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# INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2009

## HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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# DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS FOR 2009

WEDNESDAY, MARCH 12, 2008.

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TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

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## PUBLIC WITNESSES—NATIVE AMERICANS

Mr. DICKS. Good morning. I want to welcome all of our witnesses this morning to the first of two days of public witness testimony. Today we will hear from citizens about issues affecting Native Americans in Indian Country. Tomorrow we will hear additional testimony from Native Americans, and we will hear from citizens testifying about other issues under the jurisdiction of the Interior and Environment Subcommittee. As members know, the right of the public and of our tribes to petition the committee is provided by the First Amendment of our Constitution, and I am glad to host the second year of public witness hearings for this subcommittee.

The President has once again submitted a completely inadequate budget for Indian Country. His request reduces funding for virtually every program in the Bureau of Indian Affairs. The Indian Health Service is also reduced below last year. Furthermore, the budget request completely ignores the increasing costs of high population growth and medical inflation that will inevitably lead to substantial shortfalls in Indian health programs. This subcommittee will do its best to see that these reductions are reversed and that programs in Indian Country are given the attention they deserve.

I need to remind our witnesses that we have many speakers scheduled to appear today. To ensure that we are able to accommodate everyone, I ask that our witnesses respect the five-minute limit. A yellow light will flash with one minute remaining of your time in order to give you the opportunity to wrap up your statement. When the red light comes on, then your time has expired. Your prepared statement will of course be published for the record along with a transcript of your actual testimony.

Mr. DICKS. Our first witness is Frances Charles, chairman of the Lower Elwha Klallam Tribe, State of Washington. Frances, welcome.

Mr. Tiahrt, our ranking member, will be here in a few minutes.

WEDNESDAY, MARCH 12, 2008.

## LOWER ELWHA KLALLAM TRIBE

### WITNESS

**FRANCES CHARLES**

Ms. CHARLES. My name is Frances Charles. I am the tribal chairwoman for Lower Elwha Klallam Tribe. Good morning, Chairman Dicks, members of the subcommittee. Our reservation is located near the mouth of the Elwha River on the north coast of the Olympic Peninsula, about five miles west of the city of Port Angeles, Washington.

I am here today to request full funding for the Indian Health Service of physical budgets of 2009. We return here to testify on the health issues because it is an important matter. We were here last week. I testified in the 1990s on a similar request and still many shortfalls in the budgets of all Indian programs. We are requesting an increase of $486 million on mandatory inflation and population growth, $152 million on the Contract Health Services, $160 million increase on the full funding contract support costs, $5 increase on the Indian Health Service Office of Self Governance, continued annual funding for the special diabetic programs for the Indians, and $150 million until new authority is enacted. That affects all ages of our communities. Increased funding levels are needed to maintain existing healthcare services, unmet needs for the healthcare needs in our growing population and support tribal self-determination efforts.

The Lower Elwha also supports the Johnson-O'Malley Housing Improvement Bureau of Indian Affairs-based programs along with increase of the Tribal Priority Allocations of the BIA and also the contract support costs of BIA data management. In addition we continue and welcome the Port Angeles region. Our tribe is a partner with the State and the Federal Government in both river restoration and Port Angeles harbor cleanup but I will want to focus my testimony mainly on the health issues.

Prior to entering the self-governance in 2002, we took over the Tribal Health Service from Indian Health Service Neah Bay Service Unit in 1995. Our clinic is located just west of Port Angeles and the clinic serves about 1,000 members, non-member Indians including 416 individuals who lack insurance. Ours is also the only clinic in Port Angeles that area that is accepting Medicare, Medicaid patients including non-Indians. In addition, under a recent negotiation MOU with the Veterans Administration, our clinic will soon be serving both Indian and non-native veterans and it is very important in our community because we are under unique standards in the Port Angeles area and we have really good working relationships with the agencies. Unfortunately, the Contract Health Services programs remain seriously underfunded. In 2007, the program received $517,108.75 to serve 642 eligible Native Americans living on the reservation and 197 to buy prescription drugs for this population which again is a concern for the national events because of the costs of the prescription drugs, and a lot of the times our families have to really make a base of whether they provide for some of the prescriptions that they cannot afford.

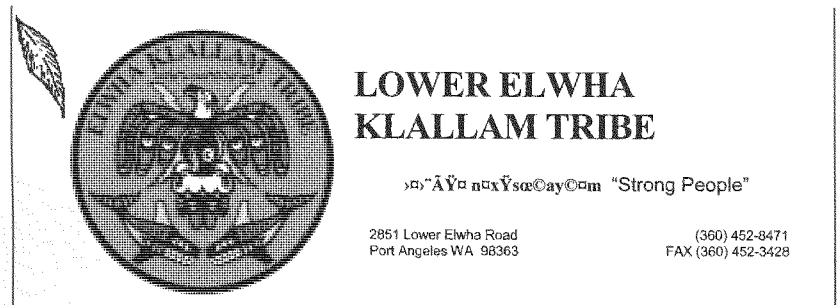
We do not collect contract support costs from our Contract Health Services allocations and forced to use third-party revenues to attempt to make these shortfalls. In 2007, the Contract Health Services budget was severely impacted by two cancer patients, that we have a rise in the cancer patients in our community, that a lot of the times with the priority one we have to really put a priority to limb and life and death situations which means that the referral stops for any of the children or elders that need medical care except for a life-threatening situation so we do need more funding in that area. Increased funding also facilitates the purchase to acquire equipment, X-ray machines and medical supplies. Our veterans, elder care and children caseloads are all increasing and our service population ages. We hope to construct and operate an assisted living facility serving veterans and tribal elders. We especially honor and care for our veterans and we are proud to have such a high proportion of our Indian people who served and continue to serve in the armed forces and we want to provide them the best medical facility possible. Please continue prayers for those that are at war.

In 2008, our tribe is faced with many challenges regarding healthcare and we are asking to increase the physical budget for the insufficient to cover the increased costs for the medical expenses that it has incurred with our communities.

Mr. Chairman, you can see that we have some of the same health problems as the country at large, increase in uninsured veterans, elders and children care. If anything, our service population has greater healthcare needs than the general population but because of the cuts rather than growth in the Indian Health Service budget and because the Indian Health Service requires us to subsidize contract support costs, we actually are forced to treat our children and our elders and veterans with diminishing funding and we ask for the increase to be more realistic in the upcoming years.

And finally, Mr. Chairman, we would express many tribes' appreciation for Congress in the efforts toward reauthorization of the Indian Healthcare Improvement Act. With that, we thank you.

