt. Hood National Forest Boundary and we would work with the Committee to address this.

In addition, we recommend the deletion of language authorizing retention of Mount Hood National Forest land use fees from special use authorizations since it would result in a loss of Treasury receipts which are used to fund ongoing programs.

The Administration could support relevant conveyances if bill language is amended to address these concerns.

SUMMARY

In summary Mr. Chairman while we are encouraged by the sponsor's efforts on behalf of the Mount Hood National Forest, the Administration cannot support either S. 3852 or H.R. 5025 as they are presently written. Nevertheless, we see a great potential, working with the many stakeholders of the region and beyond, to meet the objectives of S. 3854 and H.R. 5025 to protect for future generations the recreation opportunities and resource values of the Mount Hood National Forest. We believe we can accomplish these objectives using existing authorities as well as some of the provisions of the bills, especially those embodied in H.R. 5025. We strongly support negotiated agreements on land management and we are committed to perfecting this one by continuing to work on the sections where we have concerns.

H.R. 3603

H.R. 3603 is intended to promote economic development and recreational use of National Forest System lands and other public lands in central Idaho Sawtooth National Recreation Area (SNRA) and the Salmon—Challis National Forest. We support the intent of the legislation to balance long-term conservation, expressed in the wilderness designation, with the needs to provide rural economic development opportunities and assistance in central Idaho.

Our comments today are based in part on the preliminary maps that we have been provided, and the Department would like the opportunity to review final maps cited in the legislation to ensure that they accurately identify the National Forest System lands designated for wilderness, parcels identified for conveyance, motorized roads and trails, and the management area boundary. In addition to the specific bill sections outlined below, we would like the opportunity to address a number of technical changes as well.

We recognize the bill sponsor has conducted a considerable amount of outreach and has worked collaboratively with an array of communities of interest in the development of H.R. 3603. We also appreciate that since we last testified on the bill, it was amended by the House Resources Committee to address some, but not all, of our concerns.

In general, we are concerned about the extent of appropriation authorizations throughout the bill (sections 109, 112, 114, 301, 302, 304, and 403), and the conveyance of National Forest System lands without compensation to the taxpayer. The bill authorizes approximately $20 million in appropriations without identifying any source for these funds or proposed offsets. We are concerned about our ability to absorb the costs to implement the bill within our current programs and are concerned about how these costs may affect the ability to carry out other planned priorities of these affected programs now and into the future. We are also concerned the proposed land conveyances will establish a disadvantageous precedent. The Administration also has concerns with several provisions that are inconsistent with the President's budget.

I will limit my remarks to the provisions of the bill related to the lands and activities managed by the Forest Service and will defer to the Department of the Interior on provisions relating to the lands managed by the Bureau of Land Management.

Title I—Central Idaho Economic Development and Recreation Promotion

This title would direct the Forest Service to convey certain lands without consideration within the Sawtooth National Recreation Area (SNRA). The Administration does not support the conveyance of Federal lands without consideration at market value. For 31 years, the Federal government has made a strategic investment of almost $65 million in the SNRA for land and scenic easement acquisition to protect its resource values. Conveyance of these lands within the SNRA is at odds with our investment, the public interest, and the purposes for which the SNRA was established under P.L. 92-400. In fact, at least one area that the bill would convey is a parcel that was acquired to protect the SNRA.

Section 101 would direct the conveyance of 86 acres, including a road encompassing about 15 acres, to Custer County. The Department does not support this conveyance. This conveyance could disrupt the continuity of recreation access and use for which the SNRA was established and could compromise areas acquired to protect natural, scenic, historic, and fish and wildlife values. Lands conveyed in this area would also affect the Stanley Basin Allotment by reducing suitable grazing acres.

Section 102 would direct the conveyance of three parcels totaling 3.47 acres to Blaine County. The Department does not support this conveyance. The 2-acre Smiley Creek parcel and the 0.47 acre parcel are in the immediate foreground of the Sawtooth Scenic Byway and were purchased with Land and Water Conservation Fund appropriations in 1977. The conveyance of these parcels would have visual impacts for the SNRA and create administrative and management burdens on the agency. In addition, a bus turnaround intended for the Eagle Creek Road parcel, located on the Ketchum Ranger District, could be authorized without the need to convey the parcel.

Section 103 would direct the conveyance of approximately 8 acres in parcel A and approximately 68 acres in parcel C to the City of Stanley. The Department would not oppose conveyance of parcel A with consideration equal to market value established through an appraisal that conforms to Federal standards. Although parcel A was purchased with Land and Water Conservation Fund appropriations, its location—adjacent to the City of Stanley—warrants conveyance at market value.

The Department does not support the conveyance of parcel C as described. Parcel C is adjacent to the Ponderosa Scenic Byway and is important habitat for elk and other wildlife. The conveyance of this land, as currently described, would disrupt the continuity of recreation access and use for which the SNRA was established and could compromise areas necessary to protect natural, scenic, historic, and fish and wildlife values.

It should also be noted the bill requires the Secretary to bear the cost to survey and develop legal descriptions for the parcels conveyed under sections 101, 102, and 103. The Department does not support these provisions. All costs related to the transfers, including land surveys, analysis and disclosure required by the National Environmental Policy Act (NEPA), and compliance with other applicable environmental laws, should be borne by the benefiting entity rather than the federal government.

Along with each conveyance, there are extensive restrictions and limitations on the use of conveyed parcels in the legislation, many of which coincide with current limitations within SNRA. However, this title sets up future conflict amongst the local government, the Forest Service and the private landowners who acquire the conveyed property. The bill rightly positions the county or City to enforce the land use restrictions, but places the Secretary in a position of determining that the deed restrictions are not being met. We recommend dropping the reversionary interest provision.

Section 109 would direct the Secretary of Agriculture to design, construct, and maintain a surfaced trail between the City of Stanley, Idaho and Red Fish Lake. The Department is not opposed to this section if an offset is provided, but would recommend several modifications to improve its implementation including the use of the existing Forest Service 30-foot easement across private lands to accommodate this direction.

Section 111 would direct the Secretaries of Agriculture and the Interior to grant 10-year permit extensions for guides and outfitters within the wilderness area and the Boulder-White Cloud Management Area established by the bill. The agency already has authority to issue 10-year permits. We would prefer to renew or issue new permits under our established authority.

As was stated previously in our testimony, the Department has concerns with the amount of appropriations authorized by the bill. In addition, section 112 would authorize funds to make direct grants to Custer County, Idaho, to support sustainable economic development and to the State of Idaho and for acquisition of Bayhorse Campground. The Department does not support this section. We believe other rural and economic development funds are suitable to this purpose.

Section 113 would direct the Secretary of Agriculture to construct a new road and bridge on National Forest System land to ensure the continuation of public access to the Sawtooth National Recreation Area's Bowery Guard Station. The estimated construction costs are approximately $950,000. The Department opposes this section and would prefer to continue to provide access to the Bowery site by the current means.

Title II—Central Idaho Wilderness Areas

Title II would add additional areas in central Idaho to the National Wilderness Preservation System—105,000 acres in the Sawtooth and Challis National Forests to be known as the "Hemingway—Boulder Wilderness," 73,100 acres in the Sawtooth and Challis National Forests to be known as the "White Clouds Wilderness," and approximately 131,700 acres in the Challis National Forest and Challis District of the Bureau of Land Management to be known as "Jerry Peak Wilderness." The Secretaries of Agriculture and the Interior would collaborate to develop a Comprehensive Wilderness Management Plan for the designated wilderness areas.

The Department supports the wilderness designations as proposed with very minor modifications. We would like to work with the committee and bill sponsor to modify the boundaries to better align with natural landscape features and to reduce the potential for conflicts between motorized and non-motorized users.

Section 202(e)(1) would require the construction of two trailheads. The construction of new trailhead facilities is not desirable given current public use and cost. The existing Big Boulder trailhead is currently shared between motorized and non-motorized forest visitors with little or no conflict and is appropriately sized given its current use.

Section 202(e)(2) would direct the upgrade of the first mile of the Murdock Creek Trail into a primitive, non-paved wheelchair accessible trail into the Hemingway-Boulders wilderness. The new Forest Service Trail Accessibility Guidelines provide direction to make new or altered trails accessible while maintaining the natural setting. We think this direction is adequate to maximize accessibility while protecting wilderness values.

Section 206 is intended to protect the wilderness values of the proposed wilderness areas by means other than a federally reserved water right. While the Department does not oppose the definitions regarding water rights, we would like to work with the Committee and bill sponsors to clarify the relationship between subsections 206(c) pertaining to statutory construction and 206(d) requiring the Secretary to adhere to procedural and substantive requirements of described Idaho Water Law. Also, the Forest Service has recently concluded a settlement with the State of Idaho and other parties over Federal reserved water rights for the Salmon Wild and Scenic River (SW&SR). The SW&SR is located downstream of most of the conveyances proposed in title I. As part of the SW&SR settlement, the parties agreed to certain subordinations to water rights for future uses. The proposed land conveyances may have the potential to create water withdrawals from the Salmon River in amounts greater than those anticipated during negotiations. The land conveyances may result, over time, in reduced instream flows and degraded water quality, with the potential to adversely affect the protections afforded fish and recreation reached through this agreement. We would like to work with the Committee and bill sponsors to insure the subordinations for future waters rights are maintained.

The Administration does not support section 207(c) regarding use of aircraft in wilderness. This provision could authorize potentially non-conforming uses. The current approach to wilderness management that subjects proposed aircraft landings to review and approval on a case-by-case basis, allowing the Department to work cooperatively with partners to balance use in compliance with the Wilderness Act of 1964. This approach provides for an efficient and consistent administration of the Wilderness Preservation System and is consistent with the recently revised Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management Wilderness, approved by the Forest Service, Bureau of Land Management, and the Association of Fish and Wildlife Agencies.

The Administration objects to section 207(e), which would remove the President's discretion to approve water resource development in wilderness in a national emergency, as provided in the Wilderness Act of 1964.

Title III—Boulder-White Cloud Management Area

This title would establish a "Boulder-White Cloud Management Area" for certain lands not designated as wilderness under title II, and provides for management for roads, timber harvest, trails, and land acquisition and designation of motorized trail access. The Department supports the designation of the management area since the area would continue to be managed in accordance with existing management plans of the individual units that it overlays—the SNRA, the Sawtooth, and the Salmon-Challis National Forests.

Section 302(b) is an addition since the Department last testified on this bill. It would require the Secretary to either purchase or accept as a charitable contribution, any unpatented mining claim located within the boundary of the Boulder-White Mountain Management Area, in return for a tax deduction to the donor. However, the Administration opposes this provision, and the Department defers to the Department of Treasury regarding additional information on the tax implications of the charitable donation element of this section. The Forest Service already has authority to purchase unpatented mining claims and to accept donations of mineral interests, with some restrictions. Furthermore, it would not be appropriate to purchase mining claims that have little evidence of discovery.

The Department is concerned about the extent of specific direction regarding road and trail use, closure, and management, such as section 303 which authorize specific roads and trails to be closed to both motorized and non-motorized uses with limited options for future modifications. We would prefer to manage motorized and non-motorized opportunities through the existing April 14, 2003 Travel Management Plan as amended, making adjustments based on user demand and resource conditions as needed.

Thank you for the opportunity to discuss this bill. I look forward to working with you in the future on enactment of H.R. 3603 and am happy to answer any questions that you have at this time.

Senator CRAIG. Gentlemen, thank you very much. Mark, silence is golden but we'll try to un-silence you with some questions and I know that there are some concerns being expressed as it relates to this legislation by the administration. Would you give me, on each one of the bills, your three largest concerns?

Mr. REY. I think the three largest concerns on the Mount Hood bill are the designation of areas as wilderness, that have potential management conflicts with adjacent uses. We have, in the past, been less than pure about wilderness designations and have supported wilderness designations, as the case in the Wild Sky bill, where they included areas that didn't meet wilderness characteristics but in the Mount Hood bill, we have not only that but some potentials for conflict with adjacent uses, including the administration of the Bonneville Power facilities. So that would be No. 1.

The second biggest problem with Mount Hood would be some of the management prescriptions in some of the areas other than wilderness. There is a real potential to restrict fuel management activities, fuels reduction activities, in some of the non-wilderness areas.

The third largest problem with Mount Hood would be the required land exchange and requirement for the Forest Service to assume the responsibility to manage infrastructure that would come into Federal ownership, that is perhaps of a certain age such that substantial repairs would be needed. So I guess I would rate those three to be the largest problems with the Mount Hood bill.

With the central Idaho bill, I think the largest problems are the conveyances for no consideration. As you know, the administration is not adverse to selling isolated parcels of Federal land to achieve other worthy purposes but in this case, there is no reason, in our judgment, that these lands couldn't be sold for fair market value, which would be substantial in the case of some of the tracts.

Our second problem with the central Idaho Wilderness is that there needs to be some adjustments to a few of the wilderness boundaries and that could be resolved.

The third problem is that the bill appears to authorize some nonconforming uses in wilderness, which will complicate the management of these areas, as wilderness areas, should the legislation so designate them.

Senator CRAIG. Thank you. Go right ahead.

Mr. CALVERT. I'd be happy to field a couple questions.

Senator CRAIG. Chad, I was going to turn to you but let me lead off with a question that relates to the Owyhee Initiative and confusion that appears to be—or at least a contradiction in practice and in law, and that is an attempt to recognize and buy out certain grazing interests within the area. Do you wish to make comment on that?

Mr. CALVERT. I was going to actually raise that as probably the principle issue that we see, that we'd like to work with the sponsors on in this bill. The administration, in particular the BLM, has generally opposed the purchase of the Taylor Grazing Act, of grazing permits. That said, this bill represents a fairly profound local agreement among various interests, whose general intent is to preserve sustainable yield of the lands. So it is difficult to oppose the provisions in this bill outright but we'd like to continue to have this conversation with interested members on this committee who may feel differently than the sponsors.

That said, I would raise that as the principle concern with the Owyhee bill.

Second, we would like to see some clarity in the language on the exchanges and the acquisitions of the land interests. It appears that there is discretion given to the Department in how we proceed with that, meaning that we would use and look to FLPMA for the standards that we use, including public interests and valuation. However, there is also specific language in that section that directs us to accept offers of conveyance. So it is unclear whether we would proceed according to FLPMA discretion or according to congressional direction, for specific values.

With regard to central Idaho, I'd second Mark's comments about the conveyances for no value and add to that, the section that directs the purchase of patented mining claims at one very specific, single value. We think that the better way to approach that would be to have appraised values for those patented mining claims that reflected their actual value because it will be extremely limiting as to who comes forward, if you are only able to offer $20,000 per claim.

With regard to Copper Valley, no real specific concerns other than to codify other easements not relating to the payment for the easements that were offered over the rights of the allottees.

With regard to Mount Hood, I'd defer to the Department of Agriculture and on the trackways; we really generally support this. It was raised by the New Mexico BLM that they may want to have a discussion with Ranking Member Senator Bingaman, about possible ways to improve it. So that's it.

Senator CRAIG. Thank you very much. Now let me turn to my colleagues. Senator Bingaman, questions?

Senator BINGAMAN. Yes, thank you very much. Thank you both for being here. In my few opening comments, I referred to the concern that I have about the trend of these wilderness-related bills to contain a lot of provisions other than wilderness designation. In particular, I referenced directed Federal land sales, requirements that those sales occur at inflated land valuations, mandatory motorized use areas, and requirements for land management agencies to fund local development projects. This strikes me as a trend toward the Congress getting much more into the micro-management of our Federal lands, whereas the general laws governing the management of Federal lands, give us substantial discretion to Federal land management agencies.

What we are doing with these pieces of legislation that we are considering is taking away that discretion and directing very specific actions be taken with regard to many areas that are not being proposed for wilderness designation. I'd be interested in any comments you have, Under Secretary Rey or Mr. Calvert, either one.

Mr. REY. Senator, I think you are correctly identifying a trend that seems to be accelerating. I'm not here to say that it is a good trend or a bad trend. I think most of the motivation behind it is to try to use different kinds of management changes to do the back and forth and compromising necessary to put together a wilderness bill.

Our general philosophy has been to, when we can and to the extent that we can, be deferential to a State delegation that is trying to put together one of these bills. That having been said, however, when some of these prescriptions raise larger issues, we have an obligation to point that out and to the extent that the issue is one that has the potential to do some real harm, both individually or generically, express our opposition to it and that's what you have throughout our testimony with regard to a number of these management prescriptions.

I'll use one example. In the Owyhee bill, we have consistently opposed buying out Federal grazing leases because whatever solution is being presented by that particular action, it's raising a larger problem that will then thereafter have to address and that is, once we buy out a Federal grazing lease, we can know with reasonable certainty, that unless the base property is under public control, it will be developed. And what we'll end up with then, is a subdivided new development in the middle of Federal land, so that the cure is worse than the problem that was being sought to fix in the first place and that's been the consistent point of our opposition to that as a general policy or specific legislation. I am grateful that the sponsors of the central Idaho bill decided to remove that position in response to our previous testimony in the other body.

Senator BINGAMAN. Mr. Calvert, do you have any thoughts?

Mr. CALVERT. No, I agree with the statements of Mr. Rey.

Senator BINGAMAN. OK. Let me just ask one question of Mr. Calvert with regard to this Prehistoric Trackways legislation. One of the witnesses testifying later this morning has expressed concern that if a monument is established as we propose, to establish recreational opportunities. We've included language in the bill, including a solution as a designated purpose of the monument, recognizing a race that has traditionally occurred there called the Chili

Challenge, as a specific current use and I think we've made it clear that those current uses would be intended to continue. I guess that my question to you is, if the monument is established, would the BLM seek to preclude existing motorized recreational uses, except to the extent that it had to, to protect the fossil resource?

Mr. CALVERT. Well, Senator, I think the BLM's first duty would be to come up with a management plan consistent with the statute. In interpreting the statute, clearly where you expressly retained a use, like the Chili Challenge, of course, BLM would not attempt to override that through a management plan. Where there is discretion though, or interpretation problems about the intent, I can't promise you that there wouldn't be, through the public planning process, some effort to limit recreation or motorized travel in other areas, as long as it wasn't contrary to the intent of the legislation.

Senator BINGAMAN. But if the legislation made it clear that restrictions on that motorized use would only be appropriate where required to protect the fossil resource, then that would be something you would abide by?

Mr. CALVERT. Well, certainly. That provides an affirmative duty to protect that and that duty—it doesn't say that the recreation wouldn't be allowed elsewhere. Again, that comes down to the public lands planning processing and the interested parties who participate in that.

Senator BINGAMAN. I thank you very much, Mr. Chairman.

Senator CRAIG. Senator, thank you very much. Now let me turn to Senator Wyden. Ron?

Senator WYDEN. Thank you very much, Mr. Chairman. I want to thank both of you, Under Secretary Rey and Mr. Calvert, both of you.

Let me start, if I might, with your thoughts on land exchanges. Secretary Rey, we woke up at home to this front-page story, "Land Swap for Mount Hood Sales, U.S. Tests." Essentially what the General Accounting Office says—General Accountability Office says is that an appraisal for one of the exchanges doesn't meet Federal standards. Now, Senator Smith and I have been very interested in working cooperatively with this kind of grass roots coalition to facilitate this exchange so in the name of trying to figure out a way to make sure that the exchange can go forward and address these concerns, the Senate bill doesn't require the use of the deficient appraisal. It doesn't legislate land values and it basically stipulates that the Secretary of Agricultural would have the last word, to try to make sure that all of the issues with respect to what GAO and legal requirements to satisfy. Tell me your thoughts, kind of looking at some of those principles, about how you would go about trying to structure this kind of land exchange, to make it acceptable to the Forest Service and the Federal requirements. You have an awful lot of experience on this over the years and I'd just like to hear your thoughts about how our delegation—the Senate and the House—might go about it at this point.

Mr. REY. I think generally speaking, this is an exchange we wouldn't make because we don't think the resources that we are receiving in the exchange are resources that the Federal Government could or should manage well for the American people. That having been said, if the exchange is legislated, as many are, then what we

would do is to appraise both sets of lands involved, using standard Yellow Book standards. In our testimony, we indicate that we prefer the Senate language in that regard, over the House language.

Senator WYDEN. I would very much like to have you specifically instruct your folks at home, in Oregon, to work with the community members that we have been talking to. These are folks, Secretary Rey, who have spent an unbelievable amount of time trying to get to common ground and Senator Smith and I want to honor that kind of work and if you could get your folks on the phone, your Oregon folks, Oregon Forest Service folks, on the phone to them immediately, to try to have them start looking at various ways that address this land exchange. I think that would be one way that we could move forward. Would that be something that you could do right away?

Mr. REY. Sure. We can start that today.

Senator WYDEN. Good. I think that will be very helpful. The only other area that I wanted to ask you about, Under Secretary Rey, was this question of small and isolated parcels. I think—I don't know whether you were here for my opening statement, but one of the things that I've come to feel in this debate—and this could be an area, I think also, of common ground, is that wilderness legislation is not like a contest over who has just got the most acres. I think that some of this sort of just becomes a contest, you know—mine's bigger than yours and so we have a poll and that's why everybody should be for ours. I think that it is going to be more and more important to protect the really special places. The real treasures for folks and that's why I mentioned, Memaloose Lake and some of the areas, the Badger Creek Wilderness Area, the Richard Kohnstamm Memorial Area, some of the areas that might be smaller and my sense is that the Forest Service does manage a lot of parcels of wilderness and similar treatment today and I'd like your thoughts on this question of how we can get to some thing that is very much on the mind of Oregonians today, which is protecting the really special places, even if they are small and isolated and probably don't sit into somebody's cookie cutter of just the old debate about how much and the like. Your thoughts?

Mr. REY. I think what we suggested in our testimony is that some of those areas could be given the protection that most people believe they deserve under the National Recreation Area status as opposed to wilderness status. Now, as I said earlier, we've not been purists about agreeing to inclusion of land in the National Wilderness system that either had non-conforming uses in or immediately adjacent to them or lacked wilderness character. I mean, there are lands that we manage as part of the National Wilderness system that fit that designation.

The problems that creates, in some cases, is that it is some years downstream, after the legislation is enacted and after everybody has had time to enjoy and forget the compromises that were made, those non-conforming uses become a point of contention. And then our field managers are cast with the responsibility of figuring out how rectify that contention, how to explain why a non-conforming use remains in a wilderness area, to the satisfaction of people who believe, hey, this is wilderness. It shouldn't be here. And we've discussed legislative changes, two bills, that have previously passed

Congress, to try to sort out those non-conforming uses, like the cabins in one Idaho wilderness area, a piece of legislation that we dealt with for the better part of three Congresses. So we would like to try to avoid, if we can, at the outset, is creating those kind of situations where we have a pretty good bet, a pretty good idea that those future conflicts are going to create management challenges. So the short answer, I think, is make them National Recreation Area designations.

Senator WYDEN. My time is up and I think this is helpful. My only point is, I think you know that Senator Smith and I are very interested in this notion of a National Recreation Area. I'd also hope though, that we can look at some of these small, isolated areas for wilderness protection. My understanding is that you all have some models for how that might be done. We'd like to follow that up. Thank you, Mr. Chairman.

Senator CRAIG. Ron, thank you for conforming to the time and I'm going to ask all of my colleagues to do that. But what that means for both you, Mark and Chad, is that you're going to be getting a myriad of questions from us on these issues as we work to shape these pieces of legislation and a quick turnaround during the month of October is going to be very important, as you work with our staff to make that happen. With that, let me turn to Senator Gordon Smith. Gordon?

Senator SMITH. Thank you, Mr. Chairman. Mark, as you know, Senator Wyden and I have went to great lengths in the Senate version of Mount Hood Wilderness to minimize the acres of land available, that would in any way harm statutory law in the Northwest Forest Plan to encroach upon matrix land. We didn't want to do that. The only matrix land affected is the land that was included in the House bill, roughly 4,500 acres. Do you believe that either bill will have an appreciable effect on timber harvest?

Mr. REY. I'd have to say timber harvest isn't the primary concern we have with either bill. So I don't put that as in my top three. With regard to the removal of fiber, the bigger concern is that some of the areas that are being proposed as wilderness areas, that do have a substantial fuel load and/or a current and likely future likelihood of insect and disease infestation. And the wilderness designation will reduce our flexibility to some degree, to treat those areas.

Senator SMITH. So these are—I happened to fly over the area this summer and certainly saw a lot of forest fires up around that. Your point is just that some of the areas we have designated ought to be treated, then? If we are to save them from the kinds of fires that I witnessed there this summer?

Mr. REY. That's correct.

Senator SMITH. What are the real obstacles to keeping the forest from meeting its objectives or the stated objectives in the Northwest Forest Plan? What is really holding you back?

Mr. REY. I think there are three in number. First, the complexity of the Forest Plan as originally drafted, which we've been trying to fix albeit with some objections from the corners you'd expect objections to come from. But on its face, the Northwest Forest Plan was not designed to achieve its objectives because some of the requirements that were imposed in the development of the plan quite

clearly made that impossible. That is one of the things we've been trying to change.

The second is, as we've been trying to make those changes, we've obviously been subject to a fairly vigorous amount of appellate and legal action. So appeals and litigation are an issue as we go forward and third, in part, because of the complexity of the plan, achieving the targets, if that is what you are referring to specifically, are a more expensive proposition than say, putting up a timber sale in other parts of the country. So those, I think, are the three major issues that we face today. Add to that, ongoing endangered species reviews, so we've got more T&E species now than we did when the plan was first developed. Every time there is a new listing or a new critical habitat designation, we have to go back and re-consult both projects and plans that have already gone forward so we go back and start over again, in a sense. And that's a fourth problem.

Senator SMITH. But the Senate bill and the House bill, by themselves, don't represent a significant impairment to forest management?

Mr. REY. I would say they don't represent a significant impairment to achieving the timber objectives of the Northwest Forest Plan. There are provisions that we do believe will infringe on management decisions associated with other resources.

Senator SMITH. And through your lights, you can readily find 55,000 acres that you would include in wilderness?

Mr. REY. That's correct.

Senator SMITH. As we go forward as a delegation, obviously we invite your recommendations so that we can get closer to the number that Senator Wyden and I have proposed, of 125,000 acres and I, for one, invite your thoughts and ideas as to how we can do that because I think that is certainly a desire of a vast majority of citizens of Oregon and we're trying to meet their desires in this.

Mr. REY. We'd be happy to participate and to make staff available to participate in any discussions they delegation wants to have us involved in.

Senator SMITH. For the record, your comment about the administration's opposition—it's not a veto threat?

Mr. REY. We don't give veto threats at this stage of the process.

Senator SMITH. OK. I just wanted to clarify that and so we're anxious to work with you because we want an Oregon bill, one that can pass the House and the Senate and win the President's signature. Thanks, Mr. Chairman.

Senator CRAIG. Gordon, thank you. Now let me turn to my colleague, Senator Crapo. Mike?

Senator CRAPO. Thank you, Senator Craig. I don't have any questions of this panel. Thank you.

Senator CRAIG. OK. Gentlemen, thank you very much. And as I did mention, it is important that we stay in close contact with you over the month of October as we try to work our way through a variety of issues that you've brought up, others are bringing up, as it relates to these key pieces of legislation and we thank you for your presence here. I appreciate it.

Mr. REY. Thank you.

Senator CRAIG. We will now call our second panel forward. We're going to include in the second panel, Russ Heughins. Russ is an Issue Coordinator for the Idaho Wildlife Federation in Boise. Russ has a transportation conflict today and we're going to try to accommodate that so that he cannot be held up at an airport. So Russ, if you would come forward, we would appreciate your testimony in this panel instead of panel four.

With that, Senator Bingaman, I see that these other two gentlemen are from New Mexico. Would you like to introduce them before the committee?

Senator BINGAMAN. Well, thank you very much, Mr. Chairman. I did already allude to both Dr. Hunt and Mr. Huff, as I think it is clear to everyone, Dr. Hunt is expert in this subject and was involved with the initial study that was done back in the mid-1990's. It is very good to have him here to give his views on the importance of this legislation. Mr. Huff is the Land Use Coordinator for the Las Cruces Four-Wheel Drive Club, which has an interest in this area as well. We welcome them both.

Senator CRAIG. Gentlemen, thank you very much. Doctor, please proceed.

STATEMENT OF ADRIAN P. HUNT, Ph.D., EXECUTIVE DIRECTOR, NEW MEXICO MUSEUM OF NATURAL HISTORY AND SCIENCE, ALBURQUERQUE, NM

Dr. HUNT. My name is Adrian Hunt. I am the executive director of New Mexico Museum of Natural History and Science in Albuquerque. I am really here in two capacities. The first is, that I'm a paleontologist. I've got a Bachelor's, a Master's and a PhD. in Paleontology. I've study fossil footprints for over 20 years. I've written more than 75 papers and 3 books on footprints from all over the world. And as Senator Bingaman mentioned, I worked on the congressional study in 1994, on the Robledo footprints and I visited all the localities in the mountains and I go there regularly. I've been there four times this year.

The Robledo Mountain footprints are the most important pre-dinosaur Paleozoic footprints in the world, in terms of quantity, quality and range of variation of preservation. Tracks of this age have been known since 1828 and they're known from five continents but the Robledo Mountain footprints are recognized around the world as a Rosetta stone for understanding footprints of these age. They represent unique conditions. As many of you might think, you've made many footprints in your life. You've walked around and none of those footprints are preserved. It takes very, very special conditions to preserve footprints and those are met in the Robledo Mountains. The Robledo Mountain footprints are thus of international importance. They are a national treasure and they should be preserved and protected and I think that is done as a national monument. I would suggest that the entire proposed area should be protected.

Second, I am the Executive Director of the New Mexico Museum of Natural History, which is a division of the Department of Cultural Affairs of the State of New Mexico. We are the only Federal fossil repository recognized by the Bureau of Land Management in New Mexico. We've worked very closely with the BLM since the

museum's inception. We have many avenues, areas of collaboration, including preservation, exhibits, interpretations, and education. Some of these collaborations with the BLM include Emmy-nominated documentaries with the local public television station and a presentation of our data base of fossils on our website so that citizens can look up all about the fossils from New Mexico. We are a statewide museum with an ongoing relationship with the Las Cruces Museum of Natural History and so in conclusion, we are committed to work with the BLM on the preservation and interpretation of the Robledo Mountain footprints. Thank you.

[The prepared statement of Dr. Hunt follows:]

PREPARED STATEMENT OF ADRIAN HUNT, PH.D., EXECUTIVE DIRECTOR, NEW MEXICO MUSEUM OF NATURAL HISTORY AND SCIENCE, ALBUQUERQUE, NM

I have been familiar with the trackways in the Robledo Mountains since 1992. In 1993, I wrote a short scientific article on these fossils with Jerry MacDonald (discoverer of the tracks), Spencer Lucas (curator of paleontology at our museum) and others and in 1994, I was one of the principals on the Congressionally-funded study of the tracksites. Subsequently, I have written several scientific articles on these particular fossils. In total I have authored over 550 scientific publications and books on geology and paleontology and my principal specialty is fossil footprints (over 75 scientific articles), particularly pre-dinosaurian Permian tracks. I am currently the Executive Director of the New Mexico Museum of Natural History and Science which houses about 2000 specimens from the Robledo Mountains and hundreds of other Permian tracks. I have studied Permian tracks throughout the United States, Canada and Europe. Therefore, I have a broad perspective on the importance of the tracksites in the Robledo Mountains.

The fossil footprint localities in the Robledo Mountains of Dona Ana County, New Mexico are the most important Permian (pre-dinosaurian) tracksites in the world. Scientists around the world recognize their importance. The quantity and quality of the tracks of animals of all kinds, from large reptiles to small arthropods, is unmatched. The Robledo footprints provide a unique combination of very large sample size and a great large range of preservational variants. Permian tracks were first discovered over 175 years ago in Scotland and subsequently they have been found on four other continents. Despite the fact that hundreds of specimens of this age are known from all over the world, they were never fully understood until the Robledo tracks were discovered and studied. The quantity, quality and range of preservation of the Robledo tracks makes them a "Rosetta Stone" which allows Permian tracks worldwide to be correctly interpreted.

People are impressed by fossil bones from the bodies of ancient animals, but these represent ancient carcasses. Footprints were made by living, breathing animals and they can provide information about behavior of living animals that could never be gleaned from dry bones. Thus, the Robledo Mountains tracks provide a unique opportunity to study an early land ecosystem which is unparalleled in the world.

Footprints are a tremendously important resource for education because they are so evocative to the public. Even small children are fascinated by footprints and the stories that they tell. Fossil footprints have provided a wonderful medium for education, for example at Dinosaur Ridge, west of Denver.

New Mexico has a wealth of cultural and natural resources. However, the Robledo Mountains tracksites are the most significant fossil resources in the state. Indeed, they are one of the most significant fossil resources in the nation. The tracks have tremendous potential, not only for educational purposes, but also for economic development in southern New Mexico. A National Monument would undoubtedly become a national draw for tourists.

I am pleased to support Senate Bill 3599 which seeks to preserve the tracksites of the Robledo Mountains as Prehistoric Trackways National Monument. This would be the first National Monument in the country dedicated to the preservation of fossil footprints and it preserves a resource worthy of that honor. The tracksites need to be preserved because they are international treasures that are endangered by diverse factors ranging from increased recreational usage of the mountains to rock quarrying. I wholeheartedly support Senate Bill 3599 and the concept of preserving the Robledo Mountains tracksites as a National Monument.

Senator CRAIG. Doctor, thank you very much. Now Fred, we'll turn to you. Please proceed.

STATEMENT OF FRED HUFF, LAND USE COORDINATOR, THE LAS CRUCES FOUR-WHEEL DRIVE CLUB, NM

Mr. HUFF. Thank you very much. My name is Fred Huff and I wish to thank the Subcommittee for the invitation to discuss the proposed Prehistoric Trackways National Monument today.

I was born, raised and still live in Las Cruces. I received my geology degree from New Mexico State University and I currently serve as Land Use Coordinator for the Las Cruces Four-Wheel Drive Club.

What does the phrase, "prehistoric trackway" really mean? To me, it implies that there are trackways within the boundaries of the proposed National Monument. A trackway is defined as a repeated pattern of tracks. A track is defined as a single footprint or feature. The trackway was discovered in 1987 are gone. This fact was even acknowledged when the bill was introduced, with the statement, "The trackways he hauled out on his back, some over 20 feet long." As just mentioned, over 2,000 specimens are stored at the New Mexico Museum of Natural History in Albuquerque. Yet no other major trackways have been discovered in the last 15 years. Even the monument proponents acknowledge this issue, with statements such as, "the tracks are not very visible" or "they are buried treasures."

Our question is also, why is such a large area needed? The 1994 Smithsonian report stated that it mainly studied the area where the trackways had been—had been—when it said. The most extensively studied and scientifically significant Robledo track site occurs in red beds, now known as AF–2, on which this report is primarily based. This was the only trackway site discovered. This means that the other statement in the report that says, "this site is the most scientifically significant, early premium track site in the world," is only talking about an area that is from this table to that wall, less than 500 square feet. Yet this bill calls for over 200,000 million square feet. Congress had also mandated, when it authorized that bill that the report was specifically to address a national park or the national monument issues. The report did recommend protection but it did not recommend it to be a national park or a national monument.

We also ask, are the tracks in this area really unique? As mentioned a moment ago, for over 150 years ago, identical tracks have been collected throughout this same Abo red bed that extends 300 miles, from Santa Fe, New Mexico to the U.S./Mexican border. So the tracks in this area are not unique. The trackway was unique. But they went adios. The bill also calls this area a mega-trackway. The generally accepted definition of a mega-trackway is that it covers hundreds or thousands of square kilometers. Monument proponents downsize the mega-trackway definition so they could apply the term to the Robledo Mountains. Since the only known Robledo trackways have been removed, there is only speculation that additional trackways, let alone a mega-trackway, exists.

Are the threats real or imagined? Is theft or vandalism that the bill describes, really a big enough problem to justify such a drastic

measure as a national monument? Even the monument proponents state that lay people walking around the Robledo Mountains should not expect to see or stumble across a set of trackways. So my question is, if they can't find them, how can they steal them? They're already protected by nature.

Or maybe this is a bill designed to close the nearby quarry. The buffer zone described in section 5(a)(3) is clearly written to close the quarry that has been in operation for over 50 years and provides the rock that gives the Las Cruces walk walls their special character. The quarry does not threaten other speculated track sites within the proposed national monument.

In conclusion, Las Cruces is currently facing many important land use issues dealing with growth, water and illegal immigration. Providing appropriate protection and management for the Paleozoic tracks is but one of the many critical issues my community faces. I strongly oppose this bill and prefer Senator Domenici's suggestion that we approach these issues in a better, well-reasoned, comprehensive land bill. Thank you for your time.

[The prepared statement of Mr. Huff follows:]

PREPARED STATEMENT OF FRED HUFF, LAND USE COORDINATOR, LAS CRUCES FOUR WHEEL DRIVE CLUB, NM

My name is Fred Huff. I appreciate the invitation to appear before the Subcommittee to discuss S. 3599, a bill to establish the Prehistoric Trackways National Monument in the State of New Mexico, near the city of Las Cruces. I was born and raised in Las Cruces and grew up exploring the area proposed for the Prehistoric Trackways Monument. I have a degree in Geology from New Mexico State University. I have been interested in the unique geologic features, as well as in the varied recreational opportunities, the region offers for most of my life. I currently serve as Land Use Coordinator for the Las Cruces Four Wheel Drive Club.

Based on my personal knowledge of the geologic and recreational resources existing in the region, the designation of a National Monument is not appropriate nor is it needed for the protection and management of the natural, cultural and recreational resources existing in the area. The paleontological resources lack the scientific significance to warrant a National Monument. Existing management provides sufficient and appropriate protection. In addition, S. 3599 contains language that would arbitrarily impact the recreational uses of the area and establish arbitrary buffer zones.

SIGNIFICANCE, PROTECTION AND STUDY OF THE FOSSIL TRACKS:

Since the discovery of the Trackways in 1987, there have been many scientific studies of the Abo red beds (the rock formation where the fossils are found) that extend about 300 miles, from Santa Fe, New Mexico, to the U.S./Mexican border, and these tracks are found in all of them. The Trackways are neither unique to the Robledo Mountains nor significant to more than a few paleontologists.

The term "megatracksite" is misapplied in the literature describing the significance of the Robledo Trackways. Megatracksites are typically described as "footprint-bearing layers of strata that cover large geographic areas on the order of hundreds, even thousands of square kilometers"[1] One such megatracksite is the Morrison Formation that covers about 1 million square kilometers in the western United States. Indeed, the term "megatrackway" was redefined by promoters of this Monument to fit their need to classify the Robledo Mountain find as a "megatrackway."[2]

A National Monument is not an appropriate designation for the protection and study of the Trackways. The Smithsonian Institute performed a comprehensive study pursuant to Public Law 101-578 and recommended a locally-based private

[1] Lockley, M.G., 1991, Tracking Dinosaurs. Cambridge, Cambridge University Press, 238 p.

[2] In the New Mexico Museum of Natural History and Science, Bulletin 6, article titled Geology of Early Permian Tracksites, Robledo Mountains, South-Central New Mexico, By S.G. Lucas, O.J. Anderson, A.B. Heckert, and A.P. Hunt, page 24, the authors redefine megatrackway down to 20 square kilometers, to fit their need to classify the Robledo Mountain find as a megatrackway.

foundation, not a National Park or other federal designation for appropriate protection. It should be noted that most of the recommendations made by the Smithsonian study have been implemented, including the designation of a 736 acre Research Natural Area (RNA). The RNA provides significant civil and criminal penalties for any human disturbance of the Trackways.

It is noteworthy that the Smithsonian reports that thousands of specimens have been removed and stored at the New Mexico Museum of Natural History and Science in Albuquerque, New Mexico. The site that most of this material came from was an area about 120 feet long and went about 16 feet into the hill side. Bureau of Land Management (BLM) officials, as well as folks from the Paleozoic Trackways Foundation, have all been quoted repeatedly in newspapers as saying that "the trackways are not very visible" or refer to them as buried treasure. This means that all of the exposed Trackways of note were removed from this area. There are no more exposed Trackways left. It is only speculation that more lie buried under hundreds of feet of overburden. It will require extensive and costly operation to attempt to expose any Trackways, if they exist.

The most significant site is still there, but all the exposed Trackways are gone. The overlying rock has protected the Trackways for 280 million years and still protects any that might be there. If the purpose of the proposed Monument is to protect speculated Trackways, what better way than to just leave them buried in place under all that rock?

ADJACENT ROCK QUARRY

It is my understanding that many people want to shut down an active rock quarry in this area. I agree we should not let any prehistoric sites be destroyed, but it is unclear if the current mine has any potential to impact.

It should also be noted that the rock quarry has been in existence for at least 50 years. In fact, it is the numerous finds of tracks from this quarry that led to the discovery of the Trackways. Although this quarry is out of the proposed Monument boundaries, it is a common assumption that one of the purposes of this bill is to shut down the quarry. Language in the legislation would certainly do that:

> SEC. 5(a)(3) is clearly written to accomplish this:
>
> (3) PROTECTION OF RESOURCES AND VALUES.—The Secretary shall manage public land adjacent to the Monument in a manner that is consistent with the protection of the resources and values of the Monument.

Proponents claim that the quarry has covered up some of the other localities identified by the Smithsonian report. However, the quarry does not extend into the Research Natural Area established by the BLM. Interestingly, three or four of the localities identified by the Smithsonian report are within the quarry area and outside the RNA boundary. Also, keep in mind that until recently, the BLM had refused to identify the boundaries of the RNA or provide maps.[3]

There is also a lawsuit against the quarry in Federal District Court right now. It was filed by a "grassroots" group called Friends of The Robledos. This group is led by a board member of the local Sierra Club in charge of mining and grazing. She is also the mother of the chairman of The Paleozoic Trackways Foundation that is pushing for this monument. No grassroots here, but a massive environmental group pushing for land closure by any means.

Size of the proposed Monument:

The Smithsonian Report starts out on page one by stating: "The most extensively studied and scientifically significant Robledo tracksite occurs in redbeds of tidal flat origin at UTM 3584120N, 323070E, zone 13." At the bottom of that page, the report states that ". . . with the discovery of the deposit now known as AF2 (NMMNH locality 846), on which this report is primarily based." The report is clearly stating that only one small area was studied.[4]

Although the Smithsonian report originally identified 34 paleontological sites, it is now widely acknowledged that at least one third of those sites do not contain

[3] I had to do a Freedom of Information Act request to get a map of the RNA. Only recently has the BLM driven metal fence posts into the ground every several hundred feet, marking the boundary of the RNA. If the quarry has destroyed any of the identified localities, it is the ones that are outside the RNA. The sites that we found outside the RNA appear to have just been covered up with tailings, rather than destroyed through material removal. They are now just better protected from exploitation.

[4] These areas now have large ugly scars with erosion from the hillside above starting to fill in the gash.

Trackways. Even the Paleozoic Trackways Foundation acknowledges that the Smithsonian report was misleading in the number of sites that it reported.

During field research, I investigated most of the 34 sites identified in the Smithsonian report. At about a third of the sites, when the GPS unit indicated we were at the spot, we were standing where someone had done some strip mining or were within less than fifty feet of a noticeable dig. Another third of the coordinates placed us near a red bed outcrop, but no clear signs of mining were visible. Several were also in the same outcrop just a few feet from each other, so they should have been considered as just one site. The remaining coordinates were nowhere near a dig or even a red bed. We called these sites "phantom sites."

The significant site is where Senator Bingaman was taken to in the late 1980s and is where everyone else is taken to in an attempt to sell the idea of the National Monument—one tiny area less than 500 square feet, and yet monument proponents want 5,367 acres of speculated Trackways "protected" via this National Monument.

Concern about administrative cost of a National Monument:

As members of the Subcommittee are well aware, federal budgets for public lands are insufficient. We cannot even keep our current National Monuments and Parks functioning. Look at the, Yucca House National Monument in Colorado, since 1919 it has waited for funding to do something with it. It has just been fenced in and locked up.

The Fossil Cycad National Monument was created in October 21, 1922, because scientists recognized that the fossil locality preserved a significant exposure of a Cretaceous cycadeoid forest. Hundreds of fossilized cycad specimens, one of the world's greatest concentrations, were exposed at the surface of the 320 acre site during the early 1920s. Lack of funds and miss management at the Monument resulted in adverse impacts on the fossil resource. The fossils on the surface disappeared faster than erosion could expose other specimens from beneath. The loss of the exposed petrified plant remains eventually left the site devoid of fossils and, ultimately, without a purpose to justify its existence as a unit of the National Park Service. On September 1, 1957, the United States Congress voted to deauthorize Fossil Cycad National Monument. Fossil Cycad National Monument was never officially open to the public and has never had a visitor center or public programs.

An article in the May 25, 2006, Las Cruces Sun News talked about the sad plight of the Dinosaur National Monument near Vernal, Utah. Then on July 12, 2006, the Dinosaur National Monument had to close its visitor center for lack of funding for needed repairs. The Monument web site had this message:

> THE DINOSAUR QUARRY VISITOR CENTER IS CLOSED UNTIL FURTHER NOTICE. This is the Dinosaur Fossil Bone Quarry Near Vernal & Jensen Utah. The Quarry Visitor Center in Dinosaur National Monument will close beginning Wednesday, July 12 for structural repairs according to Superintendent Mary Risser. The building will remain closed indefinitely until significant life, health, and safety issues are addressed.

Dinosaur National Monument receives over 300,000 visitors a year and still cannot afford to repair the visitor center. When is money going to be allocated for that?

A January 22, 2004, story on EFENews.com looked at the plight of the Organ Pipe Cactus National Monument:

> Tucson, Arizona, Jan 21 (EFE).—Organ Pipe Cactus National Monument in Arizona, just north of the Mexican border, is on the short list for possible "decommissioning," a status some blame on massive illegal immigration.
>
> The scores of plastic bags, water bottles, empty food cans, old shoes, clothes and toothbrushes discarded by the migrants, besides being an eyesore, are threatening the park's ecosystem, according to the National Parks Conservation Association (NPCA), which placed Organ Pipe on its list of 10 most endangered national parks.
>
> "The monument shares a 30-mile border with Mexico that has become an entryway into the United States for thousands of undocumented immigrants, "said Ron Tipton, the NPCA's senior vice president of programs . . .
>
> "This park is under siege and must get immediate attention or we run the risk of losing forever the resources that earned this national treasure a world class designation as a biosphere reserve," [Ron Tipton, National Parks Conservation Association (NPCA)].

This proposed Monument has already earned a coveted spot on the Porkbusters.org website. Why add another Monument to the system when the current Monuments are being neglected?

Concern regarding administration and management:

Monument proponents say this Monument will not affect recreational uses. Indeed, they often point to section 5(0 and state the existing motorized trails currently permitted by the Bureau of Land Management will remain open.

However, the legislation defines "authorized uses" as those that "would further the purposes, for which the Monument has been established." It would be impossible to show that grazing, OHV riding, bike riding, hunting, gravel mining or just about any other use would "further" the purpose even though they may have no impact on the resource. This needs to be changed to "not inconsistent with the purposes."

Section 4(d) allows for minor boundary adjustments to the Monument if additional paleontological resources are discovered on adjacent public lands. Since the Abo red beds extend from Santa Fe, New Mexico, to the U.S./Mexico border, we could end up with a Monument two thirds the length of the state. This paragraph should better define the term "minor" or limit the Secretary's authority to adjust the boundary to a certain acreage figure. Only Congress or the President should be able to enlarge a National Monument.

Section 5(f) should include a paragraph stating: "Continued motorized and mechanized access along currently designated routes shall be deemed a valid use of the public lands, and further administrative decisions regulating access along these routes shall not have the effect of prohibiting or unduly restricting travel by any presently-authorized vehicle type."

Section 5(a)(3) Any other provision that allows for "buffer zone" management must be removed. As has been done in many recent Wilderness bills, a provision should be included clarifying that "buffers" will not limit management discretion over multiple-use lands outside the Monument.

CONCLUSION

This bill is not about protection, it is about exploitation.

The 1990 law designating the Prehistoric Trackways Study Area asked for a study, and it was done. That same law specified that the study was to recommend whether or not this area was worthy of being designated as a part of the National Park System. That study DID NOT recommend that this area be designated as a National Park or Monument. It only called for protection and further study of the Trackways, but not as a National Monument.

It is true that this is an important area to the scientific community, however most of the visiting public just will not understand or appreciate the significance without the WOW factor that we have come to expect from our National Monuments.

Why not just build a visitor center that is run by the Las Cruces Museum of Natural History and place the best finds in this center with dioramas of the creatures in their environment of 280 million years ago. The scattered sites are still protected, and every visitor gets to see the best of the best specimens that have been recovered. They will also have someone there that can point out all the evidence of prehistoric life hidden within the rock.

I really feel that the current RNA is adequate to provide the protection desired for this area without the burden of National Monument designation, especially since there is really nothing left that anyone would want. I agree that this is interesting scientific discovery, but that alone does not merit the implied grandeur or significance of a National Monument. If anything, this location would cheapen the greatness of our National Monument system. However, I would like to be able to work with the committee to make improvements to the bill if you still feel that a national monument is absolutely necessary.

I agree with Senator Domenici's comments when this bill was introduced that this issue should really be a part of a comprehensive land management bill for Dona Ana County. But, that bill needs to at least follow the BLM recommendations concerning wilderness and release the areas that were found not suitable for wilderness designation.

Senator CRAIG. Fred, thank you very much for that testimony. Now let me turn to Russ Heughins, Issue Coordinator, Idaho Wildlife Federation of Boise. Russ, please pull that mic as close as possible. There you go, thank you very much. Please proceed.

STATEMENT OF RUSS HEUGHINS, ISSUE COORDINATOR, IDAHO WILDLIFE FEDERATION OF BOISE, BOISE, ID

Mr. HEUGHINS. Thank you, Mr. Chairman, Ranking Member Bingaman and committee members. I especially appreciate you considering my request to testify early because of my travel plans.

My name is Russ Heughins. I am the Issues Coordinator for the Idaho Wildlife Federation. I have hunted for 30 years in Owyhee County, hunting mainly choppers and sage grouse. I have served on the Boise District BLM Resources Advisory Council, been involved in a number of workshops and committees that address resource issues in Owyhee County.

We are opposed to S. 3794 for several reasons. First of all, to clarify something I think is that this applies to all of Owyhee County, not just to the designated wilderness, not to buyouts or the other provisions in the bill but applies to all the public lands in Owyhee County.

We don't see this collaborative process of really being truly collaborative. We feel that it is very narrow in its interests that hunters were not represented nor were anglers or trappers in the crafting of this proposal. It was said that the Idaho Outfitters and Guide Association would represent hunters but those of us who have spent a lot of time in Idaho and attended Fish and Game meetings, you can understand a trade association representative does not represent the general hunting public in the State of Idaho.

We were concerned about the exclusion of some major users holding differing opinions. We see that as being problematic down the road, that if you are going to implement a really grass roots initiative, you need broad public support and we feel this will not happen. It may or may not but we feel it will create problems down the road.

The science review process is another one of our concerns. We feel that it is unneeded, provides an extra layer of bureaucracy and will only serve to further discourage BLM to make decisions based on the needs of the resources rather than based on the needs of the users.

This process will not resolve the conflicts that are addressed in the opening statements in the legislation. The current laws and regulations that stay in place will be followed by BLM. The science review process is solely advisory and for that, is why we feel that this will not resolve the conflicts. Only willing people sitting down at the table together can really, truly resolve these perceived conflicts and managing the resources in the public lands in Owyhee County.

We have problems with the compensation package. We, like others, feel that if this is going to take place, it needs to be based on a fairer market value.

Basically the same condition applying to exchange lands, where you have the seller setting the price of property and then trying to have the land management agency come up with matching land—it poses a problem. We note that there are a number of parcels of public land that have been placed in the pool for consideration for exchange and there have been varying figures bandied around but somewhere near 75,000 acres from which a potential in-holder in one of these designated wilderness areas could exchange their in-

holding for an appropriate deal and for this land. We see a great disparity there.

We are also concerned about the funding. S. 3794 will cost the American taxpayer a lot of money in a time of frugal budgets. There are a lot of unspecified costs that are mentioned in the bill. One of them is the fencing of the non-grazing wilderness, which BLM will do that and they would maintain it. A conservative estimate is that fencing costs $5,000 a mile and the cost escalates as the difficulty of constructing the fence occurs and you've got a lot of lever rot dead out there. It's going to be expensive.

Senator CRAIG. Sir, your time is——

Mr. HEUGHINS. We know we have a tight budget.

Senator CRAIG. Russ your time has expired. Would you wrap up as quickly as you can, please?

Mr. HEUGHINS. We are really concerned about a trend that is going on here on public lands. Back in the seventies, we changed our national policy on public land from disposal to re-pension and now we see this trend to begin disposing of public lands without an open national debate. Thank you for the opportunity to speak.

[The prepared statement of Mr. Heughins follows:]

PREPARED STATEMENT OF RUSS HEUGHINS, ISSUE COORDINATOR, IDAHO WILDLIFE FEDERATION OF BOISE, ID

S. 3794

The Idaho Wildlife Federation (IWF) is a non-profit conservation and education organization that advocates for wildlife and wildlife habitat. IWF informs the public on the state of wildlife populations, wildlife habitat, management of fish and wildlife resources on public lands managed by the Bureau of Land Management, the U.S. Forest Service and other federal agencies with management responsibilities for the perpetuation of Idaho and the nation's wildlife resources, and the State of Idaho agencies responsible for wildlife and wildlife habitat. We have statewide membership and our members represent wildlife interests such as fishing, hunting and wildlife watching and photography. We ask that this testimony be made part of the record on S. 3794.

One of our affiliate organizations briefed us on the Owyhee Initiative (OI). The IWF then formed a committee to first review the proposal and then held a series of meetings with the environmental representatives on the OI Working Group. We presented our concerns that were:

- Access to traditional and popular hunting areas within the proposed wilderness boundaries.
- The creation of a Science Review Process managed by the OI Board of Directors.
- The release of Wilderness Study Areas to multiple use.
- Grazing management language in the proposed wilderness areas.

These were our major concerns we presented at the meetings and throughout the course of the meetings. We never received much of a response to our concerns from the Working Group representatives. After the fifth meeting, we discontinued meeting with the Working Group representatives. We attribute the lack of progress and feedback to the pre-conditions set down by Owyhee County.

In July, 2001, Owyhee County announced in a press release that stated, "COMMISSION CHAIRMAN HAL TOLMIE SAID THAT THREE ISSUES ARE NOT OPEN TO NEGOTIATION". The three issues are:

- ". . . the protection of livestock grazing as an economic use is not negotiable".
- ". . . the full protection of water of water rights".
- ". . . that we won't include Jon Marvel and his supporters who oppose grazing federal lands in the discussion".

Commissioner Salove stated in the press release that "The economic stability of our ranchers and farmers depends upon certainty in grazing and water uses. Those who oppose that concept have no place in discussing resolution of issues."

We believe the position of Owyhee County is far off the mark. Our position is that members of the public must have a place at the table in any discussion regarding the administration of public lands, irrespective of the views they hold. This is assured by the Federal Land Planning and Management Act (FLPMA), as are public land permittees assured grazing privileges by the Taylor Grazing Act and FLPMA.

IWF also believes the concept of "economic viability" originated with the County press release and the stated goal, in part, found in the Owyhee Initiative Agreement;

> ". . . that provides for economic stability by preserving livestock grazing as an economically viable use . . .".

We also understand that this concept has more factors, such as management acumen, the market place, the costs of doing business, weather (for example drought) and other conditions that may exist that periodically affect ranching operations.

When inviting selected publics to become members of the Owyhee Initiative, the County selected the Idaho Outfitters and Guides Association (TOGA) which is represented by their executive director. The County then extended his representation to include hunters in general. It is fair to say that Idaho hunters do not consider a representative of the IOGA as representing the general hunting public in Idaho. The IWF certainly does not consider a business association as a suitable representative of Idaho anglers, hunters and wildlife enthusiasts.

Given these conditions, it was very difficult to make any progress with our concerns with the OI Working Group. There were side meetings addressing access which were equally unsuccessful. From the time we disengaged from these meetings, until the present time, acquiring up-to-date information on the OI and its progress has been difficult. It has not been an open process as its supporters have stated.@

We have grave concerns with the potential consequences of the Science Review Process provision of the OI and the implementing legislation. IWF recognizes a potential for this provision to dissuade BLM from making decisions based on the needs of public land resources and their ability to sustain these uses without further damage. Our position is that all users of the public lands open to livestock grazing have sufficient opportunity to recommend management practices to the BLM on a continuing basis. In the case of Owyhee County, we believe they have more access to BLM than any other segment in southwest Idaho. They hold monthly meetings with BLM to discuss topics of mutual interest. IWF and its affiliate organizations have followed their example, and we now meet periodically with the local BLM office.

We further believe that current law and regulations assure adequate input into the decision making process for all members of the public interested in doing so. Adding a provision for additional science review is unnecessary, and it can only complicate the.resolution of resource conflicts. A willingness on the part of all parties to work with each other to find practical and workable solutions to resource conflicts is a much more acceptable solution. We support this type of conflict resolution that has been missing from public land management for quite some time.

The release of approximately 200,000 acres of Wilderness Study Areas is of great concern to IWF. Much of this acreage is lightly used and is in near pristine condition, making good to excellent wildlife habitat. Our recent experience and our involvement in public land management in Owyhee County leads us to be cautious of local solutions, as they often ignore other resource values. Without some safeguards, these lands could well be subject to maximum livestock development. Such an occurrence would be detrimental to wildlife and their habitat.

The language in the wilderness management portion of the Owyhee Initiative and proposed to be implemented with S. 3794 undermines current wilderness requirements found in the Wilderness Act and House Report No. 101-405. For example, in the OI under Grazing Management the term "current and customary" is used. The Wilderness Act has a more restrictive requirement based on actual need and impact on wilderness. "Current and customary" suggests more frequent access to facilities in wilderness areas. We do not support a broadening of grazing management language in wilderness management.

Another of our concerns is the provisions for the purchase of inholdings and public land exchange option if the land owner opts for exchange rather than sale. IBH believes these provisions are open to potential abuse. That the land owner gets to set the price without an appraisal is highly questionable. The equitable way is to require appraisals for the lands offered for sale or exchange.

We are also having grave concerns that a pool some estimate at 75,000 acres of public lands suddenly becomes available for disposal by exchange without public review and input. Some of these identified public lands support valuable wildlife habitat. The correct procedure is to amend the current land use plan where it will re-

ceive public scrutiny and input. If the decision is to dispose of these lands then the existing law and regulation for disposal for exchange must be followed. Consider that should wilderness be designated an exchange can take place for inholdings following current law and regulation. Additional legislation is not needed.

The IWF believes the funds needed to implement this legislation are not justified in a time of frugal budgets. There are several unspecified funds to be authorized if this legislation passes. One mandated cost is the fencing on the proposed non-grazing wilderness. We understand that the cost of fencing in the Boise District of BLM is, conservatively speaking, $5,000.00 per mile. The cost escalates as the degree of difficulty in installation increases. For example, if the fence contractor encounters bedrock the price will correspondingly increase. In the proposed non-grazed wilderness areas there is a lot of basalt rock underlying the soil, and the soil does not have great depth. The OI will require the amendment of three land use plans. What will be the cost of amending them, plus other changes that will be necessitated?

The IWF believes that some of the OI proposals can be addressed through current law and regulation, and that this particular legislation is ,not needed, and this bill should be set aside. Wilderness and Wild and Scenic River designation requires statutory authorization; most other OI proposals could be accomplished if some of the contending parties were more cooperative.

The impetus behind this bill is not in the public interest, it is in the interests of Owyhee County, a few public land ranchers, the Idaho Outfitters and Guides and a few environmental groups. It is important that there is an in-depth analysis, disclosure, and deliberation of this legislation that has not occurred at this point.

The IWF asks that this legislation not be passed, but that it be returned to the sponsor and the Owyhee Initiative Board of Directors with the recommendation that the Board of Directors be more inclusive and sincerely consider ways to resolve their perceived problems with members of the public that take an active interest in the management of public lands. Anglers, hunters and wildlife enthusiasts would likely join such an effort so long as they get to choose their representatives, and they are fairly heard. It is a process that will take time and a willingness to give some. The end result should be a proposal a majority of the public can accept and support, rather than decisions made by elites, county officials and some public land ranchers to satisfy themselves to the exclusion of the majority of public land users and the public land resources.

The opposition of 30 organizations of sportsmen and environmentalists suggests broad support by the public that enjoy and use the public lands does not exist for the OI and its provisions. Everyone should work diligently to help make the current public land management work, or they should work towards improving management that is acceptable to a broad sector of the public whose lands are held in trust.

Thank you for your consideration of these comments and the opportunity to comment.

H.R. 3603

The Idaho Wildlife Federation (IWF) is a non-profit conservation and education organization that advocates for wildlife and wildlife habitat. IWF informs the public on the state of wildlife populations, wildlife habitat, management of fish and wildlife resources on public lands managed by the Bureau of Land Management, the U.S. Forest Service and other federal agencies with management responsibilities for the perpetuation of Idaho and the nation's wildlife resources, and the State of Idaho agencies responsible for wildlife and wildlife habitat. We have statewide membership and our members represent wildlife interests such as fishing, hunting and wildlife watching and photography. We ask that this testimony be made part of the record on H.R. 3603.

Much has been said about the difficulty Representative Simpson encountered in bringing some groups together and the hard work in piecing together an agreement and then legislation. But legislation that so broadly effects public lands cannot be deemed a success because it makes other interest groups in Idaho unhappy.

Then there is the question of what is right for public land, and whether or not we are protecting it for the benefit of all citizens for whom it is held in trust. This is perhaps why 47 conservation organizations, 15 based in Idaho, oppose CIEDRA; not even the prospect of wilderness can hide the deficiencies of this legislation.

IWF objects to many components of H.R. 3603, namely, that is does nothing for wildlife and disposes of 5,100 acres of public lands. This bill reduces wildlife habitat and reduces the opportunity for anglers, hunters, and wildlife enthusiasts to enjoy the use of the resources found on these lands.

CIEDRA gives away 5100 acres of public land with the avowed purpose of aiding local governments. Some of the land giveaways could be acquired under long-standing laws such as the Public Purposes Act, Small Tracts Act, the Federal Land Transaction Facilitation Act and other means like leases, sales or exchange.

The land giveaways under CIEDRA will not undergo environmental or alternative analysis under the National Environmental Protection Act (NEPA), and CIEDRA allows no discretion for the government not to transfer the lands. NEPA and the long established public land disposal laws provided for analysis and critical public input. These statutes provided for disposal only for lands specifically identified in land use plans, plans that underwent public participation.

In the late 1960s the Public Land Review Commission undertook a thorough review of public land policy, and in 1976 with the passage of the Federal Land Planning and Management Act, public policy went from disposal of public lands to retention. With CIEDRA, other proposed bills featuring land giveaways and sale and local control, we may be witnessing the undoing of the hard and dedicated work the Public Land Review Commission accomplished thirty years ago. All this is taking place without open public debate.

The Current Sawtooth National Recreation Area (SNRA) management effectively regulates uses, such as motorized recreation, livestock grazing, outfitting and guiding and a wide variety of outdoor activities. The current management also efficiently manages the natural resources, such as fish and wildlife. Where motorized use has damaged trails, the U.S. Forest Service (USFS) has closed damaged trails like the Big Boulder Basin Trail through Quicksand Meadows and the Boulder Chain Lake Trail. Under CIEDRA there is no net loss of trails. This severely hampers the efficient management of these resources. The IWF finds this provision particularly onerous.

Without a federal water right the future recovery of salmon and steelhead in Idaho is jeopardized. Sufficient and non-polluted water is essential to salmon recovery. The exclusion of a federal water right further hampers the efforts of all in achieving respectable populations of these fish.

The IWF strongly objects to grandfathering in any further uses than already exist in the Wilderness Act. We feel the inclusion of uses such as outfitting and guiding and horseback riding must not be included in any legislation that includes wilderness or in any stand-alone wilderness bill.

Our organization disapproves of the provision in CIEDRA that loosens protection of resources through which mining claimants have access. Additionally, we oppose any weakening of regulation of livestock grazing, particularly in the White Clouds Peak area. Whenever damage occurs, it takes several decades to recover from the damage, and sometimes full or near complete recovery takes much longer.

We oppose the proposed wilderness management in CIEDRA as inconsistent with the Wilderness Act. The proposed changes were objected to by the USFS in their testimony at the U.S. House of Representatives Resource Committee on October 27, 2005. IWF also opposes the release of more than 130,000 acres of Wilderness Study Areas to new and more intensive land uses or development.

The Idaho Wildlife Federation recommends that this legislation be returned to the sponsor and the collaborative group that authored this legislation, with the recommendation that the collaborative expand, especially include a representative(s) from recognized and active wildlife conservation groups in the area, and that all the add items like grandfathering certain uses and no net loss of trails be discarded. Further, that the public land giveaways also be removed from further consideration. What we do believe is that if a wilderness bill arises from the ashes of CIEDRA and is inclusive of the parties that could draft such legislation; a bill that a majority of Idahoans could support would emerge.

Thank you for your consideration of our testimony.

Senator CRAIG. Russ, thank you very much. Russ, let me ask a question of you or maybe a couple here, before I turn to Senator Bingaman. I noted your arguments against H.R. 3603. If this bill is killed or does not become law and that means that the amount of lands conveyed to the communities in the county has to increase to find an acceptable compromise, is that an outcome that your organization is willing to accept?

Mr. HEUGHINS. I believe we may be able to accept that, Senator Craig.

Senator CRAIG. Or if no wilderness bill of this area is passed, let's say in the next 20 or 30 years, as a result of a failure of this attempt, is that an outcome your organization is willing to accept?

Mr. HEUGHINS. Yes. I would just like to add that a lot of the wilderness in Owyhee County is now protected under Wilderness Study Area Management and the roads to access these areas are very primitive. I was out there last week with my hunting partners. It took us seven and a half hours to get to our campsite and most of that was after we left an improved gravel road.

Senator CRAIG. Thank you.

Senator Bingaman.

Senator BINGAMAN. Thank you very much. Thanks to all the witnesses. Dr. Hunt, let me just ask your view on a couple of the points that Mr. Huff made in his testimony. He made several points but two of them, I think, are particularly significant. He says the paleontological resources involved at this proposed trackways monument lacks the scientific significance to warrant a national monument. That was one of his statements. What is your thought on that?

Dr. HUNT. I have seen studies, footprints of this age, from all over the world and I can categorically state that these are the most important Paleozoic track sites in the world. They are a national treasure.

Senator BINGAMAN. He also gave the opinion that there are no more exposed trackways left. The exposed trackways of note were removed from the area. It is only speculation that more lie buried under the hundreds of feet of overburden. What is your view on that? I mean, is there a danger that we would be setting aside for protection an area that did not really contain these trackways at this point?

Dr. HUNT. No, sir. There are many localities with trackways, multiple tracks, throughout the Robledo Mountains. What is significant, Gerry MacDonald, who found these tracks, excavated one-track site and that is why there are 2,000 specimens plus in Albuquerque. There are many, many other localities that were not excavated. The way you find those is you find a bluff and they are just a few footprints on the surface and you can tell by their quality and preservation that they represent a similar track site but they have not been excavated. So we know that there are many other sites that yield significant trackways but they have yet to be excavated.

Senator BINGAMAN. I gather from your testimony, you believe it would further the goal of protecting these sites, to go ahead and enact this legislation and give some special designation to this area, is that correct?

Dr. HUNT. I believe that they need special designation. This area that is covered by the legislation, has unique preservation of tracks. As Mr. Huff said, there are similar aged tracks all over New Mexico, from Tierra Armarilla in the north, down through Saguaro, all over New Mexico but none of them have the same quality and none of them were able to have such an international significance when they were described to revolutionize our understanding of Paleozoic tracks, as did the Robledo Mountain tracks.

Senator BINGAMAN. Thank you. That's all that I have, Mr. Chairman.

Senator CRAIG. Jeff, thank you very much. Now let me turn to my colleague, Mike Crapo. Mike? And let me also say—I had said at the outset, we would be recessing at about 11:45. We are in the final week before recess of the Congress and so things are phenomenally fluid. That recess is not materializing so we will move on. There will be no votes cast in the near future but I now anticipate that we will recess at 12:30, for a period of 45 minutes to an hour before we reconvene. That's at least the schedule that is moving as we speak. Now let me turn to my colleague, Mike Crapo. Mike?

Senator CRAPO. Thank you very much, Senator Craig. Mr. Heughins, I want to go over some of the concerns that you raised for just a moment and then I will be brief, Senator Craig.

Senator CRAIG. Go right ahead.

Senator CRAPO. First of all, with regard to your concern that hunting interests were not represented in the process, didn't the conservation representatives involved in the Owyhee Initiative negotiations seek out your group and seek to obtain maps and solicit information for important counter-access issues and weren't you involved in negotiating on those issues?

Mr. HEUGHINS. Senator Crapo, that is partially true. The first meeting was sort of a joint effort by Mr. McCarthy and myself. Someone said that he was looking, he was wanting to speak to me and so we sort of sought each other out. Then once the proposal became—the first initial draft of the proposal was made public, we approached the environmental representatives on the Working Group, to open discussions. We met, I believe, about five times, which we found were non-productive. You never really got any feedback from the group of environmentalists as to whether they were taking our concerns to the Working Group or not and we ended up, in the last couple of meetings, having basically the same conversation over and over again. That was that but we did participate, some of us did participate in looking at the roads and we had some participation there, yes.

Senator CRAPO. Yes, that was my understanding, that there was—I thought there was quite the extensive participation in evaluating the roads at issue and that ultimately, you didn't agree with the negotiations but that to say you weren't sought out isn't accurate.

Mr. HEUGHINS. Yes, to some, Senator Crapo.

Senator CRAPO. Let me also talk with you for a minute about your objection to the science review process, because as I heard you state your objection, I want to be sure I understood it correctly. If I understand it correctly, your point is that the existing law will all still be applicable and the Science Review Board is only advisory.

Mr. HEUGHINS. Right.

Senator CRAPO. Although you state that the real solution, you thought, would be to get people around the table and try to work out these local issues. Isn't that exactly what the Science Review process is intended to do, is to bring people from many different perspectives together at a table and although it doesn't give them

the authority of law to impose to their decisionmaking, it does give them the ability to have input with the Federal managing agencies.

Mr. HEUGHINS. Senator Crapo, my understanding of that part of the Science Review process is that one of the public land permitees, the decision that he feels, BLM didn't use good science or analyzing it correctly. In some way, he does not agree with the decision or a group of them do not or a member of the public, like myself, feel that maybe wildlife was getting short tripped on a decision, then we would approach the Board of Directors and ask for a science review. If they approve it, now—if they approve it and then they will ask the University of Idaho to empanel a three-member Science Review Panel, made up of professional scientists. There is no sitting down at the table by the parties concerned, to work it out.

Senator CRAPO. But it does enable a process for science review to take place, to assist with those who disagree with the management decisions or the direction in which management decisions are going so we can avoid litigation and move more to collaboration. Wouldn't you agree?

Mr. HEUGHINS. Perhaps in part. My understanding of it is that the opinion is given, then to BLM and the Board of Directors and BLM can either accept the findings of the panel or reject them.

Senator CRAPO. Well, I can tell you—you and I may agree on this. I would be glad to have a local collaborative group empowered to make the decision. I doubt we could get that past Congress and take the authority away from the BLM at this point. But either way, let me move on because I know my time is short. Just one other point and that is, section 2(b)(2) of the Wilderness Act provides for economic stability by preserving livestock grazing as an essential, viable—as an economically viable use. Is the group you represent able to support that as one of the main purposes or that objective, the achievement of protecting and preserving the public livestock grazing?

Mr. HEUGHINS. We recognize that grazing is authorized by statute in the Taylor Grazing Act, the Federal Land Management Act. We view economic stability or viability, is the term that is sometimes used, rests upon the management acumen of the rancher, market conditions, weather conditions, all these various things play into, we believe, the economic stability and viability of ranching operations anywhere—no matter if it is Owyhee County, Custer County—wherever it is at—reliance on this statement, we think—well, just skeptical.

Senator CRAPO. So you're skeptical of continued grazing activities?

Mr. HEUGHINS. No, we feel that it's going to continue, is all. The Wilderness Act authorizes it. It is authorized under the Taylor Grazing Act. I don't see where the danger lies of being not stable.

Senator CRAPO. All right, thank you. I see my time is up so I won't go further. Thank you, Senator Craig.

Senator CRAIG. Mike, thank you very much. Gentlemen, we thank you for being before the committee this morning and helping us build a very valuable record as we attempt to move forward on these pieces of legislation. Thank you very much.

We are now going to ask panel three to come forward and I think we can gain this panel's information before noon. Let me ask them

to come forward. Rick Johnson, Fred Grant, Cliff Hansen and Grant Simonds.

Gentlemen, thank you very much for traveling from Idaho to be with us today, to as I said, build what I think will be an extremely valuable record as we move forward on this legislation. Let me introduce first, Rick Johnson, Executive Director of the Idaho Conservation League in Boise, for your testimony. Please proceed, Rick.

STATEMENT OF RICK JOHNSON, EXECUTIVE DIRECTOR OF THE IDAHO CONSERVATION LEAGUE, BOISE, ID

Mr. JOHNSON. Mr. Chairman and members of the committee, I am Rick Johnson, Executive Director of the Idaho Conservation League. Thank you for the opportunity to appear today and for including my written comments in the hearing record.

I know that Custer and Owyhee Counties are two of the most conservative counties in the United States. So Mr. Chairman, did you ever expect to see these counties and the Idaho Conservation League together in support of two bills to designate new wilderness?

[Laughter.]

For decades, Idaho's congressional delegation has challenged us to create bottom-up, locally supported solutions for wilderness rather than depend on top-down policy from Washington, D.C. Both the Boulder White Cloud and Owyhee bills do that. There are critics, to be sure, on both extremes and while critics are never hard to find, many do raise legitimate points. But what is hard to find is legislation that plows the rocky middle ground, where historic adversaries work to create America's common ground.

The Owyhee Canyon lands are the largest expanse of the lower 48 without a paved road and a rolling sagebrush sea covers land incised by deep and remote river canyons and sheer rock walls. This is one of the nation's most biologically rich and diverse landscapes, extraordinary in its beauty and its solitude and its solitude is increasingly at risk by the proximity to Boise, the nation's third fastest growing city. The Owyhee legislation is controversial because of the release of WSAs, Wilderness Study Areas, the Science Review Panel and narrows wild and scenic river corridors. The legislation has arrangements for a rancher compensation package we currently do not support as drafted.

While some view these provisions as deal breakers, the Owyhee must be viewed as a whole, for the overall protection it provides, to the half million acres of new wilderness. We expect the bill to evolve in Congress and we support moving forward.

On the other bill, the Boulder White Cloud mountain ranges are the largest block of unprotected national forest roadless areas outside of Alaska. This area is threatened by rapidly growing off-road vehicle use and Idaho has now over 100,000 registered off-road motorized vehicles, an increase of over 33,000 in just the last 3 years. The Boulder White Clouds are in Custer and Blaine Counties and these counties could not be more different yet both county commissions support this legislation. It is also supported by former Idaho Governor and Interior Secretary Cecil Andrus and Bethine Church and former Senator Jim McClure, who once chaired this committee.

The land conveyances to Custer County are one of the greatest concerns we have with the bill, particularly the 162 acres in the Sawtooth NRA. We are also troubled about the Special Management area where, on certain trails, motorized use would become permanent, limiting the management discretion of the Sawtooth NRA. As introduced, both bills included purchase of grazing permits within the wilderness, where grazing would be permanently retired. Voluntary grazing buy-outs are an important advance in public land law in the West and we strongly support reinstating this title for the Boulder White Clouds.

It has been a generation since we have resolved a difficult wilderness issue together in Idaho, leaving a generation who has never learned how to work together to get something done. Rather than talk to their neighbors, they often talk to themselves. Voices on both sides fear precedence in these bills. I share concerns and appreciate the national interest Congress must consider. But the continuing precedent I fear is failure, 26 years of failure to move place-based legislation in Idaho.

Both of these bills are supported by a majority of those who must live with them. They deliver the local support the Idaho Delegation has long sought. Failure to move them squanders opportunities not seen before in Idaho. Failure rewards those who condemn collaboration and compromise in favor of politics and polarization.

Mr. Chairman, we are talking about real places in Idaho. This is a sprig of sagebrush, the scent of the West, the scent of our home. It is the scent of a land where real people who love our country work and live, who recognizes our achievements in being here and hope for our success. We are not perfect and we didn't create perfect legislation but don't let the perfect be the enemy of the good. We have plowed the rocky ground between the extremes and now we come to you to finish the job, to create law that is good for Idaho and good for America.

The Boulder White Cloud and Owyhee bills should move forward and for that, Mr. Chairman and members of the committee, we need your help. Thank you.

[The prepared statement of Mr. Johnson follows:]

PREPARED STATEMENT OF RICK JOHNSON, EXECUTIVE DIRECTOR OF THE IDAHO CONSERVATION LEAGUE, BOISE, ID

Mr. Chairman and Members of the Committee, thank you for the opportunity to appear today to discuss H.R. 3603, the Central Idaho Economic Development and Recreation Act of 2005 (CIEDRA) and S. 3794, which would implement the Owyhee Initiative. My name is Rick Johnson and I have been the executive director of the Idaho Conservation League for over a decade. For over 30 years we have worked to protect the clean water, wilderness, and quality of life of Idaho.

These written comments supplement my short oral testimony delivered on September 27, 2006. Also, while these written comments address both S. 3794 and H.R. 3603 we have additional comments on S. 3794 for this hearing that are being submitted separately and jointly by The Wilderness Society and the Idaho Conservation League.

These comments address the context for collaboration, public support for these packages, and particular points related to each bill.

CONTEXT FOR COLLABORATION

No wilderness bill has passed for Idaho in twenty-six years, over a generation, and not since Frank Church was one of our senators. One reason for this is that each time a wilderness proposal came from the Idaho delegation, the conservation movement was unable to collaboratively engage so we rallied to fight. I know this

because I have had a leadership role in every serious attempt to protect wilderness in Idaho for over 20 years.

And each time we stopped a bill, afterward we'd come together and put forth a new proposal: bigger, better, bolder, and more protective of wilderness. Unfortunately, each new proposal of ours was even more disconnected from the realities of the politics of the state where we live. Don't get me wrong: Our organization supports and has long articulated a bold vision for wilderness in Idaho, but as we look to that distant horizon, we also look where our feet can go, one step at a time, in a state with very challenging politics.

Also, as we worked to protect the wildlands we care about, our tactics were viewed on a local level as increasingly confrontational. In some cases, this approach increased an already significant divide between people working to protect a landscape and those who live and work on it.

I appear today to speak for two pieces of legislation I would not have written myself. We do not support some of the provisions these bills contain. But I speak for two bills that are connected to the politics of Idaho, and that while far from perfect, reflect years of unprecedented work to create a solid middle ground.

I believe both these bills—different as they are—can serve as a model for others, and by that I do not mean copying the public land disposal provisions so troubling to so many, me included. I would also point out that while many see a trend in wilderness bill containing public land disposal, I see our situation as unique, framed around our challenging politics and the fact that no bill has passed here in 26 years. It is my hope that future Idaho bills are configured differently.

Also, there are places, such as in Washington County, Utah, where bills pretend to offer what we have here; that bill has land conveyances, but not the years of work to create ownership and true collaboration, and there is no support from wilderness advocacy organizations.

By our work being a model, I refer to successfully bringing diverse interests together, creating bills from the ground up that accommodate a variety of interests, building the deep political support these bills have.

It is said that it takes a craftsman to build a barn, yet any fool can tear one down. We have a long track record of stopping Idaho bills. It is now, however, time to recognize the effort to create these two and pass what is certainly the best opportunity we've had to do so in 26 years.

PUBLIC SUPPORT FOR COLLABORATIVE WILDERNESS

Before I address elements of the Owyhee and Boulder-White Cloud bills, I would like to discuss public support. In Idaho wilderness has long been controversial and public support is a key element to this endeavor. As Abraham Lincoln said, "With public sentiment, nothing can fail; without it, nothing can succeed."

In the past decades of work to protect Idaho wilderness, over and over, Idaho's congressional leaders have repeatedly challenged us to create wilderness packages with real local support, with local elected leader support, with business support. We have been challenged to create bottom-up, locally based proposals rather then strictly advocate top-down, DC-based policy.

We have done that.

Idaho is a conservative state. Like this Congress, Idaho is more conservative today.than it used to be, but Idaho still cares deeply for special places like the Boulder-White Clouds and Owyhee Canyonlands. And while we are working on issues impacting national interest lands, wilderness has always required support from the home state.

As I hope this panel makes clear, these two bills—crafted from the bottom up in Idaho by Idahoans—have extraordinary support, and unlike past wilderness initiatives that, to some, appear as an attempt to overwhelm Idaho's conservative values, these bills complement them, yet also retain the values of conservation that are core to our mission as conservationists.

Both bills contain compromises to be sure, and some of the compromises we do not support, and both bills have vocal opponents on both political extremes, but let's consider the support they have earned.

First, there is significant support from the Idaho congressional delegation. The Boulder-White Clouds bill, written and introduced by Rep. Mike Simpson, and the Owyhee Canyonlands bill, written and introduced by Sen. Mike Crapo, are 50% of our congressional delegation. Further, both bills are strongly supported by Idaho's Governor Jim Risch. Wilderness bills don't generally arise from Idaho's Republican leadership. To state the obvious, Idaho is a conservative Republican state and these elected officials are of the majority party. A broad number of noted Democrats, have also expressed support for one or both of these bills including former Governor and

Interior Secretary Cecil Andrus, Bethine Church, and a number of current candidates for office. The reason for this broad bi-partisan support is a foundation of collaboration and the good prospects for ultimate passage.

These bills impact lands found in Owyhee, Custer, and Blaine Counties. The County Commissions of all three counties are in support of the respective bills. Blaine County is home to Sun Valley, and has long supported wilderness protection, so support there is not surprising, but Custer County—and Owyhee, as well—is rural, conservative, and anti-regulatory in perspective. Support for wilderness from Owyhee and Custer County is unprecedented. Again, this comes from collaboration, local engagement, and ownership.

Editorial boards across the state have expressed support for these bills.

While much has been made of the split within the conservation community over these bills, support from the conservation community is strong. In addition to the Idaho Conservation League—the state's largest conservation advocacy organization—both bills are supported by The Wilderness Society and the Campaign for America's Wilderness. The Owyhee bill has support from the Nature Conservancy, conditional support from the Sierra Club, and Idaho Rivers United. The Boulder-White Clouds bill has the support ranging from the very large National Wildlife Federation, to the local Sawtooth Society and Boulder-White Clouds Council. The Boulder-White Clouds bill also is supported by the Outdoor Industry Association, which represents outdoor business enterprise generating billions of dollars.

Why this breadth of conservation support? It is because these bills protect large and important tracts of wilderness, and they have real political viability in a place where gaining political viability is very hard.

Over the last few years the Idaho Conservation League has commissioned public opinion research on these bills three times, each conducted by Bob Moore and the respected firm Moore Information. Each poll has consistently demonstrated the breadth of public support for wilderness protection in Idaho and particularly for packages developed with a diversity of Idaho interests.

Our most recent polling on the Owyhee Canyonlands shows 70% public support. For the Boulder-White Clouds, public support is 68%. This is very strong statewide public support.

One of the criticisms of both bills is that they contain too many provisions but that is where much of the political strength of these bills resides. Developed from the ground up, these bills were intentionally developed with direct engagement of the interests with the power to stop them.

These bills have ownership from a broad and powerful constellation of players. These bills bridge divides between historic opponents to an unprecedented degree. By intent these bills engage a diversity of interests in hope of redefining the middle for Idaho's contentious public land disputes.

Finally, and entirely anecdotally, I talk to Idahoans daily in my work, and by that I refer not only to members of the Idaho Conservation League, but members of Idaho communities, neighbors, business owners, people in the grocery store, on the street, in the airports, who stop me wanting to talk about these bills. Let me state clearly: People the regular people who live, work, and love our state—are hungry for progress. They are tired of the same old rhetoric. They are tired of gridlock. They find the shrill statements from both extremes tiresome. People in Idaho want to see us succeed.

There are very legitimate and important criticisms to be made about both bills, but it is time to focus on the big picture. It is time to move forward.

S. 3794—IMPLEMENTING THE OWYHEE INITIATIVE

In July 2001, I first met Fred Grant, representing the. Owyhee County Commission, in a Boise bagel shop to discuss the possibility of a collaborative discussion regarding lasting protection of the Owyhee Canyonlands and economic viability of the community he was empowered to represent. Coming soon after a conservation campaign where we were trying to create a national monument in Owyhee County, this meeting was remarkable for its candor and openness. I would like to point out that throughout this endeavor, Fred Grant has remained a remarkable individual, and no one deserves more credit than he for keeping this process together.

What followed that first meeting are literally hundreds of meetings, thousands of hours, visits on the ground and in offices, around kitchen tables and the negotiating table, all leading to this day where an unprecedented array of Idahoans sit before the U.S. Congress in support of legislation to implement the Owyhee Initiative.

The Owyhee Canyonlands are the largest expanse in the lower 48 without a paved road. The area is twice the scale of Yellowstone National Park. It contains some of the best examples of arid sagebrush lands that once characterized the American

West. Grassland plateaus and a "sagebrush sea" continue to cover the land, through which run deep and remote river canyons with sheer rock walls. Scientists have called this landscape one of the most biologically rich and diverse in the nation.

While this is an incredibly remote and fragile landscape, it is adjacent to Boise and Idaho's Treasure Valley. This is the third-fastest growing urban area in the nation. This growth threatens both a landscape and culture that lives on it.

There are several key points I'd like to make about the Owyhee Initiative:

The proposed Wilderness lands protect a full range of critical wildlife habitats, with 20 percent canyons and riparian areas, 40 percent juniper uplands and 40 percent rolling sagebrush plateaus. Among the indicator species gaining stronghold protection are sage grouse, redband trout, pronghorn, and bighorn sheep.

The Wilderness boundaries and public access system on 4WD dirt roads was negotiated in detail with conservation, recreation, outfitter and ranching representatives. Representatives of the BLM also participated in numerous mapping field trips. Each of the six Wilderness units have specific boundary and access features to address future grazing management potential, public rights-of-way for expanded and assured access, wildlife security, Wilderness values and Wilderness management. No one was excluded from the negotiations; some groups would not negotiate under the goal framework.

The private lands proposed for sale or trade, about 2,600 acres, all have perennial springs or flowing water with critical riparian and wildlife habitats. These lands were original homesteads because water flowed there and were kept in private hands because ranchers wanted a foothold to assure access to public lands. These lands also all have near term development potential, as recreation and vacation sites, or hunting camps, or subdivisions. The prices will only go up. Putting these lands in public hands, as pivotal public access points to Wilderness, makes sense today and will benefit the public interest for generations.

The Wilderness boundaries, the land exchanges or purchases and the grazing preference retirements were all customized for both ecological values on the land and economic values for the ranchers. Conservationists are satisfied the legislation secures Wilderness, water and wildlife values. Conservationists are also in support of continued ranch viability, with no one driven out of business, where private lands retain all rights but are not under pressure for development.

Needless to say, the Owyhee Initiative has been a challenging process for all involved, and it is a testimony to the dedication of the members of the Owyhee Working Group that we have come as far as we have. With legislation introduced, we have completed a remarkable process that brought diverse stakeholders together, kept them together, and created the work product captured in the legislation we consider today.

While the work creating the Owyhee Initiative was difficult, we recognize we have now engaged a no less challenging process: passing a bill in the U.S. Congress.

The Owyhee Initiative legislation contains elements that have been controversial within our organization and the rest of the conservation community, such as the release of Wilderness Study Areas, the Science Review Panel, and narrowed Wild and Scenic River Corridors. The legislation also has elements we do not support such as the compensation package and arrangements. We expect these provisions to draw considerable scrutiny in Congress.

While some view these provisions as "deal breakers," we recognize that the Owyhee Initiative must be viewed as a whole, and for the good of the Owyhee Canyonlands and the future generations who will enjoy this part of Idaho as we do, we support moving this legislation forward, again recognizing the reality of the legislative process: as national interests are considered the bill will likely evolve and this will require continued work on the part of all involved in the process thus far.

As we have learned in our work with Rep. Simpson and the Central Idaho Economic Development and Recreation Act, a bill that has advanced through the U.S. House, packages created on the ground in Idaho have considerable political strength drawn from the diversity of stakeholders involved. That said, our years of discussions are about national lands and diverse national interests will and should be considered as the bill moves forward in Congress. We look forward to being an active participant in Washington yet recognize, as we have seen with CIEDRA, that the legislative process will require a lot more work and that the bill is likely to evolve further as national interests are considered.

That said, this bill should advance forward, and we ask all who represent the national interests this body is rightfully empowered to represent to remember the fragility of the coalition and the remarkable diversity of players who have made this possible.

The Boulder and White Cloud Mountain ranges comprise the largest contiguous block of unprotected National Forest roadless land outside of Alaska. The rugged, vast landscape contains more than 150 peaks rising above 10,000 feet. Hunting and fishing are extremely popular here, as the absence of roads creates large contiguous tracts of land that support salmon spawning and big game such as elk, moose, mountain goat, bighorn sheep, black bear, and cougar.

The variety of roads provide excellent access, tremendous recreation opportunities and spectacular scenery; the Boulder-White Clouds are popular with Idahoans as well as thousands of people from out-of-state who come to enjoy these lands and generate millions of dollars for the local tourism industry.

While the boundaries of this wilderness proposal are a compromise, this is by far the most comprehensive proposal for the Boulder-White Clouds every proposed by an Idaho Member of Congress, Republican or Democrat. It is not perfect. Special places have been left out, but it is a good proposal. This wilderness provision of this bill totals over 300,000 acres of the Boulder and White Cloud Mountain Ranges in Central Idaho. This is the primary reason the Idaho Conservation League has been and continues to be a stakeholder in this process.

Since its inception over 30 years ago, the Idaho Conservation League has worked diligently to protect this landscape as wilderness. If this legislation sold the Boulder-White Clouds area short, I would not be here today urging you to move this bill forward. From the beginning of our work with Congressman Simpson, the League decided that a palatable wilderness bill will ultimately have to protect the high peaks and valleys of the White Cloud and Boulder Mountains, and protect the open ridges, peaks and valleys of the east side of the area. We would still like to see improvements to the wilderness title—an increase in the 300,000 acreage wilderness acreage figure by adding part of the North Fork of the Big Wood River which constitutes the backdrop for world-famous Sun Valley. We would also strongly support elimination of the remaining motorized corridor separating two wilderness units.

I know this country well, and have traveled its valleys and ridges for over 25 years. I've skied across the entire White Cloud range in winter, and I have walked it in summer. In our advocacy for this area, we have consulted with the people who know this country best, and imperfect as the boundaries are, they are wholly worthy of support. I should also point out that the part of the bill with the greatest public support is the wilderness designation, which is supported by 70% of the Idaho public.

We would like to comment on a few of the more troubling provisions:

Economic development provisions in the bill include the land conveyances to Custer County. While this measure has evolved since the framework for this bill was released in 2003, and the acreage of the conveyances has decreased, these provisions remain one of the bills foremost liabilities.

We understand Custer County's desire to increase their tax base and economic opportunities. That said, conveyance of non-surplus public lands for private purpose is a difficult compromise to ask of the American public.

And while troubled by the land conveyances generally, we are particularly concerned about the conveyances around the City of Stanley in the Sawtooth National Recreation Area. We do not support conveyances, particularly those in the Sawtooth NRA. I would also point out that in the poll I cited, this provision of the bill is the ONLY provision that does not have majority support from the Idaho public, and if there is something most needing change in this bill, this is it.

There are provisions in the bill that place restrictions on the land included in the bill that will be conveyed. These include stream setbacks, restrictions on what can be developed, etc. Some have called these provisions "federal zoning" and are critical of them. It is very important to recognize that these are conceptually drawn from the original Sawtooth NRA enabling legislation, and important to the overall success of this endeavor.

There is a lot in this bill for the motorized recreation constituency.

Concerns have been raised from both the motorized and conservation community regarding the Boulder-White Clouds Management Area established under the bill. Like other provisions, this one-is a mixed bag.

The special management area created in legislation makes permanent the summer motorized use on selected trails and snowmobile use in certain areas. We do not support this or other provisions that limit the management authority and discretion of the Sawtooth National Recreation Area.

We also do not support retention of the motorized trails in Germania Creek, to Frog Lake, or the others that bisect, yet are separate from, the wilderness designa-

tion. We do not support the loss of wilderness recommended by the Forest Service because of snowmobile use there.

It is important to note, however, that this designation would cap the number of motorized trails at current levels and provide more resources for enforcement. The Idaho Conservation League views this as a positive provision. Illegally used trails would not be legitimized by this bill, and no new trails will be created in the future. Likewise, the special management designation would ensure that existing non-motorized trails would remain non-motorized and that the area will not be further damaged by unregulated motorized recreational pursuits in years to come. In short, while we do not like making the status quo permanent, we do recognize that these trails are open today, and that the Boulder-White Cloud Special Management Area would provide limitations not currently in place.

I appeared in my first congressional Idaho wilderness hearing in 1984. At the time, motorized recreation issues were not particularly significant. Since then, particularly in the last several years, motorized off road vehicle use has exploded, impacting the land, solitude, and the politics of wilderness. Rampant cross-country motorized use on public lands has been identified by U.S. Forest Service Chief Dale Bosworth as one of the greatest issues facing his agency. There are now over 100,000 registered off road motorized vehicles in Idaho with 33,000 new registrations in the last three years alone.

Despite efforts by conservationists to advocate stronger restrictions on motorized use through two previous forest management planning processes, regulation of motorized recreation in the Boulder-White Clouds region has failed. While I respect that certain Sawtooth NRA managers oppose this portion of the bill, they have done nothing to reduce the impacts of this rapidly growing sector. Moreover, the land managing agencies have enabled motorized recreationists to become and more and more entrenched in wilderness Study Areas (WSAs) and proposed wilderness areas. The motorized community in Idaho has millions of acres of federal public lands in Idaho already available for motorized recreation.

The water provision in CIEDRA is commonly referred to as "headwaters" language, which means that proposed wilderness lands are located at the headwaters of streams and rivers. The waters in the Boulder and White Cloud Mountains are all headwaters. The language recognizes that lands designated as wilderness would be properly managed to protect wilderness values and would not be suitable for the development of new or expansion of existing water facilities. No water developments have occurred in wilderness areas where headwaters language has been applied in the past. The bill would also specifically prohibit future development of any new water resource facility (including dams, reservoirs, and wells) or water right application within the designated wilderness. Consequently, the wilderness areas established under CIEDRA would have an extra degree of protection that Idaho's existing wilderness areas do not have.

CIEDRA authorizes creation of first-ever wheel-chair accessible trails in wilderness. Because the Wilderness Act prohibits the use of motorized and mechanized vehicles in designated areas (with exceptions for emergencies), there has been some concern that this bill provision will weaken the intent of the original Act. The Americans with Disabilities Act of 1990 reconciled this issue by stating that wilderness shall not prohibit use by individuals with disabilities who use wheelchairs for everyday mobility. It also stated that managing agencies are not required to.make special accommodations for such users, but there is no prohibition on making accommodations.

The trails would be "primitive access," which means that they would be compacted and slightly leveled, but not paved, allowing a wheelchair user to navigate them unassisted. These short trails (approximately 1.5 miles) would also provide recreation opportunities for elderly users.

Before House mark-up, this bill allowed for donation or purchase of current grazing permits within the wilderness area, and grazing in these areas would be permanently retired. This provision was extremely important because many existing grazing allotments are within the upper East Fork watershed of the Salmon River and are considered critical to the recovery of fish species listed under the Endangered Species Act.

The Boulder-White Clouds are dry, steep, erosive and not suitable for grazing. Valley bottoms contain habitat for salmon and other species listed under the Endangered Species Act. This is a very important provision to CIEDRA and we strongly advocate reinstating this title.

CONCLUSION

For the past several years the Idaho Conservation League has been talking to the people of Idaho, from all walks of life, from all political perspectives, at Rotary Clubs and county fairs, around kitchen tables, and hearing rooms as well as campfires. Yes, we've been talking about the Boulder-White Clouds and Owyhee Canyonlands, but in doing so, we've also been listening a lot, too. In listening, we've learned that Idahoans, be they Republican or Democrat, rural or urban, rich in wealth or just rich in spirit, all love the outdoors, yet are also frustrated by politics of polarization on the issues that impact the outdoors, and in Idaho, everyone's lives touch the outdoors.

While I am troubled that conservationists are divided about this legislation, the Idaho Conservation League believes that if conservation is to be relevant, beneficial, and important to the lives of our fellow citizens, we have to do more than fight what is bad, we also have to achieve something that is lasting and good, and talking about it is different than doing it.

These are not perfect bills, but let us not allow the perfect to be the enemy of the good. These have significant support of Idahoans and reflect the particular challenges of our state. They contain compromises, but so does every bill that passes Congress, and they recognize that if we are going to protect wilderness in Idaho for the first time in a quarter century, we have to engage the other constituencies who live there, work there, play there, and call it home and join them at the table.

There are those who speak against what they see as precedents in this bill; the precedent I am most troubled by is that of failure. And let me also offer the hope that on this issue, we move forward, because failing to do so again squanders this opportunity, proves the naysayers right, and returns us to politics of polarization.

Wild landscapes define Idaho. It makes us different than every other state. And the Creator is not making any more of it. Idahoans wants to protect this special place, yet we cannot do that without the support of the U.S. Congress.

In closing, I would like to express my thanks to Rep. Mike Simpson and Senator Mike Crapo: You two have forced many of us to look beyond the concerns of the moment, to step out of default positions of the past, and have challenged us to look into the future. You have created the best opportunity in decades to protect special parts of Idaho.

Good work by good people brings the two Idaho bills we consider today. We are not perfect and we didn't create perfect legislation. But we have plowed the rocky ground between the extremes, and now we come to you to finish the job. The Boulder-White Clouds and Owyhee bills need to advance in the legislative process, and for that, Mr. Chairman and members of the committee, we need your help.

Thank you.

ADDITIONAL STATEMENT OF RICK JOHNSON

Calli and Mike:

Immediately following my panel at the September 27 hearing Calli suggested I might expect follow-up questions from the committee to follow up on points just raised and for questions there was not time to ask of me. I have not received this, so first I want to make sure I didn't miss something.

Regardless of the hearing record, I believe there are issues for us to discuss. These include differences in process and legislative "ripeness" between the two Idaho bills considered September 27. Another discussion could be what was referred to on the recent Idaho Public TV's "Dialogue" segment on Boulder-White Clouds as the "trigger" language. And another could simply be how we look to the myriad of issues facing Idaho in the future, be it places like the Clearwater or Panhandle, or clean air and transit in the Treasure Valley, or energy development. I am certain there can be times where there is common ground between common-sense conservation and our leading voice for Idaho's conservative majority.

We all heard Senator Craig's closing remarks after the Idaho panels regarding a linkage between authorization and appropriations bills. There are a number of reasons why your office might raise this issue. One, obviously, is the desire to ensure all parties get what they signed up for. Were I in your shoes I, would be concerned about the Owyhee and the fact that Sen. Crapo is not an appropriator. I would assume this is less an issue for Rep. Simpson because he is. (There are other differences between the two bills clouded a bit by hearing both at once, but I'll not get into that here).

Another consideration of authorization and appropriations may be this: you might think we (as in the conservation community or maybe even the Idaho Conservation League) will screw up the appropriation once authorization takes place. In hind-

sight, this was indirectly conveyed by Sen. Craig's question to me regarding our challenge of BLM regs. Or, if not screwing up approps process, we will simply not go away and there will not be, in the words of my timber friends, peace in the woods after the deal is made.

I cannot speak for other groups but I can speak for the Idaho Conservation League. If we're engaged in making a deal work on a particular landscape we're engaged long-term, and that means in good faith, and for the long-haul. It takes a lot of work to create trust and credibility, literally years, and I will not let that be cast aside in careless moments.

Obviously, we all work on many things. It is my sincere hope that success in the Boulder-White Clouds or elsewhere helps creates relationships where collaboration is possible on other issues beyond these localities or even on issues beyond public lands.

I have taken real risk engaging these wilderness initiatives. We have angered some conservationists and we have been pounded by our left flank. We have gained other things, tangible and less so, that far exceed the loss, from "plowing the rocky ground in the middle." We better represent conservation interests than we used to and do so in ways that better complement Idaho's conservative values for the good of a majority of the citizens of Idaho.

Our work in reshaping conservation in Idaho is something I believe we should talk about further; a candid conversation about the Idaho Conservation League. I don't pretend to represent all conservationists. I am a leading voice, however, and I am serious about making conservation work for Idaho. In the future there will certainly be issues on which we cannot collaborate or even agree, but we can move beyond black and white politics of polarization which, in the end, serves few and leaves little that endures for anyone.

I hope to visit with you again soon.

Senator CRAIG. Rick, thank you very much. Now let me introduce to the committee. You're a long way from home, Cliff. Hon. Cliff Hansen, commissioner of Custer County, Stanley, Idaho.

STATEMENT OF CLIFF HANSEN, COMMISSIONER, CUSTER COUNTY, STANLEY, ID

Mr. HANSEN. Yes, I am and thank you, Mr. Chairman and committee members, for letting me come here and speak a little bit on Custer County's behalf. Let me first say that I'm Cliff Hansen. I'm a rancher. I've continued, my whole life, to live in Custer County. I have been a commissioner for 16 years and my district is the area in question that is in Custer County.

I first want to say that when this was brought to our attention as commissioners some 6 years ago, the commissioners felt that with some 3,152,000 acres of land in Custer County, there was already 1.1 million acres either in the Frank Church Wilderness for the SNRA. So we didn't feel we needed any more wilderness but after several years of discussion with Congressman Simpson on this issue, we felt it was worth taking a look at.

We have direct opposite sides on this. We have some people who would certainly like to have a great majority of the area put into wilderness and we certainly have a group that doesn't want any wilderness at all. And that has been covered quite a bit by the number of acres that are there.

What I would like to address a little bit that seems to be one of the big controversial issues, is Federal lands being turned over either to the county or the cities.

No. 1, I'll address the issue of the land in the Sawtooth Valley. When the SNRA was created, it was not supposed to take out as much private land fee title as it did. It was supposed to be purchased by easements. However, the people that were making the decisions opted to buy several thousand acres. I think there is

about 7,000 acres totally that have been purchased, so about 6,000 acres in Custer County. The lands that are in question are around Stanley—there is a 6–acre piece that would go to the city that will be used for either seasonal housing or low-income housing. The reason why we emphasize this as being very important, as of right now, in the SNRA with the limited number of acres there are and the big demand for the acres that are there, the increase in value has increased so much that the Federal Government, through the Forest Service, the State, through its employees and the county, through our law enforcement, have to furnish housing for all our employees, which naturally puts these people in a position where they won't stay very long because of the big turnover of our representation, our employees up there. We also have a problem—according to the Federal Government, now we're putting almost two million people through the SNRA and Custer County in the summertime and the people that are young people that cook the hamburgers and pump the gas and make the beds, they are volunteers for the EMTs, the fire department, search and rescue—these young people don't have any place to live. So naturally, they move on pretty fast so it's pretty hard for Custer County to keep this going. Our search and rescue has gone on tremendously.

There is an 80-acre piece that has really been in question that will go to the city of Stanley. It is an 80-acre piece that the Federal Government, in my estimation, never should have bought. It's right in the middle of private land and it's impossible for them to administer. The 68 acres I just mentioned will go to the city for the various reasons that I've said. There is a 100–acre corridor—or a 100-acre strip of land on each side of the stream that will not be built on, that nothing can be done there so I think it is pretty well protected. There is an 86–acre piece of ground up on top of the hill that is not visible the highway, that would go to the county, that eventually—hopefully could be sold and possibly regain some of the tax revenue that we've lost. Other pieces of ground, most all the rest of the ground, is not Forest Service ground, it's the BLM. There is a piece of ground by the little town of Clayton that is their cemetery that belongs to BLM. There is another little piece of ground that they would have their water tower on. There is another little piece of ground where they could maybe put in a sewage system eventually, seeing as how the ground is getting pretty contaminated from septic tanks. So we feel this is viable to take out Federal ownership. There is also a track of land in Challis, that the Rod and Gun Club uses, that is basically a trespass on BLM. There are some other grounds that we've put a wind generation plant on, that may some day be able to provide revenue for Custer County. So taking all these things into consideration, even though the commissioners are not totally happy with the bill, we feel that it is in the best interests to Custer County, if this bill passes, to give us some of the resources that we may need to keep this county operating in the future. I would be willing to answer any questions that you may have.

[The prepared statement of Mr. Hansen follows:]

PREPARED STATEMENT OF CLIFF HANSEN, COMMISSIONER, CUSTER COUNTY, STANLEY, ID

My name is Cliff Hansen, I am a rancher and I have lived the last 63 years in the Stanley area. I have seen the bands of sheep and the herds of cattle diminish. Logging as we used to know it is gone. Today our small community of 100 lives on tourism; 2.1 million people come to float our rivers, hike into our high-mountain lakes, or maybe just take pictures of the rugged, majestic mountains called the Sawtooths.

I have been a Custer County Commissioner for 15 years. Our county has 3.1 million acres but only 158,000 acres of that are private, less than 5 percent. Today we have approximately 1,093,000 acres in wilderness between the Frank Church Wilderness and the Sawtooth National Recreation Area.

We are not in favor of any more wilderness. But, with that said, we certainly appreciate what Representative Simpson has done by reaching out to all the agencies and entities.

He has seen the economic needs in our county, he has tried to eliminate trespass issues, and he has worked with the ranchers on their grazing permits. He has spoken with the snowmobilers, the motorcyclists, the mountain-bikers, the outfitters, the Idaho Conservation League, and the Wilderness Society.

Representative Simpson held public hearings across the state. Out of the hearings came the information to put this bill together. We know for a fact that all sides made compromises.

The hard release of 138,000 acres now in wilderness study areas will be put back into multiple-use, which will allow federal agencies to better administer these lands for diversified uses.

The Sawtooth National Recreation Area approximate statistics tell their own story. It is comprised of 756,000 acres of 733,537 are federal lands, 20,322 private ownership and 2,200 acres of state ownership. The federal government has purchased 5,933 acres consisting of 504 parcels of $21,200,000. That property was removed from the tax rolls.

In closing, I would like to say that Custer County can only provide minimal services to our citizens and visitors because only 5 percent of the land base can be taxed. This is inadequate. We do receive PILT money, but because it is based on population, it is also inadequate to provide the services the public needs.

Appropriated funds would be invested and the accrued interest would be disbursed for economic development and the maintenance and operations of Custer County.

Custer County supports Representative Simpson's H.R. 3603, which is before you today and we would respectively ask you to support this bill too.

Senator CRAIG. Cliff, thank you very much for that testimony. Now let me turn to Fred Grant, chair of the Owyhee Initiative Working Group, from Nampa. Fred, you have labored mightily in the trenches over the last several years to produce this initiative. Thank you for your effort. Please proceed.

STATEMENT OF FRED KELLY GRANT, CHAIRMAN, OWYHEE COUNTY INITIATIVE IMPLANATION ACT, NAMPA, ID

Mr. GRANT. Thank you, Mr. Chairman, Senator Craig, and Senator Crapo. It is a privilege for me to be here, Senator. As I said in Governor Rich's office a few weeks ago, when he announced his support for this bill, it was not always a pleasure to be doing what I was doing but I don't feel that I led this group, I feel that I stayed behind them and tried to keep them focused on issue and I believe, Senator, that the collaborative issue resolution that has come forward is about the best that we can do, from a local standpoint, to preserve the beauty and integrity of the Owyhee County landscape, which is an interest of all—the ranchers as well as the conservation groups and of all the responsible recreation users of the country.

I wanted to testify today about three elements of the bill, Senator. All the elements of the bill have been thoroughly discussed in

written documents that will be presented to the committee but I want to talk first about the science review.

Senator, we have been bogged down in Owyhee County for over 10 years in getting speedy decisions from the BLM because of the administrative appeal process and the court litigation process. There are cases of allotments in Owyhee County, where the appeal process has been going on for 7 years without resolution. One of the reasons that we came up with the science review was not to delay the process but to speed it up. We fully believed that if there is an objective peer review report prepared in decisions for the BLM, for the BLM to look at in advance, not after an appeal process. If there is a flaw in the science of the BLM decision, it lets them see that at least from an objective standpoint and if there is a flaw and they agree there is a flaw, it allows them to change it before we go into that lengthy seven, 8 year administrative process. Prior directors of the BLM—we've vetted this process with them. Delmar Vale, who preceded Martha Hahn. Kaylin Bennett, who just recently retired—both told me that this does nothing more than return to what the BLM used to do and that is, seek peer review of their decisions.

Right now, Senator, one of the Range Cons told me in an email message, just the other day, he cannot spend time working on one of the allotments under which we are in a timeline with the administrative judge because he has to work on 68 reports to Judge Winmill by December 2006. We see them rendered—linked to their desks and not being able to do the management work on the ground and we believe that this peer review will help in that process. It is advisory. It is not binding. The BLM has been at the table throughout in that process and the people who have represented the BLM with the Work Group have not found objection to the science review.

The second thing that I want to mention just real quickly, is the Cultural Site Protection Plan that the tribes that participated with the Initiative to succeed in finally getting funded and prepared. In 1999, they had an agreement with the BLM that brought to you, Senator Craig and you, Senator Crapo, an attempt to fund that but funding wasn't available at that time. Now this is part of the entire Recreation and Transportation Plan, which we provided in here.

Senator, we now have the support of many of the organizations of motorized vehicles who operate every day in Owyhee County. The Treasure Valley Trail-Mobile Association is serving on the Recreation Task Force in Owyhee County, helping to make plans, now, that will be pre-implementation of some of the things called for by the Initiative and Senator Crapo's office has just learned that the 4x4 Association, Mr. Bill Taylor, as the spokesman, is now in support of the Initiative.

We know that there are people in the motorized industry who oppose this but we believe that having talked to experts in recreation planning, which were provided to our Work Group by the Snowmobile Association and Motorized Vehicles. We believe that the language of this Act provides for establishing challenging recreational opportunities in the county and yet, also offers protection through law enforcement, of those areas of resource that are being

destroyed by the irresponsible, unorganized users who come from that 750,000 population that is right across the river from us.

The third point and I'm sure that I'll be able to answer this in questions, is the compensation package and with that, Senator, I would submit.

[The prepared statement of Mr. Grant follows:]

PREPARED STATEMENT OF FRED KELLY GRANT, CHAIRMAN, OWYHEE COUNTY INITIATIVE IMPLANTATION ACT, NAMPA, ID

In order to produce a locally driven, broad interest-base plan to resolve the land use conflicts which have plagued the citizens and ranchers of Owyhee County, Idaho for decades, Owyhee County's Board of Commissioners, the governing body of the County, issued an invitation to participate in developing the Owyhee Initiative. They did this as a joint Initiative between the County government and that of the Shoshone-Paiute Tribes who reside in southern Owyhee County and northern Nevada.

The condition for participation in the Initiative process was that the participating organization commit to the goal stated for the Initiative:

> To develop and implement a landscape-scale program in Owyhee County that preserves the natural processes that create and maintain a functioning, unfragmented landscape supporting and sustaining a flourishing community of human, plant and animal life, that provides for economic stability by preserving livestock grazing as an economically viable use, and that provides for protection of cultural resources.

As you can see, and as your Chair, Senator Larry Craig, and Senator Mike Crapo can tell you, the viability of livestock grazing is key to the County because it forms the backbone of the tax base which supports the County's economy and County government's services which are mandated but not fully paid for by Congress and the State of Idaho. Owyhee County is a high desert rangeland county in Southwestern Idaho, adjoined by Nevada to the South, Oregon to the West, and the burgeoning 750,000 population of the Boise Valley to the north. Over 7 tenths of the County's nearly five million acres are owned by the federal government and managed by the BLM for the Congress. A meager 17 percent of the land base is privately owned and provides the ad valorem tax base for all County services.

Invitations were extended to the Owyhee Cattleman's Association, the Owyhee Borderlands Trust (a group of ranchers organized to seek alternative means of grazing for ranchers who needed to rest a portion of an allotment to facilitate range improvements such as prescribed fire), the Owyhee County Soil Conservation Districts, The Wilderness Society, the Idaho Conservation League, the Nature Conservancy, the Idaho Outfitters and Guides, People for the Owyhees (an organization of ranchers and motorized recreation users, formed originally as a group for fundraising events and for participating in efforts to oppose designation of over half of the geographical area of Owyhee County as a national monument), and the United States Air Force which operates the Mountain Home Air Base in neighboring Elmore County and has vital stake in land use resolutions on the Training Range which directly involves Owyhee County.

The Bureau of Land Management and the Idaho Department of Lands were asked to participate in an ex officio liaison capacity. The Commissioners also named a representative to represent the County in the Initiative process, and the Tribes chose to coordinate their efforts directly with the County Commissioners and Senator Crapo on a government to government basis. As time progressed, the Air Force determined that it could not serve in a voting capacity but served in the process in an advisory and contributive role, providing the actual language in the Initiative designed to protect the long range interests of the Air Force in the integrity of their defense role from the Elmore-Owyhee base.

The Bureau of Land Management and the Idaho Department of Lands agreed to serve in an advisory and contributing role. From the inception, from the very first meeting of the work Group, a BLM officer at the district management level was at the table, listening, speaking and contributing information so that the Initiative resolution would be consistent with the mission of the BLM, with the rules and regulations which provide the mechanism under which BLM functions, and the statutes which govern the BLM's management of federal range lands which lie under the constitutional jurisdiction of the Congress of the United States. Idaho Department of Lands personnel served the same capacity in behalf of the State which has a con-

stitutional duty to manage the state public school sections of land in the best interests of school support.

All organizations invited accepted the invitation and named a representative to participate in the work of resolution. Each of the conservation organizations were selected for invitation because of their prior experience in working on Owyhee County issues with no evidence of a bias against grazing which would prevent them from committing to the portion of the goal which called for continuing economic viability of livestock grazing.

There are some extreme interest groups who were not invited to participate because they actively seek to restrict and eliminate grazing on the public lands and oppose livestock ranching in general. It would have been utterly futile to seek their participation in resolution of issues when in fact their goal is exactly opposite that stated for the Initiative.

The Owyhee Initiative Work Group which was formed over five and a half years ago, has struggled with policy, philosophy, practicalities, processes and realities in those long years to produce the Owyhee Initiative Agreement, a copy of which is attached to this testimony as Attachment 1. The Agreement contains the framework within which these organizations, the County Commissioners, the citizens of the County and an overwhelming list of supporters including Governor James Risch, Attorney General Lawrence Wasden and the entire Land Board of Idaho believe land use issues can be resolved without resort to expensive, futile litigation which does nothing for betterment of the resources in the public lands for which you hold constitutional responsibility in Owyhee County. The Owyhee Initiative Act is proposed as your implementation for these resolutions through your constitutional authority.

First, neither the Commissioners nor the Initiative Work Group asks that the Agreement become law in and of itself. The Agreement is a commitment from the participating parties to implement its contents in pursuit of the stated goal. The Agreement, signed by the members of the Work Group, was submitted to the County Commissioners who then submitted it to the Tribes. Both sovereigns approved the Agreement and executed an historic Memorandum of Agreement through which the Tribes and the County committed to governmental coordination efforts as to issues of mutual concern.

The Owyhee Initiative Implementation Act has been drafted to provide the processes under which various provisions of the Agreement that need federal legislative action can be implemented, and has been carefully drafted in a manner which assures that the authority of the BLM for management of public lands is not threatened in any way. It has also been carefully drafted to assure that the timelines which govern BLM decisions are not affected or delayed.

There are opponents to the Agreement and to the Act. They will seek to persuade you that the Act should not be passed for several reasons, but all reasons are directly attributable to self interest of the opponents, not to concern for the protection of the resource for which you are responsible.

The Act calls for implementation of the Science Review process. This is one of the processes which opponents will portray in a false and misleading manner. It is not designed to, and in fact does not, usurp the authority of the BLM, and it is not designed to, and in fact does not, delay any BLM process. Rather, its purpose is to provide non-binding independent peer review of BLM decisions, and to speed the BLM process. Its terms specifically adhere to those purposes. First, it provides for peer review by a team of experts in various areas of resource technical skills, selected in each case by the University of Idaho after review of the particular skills required for review of that case. Peer Review is an element lacking in the decision making process currently in use by the BLM. It is not unknown to the BLM, because it was used by various prior directors of the Idaho BLM. Two former directors of the Idaho BLM, Delmar Vail and K. Lynn Bennett have shown no surprise at this attempt to reinstate peer review because, as they have advised the group's Chairman, as they came up through the BLM ranks they used peer review to great advantage.

Peer Review also is consistent with the purpose of this Congress in passing the Data Quality Act several years ago. In fact, you directed each agency to provide for various types of review of its decisions in order to assure that sound science is being used for agency decisions. The very idea for suggestion of creation of the Science Review process stemmed from the provisions of the Data Quality Act. To this end, the science review will be of great assistance to BLM in assuring that their policy of basing management decisions on the best available science will be followed.