[Statement of Frances Charles follows:]



# LOWER ELWHA KLALLAM TRIBE

›¤›"ÃŸ¤ n¤xŸsœ©ay©¤m "Strong People"

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**Oral Testimony of**
**The Honorable Frances G. Charles, Chairwoman**
**Lower Elwha Klallam Tribe**
**before the**

**U.S. House of Representatives Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**

**Public Witnesses Hearing on Native American Issues**
**Washington, D.C.**
**March 12, 2008**

Chairman Dicks, Members of the Subcommittee:

My name is Frances Charles and I am the Chairwoman of the Lower Elwha Klallam Tribe. Our Reservation is located on and near the mouth of the Elwha River on the North Coast of the Olympic Peninsula, about 5 miles west of the City of Port Angeles, Washington. I am here today to request full funding for the Indian Health Service in Fiscal 2009, including :

- a $486,000,000 increase to cover mandatory, inflation, and population growth;
- a $152,000,000 increase for Contract Health Services;
- a $160,000,000 increase to fully fund Contract Support Costs;
- a $5,000,000 increase for IHS' Office of Self-Governance;
- restoration of $21,000,000 for Health Care Facilities Construction; and
- continued annual funding of the Special Diabetes Program for Indians at $150,000,000 until new authority is enacted.

Increased funding levels are needed to maintain existing health care services; meet unmet health care needs in our growing population; and support Tribal Self-determination efforts.

The Elwha Tribe also supports restoration of Johnson-O'Malley ($21,400,000) and Housing Improvement ($13,600,000) funds to the Bureau of Indian Affairs base programs, along with a $25,000,000 increase in the BIA's Tribal Priority Allocation, a $45,000,000 increase for BIA Contract Support Costs, and $500,000 for BIA Data Management. In addition, we welcome the Subcommittee's support of funding for restoration of freshwater and marine fisheries habitat in the Port Angeles region. Our Tribe is a partner with the State and Federal Governments in both Elwha River Restoration and Port Angeles Harbor Cleanup. But I want to focus my testimony today on health care issues.

Prior to entering Self-Governance in the Indian Health Service in 2002, we took over our Tribe's Health Services from IHS' Neah Bay Service Unit in March 1995. Our clinic, located just west of Port Angeles on U.S. Highway 101, is better situated to provide health care services in the Port Angeles Region. The clinic serves about 1000 member and non-member Indians, including 416 individuals who lack insurance. Ours is also the only clinic in the Port Angeles area accepting new Medicare and Medicaid patients, including non-Indians. In addition, under a recently negotiated Memorandum of Understanding with the Veterans Administration, our clinic will soon begin serving both Indian and non-Indian veterans.

Unfortunately, our Contract Health Services Program remains seriously under-funded. For Fiscal 2007, that program received $517,175 to serve 642 eligible Native Americans living on reservation land. After using $197,800 to buy prescription drugs for this population, we had just $319,380 remaining for all of FY 07. We do not collect contract support costs from our Contract Health Service allocation and are forced to use third-party revenues to attempt to make up this shortfall.

Ever-increasing medical costs are affecting the criteria we use to select treatment options. For example, in FY 07 the Contract Health Service budget was severely impacted by two cancer patients. Because of the high cost of the medical treatment for one of the patients –$200,000 per month just for cancer center care, not including hospital and physician fees or medication– the Tribe was forced to go into Priority 1, meaning all medical referrals were stopped except for patients requiring hospitalization or at risk for life and limb. As you can see, the medical needs of just one tribal member can put a substantial strain on the yearly budget, leaving other tribal households in jeopardy. We need more realistic funding levels.

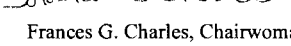
Increased funding would also facilitate the purchase of diagnostic equipment, such as lab and X-ray equipment, as well as essential medical supplies. Our veteran, eldercare and pediatric caseloads are all increasing. We need to keep pace in our clinic. And, as our service population ages, we hope to construct and operate an assisted living facility serving veterans and tribal elders. We especially honor and care for our veterans. We are proud that such a high proportion of Indian people have served, and continue to serve, in the Armed Forces. We want to provide them with the best medical facilities possible.

As we enter Fiscal Year 2008 our Tribe is faced with many challenges regarding health care. The greatest challenge will be to provide Contract Health Care. We are told that program will only receive $500,000 for FY 08. That funding will be insufficient to cover our increasing medical costs for eldercare, emergency room visits, surgeries, orthopedics, diabetic management, cancer care, health and prevention programs.

Mr. Chairman, you can see that we have the same health care problems as the country at large: increasing uninsured or under-insured veteran, eldercare and pediatric caseloads. If anything, our service population has greater health-care needs than the general population. But because of cuts, rather than growth, in the Indian Health Services budget, and because IHS requires us to subsidize contract support costs, we are actually forced to treat our children, elders and veterans with diminished funding. This is causing a health-care crisis, for our Tribe and for our region. We hope that your subcommittee will not let this happen, that Congress will be able to provide health care funding at more realistic levels in the coming years.

Finally, Mr. Chairman, I want to express my Tribe's appreciation for Congress' efforts toward reauthorizing the Indian Health Care Improvement Act. Much has been done, and much remains to be done, to improve health care for our people. We know that there are many demands made upon the Federal Budget and we hope that Congress will continue to give high priority to Indian Health Care.

Respectfully Submitted,



Frances G. Charles, Chairwoman
Lower Elwha Klallam Tribe

Mr. DICKS. Thank you for your statement. I just want to say, one of the things I have been concerned about since 2001, the Interior budget has been cut by 16 percent, EPA by 29 percent, Forest Service by 35 percent, and this year our bill was cut from last year's level, 2008 level, $1 billion below what we did last year, and Mr. Tiahrt and I will work hard to try to come up with a good bill, but when that happens, it is almost possible to do it.

Now, I think our allocation in the Democratic budget that has not passed yet but will pass will give some more money for our area but the bottom line at the end of the year is, if the President will not sign the bill and says you have to come down to his level, you know, we are faced with a tough problem because we want to get our bill signed. So we took care of most of these problems last year. We are going to do the best we can to take care of them this year.

Ms. CHARLES. We appreciate that.

Mr. TIAHRT. I want to commend the chairman. He did a great job of putting a high priority on healthcare for our Native Americans and we are going to try to make sure that we sustain that and it is going to be difficult here to do that, but this is a high priority with both of us.

Frances, thank you, and I appreciate your coming by, and we know what your other priorities are. We have to make sure we save earmarks or we are going to be in deep trouble.

Ms. CHARLES. Thank you, Congressman.

Mr. DICKS. Thank you.

Testimony of Jeremy C. Weso, and we will put your entire statement in and try to keep it close to five if you can.

Mr. WESO. Thank you, sir.

Mr. DICKS. Thank you.

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WEDNESDAY, MARCH 12, 2008.

## MENOMINEE TRIBE OF WISCONSIN

### WITNESS

**JEREMY C. WESO**

Mr. WESO. Good morning, Mr. Chairman and members of the committee. My name is Jeremy C. Weso and I am the tribal administrator for the Menominee Indian Tribe of Wisconsin. I am here on behalf of 8,467 of my tribal members, so it is a great honor for me to be here. I wish to thank the committee for the opportunity to express the hopes and fears my people have and impress upon the committee the importance federal funding plays in shaping the everyday lives of Menominee people.

My tribe's rich culture, history and residency in the area now known as the State of Wisconsin and parts of the States of Michigan and Illinois dates back 10,000 years. Through a series of treaties entered into with the U.S. Government during the 1800s, the tribe's land base eroded from 9.5 million acres to a little more than 235,000 acres today. Further setbacks occurred in the 1950s with the U.S. Congress's passage of the Menominee Termination Act, which removed federal recognition over the tribe. Fortunately, the

tribe won back its federal recognition in 1973 through a long and difficult grassroots movement that culminated with the passage of the Menominee Restoration Act.