It is clear in the Agreement that the BLM decision making process will not be slowed down in any way by the Science Review. The report of the reviewing team must be completed within the time set for appeals of decisions by the BLM's own rules, so the Science Review cannot delay the BLM. The only obligation placed on

the BLM by the provisions of the Science Review is that its personnel receive the peer review report and read it, and then make sure that it gets placed in the administrative record of the BLM. There is no requirement that the BLM accept the report or its contents or change even a word of its decision based upon that report. So why conduct the peer review? It is the belief of the Initiative Work Group that it is in everyone's best interests, including the BLM, to assure that the best available science is appropriately applied in a timely manner prior to the administrative review of BLM's decisions in the appellate are of the Department. If such occurs, and the BLM can avoid problems which lead to lengthy appeals, then the resource can more quickly become the object of the decision which should be crafted to properly manage the resource and its condition. If the peer review results in a report which states that the BLM has in fact used sound science, that should provide the base upon which a rancher accepts the decision without going through the lengthy and delaying administrative process. On the other hand, if the peer review results in a report which states that the BLM has not used sound science, and the BLM makes no change in its decision, then the report gives the administrative judge a base upon which to review the case's merits much more quickly than is now the case. Owyhee County has experienced administrative appeals which have taken more than a decade to resolve—and many are still hanging over ranchers and the BLM a decade later.

The compensation package which is part of the Initiative will also come under serious attack, particularly by those who would like to drive ranching families off the public lands. In order to make the Initiative project viable, quality wilderness areas needed to be designated. The conservation groups sought such status because of the unique beauty of certain of the areas of Owyhee County's vast land base. Some of the highest quality of those areas are represented by private lands owned by 15 rancher families in the County. These are highly scenic private lands which have water sources, which have unique wildlife resources, and which provide habitat for sensitive species. The lands are valuable, far more valuable in terms of high value resource richness and from a sale price standpoint than any of the federal grazing lands in the County. The ranchers know this because they are already being pressed by developers and realtors who desire to acquire these private lands for one of several purposes, all of which will be exclusive of the public and the public's use. These private buyers want the lands for development of high upper scale estate subdivisions, single estates, private hunting and fishing clubs, and/or lodge facilities for private and public tourist services. All these uses are in demand right now because Owyhee County is the last outpost of solitude in this fast growing area of the northwest—its vast openness lies just 15miles from the most southern development of the Boise Valley, the population of which is estimated now at 750,000, with projections of another 50 percent increase within the next 20 years.

The 15 ranch families represented in the compensation package are facing an end to their current livestock grazing business and tradition if the exchanges called for by the Bill are not provided. Because of a variety of BLM decisions and a federal district judge's decisions, they face terms and conditions which are making continuation of their current operation virtually impossible. One of the ranchers is now allowed to graze for one month in a portion of an allotment where once he grazed for four months. Because of the terrain and other physical elements of the allotment, it takes him a month to gather the herd after it is put on the allotment. So, he must put the herd on the allotment, hold them all at one end of it and then get them off in order to avoid trespass. As a result, the concepts for timing, intensity and duration of grazing use are not properly applied—the rancher knows it, but can do nothing about it because of the BLM restrictions. His portion of the compensation package will allow him to continue his ranching business but avoid the failed grazing system imposed by BLM and avoid use of a portion of this federal allotment altogether.

None of the 15 ranchers are asking to be bought out of the business of grazing. They may be retiring their grazing preference as to certain allotments and portions of allotments, but they will be able to continue their grazing through remaining grazing preference(s) and/or on private lands once the proposed exchange is made of the highly valued private lands for federal grazing lands. So, this package does not in any way constitute the so-called "buy-outs" of grazing which livestock organizations throughout the west almost unanimously oppose. No one goes out of business, but rather enters into a grazing program which reorganizes and stabilizes the rancher's economic base of operations. Rather than a buy-out, the plan represents a reorganization of ranching operations to the economic value of the ranchers, and therefore to the economic value of the whole grazing industry and of the County which supports and is supported by the ranchers.

Included in the prices which the ranchers have placed on their compensation package, which includes the valued private lands which would be exchanged into wilderness designation, are portions of their grazing preferences including all elements of the preference such as improvements. The Idaho legislature has determined as a matter of state property law that there is a private property interest in the grazing preference. The legislature has not spelled out the nature or extent of that interest, but has in fact acknowledged that property interest. As the Congress knows, the Federal Claims Court and the United States Supreme Court have traditionally and continually ruled that property value is determined by reference to property interests as determined under state law. The ranchers of Owyhee County, and all ranchers of Idaho know that, and they know the significance of the Idaho statute as to the grazing preference.

The ranches included in the compensation package did not have their ranches on the market for sale in whole or in part for any purpose. So, a traditional appraisal of the lands which they are offering in the package would have been of no use. They responded to the Initiative by offering the private lands which will provide a high quality ecological wilderness base at the price they know they can get for those lands from developers and/or conservation buyers. These lands are their fall backs if they have to go out of the livestock business. These lands will bring prices equivalent to comparables of other ranches which have sold for conservation purposes, or for development—not for continued range grazing use. But, it is not the ranchers' interest in seeing the unique landscape of Owyhee County become fragmented and dysfunctional by private development which closes off the lands to all of the public, and closes off access to some of the most beautiful of the western landscapes. They believe in the ranching tradition, they want to see Owyhee County remain in its traditional and customary state—they want to preserve the beauty and availability of this unique landscape to the people.

So, they set their prices, and the intention of most of them is that the price be paid in exchange of lands, high value private lands for federal grazing lands. In order to assure that the land exchanges and/or sales remained a viable option, private land inholdings were conservatively valued from $800 to $2,500 per acre while comparable sales for identical lands ranged from $1,000 to $3,000 per acre.

One of the most important elements in the Owyhee Inititiave Bill is the Recreation Transportation Plan, linked as it is with the Tribal Cultural Resource Protection Plan. -The bill authorizes the elements of funding which have been needed for at least the last decade: funding for local law enforcement and funding-to the Shoshone Piaute Tribes to provide the essential personnel needed to protect the resources against irreparable recreational devastation and protect the Tribal sacred cultural sites from the same source of destruction as well as intentional vandalism and theft.

The land in Owyhee County is hallowed ground for the Tribes. It contains sacred cultural and religious sites which need to be protected to preserve their sanctity, their important holy place in the Tribe's historic and current traditions. Many late comers to Southwestern Idaho, and particularly to the ever growing population of Boise and its surrounding expanding, metropolitan area do not understand or appreciate the importance of their sites, sacred ground, artifacts and culture.

As already pointed out, the population of the spreading metropolitan area is now estimated at 750,000. Annual new arrivals in the Boise area, equal the total citizen population of Owyhee County and the Tribal Reservation. Growth of the Boise area is projected to increase 85% over the next 25 years. Many of these newcomers seek refuge from even larger urban areas. As the urban density of Boise increases, these folks look for the openness of Owyhee County which is less than an hour's drive away. Access to the openness is easy through use of their 4-wheelers, dirt bikes, motorcycles and other versions of 4 wheel drives as well as off road vehicles.

Most do not understand the cultural and religious importance of the Tribal sites. When they find and visit them, they experience the excitement of discovery, a moment to be retold many times over along with showing an arrowhead, a shard of a vessel, or their relic which they take away from the site. The Tribes have seen more and more discretion of their cultural sites during the last decade of mushrooming urban growth. *They do not have the personnel needed to protect the sites. And the BLM normally has at most, one ranger for the entire County and the Boise Valley. Protection of the Tribal sites are not a high priority on their list.

The Tribes developed a Cultural Site Protection Plan to which the BLM agreed in 1999. BLM District Manager Kate Kitchell went to Idaho's Senator's with the Tribal Chairman to seek funding to implement the plan. Funding was not available at that time, so the Plan has been stalled and desecrations have continued and increased.

Five years ago the Tribes came together with the Owyhee County Commissioners to join in the Owyhee Initiative. The Bill will authorize funds for the Tribes to implement their Plan which provide for Tribal rangers who will also work cooperatively with the Owyhee County Sheriff to help protect the uniqueness of this vast County from destruction by urban recreation folks. The Plan agreed to by the BLM in 1999 has been changed only by inclusion of the concept of cooperative law enforcement. The Owyhee County Sheriff has agreed that he will deputize Tribal Rangers who complete the Idaho Peace Officers Standard Training Course. The Tribes and County will enter a unique cooperative law enforcement plan which will present a model for County law enforcement throughout the West.

As the cultural sites are being desecrated, so are natural resources and private property throughout the County. And as motorized vehicle use increases, the challenge of use presented by trail designation by the BLM is gone. Vehicle operations send new trails, cutting through and destroying natural shrubs and growth which provide sanctuary and food for wildlife and forage for livestock. The destruction not only.impacts current growth, but also adversely impacts soil surfaces, preventing regrowth and causing destructive erosion. The ecological damage now can be seen in every part of the County. A motorcycle organization, South Western Idaho Desert Racing Association, has photos showing huge rocks 16 feet high which have been reduced to a bed of gravel by rock crushing 4 wheel drive pick-ups. The destruction of centuries old rock structures takes only a few days of crushing by the vehicles.

The numbers of motorized vehicles in Owyhee County, massed as they are in favorite riding sites, result in serious personal injury accidents. The Sheriff who is responsible for law enforcement duties in all of Owyhee County's, nearly 5 million acres, does not have personnel sufficient to patrol the ever increasing danger spots for recreation uses. The increasing number of off-road vehicles causes conflicts with lawful on-road vehicles, with non-motorized recreation users such as hikers, equestrian and traditional bicycles, and with lawful livestock grazing in areas too vast for the Sheriff to adequately patrol. Damage report of have to private property such as fences, pipelines, buildings, roadways and vehicles increases by the month. In the winter and early spring months, in particular, calls for search and rescue duty adversely impacts the Sheriff's personnel and budget. All problems and demands for service related to recreation vehicles, including trespassers or destruction of private property related to unlawful outside use of the federal lands. Seldom are problems caused by operation of motorized vehicles on lawfully designated roads or trails. But the BLM has 1 Ranger assigned to the entire County. And the Sheriff can manage on one back country deputy on his budget.

The Bill authorizes funding for the BLM to specifically contract with the Sheriff for law enforcement as to unlawful use of the federal lands in the County.

The witness certifies that he is a consultant to Owyhee County Idaho and has no financial interest in the ownership of the county or any party connected to this bill.

Senator CRAIG. Fred, thank you very much for that testimony. We are pleased you are with us. Now let me turn to Grant Simonds, the Executive Director of the Idaho Outfitters and Guides Association. Grant, welcome before the committee.

STATEMENT OF GRANT SIMONDS, EXECUTIVE DIRECTOR, IDAHO OUTFITTERS AND GUIDES ASSOCIATION

Mr. SIMONDS. Thank you, Senator Craig and Subcommittee members for the opportunity to provide testimony. My name is Grant Simonds. I am the Executive Director of the Idaho Outfitters and Guides Association. I am most familiar with the Owyhee Implementation Initiative, the Owyhee Implementation Act, having served as an Owyhee Initiative Work Group member since its inception in August 2001. I have been exploring, camping, hiking, boating and hunting in Owyhee County for 35 years and have enjoyed the opportunity to learn more about the county landscape as a result of this collaborative process. I believe the commissioners chose folks for this collaborative process in part, because of their can-do attitude toward resolving future management of most Federal lands in Owyhee County. The commissioners recognize a window of opportunity and carefully crafted their Goal Statement for

the Working Group. IOGA supports the goal that is found in this legislation.

In my capacity as a Work Group member, I have represented the outfitter and guide industry as well as non-guided hunters. My focus as a Work Group member has been on appropriate access and related detailed mapping. The Owyhee Initiative agreement and this legislation reflect the necessities of outfitting and guiding, namely clean, free-flowing streams, quality fish and wildlife habitat and populations, along with the tenets of reasonable regulation.

For the outfitting industry, rivers such as Jar Bridge Brunno or the South East Fork Owyhee, along with the associated high desert lands, add to the diversity of outfitted opportunity that Idaho is known for. Language in this legislation to specifically address outfitting and guiding in a wilderness area, it is necessary to assure the continuation of the present working system that allows public use and enjoyment of the wilderness. The language is a clear signal to those who would dismantle the system and remove outfitter operations from wilderness. It is not intended in any way to impede the responsible management of outfitter operations to assure a minimum impact upon the wilderness resource or to impede a agency authority to set numbers of allocated launches and reserve camps or how they run.

This system, in balance with other camps and launches used by the self-guided public allows responsible shared use of wilderness lands for recreation and other purposes. These are tools recognized by the land management agency that are necessary to allow for planned dispersion and control of use of wilderness area. The system allows the public to use outfitter services to plan and schedule their visits. Let me emphasize—this legislation does not amend the Wilderness Act or lock in outfitters use.

We feel there is a necessity for specific outfitter language in the bill. The tendency in the past was to generalize in legislation and then add detail and committed reports to the legislative record. Our experience has been that people seem to forget the background of the general language. The outfitter lodges on the Main Sam River are a good example. It took over 20 years of administrative, legal and legislative work to clarify that the three camps on the river were what Congress was talking about when they referenced, "existing users" in the Central Idaho Wilderness Act of 1980.

Let me address access. After 5 years of negotiation at the table and during field trips, which included hunters, motorized recreation interests, ranchers and conservationists, about 30 miles of road map by hunters are proposed to be closed. More than 500 miles requested by hunters will remain open to all. Access is recognized in this legislation through a number of cherry-stem, wilderness corridor and wilderness boundary 4-wheel drive roads that have and will continue to be utilized by all public land users. Ninety percent of the 517,000 acres of wilderness areas will be within one to two miles of a road, an appropriate amount of access to wilderness areas, some of which are 90 minutes from one of the fastest growing metropolitan areas in the West.

Importantly, an additional eight rights-of-way across private lands plus 12 new public access points across lands will be purchased or traded to become public lands, were also negotiated by

the Work Group. Keep in mind that there is over 10,000 miles of roads or routes that crisscross Owyhee County. This legislation will assist both the county and the agency to get a grip on the growing problem of indiscriminate use of off-highway vehicles.

In conclusion, the Owyhee Initiative provides the framework for preserving the best of Owyhee County, including the existing economy and cultural resources through a locally devised, collaborative plan that includes wilderness, wild and scenic river designations, wilderness study area release, a continuing Board of Directors, establishment of a conservation center and science review process, along with on-road and off-road transportation plan. This is a much better way to manage our Federal lands than through the courtrooms. Thank you, Mr. Chairman.

[The prepared statement of Mr. Simonds follows:]

PREPARED STATEMENT OF GRANT SIMONDS, EXECUTIVE DIRECTOR, IDAHO OUTFITTERS AND GUIDES ASSOCIATION

Thank you Senator Craig and Subcommittee members for the opportunity to provide testimony on S. 3793 and H.R. 3603.

My name is Grant Simonds and I am the Executive Director of the Idaho Outfitters and Guides Association, a statewide non-profit business trade organization. I am most familiar with S. 3793, the Owyhee Initiative Implementation Act, having served as an Owyhee Initiative work group member since its inception in August of 2001. I have been exploring, camping, hiking, boating and hunting in Owyhee County for 35 years and have enjoyed the opportunity to learn more about the county landscape as a result of this collaborative process. I believe the Owyhee County commissioners chose folks for this collaborative process in part because of their "can-do" attitude toward resolving future management of most federal lands in Owyhee County. The commissioners recognized a window of opportunity and carefully crafted a goal statement for the working group. IOGA supports the goal that is found in this legislation.

In my capacity as a Work Group member, I have represented the outfitting and guiding industry as well as non-guided hunters. My focus as a work group member has been on appropriate access and related detailed mapping. The process has been a very open one with numerous opportunities for any and all to provide input.

The Owyhee Initiative agreement and this legislation reflect the necessities of outfitting and guiding namely clean, free flowing streams, quality fish and wildlife habitat and populations, along with the tenets of reasonable regulation. For the outfitting industry, rivers such as the Jarbidge/Bruneau, South and East Fork Owyhee along with associated high desert lands add to the diversity of outfitted opportunity that Idaho is known for. The 386 miles of potentially designated rivers and streams in Owyhee County will be a selling point for my industry, complementing the existing wild and scenic rivers in the state and the larger network of 32,000 Idaho river miles, the most in the lower 48. There is nothing more exciting than sighting bighorn sheep, whether it is on a river trip or being one of the lucky ones who draws a tag to hunt. The Initiative will be good for wild sheep.

Language in this legislation to specifically address outfitting and guiding in wilderness areas is necessary to assure the continuation of the present working system that allows public use and enjoyment of the wilderness. The language is a clear signal to those who would dismantle the system and remove outfitter operations from wilderness. It is not intended in any way to impede the responsible management of outfitter operations to assure their minimum impact upon the wilderness resource or to impede agency authority to set numbers of allocated launches and reserved camps or how they are run. This system, in balance with other camps and launches used by the self-guided public, allows responsible, shared use of wilderness lands for recreation and other purposes. These are tools recognized by the land managing agencies as necessary to allow planned dispersion and control of use in wilderness areas. The system allows the public who use outfitter services to plan and schedule their visit. These camps and launches are designated in operating plans, established between the individual outfitter and the resource manager. The manner, location and time of their operations are agreed to in the operating plan of each individual outfitter. This legislation does not amend the Wilderness Act or lock in outfitters' use.

We feel there is necessity for specific outfitter language in the bill. The tendency in the past was to generalize in the legislation, then add detail in committee reports and the legislative record. Our experience has been that people seem to forget the background of the general language. The outfitter lodges on the Main Salmon River are a good example. It took over 20 years of administrative, legal and legislative work to clarify that the three camps on the river were what Congress was talking about when they referenced "existing uses" in the Central Idaho Wilderness Act of 1980.

Outfitter operations have undergone considerable change to adapt to modifications brought on by wilderness designation. The trade association representing outfitters in Idaho has made a strong commitment to be role models and educators in minimum impact practices.

After five-plus years of negotiations at the table and during field trips, which included hunters, motorized recreation interests, ranchers and conservationists, about 30 miles of road mapped by hunters are proposed to be closed. More than 500 miles requested by hunters will remain open to all, by law. Access is recognized in this legislation through 'a number of cherry stem, wilderness corridor and wilderness boundary four-wheel drive roads that have and will continue to be utilized by all public land users. Ninety percent of the 517,000 acre wilderness areas will be within one to two miles of a road, an appropriate amount of access for wilderness areas, some of which are ninety minutes from one of the fastest growing metropolitan areas in the West. An additional eight rights-of-way across private lands plus twelve new public access points across lands that will be purchased or traded to become public lands were also negotiated by the Owyhee Initiative work group. Keep in mind that over 10,000 miles of road or routes criss-crossing Owyhee County. This legislation will assist both the county and the agency to get a grip on the growing problem of indiscriminate use of off highway vehicles.

In conclusion, the Owyhee Initiative provides a framework for preserving the best of Owyhee County including the existing economy and cultural resources through a locally devised collaborative plan that includes wilderness and wild and scenic river designations, wilderness study area release, a continuing board of directors, the establishment of a conservation center and science review process along with an on and off road transportation plan. This is a much better way to manage our federal lands that through the court rooms.

Senator CRAIG. Grant, thank you very much. Now let us turn to questions. Rick, again, I appreciate your group coming to the table and working toward public land compromises. It is nice to see opposing interests finally working together on legislation that will almost otherwise rest in controversy. However, as I see it, some folks walk away with a guarantee, meaning that when this becomes law, a wilderness or a wild and scenic designation will occur while others are subject to a promise, appropriations, completion of a travel plan or other uncertainties of the administrative processes.

Would you agree that in order for one hand to get what it wants, the other hand must get the same assurances?

Mr. JOHNSON. I think the intent of this legislative process and in this sense, I believe you are referring to both bills.

Senator CRAIG. Yes, they both that have characteristic, right.

Mr. JOHNSON. The relationships that have developed on the ground, both with the appropriate Members of Congress, that represent the area and with the folks that are sitting around the table, is that we will work together to continue to support each other's mutual interests. I think it is an impossibility to have everything fall into perfect lock step, in the perfects watches of a gear turning. I think that is unrealistic to suggest. But I think there is a commitment on all the players to make sure that all the pieces fall together and understanding, for instance, in the Owyhee, that this is a long process. The agreement to sit down with a Board of Directors and things like that, is a permanent commitment to be invested in the landscape, both for the land and the people who live there.

Senator CRAIG. If language were added that defers the designation of these lands to wilderness until other provisions are accomplished, is that an acceptable compromise to you and the members of the ICL?

Mr. SIMONDS. It seems unlikely that we would be able to—I'd have to consult with other players that are involved in the package. This just isn't up to me. But it seems unlikely that would be something we would agree to. That said, you know, we're open to conversation.

Senator CRAIG. I understand that the conservation environmentalists are split on both of these compromises and several environmental groups are unhappy with the stance the ICL has taken. Observing this and the fact that your organization filed suit against the BLM grazing regulations, can we expect that ICL and other environmental organizations who do favor these legislations, will not file suit against cattle grazing or recreation use, if these are part of the agreement?

Mr. SIMONDS. To the places where they are part of the agreement, yes, we hold to the agreements that we make. Things like that particular case you reference is dealing with public process and the engagement of the American public with decisions that are currently are public. So it is retaining that and we feel that we are a conservation organization that is involved in a wide portfolio of issues and we will continue to remain involved in a wide portfolio of issues using a wide portfolio of tactics and I think that everyone involved in both of these initiatives is full aware that we all walk in. We sit down at the table but we retain the interests that—we do what we do. But at the same time, when we sit down at the table and negotiate in good faith, we're not joking. This is the real deal.

Senator CRAIG. Thank you much. Commissioner, can you describe the current zoning rules in Custer County and the communities of Stanley, Challis and Mackey?

Mr. JOHNSON. Well, at the present time, we are working on a new zoning regulation in Custer County. We have a Zoning Board appointed and we really haven't approved anything. However, in the SNRA, it's under strict rules of the Federal Government what can be done. So any lands that would go into private ownership in the Stanley area and the SNRA are very well restricted, more so probably than a local zoning would do.

Senator CRAIG. If the land conveyances called for an H.R. 3603, we require zoning rules more restrictive than those found in, let's say, Blaine County—Ketchum, Idaho, why is the Custer County Commission supporting this legislation?

Mr. JOHNSON. Well, we are supporting it, in a lot of cases because we think it is going to put a lot of controversial lawsuits and things to bed and hopefully, it will certainly direct the future of what can and can't happen in certain areas. As far as restrictions, the county will have some restrictions, but like I say, a majority of this land is either going to go cities or the county and not all of it will be built on, which would require some kind of zoning restrictions. Except like I say, the SRNA, it is already done.

Senator CRAIG. Are the zoning restrictions proposed in the legislation inside the SNRA more restrictive than homes that currently

exist inside the SNRA or were grandfathered in at the time of the legislation?

Mr. JOHNSON. To my knowledge, there are restrictions in the bill that are more restrictive than a lot of houses that are already there and certainly some that were there, in reference to window size and square footage, yes, there are some restrictions that are stronger that I feel—however, in 92400 (137:46), I don't believe restrictions were ever directly written out in the legislation. It was up to the administrative branch to come up with those decisions.

Senator CRAIG. That is true.

Mr. JOHNSON. I don't totally agree with them.

Senator CRAIG. Yes, well Commissioner, thank you very much. Fred, I understand that this bill was done through careful negotiations and you did a great job of keeping folks at the table. I've been at a few of those tables over the years and know how difficult that task can be, but certainly I agree with Rick. Everything was done in good faith here, in an attempt to bring about a compromise. Since Congress generally makes changes in legislation and here in the Senate, we really have to build a consensus. Do you believe this group can maintain a consensus if some changes are made and if not, should the bill be moved forward without consensus?

Mr. GRANT. Senator, I believe that depending on the changes and I think we all expect that changes will be made. I believe that depending on the changes, we will have consensus. I think this Work Group has worked together long enough. We have support enough, sufficient support politically as well as from the citizens, that if the changes are not disastrous to each of the element's interests and the public interest, which is what we've all been after, to try to solve these problems without court, I believe we will move on the consensus. However, one of the things that are critical to us is that if a change affects one portion of the agreement, to the disadvantage, the adverse impact on that representative organization, then it is possible that the whole agreement would come apart. But we know there will be changes and we hope to work very closely with the committee staff and with the senators' staffs in trying to keep those changes from destroying the agreement that has been put together.

Senator CRAIG. Thank you, Fred Grant. I'll get to you in the next round. Let me turn to my colleague, Mike Crapo. I'm taking a little leeway with time here because we will recess at the end of this panel, break for a lunch meeting that both Mike and I need to attend and then return. So, Mike let me turn to you for your questions. I have some for you, Grant, when we return.

Senator CRAPO. Thank you very much, Larry. I truly appreciate again, the hearing that we are holding here and your willingness to give us a little flexibility on the time. I just have—I have a lot of issues I'd love to go through with the panel. I have four that I want to try to get to. The first one that I'd like to ask Rick and Fred to respond to is water. One of the big issues that hasn't yet come up here but one that is an issue, is whether the way that we've handled water rights in the legislation is adequate and I know, for example, that the legislation that has been introduced provides that although there is a federally reserved water right in the Wild and Scenic Rivers portion of the bill and not in the wilder-

ness portion of the bill, that the federally reserved water right that is in the legislation is subordinated to all existing water rights and to future water right development. The way that it is set up, it preserves the State sovereignty over water management and allocation decisions. I just want to be sure that we get that on the record and make it clear that is the case. Would both of you agree with that?

Mr. GRANT. I certainly agree with it, Senator Crapo and we worked very closely with the State and the attorney general's office in making sure that occurred.

Senator CRAPO. OK. And Rick, do you agree with that as well?

Mr. JOHNSON. I would and since I am here representing both bills, I would also say that it is important that we recognize that in the Boulder White Clouds, we're dealing with headwater areas, which does not have existing uses above the headwaters. So that uses headwaters language, which has been used in this Congress before. And in the Owyhee situation, it is much more complex because it is downstream. I believe that the players who were involved were engaging with State folks and Federal folks and have reached a consensus.

Senator CRAPO. Well, thank you and again, as we're making a record here, I'd like to indicate that the Idaho Water Users Association has endorsed the legislation after having reviewed these issues from a careful consideration of these types of matters.

The second issue that I wanted to talk about is the compensation package and Fred, you indicated you thought you might get asked a question about this and this is the question. It's kind of a twofold question, although I think they are both tied together. Mark Rey, when he was testifying, indicated that there was a concern that the buy-out of Federal AUNs would leave the base property in a position where it is only really useful to be developed. That specific issue, I know, was an issue that the collaborators in this case very carefully and very extensively grappled with and that the actual outcome of the way that this legislation has been put together is to address that specific issue and make sure that doesn't happen. Could you explain that and maybe at the same time, explain the argument that I think has at least implicitly been made here, that inflated values are being utilized in the approach.

Mr. GRANT. Senator, before I answer that question, I would like to add one other thing and that is as to the water. The entire Land Board of the State of Idaho also supports the bill and the language.

Senator CRAPO. That's appropriate and again, let me just interrupt to make it clear for the record. The Idaho Land Board has, by resolution, endorsed the legislation after reviewing these matters. Thank you.

Mr. GRANT. That's correct. Yes, Senator, we set out to try to avoid development of these lands in Owyhee County. The ranchers who have completely participated in this program don't want Owyhee County to be split up into subdivisions. They don't want it to be bought by Californians who want to put in big estates along these protected areas, such as the picture that was revealed earlier. One of the ways that we've gone about this, right now, with that 750,000 population in the Boise Valley, which is now expected, our sheriff tells us, to be 85 percent more in 25 years—right now, we have over 26 either pending applications for conditional use per-

mits or known applications to be coming in to Owyhee County, to change private land from agriculture to development. Some of the ranchers who have participated in this compensation program have been offered money by people to buy these private lands that are being exchanged, for private hunting clubs, which would shut down access to all of these beautiful areas that are to be preserved. They've been offered money by realtors, a well-known realtor in the Boise Valley, to buy easements in private property—easements that currently are going into the public use through this bill. And our ranchers have held off from that because they would prefer to stay in ranching. They'd prefer to have the traditions of Owyhee County and the beauties that are there, to be preserved from this kind of development. So what we did, was craft with each of the ranchers who came forward to participate, a plan where these private lands, which they are offering to sell or exchange, they are the highest quality and value lands of their private lands, from the standpoint of preserving the wilderness. They adjoin the prospective wilderness.

In those lands, they would make public access available. Now, as to the price of that being inflated, these aren't lands that were on sale for grazing. These ranchers have not offered to go out of business. They don't want to go out of business. What they are trying to do is realign their allotments so that they can stay in business under the terms and conditions that have been opposed upon them and the value of these lands—they have carefully based upon comparable sales for conservation use and for development use because that's the nature of all of these private lands, these 2,500 acres of private land, that are being offered. We don't believe—I personally don't believe they have been inflated and I believe that through the public process of this committee and the work, we'll be able to demonstrate that each of these ranchers has a very specific comparable base for the value they've put on their lands.

Senator CRAPO. And each of the ranchers that are of issue here will continue, if the bill were enacted and to become law, will continue to be involved in the business of ranching?

Mr. GRANT. Absolutely and that's why they sat down at the table to work with this process, so that they can stay in business.

Senator CRAPO. All right, thank you. I do have two more questions, Senator, if I might. The next issue that I wanted to address deals with the testimony of Mr. Heughins, when he discussed the issue of whether hunters and anglers and trappers were represented adequately or whether it was truly collaborative and Mr. Simonds, you addressed this to a certain extent in your testimony but I'd like to ask any of the Owyhee Initiative collaborative partners here if they would like to respond to that question.

Mr. SIMONDS. Senator, I have here two maps of the Owyhee County, the triangle and Riddle area maps in which were marked up by the Idaho Bird Hunters, Mr. Heughins, relative to access, his group's preferred access. We came to agreement, as I mentioned, on all but 30 miles of access.

Senator CRAPO. That's 30 out of 500 miles?

Mr. SIMONDS. Well, over 500 miles of road were left open. Wilderness and Wild and Scenic must have access. We have appropriate access to the canyon lands, to the put-ins, take-outs for boating and

like I said, over 90 percent of the wilderness is within one or two miles of a road. Did everybody get what they want? No. But we came darn close.

Senator CRAPO. Are you aware of whether they are any hunting, fishing and sports groups that are supportive of the compromise?

Mr. SIMONDS. Senator, the Foundation for North American Wild Sheep, the Idaho Chapter is in support. These are folks that are generally very well acquainted with Owyhee County and regarding the 17 miles of road that is to be closed on the Dick Shooter Plateau, the Foundation is in support of providing additional habitat protection between Battle Creek and Deep Creek for sheep.

Senator CRAPO. All right, thank you. And if I may, just one last issue, Senator Craig. I expect that in the future panel, there will be objections raised on the issue of off-road vehicle use and whether the right compromise was reached. I would just like to ask any of the—again, the Owyhee collaborative team members who are here, whether they would like to address that. I know you won't be able to address it after the fact so, knowing what the issues are, would you like to clarify or explain the circumstance and the way that we did reach the ultimate resolution in the legislation with regard to off-road vehicle usage?

Mr. GRANT. Senator, I'll be glad to try to do that if I may, Senator Craig, Senator Crapo. We had a representative of off-road vehicles on the Work Group and even though she was unable to vote in favor of the agreement, she abstained. There were groups within her group who have now told us that they were the ones—or that they encouraged her to abstain rather than vote against the project and I mentioned one—the 4x4 group of several organizations, which are now actively working with your staff in Boise as we are here, to come into support of the Initiative and also to ask to be on the County Task Force, the Recreation Task Force that has been set up. As I said, the Treasure Valley Trail Machines Association has been on that task force. We have bicyclers on that task force. We've worked with every element that would work with us, of the motorized vehicle societies and the part of our community. We know that—and what we've done in this bill is encourage or rather, mandate a recreation plan by the BLM that guarantees creative and full use but at the same time, regulated use to the point where the over-country destruction that is going on out there can be stopped and can be enforced. We believe that we have in this package, a broad enough base for providing recreation for that huge community around Boise but at the same time, protect that resource out there.

Senator CRAPO. Thank you and just the last question, which you can answer very quickly, is to kind of get a picture of the kind of win-win that was able to be negotiated here and worked out among the collaborators, could you just explain the number of roads and trails that exist in Owyhee County that were at issue and the number that have been preserved for off-road vehicle use?

Mr. GRANT. Well, Senator Craig and Senator Crapo, I'll first say that our sheriff pointed out yesterday, that on the Owyhee front, which both of you senators are familiar with—there are over 17,000 miles of trails today that are evidenced on a map, many of them unlawful, many of them cross-country. I would defer to Mr.

Simonds again because I know that on the basis of the roads and trails that have been opened, he's already testified and I know this for a fact—that over 500 of the ones wanted for access remain open. We, in addition, have gotten rights-of-way or easements across some of these private properties that have been offered that will be available for proper use. Only 30 miles of those roads were closed. As to the trails, the requirement of the bill is simply what the law already requires, except that we provide—we ask for an appropriation of funds for law enforcement. Right now, some of the users are using the wilderness study areas when they should not be. They are creating new trails there. To say how many miles of trails there are that have been created unlawfully, since the BLM plans went into place is virtually impossible. There are thousands of miles of trails in Owyhee County right now. And when you look at the overhead maps, it is very disconcerting to see what is happening on a daily basis as to cross-country trails that are not only affecting the resource, which is—but the habitat. It is dangerous to the species, it's dangerous to the resource, it's destructive to private property and all of the costs of all of those things currently are going onto Owyhee County.

Senator CRAPO. Thank you and thank you, Senator Craig, for allowing us to go a little longer here.

Senator CRAIG. Well, thank you, Mike. Grant, I was going to ask the question that Mike had just asked, about hunter representation and the frustration expressed by the National Wildlife Federation so I will not ask that question.

It is now nearly 12:40. The committee will recess until 1:30. We'll be back to deal with the two remaining panels at that time and so we do appreciate all of your patience as you stay with us on this. I understand this is simply a short interlude in relation to the time all of you have spent on these issues over the last few years. So thank you for your participation. The committee will stand in recess.

[Recess.]

Senator CRAIG. Good afternoon, ladies and gentlemen. The subcommittee will reconvene for the purpose of concluding this hearing and hearing panels four and five. With that, let me ask panel four to please come forward. Brett Madron, Carole King, Mike Webster and Amanda Matthews.

Again, thank you all very much. Brett Madron, president of the Idaho Trail Machine Association from Boise. We'll let you start. Please proceed.

STATEMENT OF BRETT WILLIAM MADRON, PRESIDENT, IDAHO TRAIL MACHINE ASSOCIATION, BOISE, ID

Mr. MADRON. Thank you, Mr. Chairman. Mr. Chairman and members of the committee, my name is Brett William Madron and I reside in Boise, Idaho. I appreciate the opportunity to provide testimony on the Central Idaho Economic Development and Recreation Act as well as the Owyhee Initiative Agreement. I would like to ask that my written testimony become a part of the record.

Senator CRAIG. Without objection, all of your full statements will be a part of our record.

Mr. MADRON. I am currently the President of the Idaho Trail Machine Association. I am also the State Representative for the National Off-Highway Vehicle Conservation Council, as well as a member of the Idaho Department of Parks and Recreation Off-Highway Vehicle Advisory Board, which represents over 100,000 off-highway vehicles in Idaho. My testimony on these bills is on behalf of the Idaho Trail Machine Association, the Idaho Recreation Council and other recreation organizations in Idaho.

I was lucky enough to be born and raised in Idaho. My parents had our family camping and trail biking in the public lands of southern Idaho almost every weekend starting in the early 1970's. This gave me a genuine appreciation and love of the diversity of Idaho's landscapes. One of our favorite summertime camping locations was around Galena Summit, known as the Boulder White Clouds. I considered these areas my backyard. I knew every bend in the streams, every fishing hole. I snuck my first beer out of my parent's cooler at Pole Creek. We would travel up the Washington Basin, collect snow and make homemade ice cream for my birthdays. I saw my first elk in the wild at Pole Creek. We affectionately named the mountain behind our favorite campsite as Mount Ben, after my father. To this day, I still make numerous trips to the area.

I have been involved in an ongoing basis with CIEDRA for over 5 years now and almost at the same time, our organization was involved as a member of the people of the Owyhee's in the Owyhee Initiative in Owyhee County.

My comments specific to CIEDRA—I applaud Congressman Simpson's efforts to solve the ongoing dispute over wilderness designation in the Boulder White Cloud mountains of Idaho. I appreciate the opportunity to have our opinions heard. Many of the motorized recreation portions of the bill are unique and precedence setting and we hope they will be considered in future wilderness bills.

However, our organizations cannot support CIEDRA as it is currently drafted for the following reasons. We feel the current proposed acreage in wilderness is too high, since nearly one-third of the proposed acreage was deemed as unsuitable. The Idaho Recreation Council, which is a collaboration of Idaho recreation groups, submitted a compromise proposal of wilderness boundaries that would help preserve recreation while allowing wilderness designation for some of the deserving areas.

We feel the reduction of recreation access imposed by wilderness designation may actually have a negative economic effect on the surrounding communities. We feel the bill should contain language that states the wilderness portions of the bill should not be enacted until the remaining portions are funded.

My comments specific to the Owyhee Initiative—I understand the struggles of the cattlemen and women trying to make a living and maintain their way of life in the desert landscape. My grandfather was also a rancher and farmer in southern Idaho. Due to some poor financial decisions and a little bad luck, he lost the family farm and was forced to move into the city. I witnessed the way this crushed him and would not wish this on any of the ranchers in Owyhee County. Although this bill, at face value, may seem to

provide some relief to the struggling ranchers, our organizations cannot support this bill as it is drafted for the following reasons.

First, the recreation users were not adequately represented during the collaborative process. On the Owyhee Initiative Working Group, ranchers had four seats, conservation groups had four seats and the Idaho Outfitters and Guides had a seat and the recreation groups were all lumped together in one seat. After the recommendations of the Working Group were submitted to Senator Crapo, I was interviewed for a recreation position by a member of the Working Group. This invitation was revoked once she found out I had sent a letter to Senator Crapo opposing the Owyhee Initiative. At this time, as the President of the Idaho Trail Machine Association and a Board Member of the Treasure Valley Trail Machine Association, I am not aware of our involvement on the task force.

Second, this bill provides wilderness designation for 126,000 acres that the BLM found unsuitable as wilderness. We feel this bill should provide hard release of any lands found not suitable by the BLM. The Owyhee Initiative attempts to postpone travel and access issues by deferring to the BLM or whatever comes out of the legislative process in Congress. There have been no cost figures of what this proposal will cost taxpayers. Many important recreation access locations are included in the wilderness boundary.

In summary, although I consider these bills a step in the right direction, they are still not the correct answer to resolve land access issues in our great State. Most recreation activists will tell you they are glad there is some wilderness. They will also tell you four million acres in Idaho is enough.

While these bills claim to be true collaborative efforts, they are not. Once the reality of the difficulty of consensus was realized, the bills were crafted simply by the parties remaining at the table. In particular, the Owyhee Initiative virtually excluded recreation interests. Until the time when all parties feel a need to be involved, active management based on science and public input is our best avenue to protect the land while allowing access. In addition, we feel these bills are only the start to this process. Please send these bills back to the Working Groups to be fine tuned and revised. You have our promise, as a recreation community, to be engaged in a positive manner to find the best solution to allow sustainable enjoyment of our public lands while still protecting it. I appreciate the opportunity to provide my testimony.

[The prepared statement of Mr. Madron follows:]

PREPARED STATEMENT OF BRETT WILLIAM MADRON, PRESIDENT, IDAHO TRAIL MACHINE ASSOCIATION, BOISE, ID

Mr. Chairman and Members of the Committee, my name is Brett William Madron and I reside in Boise, Idaho. I appreciate the opportunity to provide testimony on H.R. 3603, the Central Idaho Economic Development and Recreation Act (CIEDRA) and S. 3794, the Owyhee Initiative Agreement.

I am currently the President of the Idaho Trail Machine Association, which is a statewide organization representing over 1000 member trail biking families and over 30,0000 registered trail bike users. In addition, I am a State Representative for the National Off Highway Vehicle Conservation council, which is a National organization chartered to educate and organize off highway vehicle users. I am also a member of the Idaho Department of Parks and Recreation Off Highway Vehicle Advisory Board representing over 100,000 off highway vehicle users. In the past, I

have also been the President of a bicycle organization and have hiked, skied, snowshoed, and snowmobiled in Idaho.

I was lucky enough to be born and raised in the lovely state of Idaho. My parents had our family camping and trail biking almost every weekend starting in the early 1970's. We would camp and ride in the high desert areas in the fall, winter and spring and head to the mountains in the summer. This gave me a genuine appreciation and love of the diversity of Idaho's landscapes. One of our favorite summertime camping locations was the area around Galena Summit. This included the Boulder Mountains to the south and an area called Pole Creek which is on the western side of the Whiteclouds. I considered these areas my backyard and knew every bend in the streams and every trail and fishing pond around. I snuck my first beer out of my parent's cooler at Pole Creek. I learned that a wire in a campfire is not something you want to touch at Baker Creek. I had a dozen of my birthday parties around campfires at Pole Creek. We traveled up towards Washington Basin to get snow to make ice cream. Williams Creek was where I first rode a trail bike on a technical single track trail. Grand Prize trail was where my wife and my daughter rode their first trail. I saw my first Elk in the wild at Pole Creek. We have affectionately named the mountain behind the campsite, Mount Ben after my father. Needless to say, I have many strong fond memories of the Boulders and Whiteclouds. Through these many years, I have grown to love this area like no other. To this day, I still make numerous trips to Baker Creek, Pole Creek, Smiley Creek, Stanley, and Frog Lake.

Almost five years ago, I heard rumor that Congressman Simpson was considering Wilderness Designation for this beautiful area. I immediately contacted his staff and stated my opposition to any land use designation that would limit recreation access to this-area. Shortly after, I was invited to meet with Congressman Simpson's Staff to discuss resolving the WSA dilemma in the Boulder Whiteclouds I have been involved on an on-going basis since that time. At almost the same time, our organization was involved in the Owyhee Initiative in Owyhee County.

My testimony on these two bills is on behalf of the Idaho Trail Machine Association, the Idaho Recreation Council and other recreation organizations in Idaho.

COMMENTS ON CIEDRA

I applaud Congressman Simpson's efforts to solve the on-going dispute over Wilderness Designation in the Boulder Whitecloud Mountains of Idaho. I appreciate the opportunity to have our opinions heard. Many of the motorized recreation portions of the Bill are unique and precedent setting and we hope they will be considered in any future Wilderness Bills.

However, our organizations cannot support H.R. 3603 as it is currently drafted for the following reasons:

1. We feel the current designation as Sawtooth National Recreation Area (SNRA) provides protection, yet allows for active management of the area. To our knowledge, there are no threats to this area. Grazing, logging, mining and multiple use recreation are managed by the SNRA. We feel the addition of BLM lands and other Forest Service Lands to the SNRA would allow good management decisions based on science and public input. Wilderness is the most restrictive land use designation and to this point has never been reversed. If these lands have endured over 35 years of mans impact and still can be considered for Wilderness Designation, the current management scenario is working.

2. We feel the current proposed acreage of Wilderness is too high. Of the 300,000 acres of proposed Wilderness, the United States Forest Service found 100,000 acres, nearly 1/3, as unsuitable. For instance, Grand Prize Trail was originally cut in with a bulldozer. This trail links the west and east sides of the area and provides one leg of a very popular loop opportunity. Loop trail systems are more safe and reduce impacts on the resource by dispersing users. We agree this is a beautiful and scenic trail, but in our opinion it does not meet the definition of Wilderness and provides an important recreation opportunity for many user groups. The inclusion of this trail will reduce motorcycle and mountain bike recreation opportunities and dilute the true definition of Wilderness. In addition, many of the areas included inside the Wilderness Boundary are some of the most scenic and enjoyable high country snowmobiling areas in the nation. In over 35 years of summer recreation in the Boulder Whitecloud mountains, I have never witnessed a negative impact that I could attribute to snowmobile use. Many of the areas deemed unsuitable by the USFS have a very high value to the recreation community. The Idaho Recreation Council, which is a collaboration of Idaho Recreation groups, including horseback riders, motorcyclists, ATV riders, snowmobilers, back-country pilots and mountain bikers, submitted a proposal of Wilderness Boundaries that would help preserve

recreation while allowing Wilderness designation for some of the areas that truly meet the definition of Wilderness. There should be no loss of access or recreating opportunities. There is no data to support excessive use today. The Idaho Recreation Council proposal could be made available upon request.

3. We feel the reduction of recreation access imposed by Wilderness designation will actually have a negative economic effect on the surrounding communities. Wilderness visitors do not provide the positive economic impact as that of the motorized or mechanized recreationists. Communities like Valley County rated as one of the best snowmobiling communities in the nation are experiencing record growth and economic vitality while communities adjacent to current Wilderness areas are struggling.

4. We feel the bill should contain language that states the Wilderness portions of the bill should not be enacted until the remaining portions are funded. The grazing, recreation and economic development portions of this bill all require appropriation of funding prior to providing any benefit. The revision of boundaries and management philosophy should not change until the remainder of the bill is funded.

COMMENTS ON THE OWYHEE INITIATIVE

I understand the struggles of the cattlemen and women trying to make a living and maintain their way of life in the desert landscape. My grandfather was also a rancher and farmer in Southern Idaho. Due to some poor financial decisions and a little bad luck, he lost the family farm and was forced to move into the city. I witnessed the way this crushed him and would not wish this on any of the ranchers in Owyhee County.

Although this bill at face value may seem to provide some relief to the struggling ranchers, our organizations cannot support this bill as it is drafted for the following reasons:

1. The recreation users were not adequately represented during the collaborative process. On the Owyhee Initiative Working group, ranchers had four seats, conservation groups had four seats and all of the recreation groups were lumped together with only one seat. During the collaboration and voting, most of the votes were eight to one with recreation being the only dissenting vote. The recreation representative asked for additional seats, but the requests were denied. This is not a true collaborative effort and does not represent the true desires and feelings of all interested parties. After the recommendations of the working group were already submitted to Senator Crapo, it was agreed to add additional recreation representatives to the working group. I was interviewed for a position by a member of the working group. She asked if I had sent a letter to Senator Crapo opposing the Owyhee Initiative, because the County Commissioners did not want anyone in the working group that opposed the Owyhee Initiative. Again, this is not a true collaboration.

2. This bill provides Wilderness Designation for 517,000 acres of Wilderness in 6 separate units. This is 126,000 acres more than the BLM found suitable as Wilderness during their study. We strongly oppose Wilderness designation for any lands found unsuitable by the BLM.

3. This bill should provide "Hard Release" of any lands found not suitable by the BLM. Without hard release, many of the lands could simply be thrown back into the paralyzed state of Wilderness Study Area. One of the stated purposes of this bill is to provide certainty. All lands under current WSA status should be proposed for Wilderness designation or released back to the public domain. Let's do this once.

4. The ranchers get a guarantee of continued grazing, the environmental groups get wilderness, and the motorized recreation community gets nothing.

5. Hunting and fishing interests were not invited to participate in the Owyhee Initiative talks. These popular activities take place in Owyhee County, and by excluding these interests, many Idahoans were left out.

6. The OI attempts to postpone travel/access issues by deferring to the BLM or whatever comes out of the legislative process in Congress. It seems as though the OI workgroup did not want to tackle these issues. This leaves the bill ambiguous and incomplete. In order to attain the goal of "certainty", a comprehensive bill that defines boundaries and access routes must be developed.

7. There have been no cost figures of what this proposal will cost the taxpayers. Plans for a Conservation and Research Center, Owyhee Initiative Board of Directors, Peer Science Review, buyouts of private land and AUM's (Animal Unit Months) and list goes on and on. It would be irresponsible to approve such a potentially expensive plan without knowing what the cost will be.

8. The loop road through Dickshooter Ridge should not be included in wilderness. This road provides access to the canyons for hunting.

9. Garat crossing and the road should be open for vehicles.

10. Lookout Butte WSA on the Oregon border should not be designated wilderness. It does not have wilderness characteristics, and was deemed unsuitable for wilderness by the BLM in 1991. This is part of the Sierra Club's plan for a "Tri-state wilderness" as described on their website.

11. Existing routes in WSAs that provide access to view the canyons need to stay open. Not all people want to or are capable of walking 1-2 miles to see, hunt or fish the canyons.

12. The need to "protect" the canyons from unauthorized use is exaggerated. There are only a few access points to the canyons, and OHV use or grazing within the canyons is practically impossible.

13. If the need for a designation were desired for the canyons, the best option would be to call it Backcountry. Under the Owyhee Initiative, rangeland improvements and motorized vehicles for livestock management would be allowed in Wilderness. This use would degrade the definition of wilderness and the current wilderness system.

SUMMARY

Although I consider these bills a step in the right direction, they are still not the correct answer to resolve land access issues in our great state. Most recreation activists will tell you they are glad there is some Wilderness. They will also tell you . . . four million acres in Idaho is enough! We all enjoy the beauty and diversity provided on public lands and we do not want to contribute in any way to its demise. We love and cherish the land as much or more than others who claim to want to protect it. In our opinion, active management using sound science and public input will provide the most protection while still allowing enjoyment by the tax paying public. Driving an SUV 10 miles up an improved road to access a Wilderness trailhead should not be given preferential treatment over a motorized user who wants to ride a maintained trail to a scenic vista 20 miles away from an improved road. If we drive a vehicle to a trailhead or if we ride an off-highway vehicle on a maintained trail, we are all motorized recreationists . . . our trailheads are simply in different locations.

While these bills claim to be true collaborative efforts, they are not. Once the reality of the difficulty of consensus was realized, the bills were crafted by the parties remaining at the table. In particular, the Owyhee Initiative virtually excluded all parties other than the ranchers, the County Commissioners and the environmental organizations. I understand the Congressman and the Senator have made their best attempt at consensus and I applaud them for that. The imbalance of political power between the environmental organizations and the recreation organizations is slowly diminishing. The public is seeing that access and protection are not exclusive. Once this balance has equalized, there may be more of a chance of a true collaboration to determine land access issues by categorical designations. Collaboration is not possible when one or more of the effected parties feels they hold the power to walk away and still get what they desire. Until the time when all parties feel the need to be involved, active management based on science and public input is our best avenue to protect the land while allowing access.

In addition, these bills are only the start to this process. We have already heard of additional Wilderness Bills being generated and proposed. The Wilderness advocates are a large machine with a huge infrastructure and a lot of momentum. Passing marginal bills will only allow these groups to claim victory and continue to pump out future marginal bills. The recreation public is not ready to roll over once again only to fight the same fight over a different mountain with a different name. Please send these bills back to the working groups to be fine tuned and revised. You have our promise as a recreation community to be engaged in a positive manner to find the best solution to allow sustainable enjoyment of our public lands.

Once again, I appreciate the opportunity to present my testimony,

Senator CRAIG. Brett, thank you very much. Now let me turn to Mike Webster, who is President of the Idaho Cattlemen's—I know we had a name change at the national level and I sometimes wonder if that reflected through. Anyway, Mike, welcome to the committee.

STATEMENT OF MIKE WEBSTER, PRESIDENT, IDAHO CATTLEMEN'S ASSOCIATION, ROBERTS, ID

Mr. WEBSTER. Thank you, Chairman Craig and members of the Subcommittee. I thank you for giving us the opportunity to discuss the cattlemen's perspective on wilderness issues, particularly CIEDRA and the Owyhee Initiative.

As you've stated, my name is Mike Webster. I am a fourth-generation cattle rancher from Roberts, Idaho and President of the Idaho Cattle Association, a statewide organization representing the interests of Idaho ranchers. Before I discuss any specifics about this bill, I would like to state some of our general philosophical views regarding wilderness.

When uses are taken off the land, so are management and stewardship. Therein lies our concern with wilderness. It is difficult for us to encourage any action that removes multiple use—of course, particularly grazing—from Federal lands, especially on a permanent basis. Livestock grazing is a wise and sustainable use of the land and is a sound management tool that should never be removed from consideration.

In addition to sustaining the local economies of Idaho, public lands grazing fosters a good ecological balance as it promotes good grass growth, prevents or lessons the threats of wildfires, which we have quite a few this year and controls the spread of weeds. As such, grazing is in harmony with the pure intent of wilderness. Therefore, the existing grazing language should be specifically protected within the legislative language, if wilderness is created.

Unfortunately, history has shown that ultimately and despite the wilderness act language citing grazing as an appropriate use, livestock are entirely removed from wilderness areas. Furthermore, legislation should not explicitly call for the permanent retirement of AUMs. The option to use grazing as a management tool must always remain open.

If despite all this, livestock grazing is reduced as a result of the wilderness or other land-use designations, permittees must be compensated in a manner that will allow them to stay in business and maintain viable ranching operations. Simply paying ranchers to get off the land is no solution. Rather, we would like to see a pro-active approach, identified in legislation that will allow the ranchers to continue grazing under their permitted numbers. It is our belief that grazing permit is a private property that cannot be separated from base property without loss of value. When these permits are reduced or removed by the government, this action should be called a taking. Ideally, legislation that removes or reduces AUMs should treat these ranchers with a fair hand by stating what is truthfully happening and set a positive precedent. These permits are being taken from the ranchers.

Last, it is our belief that any wilderness proposal should have the input and approval of the stakeholders. While many groups engage in wilderness dialog because they simply have an interest in the recreation or enjoyment of the land, ranchers have their entire livelihood on the table. You now have legislation before you that carries the support of some ranchers. Given the above concern, why drives ranchers to accept wilderness designations? Well, as you well know, Federal laws, regulations and such as ESA, have been

used as a hammer on the ranchers' heads, forcing them to reduce their permits, year by year, to the point where the ranching operations are no longer viable. Radical environmental organizations have used such laws in the court system to turn activist judges into land managers, to the point where I have to wonder why we have the agencies or why we have Congress at all. As has been the case in Idaho, activist judges are apparently free to choose to completely ignore or misinterpret language approved by Congress.

To illustrate this point further, I would like to share some of the realities of ranching in the West. In an average year, ranchers net about $50 per head of cattle. In a typical scenario, a rancher owns a 100 acres of private ground and has permits to graze on 1,000 acres of Federal land because the Federal land ownership in the State of Idaho, in some counties, 93 percent of the county is Federal land. The ranchers depend on this. If Federal grazing permits are taken away, the rancher would only be able to raise probably 100 cows on his 100 acres. As we all know, that is $5,000 a year. It's dang tough to make a living on $5,000.

What happens at that point, when you can only make $5,000 a year? He takes his 100 acres and sells it off in small parcels and these small parcels are taken to put up condos and subdivisions and I don't think anybody would disagree with the fact that that is devastating to the land and the habitat for the wildlife that depend on it. A strong cattle industry guarantees unfragmented landscapes and a solid economic base for the rural West.

Now turning to the merits of the legislation before you, I'll share with you the ICA's current position on both of Idaho's bills. Regarding CIEDRA, our membership has voted not to support, primarily because it contains no insurance of the continuation of grazing in the area. In short, as currently written, it fails to adequately protect and promote grazing with the SNRA and the Boulder White Clouds management area.

The Owyhee Initiative—I must state up front that our membership has not yet had the opportunity to form direct policy on this legislation. Up to this point, ICA has been generally supportive of the process under which this agreement was developed. The collaborative effort is an inclusive with the locally affected ranchers and the issues they deem necessary in order to maintain viable ranching operations. Although we do not have a clear position, we have some points to discuss.

First of all, the bill should be amended to include language that both prevent implementation of a bill until it is funded entirely through mandatory appropriations. If the bill is implemented without the associated appropriations, the ranching industry of the Owyhee County would be devastated. Also, the bill must include stronger language protecting the continuance of grazing in wilderness. Finally, the bill should not explicitly state that the transfer of AUMs would be permanently retired. Rather than eliminating livestock, this bill should seek for a way to creatively leave the door open to enable Federal agencies to utilize grazing as a management tool in the future.

In closing, I would like to commend Congressman Simpson and Senator Crapo for taking on these issues and working with the ranching community. I know they have been diligent working with

various groups in an effort to find solutions on these difficult and decisive issues. Yet I believe that work still remains on these bills to strengthen and preserve the ranching heritage in these areas and assure that it will remain sustainable, viable and part of the economy. Thank you for providing the Idaho Cattle Association with the opportunity to provide prospective on these important issues. Mr. Chairman, I'll stand for any questions.

[The prepared statement of Mr. Webster follows:]

PREPARED STATEMENT OF MIKE WEBSTER, PRESIDENT, IDAHO CATTLEMEN'S ASSOCIATION, ROBERTS, ID

Chairman Craig and members of the Subcommittee, thank you for giving me this opportunity to discuss the cattlemen's perspective on wilderness issues, particularly as it relates to H.R. 3603, the Central Idaho Economic Development and Recreation Act (CIEDRA) and S. 3794, the Owyhee Initiative. My name is Mike Webster, a 4th generation cattle rancher from Roberts, Idaho and President of the Idaho Cattle Association, a statewide organization representing the interests of Idaho's ranchers.

As you would imagine, this legislation has generated much discussion in Idaho. This is particularly true amongst members of the cattle industry. On one hand, due to the stringent standards and reductions that have been placed on their grazing permits, the locally-affected ranchers feel that without some sort of regulatory or legislative relief, their ability to remain in business is precarious, at best. On the other hand, we are concerned with any proposal that will, or is likely to remove grazing from the land.

GENERAL VIEWS ON WILDERNESS

Before I discuss any specifics about either bill, I would like to state some of our general philosophical views regarding wilderness. When uses are taken off the land, so are management and stewardship. Therein lays our concern with wilderness. It is difficult for us to encourage any action that removes multiple-use (particularly grazing) from the federal lands, especially on a permanent basis. Livestock grazing is a wise and sustainable use of the land and, as a sound management tool, should never be removed from consideration. In addition to its role in sustaining the local economies of Idaho, public lands grazing fosters a good ecological balance as it promotes good grass growth, prevents or lessens the threat of wildfires, and controls the spread of weeds. As such, grazing is in harmony with the pure intent of wilderness. Therefore, the existing grazing leases should be specifically protected within the legislative language if wilderness is created.

It is imperative that when wilderness legislation is drafted, it is not crafted in such a way as to be used as the vehicle to put ranchers out of business. Unfortunately, history has shown that ultimately, and despite the Wilderness Act language citing grazing as an appropriate use, livestock are entirely removed from wilderness areas.

Furthermore, legislation should not explicitly call for the permanent retirement of AUMs. The option to use grazing as a management tool must always remain open. In the event that reductions in AUMs are called for, they should not be allowed without the justification of trend monitoring.

If, despite all of this, livestock grazing is reduced as a result of a wilderness or other land use designation, permittees must be compensated in a manner that will allow them to stay in business and maintain viable ranching operations. Simply paying ranchers to get off the land is no solution. Rather, we would like to see a proactive approach identified in legislation that will allow the ranchers to continue grazing under their permitted numbers. It is our concern that legislation which includes a grazing permit buyout will embolden the extremist groups' efforts to establish a programmatic permanent permit retirement program and will set a precedent that will make such an effort more easily attainable.

It is our belief that a grazing permit is private property that cannot be separated from base property without loss of value. When these permits are reduced or removed by the government, this action should be called a takings. Ideally, legislation which removes or reduces AUMs should treat these ranchers with a fair hand by stating what is truthfully happening and set a positive precedent; these permits are being taken from the ranchers.

Lastly, it is our belief that any wilderness proposal should have the input and approval of the stakeholders. Several groups weigh into wilderness issues. However, it is important to remember that ranchers are the only ones who have everything

at stake (with the possible exception of a limited number of outfitters). While other groups engage in wilderness dialogue because they simply have an interest in recreation or enjoyment of the land, ranchers have their entire livelihoods on the table.

WHY RANCHERS CONSIDER WILDERNESS LEGISLATION

You now have legislation before you that carries the support of some ranchers. Given the above concerns, what drives ranchers to accept wilderness designations? These ranchers have virtually been extinguished by over-reaching federal regulations and laws and by the court's misinterpretation of those laws. They have been trampled on time and again by government action. They have had unachievable grazing standards applied on their permits as a result of the presence of one species or another, without the benefit of sound rangeland science. Federal laws and regulations, such as the ESA, have been used as a hammer over the ranchers' heads, forcing them to reduce their permits year by year to the point where the ranching operations are no longer viable. Radical environmental organizations have used such laws in the court system to turn activist judges into land managers—to the point where I have to wonder why we have the agencies, or even Congress, at all. As has been the case in Idaho, an activist judge is apparently free to choose to completely ignore or misinterpret language approved by Congress. I'm sure that from the agencies' standpoint, they would like to be able to do their job and be out on the ground rather than behind piles of paperwork created by the current system. Due to the application of the laws and regulations, we're bleeding to death from 10,000 paper cuts.

To illustrate this point further, I would like to explain to you some of the realities of ranching in the West. In an average year, ranchers net about $50 per head of cattle. In a typical scenario, a rancher owns 100 acres of private ground but has permits to graze on thousands of acres of federal land. Because federal land ownership in an Idaho county may be as high as 93%, Idaho's ranchers are dependent upon the use of these lands in order to maintain viable businesses. If the federal grazing permit is taken away, that rancher would only be able to raise about 100 cows. We all know that it is impossible to make a living on $5,000 a year. The only viable alternative left to the rancher would be to sell off his land in such a manner as to obtain maximum return. The resulting conclusion is subdivisions and condos on small acreage lots. I don't think anyone would disagree with the fact that this is devastating to the land and to the habitat on which wildlife depend. Once this happens, the true character of the land can never be reclaimed. It is in the best interest of everybody, to encourage the viability of ranching operations. A strong cattle industry guarantees unfragmented landscapes and a solid economic base for the rural West.

The promise of release of wilderness study areas, which can provide a small measure of relief and certainty to ranchers, is a strong incentive for many ranchers to go along with wilderness legislation. Such is the case with both of Idaho's wilderness bills before you today. Current law states that these areas will be studied for a period of 10 years and then the managing agency will make a recommendation as whether or not the land should be designated as wilderness. However, westwide, this has not been the case. Once a wilderness study area is created, the land is managed as defacto wilderness in perpetuity. Legislative language which either specifically designates WSAs as wilderness or releases the land will allow the ranchers to know what playing field they are on and will restore sound stewardship and wise use of the land.

H.R. 3603, CIEDRA

Now turning to the merits of the legislation before you, I'll share with you ICA's current position on both Idaho wilderness proposals. Regarding H.R. 3603, our membership voted to not support CIEDRA, primarily because it contains no assurances for the continuation of grazing in the area. In short, as currently written, it fails to adequately protect and promote grazing within the SNRA and the proposed Boulder White Clouds Management Area or provide local ranchers with an acceptable alternative that would enable them to continue in the ranching heritage of the area. If the bill were to more adequately address some of the above stated concerns, we would revisit our position related to it.

S. 3794, OWYHEE INITIATIVE

Regarding S. 3794, the Owyhee Initiative, I must state up front that our membership has not yet had the opportunity to form direct policy on this legislation. This will occur at our annual meeting in November. Up to this point, ICA has been generally supportive of the process under which this agreement was developed. The col-

laborative effort has been inclusive of the locally-affected ranchers and the issues they deem necessary in order to maintain viable ranching operations.

Although we do not yet have a clear position on S. 3794, we have developed some interim discussion points related to some of the specifics of the bill.

First, it is important that the bill be amended to include language that would prevent implementation of the bill until it is funded in its entirety through mandatory appropriations. If the bill was implemented without the associated appropriations, the ranching industry of Owyhee County would be devastated. It is also important that the funds used for this bill should not be used as an excuse to reduce the BLM's annual appropriations in this and other areas.

Also, the bill must include stronger language protecting the continuance of grazing in wilderness. As stated above, reductions in AUMs should not be allowed without the justification of trend monitoring.

Finally, the option to use grazing as a management tool should always be available. The bill should not explicitly state that the transferred AUMs will be permanently retired. Rather than eliminating livestock, this bill should seek for a way to creatively leave the door open to enable federal agencies to utilize grazing as a management tool in the future.

CONCLUSION

In closing, I would like to commend Congressman Simpson and Senator Crapo for taking on these issues and working with the ranching community. I know that they have been diligent in working with various groups in an effort to find solutions to this difficult and divisive issue. Yet, I believe that work remains on these bills to strengthen and preserve the ranching heritage of these areas and to ensure that it will remain a sustainable, viable part of the economies of Central Idaho and Owyhee County. Thank you for providing the Idaho Cattle Association with the opportunity to provide our perspective on these important issues.

Senator CRAIG. Mike, thank you very much for that testimony. Now let us turn to Amanda Matthews, citizen of Custer County. So you don't represent an organization?

Ms. MATTHEWS. No.

Senator CRAIG. You represent a person?

Ms. MATTHEWS. I just represent me.

Senator CRAIG. Yourself? Wonderful! All right, State of Idaho, Stanley, Idaho. Welcome before the committee, Amanda.

STATEMENT OF AMANDA MATTHEWS, STANLEY, ID

Ms. MATTHEWS. Thank you, Mr. Chairman, Senators. Thank you for the opportunity to talk with you about Stanley, Idaho. Most of you have probably never heard of Stanley but those of us who live, work and play can tell you that we do everything in our power to sustain it and protect it.

Twelve years ago, I visited Redfish Lake. I went up there to work for a summer. I knew immediately that this was my home, where I was meant to be. Now, I own a small contracting business and have two other part-time jobs, working at the largest motel/restaurant in town, the Mountain Village Resort. Every day I see who visits, who stays and who spends their money in our community. Tourism is the life and blood of Stanley. Without it, only a few could afford to stay.

The majority of visitors come to recreate and they do it in every imaginable way. They ride horses, dirt bikes, mountain bikes, ATVs and snow machines. They raft rivers, hike, fish, hunt—all contribute to the economy of the community but without question, those that prefer motorized vehicles, both summer and winter, stay longer and spend more money. The number of motorized recreationists increases each year and each year we see more families with motorized vehicles. In the past, Stanley closed down for

the winter but today, thanks to the popularity of snowmobiling, Stanley has a thriving winter economy. Every year, the popularity of snowmobiling riding in the White Cloud Mountains increase because it provides a unique outdoor experience. These mountains are also incredibly popular with the summer crowd. Year after year, whether on foot, horseback, mountain bike or motorized vehicle, they come to enjoy the Boulder White Clouds as they are today.

Originally, our previous city council passed a resolution that enthusiastically supported the Central Idaho Economic and Recreation Act but on Sunday, September 15 after considerable public input, the Council changed its position and passed a new resolution that supports only the land parcel transfers to Stanley.

The issue was reconsidered by the Council because of 11 Stanley businesses, another 7 from the Sawtooth Valley, 57 residents signed letters and a petition opposing CIEDRA. Now, 57 signatures may not sound like much to you but in the last City Council election, there were just over 70 votes.

I would be glad to supply copies of the letters and the petitions to anyone interested.

We might be a small community of only about 100 people but we have over 1.5 million visitors through the Sawtooth Valley every year. CIEDRA is a bad piece of legislation and will be especially bad for the communities like Stanley. We don't want or need a Boulder White Cloud Wilderness under any name. Those opposing CIEDRA do so because of the give-away of public lands, limitation on access for recreation and the locking up of more than 3,000 acres of land in the Boulder White Cloud Mountains for wilderness that isn't needed. We already have wilderness all around us. The Sawtooth and the Frank Church Wilderness are just outside of our doors. If wilderness were good for the economy, we wouldn't need more because our economy would be thriving. More wilderness won't make that happen. What we need is what we have—access to the Boulder White Cloud, where people can come and play and stay in Stanley. Please don't take that away from us. Thank you.

[The prepared statement of Ms. Matthews follows:]

PREPARED STATEMENT OF AMANDA MATTHEWS, STANELY, ID

Thank you for the opportunity to talk with you about Stanley, Idaho. Most have probably never heard of it and few will ever visit it, but to those of us who live, work or play there, I can tell you we will never forget it and we will do everything in our power to sustain and protect it.

Twelve years ago I visited Red Fish Lake and knew immediately that this was my home, where I was meant to be. I am building a contracting business and I have two part-time jobs. One of them is working at the largest motel/restaurant in town, the Mountain Village Inn. Everyday I see who visits, who stays and who spends their money in our community. Tourism is the life blood of Stanley—without it, only a few could afford to stay.

The majority of visitors come to recreate and they do it in every imaginable way; they ride horses, dirt motorcycles, mountain bikes, ATV5 and snowmobiles. They raft rivers, hike, fish and hunt. All contribute to the economy of the community but without question, those that prefer motorized vehicles both summer and winter stay longer and spend more. The number of motorized recreationists increases each year and each year we see more families with motorized vehicles.

In the past, Stanley closed down for the winter. But today, thanks to the popularity of snowmobiling, Stanley has a thriving winter economy. Every year the popularity of snowmobile riding in the White Cloud Mountains increases because it provides a unique outdoor experience. These mountains are also incredibly popular

with the summer crowd. Year after year, whether on foot, horseback, mountain bike or motorized vehicle they come to enjoy the Boulder White Clouds as they are today.

You can well imagine that Congressman Mike Simpson's proposed wilderness bill for the Boulder White Cloud Mountains has caused quite a stir in our community. It has been debated and discussed from one end of the town to the other.

Originally our City Council passed a resolution that "enthusiastically supported" the Central Idaho Economic and Recreation Act (CIEDRA), but on Sunday, September 15 after considerable public input, the Council changed it's position and passed a new resolution that supports only the land parcel transfers to Stanley. They no longer support CIEDRA's other components, including the wilderness in the present bill. The issue was reconsidered by the City Council because 11 Stanley businesses, another 7 from the Sawtooth Valley, and 57 residents signed letters and a petition opposing CIEDRA. Now 57 signatures may not sound like much to you but in the last city council election there were just over 70 votes. I would be glad to supply copies of the letters and the petition to anyone interested. We might be a small community of only 100 people but we have over 1½ million visitors a year to the Sawtooth Valley.

CIEDRA is a bad piece of legislation and will be especially bad for communities like Stanley. We don't want or need a Boulder White Cloud wilderness under any name.

Those opposing CIEDRA do so because of the give away of public lands, limitation on access for recreation, and the locking up of more than 300,000 acres of land in the Boulder White Cloud Mountains for wilderness that isn't needed. We already have wilderness all around us, the Sawtooth and the Frank Church Wilderness are just outside our doors. If wilderness were good for the economy, we wouldn't need more because our economy would be booming. It isn't and more wilderness won't make it happen. What we need is what we have, access to the Boulder White Clouds where people can come and play and stay in Stanley.

I certainly don't want to sound ungrateful to Congressman Simpson, the economic benefits promised to Stanley are definitely needed. We need affordable housing, and city facilities and a trail between Red Fish Lake and Stanley would be wonderful but the trade-offs are too great. What we would lose is our long term economic survival. Changing the management of the Boulder White Clouds has little or no benefit for Stanley. We cannot afford that. It isn't easy making a living in a small rural mountain community that is surrounded by public land but it is possible, if we have access to the land for a variety of users including motorized. That is what we need for long-term economic survival.

Please don't pass CIEDRA. I work three jobs now and if CIEDRA passes I would lose those jobs and most likely have to leave Stanley. But as important as that is, what is most important is the survival of our community and our way of life. We have built an economy on recreation that includes both summer and winter motorized and mechanized uses. Don't take that away from us!

Senator CRAIG. Amanda, thank you very much for your testimony. Now let me turn to Ms. Carole King, again, another citizen of Custer County, State of Idaho, Stanley. Carole, welcome once again before the committee.

STATEMENT OF CAROLE KING, CUSTER COUNTY, ID

Ms. KING. Thank you very much. Technically, I do not live within Stanley. I live in Custer County, between Stanley and Clayton.

Senator CRAIG. That is correct.

Ms. KING. Chairman, thank you very much for inviting me to testify. I appreciate it.

There is a national trend of privatizing public land in State-based bills that some call wilderness bills because they designate some wilderness. We ought to call them privatization bills. H.R. 3603 is one such bill.

Some people call it CIEDRA. I call it a bill of broken promises. For example, Americans invested $65 million dollars in a promise by Congress 34 years ago, to preserve the Sawtooth National Recreation Area and I thank you, Mr. Chairman, for your long time support of keeping that promise. CIEDRA breaks that promise by

giving away part of that investment for private development. The deed restrictions in Title I are just paper. There is a picture of a McMansion that violates current regulations but if the Forest service can't afford to enforce them now, how are they going to be able to enforce deed restrictions in the future?

These elk are on their winter range near Stanley. There are many more elk than you see. They are majestic and beautiful and they cover the hillsides. Development on Valley Creek, one of the conveyances, to be privatized, will displace this herd. A reduced elk population reduces income from hunters. Proponents say that the conveyances will bring new tax revenue to Custer County. Eighty-three studies agree that for every dollar of revenue, counties pay up to $1.43 for community services. That is a loss of $.43 on the dollar. I actually gave these studies to my commissioners and discussed other options with them but they only see the shiny new car. They don't want to look under the hood.

Another broken promise—counties get less than half their payment in lieu of taxes. How are we going to fund CIEDRA if we can't fund PILT? Had an economist been at the table, Mr. Simpson would have known that Section 302, which he removed today or has asked to be removed, had no place in his bill, which still costs taxpayers more than $31 million, assuming that there is appropriation of the authorizations, plus a few million more that is an appropriation, to cover the cost of conveying the land. So we're not only giving away public land, we're paying millions to do it.

Mr. Simpson called CIEDRA a collaborative effort over 6 years. It was no such thing. True collaboration brings people with different views together at the same table. Going to carefully selected members of each interest, separately and promising each what was needed to obtain their support, is the illusion of collaboration. It is not collaboration. Among those excluded were the Forest Service, who would have expressed objections to many of the things they spoke about today.

The table lacked two important legs, as I said before. One was the economist and the other was a scientist. Local support, as you heard from Amanda, is eroding. Last week, the city of Stanley withdrew their support from the entire bill, except for the conveyances. Butch Otter wasn't at the table, either. He says he would have voted against the bill but we'll never know because it was rammed through the House so quickly that it contains inaccuracies, omissions, legal descriptions and maps that were a moving target right up to the morning of passage. Just before markup, the grazing buy-outs that were key to the support of many groups and some ranchers who wanted the buy-outs. I think the ranching community is divided about that, but that is another broken promise.

At the House hearing, Mr. Simpson said, "we are kind of on a razor's edge right here. Any significant changes and the plan falls into that abyss called Former Wilderness Proposals." Removal of the grazing buy-outs is a pretty significant change. I believe Mr. Simpson should keep his promise and withdraw his bill.

Idahoans opposing CIEDRA are an unusual gathering of bedfellows—I think you would agree with that—who haven't agreed on much over the years but what we do agree on is that CIEDRA is

a bad bill. This is a commonality that we could build on but CIEDRA will foreclose that option if it passes.

Wilderness is a proven economic engine. The so-called wilderness in CIEDRA is not that economic engine. Now, I'm a wilderness advocate, I'm also a motorized user. Earlier this year, I met with Lance Giles at Former Governor Kempthorne's and asked that they put Bayhorse back on the list of State parks, which they did, although I don't think it was me—I think a lot of other people asked but I added my voice to that because I believe that Bayhorse State Park could be an important and desirable world-class recreation destination in Custer County. I believe CIEDRA deserves to die in committee, but given its legislative history, it could show up as a rider or an amendment or lumped in with other bills. That would be a shameful way to force this bad bill on the American people. Please—say no to CIEDRA. Idahoans and Americans deserve better.

[The prepared statement of Ms. King follows:]

PREPARED STATEMENT OF CAROLE KING, CUSTER COUNTY, ID

As a 25-year resident of Custer County, I want to thank Chairman Craig and Senator Crapo for their longtime support of the Sawtooth National Recreation Area. Ironically, the harm that H.R. 3603 would do to the Sawtooth NRA is just one of many reasons why the Central Idaho Economic Development and Recreation Act is a Bill of Broken Promises.

Since the Sawtooth NRA was established in 1972, Americans have invested $65 million "to preserve the natural, scenic, historic, pastoral, wildlife and recreational values of the region." [1]

CIEDRA breaks a promise made to the American people by Congress 34 years ago by asking Americans to give away—outright, for free!—part of that $65 million investment to support private development.

Section 103 hopes to mitigate damage to scenic values on the privatized land by including a list of deed restrictions for new homeowners that reads more like a list of CC&Rs for a homeowners' association than a section of public land legislation.[2]

The fact is, those with inholdings within the Sawtooth NRA are already required to comply with existing restrictions.

Exhibit 1 is a photo of a mansion-sized home built in the Sawtooth NRA over the past two years.[3] The photo shows that this home is clearly in violation of size and landscaping restrictions, yet no one did a thing to stop it from being built. The Forest Service doesn't have enough staff or funding for enforcement. If we can't enforce such violations now, who will take CIEDRA's new deed restrictions seriously? Who will enforce them?

The Interior budget has been cut by over a billion dollars in the past two years. Today, some of my neighbors who work for the Forest Service are worried that there won't be funding for their jobs next year. Where do proponents think the money for enforcement of CIEDRA's deed restrictions is going to come from?

Exhibit 2 is a photo of part of a large herd of elk in their winter habitat in Stanley. The Valley Creek conveyances and subsequent development of homes on that land would interfere with the existing use and breeding habits of many more elk than can be seen in the photo. Wildlife biologists who have studied this herd believe that reduction of winter range and breeding habitat will result in reduction of the elk population, which would likely be followed by a reduction of the millions of dollars hunters spend in Custer County every year.

Proponents denigrate the quality of some of the land conveyances by calling them desert land, or an old sewage dump, or wetlands that no one could possibly want to build on, implying that the land has little public value. If that's true, why change the status of any of that land?

The giveaway of public land is purportedly to increase Custer County's tax base, but that's just another promise waiting to be broken.

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[1] Public Law 92-400.

[2] Covenants, conditions and restrictions controlling the use, requirements and restrictions of a property, usually enforced by a homeowners' association.

[3] Photos may be viewed online at www.caroleking.com.

Exhibit 3 Studies by the Sonoran Institute, the University of Wyoming and the American Farmland Trust show that the cost of providing services to new homes in rural communities is greater than the revenue from new taxes.[4] This is especially true in the West.

". . . 83 [eighty-three] studies of the cost of community services . . . found that residential use cost the counties an average of $1.15 in community services for every $1.00 in revenue created by that use."[5] The $1.15 cost for every dollar of revenue is just an average. The range is from $1.05 to $1.43.

Someone's going to get rich selling those homes, and it's not going to be Custer County. The residents of Custer County are going to get stuck providing the essential community services.

Since 2000, counties throughout the West have been appropriated less than half of their authorized Payments in Lieu of Taxes or PILT. There's another broken promise.

If we can't fully fund PILT, how can we fund CIEDRA?

A Congressional Budget Office report shows that H.R. 3603 authorizes more than $31 million over the next two years.[6] With the agency budget cuts, where's the money going to come from to keep this new promise of millions of dollars to my county? From the sale of public land? Not in America. Americans—including Idahoans—have come out overwhelmingly against privatizing public land.

Recently, the entire Idaho Congressional delegation appropriately said that public land should remain in public hands—including Mike Simpson!

Why is backdoor privatization okay in his bill? Congressman Simpson says it's apples and oranges.

I don't see a difference. It's all apples, and they're all rotten.

We keep hearing that CIEDRA was a carefully balanced collaborative effort that took 6 years. A true collaboration invites dissenters to the table and brings differing interests together. To the best of my knowledge, those conditions were not met. For example:

Had the Forest Service been consulted, they would likely have communicated their objections to the provisions in Title II allowing uses in CIEDRA's wilderness that are inconsistent with the 1964 Wilderness Act.

Exhibit 4 is the relevant portion of the Forest Service's testimony before the House subcommittee hearing on October 27, 2005.[7]

The supposedly collaborative table lacked two important legs from the beginning: no scientist; no economist.

Last week, the City of Stanley withdrew its support from the entire bill, except for the land conveyances.

A key player, Congressman Butch Otter, wasn't at the table. Mr. Otter opposes CIEDRA. He says that he would have voted against it, but we'll never know, because he didn't get the chance to cast a vote. H.R. 3603 was rushed through the House under suspension of the rules with zero business days' notice. its passage linked to the popular Northern California Coastal Wild Heritage Act (H.R. 1501 and S. 738).

Though a House member rose to speak on the floor against the inappropriate placement of this highly controversial bill on the suspension calendar, H.R. 3603 was allowed to pass through the House on a voice vote with audible nays.

This is not the "unanimous consent" reported on Congressman Simpson's website in a press release dated July 24, 2006.[8]

Exhibit 5 Three years ago, Idaho Conservation League's executive director Rick Johnson wrote a 10-page letter to Representative Simpson[9] dated July 22, 2003 expressing the Board of Directors' strong opposition, from a conservation perspective, to provisions that today are part of Mr. Simpson's bill.

ICL's 180° turnaround and the tenacity of Mr. Johnson and other proponents in support of various incarnations of CIEDRA since 2003 are remarkable when you consider how little resemblance the bill under discussion today bears to ICL's 2003 recommendations.

What changed? What outside influence caused ICL's determination to uphold long-held sound science and economic-based conservation policy to melt away.like spring snow?

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[4] See list of URLs following testimony.

[5] From a December 2002 University of Wyoming study entitled The Cost of Community Services for Rural Residential Development in Wyoming.

[6] http://www.cbo.gov/showdoc.cfm?index=7473&sequence=0

[7] http://resourcescommittee.house.gov/archives/109/testimony/2005/joelholtrop 102705.htm

[8] http://www.house.gov/list/press/id02_simpson/ciedra_passes.html

[9] See text of July 22, 2003 letter from ICL to Simpson following testimony.

One important thing did change in June, 2006. In order to get the bill on the House markup schedule, Mr. Simpson removed the voluntary grazing buyouts. Given ICL's position in 2003, removal of the grazing buyouts was a change in the wrong direction.

Their letter says: "We support the purchase of grazing allotments in the East Fork of the Salmon River area and development of conservation easements. We do not support land trades or transfers to accomplish this goal, and we are confident they are not necessary." [10]

Today ICL continues to promote passage of H.R. 3603 even though, prior to markup, grazing buyouts were a cornerstone of the group's support. The buyouts were also important to other groups and individuals, including the many Idaho cattlemen and women for whom removal of the buyouts were just one more broken promise.

Congressman Simpson said at the House Subcommittee hearing on October 27, 2005: "We are kind of on a razor's edge right here. Any significant changes, and the plan falls off into that abyss called former wilderness proposals."

No one can dispute that removal of the grazing buyouts is a significant change. When can we look for Mr. Simpson to withdraw his bill?

Nothing grows well in a field of broken promises.

CIEDRA fails to reserve federal water rights, opening the way for the State of Idaho to allocate federal water to private users. If CIEDRA passes, the salmon and steelhead and the $28 million they generated for Custer County last spring from anglers could dry up. This doesn't make biological sense, and it doesn't make economic sense.

Exhibit 6 is a non-partisan Congressional Budget Office report on H.R. 3603 showing a cost to taxpayers of over $187 million: more than $31 million in authorizations and more than $155 million in lost revenue from Section 302 alone. This doesn't include the sprinkling of an extra half million dollars here and there, or the $4 million appropriation "to cover costs to complete the proposed land conveyances, establish and manage the proposed wilderness and management areas, and purchase certain patented mining claims." [11]

So we're not only giving this land away; we're paying millions of dollars to do it. With a soaring national debt, where is this money supposed to come from?

Section 302 not only attempts to rewrite the tax code to benefit owners of unpatented (i.e., unproven) mining claims; it characterizes the United States as a charity. I had no idea that the United States of America was a charity. This section clearly warrants review by the Finance Committee.

Congressman Simpson says CIEDRA resolves conflicts. The high level of controversy and significant opposition to this bill belies that claim. The truth is, CIEDRA creates conflicts. For example:

Title III creates a new bureaucracy, the Boulder-White Clouds Management Area, which overlays much of the Sawtooth National Recreation Area. Even a lay person can see that Section 301's language about the new designation being "supplemental to, but not in derogation of' the Sawtooth NRA is an open invitation for lawsuits.

Expert legal opinions support my concern. Erica Rosenberg, the Director of Program on Public Policy for Arizona State University College of Law, writes:

"The issue at hand is whether the language of Title III of CIEDRA establishing the Boulder-White Clouds Management Area (BWCMA) changes the management of those lands with the Sawtooth National Recreation Area (SNRA). The answer is yes." [12]

Title III also takes management authority away from Forest Service and BLM land managers and gives it to the new bureaucracy. Exhibit 7 is an Op-Ed by 10 retired managers of the Sawtooth NRA with an aggregate of over 83 years of "on the ground" experience managing the land in question. Their coalition is one of 47 national and local conservation groups (15 based in Idaho) and numerous individuals (from whom I'm told Senators Craig and Crapo are hearing in force) in opposing CIEDRA.

Idahoans and other Americans oppose CIEDRA for a variety of reasons, which has resulted in an unusual alignment of bedfellows who haven't agreed on much for years. What opponents do agree on is that CIEDRA is bad for the land, bad for wildlife, and bad for people. This commonality could be something to build on, but not if CIEDRA passes.

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[10] Excerpt from the aforementioned letter.

[11] http://www.cbo.gov/showdoc.cfm?index=7473&sequence=0.

[12] November 8, 2005 letter to Western Lands Project from Erica Rosenberg. This letter may be viewed at www.westernlands.org or www.caroleking.com.

Local support is rapidly being outpaced by local opposition that continues to grow. The most recent highly visible example of this is the City of Stanley's withdrawal of their support (except for the land conveyances.)

I've heard Congressman Simpson say on several occasions that if no one's happy with his bill, he must be doing something right. This is a sad commentary on the process, and surely not a measure of good law. After a collegial chuckle, we still have a bill with which no one is happy.

Granting that CIEDRA was conceived with the best of intentions, Congressman Simpson's effort to resolve so many issues in a one-size-fits-all bill has turned out to be overly ambitious and misguided. Bottom line: the bill creates more problems than it solves.

Proponents try to downplay my residential and conservation credentials, but I have great affection for the many friends and neighbors in Custer County whom I've come to know and respect during the 25 years I've lived there. My neighbors understand that I'm an advocate for wilderness not only because of its intrinsic value, but because of its potential value as an economic engine for communities like ours.

Research increasingly shows that economic growth in such communities is roughly proportionate to the amount of protected wilderness nearby. Marketed widely as the largest intact protected wilderness in the lower 48, a greater Boulder-White Clouds Wilderness would be an irresistible draw for visitors from around the world, while businesses such as schools, field study centers and an observatory (which is already under way) would achieve economic success precisely because of their proximity to this unique, large, intact protected wilderness. The Teton Science Schools in Kelly, Wyoming have helped Teton County achieve economic success with only 3% private land.

If CIEDRA's wilderness were good, clean Wilderness Act-quality wilderness and not tied to overlays, giveaways and fiscal irresponsibility, with science, planning and economics thoughtfully considered, there would be enormous public support, including mine. Instead, CIEDRA gives us substandard wilderness, rendering the 1964 Wilderness Act meaningless and setting a precedent that legal experts consider a poor model for future wilderness bills.

I'm also a motorized vehicle user and an advocate for Bayhorse State Park in Custer County. Earlier this year I met with Lance Giles on Governor Kempthorne's public lands staff to ask that Bayhorse be put back on the Governor's list of state parks. I believe that Custer County and motorized users would benefit greatly from having a facility at Bayhorse with enough trails, campgrounds and other amenities to make it a world class motorized recreation destination.

CIEDRA takes a finite piece of pie and tries to divide it among too many people. I submit that the pie is bigger than the frame to which this bill is limited. If passed, CIEDRA will foreclose other options.

Why the haste in the House? Why the avoidance of scrutiny and a recorded vote? H.R. 3603 was jockeyed through markup and rushed through the House so quickly that the bill before you contains inaccuracies, omissions, and legal descriptions and maps that remained a moving target right up to the morning of passage.

Judging from CIEDRA's legislative history thus far, if no action is taken by this committee, I wouldn't be surprised to see H.R. 3603 turn up as a rider or an amendment to an omnibus bill later this session. That would be a shameful way to force a bill on the American people that does so much harm and ignores all the opposition I've documented.

Please join opponents in saying NO to CIEDRA. Idahoans and Americans deserve better.

Senator CRAIG. Ms. King, thank you very much for that testimony. Now let me turn to the panel for questions that Senator Crapo may have. Brett, I heard you mention in your testimony that the recreation groups came up with a compromise for CIEDRA. Can you tell me a little more about this proposal and is this something you feel comfortable working with the committee on?

Mr. MADRON. Yes, Mr. Chairman. The proposal had a revised wilderness area boundary. It is still a significant amount but less acreage, less impact to the current recreation. It did include wilderness, motorized communities willing to buy on to a certain amount of wilderness that doesn't, we feel, impact recreation. Like I said, we would like the trigger language to make sure that all the promises are held prior to the wilderness boundaries going up. Specifi-

cally in my case, as a two-wheeled motorized user, the amount of traffic due to potentially increased on Germania Creek Trail with the closure of Grand Prize without the money to maintain that, could be the kiss of death to that trail.

Senator CRAIG. From your testimony, I see that you were excluded by your own expression, from the Owyhee Working Group after the compromise was reached, simply because you wouldn't agree to support the initiative. Do you believe that is a right way to get to a consensus or was there a way, from your point of view, where a consensus could have been arrived at?

Mr. MADRON. I think consensus could have been arrived at and I think it could be in the future. From the start, our representative had requested a balance of power on the Owyhee Initiative Working Group and those requests were denied. The votes were typically 9 to 1, with 1 being the person representing recreation. In the future, if there was a balance of power, we would certainly be interested in revisiting the subject and taking a harder look at things.

Senator CRAIG. Thank you. Mike, I'm pleased to have you before the committee today. I think that to most Idahoans—my bias toward ranching has always been pretty obvious. I grew up in a ranching environment and a ranching family, generationally, like you did. Thirty years ago, I started to argue that if you took the rancher from Idaho, you would change the very character of the State—its openness and its wildlife habitats. Tragically enough, that I argued for 30 years ago was not listened to and today we see ranch after ranch closing, those base properties being sold to the McMansions that Ms. King talked about, because there is no other way to sustain that livelihood in many instances. I think we're all beginning to recognize that ranchers and their presence on the land really did mean an open landscape. It really did mean a properly-handled, viable watershed and clearly a vibrant wildlife habitat. That's an Idaho that will only be a piece of history, I'm fearful. So I can understand your frustration and the expressions you've made. I noted in your testimony that you do not think that H.R. 3603 includes sufficient language to protect future grazing in the SNRA and the Boulder White Clouds management area. If such language were included in the bill, would the Idaho Cattlemen support H.R. 3603?

Mr. WEBSTER. Senator Craig, you know, I'm speaking for an association now. I can answer that question as Mike Webster and what we've talked about. I think that we would revisit it, if we could come up with some language that would make sure that we add grazing there. As you probably well know, there are other problems. Those ranchers, the East Forkers up there, have been slowly driven from the land because of ESA and NEEPA. So the wilderness issue and keeping the cattle on the ground is a little deeper than just CIEDRA. It's ESA and NEEPA—it's got them on the brink of extinction now and that's why it is so critical that if CIEDRA doesn't go forward, that we make sure that these people are not bought out. What we want is to make sure that they are viable—they have a viable operation. Whatever that takes—I have several ideas that could be used to keep these ranchers viable and I can say the word viable about ten times through my testimony. That's what we want. We don't want a lot of ranchers bought out

or forced out. What we want to do is keep ranchers viable. Like you said, it is open spaces and in reality, if everybody would stop and take a good, hard look at it, they may not like their neighbor that's a rancher. I don't know one way or the other but they ought to be danged thankful that the rancher is there or those condos will go up and there will not be open spaces and there will not be recreation and there will not be hunting. They need us whether they believe it or not.

Senator CRAIG. Well, I think history is going to bear us out for that to be a very profound statement and I appreciate you being open and honest about where the cattlemen stand as it relates to the Owyhee Initiative. It is my understanding in visiting with Senator Crapo that a position had not been taken on that. While it is my understanding that the Owyhee County cattlemen have active participants in the Initiative effort. What do you think they expect to get from it? Better decisions? And I look at the bill. Better decisions out of the BLM? Fewer lawsuits? Cash payments and exchanges?

Mr. WEBSTER. You know, yes I do. I think there will be better decisions made by the BLM. The simple reason is I think if it goes forward the way they have proposed it, with land exchanges and such matters, that the lawsuits will go down because the differing sides will get kind of what they want—not all, but they will get a portion of what they want and the rancher will stay viable, the way it is written right now. So I think the lawsuits will go down. I think the agencies will be able to make better decisions because they won't be spending all their time wondering about which sentence they're going to be sued over, as they write up an ESA or whatever, or an EIS. You know, they can go out and actually get on the land and do a better job of fostering good management on BLM acreage. You know, cash payments and exchanges—that's a two-pronged deal. What these people are looking for, one in particular that I've talked to several times, he is losing some AUMs and he knows it. But what he wants, is he wants to take some cash and improve the other lands he has by water developments, by interior fencing, and he feels like if he could give up some AUMs, if he could get land exchanges and some cash so he could improve what he would have, so he would end up virtually within several years—it wouldn't happen overnight, but within a few years, he would be back to the same AUMs as he has now and the people at the wilderness, they can go ahead and have their wilderness. But they need the whole package to come to fruition because if only part of it does, then he doesn't have the money. If he gets the acquisitions, the land exchanges but he doesn't have the money to go along with it, then he has lost that and he doesn't have the money to develop—put the water developments in on his other acreages to get his AUMs back up to where they are at now.

Senator CRAIG. Surely. Thank you. Amanda and Carole, I'll come back to you on the second round. Let me turn to my colleague, Mike Crapo, for his questioning.

Senator CRAPO. Thank you very much, Larry. Let me go to you first, Mike, since we'll just continue with that line of questioning. First of all, you've already, both you and Senator Craig have already talked about this but I want to make it very clear on the

record. Do I understand correctly that the Owyhee Cattlemen Association has taken a vote on this matter and does strongly support the Owyhee Initiative?

Mr. WEBSTER. Yes, that's the way I understand it also, Senator.

Senator CRAPO. And just to pursue that a little bit with you, what is the process that will now be followed with the Idaho Cattle Association in terms of making a final decision on this legislation?

Mr. WEBSTER. At our November meeting, full membership meeting, and this is a decision I made. I'll give you just a short background. When CIEDRA came before us, in all due respect to Representative Simpson, we didn't handle it very well. We went to the Executive Committee and asked for their opinion and we went to the Board of Directors and asked their opinion and the waters got awfully muddy. So I told them with the Owyhee Initiative, we were not going to take an executive position as Executive Committee, nor was the Board going to take a position. This was a big enough issue and we should have handled CIEDRA the same way that the full membership gets educated in what is in these bills and then the full membership vote on them. So that's why we have not come up with a solid, dig our heels in, yes or no, up or down, vote type of a deal. We're going to wait until our full membership vote in November.

Senator CRAPO. Thank you. Then, I know that this is certainly not a binding thing by any way or nature but is there—does the general membership generally give quite a bit of deference or consideration to the position of the local county association?

Mr. WEBSTER. Yes, we do. We do but we also have to understand that—and you gentlemen can appreciate this, I'm sure members of the panel here, that it would be nice if you only had to look out for the State of Idaho. And it would be nice if you only had to look out for Owyhee County or the 7 East Forkers in CIEDRA but this is a bigger issue than that. This affects the State of Idaho and I think these wilderness bills affect—has nationwide effects. As you've probably already heard, there are wilderness bills—I think three or four of them, before this panel for this committee today. So we have to look at it as—what does it do? Does it set any precedence that we don't want set? We don't like buy-outs. No question about it. Now, when it is a consensus deal and it is good and it keeps these people viable—there again, I used that word—then buy-outs aren't all that bad, if it keeps them viable.

Senator CRAPO. That's a point I did want to pursue with you because I understand the objection that the Cattle Association nationally and in Idaho and frankly, in Owyhee County, has against buyouts in their traditional sense, in the context of removing ranchers from ranching. That issue was very, as you know, it was very much in the forefront in the collaborative process over the Owyhee and in fact, the cash payments and the exchanges in the Owyhee legislation, in each case, achieved the objective that you discussed earlier with the one individual you had talked about, which is namely to provide an avenue for that particular rancher and ranching family to continue their operations rather than to be moved off of ranching and have to develop or otherwise and so I understand that you've just said this but I want to make it even more clearly a part of the record that when buyouts or cash payments and ex-

changes are utilized in the right way, to enable ranching operations to remain viable in the context of legislation that otherwise establishes wilderness and other designations. It doesn't become so bad in that circumstance. It can be supportive. Is that correct?

Mr. WEBSTER. I think that is correct and if I can add one thing on CIEDRA and I would like to put this on the record, that if, in working with Congressman Simpson, if we could come to that sort of mentality, that cash payments, other land acquisitions, land exchanges—I know the Idaho Cattle Association, we'd re-visit CIEDRA in a heartbeat and be glad to do it because there are people up there that are living and breathing human beings that have generation upon generation of cattle ranches up there and we'd dang sure like to see them still there in future generations.

Senator CRAPO. Well and I appreciate you saying that because as I think you probably know, one of the first groups that came to me, asking for this opportunity to work out these solutions, the Owyhee Cattlemen were among that group. And the reason they were, as I understand it, is the same reason that some of the cattlemen in Custer County and others, are facing concerns, and that is, under the status quo, under the law that they are now living with, there are real threats to their ranching operations and for the potential for the adequate viability of their ranching operations. So, would you agree with me that it's not as though we have a situation where there is no issue and the legislation raises an issue but instead, we have a situation where under current law, ranching operations have a threat to their viability and that there is an opportunity here, if done properly, to find a win-win solution where we can provide for the continued assurance that ranching operations will proceed and continue in the future, while at the same time, trying to help others who have objectives in other context of land management, achieve those objectives as well.

Mr. WEBSTER. Yes and I would agree with that. That's—to me, that's what brought everybody to the table to start with. They could see going down the road, that we are going down, like you said, with the current laws that are on the books, unjust as they may be and judges making decisions that are completely out of context of what was brought forth through Congress and signed into law. They are forced to come to the table with something. They are threatened and that's what brought them to the table, there is no question about it. Now we need to figure out and be creative in keeping the ranchers on the land.

Senator CRAPO. Well, I appreciate that. That was definitely one of the objectives of those who were trying to achieve this collaboration, was to assure that we did not retire or remove grazing or ranching but instead, found a solution, as you suggested was the right objective, to keep these operations viable. You know, we'll let the legislation stand for itself as to whether it achieves that. I think it does. And I think that the reason we have such strong support in the Owyhee Cattlemen is that they think it does. So anyway, thank you very much and I look forward to working with you and the Idaho Cattlemen as we go forward on this and CIEDRA and on the other issues of managing with regard to cattle ranching in Idaho. Thank you very much.

Mr. WEBSTER. Well, thank you, Senator and I would like to say one other thing and I think we need to be very, very cognizant of the funding of both of these bills. It can't be discretionary spending, it has to be mandatory spending and it's got to be—I bring up Steens Mountain as one. In the past, everybody was saying halleluiah. I think that was done in the year 2000, with the $25 million paychecks supposed to be written. The bill passed and that check was never written. So we need to be very cognizant as these bills go forward, that this is mandatory spending not discretionary spending.

Senator CRAPO. I am very aware of that issue and I would just say, again, the collaborative group was very aware of that issue as well. Although I'm not sure that the mandatory spending solution is one that politically can be achieved. I don't know how that will play out. I can assure you that I, personally, am committed to making certain that both the designations in the law that we have before us as well as the funding for the compensation package, is accomplished. I believe that—in fact, I think we probably will be able to do this. I believe that if you had each member of the collaborative group, from whatever perspective they were at, at the witness table today, that they would each say that they are personally committed to their promise to make sure that this happens. So, one way or the other, I look forward to working with you on achieving the objective that you just identified there. I do have some further questions, if you'd like me to do them right now, for Brett. Or should I let you have——

Senator CRAIG. Why don't you proceed for a couple more minutes and then we'll attempt to wrap up this panel with a few more questions I have.

Senator CRAPO. All right. I'll be very brief. Brett, I know you indicated—I'll just go to one issue with you, Brett and that is the question that you've raised about whether there was adequate balance or if there was adequate representation of the motorized community in terms of off-road use in the collaboration. I realize that there was one representative who did represent many different off-road groups. I understand the point that you make there, however I don't want to leave the perception that the multiple groups that were represented were simply left out of the process or were not consulted or involved. I just wanted to clarify with you, isn't it correct that your organization and a number of other off-road vehicle organizations were consulted, that you have visited with the members of the collaborative team, that they've taken into consideration the requests that you have made, whether they agreed or disagreed with the request. It's not as though you were not heard but that you were, in fact, involved in terms of having the opportunity to give your input to the team that was working on this.

Mr. MADRON. Yes, we were members of the People for the Owyhees, on the one seat that was represented in the Working Group.

Senator CRAPO. All right, thank you. And I just want to make one last point, Senator Craig and just clarify this, to give a little bit of a perspective. It's my understanding that—and I think this is on BLM land, which is the vast majority of the land—that there were approximately 10,000 total miles of roads and trails that were

under consideration and that of those, only 200 were closed, keeping 9,800 of those roads and trails open, is that correct?

Mr. MADRON. My understanding is that—that will be left up to the travel management process, that currently there are no designated trail systems on most BLM lands.

Senator CRAPO. OK, well, we'll have to go back and see. That wasn't my understanding but I'll have to go back and double-check that. I'll just state for the record that my understanding was that there were—and again, these are not precise numbers, but approximately 10,000 miles of roads and trails, 200 of those were closed and of those 200 that were closed, about 60 of those were illegal trails that would have been closed anyway and that there were actually only 30 miles of actual roads closed versus trails. Again, until you are out on the land, you don't know exactly what that means. But my point in giving those statistics is simply to show that there was a very, very strong representation of off-road vehicle uses and I know, because of the involvement that I had with the issues that were being brought forward and I knew they were being brought forward by you and many others in the off-road vehicle group, that those issues were very heavily and seriously considered and frankly, I thought that most of them were resolved in favor of the off-road vehicle community, with the exception of just that small number. So anyway, that was my perspective and I just wanted to get that on the record. Thank you, Senator Craig.

Senator CRAIG. Mike, thank you very much. Amanda, let me come back to you, if I can. Obviously the vote by the City Council of Stanley and a change of position as it relates to CIEDRA is noteworthy. I understand the difficulties Stanley is having. When you chair a public land subcommittee that is dominantly a western interest committee, one of the things that we deal with constantly are communities that are locked within public lands and their ability to grow or to provide the normal and natural amenities that communities do for their citizens. Good sewage. Solid waste disposal. All of those kinds of things that when you are landlocked and many of our communities in the west are landlocked, they simply cannot grow beyond a certain limit or if they do, their growth becomes very costly because some of these kinds of things have to be done in substantially different ways. I appreciate that problem and I was in Stanley recently, sat down with your Mayor, visited with her and tried to understand some of these difficulties. Do you think the restrictions on development of those lands will help a long-term economic growth for Stanley, if the bill is signed into law? The current restrictions would be placed on the exchanges themselves.

Ms. MATTHEWS. Which parcels were you talking about?

Senator CRAIG. The Stanley parcels which are embodied within CIEDRA, if all of them were included in law under the restrictions that are written within the law, do they serve for the economic well-being of Stanley or do they not?

Ms. MATTHEWS. I think that the parcel, the 80 acres off of Benner Street that is subject for housing or something having to do with the city, I think there is actual no stipulation that that is for low-income or affordable housing so anybody who got that piece of land could go in, build condos within the ramifications of what's

in the bill and it would do nothing for the citizens of Stanley and the other parcels are pretty much the same way. The parcel up on top of the hill that the county gets and then will give to the city, those kinds of houses and those wealthy people that buy into them, they don't help with the economic development of Stanley. They spend their 2 weeks there and they go back home.

Senator CRAIG. OK. Well, thank you. Carole, again, welcome to the committee. We are pleased that you are here and testifying and you have, obviously, over the years, been a very outspoken advocate on certain issues and some of those relate to public lands and public land resources. I think all of us, whether it would be you or me, are often times frustrated by what we can or cannot achieve in striking balance. I think if we look at the 1964 Wilderness Act in its purest form, there are still, without question, parcels of land throughout the public domain of this country that would qualify for that designation and I don't think that is in dispute. What is in dispute today is how you get there and satisfy all of the other interests. As I've said, I've worked on wilderness issues over a good number of years, not to be able to find that balance because parties were not willing to give. At this juncture, obviously, we have two proposals before us where there has been some give, that steps outside another 1964 Wilderness Act, to some extent and whether the Congress itself can reconcile that, I'm not yet sure—whether I can, in working with this committee and my colleagues reconcile that, I am not sure. But I do understand the need to make some accommodations for small communities and their growth within certain restrictions and confines. You showed a picture of a—by your term—McMansion. That was built within the Sawtooth National Recreation Area under the current restrictions placed by the rules and regulations of the SNRA and the Forest Service?

Ms. KING. That is correct. It's on an inholding within the Sawtooth National Recreation Area.

Senator CRAIG. So even though there are standards and restrictions today, they in effect, can be violated and you believe that home was well beyond the current standards and /or regulations?

Ms. KING. It definitely does, yes.

Senator CRAIG. Did the Forest Service file suit?

Ms. KING. The Forest Service does not have the money to do what it should do. It needs to police them, it needs to have money to file the suit. There is a whole other problem because of the lack of funding that extends to other areas as well. So no, they did not.

Senator CRAIG. One of my frustrations with CIEDRA and I've been open about that, is that I find within some very restrictive zoning provisions, so written by the Sawtooth society, that heretofore have never existed in Federal law, ever. The SNRA, as it is and as you know, by the restrictions that are within it, were never written in the law. They were by regulations to attempt to achieve a standard and a quality of existence, environment, vista for the Sawtooth National Recreation Area. So I and others have trouble with this and yet we're told, well, this is a deal breaker. It isn't just me, it's my colleagues who are saying, we've never seen this done before and why should it be done? And I have that question and if is done, can it be enforced?

Ms. KING. Well, I—I'm sorry.

Senator CRAIG. Go ahead.

Ms. KING. I think—I mean, it appears clear that given the circumstances that they can't enforce it today, they probably can't enforce in the future. How are they going to do it but I would like to answer a broader question, sort of implied, by what you asked, which is one of the biggest problems that I see with CIEDRA and other bills. I spoke about a whole trend nationally, is that a finite piece of pie is being discussed and how do you divide the pie among all the interests and everybody is competing for funding and for different interests? I submit that these discussions don't—don't need to begin about a finite piece of pie. Just for an example, in Idaho, I believe there are 28 million acres of public land that are open for many, many different uses, including off-road vehicle use. And it's always been, oh this is mine, this is mine and there isn't give except in terms of acreage or money but the whole concept of being able to discuss, for example, with other interests and I'll say the recreation community. How can we, who as you know, I'm a wilderness advocate. That's been my history with public lands. But I also would like to open discussions with the recreation community—how can we help you achieve your goals better in places where we can agree use is appropriate and how can you help us achieve our goals in places where we might agree that wilderness is appropriate? I don't have—this is just a vision and just a concept. But I think my main problem with CIEDRA on the whole vision, is that it forecloses any options of that kind of discussion and they did do something like that. Sarah Michael, one of the commissioners in Blaine County, was involved and takes great pride in her involvement in resolution between motorized and snow machine users and skiers, because that approach was taken, an approach of, yes, we're talking about a finite piece of land but what else can we do and I would like to take that to the next level and have a different kind of discussion and I think CIEDRA forecloses that and for that reason alone, it should be stopped.

Senator CRAIG. Ms. King, you are an inholder in the Sawtooth National Recreation Area, is that not correct?

Ms. KING. Yes, I am.

Senator CRAIG. And I noticed by an AP story, that inholding you have, you have up for sale at the moment.

Ms. KING. I do. I'm 64 years old and I've lived there for 25 years and I do want to—it's a lot of responsibility.

Senator CRAIG. I know the property you have and how you've treated it and you are to be recognized for that. At the same time, as you sell it, unless you yourself, have put specific restrictions in the sale of that, is it not true that by the sale of it, a mansion could be built on that property?

Ms. KING. At this time, that's true but I have been in discussions with land trust as well the Sawtooth National Recreation Area people and we have not come to any conclusion yet but I have had those discussions and they are ongoing.

Senator CRAIG. OK. Well, I understand those are the difficulties, especially when rule and regulation is not enforced and precedents are set within a certain area. At the same time, I think you're going to find a Congress most resistant to writing into public law the kinds of rules and regulations that are usually left to commu-

nities as it relates to zoning ordinances or if you will, by rule and regulation that would follow.

I have no further questions of this panel. Mike, do you? This is the last panel pertaining to CIEDRA or the Owyhee Initiative. We will now turn to our fifth panel and my colleague from Oregon is here and in looking at the make up of that panel, it is somewhat specific to Mount Hood. So let me do this if I can, because I want to make a final statement as it relates to where we will take these two critical pieces of Idaho legislation. As promised, I have stayed consistent with my commitment to my colleagues, Senator Crapo and Congressman Simpson and per our agreement, I've given these bills what I hope you will believe to be a fair and open hearing and the input process will continue with all of you and with my staff and the committee's staff and I'm sure with Senator Crapo's staff and himself, along with Congressman Simpson. The result being that the public, I hope, has had a chance to vent such important land use policies and it was done as timely as we could possibly make it here in the Senate, from the time of introduction or the movement of the legislation from the House. So we will continue that process through the month of October. First, I can tell these bills have been very carefully crafted and have achieved a very delicate balance amongst the negotiating parties who range from the obvious of public land users to conservationists and a wide variety of communities of interests. My colleagues and those who have been part of these carefully crafted agreements and the collaborative process deserve considerable respect and they have mine.

Second, as with any compromise, there are always groups that will oppose either on philosophical grounds or because of a lack of inclusion. It is very important to me that all have had their voice and we've tried to do that today. We have heard a myriad of concerns and I will approach the sponsors to see if we cannot work out additional compromises that deal with some of these sensitive areas.

Third, taking note that these carefully negotiated agreements changed adversaries into allies and I would like to ensure those relationships remain because I think it is positive for our State that they do remain. We will continue to work to try to honor those compromises if we can move this legislation forward. Sure, I can agree that these agreements have strong local support but they also have strong local opposition. For Custer County, it is land and for Owyhee County, it's a science center and for the Cattlemen, it's land purchases and grazing buyouts and I have never been bashful about buyouts. I don't like them, I don't believe in them and I believe they will ultimately change the character of the western landscape and I would chose, based on my heritage, not to have it change that much. Having said that, I do recognize change.

Let me say this to all of you though, before you leave. I trust you understand the difference between an authorizing bill and an appropriating bill. You have before you today two authorizing bills that both will become fact upon signature by our President and will become promises of future things to be delivered. The great tragedy of those promises is that there are hundreds of bills that became public laws on the shelves of the American law libraries and bil-

lions of dollars promised that have never been delivered. Mike, you mentioned the Steens Mountains. That's a very good example that left parties in agreement with promises made that were not delivered. That is of tremendous frustration to me because I see the tool of promise and that promise coming from the largess of the public treasury and the pockets of our taxpayers as a most effective negotiating tool to bring adversaries into allies. There is no question—if CIEDRA becomes law and if the Owyhee Initiative becomes law, there will be wilderness. There will be clear designations within the law. There will be Wild and Scenic rivers. But the buyouts are yet to come. It will be the struggle of this Congress to produce from the Treasury, the necessary resources to honor that. I'd like to keep things in balance. If adversaries are to remain allies, then all must arrive at the finish line in a relatively equal way and I'm not sure this Congress can deliver that. The history of its ability is replete in that it failed in almost every instance, to get there. I am not questioning the commitments of my colleagues. I am not questioning the commitment of Mike Crapo. That is not the issue there. The issue is performance and reality and the ability to deliver that and that is something that I will take a very serious look at. Is there a way to keep our parties together and to establish a trigger so that when the finish line is crossed, all arrive there in equal fashion? That's going to be a challenge that I will address to my colleagues as we look at these pieces of legislation because I think it is important. I think it is very important. Because what I like here is what I've heard, in the sense that adversaries have become allies. It will make for a better Idaho if that can be accomplished. It will not make for a better Idaho if promises made cannot be promises delivered.

So thank you all very much for coming, for taking the time, for the tremendous commitment that has been represented by these two pieces of legislation that are before us. I view them as work in progress and both Congressman Simpson and Senator Crapo have my commitment to see if we can't bring some resolution and conclusion to these efforts that they've been such a big part of. Mike, thank you for being with us today.

Now, we'll ask panel four to stand down, if they will, please.

Mr. WEBSTER. Hell, we like it too well. Can't we stay?

Senator CRAPO. No, Mike, you got to go home and herd cows.

That's the first time we had a witness that wanted to stay. I think my questions were too easy.

Senator CRAIG. We would ask panel five to come before us, please.

Jay, don't we have a—oh, here it comes. We have Brian Maguire, member of the Board of Directors of Back Country Hunters and Anglers from Portland. Jay Ward, Conservation Director, Oregon Natural Resources Council Fund, Portland, Oregon and Jill Van Winkle, of Trail Specialist International Mountain Biking Association of Hood River. I have been before the committee and on this dais for a considerable length of time. I'm going to turn this over to my colleague, Gordon Smith, to chair and my Ranking Member to ride shotgun and I'm going to stand down. Is that acceptable? All right. Here's the gavel. You're in charge. Thank you all for coming before us today. We appreciate it.

Senator SMITH [presiding]. OK, Brian, we'll start with you and we'll work our way to Jill.

STATEMENT OF BRIAN MAGUIRE, MEMBER OF THE BOARD OF DIRECTORS, BACK COUNTRY HUNTERS AND ANGLERS, PORTLAND, OR

Mr. MAGUIRE. Good afternoon, Senators and thank you. I'm truly excited to be here today. From the bottom of my heart, I'd like to thank you, Senator Wyden and Senator Smith, for the proposal of S. 3854. I specifically want to thank you for protecting my most cherished place on earth, the Upper Big Bottom on the Clackamas River, a place that is truly one of the most amazing aged forests left in Oregon and worthy of any and all protections. I want to thank you both for showing very uncommon wisdom in recognizing that wilderness is more than rock and ice. These are places to be protected regardless of elevation and size, both Upper and Lower Big Bottom are places so amazing, they easily rival the great cathedrals of Europe. Clackamas Canyon, one of the most beautiful places in the country, would be a national park if it was located in the eastern United States yet it remains unprotected. I would also like to thank you, Senators, for protecting Sisi Butte, the Lower Right River and Salmon River Meadows. I've hunted each of these areas for decades.

My name is Brian Maguire. My organization, Back Country Hunters and Anglers, was formed by myself and six others to promote hunting and fishing while advocating for the conservation of public lands where people hunt and fish, land that our children and grandchildren will hunt and fish. Hunting is a core American heritage that promotes the family by providing the time for deep relationships to be built within the family. It is far more than killing game for food. It provides a father the time to pass along knowledge, teach ethics, biology, patience, observation, planning, preparations and the circle of life. Hunting is spiritual. It reveals like no other activity can, the power, wisdom and grace of God by letting God show you His amazing works of landscape and life. These are critical pieces that provide a strong bed of core American values and it needs to be passed on from generation to generation. My family has hunted Upper Big Bottom since the early 1960's. I killed my first deer and elk in Upper Big Bottom and caught my first trout here. Back in the 1960's when my father first started going to Upper Big Bottom, there was little concern that next time he would show up, that it would be destroyed. That changed during my lifetime. While I was learning to hunt these woods, we began to be alarmed that the next deer or elk season would come and our hunting grounds would have been reduced to slash and ash. Our fears were met and every year, more and more of it morphed into a wasteland. This reality shaped me and has led me to have a deep concern that if we do not act to protect these places people hunt, hunting will disappear. No one can say for sure why a hunting is decreasing in America but I suspect that many have given it up because the places they hunted are now gone. To them, there is no knowledge of the land to pass down. That land is forever changed. We can ill afford to let activities that keep the bound from vanishing. This bill proposes to protect areas that are key to hunters

in Oregon and recognizes many lower elevation areas that provide key wintering areas for wildlife instead of focusing on rock that have far less ecological importance than lower elevation areas such as Upper Big Bottom and Lower White River. Upper Big Bottom and Lower White River are vital year-round habitats but more importantly, are rare public land wintering grounds. Big Bottom and Upper Big Bottom are so crucial that if they were lost to logging, the entire upper Clackamas Basin could lose its deer and elk populations. These are true ancient forests with trees that quite literally over a thousand years old. Because these are ancient forests, the forests are a mix of the young and the old and it provides cover but allows in light for a true multi-story forest that animals require. The Clackamas provides a shelter against the deep snow by intercepting much of it and shedding it in piles, leaving areas nearly free of snow cover. Clackamas Basin gets quite a bit of snow in the winter. This is wet snow that often freezes into a virtual glazier and penetrable block of ice to elk and deer in logged-over sections. If elk could cover the forest, there would be few, if any, areas to provide winter forage for big game.

Sisi Butte is a very prominent landmark of the Upper Clackamas Basin. It is an ultra-rare, intact, unprotected wilderness with a mix of elevations and habitat, from sub-Alpine to temperate rain forest. Sisi Butte, with its vast amount of berries, intact world this expanse is a prime time bear country. It is common to encounter bears here and it is a bear hunters dream.

Lower White River is one of the only true wild rivers left in Oregon. I've been hunting the rim since I was a kid and for the first time this year, I went to the bottom. To understand why it took so long, you have to understand it is a five hundred foot elevation drop in 150 yards. It is a series of terraces and rock faces to the river below. I found a route to the bottom this year and tried to recover a turkey I'd shot on the rim. In that truck, I found the skull of a monster 6x6 bull elk with antlers and saw four bears, a sow and three cubs. River bottom is old growth Ponderosa Pine and Doug fir with a well-used game trail that has not the fainted hint that any humans ever stood these grounds. I truly felt that I was the only person to have ever been there, a feeling I've only had a few times in Oregon. The river was such prime time trout habitat that when I got back to town, I called Bill Monroe, the outdoor writer for the Oregonian and asked him if he wanted to fish a river in Oregon that had never been fished before. He said that no such place existed. I explained about White River and he acknowledged such a place may actually exist.