Like many other tribes, the Menominee Tribe is greatly dependent on funding provided by the Federal Government to help it meet its people's basic human needs like providing food, shelter and clothing. Unfortunately, the funding we receive barely helps us meet those needs, let alone preserve our language and culture, manage our natural resources, promote economic development and expand educational opportunities for our people. For far too long we have settled on pretending like we can do a little more with a lot less and hoping that next year's appropriations will actually enable us to do more with more. We need your help.

Our exceptional need is supported by a dismal array of statistics and other unflattering facts. Though too numerous to mention them all, some of them include the following. Menominee County, which includes about 99 percent of the Menominee Indian Reservation, is the 72nd unhealthiest county among the State of Wisconsin's 72 counties. What is sad is that my people are dying from diseases that are preventable and treatable but we lack the financial resources necessary to turn this around. Menominee County ranks second among the State's 72 counties for violent crimes. Our 45-bed detention facility, which is always at or above capacity, and the three probation officers that we have to manage a caseload of 288 clients, and growing, is defining a standard of justice unlike any we have ever seen. At 11.6 percent, Menominee County's unemployment rate is the highest among Wisconsin's 72 counties and nearly two and a half times greater than the national average of 4.8 percent. Our housing waiting list consists of 180 individuals and families, meaning that we are only able to provide housing to about 55 percent of our population eligible to receive it.

We receive an average of $1.2 million from the BIA to manage our 219,000 acres of heavily forested lands but we still need an additional $1 million annually to properly manage them. In fiscal year 2007, the tribe experienced contract support cost shortfall in both BIA and IHS funds totaling $730,843. We anticipate an even greater shortfall in 2008 and 2009.

The President's fiscal year 2009 budget proposes to cut overall BIA funding by 4.4 percent and reduce funds provided to the tribe through the TPA process by 8.3 percent. If the proposal is passed as is, the Menominee Tribe will lose an estimated $571,970 in direct funding from the BIA. This type of cut will have a reverse multiplier effect, one that few people understand or realize. It will result in more Menominee people being unemployed and receiving fewer services, more Menominee people demanding services already heavily burdened and underfunded, and more Menominee people being placed on waiting lists. It will also mean that the Menominee tribe will lose other federal dollars since the Menominee tribe uses BIA and IHS funds to satisfy the cost-share requirement of other federal awards. It will mean more desperation.

This committee has a tough charge in front of it, and I realize that there are intense pressures to present a sensible budget but when you stop to consider the extraordinary needs that exist in Indian Country, the billions of dollars being spent in foreign aid and

the fact that Indian Country is located in this Nation's backyard, I hope that this committee will find it sensible to reject the Administration's proposal to eliminate the Housing Improvement Program and Johnson-O'Malley Program, reject the Administration's proposal to significantly reduce funding for tribal government, human services, national resource management and community and economic development, support across-the-board increases in TPA and non-TPA programs, support increased funding for payment of contract support costs so that tribes do not have to use TPA funds or locally appropriated funds to cover any shortfalls, require all funds for TPA be promptly allocated by the BIA for only TPA programs, functions, services and activities, provide bonus incentives to tribes that demonstrate exemplary performance through innovative programming, support the U.S. Commission on Civil Rights 2003 report recommendations, especially with respect to gauging unmet needs in Indian Country.

Thank you.

[Statement of Jeremy C. Weso follows:]

**MENOMINEE INDIAN TRIBE OF WISCONSIN**
P.O. Box 910
Keshena, WI 54135-0910

**TESTIMONY OF JEREMY C. WESO, TRIBAL ADMINISTRATOR BEFORE THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES, HEARING ON NATIVE AMERICAN ISSUES**

My name is Jeremy C. Weso, and I am the Tribal Administrator for the Menominee Indian Tribe of Wisconsin. I am here on behalf of 8,467 of my fellow tribesmen and women, so it is a great honor for me to be here. I wish to thank the committee for the opportunity to express the hopes and fears my people have, and to impress upon the committee the importance federal funding plays in shaping the everyday lives of Menominee people.

My Tribe's rich culture, history, and residency in the area now known as the State of Wisconsin, and parts of the States of Michigan and Illinois, dates back 10,000 years. At the start of the Treaty Era in the early 1800's, my Tribe occupied a land base estimated at 9.5 million acres; however, through a series of seven treaties entered into with the United States Government during the 1800's, the Tribe witnessed its land base erode to little more than 235,000 acres today. The Tribe experienced further setbacks in the 1950's with the U.S. Congress' passage of the Menominee Termination Act, which removed federal recognition over the Tribe and threatened to deprive my people of their cultural identity. Fortunately, the Tribe won back its federal recognition in 1973 through a long and difficult grassroots movement that culminated with the passage of the Menominee Restoration Act.

Today, we are a proud and resilient people living on the most beautiful lands to ever grace this earth. We have pristine lakes, rivers, and streams, over 219,000 acres of the richest forests in the Nation, and an abundance of plant and animal life. We cherish our natural resources and consider ourselves to be very fortunate to have them, but the richness of our land's scenic beauty is often overshadowed by the many social ills my people suffer and our desperate attempts to preserve what remains of our language, culture, and history. Like many other Tribes in this Nation, we are greatly dependent on funding provided by the Federal government to help us address and overcome these difficult challenges, and we are especially dependent upon funding provided by the Bureau of Indian Affairs (BIA).

In July of 2003, the U.S. Commission on Civil Rights issued a report entitled "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country." In that report, the Commission found that federal funding for Native American programs was inadequate, that any funding increases provided by the Congress failed to keep pace with inflationary increases, and that what little funding was provided did not allow Tribe's to address the basic or urgent needs of their people. The study also revealed that there was significant need in infrastructure development throughout Indian Country, especially

in the areas of housing, education facilities, public protection facilities, and healthcare facilities. The study urged the Congress and federal agencies to close the gap through increased federal funding and other changes in federal policy, and also urged federal agencies to identify and regularly assess the unmet needs of Indian Tribes.

This report was, perhaps, the single best objective appraisal of need among Indian Country published to date. Unfortunately, the hope and promise provided by the report and its authors has changed little to nothing during the last four and a half years. We haven't witnessed any credible attempts by federal agencies to develop an interagency workgroup established to assess the current system; analyze unmet needs; prioritize spending; set aside money for infrastructure needs; avoid instituting across-the-board cuts; or instituting any other recommended practices designed to promote tribal self-sufficiency.

Contrary to the title of the Commission's report, there is nothing quiet about the crisis my people are suffering. We struggle to address the basic human needs of our people each day, and our struggle only intensifies when funds continued to be cut. Despite our focus on providing food, shelter, and clothing, we also need to preserve our language and culture, effectively manage our natural resources, promote economic development initiatives, and expand educational opportunities for our people. For far too long we have settled on pretending like we can do a little more with a lot less, and hoping that next year's appropriations will actually enable us to do more with more. But stagnation and false hope are beginning to give way to desperation.