Salmon River Meadows has not been protected and for the life of me, I can't figure out why. Regardless of the reasons, it is the most prime summer elk range in the Northern Cascades. It is so prime that 10 years ago, it was believed to have the world's largest Rocky Mountain bull elk alive.

There have been some very large bulls taken from the Cascades and it is not due to the fact of 4,300 miles of roads. It's due to the fact that areas like Salmon River Meadows that remains intact, vast amounts of roadless area.

Thank you for having the wisdom to protect these areas and creating a fair bill for the protection of land, for the Volvo walking stick crowd and the hunters and anglers. Thank you.

[The prepared statement of Mr. Maguire follows:]

PREPARED STATEMENT OF BRIAN MAGUIRE, MEMBER OF THE BOARD OF DIRECTORS, BACK COUNTRY HUNTERS AND ANGLERS, PORTLAND, OR

Good afternoon Senators, I am truly excited to be here today. From the bottom of my heart I would like to thank you Senator Wyden and Senator Smith for the proposal of Senate bill 3854. I specifically want to thank you for protecting my most cherished place on earth, Upper Big Bottom on the Clackamas River, a place that is truly one of the most amazing ancient forests left in Oregon and worthy of any and all protections. I want to thank you both for showing very uncommon wisdom in recognizing that Wilderness is more than rock and ice. These are places to be protected regardless of elevation or size. Both Upper and Lower big bottom are places so amazing that they easily rival the great cathedrals of Europe. Clackamas Canyon, one of the most beautiful places in the country, would be a national park if it was located in the eastern United States yet it remains unprotected. I would also like to thank the Senators for protecting SiSi Butte, Lower White River and Salmon River Meadows. I have hunted each of these areas for decades and already this year.

My name is Brian Maguire, my organization, Back Country Hunters and Anglers was formed by myself and 6 others to promote hunting and fishing by advocating for the conservation of public places that people hunt and fish, land that our children and grand children will hunt and fish. We have members in all western states and many eastern states; we have active chapters in most western states including Alaska. Our Board of Directors hail from Oregon, Idaho, Montana, Wyoming and Colorado.

Hunting is a core American heritage, hunting promotes the family. Hunting is an activity that provides the time for deep relationships to be built within the family. Hunting is far more than killing of game for food, it provides a father the time to pass along knowledge, to teach ethics, biology, patience, observation, planning, preparation and the circle of life. Hunting is spiritual, it reveals like no other activity can, the power, wisdom and grace of God by letting God show you his amazing works of landscape and life. These are critical pieces that provide a strong bed for core American values, values to be passed on from generation to generation.

My family has hunted Upper Big bottom since the early 1960's. I killed my first deer and elk in Upper Big Bottom and caught my first trout here. Back in the 1960's when my father first started to go to Upper Big Bottom there was little concern that the next time he would show up that it would be destroyed. That changed during my life time. While I was learning to hunt in these woods, we began to be alarmed that the next deer or elk season would come and our hunting grounds would have be reduced to slash and ash. Our fears were met and every year more and more of it morphed into a waste land.

This reality shaped me and has led me to have a deep concern that if we do not act to protect the places people hunt, hunting will disappear. Hunting is an activity that keeps the family together but it is shrinking. No one can say for sure why hunting is decreasing in America but I suspect that many have given it up because the places they hunted are now gone. To them there is no knowledge of the land to pass down, that land has forever changed. I am afraid that hunting will continue to erode away and become history. We can ill afford to let activities that keep the family bound from vanishing.

This bill proposes to protect, areas that are key to hunters in Oregon. Your bill recognizes many lower elevation areas that provide key wintering areas for wildlife, instead of focusing on rock and ice that have far less ecological importance than lower elevation areas such as Upper Big Bottom and the Lower White River. I honestly had hoped that the senate would protect more of these lower elevation hunting areas but I am still ecstatic with your wisdom to protect the areas that are in the bill.

Upper Big Bottom and Lower White River are vital year round habitat, but more importantly are rare public land wintering grounds for big game. Big Bottom and Upper Big Bottom are so crucial that if they were to be lost to logging the entire upper Clackamas basin could lose its deer and elk populations. These are true ancient forests, with trees that are quite literally over a thousand years old. Because these are ancient forests, the forest is a mix of the young and the old and provide cover that allows in light for the true multi story forests that animals require. The

canopy provides a shelter against the deep snow by intercepting much of it and shedding it in piles, leaving areas nearly free of snow cover. The Clackamas basin gets quite a bit of snow in the winter; this is wet snow that often freezes into a virtual glacier, an impenetrable block of ice to elk and deer in a logged over section. Without the cover of the native forests there would be few if any areas to provide winter forage for big game. Even today, these forests are vanishing. I just found another area 2 weeks ago that I was going to hunt that was clear cut. It was an area that I often found shed antlers in, a wintering ground.

Sisi Butte is a very prominent landmark in the upper Clackamas basin. It is an ultra rare, intact, unprotected wilderness with a mix of elevations and habitat, from sub alpine to temperate rain forest. To be honest I am quite shocked that it has not been roaded and clear cut, I guess the Forest Service just has not gotten around to it yet. Sisi Butte, with its vast amount of berries, intact roadless expanse, is prime time bear country. It is common to encounter bears here and is a bear hunters dream.

Lower White River is one of the only true wild rivers left in the Oregon. I have been hunting the rim since I was a kid and for the first time this year went to the bottom. To understand why it took so long you have to understand that it is a 500 foot elevation drop in 150 yards. It is a series of terraces, and rock faces to the river below. I found a route to the bottom this year to try to recover a turkey I had shot on the rim. In that trek I found the skull of a monster 6x6 bull elk with the antlers and saw 4 bears, a sow and 3 cubs. The river bottom is old growth Ponderosa pine and Douglas fir with a well used game trail and not the faintest hint that any human has ever stood on these grounds. I truly felt that I was the only person to have ever been here, a feeling I have only felt a few times in Oregon and I have been to most places. The river is such prime time trout habitat that when I got back to town I called Bill Monroe, the sports writer for the Oregonian, and asked him if he wanted to fish a river, in Oregon, that had never been fished. He said no such place existed, I said it did and explained, he agreed, such a place may actually exist, Lower White River. Lower White River is surrounded by a state wildlife area. This area was acquired by the state because it is a wintering area for deer, elk and bears. I have only on a handful of occasions gone in here and not found a shed antler. I have on occasion found recently vacated bear dens during spring turkey season on the rim. The entire area is critical to big game on the east slope of Mt. Hood during the winter and fall breeding season.

Salmon River Meadows appears to have been omitted from the house bill and for the life of me I can't figure out why. Perhaps it's the fact that its isolation provides the USFS with the ability to log with few being able to see the result? Regardless of the reason this is the most prime summer Elk range in the northern cascades. It is so prime that about 10 years ago the area was, believed to hold the next potential world record Rocky Mountain Elk. There have been some crazy bulls taken from the cascades and it is not due to the fact there are over 4300 miles of road on the Mt. Hood, it because there are still a few hold out areas like Salmon River Meadows that provide the forage and protection of miles of unroaded country.

Thank you for having the wisdom to protect these areas and creating a fair bill that provides for the protection of land for the Volvo walking stick crowd and the hunters and fisherman. I urge you slough off the rhetoric from the timber industry, guised as fire concerns and Matrix lands, this is speak for we have not taken all of what we want for ourselves yet. You can not rationalize or bargain with greed, you can either cave in to it or ignore it, there are no other options. Tell the critics that will try to stop protecting the land for nefarious reasons that the few wounds that they inflicted to keep the land from being protected will not matter in 100, 200 or 500 years from now. In that time any wound already inflicted will be something only an archeologist may find. God will heal the land but in a time scale that supersedes our lives. The timber industry has had far more than its fair share; it is only fair that those of us who use the land for generations can have our own places that we need not worry about.

Senator SMITH. Thank you, Brian.

Jay.

STATEMENT OF JAY WARD, CONSERVATION DIRECTOR, OREGON NATURAL RESOURCES COUNCIL, PORTLAND, OR

Mr. WARD. Mr. Chairman and Senator Wyden, on behalf of Oregon Natural Resources Council and the thousands of Oregonians who make up our membership, I'd like to express my appreciation

for the opportunity to testify on Lewis and Clark Mountain Wilderness Act of 2006. For the record, my name is Jay Ward and I'm Conservation Director of ONRC.

Mr. Chairman, S. 3854 is a culmination of years of hard work by yourself and Senator Wyden, conservationists, recreation interests, business owners, community leaders and your own dedicated staff members, to name but a few. As such, it represents the best in bipartisan legislation and when passed into law, it will be a credit to Oregon's entire congressional delegation. Indeed, we in the conservation community owe a debt of gratitude to your colleagues in the House of Representatives who really started the ball rolling in 2003, when they called their first Mount Hood summit. I was at that summit and each of their subsequent public meetings convened by Congressman Walden and Blunenauer and I don't think we'd be here without them.

During those forums, hundreds of Oregonians took time off from their jobs and family obligations to passionately testify in support of protecting Oregon's scenic icon, Mount Hood. To both of your credit, Mr. Chairman and Senator Wyden, you took notice. Two and a half years ago, Senator Wyden initiated his own listening sessions in Hood River and then in Portland. Over a thousand Oregonians turned up to give input, including many of the same stakeholders present at the House summits. Building upon the oft-heard calls for more wilderness in July 2004, Senator Wyden introduced Senate Bill 2723, which proposed to protect 177,000 acres. Thankfully, Senator Smith, 2 years ago—almost exactly 2 years, you chaired a similar hearing on that but regrettably, the clock ran out on that effort. Thankfully, we're back today in a much better position to make new wilderness on Mount Hood a reality. As you know, Representatives Walden and Blunenauer have used their legislative skills to pass their related bill, H.R. 5025, through the House of Representatives. We commend the Congressmen for their efforts and while we appreciate and support the wilderness and wild and scenic river portions of the House bill, it's probably not a surprise that we prefer the expanded acreage in S. 3854.

That's because S. 3854 includes an additional 50,000 acres of Mount Hood's spectacular landscapes, including scenic Bonney Butte and the wildly popular Large Mountain and protects another 55 miles of scenic rivers. By protecting the Calabash, the South Fork of the Clackamas and Fish Creek, to name but a few, you and Senator Wyden will help to ensure that my son, Connor, will know the excitement of landing wild sea-run cutthroat trout, just as I did when I was growing up in Corvallis. It has, however, come to our attention that several of the proposed wilderness units have stimulated some discussion because of their supposedly isolated locations and asymmetrical silhouettes. For context, I offer the counsel of Aldo Leopold, one of the father's of management and conservation. He was a forester, supervisor of New Mexico's Carson National Forest and Chair of the Game Management Department at the University of Wisconsin, first in the nation. And this was writing in 1949 and Leopold said, "Many of the diverse wildernesses out of which we have already hammered America are gone. Hence, in any practical program, the unit areas to be preserved must vary greatly in size and in wildness."

In conclusion, such areas are not in conflict with the Wilderness Act, which states, "Wilderness is Federal land retaining its primeval character and influence without permanent improvements or human habitation." Mr. Chairman, Senator Wyden, I challenge anyone to hike through the amazing noble firs that grace the Memaloose Lake Trail and tell me the area doesn't retain its primeval character. Furthermore, small wilderness units like Memaloose and Upper Big Bottom that Mr. Maguire referred to, are already being managed across the country. The Leaf Wilderness in Mississippi is only a 99-acre unit. The Panther Dan Wilderness in Illinois is only 774. In our analysis, 1 out of every 11 wilderness areas Congress has seen fit to designate has been smaller than 5,000 acres. Therefore, Mr. Chairman, it is reasonable for you and Senator Wyden to identify and proposal similar wilderness areas for designation because wilderness is such a fundamentally American concept. While Moses wandered in the wilderness for purification, in the New World, wilderness has been the yardstick by which America has measured herself. To the pilgrims, it was something to be defeated and overcome. To the settlers, it was the raw material out of which they wove our current country and culture. But as with most commodities, it has become scarcer and as it became scarcer, it became more valuable. Whether consciously or not, it is for future generations that you have crafted this legislation and in return, those generations will well remember those who protect it, like Senators Frank Church and Mark Hatfield that I remember.

The Oregon Natural Resources Council is proud to express our support for S. 3854, the Lewis and Clark Mount Hood Wilderness Act of 2006 and we urge the committee to seize upon the goodwill and flexibility exhibited by your congressional colleagues on the other side of the Hill and to redouble your efforts to come together and protect more of Mount Hood for Oregonians this session. Thank you.

[The prepared statement of Mr. Ward follows:]

PREPARED STATEMENT OF JAY WARD, CONSERVATION DIRECTOR, OREGON NATURAL RESOURCES COUNCIL, PORTLAND, OR

Mr. Chairman, esteemed members of the subcommittee, on behalf of Oregon Natural Resources Council, and the thousands of Oregonians who make up our membership, I appreciate the opportunity to testify before the committee regarding Senate Bill 3854, the Lewis and Clark Mount Hood Wilderness Act of 2006. My name is Jay Ward, and I am privileged to serve as the Conservation Director of ONRC, which has, for over 30 years worked to protect those natural assets that make Oregon such a great place to live, work and raise a family.

Senate Bill 3854, authored by Senators Wyden and Smith is the culmination of years of hard work by conservationists, recreation interests, business owners, community leaders and your.own dedicated staff members, to name just a few. As such, it represents the best in bi-partisan legislation, and when passed into law, will be a credit to Oregon's entire congressional delegation.

In fact, we might not be here today if your colleagues in the House of Representatives had not started the legislative ball rolling with the first of their "Mount Hood Summits" in the Summer of 2003. I was at that summit, and every one of the subsequent public meetings on Mount Hood convened by Congressmen Walden and Blumenauer.

During those forums, at which Senatorial staff members were also present, hundreds of Oregonians took time off from their jobs and family obligations, to testify in support of protecting more of Oregon's scenic icon—Mount Hood. Reflective of the diverse opinions held by Oregonians, that support was neither unqualified nor unanimous, but after attending the forums, one could not help but leave with an

appreciation of the passion Oregonians hold for the mountain and its surrounding forests and rivers.

Indeed, Oregon Natural Resources Council members and staff have spent thousands of hours working to protect these irreplaceable lands. In order to catalog those forests deserving of wilderness designation, ONRC's Wilderness Coordinator Erik Fernandez, has walked and, using Geographic Positioning System technology, inventoried almost every acre of the Mount Hood National Forest's remaining roadless areas. Through that work, ONRC has identified over 260,000 acres of wilderness quality forest on the Mount Hood that we believe should be protected. Working with local residents, sportsmen, anglers and the Forest Service, we began to advocate for those protections and to take interested citizens and decision-makers out to examine the amazing wildlands. We are especially grateful to Senators Wyden and Smith, and to the House delegation for making their staffs available for some of those trips.

To their credit, the Senators were listening. More than two years ago, Senator Wyden initiated listening sessions of his own. In Hood River, and then in Portland, Senator Wyden took input from over 1000 Oregonians on how best to insure that future generations will be able to experience a mountain as wild and free as that which we know today. Many of the same stakeholders present at the summits held by Congressmen Walden and Blumenauer attended these sessions as well. County Commissioners, Native American Tribes, skiers, mountain bike enthusiasts and others weighed in with their positions and opinions.

Building upon the near universal calls for more wilderness, Senator Wyden introduced S. 2723, the Lewis and Clark Mount Hood Wilderness Act of 2004, which proposed to protect 177,000 acres of the Mount Hood National Forest as wilderness. Almost two years ago this week, Senator Smith chaired a hearing on that legislation, and voiced his interest in such an initiative, but regrettably, the clock ran out on the 2004 effort.

Thankfully, we are back today, and in a much better position to make new wilderness on Mount Hood a reality. As you know, Representatives Walden and Blumenauer have used their legislative acumen to pass a related bill, H.R. 5025, through the House of Representatives. We applaud and support the Wilderness and Wild and Scenic portions of H.R. 5025, but it probably comes as no surprise that we prefer the expanded acreage included in Senate Bill 3854. While S. 3854 doesn't protect every acre ONRC believes should be protected, we are pleased Senators Smith and Wyden were able to reach a compromise which proposes to protect many of the same lands ONRC has long been advocating for.

For example, the Mount Hood Wilderness Act of 2006 seeks to permanently protect 128,000 acres of Oregon's spectacular landscapes, including Bonney Butte, where this month thousands of hawks and eagles are passing through on their annual migration; and the forests of Larch Mountain which tower over the headwaters of Multnomah Falls, Oregon's 2nd most popular tourist attraction.

It has come to our attention that several of those proposed wilderness units have stimulated some discussion because of their seemingly isolated locations and unorthodox silhouettes.

Size and shape discussions are apparently not only the subject of congressional redistricting debates. Nor are they new to the wilderness conversation. But for some context we suggest we can consult one of the earlier proponents of wilderness and conservation.

Aldo Leopold, known to many as the father of conservation and wildlife management, was a forester, educator and outdoor enthusiast. He was the Forest Supervisor of New Mexico's Carson National Forest before being appointed to the first-in-the-nation Game Management Chair at the University of Wisconsin.

Of the size and shape discussion, Leopold was quite clear:

"Many of the diverse wildernesses out of which we have hammered America are already gone; hence in any practical program the unit areas to be preserved must vary greatly in size and in degree of wildness."

"Wilderness" from A Sand County Almanac and Sketches Here and There, Oxford University Press, 1949, Aldo Leopold.

But these concerns, small wilderness and isolated wilderness units, are the result of a very proactive process by House and Senate staff to minimize objections to wilderness designations by adjusting boundaries to diminish or avoid user conflicts. They should be applauded as the problem solving effort they were, not criticized for not reaching some mythical purity standard.

For instance, some have voiced concerns over the inclusion of "previously managed stands" in the wilderness proposal. Given Oregon's extensive history of timber management, it was impossible for Senators Wyden and Smith to avoid every managed stand and overgrown logging road, but to their credit, they were able to delineate boundaries to minimize the overlap. And while the contrast between managed

and unmanaged stands may seem acute today, natural processes will smooth out those contrasts over time, if we give them a chance.

It should be noted that it is not unusual for wilderness areas to include features that reflect the presence of humans. Oregon's Grassy Knob Wilderness was designated in 1984 by Senators Hatfield and Packwood despite the existence of a 640 acre clearcut smack dab in the middle of it. Similarly, the Cummins Creek Wilderness contained an old logging road and several small clearcuts. Both are now popular wilderness areas which Oregonians rely upon for both solitude and recreation.

Such inclusions are not in conflict with the Wilderness Act.

Clause 2(c)(3) of the Wilderness Act provides that an area of wilderness—

> "is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which . . . (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; . . ."

I challenge anyone to hike through the amazing noble firs that grace the Memaloose Lake trail, and tell me the area doesn't retain its primeval character. As to the practicality of managing an 1131 acre wilderness area, it's already being done throughout the country. The Leaf Wilderness in Mississippi has a 990 acre unit, the Panther Den wilderness in Illinois has one with only 774 acres. In fact, in our analysis, 1 out of every 11 wilderness areas Congress has seen fit to designate has been smaller than 5000 acres—including the Menagerie Wilderness in Oregon's Willamette National Forest and the 17-acre Three Arch Rocks Wilderness just offshore from the community of Oceanside.

So Congress has both the authority and a history (see addendum) of protecting smaller wilderness areas, and those with minimal development footprint; therefore it is reasonable for S. 3854 to identify and propose similar areas for inclusion into the national wilderness preservation system.

ONRC also supports the inclusion of additions to the National Wild and Scenic River system in S. 3854. By protecting the Collowash, S. Fork of the Clackamas and Fish Creek, to name just a few, Senators Wyden and Smith will help to insure that my son will be able to know the pleasure of landing wild, sea-run cutthroat trout, just as I did when I was growing up in Corvallis. Wild and Scenic River designations preserve intact existing water rights, as well as the outstanding recreational activities for which Oregon is nationally renowned.

Mr. Chairman, two weeks ago, I had the pleasure of introducing Senate staff to a recent acquaintance, the Reverend Vern Grove. Reverend Grove, a retired Methodist minister, has spent most of his career leading congregations throughout Oregon; including ministries in Tigard, Eugene and Roseburg. During our conversations, he presented me with a somewhat different perspective on the need for more wilderness. Reverend Grove spoke passionately of our seemingly innate need to contact and experience the Creator, by interacting with some of the original creation.

Senators, wilderness is that creation. It is, as President Johnson said, "a glimpse of the world as it once was".

But what Reverend Grove sees as biblical, I see fundamentally American, for Wilderness has been, for better and for worse, the yardstick by which America measured herself.

For the Pilgrim settlers, it was something to be defeated and overcome as they sought to establish a foothold on the continent.

To the pioneer, wilderness was the raw material from which the fabric of our nation was woven. Wilderness, or more correctly the forests, minerals and rivers which are its subcomponents, fueled our expansion while acting as a check on our materialism.

But as with most commodities, as it became scarcer, wilderness became more valuable.

Today, when America's reach is literally to the stars, our remaining wilderness areas, be they congressionally designated or de facto, are being rediscovered. As Americans search for those quiet places where they can find peace and solace, wilderness is experiencing renewed popularity. In some cases, this popularity is impacting the resource in negative ways as traffic, trail erosion, and air and water pollution increase in our existing wilderness areas. But rather than rationing our existing wilderness areas, we can choose another course. That course—to identify and designate additional wilderness areas for Americans to use and enjoy—is one that holds promise, not just for the today's Americans, but for the generations yet to come.

It is for them that the Senators crafted this legislation. And in return, they will well remember those who protected all that they could.

Oregon Natural Resources Council is proud to express its support for the Lewis and Clark Mount Hood Wilderness Act of 2006 and urges the committee to pass it with all deliberate haste.

Thank You for inviting ONRC to testify today. I look forward to answering any questions you may have.

Below please review additional site-specific suggestions for improving S. 3854: (Note the additional material has been retained in subcommittee files.)

Senator SMITH. Thank you, Jay.

Jill Van Winkle.

STATEMENT OF JILL VAN WINKLE, TRAIL SPECIALIST, INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION, BOULDER, CO

Ms. VAN WINKLE. Mr. Chairman and members of the committee, thank you for the opportunity to speak with you today on the Lewis and Clark Mount Hood Wilderness Act of 2006 and on the Mount Hood Stewardship Legacy Act. My name is Jill Van Winkle. I am a native Oregonian, a trail building specialist with the International Mountain Bicycling Association and a member of the Oregon Mountain Bike Alliance.

I want to first thank the Senators, the Representatives and staff for their tireless efforts to craft land protection language for Mount Hood. We applaud the collaboration that has resulted in this legislation, preserving natural resources and many mountain bicycling opportunities. My family has a long history of recreating on and around Mount Hood and of celebrating our public lands. The Van Winkles arrived actually on the third wagon train that traversed the Oregon Trail and my grandfather, Lewis Clark, was named in honor of the 100th anniversary of the expedition. Exploring Mount Hood and the Columbia River Gorge while growing up had a transformative effect on me, fostering my appreciation of wild places and an ethic of land protection. Like many outdoors people, pristine wild lands are what draw me the strongest, where I can get away from roads, crowds and the constructs of urban life. I have found my mountain bike to be the best way for me to reach it. For the past 3 years, I have worked for IMBA, traveling North America, consulting with communities on their trail systems. I've been surprised to find out how well Mount Hood is known across the country and around the world. My travels have helped me better appreciate the incredible network of trails and returning home to Hood River has strengthened my desire to protect them.

Like hikers and equestrians, cyclists are quiet, muscle-powered recreational users and we have a fundamental interest in protecting undeveloped public lands. The opportunity for solitude and a connection with nature on narrow trails is an extremely important component of bicycling and is a treasure experienced by extreme cyclists. Wild areas provide a riding experience equivalent to a powder day for skiers, mashing the hats for anglers, reaching the summit for a Mazama or playing Pebble Beach for a golfer. We reach the national and worldwide bicycling community through a network of 80,000 supporters and more than 650 affiliated clubs, including 19 in the State of Oregon. Our affiliated clubs, the Oregon Mountain Bike Alliance, is a network of Oregon-based organi-

zations, clubs, individuals and companies that are interested in enhancing mountain bike opportunities while protecting State forests. Representatives from three major clubs in Oregon, the Portland United Mountain Peddlers, the Columbia Area Mountain Biking Advocates, and the Central Oregon Trails Alliance have been working on the bill in conjunction with the sponsors and others.

For the Lewis and Clark Mount Hood Wilderness Act, we think that this Act bodes well for mountain bicycling and maintains many boundary adjustments that will accommodate access to significant trails. With a few key amendments to the legislation, we believe that it can protect land and allow our existing historical use to continue. Most promising for cyclists, as you guys recalled earlier, the bill creates a 17,700 acre Mount Hood National Forest Recreation Area that will allow mountain biking to continue in areas such as 15 Mile Creek and Boulder Lake. We strongly endorse the NRA proposal and suggest expanding it in several key areas. We believe that the proposed recreation area is a positive solution in public land policy regarding wilderness as it protects the lands while allowing mountain bicycling. Recreation areas are a way to protect Mount Hood for our children to enjoy for generations and to engage the bike community in land protection.

National recreation areas can be narrowly defined in legislation and we encourage the committee to specify potential recreational uses. Our best estimates indicate that this bill would close almost 100 miles of trails that are currently open to bicycles and the House version closed 60 miles. Both of these would preclude any future trail development in wilderness areas. In the spirit of compromise and affording land protection, we have prioritized the most important trail areas and we hope the committee will consider keeping open to bicycles. We ask the committee to protect Large Mountain, Twin Lakes and Bonney Butte for national recreation area status.

For the Mount Hood Stewardship Legacy Act and actually, I think this is in both legislative proposals, we are pleased that they include allocations for trail maintenance and road to trail conversions on Mount Hood, adjustments of wilderness boundaries to protect trails popular with mountain bicyclists and a seat for a mountain bike representative on the Mount Hood National Forest Recreation Advisory Council. We support these provisions from the House bill and we submitted testimony on this bill suggesting nonwilderness trail corridors for our high priority trails but an accurate national recreation area may be another option to protect these areas. In closing, I want to note that mountain bicyclers are avid trail stewards and we contribute thousands of hours annually to volunteer trail work on Mount Hood. If more lands are designated wilderness and thus made off limits to us, an important constituency is shut out. Oregon is known to be solution minded and looking for new ways to tackle these problems. We believe that there are more appropriate land protections in wilderness that will allow for existing recreational groups and protect the lands we so highly value. Thank you for the opportunity to submit comments on this important legislation and I welcome any questions.

[The prepared statement of Ms. Van Winkle follows:]

PREPARED STATEMENT OF JILL VAN WINKLE, TRAIL SPECIALIST, INTERNATIONAL MOUNTAIN BIKING ASSOCIATION, BOULDER, CO

Dear Chairman Craig and Ranking Member Wyden: On behalf of the International Mountain Bicycling Association (IMBA) and the Oregon Mountain Bike Alliance (ORMBA) I offer comments on S. 3854 the Lewis and Clark Mount Hood Wilderness Act of 2006 and H.R. 5025 the Mount Hood Stewardship Legacy Act.

IMBA and ORMBA first thank the senators, representatives, and staff for their tireless efforts to craft land protection language for Mount Hood. We applaud the collaboration that has resulted in this legislation, preserving natural resources and many mountain bicycling opportunities.

My family has a long history of recreating on and around Mount Hood, and of celebrating our public lands. The Van Winkles arrived on the third wagon train that traversed the Oregon Trail. My grandfather, Lewis Clark, was named on the 100-year anniversary of the expedition. Exploring Mount Hood and the Columbia River Gorge while growing up had a transformative effect on me, fostering my appreciation of wild places and an ethic of land protection. Like many outdoors people, pristine, wild lands are what draw me the strongest—where I can get away from roads, crowds, and other constructs of urban life. I have found my mountain bike to be the best way for me to reach it.

For the past three years I have worked for IMBA, traveling North America and consulting with communities on their trail systems. I was surprised to find how well Mount Hood is known across the country, and around the world. Bike magazine describes the riding like this: "some of the finest singletrack in the mountain bike universe lies within an 80-mile radius of Hood River, Oregon." My travels have helped me better appreciate the incredible network of trails, and returning home to Hood River has strengthened my desire to protect them.

Mountain biking is a very popular sport, with 39 million participants nationally and close to 400,000 participants in Oregon (according to a recent study by the Outdoor Industry Association). Outdoor recreation is a way of life for Oregon residents, and many tourists travel to the state to experience our trails via mountain bikes.

Like hikers and equestrians, cyclists have a fundamental interest in protecting undeveloped public lands. The opportunity for solitude and a connection with nature on narrow trails is an extremely important component of mountain bicycling, and is treasured by experienced cyclists. Wild areas provide a riding experience equivalent to powder days for skiers, matching the hatch for anglers, reaching the summit for mountaineers, or playing Pebble Beach for golfers.

ABOUT IMBA AND ORMBA

The International Mountain Bicycling Association (IMBA), founded in 1988, leads the national and worldwide mountain bicycling communities through a network of 80,000 supporters and more than 650 affiliated clubs, including 19 in Oregon.

IMBA teaches sustainable trailbuilding techniques and has become a leader in trail design, construction, and maintenance. We encourage responsible riding, perform volunteer trailwork, and foster cooperation between trail user groups and land managers. Nationwide, IMBA members and affiliated clubs conduct close to one million annual hours of volunteer trail and advocacy work, and our members are dedicated to assisting the efforts of federal, state, and local land managers.

The IMBA-affiliated Oregon Mountain Bike Alliance (ORMBA) is a network of Oregon-based organizations, bicycle clubs, individuals, and companies interested in enhancing mountain biking opportunities while protecting state forests. ORMBA's mission is to preserve, protect, and promote mountain bike access for diverse riding experiences through education, communication, and unified action. Representatives from three major clubs in Oregon have been working on this bill in conjunction with the sponsors and others: the Portland United Mountain Pedalers (PUMP) represents cyclists around Portland, the Columbia Area Mountain Bike Advocates (CAMBA) represents cyclists around the Columbia Gorge, and the Central Oregon Trails Alliance (COTA) represents cyclists in the Bend area.

WILDERNESS DESIGNATIONS—ONE OF MANY CONGRESSIONAL PROTECTION METHODS

Bicyclists love to ride remote backcountry areas on narrow trails—just like hikers and equestrians—and feel conflicted when Wilderness is proposed that affects significant biking trails. On the one hand, we want to protect the areas we ride. Yet we don't want to lose access to the trails we have ridden for almost two decades.

To preserve the lands we care about, bicyclists support protection of many pristine areas and undeveloped public lands. The challenge is the agencies have defined Wilderness to ban bicycle access. Bicyclists therefore must seek modifications of Wilder-

ness proposals that will allow our quiet, low-impact, muscle-powered form of recreation to continue.

Nationally, our organization hopes to shift the land protection discourse from Wilderness only conversations to one that is more inclusive of other designations. Why is Wilderness seen as the only option for land protection? More and more it is being applied for political, rather than resource protection reasons. Instead, we need a toolkit of strong protections to apply the right designation to suit each area's distinct history and its future.

S. 3854—LEWIS AND CLARK MOUNT HOOD WILDERNESS ACT OF 2006

S. 3854 bodes well for mountain bicycling and maintains many boundary adjustments that will accommodate access to significant trails. With a few key amendments to the legislation, we believe it can protect the land and allow our existing, historical use to continue.

Most promising for cyclists, the bill creates a 17,700-acre Mount Hood National Forest Recreation Area (NRA) that will allow mountain biking to continue in areas such as Fifteen Mile Creek, Boulder Lake, Shellrock Mountain and Hellroaring Creek. ORMBA and IMBA strongly endorse the NRA proposal and suggest expanding it to several other key areas.

IMBA believes that the proposed NRA is a positive solution in public lands policy regarding Wilderness, as it protects the land while allowing bicycling. Instead of taking away trails our community has enjoyed for decades, National Recreation Areas are a way to protect Mount Hood for our children to enjoy, and also to engage more of the Oregon bike community in land protection.

National Recreation Areas have been used in many places around the country and on National Park Service, Bureau of Land Management, and USDA Forest Service lands. NRAs can be narrowly defined in legislation and we encourage the committee to specify potential recreation uses. Further, we ask the committee to consider writing in language that would bolster the mountain's protection by prohibiting mining.

TRAILS CLOSED TO MOUNTAIN BICYCLING BY S. 3854

Some media outlets have written that mountain bike trails are not significantly affected by the proposed legislation, and that very few trail miles will be closed under both bills. In fact, S. 3854 would close 102 miles of trails currently open to bicycles, and H.R. 5025 would close 43 miles around Roaring River. A list of the trail mileage closed is attached. Both bills would preclude future trail development in Wilderness areas.

In the spirit of compromise and forwarding land protection, IMBA and ORMBA have prioritized the most important trail areas we hope the committee will consider keeping open to bicycles. We ask the committee to protect Larch Mountain, Twin Lakes, Bonney Butte, and Roaring River through National Recreation Area status. We believe protecting these areas by a NRA eliminates the unnecessary choice between Wilderness and our continued access. These areas need to be protected from development, road building, and resource extraction. They do not need to be protected from mountain bikes. Available trail resource science demonstrates that hikers and bicyclists have similar impacts on the land, and both do less damage than horse travel. Both hikers and equestrians are allowed in Wilderness.

IMBA also asks the committee for a minor boundary adjustment to help re-open the Clackamas River Trail. IMBA advocates have started conversations with the Forest Service concerning this area and this narrow adjustment would help restore a trail that was open to our use for many years.

POSITIVE PROVISIONS IN BOTH S. 3854 AND H.R. 5025

We are pleased both the Senate and the House bills include:

- An investment of almost $800,000 in un-obligated special use permit fees to be retained for trails and recreation on Mount Hood.
- Consideration for high-use recreation areas that are popular within the mountain bike community; these trails were left outside proposed Wilderness boundaries to allow for continued bike access.
- A seat on the Mount Hood National Forest Recreational Advisory Council for a mountain bike representative.
- The suggestion that the Forest Service consider creating singletrack trails open to bicycles from decommissioned roads.
- Recognition of recreation as a dynamic social and economic component of Mount Hood.

IMBA supports the House Bill as written but suggests the inclusion of National Recreation Area status for Roaring River. Forty-three miles of trails would be closed in this area, affecting 77 more miles, as critical connectors would be made effectively off-limits. IMBA submitted testimony on the H.R. 5025 suggesting non-wilderness trail corridors for 28 miles of the highest priority trails. A National Recreation Area may be another way to keep these trails open for the entire parcel.

It is important to note many differences between the 16-year-old Forest Plan and what is happening on the trail. There are many, many miles of trails that, in the 16 years since the Forest Plan, have remained legally open to our use because the Forest Service has actively maintained these trails and chosen not to close them.

Mountain biking is a healthy, human-powered outdoor activity with minimal environmental impact and a positive economic influence for Oregon. Mountain biking is an inherent use on Mount Hood and many accommodations have been made in the legislation for other historical and existing uses. We ask the committee to do the same for bicycles by expanding National Recreation Areas to other important trail systems: Larch Mountain, Twin Lakes, Bonney Butte, and Roaring River

The Mount Hood National Forest Plan is more than 16 years old and IMBA and ORMBA look forward to helping the Forest Service develop new singletrack trail opportunities for mountain biking. Mountain bicyclists are avid trail stewards and contribute thousands of hours of volunteer trailwork across the state and on Mount Hood. If more lands are designated Wilderness, and thus made off-limits to cyclists, an important constituency will be shut out.

In the future, IMBA and ORMBA hope to work with the committee and the bill's sponsors to introduce legislation that will protect more acres around Mount Hood and around Oregon. Oregon is known for being solutions-minded and looking for new ways to tackle old problems. We believe that there are more appropriate land protections than Wilderness that will allow for existing recreational user groups, but protect the land, and the trails we so highly value.

Thank you for the opportunity to submit comments on this important legislation.

Enclosure: List of trails closed by S. 3854

TRAILS OPEN TO BIKES THAT WOULD CLOSE UNDER S. 3854

	Subtotal for area
Gorge Ridgeline	4.5
Larch Mountain	6.6
Mt. Hood Wilderness—Elk Cove/Mazama	0
Tilly Jane	6
Sandy Additions	3.5
Lost Lake	1.8
Roaring River (note 1)	43
Eagle Creek	6.2
Inch Creek	0
Memaloose Lake	1.5
Upper Big Bottom W area Missing from Map of Big Bottom	0
Big Bottom	0
Bull of the Woods	0
Salmon-Huckleberry Wilderness-Hunchback Mountain	7.2
Mirror Lake	0
Sisi Butte	0
Richard L. Kohnstamm Memorial Area	0
Badger Creek Additions	0
Bonnie Butte map	5.2
Twin Lakes Map	16.4
Grand total	102

Note 1: 70 miles would be directly affected by proposed Wilderness as it would cut off critical links to the rest of the trail system.

Note 2: It is important to note many differences between the 16-year-old Forest Plan and what is happening on the trail. There are many, many miles of trails that, in the 16 years since the Forest Plan, have remained legally open to our use because the Forest Service has actively maintained these trails and chosen not to close them.

Note 3: This draft list is the best IMBA/ORMBA could prepare for the committee. Due to the many discrepancies referenced in the previous note, this list is a working document in progress. We would be happy to provide the committee with much more detailed information about each trail and supporting background materials.

Senator SMITH. Thank you very much, Jill. I think—or at least I hope you know that one of my and Senator Wyden's objectives is to in fact preserve this not from you but for you and hence, the creation of a national recreation area. I believe there are some disagreements over which trails are currently open. We are trying to verify that information with the Forest Service to make sure that we in the House are on the same page with the Forest Service. So that is a work in progress and again, one of the points of this hearing is to make sure you are included in this. We want your input.

Jay, one of the things I want to explore with you—I think, if I'm not mistaken, the ONRC is not yet convinced of national recreation areas being appropriate for wilderness areas but given what we heard from the administration this morning—were you there? OK, you heard. I wonder if it isn't actually a tool for ONRC to use in the future as a way to designate pockets of wilderness in these kinds of bills that make possible a whole lot more rather than less, in the future. I don't know if you want to comment any further on that.

Mr. WARD. Mr. Chairman and Senator Wyden, our perspective is that these lands are worthy of wilderness protection as Big W wilderness. With all due respect to Secretary Rey this morning, places like the Clackamas Canyon, for instance, which are a deep valley canyon. One of the requirements of the Wilderness Act is that you can't experience solitude in such a place. Well, when you're about 700 feet down a canyon wall and you're surrounded by nothing but the canyon, you can feel pretty alone in there.

As far as the appeal of national recreation areas, there are probably places where they are appropriate. I've been in the Sawtooth National Recreation Area and I find that it is a fine place to walk around and some beautiful scenery up there. But the management plans for national recreation areas tend to be sort of made up on the fly and one of the great things about wilderness is, you know what you're getting. It's a pretty much a package that has been done again and again and again and both the advocates and to be fair, the opponents kind of know what to expect. So there is, shall we say, a whole lot less head-butting, as you work out management plans such as—I think the previous panel referred to in their shall we say, mixed experience with Steens.

Senator SMITH. Do you feel like Hell's Canyon National Recreation Area or Oregon Dunes National Recreation Area—do you get solitude there because of—are they sufficiently protected, I guess that's my question.

Mr. WARD. Mr. Chairman and Senator Wyden, we actually think that there are places up and around Hell's Canyon that are wilderness worthy as well. I can't speak to Oregon Dunes since I haven't been there since I was a Boy Scout. I had a great time but it was kind of wet.

Senator SMITH. I had a few of those campouts myself.

Mr. WARD. If you don't mind, I'd like to make a comment.

Senator SMITH. Yes, go ahead.

Mr. WARD. From the hunting perspective, just the word, national recreation area scares hunters. When you hear "national," the first thing you start thinking of is national park and as you know, there are very few, if any, national parks that you can hunt in. And national wildlife refuges, although you can hunt waterfowl in most of them, big game hunting is off limits to them. So from the hunting community's perspective, when you start talking about national recreation area versus wilderness, we like the Big W. We know we can hunt in it.

Senator SMITH. Very good.

Senator Wyden.

Senator WYDEN. Well, thank you all very, very much, not just for today but for the three plus years that we have been working closely with all of your organizations. I think Mary Cottrell, for example, in my Portland office, has practically camped out with a lot of you, literally and figuratively over the years in an effort to have the citizens driven kind of process. So I want to start by thanking all of you. I think all of you have just been exceptionally constructive.

Let me begin by asking a question about how Oregonians are approaching this whole issue because Mount Hood is really our icon, as Senator Smith said. You know, my hometown is Portland and I love it. Best hometown in America and my only frustration is I didn't get to play for the Portland Trailblazers. Wasn't to be. But I'm not a United States Senator from the State of Portland. I'm an United States Senator to represent every nook and cranny of Oregon and that's why I have open community meetings in every county, every year and for the last 3 years at almost all of these meetings, in every part of Oregon, I get the message that what I and Senator Smith have been trying to do is pretty much on track. Not only are there no people out there protesting it and carrying signs, you know, hunters against Smith and Wyden or Mountain Bikers against us. It's quite the opposite. They say, you fellows go get them, get this done. We think you're headed in the right direction. So I'll start perhaps with you, Brian, just so we've got it on the record. Do you think it is fair to say that Oregonians in every part of our State are in general agreement with what 3854 is all about? Brian?

Mr. MAGUIRE. Absolutely. We have members all over the western United States and Board Members in most Western States but we have a lot of—you know, being a hunter and hunters, they typically come from rural areas and our members are ecstatic about this. I think a lot of hunters—elk love wilderness. Elk love these areas. They like to be protected and I think, generally, hunters are for this.

Mr. WARD. Mr. Chairman, Senator Wyden, I won't purport to know how everybody feels but at the few town meetings I have attended, I certainly have seen the kind of support you are describing there.

In a previous career, I used to be a salesman in eastern Oregon, southern Oregon and south Idaho were part of my sales territory and while you might find the individual opinions on wilderness quite diverse, I think, as you described in your comments earlier, Senator Smith, the affection and passion for which people hold

Mount Hood is unique and I think we might have more contentious discussions about other wilderness areas. But I do think there is a universal understanding that that is a special place that we should protect and it is a place that, you know, every Oregonian, whenever there is a picture of Oregon on national TV, it's—generally Mount Hood is in the backdrop, whether it is at a gold tournament or a basketball tournament, it's what people think of when they think of Oregon—that and rain.

Senator SMITH. Jill?

Ms. VAN WINKLE. Yeah, I think Jay made a good point there, that it is definitely an icon of Oregon and Mr. Walden referred to it earlier as our recreation mountain and I think that a lot of people—just given its proximity to Portland. Our organization has been working with bicycle communities all surrounding the mountain, in Bend, Portland and the Hood River area and I think that we've been very excited to have been so involved in the process and we want to thank you again as well as the Congressman, for involving us and giving us a seat at the table, which is more than we have had in the past. We really appreciate that. We've been able to come with an Oregon-type solution, which again, I think Oregon is known around the country for having very innovative solutions where we can have a wilderness and national recreation area, so that we can accommodate a lot of different existing uses on the mountain and please everyone and I think that we have the potential to do that here.

Senator WYDEN. And your folks feel comfortable about S. 3854? You're not seeing folks—you know, we are definitely going to be following up on your suggestions and the like but I think since this is a hearing and I've felt that you all have been so constructive and just kind of take it as a given that we're going to follow up on some of these trails. My sense was and as you know, we went through a variety of iterations with you. Mary, in particular, thought maybe the way to go was the Hood PDX kind of approach and your folks had concerns about that, so with Senator Smith's counsel, we went a different route and my sense is now, we're not hearing opposition from folks in the mountain biking community in any part of the State and I'd just like your thoughts on that.

Ms. VAN WINKLE. I think there are a few areas where we would prefer to see national recreation areas because you know that wilderness, while we enjoy the experience that wilderness can provide, small w, the Big W excludes mountain bicycling and that puts us in an awkward position. We understand the needs of protecting some of these very special areas so we would like to see more national recreation areas. We are ecstatic that you were able to propose it and get a significant chunk of land that is protected under that and it can be made very stringent, you know, national recreation areas can vary and you can designate exactly what uses are acceptable and what are not. So I can't commit the people I represent right now but there are certainly some areas that we would like to see more national recreation areas and even expanding those national recreation areas, like outside of any wilderness boundaries, to protect more land. We would be supportive of that as well.

Senator WYDEN. Brian, with respect to your comments and I think you specifically talked about Upper Big Bottom and your interests in it. This is one of the areas that we are going to have talk about with our colleagues in the House. I don't know if you are aware, but I feel very strongly that this is not primarily a contest about how many acres somebody has and the like but it's really, at the end of the day, about saying to future generations, to your kids and your grandkids, did you really get it right for the special places? These extraordinary places that you mentioned, Jay mentioned and I guess Jill's ancestors were in. In the Senate bill, we said that the terrific hunting and salmon habitat and those big trees, we were going to protect. And I gather that it is a pretty small number of acres, even, that you're talking about, maybe—I don't have the number right in front of me but I guess it's like 1,500 acres. We're not talking about a huge amount but it is in the Senate bill, along with a number of these other areas, the Salmon River Meadows and the South Fork, the Clackamas and Badger Creek Wilderness and Memaloose Lake and the Lower White River. We felt that was important to really send a message about special places. I wonder what your thinking is on that, both with respect to the bill and kind of how we go from here.

Mr. MAGUIRE. You're absolutely right and I think you guys nailed it on the head. It's not about quantity. It's about the quality and Upper Big Bottom specifically—you can't even imagine the place. I mean, this is the kind of place where you expect Ewoks to jump out. It's just a true ancient forest. You can get the solitude in there and the quality of the old growth habitat is far none in western Oregon. I think that the State's largest western U-tree actually resides in Upper Big Bottom. I found it a couple of years ago while I was hunting but I was hunting so I didn't have any gear to measure it. I went back a couple of weeks ago—I was bow hunting up there and tried to find it again and I couldn't find it. That tells you what the quality of this place is. I know this—I've been going to this place since I was 8 years old and I still couldn't find it. That's how wild this State still is. It is an utterly amazing place. The same with Lower White River. I mean, you're talking about a place where bears den on the rim, where the elk and deer winter on the rim and down below and are able to escape hunters, much to our dismay, because it is wild. A place where, frankly—it's a river that perhaps hasn't been fished in western Oregon. Imagine that! I mean, that's—and it's not big. But is has been protected from, I guess humans in a sense, because of its isolation and it's small. But it doesn't mean that it is not the quality. And I think both of you saw that and your bill produced exactly what I think the intent of the wilderness bill was, to provide quality, not quantity.

Senator WYDEN. Mr. Ward, Jill, do you want to comment on that?

Mr. WARD. I would say two things. One thing about Upper Big Bottom. It's directly—probably not surprising that it's directly adjacent to Lower Big Bottom. So when you are looking at contiguous habitat in the Hannah River corridor, for instance, other than about 100 foot of road there, it's a pretty good chunk of river and a good chunk of forest. So if you're either an avian or terrestrial

species, you're kind of in cover for a while, so you can move back and forth. Also, that road that bisects the two is not heavily used, so again, if you're looking for that solitary experience that can be had in there. And talking before the hearing with Mr. Maguire, Mr. Chairman and Senator Wyden, you've mentioned getting it right for future generations. He is too modest to bring this up. After he almost bored me with his descriptions of going back to Upper Big Bottom, he said, "That's why I'm here." He said, "My wife is going to deliver a baby on Saturday." She's scheduled for a cesarean but he took time out to come and testify on this because of future generations—specifically his. I'm sorry if I'm betraying your confidence there.

Senator SMITH. Hopefully your child has a lower big bottom.

[Laughter.]

Mr. MAGUIRE. Well, the baby is breach, so the lower big bottom is causing a problem at this point.

Senator WYDEN. I may steer clear of this discussion. Jill, do you want to comment at all with respect to this notion of you thought some of these places are in the Senate bill and they aren't in the House bill. We've got to work with the House folks in a cooperative way. What are your thoughts on that?

Ms. VAN WINKLE. Yeah, there are quite a few that we don't have any problems with. There are a couple that—at Larch Mountain and at Twin Lakes and Bonney Butte, that we would like to have minor adjustments made to allow for some continued trail access. But any of those adjustments, those minor adjustments, would include a land protection so there are some that are already overlapping and existing or proposed wild and scenic river corridor so there is already a protection there. Or we could expand the national recreation area protections so that these lands wouldn't be unprotected but a minor adjustment that could allow a continued access or a varying critical connection for us to other trail riding areas.

Senator WYDEN. On the Larch Mountain point, we can save a little time on this because I'm looking at your sheet and your folks feel that we haven't done right by Larch Mountain. Senator Smith and I—it's our desire to make sure that all those open trails remain open, which is what you all want. We think we've done that in the language. We're going to follow up with you so that we make sure it's done and done right and we'll all continue to work on this and make sure that the terminology is something we agree on because certainly, when I saw that from the handout you have and I know Senator Smith feels this way, too. We said, holy Toledo! We want to make sure that those open trails remain open. They are, in fact, very special kind of places and you've got a pledge that we'll follow up with you because I think what you all are asking for is reasonable. It's what we've been thinking we were going to do and we're interested in doing that.

Ms. VAN WINKLE. Thank you.

Senator WYDEN. Maybe by way of wrapping up, your thoughts with respect to how we ought to look at this legislation as an integrated kind of package. Maybe we can start with you on this, Mr. Maguire. At the end of the day, we've got to deal with a host of issues where there are differences of opinion in terms of the Senate

and House. I don't know if you were here earlier this morning. I tried to outline some of the treatment of the special places and wild and scenic rivers. We've got to figure out how to get these land exchanges done. We want to reward that citizens' movement kind of process but we want to make sure that we address the concerns and the Government Accountability Office report at the end of the day, we've got to reconcile all of these differences and get an integrated package. What's your counsel with respect to how we proceed from here in terms of trying to get this integrated?

Mr. MAGUIRE. Well, I think that your bill is very fair and it takes into consideration some of these lower elevation areas that include organizations and people like myself, that utilize these. I mean, you don't hunt up on rock and ice. It is just not good wildlife habitat and that's why I think your bill is very fair in that respect.

With regards to treatment, Congressman Walden brought up a map and showed a lot of beetle kill areas and stuff like that, in the White River area and some of the area, I kind of disagree with it because I know the land really well there. He had beetle kill areas in some places that I know danged well, they aren't beetle killed.

The other thing that you need to consider too, with regards to the House in this, is you have two totally different types of climates here. You were talking about Upper Big Bottom and the Clackamas River Basin. That's a temperate rainforest. Then you go on the east side of Mount Hood and you quickly drop out of the rainforest, high elevation stuff down to Ponderosa pine and even Lower White River is oak and sagebrush, some of it. So there are different considerations to be taken with regards to—especially to fuels treatment. And I don't think the things in arguments with fuels treatment need to be applied to western Oregon—you know, temperate rain forest versus east side stuff. I generally think, personally, I thought your bill was very fair. I see the need to perhaps mitigate some danger but I also think that is also sometimes speak for something else.

Senator WYDEN. Well, you made my day with that last comment. I appreciate it. Why don't, if you would, Brian, follow up with the staff and get us this information you have about the beetle kill issues because if you have a difference of opinion with the House folks on that, we ought to——

Mr. MAGUIRE. Well, they probably got that from the Forest Service. It was produced there.

Senator WYDEN. We'd like to be responsive to them and obviously if it was in there——

Mr. MAGUIRE. Yeah, they had my turkey hunting area. I saw the map. They had my turkey hunting areas as beetle killed and I was in there this spring. It's not beetle killed.

Senator WYDEN. I think generally you all have just been exceptionally responsive and what we have tried to do throughout this is to be responsive to folks—hunters, mountain bikers and others who, I think in past discussions, just didn't feel like they were part of the effort. I know when we were looking at Badger Creek, for example, folks told us particularly about the fall up there and that you have just some terrific deer and elk hunting up there on the fall and that was one of the principle factors in our putting it in that sort of special places approach. So, Mr. Ward, your thoughts

on integrating this whole effort and how we've done it and move from here.

Mr. WARD. Mr. Chairman, Senator Wyden, over the past 3 years, as you noted, not only have you been interacting with the various user groups, our organization has spent a great deal of time and continual time, actually, with our friends at the Mountain Bike Association, some county commissioners, the interest at Government Camp, back country horsemen, not hunters and anglers—sort of trying to discuss what their concerns were. And we directed our staff to make adjustments in our wilderness proposal to accommodate as many of their concerns as we could. Around Government Camp, we didn't—we removed a place from ours that one of the principles was looking for future ski expansion. We adjusted a number of our map boundaries so that they didn't overlap with mountain bike trails. So I think you all have crafted a pretty integrated package. But the reality is, you know, there is a bicameral process and your package now gets to interact with the House package and I guess I would just urge you to, given the amount of time left, that as been repeated here before, there is an Oregon solution here and it's one that at the end of the day, people will remember you as the elected leaders, even your colleagues in the House, as the elected leaders who protected what people want to see protected and that they care about. And at the end of the day, I really think that's what it is all about.

Senator WYDEN. Jill?

Ms. VAN WINKLE. I would concur with Jay there. We've certainly been through a lot in the last two to 3 years, working on this and it has been an incredibly educational process. I am very excited to have been invited to be here, actually, to be able to testify at one of the few groups that have been able to be this high profile involved in the process and really trying to make us a solution that works for everyone. At the risk of losing 100 miles of trail, we were losing about 60 with the House bill and we supported that. So we are willing to make a compromise. We'd like to lose as few as we can, of course, just as everyone else wants to protect as much land as they can. So we'll see what we can do with those few sticking points and some confusion that has come up over trail miles of open versus closed and see if we can hammer out some of those last little details. But again, I wanted to thank you for having us involved in this process. It was very educational and informative and it has helped us build better relationships with the environmental community as well.

Senator WYDEN. A good one to quit on, Jill. We'll have you at the table with the other stakeholders every step of the way and as far as I'm concerned—I know Senator Smith feels very strongly, this is a big, big deal to the people of Oregon. I'm sort of the Methuselah of the Oregon congressional delegation, at this point. I've been between the House and the Senate the Congress. I've had the honor to represent Oregon for 26 years in the U.S. Congress and in every part of the State, people say, "we want you to do this and we want you to get it right." This is special to us and it's true if you live in the rural part of the State, it's true if you live in the urban part of the State. Senator Smith and I feel we got it right. And we feel we got it right because we tried to spend a lot of time

on the ground, listening. All those discussions you had with Mary Cottrell in Oregon. Matt Hill is here from Senator Smith's office and if Matt was paid on the basis of the number of hours that he has put into this legislation, he would be a wealthy fellow and it is because we want to get this done, we want to get it done in a bipartisan way. Obviously, we're going to have try to move fast. We've got a little bit of time left in this Congress. Predictions for the 1–week, lame-duck session in November seem to be going by the boards with a sense that it is going to go a little longer but we have to assume that maybe it's just going to be a short period of time in November. So we will be reaching out to you all often and working to try to find the common ground that has been part of the Oregon tradition with respect to public lands and natural resources. So Senator Smith, you've got the gavel in your hands and just know as you go to the last word, again, how much I appreciate your help on this and Oregonians could have seen a very different outcome in the U.S. Senate and if we can continue the kind of partnership that we've had, extending it across the other side of the hill, we're going to get something very important done for the people of Oregon and I look forward to working with you to make that happen.

Senator SMITH. Thank you, Senator Wyden. It is a pleasure and a privilege to work with you on this and so many other issues. I just have one final question, based on one of Brian's responses. Brian, you talked about the beetle kill area that you disputed and I'd be interested, Jay and Jill and your responses to this, too. If it is the beetle kill issue and you heard Secretary Rey speak to the difficulty of some of the areas that we've marked off, needing fuels treatment, worry for fires that could begin there. Have we roped off any part that you think is legitimate of concern to the Forest Service? Is there some fuels treatment that should precede the final designation or just let it go?

Mr. MAGUIRE. Well, specific areas, I don't know. I've been also very active in protecting the Deschutes National Forest because I like to hunt there as well and I've been very supportive of the Forest Service in doing thinning to prevent catastrophic fires there. Specifically with this bill in the areas that I know, I know of no areas that have conflict that I think would need some, perhaps some thinning to prevent a catastrophic fire.

Mr. WARD. Mr. Chairman and Senator Wyden, I was actually taken aback this morning because I thought I heard one of the witnesses—and I'm sorry, I can't remember which one, testify that Upper Big Bottom or Clackamas Canyon was in need of—it was fuel loaded or had a fuel loading problem and that's an area, west side forest with a 200 to 300 year fire return interval. It gets about 80 inches of rain a year so if it's fuel, it's pretty wet fuel and I would say for those areas, it's probably—that would be overstated. We actually looked at other areas and we have 260,000 acres on the Mount Hood National Forest that we think are worthy of wilderness protections. That being said, some of the areas, the Mill Creek Watershed, for instance, which was in our original proposal, we basically worked with the local watershed group in a collaborative way and identified that they wanted to do some fuel treatment so we basically removed that from this proposal, recognizing

their interests in it. I think that, with all due respect to the Forest Service and their ability to accurately analyze condition class, because they're—from a funding point of view and just a technology point of view, it's a place where we haven't really applied the kind of research that we need to. It's a very coarse look at the land and saying, well this area has an insect infestation or has a fuel loading problem because they are using satellite technology, you may be looking at something that is a quarter mile across, when in actuality, if there is a fuel loading problem, it may be very site specific. So more funding and more research in that area would, I think, help determine whether or not that is really a concern. There are certainly places that have fuel buildups. We're actually putting forward a project on the Deschutes National Forest right now, that we've brought before the racks, to do some thinning of fairly significant diameter thinning, actually, on some forest around Black Butte Ranch and it's going to both restore complexity to the forest there and reduce the risk of fire to that community. It's kind of an unusual thing for us——

Senator SMITH. It got kind of close this summer, didn't it?

Mr. WARD. It did. Actually, I spent the summer lifeguarding up there, decades ago and——

Senator SMITH. You've been in sales and lifeguarding. What did you sell, by the way?

Mr. WARD. Oh, footwear for a few years and then optical lenses.

Senator SMITH. I was kind of hoping, pushing for bees.

Mr. WARD. I did spend a summer working at a frozen food plant in Albany, though, so that was my tuition money.

Senator SMITH. Probably green beans there.

Mr. WARD. Lots of green beans and corn.

Mr. MAGUIRE. Mr. Chairman, if you don't mind, I'd like actually to make a comment after what Jay said with regards to Upper Big Bottom. If the Forest Service does actually believe that Upper Big Bottom needs fuels treatment, if anything, it strengthens the need to protect this wilderness. Because that area does not—my family has been in the forest fire fighting business for 30 years. My dad was a smoke jumper. My brother currently works in fire control for the Forest Service and we've been active in doing good things for fire control and for fire and if they think that Upper Big Bottom needs fuels treatment, they are wrong. That area does not. That would suffer terribly, the amount of slash they're going to leave in there and none of that stuff is really—it's exactly the way it should be. They should leave that place alone. If they want to do fuels treatment on it, that gives more impetus to save that and not allow them to, in my opinion.

Senator SMITH. So in your view, Brian, there is nothing in the Senate version or the House version that needs fuel——

Mr. MAGUIRE. From the land pieces that I know of personally, no.

Senator SMITH. Jill, do you have a final comment?

Ms. Van Winkle: Yes, but it's not entirely related to the fuels issue or the beetle issue but from a management issue for the Forest Service and this is something we've talked with the Forest Service personnel about, is their ability to maintain trails. They rely almost exclusively now on volunteer labor to maintain their

trails and the mountain bikers are per capita, based on our membership, the largest group of donating their time to trail maintenance and if our trails get closed off to wilderness, you lose that steward. So that would be our concern, is that we dedicate a lot of time to doing trail maintenance on the mountain and I know that is a big issue for the Forest Service. They just don't have the staffing and the resources to manage trails and to get in there with a misery whip and cut out trails. Even the non-wilderness trails, right now they don't have the staffing so they rely on volunteer groups. The Back Country Horsemen and hikers and mountain bikers to do that volunteer maintenance and we are more than happy to do it and we do it a lot and that's what I teach every week when I'm out there, is sustainable trail building and maintenance and we want to continue to be involved and we will on trails that are open to us.

Senator SMITH. Well, all three of you, you've been here on an important day for a very important piece of Oregon and American legislation. You've added measurably to our understanding and we thank you for your service and your sacrifice to be here. All the best to your wife.

Mr. MAGUIRE. Oh, thank you. Liz will be—it took quite a few hours of explaining to be here. The entire family had to get marshaled around to make sure that she didn't get out of bed for 3 days while I was gone.

Senator SMITH. Have you picked out a name?

Mr. MAGUIRE. Collin. Collin Patrick Maguire. Good Irish name.

Senator SMITH. Not little Bob, then?

[Laughter.]

Senator SMITH. Well, to each of you, our heartfelt thanks and with that, Senator Wyden? We're adjourned.

[Whereupon, at 3:27 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF CAROLE KING TO QUESTIONS FROM SENATOR CRAIG

Question 1. I note that you believe that wilderness should be "as the creator created it". I also note that the 1964 Wilderness Act in part said: "Wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man . . . retaining its primeval character and influence, without permanent improvements or human habitation."

Given the number of mines and mining development that has taken place in much of the proposed wilderness, areas, do you agree with me that perhaps none of this area or very little of this area qualifies under the original provisions of the 1964 Wilderness Act?

Answer. This question reminds me of a story I once heard about the Menendez brothers, who were convicted a decade ago of murdering their parents. When the time came for the brothers to be sentenced, their lawyer reportedly asked for mercy because the young men were orphans.

In this day and age, it is increasingly hard to find land without the fingerprint of civilization. We cannot let that be an excuse not to protect wilderness. Where certain lands have been developed, to say that such land is ineligible for protection under the Wilderness Act because it is already developed does a disservice to the intent of the Wilderness Act, and also to the land, wildlife and wilderness values that the Wilderness Act was meant to protect for future generations.

Question 2. Do you believe that once roads have been built in an area that it is not "as the creator created it"?

Answer. Please see my answer to question 1.

Question 3. What accommodations should be made to help the economic stability of the small communities like Stanley, Challis, and Mackey?

Answer. To begin with, I would support a separate bill to provide meaningful economic assistance for rural communities in Idaho—not just authorizations but appropriations. Such assistance should not be tied to wilderness designation or the disposal of public land.

It is well-documented that communities near large, intact areas of protected wilderness prosper economically. With large intact tracts of protected wilderness an increasingly rare commodity in today's world, the roadless areas in the Boulder-White Cloud Mountains protected as Wilderness Act-quality Wilderness have the potential to be an economic engine that will help traditional businesses do better as part of a thriving Custer County for many generations to come. Where conflicts are perceived, it doesn't have to be "either or." Reasonable people working together can make it "and."

Four years ago I met with members of the Challis business community and challenged them to come up with ways they could use an adjacent large intact protected wilderness to fuel our community's economic engine. After several more meetings, they came up with the idea of an observatory based on the lack of ambient light in what had, and still has, the potential to be a large intact permanently protected Boulder-White Clouds Wilderness. The observatory is now in development.

I also suggested other achievable models. I would be happy to meet with you to discuss them.

I recommended that the Commissioners hire a planner to determine the most effective use of the existing private land in Custer County. The Commissioners have

since hired Ms. Teri Ottens in that capacity. I also recommended that they hire someone skilled at marketing and outreach to promote Custer County's proximity to what today has the potential to be the largest intact protected wilderness in the lower 48. I sincerely hope you will encourage your constituents to sit down together to work out how that might happen and address the concerns of those who fear that they would lose too much if such wilderness were designated.

I have already begun discussions with members of constituencies who typically do not support wilderness. Rather than create the illusion of consensus, as CIEDRA does, I believe elected officials should encourage differing constituencies to sit down together and identify where they have common ground, no pun intended, and also explore ways to overcome fears and differences. Your support of this type of effort will be greatly appreciated.

One of the most immediate ways you can help is to oppose passage of CIEDRA. Its passage will foreclose too many options. I ask not only that you allow H.R. 3603 to die in committee, but also let it be known that you oppose its passage as a rider or amendment or attached to other bills.

Mr. Simpson promised to let CIEDRA fall into the abyss of former wilderness proposals if there were any significant changes. At least two significant changes have already been made, with the likelihood of more to come. You are uniquely positioned to hold Mr. Simpson to his promise, and I hope you will do so.

Question 4. Would you support the federal government getting into and controlling local zoning rules in any of the other communities that you currently own homes in?

Answer. I believe that the best way for the federal government to control land it owns is to retain federal ownership. Once federal land is privatized, deed restrictions and local zoning regulations on such land are often (1) ineffective; (2) difficult to enforce; and (3) not a good substitute for the federal government retaining ownership of the land and managing it accordingly.

Question 5. Are you worried that the addition of more land for building in the area might reduce the value of the ranch property that you're currently trying to sell?

Answer. I never thought about it.

Question 6. Have you considered donating your ranch to the Forest Service for it's inclusion in the Sawtooth National Recreation Area?

Answer. No, I have not considered donating my ranch to the federal government, but I have considered and am willing to continue to consider the use of strategic scenic easements to the mutual benefit of the Sawtooth National Recreation Area and the ranch.

RESPONSES OF ADRIAN HUNT TO QUESTIONS FROM SENATOR DOMENICI

Question 1. I understand that you were involved in preparing the Trackways report required in our 1990 legislation. How many of the proposals from the report have been implemented?

Answer. The proposals in the report did not relate to management but rather to physical protection, interpretation and management. These issues have not in general been addressed.

Question 2. I understand many of the trackways have been collected and are being stored in your museum. Are there any significant exposed trackways within the proposed monument boundaries today suitable for public viewing?

Answer. The majority of the trackways that were previously exposed have been removed to our museum or have been illegally collected. Track-bearing layers could be easily be excavated at many sites for public viewing (if they were protected from theft and damage from the elements).

Question 3. Has there been any documented vandalism to known sites and what action if any has been taken to investigate and recover stolen artifacts?

Answer. I am personally aware of several slabs of fossil footprints that were lying on the surface in the Robledo Mountains that have been removed. I am not aware of any actions that have been taken to investigate or recover the fossils.

Question 4. Have any other Paleozoic trackways been discovered within the Western United States since 1994? If so, what is their significance?

Answer. New specimens of Paleozoic trackways have been discovered since 1994 from several localities in the Western United States. None of these new sites preserve specimens of the same quality or quantity as those preserved in the Robledo Mountains.

Question 5. Have other Paleozoic trackways been discovered in United States and, if so, what is their significance and what type of protection do they have?

Answer. Paleozoic Trackways are known from several localities in the United States, principally in Arizona, New Mexico and Colorado and in some areas in the East, notably Alabama and Pennsylvania. The Alabama Department of Conservation and Natural Resources manages the Steve Minkin Paleozoic Footprint Site in Walker County, Alabama. This site is an abandoned mine site whose spoil piles yield footprints. This is the only protection given to a Paleozoic track locality in the United States.

Question 6. It seems to me that making a national designation could be as damaging as it is beneficial. Won't a national designation draw more attention to this area, attracting more visitation and the potential for vandalism?

Answer. A national designation would attract more attention which would be good for education and tourism. I would presume that as a result of a new designation the land-managing agency would greatly increase the protection of the resource.

Question 7. In the administration's testimony, they suggested that a National Monument designation would create the wrong expectation for the public and recommended an alternative designation. Can you support another designation if it provides the appropriate protection for the resource?

Answer. I believe that the Trackways of the Robledo Mountains merit the designation of National Monument.

Question 8. One of the requirements of the 1990 legislation called for a recommendation on "the preferred administrative designation for the area . . . and the appropriate management agency", yet the report was silent about this. Was there a reason the authors chose to avoid this issue?

Answer. It was the authors' understanding (from the BLM) that the BLM would continue to administer the land. Furthermore, the BLM at that time indicated to us no plan to change the administrative designation of the area—they asked only for specific recommendations regarding the scientific significance of the tracks, and a list of management options regarding the tracksites themselves, ranging from "do nothing" to build a museum at the site. Thus, we were following specific instructions from BLM.

Question 9. The original discovery area was a relatively small area. Why does the monument need to be over 5000 acres?

Answer. There are several localities within the area which preserve the same exquisite and scientifically important trackways. Preservation of a smaller area is possible, but I would consider it analogous to only preserving a portion of Chaco Canyon.

Question 10. The preservation language in the legislation looks like it could be very easily limit Paleozoic site excavation activities. Is this a desired result of the legislation?

Answer. The balance between preservation and the inhibition of scientific research is always an issue, but it has been handled successfully in other national monuments.

Question 11. Is there reason to expect that undiscovered sites may exist in formations other than the Abo Tongue as described in the Smithsonian report?

Answer. Fossils of various kinds (shells, logs etc.) occur in other rock layers within the Robledo Mountains, but trackways appear to only occur in the rocks that were referred to as the Abo Tongue.

Question 12. Would it be reasonable to legislate development of an appropriate display in Las Cruces of some of recovered artifacts from the Robledos for public viewing?

Answer. I think that it would be appropriate and beneficial if a display facility was constructed in the Las Cruces area, possibly close to the proposed monument area. This would have great potential benefits for education and economic development.

RESPONSES OF SECRETARY KEMPTHORNE TO QUESTIONS FROM SENATOR DOMENICI

Question 1. BLM's Paleozoic Trackways Research Natural Area (RNA) has been around for sometime:

Does the current active gravel mine have any impact on the trackways or other Paleozoic sites?

Answer. The community pit has several layers of the "Abo Tongue" formations (Permian red beds) within undisturbed areas. The BLM monitors the mine to ensure that there will be no impact to the trackways. Specifically, by permit the New Mexico Museum of Natural History and Science (NMMNHS) staff and a museum volunteer work with BLM minerals and cultural staff to monitor extraction in the red beds, ensuring protection of vertebrate fossils.

Question 2. In your testimony, you proposed a National Conservation Area designation. Doesn't this also create the wrong expectation for the public?

Answer. As stated in our testimony, we believe that the proposed area for the Prehistoric Trackways National Monument is appropriate for designation as a national conservation area (NCA). An NCA is a special designation managed for a variety of uses while conserving the resources that exist in the area. The public's expectation is that the BLM manages a diversity of uses and the NCA designation satisfies those expectations. The BLM manages 13 NCAs throughout the West and we believe that a Prehistoric Trackways NCA would be consistent with our management of other NCAs.

Question 3. Since the site offers little for the public to see but is very important to the scientific community, are there other alternatives for a designation more fitting to this need?

Answer. While some of the trackways have been removed for further study and curation, some remain in situ. The site is visited by the public as well as members of the scientific community and we expect that would continue. We believe that an NCA designation would be appropriate since it would allow for research opportunities while also allowing for other educational and recreational uses for the public.

Question 4. There is currently an administrative designation as a "Research Natural Area". What if this were made a legislative designation to protect the sites for scientific purposes?

Answer. Designation of this area as an NCA would provide both protections and opportunities that are not available under the current Research Natural Area (RNA) designation. For example, the purposes of the area as described in section 4(a) are not only scientifically-related but also include a recreational purpose. Additionally, the current RNA does not provide certain protections such as the withdrawal from mining and mineral leasing in section 5(g).

Question 5. The current RNA protects an area that is 736 acres. The bill proposes a 5,367 acre designation. It's unclear why the extra acreage is necessary. Can the boundary be readjusted to more closely relate to the "Abo Tongue" formation?

Answer. The Congress can designate any boundary it determines appropriate and it would be possible to readjust the boundaries on the maps. Readjustment would require plotting the locations of the 34 localities noted in the 1994 Smithsonian report on a geologic map and color aerial photos. By adding the 34 localities to a geologic map and color aerial photos, an area could be delineated that bounds the "Abo Tongue" formation (Permian red beds). However, the red beds are sandwiched between limestone units, and a boundary drawn along topographic lines would be more difficult to mark and administer. We would be happy to work with the sponsors and the Committee to find manageable boundaries that more narrowly enclose the formation.

Question 6. The bill allows the Secretary to make "minor boundary adjustments" without defining any limits. How might this kind of authority be used?

Answer. The use of the word "minor" in section 4(d) suggests that the Secretary's discretion to expand the boundary is limited to include newly discovered paleontological resources immediately adjacent to the proposed monument.

Question 7. The current legislation requires the Secretary to manage the adjacent lands as a buffer. Can these resources be protected without a protective buffer?

Answer. The language in section 5(a)(3) requires the Department to manage adjacent lands in a manner that is consistent with the protection of the resources and values of the Monument. This language is vague in its geographic scope and is unnecessary. Furthermore, it could limit multiple uses on public lands nearby that would otherwise be authorized under the public land and mineral laws. The Department can protect the paleontological resources in the designated area through the management plan established under section 5(b) and would recommend section 5(a)(3) be removed.

Question 8. The bill in questions defines "authorized uses" as those that "would further the purposes for which the Monument has been established". How would it be impossible to show that grazing, OHV riding, bike riding, hunting, gravel mining or just about any other use would "further" the purpose even though they may have no impact on the resource?

Answer. The resources and values to be conserved, protected, and enhanced by this bill are outlined in section 4(a), and include "paleontological, scientific, educational, scenic and recreational. . . ." OHV use, bike riding and hunting would normally fit within the recreation designation, but would be limited if the managing officer determined they were no longer furthering, or in fact were threatening the purposes for which the Monument was created. Furthermore, motorized vehicles are expressly limited to roads and trails designated for use pursuant to the management plan. Grazing is expressly authorized to continue in areas where it is allowed

on the date of enactment. It is unlikely that new gravel or other mineral materials mining would be permitted within the proposed monument because the physical activities generally essential to mineral materials mining would likely threaten the protection of the resources for which the monument is being created.

Question 9. Would the Paleozoic resources be adequately protected if this were changed to "not inconsistent with the purposes?"

Answer. For clarity, previous legislation frequently has used the phrase "consistent with" rather than the phrase "not inconsistent with." We believe the Paleozoic resources would be protected with either phrase.

Question 10. The current legislation does not address use by bikes. Is this a popular activity in the area?

Answer. There is a 16 mile technical mountain bike trail in the area; approximately 7 miles of the trail are within the proposed monument area. We estimate that there are approximately 1,500 trail users per year.

Question 11. The legislation also authorizes BLM to regulate hunting (in consultation w/NMDept of Game and Fish). I know of no situation where BLM regulates hunting in the lower 48 states and we do not want to start this now. Doesn't the BLM already have the ability to manage OHV use and the discharge of firearms for public safety and the protection of resources?

Answer. As we noted in our testimony, "the BLM does not regulate hunting on public lands, but may in some circumstances work cooperatively with the state to limit firearms in particular areas such as campgrounds or active excavation sites." We believe that this is the intent of the legislation and we recommend that the legislation be modified to make this explicit. For example, Section 605(f) of Public Law 107-282 addresses this issue in a preferred fashion:

> (f) Hunting, Fishing, and Trapping.—
>
> (1) In general.—Nothing in this title affects the jurisdiction of the State with respect to fish and wildlife, including hunting, fishing, and trapping in the Conservation Area.
>
> (2) Limitations.——
>
> (A) Regulations.—The Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the conservation Area.
>
> (B) Consultation.—Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under subparagraph (A) that close a portion of the Conservation Area to hunting, fishing, or trapping.

Question 12. Does the RNA designation require a permit to be obtained before conducting research or removing artifacts from the area for study? Who is eligible to obtain a permit?

Answer. While the RNA designation does not bring with it any specific requirements for permits, the removal of vertebrate or trace fossils from all public land managed by the BLM requires a permit. Among other requirements, applicants must demonstrate professional experience in the field of paleontology relevant to the work proposed. The requirements for obtaining a permit from BLM managed land can be found in Chapter 4 of the 8270 BLM Handbook entitled General Procedural Guidance for Paleontological Resource Management.

Question 13. If permits are required, how many people or institutions have been given permits to study the trackways since the establishment of the RNA?

Answer. No new paleontological permits have been issued for the removal of vertebrate or trace fossils within the RNA since its establishment in 1993. However, two permits were issued prior to the establishment of the RNA. In addition, the New Mexico Museum of Natural History and Science (NMMNHS) has a statewide permit for all BLM lands in New Mexico. Representatives of this institution have visited and collected from sites within the RNA and the adjacent Robledo Mountains. Visiting paleontologists from a number of states and countries have also studied specimens housed at the NMMNHS that were collected from this site.

Question 14. The 1994 Smithsonian report identifies 34 localities as paleontological sites within the area. Have BLM Geologists or Paleontologists visited these sites? Are all of these sites in the "Abo Tongue" formation?

Answer. The BLM regional paleontologists have visited several localities and have relied on the vertebrate paleontologists at the NMMNHS to assess the significance of the localities. As cooperators with the BLM, these paleontologists from NMMNHS have visited additional localities noted in the 1994 Smithsonian report. The BLM geologists have also visited some of the localities. All of the localities noted in the 1994 Smithsonian report are within the "Abo Tongue" formation (Permian red beds).

Question 15. Are there currently any permits to conduct more excavations in the area?

Answer. No applications have been received to conduct excavations in the area; consequently no permits have been issued.

Question 16. Has there been any documented vandalism to known sites and what has BLM done to investigate and recover stolen artifacts?

Answer. No vandalism has been documented or investigated by the BLM.

RESPONSES OF SECRETARY KEMPTHORNE TO QUESTIONS FROM SENATOR BINGAMAN

S. 3794—OWYHEE INITIATIVE

Question 1a. Your testimony recommends that title I be clarified, and that the language "is ambiguous as to what is expected of the Department." I find your testimony equally ambiguous and would like to better understand the Administration's views on the proposal.

Does the Department support the legislative implementation of the Owyhee Initiative?

Answer. The Department supports the concept of a legislative implementation of the Owyhee Initiative. However, the Department would like to work with the sponsors and the Committee to resolve or clarify serious concerns related to the acquisition and valuation of land and grazing preferences in the bill as written.

Question 1b. Does the Department support the legislation's requirement that the Secretary coordinate with the Board of Directors of the Owyhee Initiative Project in implementing this Act and in the conduct of the science review process as described in the Owyhee Initiative Agreement?

Answer. As we noted in our testimony, it is unclear what the expectation is regarding the Secretary's responsibilities (if any) in the science review process and how the results of that process are to be used.

Question 1c. Does that directive expand the existing rights of the Board to participate in the Secretary's implementation of the Act?

Answer. Yes. The level of public participation in agency management actions—where not legislated—is generally subject to the discretion of the Department. This legislation would require coordination with the Board during implementation; as we noted in our statement at the hearing and above, because the language in the bill is ambiguous, it is unclear what the expectations regarding the Secretary's (or the Board's) responsibilities would be.

Question 1d. Why is the existing Resource Advisory Council not appropriate to undertake the role proposed for the Board of Directors of the Owyhee Initiative Project?

Answer. Many of the roles set out in the legislation for the Board of Directors would not be consistent with the role of the existing Resource Advisory Councils, which operate under the Federal Advisory Committee Act. The Idaho BLM currently has four RACs for the different regions of the state which are responsible for providing advice to the Secretary and the BLM on a wide-range of public land issues. The RACs act in an advisory capacity only.

Question 1e. Section 104 of S. 3794 authorizes $20 million to carry out title I. What are the Department's estimates of the costs necessary to carry out this title? Also please list any additional costs likely to be incurred by the BLM in the implementation of this title.

Answer. While we have not done an in-depth review, we would estimate that it would cost the BLM in Idaho in excess of $200,000 annually to carry out title I. This estimate does not include any potential BLM costs associated with the Conservation and Research Center Program, which the Owyhee Initiative Agreement indicates will fund landscape conservation and research projects through grants, donations, or appropriations received from government agencies and non-governmental agencies.

Question 2. Your testimony states that the Administration would "like the opportunity to clarify some of the management language [in title II] to ensure consistency with the Wild and Scenic Rivers Act." Given that section 202 incorporates the additions into the WSRA, wouldn't simply deleting the management language ensure consistency with that Act?

Answer. Deleting the referenced language, principally subsections 202(c) and 202(e), would ensure consistency with the Wild and Scenic Rivers Act (WSRA), but it would likely impede or frustrate the purposes of the sponsors. Furthermore it is not necessary to delete them to ensure consistency with the WSRA. The WSRA, as amended, includes numerous provisions and exceptions for special circumstances on

individual river segments. We would recommend some changes, however, to simplify implementation.

The effect of subsection 202(c)—which would narrow the boundaries to the ordinary high-water mark on designated river segments—will preclude establishment of a wider management area as generally provided in the WSRA, and the automatic withdrawal of public lands in that area from entry, sale or other disposition under the public land laws of the United States. This may impede or frustrate the purpose of designating these river segments as wild or scenic. The Department suggests the sponsors could modify the language to allow for standard boundary designation and management plan process, but mandate that public land uses that are of concern, could continue in the management area.

In subsection 202(e), the Department recommends removing part 202(e)(3) because it presents a potential conflict with parts (1) and (2) of this subsection.

Question 3. Is it the Administration's opinion that the laws and regulations of the State of Idaho recognize federal water rights reserved in accordance with the Wild & Scenic Rivers Act? Please provide relevant citations to Idaho laws and regulations.

Answer. Idaho water law recognizes that the Wild and Scenic Rivers Act of 1968 expressly reserved water rights for rivers designated under the Act (*Potlatch Corporation* v. *United States,* 12P.3d 1256 (Idaho 2000)).

Question 4. Is it the Administration's opinion that the terms of the Owyhee Initiative Agreement permit reservation of federal water rights in accordance with the Wild & Scenic Rivers Act?

Answer. No. The Water Rights Agreement (Appendix B) of the Owyhee Initiative Agreement recognizes that the Department of the Interior will file for a quantified Federal Reserved Water Right. The Agreement then subordinates those rights to any subsequent future domestic, de minimis stockwater, and commercial, municipal, industrial, irrigation and other state-recognized beneficial uses in the watersheds or on tributaries. This minimizes the value of the filing by the Department of a quantified right.

Question 5. If reserved as contemplated by the Owyhee Initiative Agreement, would sufficient water be reserved to protect the fish, wildlife, scenic, and recreational values of the Wild and Scenic Rivers designated by the bill?

Answer. Sufficient water could be reserved to protect the natural resources, but that federal reservation could be diminished by future beneficial use claimants to the point where the water available to protect the wild and scenic river values becomes insufficient. The minimum flow standards identified by the Agreement for perennial streams are that these streams not be de-watered. Depending on the needs, this standard may be insufficient to protect the federal values and uses.

Question 6. The Administration testified on S. 3854 (the Mt. Hood wilderness bill) that the Forest Service was "concerned about its ability to protect wild and scenic river values with the language relative to water rights and flow requirements; . . . We prefer to use our existing authority under the Wild and Scenic Rivers Act to protect the values associated with those special resources." Does the Department of the Interior share those concerns and preferences with regard to the rivers designated by S. 3794?

Answer. Yes.

Question 7. Section 202(c) states that the boundaries of wild and segments shall be the ordinary high-water mark. Does the Department support this boundary? If a high-water mark boundary is adopted, how is that consistent with the policy articulated in the Wild and Scenic Rivers Act that designated rivers and their immediate environments be protected?

Answer. The high-water mark boundary for wild and scenic rivers is inconsistent with the policy in the Wild and Scenic Rivers Act. The Wild and Scenic Rivers Act Section 2(b) states "A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land. . . ." Further, Section 2(b) (1), (2), and (3) differentiates between wild, scenic, or recreational rivers largely based on the types of activities that occur within the river corridor. A high-water boundary muddles these distinctions. Please also see the answer to question 2.

Question 8. Have the river segments proposed for designation in S. 3794 been studied by the Department to assess their suitability for inclusion in the Wild and Scenic Rivers System? If the segments have been studied, does a high-water mark boundary protect all of the outstandingly remarkable values identified in the Wild and Scenic Rivers Act?

Answer. Suitability studies have been completed for the majority of the river segments proposed for designation. The remaining segments are currently being analyzed in the Bruneau Land Use Plan. For the segments that have been studied, a

high-water mark boundary does not protect the identified values in the WSRA. Many of the outstandingly remarkable scenic, recreational, geologic, fish and wildlife, cultural, and other similar values are outside of the ordinary high water mark, but within the immediate environment.

Question 9. Your testimony does not appear to take a position on section 204(b), which deals with the sale or donation of grazing preferences. The Department of Agriculture testified before the House Subcommittee on Forests and Forest Health regarding an analogous provision in H.R. 3603 as follows: "We have serious concerns about the policy and proposed system for compensating permittees for the use of these allotments. Grazing on National Forest System land has been determined by the courts to be a privilege, not a right. The Department does not believe grazing privileges should be compensated since Forest Service regulations allow for a grazing permit to be canceled, modified, or suspended, in whole or part, where lands grazed under the permit are to be devoted to another public purpose including disposal. This fundamental change in national policy and federal law would be a costly precedent that we do not support." Does the Department of the Interior share those views with regards to section 204 of S. 3794? If not, why not?

Answer. We generally agree with the Forest Service views regarding compensation for grazing permits, and, as you know, the Department expressed reservations about the bill's approach to this issue in our testimony on S. 3794.

Question 10. What is the Administration's estimate of what it would cost to implement the grazing buyout provision?

Answer. Section 204(b)(3) of S. 3794 assigns specific values to the compensation for grazing reductions pursuant to a document entitled "Land Exchanges and Acquisitions" dated September 1, 2006. According to that document the total cost would be a little more than $8 million. In addition, S. 3794 requires the Secretary to install and maintain fences to prevent grazing use on lands where grazing would no longer be allowed. These costs could be substantial (costing between $5,000 and $12,000 per mile to construct fencing) but could not be determined until it was clear how much fencing would be required.

Question 11. The testimony mentions that section 204(b) would "permanently retire the AUMs associated with the conveyed preference rights." Can you explain how that reduction would be implemented? Could the AUMs permitted to the allottee increase in the future—as a result of future increases in forage-capacity for example?

Answer. As we noted in our testimony, "the legislation would also permanently retire the AUMs associated with conveyed preference rights. This approach is consistent with a Solicitor's Opinion issued by Solicitor Bill Myers in 2002 which stated only Congress can permanently retire AUMs permitted in districts originally created pursuant to the Taylor Grazing Act, where these lands had been identified as 'chiefly valuable for grazing.'" If Congress specifically legislates the exclusion of grazing on certain allotments, the BLM would issue decisions to the current permit holders to cancel the permits. The BLM's land use plans would be amended to reflect the legislated removal of livestock grazing, and the BLM would no longer authorize livestock grazing on those allotments unless Congress subsequently directed otherwise.

H.R. 3603—CENTRAL IDAHO ECONOMIC DEVELOPMENT AND RECREATION ACT

Question 1. Which of the parcels identified for conveyance identified in sections 102, 104, 105, and 106 has been identified for disposal by the BLM through its land use planning process?

	Preliminarily identified for disposal
Sec. 102 (Blaine County) 444 acres	
BLM Plan: 2003 Amendments to the Shoshone Field Office Land Use Plans for Land Tenure Adjustment and Areas of Critical Environmental Concern (Shoshone Amendments)	
Map: "Blaine County Conveyances, Map #1, September 13, 2006"	
Parcel A (40 acres)	yes
Parcel B (80 acres)	yes
Parcel C (160 acres)	yes
Map: "Blaine County Conveyances, Map #2, September 13, 2006"	
Parcel A (120 acres)	yes
Parcel B (40 acres)	yes

	Preliminarily identified for disposal
Sec. 104 (City of Clayton) 33 acres	
BLM Plan: 1999 Challis Resource Management Plan (RMP)	
Map: "City of Clayton Conveyances, September 13, 2006"	
Parcel A (23 acres)	yes
Parcel B (2 acres)	yes
Parcel C (2 acres)	yes
Parcel D (6 acres)	no
Sec. 105 (Custer County and City of Mackay) 853 acres	
BLM Plan: 1999 Challis Resource Management Plan (RMP)	
Map: "Custer County and City of Mackay Conveyances, September 13, 2006"	
Parcel A (120 acres)	no
Parcel B (40 acres)	yes
Parcel C (243 acres)	yes
Parcel D (200 of 319 acres)	yes
Parcel D (119 of 319 acres)	no
Parcel F (10 acres)	yes
Parcel E (121 acres)	no
Sec. 106 (Custer County and City of Challis) 3,198 acres	
BLM Plan: 1999 Challis Resource Management Plan (RMP)	
Map: "Custer County and City of Challis Conveyances, September 13, 2006"	
Parcel A (120 of 253 acres)	yes
Parcel A (133 of 253 acres)	no
Parcel B (201 acres)	yes
Parcel C (375 acres)	no
Parcel D (648 acres)	no
Parcel E (461 acres)	yes
Parcel F (1,261 acres)	no

Question 2. Are all of the trails and routes in the proposed Boulder-White Clouds Management Area currently maintained to relevant BLM standards? If not, what is your estimate of the amount of money that will be necessary to bring them up to standard?

Answer. The Idaho BLM estimates that it would cost in excess of $25 million to bring the routes up to standard.

Question 3. With regard to the Mt. Hood bill (S. 3854), the Administration's testimony states that directives to carry out projects raise the concern that it "will redirect other available funds allocated to meet priority need determined at the national scale to conduct ongoing activities. . . ." Is the Department of the Interior concerned that directives such as those included in section 303 could redirect funds from other regional and national priority projects?

Answer. The BLM supports the President's FY 2007 Budget request. Any unfunded mandates impact the Agency's ability to fund its highest priority budget needs as presented in the President's budget. In this case the various requirements included in section 303 of the bill would reduce our ability to cooperatively complete priority recreation projects that ensure public health and safety, improve resource conditions, and increase the accessibility of the public lands. These requirements would also lessen our ability to initiate new travel management plans or continue work on plans that have been cooperatively studied, developed, and are being implemented at the local level.

Question 4. In its testimony before the House Forests and Forest Health Subcommittee, the Department expressed concerns about some of the management provisions in sections 204, 205, 207, 208, and 209, suggesting instead that "the applicable provisions in the Wilderness Act of 1964 are adequate for administering the areas designated as wilderness by this title." The Department's Senate testimony only mentions concerns regarding sections 206 and 207. Does the Department's House testimony relating to the other sections in Title II still reflect its position? If not, why not?

Answer. The Senate Energy & Natural Resources Committee staff has indicated that this question was intended for the Forest Service not the Department of the Interior. We defer to the Forest Service.

RESPONSES OF FRED HUFF TO QUESTIONS FROM SENATOR DOMENICI

Question 1. You indicated that you have visited most of these sites. As a trained geologist, are the rock formations (the Smithsonian Report refers to the Abo Tongue) where the trackways have been found easily distinguishable?

Answer. Yes they are very easily distinguishable.

This picture* is from the area by Socorro, NM where the Abo formation was first named and described. The distinct red color is why they are referred to as red beds.

A paper by Dr. Adrian Hunt describes the Abo Formation as such: The Abo Formation is a red bed unit of Lower Permian age that is widely exposed in central New Mexico, particularly in Socorro County. In Socorro County, the Abo contains some Plant fossils (Hunt, 1983) and vertebrate body fossils (Berman, 1993), but the most abundant fossils are tetrapod footprints.[1]

The paper further describes that prior to 1990, in Socorro County, NM, only a few tracks had been found, but it also states that since 1990 things have changed: From 1990 onward, WC and JC have collected nearly 200 specimens of tracks and plant fossils from this area for the NMMNH.[2]

This is a typical Abo outcrop in the Robledo Mountains. This outcrop is about 20 feet up the mountainside and covered with hundreds of feet of overburden.

This also shows why vehicles are not driving over any alleged trace fossils. The red beds are almost always exposed as cliffs, well above the arroyo floors.

The issue is not whether the Abo red beds are easily distinguishable or even if vehicles will drive over them. The larger issue that should be addressed is the lack of evidence about the nature and extent of the alleged trace fossils. It is important to know that the mere presence of red beds does not mean there are automatically trace fossils present, let alone significant ones. There has been no verification that significant fossils (besides the initial 1987 find) exist in this area. An unbiased study must be done to determine whether or not there is really anything in this area that merits a national monument designation.

In this vein, I asked the local BLM office a few questions to see if their office had done any verification of the claims being made:

> Huff question: Page 45 of the 1994 Smithsonian report identifies 34 localities as paleontological sites within the southern Robledo Mountains. Have BLM Geologists or Paleontologists visited each and every site and verified the validity of the claim?
>
> BLM answer: No. BLM geologists have not visited all the localities.

Congress is being asked to designate a National Monument even though there is no proof that the reason for the monument even exists. The Department of the Interior manages this land and its own staff members have not thoroughly analyzed all of the alleged trace fossil sites. I then asked if they knew who had visited all the localities:

> Huff question: If so, who did, when and what did they find.
>
> BLM answer: BLM Regional paleontologists, Mike O'Neill and currently Pat Hester have visited several localities and have relied on the Vertebrate Paleontologists at the NMMNHS to assess the significance of the localities. Mr. O'Neill visited localities in the late early 1990's. Ms. Hester has visited localities in the early 1990s, 1994, 2003 and 2005. The NMMNHS is the BLM's partner in the management of fossil resources on public land. The localities were found to contain important invertebrate trace fossils, vertebrate trace fossils and important plant material that provide information used to interpret ancient environments.

Their response indicates than only two employees of the BLM have ever set foot in the area with the intent of looking at these trace fossils. The response also indicates that some localities were not ever looked at.

I have researched numerous scientific reports from the New Mexico Museum of Natural History and Science and the Internet. This research has revealed that most of the literature was written by a handful of people, mainly from the New Mexico Museum of Natural History and Science. Nothing in any of the discovered literature confirms that every site identified in the 1994 Smithsonian report has ever been independently verified. The 1994 Smithsonian Report, starts out on page one by

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*The pictures mentioned have been retained in subcommittee files.

[1] Hunt et al., EARLY PERMIAN VERTEBRATE TRACKS FROM THE ABO FORMATION, SOCORRO COUNTY, CENTRAL NEW MEXICO: A PRELIMINARY REPORT, NMMNHS Bulletin 6, P. 263.

[2] Hunt et al., EARLY PERMIAN VERTEBRATE TRACKS FROM THE ABO FORMATION, SOCORRO COUNTY, CENTRAL NEW MEXICO: A PRELIMINARY REPORT, NMMNHS Bulletin 6, P. 263.

stating: "The most extensively studied and scientifically significant Robledo tracksite occurs in redbeds of tidal flat origin at UTM 3584120N, 323070E, zone 13." At the bottom of that page, the report states that ". . . with the discovery of the deposit now known as AF2 (NMMNH locality 846), on which this report is primarily based." The report acknowledges that only one small area was studied. So, for most of these sites, only one person has ever made the claim that the alleged trace fossils exist.

A number of local people and I spent the summer of 2006 using GPS units to track down 30 of the 34 alleged trace fossil localities. At 20 locations, we found that the indicated coordinates placed us right where digging had taken place or very near a red bed outcrop. And at five of these sites we did find a few tiny tracks, but nothing worthy of national monument status. The other ten sites placed us well away from any visibly exposed Abo red bed or digging. The monument proponents are also claiming that there are only twenty sites within the proposed national monument with this quote from a brochure that they have placed in various locations around town: "There are at least 20 sites within the boundaries of the proposed national monument . . ." This implies that 14 of the Smithsonian report sites, or 30%, may not contain any trace fossils at all. A 30% error is not acceptable and certainly calls for an independent verification.

Question 1a. What percentage of the area proposed for designation is made up of Abo redbeds?

Answer. This question is easily answered by using computers and mapping software to combine information from several sources.

The results of combining all of this data indicates that only 20%, or about 1043 acres of the proposed area contains exposed Abo Red beds.[3]

The Abo red beds in the map to the right are indicated with the Pa notation and are colored light blue. The green dots are the claimed localities from Page 45 of the Smithsonian report: The varying sizes of the green dots for these localities is to give a visual representation of the rank that was arbitrarily assigned, signifying the "importance" of each of these sites It is to easily see that AF1/2 is at the very edge of an Abo red bed outcrop.

Question 1b. Does this formation exist in other areas of the state?

Answer. Yes, the Abo formation does exist in other areas of the state. Not only does it extend north of Santa Fe, New Mexico, it goes over 300 miles south to the U.S./Mexico border. The tracks found in these localities are the same as found in the Robledo Mountains. So, the possibility of discovering more trackways within the Abo formation is not confined to just the area contained within the boundaries of the proposed monument

Data extracted by Mr. Gilbert using the process described above reveals that there are 164.3 sq. miles of Abo formation in New Mexico, of which the Robledos contain 3.29 sq. miles. However, only 1.63 sq. miles, or less than 1% of the total Abo formation in New Mexico is slated for inclusion in the proposed national monument.

Question 1c. How much overlap exists between these formations and the trails frequented by your club?

Answer. There are 26.68 miles of trails within the boundaries of the proposed monument. and only 7.62 miles near Abo red beds. There is only one identified place (about twenty feet) where a trail actually crosses an exposed red bed formation. It is located in Apache Canyon (locality AF21). It is apparent in the following picture that seasonal flood waters have scoured the rocks bare. Driving this area would not

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[3] To combine this data, we went to Peter Gilbert, a local expert with over 18 years of experience in the GIS field. Gilbert designed and built the Municipal GIS system and has done GPS mapping for over ten years using mostly Trimble mapping grade asset surveyor and similar units and is familiar with both post and pre processed data. He has also been the recipient of a special achievement in GIS award from ESRI of Redlands California. He was also a member of our track location field study.

The maps and statistical data used are from readily available parcel and street data from Dona Ana County GIS and Aerial and DTM data obtained from Dona Ana County Flood Commission. Software used is ESRI ArcMap 9.1, in New Mexico State Plane NAD 83 NM Central. OHV trails where downloaded from a Magellan Meridian GPS and then verified against 6″ resolution aerial photography at ±2 ft error. New Mexico Geology data was digitized from a 2003 New Mexico Bureau of Geology and Mineral resources geotif developed by Peter Scholle. Areas and lengths where taken from the GIS Spatial database. Proposed trackway boundary was digitized from BLM source map of the proposed legislation. Robledo area geological map data was provided by BJ Stroup that was digitized from field work done by William Seager et al, (NMSU geology professor(s) in 1987 and reproduced on page 7 of the 1994 Smithsonian report. Trackway points themselves are based on UTM Zone 13 NAD 83 data provided by the 1994 Smithsonian report, page 45.

have any effect on the red beds since it is in the bottom of an arroyo[4] where the most significant damage comes from periodic raging water, not soft rubber tires.

Everywhere else, the Abo outcrops are either in side canyons, the canyon walls, or high up the hillsides where no vehicle could possibly go. Also, most of the red beds are still buried under hundreds of feet of overburden or otherwise naturally protected as they have been for 280 million years.

This is a typical Abo redbed exposed in the wall of Apache Canyon with an off road vehicle route running adjacent to it.

Question 2. How will the National Monument designation, as proposed, affect off-road enthusiasts?

Answer. Monument proponents claim that they do not want to close the area to off-road vehicle use. They say that the details will be worked out with the resource management plan that the BLM develops. I am sure the record shows that the same promises were made when the Vermilion Cliffs and Grand Canyon-Parashant National Monuments were being debated. Once the monuments were designated, however, the story changed very rapidly. When the BLM tried to develop their Resource Management Plan, the following information was released by the Sierra Club, Wilderness Society, and Grand Canyon Wildlands Council as soon as the draft plan was unveiled:

VERMILION CLIFFS AND GRAND CANYON-PARASHANT NATIONAL MONUMENTS: MAGNIFICENT RESOURCES AT RISK

> The draft Resource Management Plan for the Arizona Strip prioritizes off-road vehicle access at the expense of wildlife, cultural resources, and wilderness, instead of distinguishing these lands from other BLM lands. Current threats to the quiet, remote backcountry and northern watershed of the Grand Canyon include vandals, pot hunters, and off-road vehicles.

The article continues with many pseudo-scientific, inflammatory, and emotional statements:

> Many of these ORV routes are unsafe and lead nowhere, and disrupt the region's wild and primitive character, threaten wildlife populations, and invite damage to cultural and archaeological resources.
>
> Roads and ORVs cause a range of effects on wildlife, including: mortality from collisions, modifications of animal behavior, disruption of the physical environment, alteration of the chemical environment, spread of exotic species, and changes in human use of lands and water
>
> The effects of roads and ORVs include: habitat loss and fragmentation; diminished animal use of habitats because of noise, dust, emissions, and the presence of humans; loss of forage for herbivores; interference with wildlife functions, such as courtship, nesting, and migrations; spread of non-native species that are introduced by vehicles; increased poaching or unethical hunting practices; increased recreation impacts; and degradation of aquatic habitats through alteration of stream banks and increased sediment loads.
>
> Roads and ORVS reduce the size and number of core wildlife habitat areas. This leads to cumulative adverse effects on species that depend on natural interior landscapes, including greater competition; nest predation and parasitism; secondary extinctions from the loss of keystone species; and changing microclimates such as increased evaporation, increased temperature, increased solar radiation, and decreased soil moisture.

We can easily see this exact same article being re-published to "prove" how much damage the off road vehicles are doing to the alleged trace fossils. Not only do they attack the use of motorized vehicles, they are calling for the monument to be treated as wilderness. They identify threats to the resources as including "vandals, pot hunters, and of road vehicles".

This is exactly the same rhetoric we are hearing from proponents of this monuments. They are citing vehicles as damaging the alledged trace fossils with this statement in their printed literature: "Illegal removal of tracks can be a problem, and vehicle traffic off of the established trails can damage the tracks." They ignore the fact that vehicles do not drive within a mile of the discovery site.

The Wilderness Society web page about the monument also makes the claim that vehicles are a threat with this statement:

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[4] Arroyo is Spanish for "wash" and is usually a dry, natural drainage or gulch that temporarily fills with water after a heavy rain storm. During heavy rain storms, water can flow fast and deep enough to pick up automobile sized boulders.

> The Paleozoic Trackways Foundation formed to gather support to protect the ancient site. "If the site isn't protected, our fear is it will be lost due to mining, looting and weather," said Keith Whelpley of Las Cruces, chairman of the Paleozoic Trackways Foundation. Another concern is the threat of off road vehicle use in the area.

What reason will it be, vibrations from the vehicles, pollution, noise, people to close to the alleged trace fossile sites? They will come up with something!

History has proven that even when Congress has specifically allowed certain uses to continue, a way is found to circumvent the law. A perfect example of this is when the Escalante-Grand Staircase National Monument was established, it very specifically contained wording that protected specific existing uses (like grazing). That did absolutely nothing to keep the BLM from almost immediately starting to effectively eliminate grazing from the monument by not renewing the grazing leases as they came up for renewal.

Even though this proposed monument bill specifically allows permitted events such as the Chile Challenge to continue, the BLM could just refuse to issue the permits for these events, thus ending them. If the proposed monument dosen't give the Sierra Club and others additional leverage to close the area to off road vehicles, why are they pushing so hard for the designation?

There is just too much past history of using a monument designation to close an area to existing uses to ignore. Monument status in the Robledo Mountains will also be just another excuse for the Sierra Club and others to file lawsuits to close this area to off road vehicles. It is especially likely in this case, since one of the main monument proponents is a board member of the local Sierra Club and already has a lawsuit in Federal District Court opposing the quarry.

Other examples of using monument status to close an area to existing uses are easily located on the Internet. In a press release dated March 27, 2002, the Sierra Club, The Wilderness Society, Friends of the Earth, National Wildlife Federation, and U.S. Public Interest Research Group again indicated how they think monuments should be managed:

THIRTY THOUSAND AMERICANS CALL FOR THE PROTECTION OF NEW NATIONAL MONUMENTS

Conservation groups warn Secretary Norton about the threats posed by poor management

> Washington, D.C.—Conservation groups sent a letter to Secretary of Interior Gale Norton today urging her to protect our nation's newest National Monuments from risky development schemes that threaten to open them up to oil and gas drilling, mining, and off-road vehicles. The groups, which include the Sierra Club, The Wilderness Society, Friends of the Earth, U.S. Public Interest Research Group, and the National Wildlife Federation . . .

Notice that off-road vehicles are again on the list of unacceptable activities for a national monument.

A classic example here in New Mexico of the Sierra Club and others ignoring Congressional intent and using the courts to push their agenda is the Petroglyph National Monument outside of Albuquerque. The monument is a 17 mile long barrier along the west side of the city and contains over 25,000 petroglyphs.

In 1992, Senator Domenici, pressed for the passage of legislation in Congress that removed 8.5 acres from the Petroglyph National Monument and transferred it from federal jurisdiction to the city of Albuquerque so a freeway could be built through the monument. It is projected that the freeway through the monument would only disturb about 50 petroglyphs. Since the freeway would ease commuter traffic on Albuquerque's east side, voters approved the $8.7 million freeway extension and funds for the extension were included in a $52.5 million road bond.

However, a lawsuit filed Feb. 17, 2005 by the Sierra Club, and others totally ignores the needs of the community and the desires of Congress while trying to stop this much needed freeway.

The proposed trackways national monument has nothing exposed that requires protection, nothing unique to see, and fails to meet the grand expectations that Americans have of a national monument. Currently any alleged trace fossils are buried, up to hundreds of feet below the surface and are well away from any vehicle routes, except for one 20 foot section of Abo red bed with only alleged trace fossils within it.

Question 3. How would limiting off road use to designated roads and trails affect the Chile Challenge off-roading event you hold each year?

Answer. The website for Las Cruces office of the BLM has this information about the trails we are discussing:

> The Robledo Mountains Off-Highway Vehicle Trail System is a network of trails, including both extreme OHV and mountain bike trails, in the southern Robledo Mountains. The trails are dominated by enormous rocks, making the terrain extraordinarily challenging for riders. The extreme OHV trails require specialized vehicles, with locking differentials, winches, and expert drivers. Vehicle damage is not uncommon on these very difficult OHV trails.
>
> The area also includes the "SST" mountain bike trail, which is open only to non-motorized uses. It also is an extremely technical trail—traversing challenging rocky terrain, steep canyons, and mountain-top ridges—and requires expert riding skills.

We refer to this area as The Chile Canyons OHV Trail System. Regardless of what they are called, they are a legally designated series of trails that is already limited to designated roads and trails and has undergone the stringent analysis of an Environmental Impact Statement (EIS). This EIS also included a public comment period and the opportunity for challenging the conclusions. This study was commenced in September 1997, three years after the RNA was established. The EIS was completed and signed, in December of 1997 and does not raise any concerns of damage to fossil resources. There is also no record that anyone opposed the trails because they would damage fossil resources. National monument designation is not needed to protect this area from off road use. As documented above, our concern is that this already designated trail system will be closed.

The purpose of a national monument is to protect known resources, not alleged ones. Known trackways came out of the discovery area. No other area within the proposed national monument has produced anything of that significance. Since additional trace fossil finds have yet to be made, I suggest the continued designation as a research area. The Committee could appropriate funds to conduct field studies. If unique fossil finds are discovered, the monument designation could be reconsidered at that time. If something has to be protected now, protect a few acres around the discovery site but remember that no other trackways have been discovered at that site since 1987 and those are no longer there.

Opposition to this bill grows daily as more and more people learn that there is nothing worthy of national monument status in the Robledo Mountains. They are seeing this bill for what it really is, a massive land grab by an elitist few.

Attached are two such letters of opposition.*

RESPONSES OF JAY WARD TO QUESTIONS FROM SENATOR CRAIG

Question 1. Do you believe that mountain bikers cause more harm to Mt. Hood than hikers and horseback riders?

Answer. According to research performed by the USFS Pacific Northwest Research Station, bikes cause less harm than ATVs, similar or less than horses, and more than hikers.[1] While the impact of a mile hiked and a mile biked isn't necessarily very different, mountain bikes travel much farther than hikers and horseback riders and therefore their impacts are extended over a greater area. On the Mount Hood National Forest, as on many of our public lands, there are places where bikes simply aren't appropriate, such as Boulder Lake. The trail system in Boulder Lake covers a significant amount of wetland habitat, and includes a number of unbridged stream crossings. For example, trail #464 should be closed to bikes, ATVs, horses, and hikers, as it is such a sensitive area. See attached photo.

Question 2. Would ONRC support this legislation fit allowed mountain bikers continued access to all the trails impacted by this legislation?

Answer. We have been working with the bike clubs on all sides of the mountain (Portland United Mountain Pedalers, Columbia Area Mountain Bike Advocates, International Mountain Bike Assoc., and Central Oregon Trails Alliance) to identify the most popular bike trails for several years. We have agreed to, and the congress has made additional adjustments, to the degree that there will be no impact to any popular bike trails around the mountain. This is a reasonable approach. We would

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*The letters have been retained in subcommittee files.

[1] Wisdom, M. J., H. K. Preisler, N.J. Cimon, B.K. Johnson. 2004. Effects of Off-Road Recreation on Mule Deer and Elk. Transactions of the North American Wildlife and Natural Resource Conference 69: in press.

not support, and would oppose allowing mountain bikes into designated Wilderness areas.

Question 3. Did ONRC take a position when the Forest Service proposed enforcing party-size limits in wilderness areas on Mt. Hood in 1999? Would ONRC support a raffle-style permit system for Wilderness entry?

Answer. Oregon Wild (formerly ONRC) did not support the party-size limitation proposed in 1999. We also do not currently see a need for a raffle system for Wilderness entry. While there are some areas in the Mount Hood Wilderness that experience heavy use (e.g. the South climbing route), the wilderness provides fantastic opportunities for the enjoyment of numerous wilderness values. In fact, the heavy use of the South face ascent of the mountain precedes the designation of the Mount Hood Wilderness. In looking to the future, in its LRMP, the Mount Hood National Forest has recognized that there is a shortage of backcountry opportunities on the forest, and a surplus of roaded recreation opportunities. With this in mind, it is imperative that we protect the remaining backcountry roadless areas as wilderness. On the Mount Hood National Forest there are 261,000 acres that provide this opportunity. Designation of additional Wilderness on the forest will spread the use out over additional areas, rather than focusing people into the few protected areas already designated as Wilderness.

Question 4. Does ONRC support vegetative management within Wilderness Areas to meet huckleberry patch development for the Warm Springs Tribe? Does ONRC support mechanized access for Tribal members to gather huckleberries?

Answer. For generations the Confederated Tribes of the Warm Springs stimulated huckleberry patches by lighting fires. We encourage the USFS to continue this use of prescribed fire in Wilderness where appropriate. Huckleberry growth and wilderness preservation are very compatible as there is no requirement that huckleberries need mechanical treatments or clear-cuts in order to grow. We support traditional tribal access to huckleberry patches on most public lands, however in Wilderness and sensitive environments motorized access is not appropriate. The Lewis and Clark Mount Hood Wilderness proposal closes only a few small roads, and those that are closed are short dead-end roads that accessible by foot and horseback. Such traditional access by members of the Confederated Tribes of the Warm Springs is compatible with Wilderness designation.

Question 5. Are there any ecological impacts of snowmobiling after the snow melts?

Answer. The two stroke engines most snowmobiles use emit a significant amount of pollutants into the surrounding environment. These pollutants infiltrate snow cover and vegetation eventually ending up streams after the snow melts. This harms aquatic species and degrades fish habitat. Richard Bury of the University of Texas A&M performed a study on the impacts of snowmobiles on fish and water quality. The results shows that after a winter of snowmobiling "hydrocarbon levels undetectable prior to snowmobiling reached 10 ppm in the water and 1ppm in exposed fish . . . The influence of these pollutants on stamina, measured by ability to swim against a current, was significantly less in trout exposed to snowmobile exhaust than in control fish; the exposed fish make fewer tries to swim against the current, and swam for shorter lengths of time before resting". Snowmobiles also disturb large game such as elk, forcing them to scatter and run when they are at their weakest in the winter months. The effects on terrestrial species like elk and deer persist long after the snow melts.

Question 6. Many environmental groups have maintained that revenues lost from reduced timber harvest can be made up through recreation and tourism. What type of changes in tourism and recreation related revenues do you anticipate as a result of this legislation?

Answer. We see the increased revenues from recreation and tourism activities on the national forest to affect both local economies and the USFS in positive ways.

Two examples of affected local economies: We would expect to see that preservation of big game habitat in places like Fifteenmile Creek will increase spending from hunters in local gateway communities on the east side of Mount Hood. Gas, food and lodging would likely be purchased locally, enhancing the local economy. On the west side, the city of Sandy will likely see an increase in tourism as urbanites from the Willamette Valley seek out the Wilderness experience around Mount Hood.

USFS funding: We would anticipate that the fee retention provision in both the House and Senate Mount Hood bills would increase funding for local projects around Mount Hood. Over time, the retained funds could be used to fund more recreation infrastructure such as trail signs, outhouses at trail heads, and interpretive sites. These expenditures would likely draw more individuals to the Mount Hood national forest. A recent study performed by the USFS drew the following conclusion "Wil-

derness seems to be a catalyst promoting the transition from stagnating extractive economies to relatively competitive amenity economies".[2]

The timber sale program has long been a money-losing venture for the taxpayers and the USFS, especially in light of the current backlog of road maintenance for old logging roads. A reduction of road building will save the taxpayers and the USFS considerable amounts of money over time.

Question 7. One of the primary tenets behind support of this legislation is that Portland's growing population is placing ecological pressure on the Mt. Hood National Forest. Does ONRC still concur with Andy Kerr's thesis in his "ONRC's Executive Director Outlines 100-Year Plan for State" (1994) that Oregon can only effectively sustain 1 million people?

Answer. Andy Kerr is senior counsel to Oregon Wild; the thesis referenced is his own opinion and does not represent a position taken by Oregon Wild (now or in the past). While overpopulation is a vital issue facing Oregon and beyond, Oregon Wild is not actively engaged on this issue.

> According to the Forest Service, there are 40 some miles of road that will be within the designated Wilderness Areas in S. 3854. They also believe that a number of recent harvest units and several older harvest units are located within these Wilderness Areas. The 1964 Wilderness Act in part said: "Wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man . . . retaining its primeval character and influence, without permanent improvements or human habitation."

Question 8. If we are going to deviate from the provisions of 1964 Wilderness Act by making areas with paved roads Wilderness or areas that have been harvested Wilderness, why shouldn't we deviate from the 1964 Wilderness Act to allow mountain bikers access to the 100 or so miles of trails they currently use in the area?

Answer. Please see the attached document for the response to this question and the related congressional history.

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[2] Lorah, Paul A. 2000. Population growth, economic security, and cultural change in wilderness counties. In: McCool, Stephen F.; Cole, David N.; Borrie, William T.; O'Loughlin, Jennifer, comps. 2000. Wilderness science in a time of change conference—Volume 2: Wilderness within the context of larger systems; 1999 May 23—27; Missoula, MT. Proceedings RMRS-P-15-VOL-2. Ogden, UT: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. p. 230-237.

APPENDIX II

Additional Material Submitted for the Record

[Due to the enormous amount of materials received, only a representative sample of statements follow. Additional documents and statements have been retained in subcommittee files.]

STATEMENT OF NEMECIO R. CHAVEZ, JR., LAS CRUCES, NM

Mountain biking has been a part of my everyday life over the last 15 years. It started as something occasional to do on the weekends and then gradually became my favorite way to exercise. Now, it's something I can't live nor want to be without.

I've been lucky enough to have lived in Colorado for a number of years and to have mountain biked many of their wonderful trails. I've also biked a good number of amazing trails in the west Texas area. I've even survived Slick Rock (Moab, Utah's legendary trail, which is considered by many to be one of the most technical trails in the U.S.), more than my fair share of times. All of these areas are well-known in the mountain biking community for their trails.

While not as well-known but gaining visibility in recent years (see June, 2001 issue of Bike Magazine where Las Cruces was picked as one of the top 5 places to live and mountain bike), the trails in the Las Cruces area range from simple to extreme and anywhere in-between in terms of their riding difficulty. However, one trail stands out the most. The Robledo mountain biking trail not only offers beautiful scenery, but arguable some of the most technical riding in North America. The total length of the trail is only about 6.2 miles and challenges the rider with tight, obstacle filled (e.g. rocks, ledges, and various cacti) single track that winds and scales the sides of desert canyon walls. Most riders, regardless of fitness level and technical ability, will find themselves pushing their bike along the trail at some point, smiling, thinking, and swearing they will do better the next time they try the trail again. When asked, I without hesitation say that the Robledo trail is my favorite mountain biking trail of all time. I've ridden it about a dozen times and it's challenged me in numerous ways each time. Admittedly, I am biased. However, my concern is that a National Monument designation of this area would result in closing this trail. This would not only harm the Las Cruces mountain biking community but the greater Las Cruces community and that would do no one any good. Please help keep the Robledo area open to the public.

STATEMENT OF PEGGY BOGART, LAS CRUCES, NM

I wish to summit the following comments and ask that they be added to the testimony on the Dona Ana County Trackways Bill.

My name is Peggy Bogart, and I am Environmental Director for the Family Motor Coach Four Wheel Drive Chapter. We have 350 members nationwide. Our group holds four-wheel drive rallies in Las Cruces at least every two years utilizing the four-wheel drive trails in the area. Most of our members are senior citizens and can no longer hike distances, so the only way we have to access the backcountry is by road or trail.

We find several problems with the Trackways Monument Bill. There is already a Research Natural Area protecting an area that is 736 acres. Why do we need the extra acreage the Monument proposes? The trackways that were found are now in the museum in Albuquerque and not even at the site. The rest of the trackways are buried and would take mining to uncover them. What makes this area qualify for a National Monument? The bill also lets the Secretary make minor boundary adjustments without defining any limits. Therefore the Monument could grow in acreage.