Our exceptional need is supported by a dismal array of statistics and other unflattering facts that seldom get better. Though too numerous to mention them all, some of them include the following:

- Menominee County, which includes about 99% of the Menominee Indian Reservation, is the 72nd unhealthiest county among the State of Wisconsin's 72 counties, as reported by the State of Wisconsin. The Tribe's clinic, which is partly funded by the Indian Health Service, operates on a shoestring budget of about $14 million. This budget allows the clinic to provide general medical, dental, and mental healthcare services; unfortunately, 550 tribal members in need of specialized care are placed on deferred care status until funding becomes available or their situation deteriorates to a life threatening condition. To effectively address the unmet needs of the Tribe in healthcare alone, we would need another $16 million annually.
- Menominee County ranks 2nd among the State's 72 counties for violent crimes, as reported by the State of Wisconsin. The Tribe operates a 45 bed detention facility that is constantly at or above its rated capacity, which leaves only enough room for the "worst" to serve time and the "bad" to go free to potentially recidivate. As a result, we have 288 probation and parolees and only three probation officers to somehow manage them. The unmet need of $2.5 million annually in law enforcement, probation, and court funding has created a new standard of justice on the Menominee Indian Reservation that prohibits crime but cannot afford the punishment.

- Menominee County has the highest unemployment rate among the State's 72 counties. At 11.6%, Menominee County's unemployment rate is nearly two and a half times greater than the national average of 4.8%. The addition of 115 FTE positions, or $5.489 million in annual wages and benefits, would be minimally required to reduce the unemployment rate to the national average.
- Our housing waiting list consists of 180 individuals and families, meaning that we're only able to provide housing to about 55% of our population eligible to receive it. Many of those individuals and families on the waiting list are living with others, and some are living with as many as two other families under one roof. To adequately house those on the waiting list, the Tribe would minimally require $11.7 million to construct affordable housing, plus another $7 million in infrastructure development.
- Our 219,000 acres of heavily forested lands are managed by the Menominee Tribal Enterprises (MTE), a milling and forest management business owned and operated by the Tribe. Each year MTE manages and mills the forest on a sustained yield basis using forest management funds provided by the BIA. Unfortunately, those funds—like most other BIA funding—have failed to keep pace with the rate of inflation. Consequently, Consequently, MTE has had to supplement the forest management funds with an additional $235,000 each year, yet the additional funds provided still fall short in providing adequate management services to ensure a healthy forest. To effectively manage the Tribe's forests, the Tribe and MTE estimate it would require an additional $1 million annually.
- In FY2007, the Tribe experienced a contract support cost shortfall of $176,308 in BIA programs, and $554,535 in IHS programs, representing $730,843 in total. We anticipate an even greater shortfall in FY2008.

In February the Tribe learned of the President's Fiscal Year 2009 proposal to cut overall BIA funding by 4.4% and to reduce funds provided to the Tribe through the Tribal Priority Allocation process by 8.3%. If the cuts are passed as proposed, the Menominee Tribe will lose an estimated $571,970 in direct funding from the BIA. This type of cut may sound like a drop in the bucket when you stop to consider the overall federal budget, but back home that "drop" translates into jobs, food, shelter, heating, clothing, and a host of other goods and services among a population group already suffering from decades of under-funding. In addition, the Self-Determination Act carved out an exception allowing Tribes to use funds provided under the Self-Determination Act to match the cost share requirement of other federal grants, so the "drop" we stand to lose in self-determination funding will translate into the loss of other federal dollars.

When you stop to consider the effect the loss of that "drop", or $571,970 in BIA funding, will have on the Tribe, you have to consider the total effect; that is, both the intended and unintended consequences. The end result would mean more Menominee people unemployed, receiving fewer services, demanding services from already heavily burdened service providers, and on waiting lists. The loss of any amount of federal funding has a reverse multiplier effect. Although up front the President's budget might result in the loss of $50,000 or $100,000 to an individual program, the actual toll on the Tribe is far greater.

This committee has a tough charge in front of it, and I realize that there are intense pressures from above, below, and elsewhere for it to present a sensible budget. When you stop to consider the extraordinary needs in Indian Country, the lack of sufficient investment in Indian Country, the billions of dollars being spent in foreign aid, and the fact that Indian Country is located in this Nation's backyard, I hope this committee finds it sensible to—

- Reject the Administration's proposal to eliminate the Housing Improvement Program and Johnson O'Malley Program;
- Reject the Administration's proposal to significantly reduce funding for Tribal Government, Human Services, Natural Resources Management, and Community and Economic Development;
- Support across the board increases in TPA and non-TPA programs;
- Support increased funding for payment of contract support costs so that Tribes don't have to use TPA funds or locally appropriated funds to cover any shortfalls;
- Require all funds for TPA be promptly allocated by the BIA for only TPA programs, functions, services, and activities;
- Provide bonus incentives to Tribes that demonstrate exemplary performance through innovative programming; and
- Support the U.S. Commission on Civil Rights 2003 Report recommendations, especially with respect to gauging unmet needs in Indian Country.

Indian Country has suffered long enough. The Menominee people have suffered long enough. There is an historic opportunity for the Congress and the Administration to embrace...a chance for true leadership to show that actions do speak louder than words and that a strong Indian Country makes for a stronger America. I am confident the committee will agree that there is nothing partisan about enhancing the quality of life in Indian Country, preserving Native American culture, promoting economic development or expanding educational opportunities throughout Indian Country. Please help us turn a new page in history.

Thank you for the opportunity to testify today.

/s/
Jeremy C. Weso, Tribal Administrator
MITW-Department of Administration

Mr. DICKS. I think that was a very good statement, and I appreciate your calling attention to that civil rights report in 2002. I will take a look at it.

Mr. WESO. Thank you.

Mr. DICKS. Mr. Tiahrt, do you have anything?

Mr. TIAHRT. No.

Mr. DICKS. Thank you.

Now we are going to have the Puyallup Tribe, Washington State. Mary Pavel is going to present the testimony. Mary, welcome.

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WEDNESDAY, MARCH 12, 2008.

## PUYALLUP TRIBE OF WASHINGTON

### WITNESS

**MARY PAVEL**

Ms. PAVEL. Thank you, Mr. Chairman, members of the committee. On behalf of Herman Dillon, I extend his regrets. He came down with a virus. He has been having some health issues and could not travel. He asked that I share with the committee the Puyallup Tribe's priorities, and I will hopefully save the committee some time this morning.

Mr. DICKS. We will put your entire statement in the record and you can summarize.

Ms. PAVEL. But the tribe's priorities are a lot of what you guys will hear today. They include increased funding for law enforcement, natural resource funding, which is near and dear to the Puyallup Tribe's heart. They led the struggle in Washington State to establish our treaty rights for the tribes in Washington. And finally, healthcare funding, increased healthcare funding. The Puyallup Tribe was the first tribe in the country to operate their clinic, as the chairman knows, through a 638 contract and have done so successfully. They service 25,000 Native Americans within the Pierce County District and they are running at a crisis level of shortfalls.

I want to thank you for the committee's commitment to that and urge your continued efforts to provide full funding for those programs. Thank you.