It would also require the Secretary the adjacent lands as a buffer. This would close the four-wheel drive and bicycle trails in the area.

We support a Dona Ana County Comprehensive Land-Bill. We feel that this bill could support multiple use of these lands and perhaps have a Backcountry designation, which would protect against development, while still providing for access to our roads and trails in the area. Many Las Cruces residents and tourists alike use this area for OHV riding, four wheeling, and bicycle riding. If this were a national monument or wilderness area then only those that are fit to hike could use the area, and leave out senior citizens, and the handicapped.

Thank you for letting me comment on this important matter.

STATEMENT OF KAZ THEA, WILDLIFE ECOLOGIST, HAILEY, ID

I request that this letter be made part of the record on CIEDRA, H.R. 3603 for the hearing scheduled on September 27, 2006.

I am a resident of Hailey, Idaho and therefore, a constituent of Representative Simpson. In addition to being a wife and mother of a 4-year old, I am a professional ecologist having worked for the U.S. Fish and Wildlife Service (Service) for about 10 years. For several years I was assigned oversight for Service work on the Sawtooth National Forest, the Salmon-Challis National Forest and the Challis BLM Resource Area, all of which are in the areas affected by Representative Simpson's CIEDRA bill. I am very familiar and knowledgeable with these public lands. I am also a passionate wilderness advocate and an outdoor enthusiast participating actively in many of the non-motorized sports central Idaho has to offer. While I applaud Simpson's effort to designate part of the largest intact roadless areas in the lower 48 states as wilderness, the bill includes provisions that I strongly oppose. I strongly oppose H.R. 3603 and ask for your opposition to CIEDRA.

1. Title I of CIEDRA would give away public lands in the congressionally-protected SNRA that include elk wintering grounds and critical salmon spawning waters near Stanley, Idaho. Including lands outside the SNRA, CIEDRA would give away, for free, up to 5,100 acres of National Forest and BLM-managed public land to local government and development interests representing a significant downward spiral towards public land privatization. This bill has significant national implications whose particular title provisions must be stopped. This is a trend that should be nipped in the bud, public lands belong to ALL Americans not local special interests.

CIEDRA would weaken protections afforded under PL 92-400, passed in 1972 to protect the natural, rural, historic, pastoral, and scenic values of the SNRA. Taxpayers have already spent $65 million with conservation easements and purchase to protect habitat for fish and wildlife within the SNRA, an icon among America's western landscapes. The bill would give away for trophy home development a 162-acre parcel near Stanley, Idaho, purchased for $341,000 by federal taxpayers during the 1980s for wildlife protection. CIEDRA would set a precedent of dismantling protections on public land to benefit a few local interests, despite the strong opposition of many area residents.

2. Title II designates 300,011 acres of wilderness but does so in a way that erodes the intent of the Wilderness Act and degrades its quality. CIEDRA authorizes motorized recreation on trails inside the proposed wilderness boundaries, whose authors carefully created these trails as internal boundaries. One trail would bisect the wilderness west to east, and the other two trails would provide a motorized loop trail. The boundaries of the proposed wilderness are far smaller than the 550,000 acres within the Boulder-White Cloud roadless area that qualify for wilderness and have been recommended by other conservation groups including Rockies Prosperity Act introduced in the House. Motorized trails should not be included within the proposed wilderness boundaries. To allow this use we accept degradation of the wilderness values we seek to protect.

> Section 2(c) of the Wilderness Act defines wilderness as "an area where the Earth and its community of life are untrammeled by man . . . retaining it's primeval character and influence . . . and which generally appears to have been affected primarily by the forces of nature and the imprint of man's work substantially unnoticed . . ." The 1964 Wilderness Act is our best law to protect nature as it exists and provide those who want to experience the quiet and solitude of nature without the noise and pollution of motor vehicles.

Section 210. Wilderness Review. This section repeals approximately 50,000 acres of Forest Service Recommended Wilderness in the SNRA Boulder-White Cloud roadless area. In addition, the bill releases 83,000 acres of 4 wilderness study areas

on land managed by the BLM including Jerry Peak, Jerry Peak West, Corral-Horse Basin and Boulder Creek. These lands shall be managed under intensive multiple use. This will permanently remove their eligibility for wilderness in the future. These lands qualify as wilderness today due to their outstanding quality and unique habitats. They should not be subject to intensive management that will likely erode their unique high quality. There are 191 million acres of National Forest lands and nearly 2/3 of these lands are already roaded, developed and intensively used. Approximately 9% of the U.S. in the lower 48 states remains roadless and wild providing clean water to our municipal watersheds, and important habitat for fish and wildlife. Only 2½ percent of the lower 48 states is legally protected wilderness. This is a fraction of the land that is left as wild and intact. We should not be subjecting these eligible lands to degradation, fragmentation, and intrusion by priority motorized use.

Title II would also strip the wilderness areas of many of the traditional protections. The bill would weaken restrictions on access to mining claims in the wilderness. The bill gives authority to state and local entities for fire management on public land. It allows lethal predator control, which is arguably an archaic action to take for natural cycles of wildlife interactions to be carried out particularly in wilderness areas set aside untrammeled by humans for nature to exist on its own. Motor vehicles would be allowed in the wilderness for routine game management activities. This is very troubling as the Wilderness Act expressly closes the area to motor vehicles for routine activities. Allowing managers to use ORV's inside the wilderness is harmful to the very species they seek to protect. Impacts to wildlife by motorized use are well documented causing animals to disperse, abandon young, avoid areas, all which places stress on the animals. Wilderness provides refuge habitat and protection from activities that scare animals and disrupt their natural movements. Finally, Title II would prohibit the reservation of water rights by the Federal Government in streams and rivers in the proposed wilderness areas. The waters within this area are critical habitat for threatened fish including chinook salmon, steelhead, sockeye salmon, kokanee, and bull trout. This prohibition could impact these threatened species due to future water development (see attached fact Sheet exhibits).

3. Title Ill of CIEDRA establishes the Boulder-White Cloud Management Area that includes about 540,000 acres surrounding the proposed wilderness as a motorized recreation area. Section 303 mandates and locks in this use and prioritizes ORV use over all other uses. Approximately 230,000 acres of the Sawtooth National Recreation Area created by Public Law 92-400 will be included in this management area. Congress created the SNRA clearly for the purpose of conservation and states the following:

> (1) In order to assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith, the Sawtooth National Recreation Area is hereby established.

CIEDRA will lock in ORV use regardless of changing values or needs of the land and prioritize this use over all other uses. The bill mandates a policy of no net loss of ORV trails and restricts SNRA area managers' ability to protect the area from ORV damage as necessary to protect resources by stating the following:

> Section 303(a) Establishment of Management Area Findings and Purposes "as a special management area will provide outstanding opportunities for many forms of recreation, including mountain biking, snowmobiling, and the use of off-road motorized vehicles."
>
> Section 303(d) Grounds for Trail Closure—Resource damage that can be mitigated and issues of user conflict shall not be grounds for the closure of a trail or route in the management area . . ."
>
> Section 303(e) Mitigation of Trail Closures.—If the Secretary determines that closing a trail or route is necessary for resource protection or public safety, the Secretary shall take any of the following mitigation actions intended to provide commensurate motorized recreation opportunities in the same general area of the management area:
>
> > (1) repair . . . and re-open
> > (2) replace, relocate, or reroute . . .
> > (3) a combination of the above . . .
>
> Furthermore, under section 304(a) Grant to Program—a grant of $1,000,000 provided to the State of Idaho Department of State Parks and Recreation "which is used to support the acquisition, purchase, improvement,, repair, main-

tenance, furnishing, and equipping of off-road motor vehicle facilities and sites . . .

This is clearly in conflict with the purpose of the SNRA and effectively eliminates the Forest Service's ability to manage motorized use. The promotion of ORV use is counter to how the land is used and managed today. While motorized vehicle registration has increased across the state the use hasn't changed much on the SNRA because this use isn't promoted and the infrastructure isn't built to encourage this use as it is across the state. If the intent of CIEDRA is to manage in accordance with current laws and authorities that govern this area, then why establish this area with a new management name and new regulations. Why include a policy for trail closure different from today and less protective from the tools managers currently have available to them to deal with user conflict and resource damage.

User conflict is real and should not be eliminated from managers' options. Conflicts between humans and machines on trails is real, the constant noise and air pollution displace hikers, bird watches and families out for a quiet walk to enjoy the scenery. Why encourage more intensive motorized vehicle use facilitated by the State who promotes off-road vehicle use to an area that is an icon among America's western landscapes. The money earmarked to the State will definitely encourage more use of motorized vehicles then we see today. They will build camping areas, turnaround places for trailers, and parking for trailers that don't exist today to encourage more use in these newly designated areas.

Motorized recreation use has emerged as a leading and ever-increasing threat to the ecological integrity of federal lands. There is no shortage of access. Thousands of miles of trails and millions of acres of lands available for offroaders to enjoy their vehicles. However, there are lands where motorized recreation is not appropriate including the SNRA, undeveloped forests and rangelands, including roadless areas, critical wildlife habitat and other sensitive sites. The threats are well documented: damage to wetlands, soil compaction and erosion, spread of noxious weeds, displacement of wildlife, air and water quality impacts, degrades fish habitat, affects lake shores, rivers and bird nesting areas (see attached exhibits).

Two-stroke engines (used for personal watercrafts, dirt bikes and snowmobiles) discharge 25-33% of their fuel unburned into the air. A snowmobile with a two-stroke engine operating for four hours can emit between 10 and 70 times as much carbon monoxide and between 45 and 250 times as many hydrocarbons as an automobile driven 100 miles. As the power, range and number of these machines increase, so does the damage to the natural world and the misuse of gas and oil an important and diminishing material that our world depends on. It is irresponsible to prioritize purely recreation use of this limited natural resource.

The Forest Service has no firm policy to handle ORV abuses and they lack adequate resources to follow their own rules and policies. Non-compliance with trail or area closures is a common and well-documented concern. Our National Forest System and BLM land is generally open to ORV travel unless posted closed. The Sawtooth National Forest including the SNRA are not spared from rampant illegal use. Illegal riders are almost never caught, not just because their machines are fast but also because, on public land, an individual ranger is typically assigned to patrol an impossibly large area and most illegal use goes unseen. This problem will only grow as more use is encouraged in the new management area. The Forest Service must address on-the-ground enforcement and management needs as part of any policy change. Currently public land managers lack effective ORV monitoring procedures and have not allocated sufficient resources to collect data on ORV use and impacts. The Forest Service should be required to conduct an environmental analysis to assess impacts and consider careful planning before assigning these lands locked in prioritized motorized use.

I hope this will help you and the sub-committee make an informed decision. I urge you not to pass it up through your subcommittee. Members and their constituents would not be served well by supporting this bill. I urge to carefully consider the long-term negative consequences this bill would have on our public lands and the recent outcry from the public against public land privatization.

Thank you for the opportunity to provide written testimony. As a local to the area, I particularly look forward to following what transpires from the subcommittee hearing on September 27, 2006. I hope this bill can be stopped.

MAGIC VALLEY TRAIL MACHINE ASSOCIATION,
Twin Falls, ID, October 5, 2006.

Senator LARRY CRAIG,
Chairman, Public Lands and Forests Subcommittee.

DEAR SENATOR CRAIG AND SUBCOMMITTEE MEMBERS: My name is Jamey Wills, I reside In Twin Falls and currently serve as president of the Magic Valley Trail Machine Association. MVTMA was formed in 1964 to promote responsible motorized trail recreation and our mission continues. I wish to thank Senator Larry Craig for making the audio of the September 27th hearing available on his web site, and request these comments be made part of the record.

Both Idaho wilderness bills before this committee give us cause for concern. We would prefer no additional, or significantly less wilderness than currently proposed. We ask that no existing motorized trails be closed. In the Boulder-White Clouds, the Grand Prize/West Fork trail is very dear to us. The Washington Lake/Fourth of July trail has been a multiple-use trail since before the SNRA was formed. We believe boundaries could and should be adjusted to avoid disruption of existing motorized recreation.

If wilderness, in addition to the Sawtooth Wilderness is designated within the SNRA, we urge release language that would preclude another round sometime in the future. We have observed that a "what's ours is ours and what's yours could be ours" attitude is prevalent in some circles. We would be more inclined to support reasonable wilderness additions if we were certain that over time and through future bills we will not be excluded from every beautiful and treasured place.

We find Title III, Section 301, establishing a management area surrounding the proposed wilderness particularly troubling. Locked in routes are impractical and deny any opportunity to add routes without another act of Congress. We urge the Senate to delete section 301. We would add that we have no quarrel with providing wheelchair access if the wilderness act allows it.

We would add our voices to those who have objected to the federal zoning regulations in CIEDRA, the land and monetary incentives included in the bills, and the lack of language in either bill to insure promises made are promises kept.

In closing, we would appeal to those who have within their power the ability to permanently exclude our use. We ask that you consider there is a very human side to wilderness designation. Those who choose motorized and mechanized recreation are as attached to these treasures as anyone. Surely Congress can find a better way to accommodate the needs of all than through wholesale additions of wilderness.

Sincerely,

JAMEY WILLS,
President.

STATEMENT OF CRAIG GEHRKE, REGIONAL DIRECTOR, IDAHO OFFICE OF THE WILDERNESS SOCIETY, BOISE, ID

The Wilderness Society (TWS) appreciates this opportunity to submit its view on H.R. 3603. TWS supports the designation of the Boulder—White Clouds area of central Idaho as Wilderness. TWS has long been committed to achieving permanent protection for this outstandingly wild and wildlife-rich area. We have participated for over 20 years in issues related to the administrative management of this area through two national forest management planning processes and travel planning efforts, as well as earlier unsuccessful legislative efforts that have included this area. The Boulder-White Clouds are a dramatically spectacular region that deserves designation as part of the National Wilderness Preservation System.

While there are provisions within H.R. 3603 that we do not support, we believe the legislation contains many positive and important benefits. Over the past several months, The Wilderness Society has worked with Congressman Simpson to improve this legislation. We will continue to actively work with him and other members of Congress to improve this legislation and to enact wilderness designation for the Boulder-White Clouds.

The Wilderness Society's position on the major provisions of this legislation is detailed below.

Sections 101, 102, 103, 104, 105, 106

These sections convey specific parcels of national forest and BLM land to Custer and Blaine Counties and the cities of Stanley, Clayton, Mackay and Challis.

The Wilderness Society does not support the outright conveyance of national forest land to local governments for economic development. These are lands that belong to all Americans as part of our collective national heritage. It is not appropriate for

Congress to override the land managers and mandate not only conveyance of these lands but also their use for economic development. National forest lands have been exchanged in the past with other properties where it makes sense from a management viewpoint or where there is a greater public benefit from the exchange, and we have often supported such exchanges. However, the conveyance of public land simply to foster local economic development is not appropriate or warranted.

Of particular concern are the parcels within the Sawtooth National Recreation Area. In 1972 Congress recognized the tremendous public values of the Sawtooth area by establishing the Sawtooth National Recreation Area. National forest lands from an area already recognized and designated for its greater public values should not be conveyed to local governments.

An alternative approach to help local economies would be a grant to support sustainable economic development. In fact, this approach is already utilized in H.R. 3603, see section 112. TWS urges that H.R. 3603 increase the grant for economic development to Custer County and drop the provisions to convey federal land in the Sawtooth National Recreation Area.

Although we are opposed to the provisions conveying national forest land in the Sawtooth National Recreation Area, we believe that such provisions are improved by the deed restrictions in H.R. 3603 that would be placed on the conveyed land. The same is true for the reversion clause that states that if the deed restrictions are not met then title to the lands will revert back to the United States. The conveyance provisions would be further improved by additional deed restrictions on conveyed lands in the form of 100 foot "setbacks" from anadromous fish streams.

TWS will review the comprehensive map of all the land conveyances in H.R. 3603 when it is available and would appreciate the opportunity to provide additional comments at that time.

Section 107

Section 107 conveys 960 acres of BLM land near Boise to the State of Idaho for a motorized and bicycle recreation park. Included is a condition that the State of Idaho include a beginner track to teach responsible riding techniques. We support programs to teach responsible and safe riding of motorized recreational vehicles. However, we do not support the establishment of a motorized recreation park for which there has been no documented need. Instead, TWS supports a grant to the State of Idaho to teach safe and responsible riding.

Section 108

Section 108 establishes a pedestrian, non-motorized vehicle and snowmobile trail between Stanley and Redfish Lake. We support this provision.

Section 109

Section 109 authorizes money for construction and maintenance of bicycle trails in the State of Idaho. This provision is silent on where such trails can be constructed. We recommend explicitly stating that national forest roadless areas, BLM wilderness study areas, sensitive habitat and other inappropriate areas should be off limits for the construction of these trails, avoiding future conflicts regarding mechanized uses in candidate wilderness areas.

Section 110

Section 110 authorizes 10-year extensions of outfitter and guide operating permits. Presently, such contracts are left to the discretion of the agencies managing the land. It is vital that the Secretaries retain their full authority to manage and regulate outfitting and guiding permits in order to protect public resources.

Section 111

Section 111 authorizes a Red Trees Phase II study to evaluate landscape approaches to risk assessment to identify forest health projects to mitigate major fire risks on land in the Sawtooth National Recreation Area. All existing laws, including the current forest plan for the Sawtooth National Forest, must continue to apply in this effort.

Sections 112, 113, 114, 115

We support the grants made under Section 112 and the projects under Sections 113 and 114. We support the land exchanges proposed under Section 115.

Section 201

Section 201 designates the Ernest Hemingway-Boulder Wilderness, White Clouds Wilderness, and Jerry Peak Wilderness. TWS supports the designation of these wilderness areas with the following additions and considerations.

The Forest Service recommended wilderness in the North Fork Big Wood River should be added to the Ernest Hemingway-Boulder Wilderness. This area has been recommended for wilderness by the Forest Service for over 20 years and should be designated wilderness. We understand that this area has been excluded due to a local agreement in the Wood River Valley between cross-country skiers and snowmobilers regarding use in this area. However, it was an error of the Forest Service to have allowed motorized use in a recommended wilderness area. While TWS respects efforts by local user groups to reach agreements, the participants to the skier/snowmobile agreement were fully aware of the fact that the North Fork of the Big Wood River was recommended by the Forest Service for Wilderness designation. Their agreement should not override the Forest Service's recommendation about wilderness designation for this area.

We support moving the boundary of the Jerry Peak Wilderness off the ridge and towards the North Fork Big Lost River.

The Champion Lakes area should be included in the White Clouds Wilderness. Like the North Fork Big Wood River, this area is part of the Forest Service recommended wilderness and motorized use should not be allowed in a recommended wilderness area. H.R. 3603 does take steps towards protecting this area by closing it to summer motorized use, but the best outcome would be inclusion of this area in designated wilderness.

TWS supports the designation of The Jerry Peak Wilderness. It is a much-needed, ecologically critical addition to the National Wilderness Preservation System. In 2002, TWS released a report titled "Roadless Areas: The Missing Link in Conservation" that details the contribution that protection of roadless areas makes to the diversification of conservation reserves like designated wilderness areas. (The report is available at www.wilderness.org/Library/Document/upload/MissingLink_ReportHighlights.pdf. We request that this report be added to the hearing record.) Establishing the Jerry Peak Wilderness, with lands ranging from mountain peaks to sagebrush grasslands, represents a diversification of designated wilderness areas within Idaho.

Section 202

We support the construction of the new trailhead for nonmotorized users at Trail #684 and at the Big Boulder Trailhead to separate motorized/bicycle users from nonmotorized users. We support the Secretary's authority to establish non-paved wheelchair accessible trails.

Section 210

Section 210 addresses release of lands from further review. Provision (a) is unnecessary. The first land and resource management plan issued by the Forest Service for the Sawtooth National Forest and National Recreation Area essentially completed the wilderness review and made a designation recommendation for the Boulder-White Cloud wilderness study area. Non-recommended lands were not necessarily managed to protect their wilderness characteristics. Similarly, the second generation land and resource management plan for the Sawtooth Forest and NRA made wilderness and non-wilderness recommendations.

Section 301

We appreciate the efforts to make absolutely clear that the creation of the Boulder-White Cloud Management Area is supplemental to, and not in derogation of, the Sawtooth National Recreation Area.

TWS believes that within the Boulder-White Cloud Management Area, the unique nature of the Railroad Ridge roadless area (roadless area #922 in the revised Land and Resource Management Plan for the Sawtooth National Forest) should be recognized with funding provided to the Forest Service for education about the nature of the area and enforcement of the closure to cross-country motorized use. Railroad Ridge, a remnant of a glacial moraine with a high elevation of 9,600 feet, supports some of the most unique and well-developed alpine plant communities in Idaho, including whitebark pine stands with trees up to 1,000 years old. Railroad Ridge and surrounding alpine and subalpine habitats support a wider variety of alpine communities than in any other similar areas studied in Idaho. Some communities found on Railroad Ridge are uncommon and known only from a few alpine sits in Idaho and the Great Basin, and one has not been documented in any other Idaho alpine studies. This area is also host to several extremely rare, Threatened, Endangered, Proposed, Candidate, or Sensitive species. Unique soils, increased precipitation, and topography as compared to other alpine areas in Idaho and the Great Basin make Railroad Ridge and the surrounding area more botanically diverse than most alpine communities in North America.

We support funding for the Forest Service to implement public education management actions in the Railroad Ridge area that promote the conservation and recovery of listed plant species and conserve the ecosystems upon which the listed species depend, such as putting up educational signs explaining the unique nature of Railroad Ridge. We also support funding for the Forest Service to enforce the closure of this area to cross-country motorized use.

Section 303

Section 303 addresses motorized and mechanized access within the Special Management Area.

Subsections (d) and (e) take away the managing agency's authority to close routes or trails due to either resource damage that theoretically can be mitigated or due to user conflicts. We believe that for all practical purposes, the trails currently open to motorized users will remain so most have been open to motorized use for nearly 30 years—in to the future. There is no demonstrated need to take management authority away from the Forest Service. We are unaware of circumstances in this area where the Forest Service has ever aggressively closed trails due to resource damage or user conflicts. With increasing numbers of motorcycles using the public lands, H.R. 3603 runs a real risk of creating an intolerable management situation for the Forest Service if the agency cannot close trails due to user conflicts or resource damage. We support mitigation of damage where possible, but we are concerned that expensive, elaborate actions to mitigate damage will simply be a "band aid" approach to larger management problems.

Section 304

We do not support Section 304's provisions to establish a grant program to the State of Idaho's Off Road Motor Vehicle program of the Idaho Department of Parks and Recreation. Any federal funds for enforcement activities and rehabilitation of land damaged by off road vehicle use should remain within the jurisdiction of the managing federal agency. The *Idaho Outdoor Recreation Demand Assessment,* prepared by the Idaho Department of Parks and Recreation, revealed that there is little support for providing designated ATV trails in Idaho. Issues like "Protecting natural resources on public land," and "Educating adults about natural resources and the environment" ranked much higher than providing ATV trail or snowmobile trail systems. The "Outdoor Recreation Participation and Spending Study" conducted by the Outdoor Industry Foundation ranked Idaho number one in terms of per capita participation in outdoor recreation activities, consisting of backpacking, bicycling, bird watching, camping, canoeing, climbing, fly fishing, hiking, kayaking, skiing, snowshoeing, and trail running. (See vvww.outdoorindustry.org/pdf/State__by__State__Study.pdf) There is no need or justification for the federal government to offer financial support to motorized recreation in Idaho.

Section 305

Section 305 is unnecessary. There are no aircraft landing strips within the areas designated as wilderness by this bill, and clearly no intent to close any in the Boulder-White Cloud Management Area.

Sections 401, 402, 403

TWS supports reasonable compensation for the permanent, voluntary retirement of grazing privileges. TWS preference is for compensation based on fair market value, including appropriate recognition of the wilderness values that are protected by the permanent retirement of the grazing privileges. While the dollar amounts that have been widely reported for those retirements are not what TWS prefers, in the larger context of the positive aspects of this bill we will not oppose them. We believe that Section 402(a) should be expanded to include areas designated wilderness by this legislation, areas within the Boulder-White Cloud Management Area, the watershed of the East Fork of the Salmon River, as well as the remaining lands within the Sawtooth National Recreation Area.

CONCLUSION

The Wilderness Society appreciates the opportunity to submit our testimony on H.R. 3603. Congressman Simpson's legislation would provide much needed protection to Idaho's Boulder-White Clouds region, and there are many significant, positive benefits provided by this legislation. While we do not support all the provisions within the legislation, we will continue to support Congressman Simpson's efforts to designate wilderness and are committed working diligently with him and others to improve this bill. We are hopeful that others will approach this work in the same

spirit, and that the legislative process will ultimately produce a bill that we can fully support.

STATEMENT OF DAVID R.W. HOEFER, RETIRED, U.S. FOREST SERVICE

I am opposed to HB 3603 also known as Central Idaho Economic Development and Recreation Act.

I am a former Assistant Superintendent on the Sawtooth National Recreation Area. This bill, in my opinion, would not enhance the area at all. It was designated by Congress in 1972 and has been managed for the best good of the American people. One remaining action as designated in the act is to decided on the wilderness suitability of the undeveloped and unimproved (roadless) areas with the Recreation Area.

The bill does designated 300,000+ acres for wilderness but goes beyond what is needed in designating other areas which remove management options from the Area Ranger. It also gives away 5,120 acres of federal land, 162 of which are within the Recreation Area. More than $65 million have been spent to purchase lands in fee or with scenic easements to retain the natural character of the area. Privatizing these lands is in opposition of the direction of the efforts made by the U.S. Forest Service to retain the special character of the area.

I worked on the area for 11 years. Let's address the wilderness issue and not create compromises that reduce the areas values.

INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION,
Boulder, CO, September 29, 2006.

Congressman GREG WALDEN, *Chair,*
Congressman TOM UDALL, *Ranking Member,*
House Resources Committee, Subcommittee on Forests and Forest Health, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER UDALL: On behalf of the International Mountain Bicycling Association (IMBA), I write to offer comments on H.R. 3603, the Central Idaho Economic Development and Recreation Act.

The International Mountain Bicycling Association (IMBA), founded in 1988, leads the national and worldwide mountain bicycling communities through a network of 80,000 supporters and more than 550 affiliated clubs, including 11 in Idaho. Seven Idaho bicycle retailers are IMBA members.

Unfortunately, this legislation, as currently written, will ban bicycles from 85 miles of valuable backcountry singletrack. Mountain bicyclists are currently enjoying these trails and our community does not understand why our quiet, low-impact, human-powered use is being prohibited. Like hikers and equestrians, bicyclists value the Boulder-White Clouds for their solitude, serenity, and unparalleled rugged high country with its expansive views. A list of the threatened trails is attached.

Please consider another way of protecting our most important trails. National Scenic Areas, National Recreation Areas, and boundary adjustments are currently being proposed in other Wilderness bills. Non-Wilderness corridors and cherry-stems also preserve trails for all non-motorized uses, including bicycles, while protecting the vast majority of the land as Wilderness. IMBA believes there are a variety of solutions that will protect the land in a way that allows bicycles.

IMBA teaches sustainable trailbuilding techniques and has become a leader in trail design, construction, and maintenance; and encourages responsible riding, volunteer trailwork, and cooperation among trail user groups and land managers. Nationwide, IMBA members and affiliated clubs conduct close to 1,000,000 hours of trail and advocacy work annually and are some of the best assistants to federal, state, and local land managers. The USDA Forest Service is one of our best partners and, earlier this year, our third consecutive Memorandum of Understanding with the agency was extended until 2010.

Mountain bicycling is a very popular sport, with 39 million participants nationally and more than 300,000 participants in Idaho, making it the number one state in per capita participation, according to the Outdoor Industry Association (2003). Outdoor recreation is ingrained in Idaho's lifestyle, economy, and tourism and we hope the collaboration that has resulted in this legislation can still protect some of the most unique mountain bicycling trails in the state.

Bicyclists have a fundamental interest in the protection of undeveloped public lands for the same reasons as hikers and equestrians. The connection with nature provided by narrow trails is an extremely important component of mountain bicy-

cling treasured by all experienced cyclists. These backcountry areas provide a setting equivalent to a powder day for skiers or 18 holes at Pebble Beach for golfers.

Science has shown that the environmental impacts of bicycling are similar to hiking and far less than horse or OHV use. Mountain bicycling is a rugged, self-reliant form of travel compatible with backcountry areas. Just as with hikers and equestrians, only a small percentage of bicyclists enjoy the fitness required to access these wild places. Those who do visit the Boulder-White Clouds by bicycle cherish the land for its solitude, serenity, and untrammeled landscape.

IMBA wants to support H.R. 3603, the Central Idaho Economic Development and Recreation Act, but we are concerned it prohibits bicycles from nearly all non-motorized trails in the Boulder-White Clouds area. IMBA believes bicyclists deserve access to quiet trails away from the distraction of motorized travel. From the 85 miles of trail that will be made off-limits to bicycles, IMBA and local bicyclists have identified the most important 17 miles. They include:

- Trail 219 from the Fourth of July Trail to Ants Basin
- Trail 671 from Born Lakes to Warm Springs Meadow and on to Robinson Bar
- Trail 111 from Three Cabins Trailhead (also known as Germania)
- Trails 109 and 047 to Castle Peak and Chamberlain Basin, and on to motorized trail corridor 682 and 047
- Trail 110 as it links to Germania from Chamberlain Creek
- Trails 332 and 671 (also known as Pigtail) that connect Warm Springs Meadow to Williams Creek

IMBA asks for a cherry stem around these 17 miles of trail, similar to the provisions that have been made for OHV travel. This eliminates the unnecessary choice between Wilderness and a low-impact, quiet, human powered form of recreation by protecting the land and allowing current mountain bike access to continue. The Boulder-White Clouds needs to be protected from resource extraction, commercial activity, structures, and road building. It does not need to be protected from bicycles.

Further, allowing continued use of mountain bicycles on these trails should not complicate management concerns for the Forest Service and includes one more constituency to help maintain the trails.

Since there is historical and existing use of mountain bicycles on these trails, we believe this request is reasonable and consistent with other exceptions in the legislation for OHV travel, military overflights, mechanized firefighting, Native American cultural and religious uses, and motorized vehicle use for fish and wildlife management. A detailed list of other special considerations in existing Wilderness around the country can be found on the Wilderness.net website.

Mountain bicycling is a quiet, healthy, human-powered outdoor activity with minimal environmental impact and a positive economic influence for Idaho. IMBA requests the committee amend this legislation to allow continued mountain bike access on 17 miles of trail as identified above. We support preserving access to these trails without compromising environmental protection. Just as wild lands foster an appreciation of nature in hikers, equestrians, and others, the pristine riding opportunities preserved in our request strengthen cyclists' commitment to public lands preservation.

Thank you for the opportunity to submit comments on this important legislation.

Sincerely,

JENN DICE,
Government Affairs Director.

THEODORE ROOSEVELT CONSERVATION PARTNERSHIP,
Washington, DC, September 27, 2006.

Hon. LARRY E. CRAIG,
Chairman, Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Central Idaho Economic Development and Recreation Act (CIEDRA), H.R. 3603, provides a sensible balance between protecting some of America's last pristine wild lands and allowing for continued use of these special places for outdoor recreation, including hunting and fishing. We urge the subcommittee to fully support the concepts of this bill and to expedite passage of comprehensive economic development and recreation legislation for the Boulder-White Clouds area.

The Boulder-White Clouds encompass a roadless core that is 400,000 acres and supports diverse ecosystems providing critical habitat to numerous fish and wildlife

species. The area also contains more than 150 mountains that tower above 10,000 feet. Hunting and fishing are popular here, as the absence of roads creates large contiguous tracts of land that support salmon spawning and big game such as elk, moose, mountain goat, bighorn sheep, black bear, and cougar.

According to the U.S. Fish and Wildlife Service, in Idaho, 173,000 hunters (or 88 percent) identify themselves as public-land hunters. Most of those (93 percent) are residents of the state. These sportsmen spend more than $231 million annually at rural, gateway towns and cities. There are also 416,000 anglers that use Idaho's public lands, including the Boulder-White Clouds. Their average annual expenditure throughout the state is $800/angler or more than $311 million.

The broad, bipartisan support that CIEDRA has received from its Republican and Democratic proponents reflects the diversity and depth of support from the governor, mayors, and a wide range of organizations across Idaho and the country, including sportsmen's groups, conservation organizations, land trusts, the outdoor recreation industry, realtors and chambers of commerce, and county commissioners for a comprehensive proposal to protect outdoor recreation opportunities in the Boulder-White Clouds area.

We look forward to working with you to advance CIEDRA through the Senate Energy and Natural Resources Committee and to ensure a full vote on the Senate Floor.

Sincerely,

MATTHEW B. CONNOLLY, JR.

STATEMENT OF ERIK SCHULTZ, BOARD CHAIRMAN, SUN VALLEY ADAPTIVE SPORTS, KETCHUM, ID

Sun Valley Adaptive Sports (SVAS) is a non-profit organization based in Ketchum, Idaho, at the doorstep of the Boulder-White Cloud Mountains. Our mission is to improve the lives of individuals with disabilities through sports and recreation. We serve over 500 disabled clients every year, including rehabilitating disabled veterans returning home from the conflicts in Iraq and Afghanistan.

The Boulder-White Cloud Mountains provide the setting for a host of our adaptive recreation activities such as hiking, horseback riding, fishing, skiing, and camping. As such, we have followed with much interest Representative Mike Simpson's efforts to craft a collaborative solution to management of this special area.

We support the Central Idaho Economic Development and Recreation Act (CIEDRA) and believe it to be appropriately balanced legislation meeting the needs of multiple interest groups who enjoy the Boulder-White Clouds. CIEDRA enjoys broad backing from Idaho's disability community, including Sun Valley Adaptive Sports in Ketchum, the Cooperative Wilderness Handicapped Outdoor Group at Idaho State University, Pocatello, and Living Independent Network, a statewide group headquartered in Boise.

The reason for this broad support is clear. CIEDRA is the first-ever wilderness legislation from any state that would authorize and appropriate funds for specific accessible trails, both within and adjacent to the proposed Boulder-White Clouds Wilderness. These trails are non-paved, natural surface, primitive-access wheelchair accessible trails totaling less than one mile each. They will enable disabled and elderly users to enjoy an independent wilderness experience in harmony with the wilderness resource.

Passage of CIEDRA with its accessible trails provision would set a precedent for inclusion of accessible trails in future wilderness legislation nationwide. Access to wilderness is already guaranteed by the reconciliation of the Wilderness Act of 1964 with the Americans with Disabilities Act (ADA) of 1990. Section 507 of the ADA states that disabled individuals may use whatever assistive device they use for everyday indoor mobility in wilderness areas; however, agency managers are not obligated to make special accommodations for disabled access to wilderness. But neither are they prohibited from doing so.

The primary impediments to establishing accessible wilderness trails have been a lack of pressure on the managing agencies and a chronic lack of funding for trail improvements. CIEDRA provides both the mandate and the money that have been previously lacking. It is a visionary bill with the potential for far-reaching therapeutic benefits for the disabled and elderly communities, civilian and veteran alike, both in Idaho and nationwide. We urge the Subcommittee to endorse this pioneering piece of legislation.

OWYHEE CATTLEMEN'S ASSOCIATION,
October 4, 2006.

Hon. LARRY CRAIG,
Chairman, Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

Re: Hearing before the Subcommittee on Public Lands and Forest, comment in regard to S. 3794 The Owyhee Initiative Implementation Act

DEAR SENATOR CRAIG: First of all we want you to know how very much we appreciate your efforts to provide a prompt hearing on the Owyhee Initiative Implementation Act, S. 3794. This legislation is very important to Owyhee County and your support is greatly appreciated. While there is little expectation for immediate action, it is important to make known the important elements of the legislation and to identify any concerns that need to be addressed. The hearing process provides a forum to that end and again we are extremely appreciative of your help.

We also wish to express our sincere thanks to Senator Mike Crapo for his support and leadership as Owyhee County has pressed forward over these past 5+ years. He is fulfilling his commitment to the county to carry the legislation when the Initiative Work Group reached an agreement

PURPOSE AND NEED

There is a long history of land use conflict in the west and particularly in Owyhee County, Idaho. The conflict over use of land seldom involved actual conflicting use on the ground but is anchored in philosophical beliefs and positions where the courts are used to gain advantage for one or anther. These legal actions along with agency attempts to impose new procedures to avoid legal challenge has resulted in gridlock that prevents the agencies from taking any positive actions or significantly delays such actions. For example, At one time, the Bureau of Land Management could take a year to plan a prescribed fire project to control invading Western juniper and then proceed with the action the following year. It now takes three or more years for planning and another three years or more to clear legal challenges if they can be cleared at all. Meanwhile, juniper expansion and increasing dominance continues to reduce the natural sagebrush steppe habitat of dependent and sensitive wildlife species and to reduce the forage available for livestock grazing.

Deadlines for completing required work whether imposed by a court or self imposed by the BLM have caused the agency at times to rely on inappropriate scientific information, to short cut scientific methods and protocols, to rely on erroneous interpretation of information and propose actions that are not supported by or are contradicted by the available information. (For example, a Federal District Court imposed a grazing permit term and condition recommended by the BLM, to limit stream bank trampling damage by livestock to 10%. However, at the time the BLM didn't even have a definition for "trampling damage" or a scientific protocol to measure trampling effect. Similar and equally unfounded or shortcut study methods have been documented for Stream Proper Functioning Condition evaluations, riparian stubble height measures, water quality assessments, upland utilization studies and upland range health assessments.)

Failure to rely on the best available and defensible science has caused a high percentage of grazing decisions be appealed by the permittees just to correct errors and clarify ambiguities so they can legally comply with the terms of their grazing permit. Where satisfactory settlements have not been possible, BLM has requested remands of many decisions in order to develop entirely new proposals from scratch. Clearly the scientific deficiencies that lead to more and more legal challenges and the inability of BLM to respond to the need for sound science based decisions creates an ever increasing circular reinforcement of gridlock. The science review mandated in S. 3794 will assure that the best available science is appropriately applied in a timely manner and significantly reduces the need for administrative review.

Another contributor to gridlock is the BLM interim management policies for areas proposed for as wild and scenic rivers and/or wilderness that are awaiting congressional action. The interim policy has a vague purpose to maintain the land in a state that preserves its eligibility for a special designation. This leads to largely arbitrary and subjective conclusions and decisions as to allowed management. Some of these have been waiting 30 years and the interim policy has evolved into a do nothing management scheme that prohibits virtually all on site management. Resolution of the status of these areas through designation as wilderness, wild and scenic rivers or release to multiple use frees the area from the highly restrictive and often prejudiced interim management policy. Designation and/or release of an area

brings with it clearly defined management parameters and options that will avoid the gridlock of the past 30 years.

The status-quo is not satisfactory for any user of these lands. The failure of management on Federal land affects the use of intermingled private land and by default creates a nearly impossible management barrier on those private lands. Unmanaged and unrestricted recreational use poses a threat to federal lands, private lands and recreational users who will be shut out unless their use can be properly managed. The absence of and ability to profitably manage private land as part of a ranch enterprise can have only one outcome, which is the sale of these lands for other use. Conversion of private land to development, private get-a-way, or commercial use will fragment the landscape, restrict public access, and increase cost to the Owyhee County government far beyond any potential tax revenue benefit.

In 2001, the Owyhee County Commissioners announced an effort to address gridlock and to change the status quo through an ongoing collaborative program to resolve issues of wilderness, wild and scenic rivers, scientific information, local conservation and research efforts, recreational travel management and recognition and protection for cultural resources. The stated goal was "To develop and implement a landscape-scale program that preserves the natural processes that create and maintain a functioning, unfragmented landscape supporting and sustaining a flourishing community of human, plant, and animal life, that provides for economic stability by preserving livestock grazing as an economically viable use, and that provides for protection of cultural resource;"

The Owyhee Cattlemen's Association gladly accepted an offer to participate in this venture and have been heavily involved throughout the 5+ years of effort. We believe the product of this undertaking, S. 3794, is essential for the future of ranching in Owyhee County and that it will significantly contribute to achieve of the stated goal that benefits all users of the land.

SCIENCE REVIEW PROGRAM

The Owyhee Initiative Agreement, setting forth the member commitment to work toward the established goal, developed specific actions and understandings with regard to the designation and management of wilderness and wild and scenic rivers. The OCA agreed to those conditions in exchange for the implementation of a process that assures independent scientific peer review of information used in grazing management decisions. The science review can be conducted well within the legal time frame established for appeal of a grazing decision. It requires only that BLM provide the relevant documents, examine the science panel report, and explain their position if they choose to ignore the panel conclusions and place a copy of the report into the administrative record. Poor interpretation of bad information and unworkable and ineffective solutions have forced many permittees to appeal grazing decisions just to get their grazing permit corrected and clarified to the point it can be legally complied with. The independent science review will significantly improve the quality and effectiveness of grazing decisions in the future.

WILDERNESS DESIGNATIONS

Designation of wilderness and wild and scenic rivers affects the management on more than 700,000 acres of Federal, private and State land in Owyhee County. Those areas released from further consideration (approximately 200,000 acres) will be subjected to multiple use management. Areas designated as wilderness (approximately 500,000 acres) will be managed consistent with the provisions of the Wilderness Act and the guidance provided in House Report 101-405. The stream or river beds of designated Wild and Scenic Rivers will be managed in accordance with the WSR Act. In each case there are provisions for recognition and preservation of grandfathered rights and uses, protection of access to and use of inholdings, preservation of significant recreational user access to wilderness interiors and protection of upstream private water rights.

Given the conditions for management for special designations and the benefit of an independent peer review of the science being used for grazing decisions, the designation of wilderness is an essential component of S. 3794. The OCA supports the designation of wilderness because it will clarify and assure proper management within those areas, will release some 200,000 acres from interim non-management, and requires implementation of an essential independent science review process.

RECREATIONAL OHV MANAGEMENT

The OCA fully supports the recreational travel management component of S. 3794. The explosive population growth in the Treasure Valley is separated from the vast Owyhee country only by the Snake River. Growing demand for recreational

OHV activity parallels the population increases and is expected continue increasing exponentially. The Owyhee Front has experienced significant damage to vegetation, soils and conflict with outer users because the area has essentially had no direct management applied. It is essential that the current OHV use and future growth be managed in a way that provides opportunity and yet does not allow destruction of the landscape. The same conflicts with OHV sue are spreading to remote areas of the County. The lack of management and enforcement is also creating more problems for landowners where trespass damages are increasing. The problem of lack of planning and consequently lack of management enforcement is recognized in S. 2794 and it directs BLM to address these issues in a comprehensive and timely manner.

CLARIFICATION REGARDING USE OF GRAZING LIVESTOCK AS A MANAGEMENT TOOL

Some entities have criticized S. 3794 because they believe that grazing as a management tool should remain available in wilderness. The fact is that this legislation does not prohibit grazing as a management tool in any part of the proposed wilderness. While the legislation does provide that in some areas, grazing preference rights will no longer be recognized, this does not prohibit other means of utilizing grazing as a management tool.

CLARIFICATION REGARDING ADJUSTMENTS IN THE AMOUNT OF GRAZING USE

Some entities have indicated that S. 3794 must contain strong language protecting the continuance of grazing in wilderness such as requiring adequate trend monitoring information before making any adjustments. However, this situation is addressed through the science review program where the legislated protections are far greater than just trend monitoring information.

CLARIFICATION OF THE COMPENSATION PROGRAM: THE COMPENSATION PROGRAM IS NOT A "BUYOUT" OF AUMS OR GRAZING PERMITS OR AN AUM RETIREMENT

Some entities have criticized S. 3794 as an AUM retirement program or grazing permit buyout intended to remove livestock from Federal land. This legislation does neither. The terms "AUM retirement" and "permit buyout" are often misused by critics. An AUM is only a measure of forage that can only be leased or rented because once it is consumed it is gone. Similarly, a grazing permit has no cash value because it is only an authorization issued periodically by BLM to establish the terms for using the underlying grazing preference. It is the grazing preference for which a permit is issued that has a monetary value.

The Owyhee Cattlemen's Association took the position early in the initiative process that they were willing to accept a rim to rim wilderness recommendation for the canyonlands. Any expansion of wilderness beyond the rim to rim recommendation would only be accepted if the affected landowners or ranchers agreed to the change. The proposed wilderness designations beyond the canyon rims are based on discussions with the affected landowners and/or permittees and agreement as to terms under which wilderness is acceptable.

In some cases the landowner(s) and permittee(s) determined that avoiding the risk of some future designation perhaps worse than wilderness, initiation of an independent science review, generation of locally directed research programs and the institutional memory preserved through the OI board of directors was sufficient justification for acceptance of additional wilderness. In still other cases landowners and/or permittees chose to modify their ranch operations and reorganize management of new and remaining ranch resources to avoid conflict with wilderness designation. These landowners offered to accept compensation through equal value land exchanges and direct payments for loss of ranch resources including required grazing management facilities and the associated grazing preference rights. Some landowners chose to dispose of private land affected by wilderness designation. They have offered to sell and/or trade such land consistent with the values representative of recent and substantially similar inholding conservation transactions in the area. The range of values for identical lands is $1,000 to $3,000 per acre and the landowner offers range from $800 to $2,500 per acre consistent with individual scenic and wilderness amenities, benefit to wilderness access, development risk and wildlife values.

The management response to wilderness designation requires reorganizing the use of ranch resources and restructuring ranch business plans that are unique to each landowner. The changes are necessary to mitigate potential negative effects of wilderness designation on the ability to properly manage livestock grazing in their allotments and to effectively and efficiently utilize other associated private and leased ranch resources. Each offer is intended to offset the effects of wilderness des-

ignation by assuring that the operator remains whole either in terms of cash value, continuation of a viable ranching operation or a combination of the two. Reorganizing resource use and restructuring business plans are accomplished through a variety of transaction elements including land exchanges, land sales, land exchange and/or sale, relinquishing grazing management facilities and associated grazing preference, granting scenic and/or access easements, relinquishing private interests such as water rights on Federal land and various combinations of these.

CONCLUSION

We hope this information provides a clear explanation of to the reasons we believe the Owyhee Initiative Implementation Act should become law and thereby provide a significant public benefit to the nation, state of Idaho and the citizens, ranching community and visitors in Owyhee County. If there are any questions regarding S. 3794 or this testimony please notify us and we will provide further clarification of our position.

RUSSELL TURNER,
President.

AMERICAN RIVERS,
Washington, DC, September 26, 2006.

Hon. LARRY CRAIG,
Chairman, Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, Washington, DC.

Hon. RON WYDEN,
Ranking Member, Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, Washington, DC.

DEAR CHAIRMAN CRAIG AND RANKING MEMBER WYDEN: Thank you for the opportunity to submit our views to the Subcommittee regarding S. 3794, the Owyhee Initiative Implementation Act of 2006. As an organization founded to support the implementation of the Wild and Scenic Rivers Act and dedicated to the protection of the outstanding rivers of the United States, we always applaud the addition of new rivers to the National Wild and Scenic Rivers System. We believe that the rivers named in S. 3794 are deserving of Wild and Scenic protection, but we fear that without significant amendments these rivers would be designated "in name only" and would not receive the protections essential to Wild and Scenic designation.

Several elements in S. 3794 and the corresponding Owyhee Initiative Agreement (OIA) would critically undermine the fundamental purpose of the Wild and Scenic Rivers Act and run contrary to established western water law. In particular, we seek amendments to the following provisions:

- Section 202(c), restricting all the Wild and Scenic River corridor boundaries to the ordinary high water mark;
- Section 202(e), referencing the OIA, which overturns the well established "first in time, first in right" principle of western water law, designating federal reserved water rights for the new Wild and Scenic Rivers as perpetually junior to future claims; and
- "WSR Buffer Zones" language in the OIA that eliminates the ability of federal land managers to protect the "Outstandingly Remarkable Values" of the river as directed by Section 7(a) of the Wild and Scenic Rivers Act.

We sincerely hope the legislation can be amended to address these deficiencies and provide true Wild and Scenic protection for these rivers.

BOUNDARY LIMITATIONS

S. 3794 limits the boundaries of the Wild and Scenic River corridor to the ordinary high water mark. This boundary would make the designation almost meaningless. Under Section 3(b) of the Wild and Scenic Rivers Act, federal agencies have discretion to establish Wild and Scenic River "boundaries [that] shall include an average of not more than 320 acres of land per mile . . . measured from the ordinary high water mark on both sides of the river" in order to provide adequate protection of the river and its unique values. The boundary proposed by S. 3794 would protect almost none of the identified Outstandingly Remarkable Values for each of the river segments, nullifying established management principles.

The Interagency Wild and Scenic Rivers Coordinating Council guidelines strongly discourage the setting of "bank to bank" boundaries like those proposed in S. 3794:

> ". . . it is unlikely that a managing agency will be able to demonstrate that adoption of such a boundary will provide necessary protection and, therefore, compliance with the law. Even if the values for which the river was designated are instream values only, such as anadromous fish, a bank-to-bank boundary will not suffice to provide protection." (Establishment of Wild and Scenic River Boundaries, August, 1998)

American Rivers recommends that the normal boundary be adopted for the Wild and Scenic Rivers proposed by S. 3794. A rim-to-rim boundary in the canyonlands along these rivers would be more appropriate, with situational exceptions to accommodate specific concerns that we understand were raised during OIA negotiations.

WATER RIGHTS LANGUAGE

The OIA Wild and Scenic Appendix fundamentally runs afoul of Congressional direction under the Wild and Scenic Rivers Act and also the prior appropriations doctrine of western water law. The federal reserve water right accorded these new river designations would naturally be junior to existing rights, but the OIA overturns the concept of "first in time, first in right" by making the federal reserve water right permanently junior to an unquantified and as-of-yet unadjudicated amount of future water withdrawals.

Under decades of judicial precedent and Section 13(c) of the Wild and Scenic Rivers Act (WSRA), it is well settled that: (1) the WSRA expressly reserves water in designated rivers; (2) the priority date for such rights is the date of the legislation; (3) all prior appropriations will be senior; and (4) the designation does not affect any existing water rights. Once the river is designated, the managing federal agency is directed to quantify how much water is needed to protect the river's Outstandingly Remarkable Values and then seek to secure this quantity of water by purchase or adjudication. This system ensures compliance with all state water laws while protecting the designated rivers. The language of the OIA Appendix turns this established system on its head by giving all "future irrigation, commercial, municipal, and industrial water rights" seniority over the federal reserve right, up to 10% of the streams' mean flow during the traditional high flow months.

This language in the OIA unnecessarily complicates the water rights adjudication system and could in fact result in harm, both to the rivers and to downstream users, given the uncertainties surrounding the actual amount of water that might be diverted. For example, preliminary reviews of fish populations indicate that a 10% withdrawal during low flow years would have a negative impact on juvenile populations for some species. Considering the variability of flow in these desert rivers, withdrawal of 10% of mean flow might decimate the rivers during low water years.

To rectify this serious problem, we recommend amending S. 3794 to provide for the protection of the rivers' Outstandingly Remarkable Values. The bill should make the addition withdrawal of 10% of flow contingent upon a finding by the managing agency that such withdrawals would not have a direct and adverse effect on the Outstandingly Remarkable Values.

Failing that, we recommend that S. 3794 strike the reference to the OIA regarding water rights and instead direct the Bureau of Land Management to apply for a federal reserved water right under the normal state adjudication system. This would preserve state water law and the principle of "first in time, first in right."

WSR BUFFER ZONES

The OIA Wild and Scenic Water Rights Appendix contains the following language:

> "WSR management plans, other land use plans and site-specific management plans, decisions or actions will not recognize any buffer zone on which restrictions would be placed due to the proximity to a designated segment of WSR, WSR boundary or to a WSR related purpose."

This language contradicts Section 7(a) of the WSRA. The limitation on buffer zones mirrors common practice for Wilderness Areas, but is wholly unsuited for a Wild and Scenic designation. Unlike the Wilderness Act, the Congressional drafters of the Wild and Scenic Rivers Act foresaw the need for federal agencies to review actions taken on federal lands outside of the designated Wild and Scenic corridor that may "invade or unreasonably diminish" the free-flowing nature or Outstandingly Remarkable Values of the river. S. 3794 should be amended to make it clear that the OIA Appendix language will not govern management of the new Wild and Scenic Rivers.

We appreciate this opportunity to comment on S. 3794, and we urge amendment of the bill as described above to provide true Wild and Scenic protections for the rivers designated in the bill.

Please do not hesitate to contact us if you have any questions regarding these wild and Scenic designations; your staff may wish to contact Quinn McKew at (202) 347-7550, x3069, or qmckew@americanrivers.org.

Sincerely,

REBECCA R. WODDER,
President.

STATEMENT OF BILL SEDIVY, EXECUTIVE DIRECTOR, IDAHO RIVERS UNITED, BOISE, ID

INTRODUCTION AND BACKGROUND

Idaho Rivers United (IRU) supports congressional passage of S. 3794, The Owyhee Initiative Implementation Act of 2006. Idaho Rivers United is a membership based, non-profit river conservation organization with 3,100 members, most of whom live in the state of Idaho. The organization's mission is to protect and restore the rivers of Idaho.

Idaho Rivers United has been engaged in the Owyhee Initiative collaborative process for nearly five years, and is a signer of the Initiative Agreement, a compromise agreement negotiated by county officials and county residents, local representatives of national conservation groups, Idaho-based conservationists and sportsmen, cattlemen, outfitters and other recreationists who live, work and play on the amazing public lands and great rivers of Owyhee County.

This bill is not perfect. However, in considering this measure, we urge members of the committee to look at the big picture this legislation paints. If passed by Congress and signed by the President, we believe S. 3794 will:

- Protect and conserve the most spectacular landscapes, rivers and wildlife habitat in the Owyhee Canyonlands region.
- Help end decades of costly and bitter battles over how best to manage and maintain our precious public lands and rivers in Owyhee County.
- Protect a way of life unique to Owyhee County, and protect ranching families and family businesses by providing more certainty about public land management.
- Provide the Bureau of Land Management with better tools for managing public lands and waters in the region.
- And protect the rich Native American heritage of the region.

While Idaho Rivers United may have chosen to write portions of the Owyhee agreement and S. 3794 a bit differently than we see in the final products, the Act accurately reflects the compromise agreements hammered out by diverse local and national interests over the past five years. More importantly, S. 3794 will provide real, on-the-ground conservation and social benefits in this unique corner of the Western U.S.

The remainder of this statement will focus on the proposed Wild and Scenic River designations outlined in Section 202 of the bill. Idaho Rivers United worked within the Owyhee Initiative framework to secure agreement on river protections, and the rivers are of greatest interest and importance to our membership.

ABOUT THE RIVERS—WHY THESE DESIGNATIONS ARE IMPORTANT

Protecting the rivers proposed for Wild and Scenic River designation in Section 202 of S. 3794 is a critical component for ensuring the long-term ecological health of the Owyhee region.

In the dry, desert landscapes of the Owyhee country, rivers mean life.

River corridors are home to approximately 70 percent of all plant and animal species found in the region. Important populations of California Bighorn Sheep and redband trout, as well as raptors, songbirds, river otters and other animals call Owyhee Canyonland river corridors home.

The rivers listed in Section 202 deserve protection for other reasons:

- The rhyolite/basalt canyons these rivers flow through are part of the largest canyon system in the Western U.S. In places, the sheer walls rise up more than 1,200 feet above the river's edge.
- The rivers of the Owyhee country offer outstanding recreational opportunities. In the Jacks Creek area there are remote backpacking, hiking and bird-watching opportunities. Rivers like the Jarbidge, Bruneau and mainstem Owyhee are floatable, and provide fantastic and remote canoe, kayak and raft trips.

- These rivers also offer travelers a sense of solitude that is hard to find elsewhere in the continental U.S.—getting to these rivers is often more difficult than navigating the rivers themselves.

Indeed, the rivers proposed for designation in this bill are all worth protecting and will add tremendous value to the national Wild and Scenic River System. They are unique among the rivers of Idaho, and they are unique among American rivers.

Congress recognized the special character of Owyhee Canyonland rivers in 1968, when it identified in the original Wild & Scenic Rivers Act the Bruneau River as one of 27 around the nation warranting immediate study for possible designation. The Bruneau was studied and recommended to Congress for designation in 1976, but no action on designation has yet occurred. Passage of this bill would give the Bruneau the protection and recognition it has long deserved.

Other rivers proposed for designation by this bill include sections of the Jarbidge, the mainstem Owyhee and key tributaries, along with important streams and key tributaries in the Jacks Creek basin.

For the most part, river reaches proposed for designations follow the recommendations made in Bureau of Land Management Resource Management Plans. Streams in the Jacks Creek Basin have not yet been evaluated by the agency, but they certainly exemplify the remarkable wild character of other rivers and streams in the region and are worthy of federal protection.

Conservation benefits of Wild and Scenic River designation will be significant. Designation will:

- Prohibit the construction of new dams and water diversions in the designated reaches.
- Prompt development of agency management plans designed to protect the outstanding values of the rivers.
- Give the rivers a higher 'profile,' which hopefully will encourage better stewardship by river users.
- Protect river flows by ensuring a Federal Reserved Water Right designed to protect river values.

In addition, these designations are particularly important in the context of this bill, and for the protection of the Owyhee Canyonland ecosystems generally, as Idaho water law does not recognize federal water rights for wilderness areas, but does recognize federally held water rights for Wild and Scenic Rivers. (We will address Wild & Scenic Water Rights further, later in this statement.)

OVERCOMING STATE AND LOCAL OBSTACLES TO BUILD THE WILD & SCENIC PROPOSAL CONTAINED IN S. 3974

To achieve consensus support for Wild and Scenic River designations in the Owyhee agreement and subsequent legislation, two major obstacles had to be overcome. They were:

1. Concern voiced by the State of Idaho over the potential for conflict and legal battles surrounding quantification of Federal Reserved Water Rights for designated rivers.
2. Concerns voiced by Owyhee County landowners about the impact of court cases that affected grazing in Wild and Scenic River corridors in Oregon. In those cases, including *Oregon Natural Desert Association* v. *Green,* federal courts halted grazing in the Donner, Blitzen and Owyhee rivers based on a court finding that grazing conflicted with the outstandingly remarkable values for which the rivers were designated.

WATER RIGHTS

In seeking state support for the Owyhee Initiative agreement, including proposed Wild and Scenic River designations, it became clear that support would be difficult to obtain—if not impossible—if the issue of federal reserved water rights was not dealt with up front, and decisively.

While the Idaho Supreme Court has clearly established that Wild and Scenic River designations warrant federal reserved water rights for designated rivers, there has been considerable conflict in Idaho over the quantification of federal rights for existing Wild and Scenic rivers.