[Statement of Herman Dillon, Sr., follows:]

***TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES FISCAL YEAR 2009***

Mr. Chairman, my name is ***Herman Dillon, Sr.***, Puyallup Tribal Chairman. We thank the Committee for your past support of many tribal issues and for your interest today. We share our concerns and request assistance in reaching objectives of significance to the Congress, the Tribe, and to 25,000+ Indians (constituents) in our Urban Service Area.

***U.S. Department of Interior - Bureau of Indian Affairs*** - The Puyallup Tribe has analyzed the President's FY 2009 budget and submits the following detailed written testimony to the U.S. House Subcommittee on Interior, Environment and Related Agencies. We look forward to working with Congress to insure that funding levels for programs necessary for the Puyallup Tribe to carry-out our ***sovereign responsibility of self-determination and self-governance*** for the ***benefit of the 3,705 Puyallup tribal members and the members from approximately 355 federally recognized Tribes who utilize our services*** are included in the F.Y. 2009 budget.

***Puyallup Nation Law Enforcement***: The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation and related urban service area contains 25,000+ Native Americans from over 355 Tribes and Alaskan Villages. The Puyallup Nation Law Enforcement Division currently has a Chief of Police, twenty-six (26) commissioned officers and two (2) reserve officers to cover 40 square miles of reservation in addition to the usual and accustomed areas. Due to limited federal funding for law enforcement in Indian Country, only two (2) officers are funded with P.L. 93-638 funds. The officers are charged with the service and protection of the Puyallup Reservation seven days a week, twenty-four hours a day. With the continuing increase in population, increase in gang related activities on the Puyallup Reservation and the impact of the manufacturing of methamphetamines in the region, the services of the Puyallup Nation Law Enforcement Division are exceeding maximum levels.

A major area of concern is the status of the ***Tribe's Detention Facility***. Due to damages from the February 2001 Nisqually earthquake, we have had to relocate to modular/temporary facilities. Operated as a "regional detention facility" the Puyallup Tribe was able to provide detention service to surrounding Tribes. Since the relocation to modular facilities the Tribe's ability to effectively and safely incarcerate detainees has been compromised due to the condition of the temporary detention facilities. These and other issues regarding the deplorable conditions existing in Indian Detention facilities is documented in the September 2004 report issued by the U.S. Department of Interior Inspector General's Office. In an effort to protect the safety and welfare of the native community the Puyallup Tribe has initiated the design and construction of a 28,000 square foot ***"Justice Center"*** to be located on the Puyallup Indian Reservation. The Justice Center will provide necessary facilities for the delivery of judiciary services including a Tribal Court, Court Clerk, Prosecution, Probation, Public Defender and Law Enforcement services including Police Headquarters, and a 7,000 square foot, 28 cell ***"Adult Detention Facility"***. As stated earlier, the current facility is inadequate in size/number of beds, was designed as a temporary facility and was not built to any federal/state or tribal health or construction standards. The pre-planning phase for this project has been completed, an architectural firm has been hired to perform design services and it is anticipated that the Puyallup Justice Center will be completed in October 2009. We seek the following support:

- ***Request Subcommittee support to fund the BIA Public Safety and Justice Law Enforcement activities at the $229 million level proposed in the FY 2009 budget to operate law enforcement services. While this amount only funds 60% of law enforcement needs in Indian Country, the Subcommittee is encouraged to issue directive language to the BIA to***

*include additional funding for law enforcement staffing in the F.Y. 2010 budget;*

- ***Support from the Subcommittee on the Tribe's request to the Subcommittee on Commerce, Justice and Science for funding in the amount of $5.25 million to construct the "detention" portion of the Justice Center. The Tribe has committed $9.75 million in tribal revenue to construct the remainder of the facility;***

- ***Support from the Subcommittee to restore proposed funding cuts to the Tribal Courts budget in the amount of $2.4 million for a total F.Y. 2009 budget of $14,447,000 and at a minimum, request that the Subcommittee issue directive language to the BIA to include this amount as line item funding for the Tribal Courts in the FY 2010 budget.***

***Fisheries & Natural Resources Management:*** The Puyallup Tribe as steward for land and marine waters in the Usual and Accustomed fish and shellfish areas has treaty and Governmental obligations and responsibilities to manage natural resources for uses beneficial to the regional community. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Indian and Non-Indian fisherman, and surrounding communities. Our Resource Management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington with an obligation to manage production of anadromous, non-anadromous fish and shellfish resources. Existing levels of support are inadequate to reverse the trend of resource/habitat degradation. Resource management is constrained due to funding shortfalls. **We seek support and endorsement in the following areas:**

- ***Tribal Fisheries Resource Management, Hatchery Operation and Maintenance funding via P.L. 93-638 contracts has not increased substantially since establishment of base budgets in 1984. The demand on Puyallup Tribal Fisheries Program has grown exponentially since the eighties and is currently faced with Endangered Species Act listings on numerous species. This demand is increased due to the urbanized setting of the Tribe's Usual and Accustomed treaty areas in the Pacific Northwest Tribe. We request Committee support to increase base contract funding in the amount of $350,000 for additional fisheries staff. We further support the existing BIA hatchery maintenance budget be increased to $1.5 million per year for the next decade to meet basic infrastructure maintenance costs for tribal hatcheries;***

- ***Washington Timber-Fish-Wildlife Program - U.S./Canada Pacific Salmon Treaty. The TFW and the U.S./Canada Pacific Salmon Treaty programs have allowed for the expansion of tribal participation in the state forest practice rules and regulations and participate in inter-tribal organizations to address specific treaties and/or legal cases which relate to fishing rights, harvest and management. Tribes bring a high level of skills and technical capabilities that if appropriately funded, would greatly facilitate and enhance a successful outcome in forest practices, regulations and greater fisheries protection. However, base funding for these programs is eliminated in the President's FY 2009 budget. We request Committee support to restore base funding of $1,713,0003 illion for TFW and $1,772,000 for U.S./Canada Pacific Salmon Treaty FY 2009 budget. We further support the Northwest Indian Fisheries Commission's request that the Subcommittee issue directive language to the Bureau of Indian Affairs to include this amount in their FY 2010 budget;***

- ***Unresolved Hunting and Fishing Rights Program – The Medicine Creek Treaty secured the Puyallup Tribe and other tribes the right to hunt on open and unclaimed lands. This***

***treaty right is reserved in the same paragraph that also reserved the right to fish and gather shellfish. Unfortunately, the BIA program that is designed to support this treaty activity has not received adequate, if any, appropriations in the last several years. Funds that were made available to tribes have been on a competitive basis with a maximum amount per program due to limited funding. The Puyallup Tribe has established a Hunting- Wildlife Management program that works cooperatively with signatory Tribes to the Medicine Creek Treaty, Washington Department of Fish and Wildlife, U.S. Forest Service and the National Park Service. For further development and participation in unresolved hunting issues, the Puyallup Tribe is requesting Committee support to establish annual base funding of $95,000 for the Hunting-Wildlife Management Program.***

***Operation of Indian Programs & Contract Support Costs:*** The President's FY 2009 budget calls for $2.2 billion to be allocated to the Bureau of Indian Affairs, which is $100 million less than the F.Y. 2008 enacted level. Specifically for the Operation of Indian Programs, the Budget provides $1.98 billion, which is an overall decrease of $60 million from current levels. These functions, as detailed in previous "TPA" allocations have not received adequate funding to allow tribes the resources to fully exercise self-determination and self-governance. Further, the small increases "TPA" has received over the past few years has not been adequate to keep pace with inflation. ***At a minimum*, we request your support and endorsement in the following;**

- ***Support by Congress to fund the Operation of Indian Programs FY 2009 request, at a minimum, at the enacted level in F.Y. 2008 of $2,047,809, an increase of $59,519,000 over the F.Y. 2009 President's request;***

- ***Support by Congress to restore funding for the Johnson O'Malley.***

Another concern the Puyallup Tribe has with the F.Y. 2009 budget request is the on-going issue of contract support costs. The President's F.Y. 2009 budget request for contract support is for $147 million which is the same as the enacted level in F.Y. 2008 request. ***At a minimum*, we request your support and endorsement in the following;**

- ***The Puyallup Tribe remains in agreement with the U.S. House of Representatives Committee on Natural Resources and requests support by Congress to fund BIA Contract Support Costs for FY 2009 at $186,628 million, a $39,334 million increase over the President's FY 2009 budget request. Full funding of Contract Support is a mandate towards the full realization of Self-determination and Self-governance.***

***DHHS Indian Health Service*:** Funding for the Indian Health Service fails to meet the needs of health services for Native Americans. The Puyallup Tribe has been operating our health care programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to an expanding population in Tacoma and Pierce County, Washington. There are no IHS hospitals in the Portland Area so all specialties and hospital care have been paid for out of our contract care allocation. In recent years our Health Authority has had the highest patient visits in both medical and dental services in the Portland Area of Washington, Oregon and Idaho. It is operating at twice the capacity it was designed and staffed for. The Puyallup Tribe is now faced with having to subsidize the Puyallup Tribal Heath Authority when it's own tribal members constitute only 14% of the patient population. Because of the excessive demand for service we have added staff without the IHS funding to match the workload. An additional $5,317,945 is needed to operate at this rate.

The IHS Budget request is for $4.3 billion, an overall decrease of $21 million from the FY 2008 enacted level. Budget analysis by the Northwest Portland Area Indian Health Board indicate that it

will take an increase of $455 million to maintain current facilities and services in F.Y. 2009. **We request congressional support for the FY 2009 IHS budget in the following areas;**

- ***Fund IHS Contract Support Costs at 100%. While the President's budget includes an increase of $4,238 million for Contract Support Costs funding, this will not fund tribe's actual contract support costs. It is estimated that Contract Support Costs shortfall has accumulated over the years in the amount of $158.3 million. Support from the Subcommittee is requested to eliminate the Contract Support Costs shortfall in the amount of $158.3 million and fund IHS Contract Support Costs for FY 2009 at $281 million;***

- ***We oppose the proposed elimination of the Urban Indian Health Program, which was funded at $34 million in FY 2008.***

- ***Fund the Puyallup Tribal Health Authority contract health care fund an additional $5,317,945 million to match documented expenditures paid with Puyallup Tribal resources;***

- ***Index Contract Care to population growth and the medical inflation rate. Contract care is most vulnerable to inflation since services are provided by vendors constrained by IHS guidelines. There are no IHS hospitals in the Pacific Northwest which makes our clinic dependent on Contract Care for necessary specialty referrals and hospital care. Contract Health Services should be funded at $605 million for FY 2009;***

- ***The Indian Health Care Improvement Act (P.L.94-437) provides funding for the Indian Health Services and has been pending re-authorization since F.Y. 2000. Recently, the U.S. Senate passed their version of the IHCIA and the U.S. House has pledged to pass a companion bill this session. The Puyallup Tribe of Indians supports all efforts by Congress and the Administration to pass the Indian Health Care Improvement Act during the 110th session of Congress.***

Mr. DICKS. Thank you, Mary, and we will do our best. As I said, it is a pretty difficult situation we are faced with.

Billy Frank, Jr., chairman of the Northwest Indian Fisheries Commission, and a very good friend. Welcome, Billy and——

Mr. FRANK. Michael.

Mr. DICKS. Michael.

Mr. FRANK. And Ed.

Mr. DICKS. Ed.

Mr. FRANK. And we got Chairman Henry Cagey with us. Good morning.

Thank you, Mr. Chairman. As you said, we have been together a long——

Mr. DICKS. A long time.

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WEDNESDAY, MARCH 12, 2008.

## NORTHWEST INDIAN FISHERIES COMMISSION

### WITNESS

**BILLY FRANK, JR.**

Mr. FRANK. I am honored to be in front of the committee again, and my name is Billy Frank, chairman, Northwest Indian Fisheries Commission. Indeed, it is a privilege to be among such a distinguished cadre of tribal leaders, who are also here to present funding requests of their people.

On behalf of the membership in the Northwest Indian Fisheries Commission, I will speak to our natural resource management funding request for 2009 budget for the Bureau of Indian Affairs and the Environmental Protection Agency. With me today is Mike Grayum, our executive director of Northwest Indian Fisheries Commission, and Ed Johnstone on my right, Quinault commissioner for the Northwest Indian Fisheries Commission, and the chairman of the Lummi tribe, Henry Cagey, sitting in with us in support.

We are the infrastructure of the Pacific salmon in the Northwest, and to summarize our appropriations is Mike Grayum. Mike.

Mr. GRAYUM. Just a quick summary of our request. To start is the securing and enhancing our Western Washington fisheries management base funding through the Bureau. First off, we want to make sure that the $1.8 million cut that the President included in his budget directed at our Pacific salmon treaty support funding gets reinstated, and then secondly, we are asking that the account be increased——

Mr. DICKS. That is number two, right?

Mr. GRAYUM. That is the second bullet. And then secondly, the enhancement of the base funding of $7.5 million to support the increased management obligations and costs that are not being covered right now, in part due to shellfish and marine fish obligations.

[Chart.]

Mr. GRAYUM. This chart that I have in front of me, which I do have copies of it if you care to have it, is a reflection of what has happened to this account, our base fisheries management funding, since 1978 to 2007, expressed in 2007 dollars and then adjusted to 1970 at the zero mark to show that we are getting less money now

in buying power than we got 30 years ago to do significantly more work. And then the second page adds in some other dollars that have been provided largely through this committee in hatchery reform and hatchery maintenance and mass marketing and TFW that we have been using to fill in the gaps but we are reaching a point now where we cannot continue to fill those gaps in and that is why we are asking for the enhancement of that base.

So going on very quickly then, we are asking that the Timber, Fish and Wildlife, $1.74 million, which is again not included in the President's budget, be included and we are asking for a mass marketing amount of $2.4 million. Again, we have been receiving some money for that but it is not in the President's budget either, and as the chairman knows, we are trying to address costs associated with expected increase of selected fisheries in the State of Washington.

Mr. DICKS. Right.