For instance, the federal government and the state of Idaho both spent five years, millions of dollars and devoted significant manpower in settling water right quantification battles over existing Wild and Scenic Rivers rivers as part of the Snake River Basin Adjudication. At the core of disputes over quantification in these river basins (including the Selway, Lochsa, Middle Fork Clearwater, Middle Fork Salmon

and Main Salmon rivers) was the possibility of future, upstream water development by municipalities and other non-domestic water users. Eventually, this adjudication battle was settled via an agreement that subordinated some portions of federal reserved rights to limited, potential future development. (Note—The issue of subordinating Wild and Scenic water rights to future appropriations is not unique to Idaho. Agreements between the federal government and the states of Wyoming (Clarks Fork of the Yellowstone), New Mexico (Red River) and Montana (the Upper Missouri) have either made allowances for future appropriations, or, grandfathered private water rights issued after designation as 'senior' to Wild and Scenic Rights.)

In order to obtain state support and avoid potentially costly litigation over Wild and Scenic Water Right quantification, Owyhee work group participants agreed to find a way to protect flows in designated rivers, while allowing the flexibility for limited, future water development.

The water rights agreement resulting from that effort is spelled out in Appendix B of the Owyhee Initiative Agreement. It would be giving the force of law by passage of S. 3974, specifically Section 202(e) of S. 3974.

In short, the Water Rights Agreement provides for future water uses, provided that "[c]umulative withdrawals of water from each Designated Rivers principal watershed . . . shall be limited to a maximum instantaneous diversion rate of ten percent of mean monthly flows . . . in March, April, May and June." Water may only be diverted during these four months—the highest flow months of the year—and only so long as the diversions do not de-water perennial streams or prematurely dewater intermittent streams.

We believe that this agreement, and the federal water rights it will allow the managing agency to acquire, will be very protective of in-stream values. It will also provide levels of protection for designated rivers that have not typically been afforded to other wild and scenic rivers in the West.

In summary, the water rights agreement supported by this legislation will protect existing water right holders, as well as in-stream values. As a result, the agreement enjoys broad and wide-ranging support—from conservation groups like Idaho Rivers United, to river recreationists, outfitters and guides, local ranchers and senior water right holders in the area, to the State of Idaho and the Idaho Water Users Association.

LANDOWNER CONCERNS OVER GRAZING MANAGEMENT

To address landowner concerns over the potential impact of Wild and Scenic River designations on grazing, the Owyhee Work Group initially agreed that where Wild and Scenic River designations overlapped with Wilderness designations, Wilderness Act grazing management regulations, like that found in Section 203(c) of this bill, would prevail.

Idaho Rivers United agreed to that concept because:

1. The geology of the river corridors makes grazing in many of the sensitive riparian corridors physically impossible.
2. We respected landowner desires to continue grazing operations in places where they are currently being conducted. And,
3. Current BLM management plans already prohibit grazing in many of the river corridors proposed for designation.

However, when a national river conservation group raised concerns about this approach, the work group agreed to change legislative language on the Wild and Scenic River corridor boundaries to follow the 'ordinary high water mark' along both sides of the rivers.

These corridor boundaries give us pause, as we can envision that it will be difficult for the managing agency to protect out-of-water values with such unusually narrow corridors. Still, we can support the designations as offered in the bill because, we believe:

- Protecting in-stream values is the most critical benefit offered by designation for ensuring the health of Owyhee ecosystems.
- The entire Owyhee Initiative package—with its suite of Wilderness designations and other management proposals—will protect river corridors from incompatible development that could harm outstanding values above the ordinary high water mark.
- And finally, the geography of the area and current BLM management plans already restrict grazing in a majority of the river corridors proposed for designation.

CONCLUSION

Thank you for your consideration of S. 3974, and the 3,100 members of Idaho Rivers United hope that members of the committee will be able to support this bill as it moves through the legislative process. Passage will help protect remarkable landscapes, rivers and wildlife habitat, will protect ranching families, and, will help resolve decades of conflict over public land management issues in Southwest Idaho.

STATEMENT OF JACK TRUEBLOOD, BOISE, ID

This is my testimony-statement for the record on the Owyhee Initiative Implementation Act of 2006.

I believe the Owyhee Initiative Implementation Act of 2006 is bad legislation for Idaho. Some of the reasons I feel this way follow:

The process was not inclusive. Hunters, the largest Owyhee County recreation group, were not represented in negotiations creating the legislation. The Idaho Outfitters and Guides Association, which did have a seat at the table, is a business organization representing outfitters and their clients, not the general public. On the signature sheet of the Owyhee Initiative Agreement one can find names associated with a variety of county, agriculture and business groups but there is no name which could be attributed to a sportsman organization representative of members of the public.

Landowners who sell access, land, or easements under this law would get to name their own price without appraisals. You or I would not buy land under those circumstances. Why should the taxpayers? If landowners trade for federal land, it will be appraised, therefore much lower-valued. Large acreages of the lower-valued federal land will have to be traded for small private parcels. The public will lose access to the traded federal land.

Using the proposed Science Review process, a person can call for review of any Bureau of Land Management (BLM) land management decision. A "Board of Directors" made up of the signers of the OI Agreement would decide if the complaint merits review. Many of them have no land management education or experience to make such a judgment. If the complaint has merit, staff from universities will get involved and, with other professionals, issue a non-binding opinion. I feel the BLM is a scientific agency capable of managing resources without adding this extra layer of bureaucracy.

The bill proclaims livestock grazing an "economically viable use" of the resource. Well, it may or may not be, depending on how good a rancher is, but this hardly seems the stuff from which law should be made.

Dickshooter Ridge, an area I have hunted and camped on since the late 1960s, previously was not a BLM Wilderness Study Area because it has roads. The Owyhee Canyonlands Wilderness Environmental Impact Statement printed in 1989 clearly shows WSA on the east, south and west areas of the Ridge, omitting the network of roads. In S. 3794 Dickshooter Ridge is proclaimed wilderness, roads and all. I do not believe it fits the criteria of the Wilderness Act. Leaving the roads open but surrounded by Wilderness, as the BLM designated, would allow hunters to continue bird and big game hunting the length of the ridge. If it is all proclaimed Wilderness this opportunity will be lost because walking down the seven or so miles of ridge and back, carrying water for your self and a dog, is not a practical hunt.

The Owyhee Initiative (OI) legislation states that the boundaries of wild and scenic rivers named in the bill "shall be the ordinary high water mark." To my knowledge, this has never been done before since the Wild and Scenic Rivers Act was passed in 1968. The Rivers Act says streams included in the system "shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations." In previous designations, there has always been a "river corridor" of adjacent land as called for in the Act. Under the Owyhee Initiative "high-water" rule, the selected streams do not qualify for protection under the Wild and Scenic Rivers Act because no "immediate environments" have been designated.

There are other reasons to oppose this legislation, but these highlight some of my concerns. Please help Idaho by stopping this legislation.

Meridian, ID, September 15, 2006.

Hon. LARRY CRAIG,
U.S. Senator, Hart Senate Building, Washington, DC.

DEAR SENATOR CRAIG: My name is Lee Sutherland and I live in Meridian, Idaho. I am a game bird hunter that hunts extensively in Owyhee County. I am writing to ask you to vote no on the Owyhee Initiative Implementation Act (OI Implementation Act). There are several reasons this legislation should not be enacted. My concerns with the bill are:

- Bird hunters, big game hunters, trappers and other users of the public lands in Owyhee County will lose traditional hunting areas. These areas are remote and are generally only used by hunters and trappers willing to travel the primitive roads. In one case, Dickshooter Ridge, this area was not included in any Wilderness Study Area. Now suddenly it may become wilderness with no motorized access, not even a cherry stem road. This area is used by a variety of hunters, however, never generally at the same time, therefore retaining its solitude.
- The release of Wilderness Study Areas (WSA) would not be beneficial to hunters or the game they hunt. Presently, under WSA management hunters, motorized recreationists, ranchers and others use these areas. The motorized users are restricted to established roads and ranchers graze their cattle with some restrictions. WSA's provide good wildlife habitat and good hunting. Under the OI Implementation Act much of this will be off limits to hunters and motorized users.
- The conditions of the sale of land to the Bureau of Land Management (BLM) are highly unusual and questionable, as are the terms for exchange of land. The land owner gets to set the price of his land and BLM is bound by their appraisal procedures. This means of land sales and exchange is not in the hunters or taxpayers interest. Hunters stand to lose good hunting locations and likely good wildlife habitat that is essential to good hunting.
- The Science Review Process only adds an unnecessary layer of bureaucracy to the land decision process. The pubic users, commercial and non-commercial have ample opportunity under the present process to provide input and challenge decisions.

Hunters were excluded from the collaborative process on the Owyhee Initiative. Owyhee County and the environmental representatives on the OI Initiative claimed the Outfitters and Guides Association (IOGA) representative was a representative for hunters. The IOGA representative is and was not the spokes person for hunters since he never approached hunters or their organizations asking or volunteering to be their representative. Therefore, hunters were not and currently under represented on the OI Working Group and Board of Directors.

For these foregoing reasons I ask that you vote no on the OI Implementation Act, S. 3794.

I wish to thank you for your efforts to secure funding for sage grouse conservation in Idaho. Your support for Idaho's sage grouse is greatly appreciated.

Cordially,

LEE SUTHERLAND.

STATEMENT OF TINAMARIE EKKER, POLICY DIRECTOR, WILDERNESS WATCH, MISSOULA, MT

Wilderness Watch appreciates this opportunity to provide written testimony into the hearing record regarding S. 3794, the Owyhee Initiative Implementation Act of 2006 (OJA).

Wilderness Watch is a national conservation organization dedicated to assuring ongoing protection for the lands and waters within the National Wilderness Preservation System and Wild & Scenic Rivers System. Our mission is to ensure that the unique qualities and values of wilderness character are preserved throughout our National Wilderness Preservation System and not allowed to diminish over time.

Wilderness Watch strongly supports authentic wilderness designation for the Owyhee Canyonlands and adjacent sagebrush steppe of southwest Idaho. Unfortunately, the OIA does not provide the traditional protections of the Wilderness Act and therefore does not assure protection for the wilderness character of this special place. In the OIA, a number of traditional Wilderness Act and Wild & Scenic Rivers Act protections are either excluded or significantly undermined by wilderness-weakening exceptions.

For these reasons Wilderness Watch cannot support the OIA until substantial changes and improvements are made in the bill. As currently written, we believe

that the OIA would be bad for wilderness, bad for public lands, and bad public policy for America in general. Our concerns and suggestions are outlined below.

CALL FOR A MORATORIUM

On September 12th, 2006 Wilderness Watch joined with 80 other conservation organizations across the country in issuing a public letter calling upon our colleagues and Congress to support a Moratorium on any further action at this time on four omnibus public lands bills that privatize public lands and undermine wilderness protections:

(1) White Pine County Conservation, Recreation and Development Bill of 2006, S. 3772
(2) Central Idaho Economic Development and Recreation Act, H.R. 3603
(3) Washington County Growth and Conservation Act of 2006, S. 3636, H.R. 5769
(4) Owyhee Initiative Implementation Act of 2006, S. 3794

The purpose of the Moratorium is to provide a temporary "time out" to allow sufficient time for public analysis and discussion regarding the complex details in these bills. The Owyhee Initiative Implementation Act (OIA) was introduced just weeks ago, in August, so there has been very little time for conservationists and the rest of the public to review and publicly discuss this lengthy and complex measure. Prior to introduction the most recent draft that was available for public review was dated December 2004. With 18 months intervening between the last draft and the bill's introduction, it is only prudent to allow sufficient time for review of this bill. Although the Senate held a subcommittee hearing on September 27th there have been no field hearings in Idaho on the OIA, so local residents have not had a full opportunity to have their views heard and recorded by Congress.

For all of these reasons it is prudent for the Senate and Congress to support a "time out" on each of these complicated omnibus public lands bills so that there is sufficient time for each bill to be fully reviewed and evaluated in an open, transparent and public manner. Rushing such broad, sweeping public lands bills through Congress with very little time for detailed public scrutiny is not the way to create sound public land policies.

Wilderness Watch urges the Senate to support conservationists' national call for a Moratorium on the OIA along with the other three sweeping quid pro quo bills named, until there has been sufficient time for further review and public field hearings held in local communities on these complex bills.

OVERALL RECOMMENDATION

The single biggest and simplest change that would greatly improve the OIA's ability to actually protect the wilderness character and wild rivers of the Owyhee Canyonlands region would be to eliminate all of the following sections from the legislation:

§ 202(c)
§ 202(e)(3)
§ 203(c), (d), (e), (f), (h), (i), (l) (remove each of these sections in their entirety)

We recommend that these sections of the bill be replaced with the following provision that has been incorporated into numerous pieces of wilderness legislation:

> The Wildernesses designated by this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.
>
> The Wild Rivers designated by this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Wild & Scenic Rivers Act, provided that where management requirements for a stream segment described in the amendments made by this section differ between the Wild & Scenic Rivers Act and the Wilderness Act, the more restrictive requirements shall apply.

By including pages of new language and provisions that differ from the Wilderness Act and Wild & Scenic Rivers Act, the OIA ensures that the areas designated will not be managed in accordance with the provisions and intent of the Wilderness Act or Wild & Scenic Rivers Act. If in fact the true intent is to manage these areas as authentic wilderness and wild rivers, then there is no need for any additional

verbage beyond the simple paragraphs suggested above. We urge the Senate to amend the bill to incorporate this recommendation.

PURPOSE OF THE OIA

A primary purpose of the OIA is to "provide for economic stability by preserving livestock grazing as an economically viable use." It is inappropriate for legislation to elevate one user groups' use of public lands to a special right protected by law. America's economy is very dynamic and has undergone a number of major changes in the last 100 years. The various sectors of our national economy are strongest and function best when they are flexible and responsive to changing societal forces.

Public lands ranching occurs in many locations across the West. We should not be elevating 15 ranchers in one Idaho county above all other public land ranchers by guaranteeing the Owyhee county ranchers economic viability for their livestock operations via statute. This is not good national public lands policy and is at best narrow special interest legislation that neither benefits other ranchers or the public at large.

THE OWYHEE INITIATIVE AGREEMENT

The Owyhee Initiative (OI) was crafted by a small group of interests that were hand-selected by Owyhee County Commissioners. Many interests and organizations were excluded from those discussions that centered on the future of 3 million acres of public lands in southern Idaho. It is highly inappropriate for County Commissioners to be selecting who can and cannot participate in discussions that will affect federal public lands belonging to all Americans. Despite claims of "collaboration," the OI was a closed, exclusionary process from the very beginning, with details and updates extremely difficult to obtain from those who participated.

The outcome of those closed-door negotiations is therefore not a product of public input or review. The OI and the OIA therefore both lack public legitimacy, and are not good models for determining the future management of our public lands.

Furthermore, it is not clear in the OIA whether the OI Agreement is fully adopted into law as part of the OIA. Although the OIA notes that a key purpose of the bill is to implement the OI, the OI is not explicitly attached to the bill, so it is difficult for the public to know what is and isn't planned for this sizable expanse of public lands. It would be better if all specific provisions intended for implementation are specifically spelled out within the legislation itself.

BOARD OF DIRECTORS

Originally, the OI called for establishing a Board of Directors to "oversee implementation" of the OI Agreement. Participants in the OI self-selected themselves to comprise the Board. The stated reason for that self-selection was to retain the "institutional memory" of the ad hoc group that had crafted the OI Agreement.

However, some participants of that ad hoc group have now moved on to other states so their "memory" is no longer available for participation on the Board. In recent months several new interest groups have suddenly been added to the OI group (with permission from the county commissioners). The new groups that were not at the table during the multi-year discussions on the OI Agreement certainly bring no "institutional memory" to a new OI Board. One can only surmise that the county commissioners are handpicking new interests to join the OI the Board for self-interested political reasons, while continuing to keep the whole process closed to the general public.

The creation of a Board of Directors to oversee the OI Agreement is not necessary and is not beneficial to the public or our public lands. The Board is specifically set up to grant livestock producers more avenues to challenge and dispute BLM's grazing management decisions.

Ranchers as well as the general public already have public avenues for providing input and challenging agency decisions through NEPA, administrative appeals, and the courts. The OI Board of Directors creates a whole new layer of non-public oversight over BLM management decisions. The Board would review any grazing-related issue brought before the Board by any of the local 15 ranchers, and would refer those issues for further review to a new Science Review panel. In contrast, the Board would have discretion whether or not to review issues raised by non-ranching interests and refer those for scientific review.

Why is it necessary for ranchers or the rest of the public to bring their concerns before a new self-appointed Board of Directors rather than present those issues directly to BLM through the existing public involvement and dispute resolution processes? How will the OI Board be beneficial in protecting public lands and wilderness in Owyhee County?

Pending further examination and discussion as to the necessity and role(s) of an OI Board of Directors, Wilderness Watch recommends that establishment of such a Board be removed from the OIA.

SCIENCE REVIEW PROGRAM

The OI would establish a science review process to review certain decisions or actions of the BLM regarding public land in Owyhee County. Any grazing-related issues would be guaranteed outside scientific review upon request. The OI Board of Directors would be responsible for developing guidelines to select members of the outside scientific review team, with input by the Dean of the College of Natural Resources of the University of Idaho.

This provision in the legislation is highly problematic. First, the OI Board lacks the expertise to select capable outside scientific reviewers. Second, only ranchers are guaranteed access to the outside science review of BLM management decisions. This means the OI Board can choose to exclude the public from the review procedure, which distances the public from decisions affecting public lands. Third, all members of the public, including ranchers, are currently allowed to draw upon outside scientific expertise to challenge or affect public land management decisions, so there appears little "scientific" justification for establishing a very localized scientific review program.

For this reason there appears to be no scientific need for establishing a "science review program" catering to public lands issues specifically for Owyhee County. There is a real risk that the primary purpose of creating this new level of review will be to slow down and limit the public involvement process, and marshal political allies to support the views and wishes of the 15 local ranchers.

A final concern with creating this new science review program is the question of how it will be funded. Certainly taxpayers should not be expected to finance a quasi-private review entity to which the public itself is not guaranteed access. Special interests funding should also be prohibited in order to assure that the potential scientific reviewers can truly operate independently.

Pending further examination and discussion as to the necessity and role(s) of an OI science review program, Wilderness Watch recommends that establishment of such a Board be removed from the OIA.

CONSERVATION AND RESEARCH CENTER

The OI would also create a Owyhee Initiative Conservation and Research Center to review, coordinate, and recommend "landscape-scale" conservation and research projects in Owyhee County. The Conservation and Research Center would be overseen by the OI Board of Directors (another self-selected duty the Board is assigning itself with no public involvement or input).

It is very unclear why such a science center is needed to coordinate public land management activities in Owyhee County. Other counties in the West with a high percentage of federal lands have not required such a Center in order to effectively involve the public and science in public land management. It is further questionable given the substantial amount of scientific consulting expertise that is already available through many universities, government agencies, and private institutions. Both the public and land managers already have the capacity to avail themselves of this vast amount of available information, so there appears to be little scientific justification for legislating the cost and potentially micro-management tendencies of a research center specializing primarily in Owyhee County and answering to a non-qualified, self-selected OI Board of Directors.

Pending further examination and discussion as to the necessity and role(s) and costs of an OI Conservation and Research Center, Wilderness Watch recommends that establishment of such a Center be removed from the OIA.

WILDERNESS AND WILD RIVER PROTECTIONS

As noted in our introductory remarks, the OIA strays far from the provisions and intent of the Wilderness Act and Wild & Scenic Rivers Act, undermining the protections outlined in those landmark pieces of legislation. We will not describe every wilderness-weakening provision in the OIA in detail, but suffice it to say that some of the measures would establish new precedents that greatly lower the bar on protection and grant statutory rights to certain public land user groups, thereby elevating their use above other members of the public.

A few examples:

- The OIA would establish "wild streambeds" with boundaries set at the high water mark, instead of designating wild river corridors as specified under the Wild & Scenic Rivers Act.
- The OIA would be the first piece of wilderness legislation to authorize ranchers unlimited freedom to ride motorcycles and ATV's cross-country in wilderness as a "customary use" associated with their livestock operations.
- The OIA would be the first piece of wilderness legislation to make packstock use a statutory right in wilderness, stating that "nothing in this Act precludes horseback riding or the use of recreational saddle or pack stock in any wilderness designated by section 201." This means that use of packstock would trump the obligation of managers to regulate public uses in order to preserve wilderness character. Essentially, the OIA says that protection of wilderness character cannot be the basis for limiting or precluding stock use even if necessary to protect wilderness values.
- Similarly, the OIA contains unprecedented language that results in diminishing the importance of preserving wilderness character while elevating the "rights" of commercial outfitters to continue conducting their outfitting activities unchanged, including enshrining into law the outfitters' current system of reserved camps and allocated river launches. Outfitters currently have no statutory rights to reserved camps or specified river launches, but under OIA the terms of their current temporary permits would become the permanent law of the land.
- OIA contains unprecedented and extremely broad language regarding access through wilderness to reach non-federal land. This language in the OIA sets an extremely new low for wilderness protection!
- Unlike most wilderness legislation that Congress has passed to date, the OIA gives State Fish & Game managers statutory authority to do almost anything they want in wilderness in terms of manipulating wildlife, including habitat manipulations, lethal predator control, stocking with non-native species, stream poisoning, and use of aircraft and motorized ground vehicles in wilderness for routine game management activities.

Essentially; the OIA would designate "wilderness" and "wild" rivers on paper, but afford them almost none of the actual protections contained in the Wilderness Act and Wild & Scenic Rivers Act. Wilderness Watch cannot support designating "paper wilderness" stripped of most real protections for these worthy areas, and therefore we ask that major changes be made to the Act's provisions regarding administration of wilderness and the wild rivers.

Essentially, the OIA would label these places as "wilderness" and "wild" but provisions in the OIA would assure that essentially nothing would change out on the ground in terms of allowable activities in wilderness. The OIA would grant certain user groups new statutory rights they don't currently possess while also saddling the wilderness with a new bureaucratic overlay in terms of an OI Board of Directors, Science Review Program, and Conservation and Research Center to oversee grazing and other grazing-related land management activities in wilderness. This new overlay would further remove the public from meaningful involvement in public land management decisions while granting a few special interests—15 ranchers—greatly expanded involvement.

Wilderness Watch asks Congress to consider why we should designate areas as wilderness and wild rivers if nothing is really going to change out on the ground and if these areas are not going to be managed and protected as such designations usually intend.

Thank you for consideration of our testimony.

STATEMENT OF BARBARA WILSON, CHAIRPERSON, FRIENDS OF MT. HOOD, BEAVERTON, OR

Friends of Mt. Hood is a conservation group formed in 1989. Our mission statement focuses on the healthy ecology of Mt. Hood. The majority of our members are not only conservationists but also avid hikers, back-country and cross-country skiers and are well acquainted with Mt. Hood through our recreational activities.

With regard to the proposed wilderness legislation, we support the entire wilderness proposal of 128,000 acres.

Friends of Mt. Hood has the following comments:

LAND TRADE

We support the proposed land trade of 759 acres of land at Cooper Spur (northeast side of the mountain) for 120 acres of land at Government Camp (south side) by Mt. Hood Meadows and the Forest Service for the following reasons:

1. Government Camp is already well developed with condominiums so an additional condominium development would be a compatible land use. Clackamas County has zoned the 120 acres. for development. Since urban development is already rampant in this area, the property will be developed eventually. Under these circumstances, the land trade proposal is in the public's best interest. No other potential developer has land to trade on Mt. Hood.

2. The land at Cooper Spur (north side of the mountain) is zoned A-11, winter recreation. It is currently undeveloped and wild. With A-11 designation, the Forest Service would allow near destruction of the undeveloped pristine mountain areas at Cooper Spur by Mt. Hood Meadows, the ski resort developer. Please understand how destructive ski runs and chair lift towers are to the land. Development of ski facilities requires massive tree removal} bulldozing and grading with heavy equipment on fragile alpine soils.

3. WILDLIFE: Friends of Mt. Hood is dedicated to wildlife protection Elk, deer, cougar, black bear have used migration corridors on the north side for hundreds of thousands of years from the high summer meadows to the lower winter browsing areas. To have the proposed ski resort development in the middle of the migration corridor, would prove devastating for this wildlife. They would not survive. What Dave Riley, General Manager of Mt. Hood Meadows, had in mind to save the wildlife was a joke! (little bridges over the creeks, and maybe a trail a few feet wide. Can you picture how this would work with dogs and people in such close proximity?)

4. WATER SHED: Mt. Hood Meadows would give up their 450-condominiums, (all on septic tanks,) shopping centers, ice skating rink, amphitheater, golf course, hotels, roads and parking lots. etc. By giving up the condominiums and the golf course, the purity of the Crystal Springs water shed would be retained. This water shed provides drinking water for 2500 hook-ups (~5,000-6000 people).

5. REDUCTION IN SIZE OF DEVELOPMENT OF SKI AREA: Instead of using 1450 acres of magnificent wilderness for ski lifts and ski runs, the footprint would be limited to 70 acres. Reducing the size of future ski development would be a significant gain in preserving the ecological good health of Mt. Hood.

6. Meadows would abandon all their hardware at Cooper Spur including a $1M new chair lift. (the Ribster). They would leave the north side totally and a different concessionaire would run the smaller ski area.

7. PAYMENT: MHM would pay $1.7 million to the Forest Service for the discrepancy of values between Cooper Spur holdings and Gov Camp holdings.

OTHER COMMENTS We support the entire wilderness proposal of 128,000 acres. S. 3854

1. In addition to the land exchange which we strongly support, we support the inclusion of BONNEY BUTTE on the east side of Mt. Hood. Please be aware that this area is used by approximately 25,000 raptors (hawks, eagles, owls) for migration. This area must never be developed.

2. It seems totally reasonable to us that TAMANAWAS FALLS should be included in wilderness designation. This is a favorite hiking trail for hundreds of folks every year. Currently this area has large old trees that grow near the mountain streams and is truly a magnificent area.

3. WHITE RIVER must be included in the wilderness proposal. Mt. Hood Meadows has pressured the Forest Service for many years to develop into White River. This ski resort already has 12 chair lifts on the east side of the mountain. Mt. Hood Meadows is only one ski development of several on Mt. Hood. Enough is enough! We keep asking the Forest Service to STOP development into pristine areas before the mountain is totally destroyed. Mt. Hood is a relatively small mountain and has more ski lift development than any other mountain its size in the United States.

We urge your support of the entire wilderness proposal of 128,000 acres proposed by Senators Ron Wyden and Gordon Smith.

STATEMENT OF CAROLYN ECKEL, PORTLAND, OR

This testimony is on behalf of the wilderness legislation proposed by the Oregon Senators to expand protection of the wild lands and rivers in the Mt. Hood National Forest and the Columbia River Gorge.

I am a long time hiker and do my hiking primarily on the trails in the Mt. Hood area and in the Gorge. When I hike, I notice that parts of the trails are in wilderness and other parts are not. This causes me to worry that some day many of my

favorite hiking trails may be greatly shorted by logging because they aren't protected by wilderness status for their entire length. Also, I read in various publications that the Forest Service plans to allow logging in areas very close to my favorite hiking trails. It would greatly diminish my enjoyment of hiking to see clearcuts while hiking. All of this is why I would like to see the areas where I have hiked which are listed below granted wilderness status or designated as wild and scenic rivers or protected as national recreation trails. According to my hiking journal, I have been to some of these areas many times, some only once, but I think they are all worth protecting.

- Badger Creek and the adjacent areas
- Bonney Butte
- 15 Mile Creek trail
- Memaloose Lake and surrounding area
- Boulder Lake
- Larch Mountain trails
- Shellrock Mt.
- Twin Lakes area and trails
- Bull of the Woods
- Mirror Lake
- Hunchback Mt.

STATEMENT OF MICHAEL LANG, CONSERVATION DIRECTOR, FRIENDS OF THE COLUMBIA GORGE, PORTLAND, OR

Mr. Chairman and Members of the Subcommittee on Public Lands and Forests:

Thank you very much for the opportunity to submit comments in support of S. 3854. Friends of the Columbia Gorge (Friends) applauds the hard work and bipartisan efforts of Senator Ron Wyden and Senator Gordon Smith to introduce S. 3854, the Lewis and Clark Mount Hood Wilderness Act, a bill to protect wild lands and waters around Mount Hood and in the Columbia River Gorge as Wilderness and Wild and Scenic Rivers. An overwhelming majority of Oregonians supports the protection of this Mount Hood and the Columbia Gorge, and other pristine public lands as Wilderness to ensure they remain free of clear cuts, developments and roads. Friends and its allies represent thousands of Oregonians who want to conserve our beautiful state's remaining wild lands for future generations to use and enjoy.

Friends is pleased that S. 3854 would protect 128,400 acres as wilderness, including the iconic waterfalls, ridges and majestic old-growth forests of the Columbia River Gorge. The bill would permanently protect 26,000 acres of the pristine Gorge ridgeline and Larch Mountain, which contains the largest remaining stands of old-growth forests in the Gorge. The bill also carefully avoids the inclusion of trails that are currently open for mountain bike use. This will assure continued use and enjoyment of the Larch Mountain loop trails for our mountain biking friends, regardless of the light biking use that the trails currently experience.

We also recognize and support the fact that the Senator's were very careful to avoid existing development and to establish buffers between the proposed wilderness boundary and the existing town of Cascade Locks and rural hamlets such as Dodson-Warrendale.

We also support the bill's protection of: the Badger Creek additions of 3,700 acres; the Bull of the Woods additions including 6,870 acres; the 11,900 acres included in the Clackamas Wilderness Areas; the Lower White River Wilderness; pristine backcountry of Roaring River; the 21,580 acre additions to the Mount Hood Wilderness; and the 17,720-acre addition to the Salmon-Huckleberry Wilderness.

We also support the inclusion of over 100 miles of streams in the Mount Hood National Forest as Wild and Scenic Rivers, helping preserve water quality, recreation and important habitat for salmon and steelhead.

We thank the Senators for this legislation to protect some of Oregon's most cherished places. This is an important step towards preserving the Columbia Gorge and Mount Hood as a legacy for our children and future generations to experience and enjoy. We will continue to work with the entire delegation toward the goal of passing and having wilderness legislation signed into law this year.

During the past decade Friends and its allies, particularly Oregon Wild (formerly Oregon Natural Resources Council) have identified and mapped over 261,000 acres of wilderness-quality lands on the Mount Hood National Forest. Wild lands like these make and keep Oregon a special place to live, work and raise a family. Unfortunately Oregon lags far behind our neighbors in wilderness protection—only 3.7% of Oregon is protected as wilderness, compared to 10% in Washington and 14% in California.

Wilderness designation, defined by the Wilderness Act of 1964, is the strongest, most effective protection for public land. It safeguards special places from destructive development, logging and mining, while preserving the public's ability to enjoy them through numerous recreational activities. Wilderness protection is also one of the best ways to preserve healthy salmon runs and clean drinking water for Oregon residents. The unspoiled old-growth forests in the wild lands around Mount Hood provide clean drinking water for more than 200,000 Oregonians in Cascade Locks, Hood River, Sandy, Gresham, Estacada, West Linn, Lake Oswego, welshes, Oregon City, The Danes, and many other municipalities.

Wilderness designation is also vital to Oregon's tourism and recreation industries. Each year hundreds of thousands of people flock to Oregon's wild lands to enjoy backcountry recreation like snowshoeing, hiking, boating, hunting, fishing, and horseback riding. Wilderness tourism pumps millions of dollars into Oregon's economy, and is critical to local communities like Hood River, Cascade Locks, Sandy, and Estacada. The unspoiled nature of places like Larch Mountain and the Oneonta Gorge attract people to visit, recreate and live in Oregon. Protecting these areas as Wilderness is the best thing we can do for our communities and our quality of life.

Thank you again for crafting and introducing legislation to protect more of Columbia River Gorge ridgelines and forests as a legacy for Oregon. We appreciate the opportunity to comment on S. 3854 and strongly support the Wilderness and Wild and Scenic River components of the legislation. We look forward to working with you throughout the legislative process to secure protections for these remaining wild and unspoiled lands.

STATEMENT OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

Mr. Chairman, the Confederated Tribes of the Warm Springs Reservation of Oregon hereby submit this testimony on S. 3854, the Lewis and Clark Mount Hood Wilderness Act of 2006, and H.R. 5025, the Mount Hood Stewardship Legacy Act, to the Senate Committee on Energy and Natural Resources Public Lands and Forests Subcommittee's September 27, 2006 hearing on these bills. We ask that this testimony be made a part of the official hearing record.

Mr. Chairman, the Confederated Tribes of the Warm Springs Reservation of Oregon (hereinafter "Tribe" or "Confederated Tribes") is pleased with the introduction of S. 3854, the development, introduction and House passage of H.R. 5025, and this Committee's hearing on these bills. These two bills significantly advances the prospects of updating the wilderness and other land use designations in the Mount Hood National Forest to address the growing demands placed upon the Forest by the expanding population in the Portland metropolitan area and other nearby areas in the State.

We are also pleased that both bills seek to address the interests of the Warm Springs Tribe in the Mount Hood National Forest. The people of the Confederated Tribes have lived since time immemorial within and around what is today the Mount Hood National Forest. We have been nourished by its fish, game and plants, and enjoyed its sanctuary, protection and beauty. We arose from this land, and have long been its stewards. In more recent times, as a contemporary government in Oregon's community of governments, we also enjoy and exercise our rights and interests both along side and within the Mount Hood National Forest, including our unique treaty reserved rights and our traditional and religious practices.

Against this background, we make our comments below. Our comments are keyed to S. 3854, but also draw upon H.R. 5025 as appropriate.

Section 2. Findings. (2), page 3 line 9. Please delete Finding (2). Ascribing that we "arrived . . . from Asia by way of the Bering Sea" does not comport with our system of beliefs and makes no needed contribution to the bill's Findings. Further, the Findings' tendency to emphasize the recreational uses of Mount Hood National Forest by the "descendants of the early settlers," as in Finding (10), page 5, diminishes by comparison the contemporary role the Forest has for our Tribe, which is far broader and more essential to our lives than just recreation. We ask that, in revising S. 3854's Findings, the Senate sponsors will work with our Tribe to achieve a more balanced description of what the Mount Hood National Forest means to all the people of Oregon.

Section 102(a)(5). Mark O. Hatfield Wilderness Additions, page 11 line 23. The Warm Springs Tribe supports the Gorge Ridgeline extension of the Mark O. Hatfield Wilderness only to the top of the ridge above and to the east and west of the City of Cascade Locks. We do not support extension of the Wilderness designation over the top of the ridge toward the Columbia River Gorge. We mention this because it

is not clear from the maps immediately available for our review where the Senate proposed extension ends. Full wilderness designation directly on the face of the slope leading down into Cascade Locks would unduly constrain the City's economic options and pose the prospect of future wilderness restriction encroachment.

Section 102(b)(2). Columbia Gorge Airshed, page 14 line 5. We support this section, as well as Section 102(c)(4) in H.R. 5025. It is important to the economy of the Columbia River Gorge that the new designation of nearby Wilderness not stifle the ability of long-established Gorge communities to provide strong economies for their citizens.

Section 104. Administration. We note that the Senate bill omits the "Continued Use by Members of Indian Tribes" provisions included in H.R. 5025, Section 103 (i)(1), (2) and (3). Throughout all of our history, the ancestors of people who today are members of the Confederated Tribes have used what is currently called the Mount Hood National Forest for traditional cultural and religious purposes. In S. 3854, which is predicated on providing Wilderness, Recreational Areas, and Wild and Scenic River designations for the benefit of the surging majority population, it is particularly essential that our people be assured that we will be able to continue the sacred and ancient traditions that have bound us to the land forever, as in H.R. 5025 Section 103(i)(1). It is also essential that the Senate bill include the temporary closure provision as in Section 103(i)(2) of H.R. 5025 so that we can continue to practice our traditional cultural and religious activities without fear of intrusion or interruption. We understand that such closures will have to be arranged with the Forest Service, and that they be for the smallest area and least amount of time practicable to carry out these activities. We further understand that such activities in Wilderness areas be in accord with the Wilderness Act, as well as the American Indian Religious Freedom Act. A clear enunciation of these provisions, as in H.R. 5025's Section 103(i)(1), (2), and (3), is necessary in S. 3854 for the continued recognition and safeguarding of our traditional cultural and religious practices in the Mount Hood National Forest.

Section 105. Buffer Zones, page 16 line 15. Similar to air quality designations, as S. 3854 and H.R. 5025 expand Wilderness areas closer to established communities, it becomes important that clear language be included assuring that the new proximity of Wilderness not stifle those communities' ability to economically prosper for the benefit of their citizens. While both bills contain such "no buffer zone" language, it appears to us that the House language in Section 103(j) is clearer, and hence preferable to the Senate provisions in Section 105. The House language states that "nothing in this Act creates protective perimeters or buffer zones" while the Senate language states only that "Congress does not intend for designation of wilderness . . . to lead to the creation of protective perimeters or buffer zones." The Senate language also states that activities or uses up to boundaries shall not, "of itself," preclude the activities. Both Senate provisions contain the implicit suggestion that activities can still be precluded. Again, the House language on this point is clearer and, so, preferable.

Section 107. Gateway Communities, page 17 line 12. The Warm Springs Tribe, as a government exercising jurisdiction over extensive borders with the Mount Hood National Forest, asks that tribal. governments be included, along with county governments, as eligible for "gateway community" grants. S. 3854's proposed Wilderness additions at Lower White River and Sisi Butte are both proximate to the Warm Springs Reservation, from which they might be accessed. Accordingly, we suggest that on page 17, line 17, add "and tribal" after "appropriate county."

Section 108. Fish and Wildlife; Hunting and Fishing, page 17 line 23. The Warm Springs Tribe supports this Section, which is very similar to Section 103(h) in H.R. 5025, in that it permits fish and wildlife restoration and management activities to continue—consistent with wilderness management plans and in accord with applicable guidelines and policies—in the new Wilderness areas designated in the bill. This is particularly important for the on-going efforts to restore the salmon runs that are vital to our treaty rights. It is not clear, however, why "Hunting and Fishing" is included in the caption for Section 109 when there is no direct reference to hunting and fishing in the text of the section. If the caption title is intended to denote that hunting and fishing activities are a component of fish and wildlife management, we note that Warm Springs hunting and fishing within the Mount Hood National Forest are guided by our Treaty of 1855 and are subject to the treaty savings language in Section 804 of S. 3854.

Title III—Mount Hood National Recreation Area, Section 301. Designation, page 28 line 3. Overall, the designation of specific Recreation Areas within the Mount Hood National Forest raises for us the prospect of "loving the Mountain to death." Intensive recreational activity, even in nonmechanized forms such as mountain biking, can be destructive. Accordingly, we approach this Title with some caution,

and we take a measure of reassurance from some of the protective provisions in the Title. For instance, within Section 301(d), we are encouraged by 301(d)(1)(A)(ii)—protection and maintenance of fish and wildlife habitats and (1)(B)—conservation of cultural and spiritual values, among others. We are concerned, however, that 301(d)(1)(D)—protection and interpretation of archeological and paleontological sites, would actually identify and attract people to these sensitive areas. This attraction may lead to the prospect of defacement and destruction of these historic properties that are such a major part of the Confederated Tribes of Warm Springs memberships' past history and current culture. Accordingly, we ask that the Committee and the sponsors work with the Tribe to authorize more generalized archeological and paleontological interpretive information, such as an interpretive trail that does not identify specific sites.

We support Section 301(d)(2)(C), which provides for the new construction, temporary construction, or reconstruction of roads in the proposed Recreation Area "to allow for reserved or outstanding rights provided by a statute or treaty." Often, the exercise of treaty rights by the Tribal elders can only be accomplished by their driving, or being driven, to a particular area, say to a huckleberry patch. The elimination of forest roads that we currently use to transport our elders would be a concern for us. On that point, we ask that this section of the bill specifically mention that Recreation Area designation not prevent or impede routine road maintenance.

Title IV—Transportation and Communication Systems, page 32 line 6. Significant areas of the Warm Springs Indian Reservation are included within the Section 401 Definition of Mount Hood Region that is to be subject to a comprehensive transportation plan. Accordingly, our Tribal government should be included in the potential planning process, and we ask that "and tribal" be added after the word "local" on page 33 line 16.

Title VI—Mount Hood National Forest and Watershed Stewardship. Section 602. Forest Stewardship Assessment, page 48 line 15. The Warm Springs Tribe supports this provision, which is identical to Section 502 in the House bill. Our Reservation has an extensive forested border in common with the Mount Hood National Forest. In many ways, the management and health of our forest are closely linked to the management and health of the Mount Hood National Forest. The required development of a stewardship assessment and its implementation for the Mount Hood Forest will help protect our forest, for which the United States government as a whole, including the U.S. Forest Service, has a trust responsibility.

Section 603. Sustainable Biomass Utilization Study, page 50 line 20. We support this Section, which is identical to Section 503 in the House bill. Our Tribe, through Warm Springs Forest Products Industries, is deeply involved in a substantial biomass electric generation project that would accept significant amounts of excess biomass material from the Mount Hood National Forest. Our Tribe and the U.S. Forest Service, including the Mount Hood National Forest, entered into a Memorandum of Understanding early in 2006 to facilitate both fuels reduction on the Mount Hood National Forest and the provision of biomass for the Tribe's biomass generation project.

Title VIII—Local and Tribal Relationships. Section 801. Findings and Purpose, page 61 line 21. Section 802. First Foods Gathering Areas, page 62 line 5. The Warm Springs Tribe strongly supports Sections 801 and 802 of S. 3854. These provisions are identical to Section 701 and 702 in the House bill, where they were developed and incorporated through extensive dialogue and collaboration between the Tribe and the House sponsors. These provisions in the Senate and the House bill are critical to protecting and preserving the Tribe's treaty protected right to gather roots, berries and plants within the Mount Hood National Forest. The establishment of Priority Use Areas for tribes with treaty gathering rights in the Mount Hood National Forest is an exercise of the federal trust obligation to protect treaty resources, and is essential today to protect our roots, berries and plants from the destructive practices of non-Indians. For instance, in recent years when our Tribal members have gone to long-established huckleberry patches for the traditional annual harvest, we have been alarmed to see others wantonly stripping the berries with rakes and other tools, with no regard for the permanent destruction they are causing the huckleberry bush. The authorization of Tribal Priority Use Areas through collaborative discussions with the Forest Service will enable the flexible establishment of such Areas and bring a desperately needed measure of protection to our treaty protected roots, berries and plants.

Section 804. Savings Provisions Regarding Relations with Indian Tribes, page 64 line 1. This Section preserving the full scope of the Warm Springs 1855 Treaty rights and protecting our trust lands and allotments, including our fishing access sites, as well as our hunting and fishing rights, is essential to this legislation. Tribal treaties are the highest law of the land, and their preservation from any potential

misinterpretation, alternation or diminishment, intentional or otherwise, as a consequence of this Act is an absolutely essential element for this legislation. Senate Section 804 is identical to House Section 704, which was developed in close collaboration with our Tribe, and we absolutely support both provisions.

Section 905. Mount Hood National Forest Recreational Working Group, page 70 line 10. The Warm Springs Tribe supports this provision with one change: including tribal governments to the list of governments that may make nominations for Working Groups members to the Regional Forester. We note that this change should be made to the House bill as well, where it was also inadvertently overlooked. Like the State government and the county governments adjacent to the Mount Hood National Forest, the Warm Springs Tribal government is immediately adjacent to the Mount Hood National Forest and is extensively engaged in wide range of activities involving the Mount Hood National Forest, some of which, such as treaty rights, are unique to the Tribe. As a simple matter of parity, the Warm Springs Tribal government should have the same ability to make Working Group nominations as the State and adjacent counties. Accordingly, we suggest that Section 905(c)(5), Nominations, page 72 line 4, be amended to read "The State and county governments for each county directly adjacent to or containing any portion of Mount Hood National Forest, and an Indian tribe with substantial trust lands directly adjacent to Mount Hood National Forest, may submit a nomination to the Regional Forester for each activity or interest group category described in subsection (d)." We suggest the adjacency of "substantial trust lands" to ensure that any tribe with adjacent fee land or minor adjacent trust land not be inadvertently interpreted as eligible to make nominations. For instance, the Yakama Tribe in Washington may have some small trust allotments, or have interests in small trust allotments, on the Oregon side of the Columbia that are adjacent to the Mount Hood National Forest.

Mr. Chairman, that concludes the S. 3854 and H.R. 5025 testimony of the Confederated Tribes of the Warm Springs Reservation of Oregon. We look forward to working with the sponsors of the bills and the Committee in revising and advancing this important Mount Hood wilderness legislation.

Thank you.

STATEMENT OF THE SIERRA CLUB, PORTLAND, OR

INTRODUCTION

Representing over 750,000 members nationwide and over 23,000 Oregonians, the Sierra Club submits the following written testimony for your consideration regarding S. 3854, the Lewis & Clark Mount Hood Wilderness Act of 2006. The Oregon Chapter of the Sierra Club has sought additional protection for Mount Hood and the Columbia Gorge for some time and we thank Senator Ron Wyden and Senator Gordon Smith for introducing legislation that we hope will provide protection for wild lands along the route taken by Meriwether Lewis, William Clark and the entire crew of the Corps of Discovery.

HISTORY

Wild lands in Oregon are shrinking as we speak. Large-scale commercial logging, off road vehicles and development continue to threaten the integrity of our forests, the watersheds and natural ecosystems they contain, and their loss harms the outdoor enthusiast who yearns for places to escape the every day stresses of modern civilization. In 2004, we celebrated the 40th year anniversary of the Wilderness Act, the 20th year anniversary of the Oregon Wilderness Act of 1984, and the 200th year anniversary of Lewis' and Clark's traversing this great nation. In light of this history, we see the protection of tens of thousands of acres on Mount Hood and in the Columbia Gorge as an especially fitting honor to bestow upon these Oregon icons. Given the ever-increasing value of scarce water resources, the Oregon Chapter also appreciates the recognition of the scenic, wild and recreational value of beautiful free-flowing rivers that would forever be protected. Overwhelming numbers of Oregonians are in favor of these protections.

CONSULTATION

The Oregon Chapter has carefully reviewed S. 3254 and its draft maps, and has considered the feelings of our members and our community who live, work and play around the mountain. We have been working and will continue to work with the Senators to address our concerns over provisions in the bill as we did with Representatives Blumenauer and Walden regarding H.R. 5025. When H.R. 5025 was first enrolled we expressed concerns about the titles related to the wilderness and

wild and scenic rivers acts, and the potential that these titles, if they became law, might create exceptions to the laws and regulations that pertain to these acts. As we moved forward with H.R. 5025, we were encouraged by the forward progress that Congressmen Blumenauer and Walden were able to make with H.R. 5025 and in that vein the Oregon Chapter worked for clarifications and appropriate modifications to enable the Chapter's full support of the efforts of the Oregon Congressional delegation. We anticipate the same positive interaction with our Senators.

ROADLESS LANDS ON THE MOUNT HOOD NATIONAL FOREST

There are well over 250,000 acres of roadless forests on the Mount Hood National Forest that are not protected and this legislation takes a significant step towards restoring balance on this forest after decades of logging and road building. These islands of diversity are key components of a larger network of genetic diversity and ecosystem services provided by the landscapes of the Mount Hood National Forest. These lands are currently designated late successional reserves, matrix, wilderness or other planning designation, all of these areas may also have a special emphasis on watershed values or scenic viewshed values. Many of these areas are adjacent to existing Wilderness and are worthy of being added to the Wilderness system. These areas are not part of the active timber base, and they are scenic areas that provide drinking water and contain old growth forests. Many matrix lands are also key scenic viewshed corridors and are not contemplated to ever be part of the active timber base—these areas are also watersheds or roadless lands that area part of the larger network of roadless lands in the state. The value of goods and services from this urban forest from timber harvest is greatly outweighed by the value of its recreational offerings, clean water, hunting and fishing, and ecosystem services. There are great economic benefits that come from protecting intact roadless forests. There are many old growth roadless forests that are currently intact and worthy of Wilderness. These areas may be in the matrix classification, but are also protected for wildlife, watershed or scenic reasons. Future generations of Oregonians are more likely to say that we protected too little of these places than they will say we protected too many of them.

PROTECTING WILDERNESS

The titles providing for additional Wilderness and Wild & Scenic Rivers in S. 3854 are very attractive and a positive step in the direction of restoring balance on forests that have been heavily logged, roaded and fragmented. With respect to the Wilderness, the Oregon Chapter requests additional road closures and inclusions of previously impacted surrounding public lands to improve the size and shape of some areas as needed to increase the Forest Service's ability to comply with its duty to manage them as provided in Section 2(c) of the Wilderness Act. The Oregon Chapter is particularly concerned about the impact of roads around the roadless areas that are smaller than the 5,000-acre benchmark contemplated by the Act. While the Oregon Chapter recognizes the existence of important wilderness quality areas smaller than 5,000 acres, we call on the Committee to respond to the need in this forest to enhance the Wilderness experience of those who visit these areas and to benefit the habitat of wildlife that live there.

SETTING THE BOUNDARIES

The idea that only pristine areas could be added to the National Wilderness Preservation System was set aside long ago, as evidenced by the Eastern Wilderness Areas Act and many others that followed soon thereafter. The proposal appropriately includes previously logged areas improving the contiguity of areas protected. The Oregon Chapter encourages that similar additions be made to avoid narrow swaths of land being protected as Wilderness. The Oregon Chapter suggests that wilderness boundaries include all public lands within a perimeter that goes to the nearest permanent road or development. That way, when the trees grow back, whether naturally or with help from targeted restoration projects, those forests will increase the overall integrity of many of the superb wilderness additions in this legislation.

BACKLOG OF ROAD CLOSURES

Gail Achterman, from the Oregon Institute for Natural Resources, called for the closure of additional roads to protect watershed health and integrity. Knowledgeable community leaders and panelists at both of the Mount Hood Summits that were held at Timberline Lodge in 2003 and 2004 echoed this call. The Oregonian has also reported on the backlog of road closures and the management nightmare the excess

of unused roads causes. With active funding for road rehabilitation and additional road closures the Forest Service will have the funds to achieve the mandate for these lands and the Oregon Congressional delegation has wisely discussed the need for dealing with the extensive road system. Therefore, we strongly encourage the inclusion of funding for decommissioning, reconstruction, and restoration of all roads closed throughout the Mount Hood National Forest in the bill and taking a hard look at all potential ways to increase the integrity of this Wilderness proposal. This will help create jobs, improve the natural function of the ecosystems and ensure a lasting legacy for this and future generations.

POST-PASSAGE MAP

The Sierra Club understands that per the requirements of the 1964 Wilderness Act that all interior roads shown on the current maps within the boundaries of new Wilderness will be closed after the legislation passes by whatever means are necessary to preclude their use. We have had confirmation from all House and Senate sponsors that this is the case and we will be monitoring implementation and final map construction to assure it is carried out.

ROAD DECOMMISSIONING

We urge you to secure adequate funding for the full decommissioning of roads that are in passable condition currently. We have provided a list of priority roads to be closured to Congressmen Walden and Blumenauer and again to Senators Wyden and Smith. Our top priority is 4610 Road which is derelict, washed out, and rapidly deteriorating in many road segments. The Salmon Huckleberry, if linked to the Roaring River addition, would provide a key network of intact passage for big game and other wildlife.

CORRIDORS

The Sierra Club has been assured by Senator Wyden's office that there are no corridors in the proposed Wilderness areas for mechanized uses. However, there appears to be an excessively wide 400 foot wide corridor across the White River addition on the alpine flanks of Mount Hood. This corridor is far beyond what is needed for an underground power line. The Sierra Club requests the language specify a 100' corridor for the sole purpose of maintaining the existing underground power line.

ENSURING INTEGRITY FOR THE ORGANIC ACTS FOR WILDERNESS & WILD & SCENIC RIVERS

The Oregon Chapter objects to any provision that appears to exempt actions from, or change definitions in order to meet, provisions of the Wild and Scenic Rivers Act and the Wilderness Act. The Oregon Chapter has detailed its concerns previously and asks for confirmation that these concerns have been addressed or removed. Existing regulations and rules stand on their own. We request that any legislation for new Wilderness or Wild & Scenic Rivers on the Mount Hood National Forest not cause any conflicts with these existing rules or regulation or confuse issues regarding their enforcement.

FOREST STEWARDSHIP

The Oregon Chapter has expressed serious concerns about the recent trend to use forest stewardship as a justification and tool to promote commercial logging on the Mt. Hood National Forest. Industrial logging and decades of roadbuilding have already wreaked havoc on this landscape, increasing fire risk and damage to aquatic systems. The key is to protect the previously unmanaged stands (roadless and unlogged forests) that are most resilient to fire and most beneficial to maintaining the intact ecosystems still found on this forest. The Sierra Club has been working to address fire protection and forest health issues on Mount Hood for a number of years, both promoting genuine community protection measures and working to engage the Forest Service in dialogue to avoid commercial logging in the remaining mature and old-growth forests, sensitive drinking watersheds, scenic areas and wildlife corridors. We have also been engaged in meaningful dialogue with concerned local citizens around Mount Hood to reduce fire risks in priority areas around homes and communities. According to Jack Cohen, with the Forest Service's Fire Sciences Lab in Missoula, "research indicates that the home and its immediate surroundings within 100 to 200 feet principally determine the home ignition potential during severe wildland fires."

SOUND PLANNING & FISCALLY CONSERVATIVE PLANNING

Likewise, the Sierra Club understands the public interest in exploring and assessing how we can best work to proactively reduce fire risk to homes and communities. To accomplish these objectives, there is an incredible need for scientific consensus on the mapping that is utilized to aid any assessment of the condition of the forest. The current condition class maps are based on highly controversial modeling and are of questionable scientific integrity. The Department of Agriculture's Inspector General recently released a report criticizing the implementation of measures to protection communities from fire risk. Since 2001, the Administration has spent five years and billions of dollars on programs intended to protect communities from wildfire. The report found that the Forest Service has failed to put in place controls to ensure that the highest priority forest fuels reduction work is done first. The result is communities needlessly left at risk and tax dollars poorly spent, threatening the future good health of America's forests and the communities which surround them. As the Mt. Hood National Forest itself has recognized, the fire regime condition class model and maps are not ready for use in planning. To achieve scientifically defensible results, a science-based assessment will need to incorporate the results from a discussion of the divergent viewpoints on the fire regime condition class mapping. The standards for a forest stewardship strategy must include guidance on priority setting and ensure accountability. We need strategic planning and thorough scientific analysis to focus the dollars on protecting communities and restoring forests. That is why it is critical that the Senate ensures independent scientific peer-review of the condition class system and mapping.

UPDATING MAPPING

Currently, condition class modeling is not accepted among all forest scientists as a useful component of forest and fire planning. There are many scientists who have serious concerns about the model, its application and its implementation. The scientific consensus is that fire regime condition classes need to be based on the long-term variability of fire frequency and magnitude experienced by a landscape, not just the average conditions in one or two centuries. The condition class model needs to incorporate highly accurate mapping of current and potential vegetation. The vegetation mapping products should be subjected to a rigorous, independent accuracy assessment before being used in condition class maps. Vegetation succession and disturbance models used in the condition class process need to be carefully peer-reviewed by independent experts from a wide range of perspectives. The resulting map products will need to be carefully reviewed on the ground to see how well it matches reality.

INDEPENDENT SCIENTIFIC ASSESSMENT

Forest stewardship and fire planning must incorporate a wide variety of information and condition class should be just one of many considerations for science-based decision-making. Once new condition class mapping is completed it needs to be tested for accuracy and reliability through careful internal and external review, this new condition class mapping should be combined with many other factors to assist in determining what lands should be treated to deal with the risk of catastrophic wildfire and insect and disease epidemics/outbreaks. Forest restoration efforts should emphasize use of prescribed fire and fire-use policies over mechanical treatments. Many studies of wildfires and the potential benefit of forest restoration efforts have shown that prescribed fire and fire-use (using wildfires to accomplish forest restoration objectives) are by far the most effective means to reduce the risk of wildfire to both forests and communities. Thinning and logging often increase the intensity of wildfire behavior, therefore these tools should be used with great caution if the objective is to reduce fire risk.

ASSESSING THE BROAD RANGE OF APPROACHES AND IMPACTS

Community and structure protection are the primary goals of forest stewardship planning efforts. To accomplish these goals, it is unnecessary for the agency to engage in fuel reduction activities that are a substantial distance from communities targeted for protection. Often logging and thinning activities may degrade wildlife habitat and ecological values present in old forests. Logging activities frequently increase both short and long-term wildfire risk. By focusing on ecological priorities in areas nearest to communities this legislation could both protect forest health and create restoration-economy jobs in local communities. We appreciate the efforts of Senators to provide guidance on this language regarding Forest Stewardship to ensure the best possible assessment.

SUSTAINABLE BIOMASS

The Sierra Club opposes biomass energy projects that use federal lands as a source of supply because they are typically unsustainable. The use of portable milling equipment undermines efforts to keep destructive logging practices out of fragile ecosystems, roadless areas and previously unmanaged stands. The Sierra Club supports efforts to protect communities from wildfire and restore natural fire cycles via removal of small-diameter hazardous fuels around forested communities, so some local biomass-to-energy projects may be acceptable under strictly controlled conditions. Generally, the use of this material as biomass for commercial energy production creates demand for the byproduct of poor forest management and logging practices, and increases the pressure to disturb wild forest ecosystems. We believe that the assessment required by this bill will reveal that small-scale forest biomass-to-energy projects on non-federal lands—that are carefully monitored and designed under Forest Stewardship Council—will provide the only truly sustainable way for Americans to obtain wood waste and attempt to meet our energy needs for this and future generations of Oregonians.

COOPER SPUR HISTORIC SOLUTION

The Oregon Chapter has been a long-time supporter of the Cooper Spur Wild & Free Coalition and its Historic Solution, and national Sierra Club approved the land exchanges laid out in H.R. 5025. The Oregon Chapter has recommended acceptance of the terms laid out in S. 3854 to the national Sierra Club which is currently considering it. We encourage the delegation to be as specific as possible with the Forest Service in order to get the assessments and reviews completed within a reasonable timeframe. We encourage the Senate to include language from H.R. 5025 that ensures a timely process and the full protection of the entire Cooper Spur area. We support the language in S. 3854 regarding the protection of the Crystal Springs Watershed Zone of Contribution and the limitation of the Cooper Spur Ski Area and the Inn at Cooper Spur to its current footprint and the designation of the intact roadless lands as Wilderness to preserve this watershed that provides drinking water to the residents of Hood River County and a backcountry recreation areas for all Oregonians.

NATIONAL RECREATION AREAS

The Oregon Chapter supports the proposed National Recreation Areas as an alternative to Wilderness protection for those areas that can not be managed to enable a Wilderness experience as long as the language used prevents logging and increased development in these natural areas outside of the trails that are managed for mountain biking uses. Our membership includes many people in the mountain biking community—and we wish to see these pristine old growth forests protected and these roadless areas with strong protection for their unique qualities. We also request that the roads within the areas identified for National Recreation Area status be closed to motorized uses as we have determined through ground-truthing and review of priority lists from the Forest Service.

CONCLUSION

The Oregon Chapter commends the Senators for their hard work through this process and for seizing this historic moment. Our local volunteers are ready willing and able to provide support and further information for this committee. We look forward to working with the Senate to ensure our full support for the final legislation.

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