Mr. GRAYUM. And then moving on quickly, EPA. We are looking for dollars, $2 million specifically, to allow the tribes to effectively participate in the governor's partnership effort, and then very importantly, we are looking for money both in the hatchery maintenance and rehab account of the Bureau, which has been grossly underfunded in the past. It is a national account and many of those hatcheries exist in the Northwest. And we are looking for money, $2.43 million, to support our hatchery reform effort and we have projects already teed up that account for that $2.4 million. And then lastly, to strengthen tribal wildlife management and assurance of treaty-protected hunting rights, we are requesting an additional $5 million to do that work.

Mr. DICKS. Ed.

Mr. JOHNSTONE. Thank you, Mr. Chairman.

The Northwest Indian Fisheries Commission, the 20 member tribes want to lend our support to the national Tribal Priority Allocation. Tribes request funding for levels within the BIA for trust responsibility, Tribal Priority Allocation and self-governance that pertain to fisheries management implementation of the U.S.-Canada Pacific salmon treaty, $160 million to fully fund the BIA contract support costs, provide necessary pay cost adjustments for existing and emerging programs, and support full funding of EPA's Indian General Assistance Program gap.

Mr. FRANK. Mr. Chairman, I just want to let you know how important this committee is to our tribal people. You know, we are dependent upon the United States Congress for our funding and this is where we come to testify.

[Statement of Billy Frank, Jr., follows:]

**Oral Testimony Presented by**
**The Honorable Billy Frank, Jr., Chairman, Northwest Indian Fisheries Commission**
**Before the**
**House Interior, Environment and Related Agencies Appropriations Subcommittee**
**On the FY 2009 Budget for the Bureau of Indian Affairs**
**March 12, 2008**

Mr. Chairman and the other honorable members of the Committee, I am Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission (NWIFC). It is indeed a privilege to be among such a distinguished cadre of Tribal Leaders who are also here to present funding requests of their people. On behalf of the membership of the NWIFC, I will speak to our natural resource management funding request for the FY 2009 Budget for the Bureau of Indian Affairs (BIA) and the Environmental Protection Agency (EPA):

**Summary of NWIFC Specific Appropriations Requests**

- **Secure and Enhance Western Washington Fisheries Management Base Funding**
  - **$7.50 million Enhancement of Western Washington Fisheries Management Base Funding:** BIA/Natural Resource Management/Rights Protection
  - **$1.8 million – restore reduction incurred in the President's FY 2009 Budget:** BIA/Natural Resources Management/Rights Protection
  - **$.075 million - Salmon & Steelhead Habitat Inventory Assessment Program (5SHIAP):** BIA/Natural Resource/Forestry Projects
- **Maintain the Timber-Fish-Wildlife Program**
  - **$1.74 million Timber-Fish-Wildlife (TFW) Program:** BIA/Natural Resource Management/Rights Protection
- **Maintain the Mass Marking Program**
  - **$2.4 million Mass Marking Program:** BIA/Natural Resource Management/Rights Program
- **Protect Marine Resources of Puget Sound and Co-manage Natural Resources**
  - **$2.0 million :** EPA/National Estuaries Program/Puget Sound Partnership
- **Recover Salmon through Hatchery Maintenance/Rehabilitation and Reform**
  - **$1.5 million Hatchery Maintenance/Rehabilitation:** BIA Hatchery Maintenance/Rehabilitation & Reform
  - **$2.43 million Hatchery Reform Implementation:** BIA/Natural Resource Management/Fish and Wildlife Projects
- **Strengthen Tribal Wildlife Management and Assure Treaty-Protected Hunting Rights**
  - **$5 million Tribal Wildlife Management – Treaty Hunting Rights:** BIA/Natural Resource Management/Rights Protection

**Support of National Tribal Appropriations**

- **Support Tribal requested funding levels within BIA for Trust Responsibility, Tribal Priority Allocation (TPA) and Self-Governance that pertains to Fisheries Management and Implementation of the U. S. –Canada Pacific Salmon Treaty**
- **$160 million to fully fund BIA Contract Support Cost**
- **Provide necessary pay cost adjustments for existing and emerging programs**
- **Support full funding of EPA's Indian General Assistance Program (GAP)**

**THE NORTHWEST INDIAN FISHERIES COMMISSION.** Indian tribes have always inhabited the watersheds of western Washington, their cultures based on harvesting fish, wildlife, and other natural resources in the region. In the mid-1850s, when the United States government wanted to make Washington a state, a series of treaties were negotiated with tribes in the region. Through the treaties, the tribes gave up most of their land, but also reserved certain rights to protect their way of life. The promises of the treaties were quickly broken in the decades that followed as the tribes were systematically denied their treaty-protected rights by the State of Washington. The struggle to obtain recognition of those rights climaxed in the "Fish Wars" of the late 1960s and early 1970s, when tribal members were arrested and jailed for fishing in defiance of state law. In 1974, the tribes won a major victory in U.S. vs. Washington (Boldt Decision), which reaffirmed their treaty-protected fishing rights. The ruling - which has been upheld by the U.S. Supreme Court - established the tribes as co-managers of the resource were entitled to 50 percent of the harvestable number of salmon returning to Washington waters. Following the ruling, the tribes created the Northwest Indian Fisheries Commission (NWIFC) to assist them in conducting orderly and biologically sound fisheries. More recent federal court rulings upholding treaty-reserved shellfish harvest rights have further expanded the role and responsibilities of the tribes as natural resource managers. Those rulings, combined with the interconnectedness of all natural resources, mean that tribal participation is today necessary in nearly all aspects of natural resource management in the region.

**REQUESTS JUSTIFICATION NARRATIVE**
**BUREAU OF INDIAN AFFAIRS/NATURAL RESOURCE MANAGEMENT /RIGHTS PROTECTION**

- **$1.8 MILLION RESTORATION OF CUT IN THE PRESIDENT'S BUDGET** - This reduction, which targeted the US-Canada Pacific Salmon Treaty, would affect the Northwest Indian Fisheries Commission, as well as the Columbia River Inter-Tribal Fish Commission and the Metlakatla Indian Community. The NWIFC portion of this cut is about 67%, or a reduction of $1.2 million. Tribes receive important value from the PST monies through direct contracts from the BIA for research and monitoring work, as well as from NWIFC policy coordination, technical assistance, and personnel contract support. These monies are critical for the successful renegotiation of portions of the treaty that are set to expire.
- **$7.5 MILLION ENHANCEMENT OF WESTERN WASHINGTON FISHERIES MANAGEMENT BASE FUNDING** - The Tribes and the NWIFC request an increase of **$4.0 million** for the base program funding due to increased management obligations and costs. Base funding levels for Tribal Natural Resources was initially set more than 30 years ago. Funding declines in recent years are attributable to many reasons; inflationary costs, rescissions and the overall appropriations climate. Hence, today we are receiving less funding than we did three decades ago but the level of management responsibility has dramatically outpaced the level of funding. There have been occasional cost of living adjustments and some new monies have been added to core base, level funding over the years.

The tribes request an increase of **$2.0 million** for base program funding to support increased shellfish management needs. In 1999, the Supreme Court denied *cert*. and let stand the favorable decision of the 9th Circuit Court which included guaranteed Tribal rights to harvest and gather shellfish for their commercial, ceremonial and subsistence needs. Tribes need monies to implement this right, in much the same way as they did after the original U.S. vs. Washington case was decided. Several dozen regional shellfish management plans have been successfully negotiated with Tribal and state agencies, and Tribes have redirected efforts to conduct the minimum management needed for their fisheries. Tribes need new resources to collect information to assess treaty/non-treaty sharing arrangements, to

implement the shellfish sanitation consent decree and to better monitor and enforce Tribal regulations on deep-water fisheries. Without new resources our current successful implementation of the agreement will be short-lived.

The tribes request an increase of **$1.5 million** for base program funding to support increased groundfish management needs. This appropriation would fund groundfish management activities for the four coastal Treaty Tribes who do not currently receive funds for these activities such as data collection, analysis and monitoring. These activities are funded from other existing fishery program funds which are inadequate and pose challenges to Tribes to meet their management needs and responsibilities. The transition to greater regional- and species-specific management increases the demand for information and staff. Groundfish biologists, technicians and enforcement personnel are all critical for an effective groundfish management program.

- **$1.74 MILLION TO MAINTAIN TIMBER-FISH-WILDLIFE (TFW) PROGRAM** – TFW has served as the cornerstone-funding source for Tribal habitat management capabilities for almost 20 years. Since 2000, Congress has provided an allocation for additional Tribal participation in TFW and the Forest and Fish Report (FFR) development. Originally at $3.08 million, this level was decreased in FY 2006, but has been supplemented by a special request for funds from the State of Washington. In an effort to make the TFW program whole and allow Tribes to continue to implement TFW and the adaptive management provision in the FFR plan, which has been adopted as a HCP under the Endangered Species Act, an additional $1.74 million is needed to supplement the funds received by the Tribes from the State of Washington.
- **$2.4 MILLION TO MAINTAIN THE MASS MARKING PROGRAM** – These funds are needed to fully mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations and watersheds in Western Washington. Federal requirements to mass mark Pacific Salmon raised in facilities funded in whole or in part by Federal dollars require program funding for Tribes. Tribes have agreed to mark salmon at their facilities, but require necessary funding to do so. It is also critically important to scientifically monitor salmon populations through spawning escapement studies to determine how the marking program and marked selective fisheries may be affecting existing data and assumptions. New plans to implement more extensive selective fisheries require additional funding and the cost for this task has increased since initial funding levels, and is expected to be at least $2.4 million in FY-2009.
- **$5.0 MILLION TRIBAL WILDLIFE MANAGEMENT – TREATY HUNTING RIGHTS** - Wildlife Management is a new initiative. Existing sources within the BIA to address wildlife management issues have been eliminated at the same time Tribal treaty rights to hunt are being constantly challenged either through unfriendly legal processes or through loss of important habitat and access to open and unclaimed lands. An appropriation of $5.0 million would provide each of the member Tribes with a basic infrastructure to deal with Tribal wildlife management and treaty hunting rights. We also recognize that the USFWS Tribal Wildlife Grants, by themselves, are neither adequately funded nor are they designed to support long-term tribal staff infrastructure. This package supports basic infrastructure at each tribe and the NWIFC, as well as provides a pool of project monies for competitive grants. Further, the continued elimination of $320,000 from the Unresolved Hunting and Fishing Rights line item will impact the Tribes ability to develop in-common and co-management databases with the State of Washington to work through hunting and wildlife management issues.

**BUREAU OF INDIAN AFFAIRS/NATURAL RESOURCE/FORESTRY PROGRAMS**

- **$75,000 SALMON & STEELHEAD HABITAT INVENTORY ASSESSMENT PROGRAM (SSHIAP)** – We are requesting an increase of $75,000 for a total of $475,000 for the Salmon and Steelhead Habitat Inventory Assessment Program (SSHIAP). The SSHIAP program is an integrated data base/GIS program that allows tribes, the state and local governments, and other partners with real time information to make critical decisions regarding watershed restoration, funding priorities, etc. This collaborative program with the Washington Department of Fish and Wildlife and other agencies, such as Department of Energy, Puget Sound Partnership, U. S. Geological Service, National Information Network and Environmental Protection Agency is funded within the BIA Natural Resources Management—Forestry—Special Projects account. The SSHIAP has become the basic habitat management tool of choice in salmon and watershed recovery, water quality and quantity issues and resource monitoring efforts in the state of Washington.

**BUREAU OF INDIAN AFFAIRS/HATCHERY MAINTENANCE/REHABILITATION & REFORM**

- **$1.5 MILLION SALMON HABITAT RESTORATION: BIA HATCHERY MAINTENANCE & REHABILITATION**
- **$2.43 MILLION SALMON HABITAT RESTORATION: BIA/NATURAL RESOURCE MANAGEMENT/FISH AND WILDLIFE PROJECTS HATCHERY REFORM IMPLEMENTATION OR NOAA/PACIFIC SALMON/PACIFIC COASTAL SALMON RECOVERY FUND [PCSRF]**

This package includes coordinated efforts underway addressing salmon recovery. It supports Hatchery Maintenance and Rehabilitation and Hatchery Reform Implementation. Funding for the tribal hatcheries has, in recent years, come from both the BIA/Fish Hatchery Repair and the NOAA Fisheries/PCSRF accounts. The level of funding from within the BIA/Fish Hatchery Repair account is very small and shared with other tribes nationally. The NOAA Fisheries/PCSRF account funds not only hatchery reform efforts, but is also the overall account from which tribes directly receive salmon recovery monies and indirectly compete through the state of Washington Salmon Recovery Fund process. It is necessary to identify and access additional funding sources to allow Tribes to continue in the recovery efforts.

**ENVIRONMENTAL PROTECTION AGENCY/NATIONAL ESTUARIES PROGRAM/PUGET SOUND PARTNERSHIP**

- **$2.0 MILLION PUGET SOUND PARTNERSHIP** - Marine resources are essential to all NWIFC tribes. Two geographical areas help define this package—the Pacific Coast and Puget Sound. In Puget Sound, the emerging Puget Sound Partnership conveniently brings together key marine issues requiring salmon recovery, management and regulatory changes, and the need for additional funding. Tribes will need to be funded so that they can participate in the necessary scientific work and process and policy discussions that this partnership entails.

**ENVIRONMENTAL PROTECTION AGENCY/GENERAL ASSISTANCE PROGRAM (GAP)**

- We support full funding of EPA's Indian General Assistance Program (GAP) as this funding is critical to the tribes' ability to sustain their important water resources programs.

Thank you for allowing me to present these requests to you today.

Mr. DICKS. I appreciate that, and I just want to say, I hope that next year we can do a lot better because I think whoever is elected President, I think we will have a more adequate budget for these programs. I mean, I cannot imagine that this kind of billion-dollar cut in a bill like this—we should have gone up $600 million and so it makes our job really tough when you cut this thing $1.6 billion to fill in all the holes because you have to take it from somewhere else to do this, and everything is sensitive in this bill.

But Mr. Tiahrt and I will work hard, and we will have a good bill in the House again like we did last year. We had a great bill coming out of the committee last year. But then if you want your bill signed, you have to cut things back and that is where it gets painful. So we will do our best.

Mr. FRANK. Thank you very much.

Mr. DICKS. Dave Hererra. Dave, why dont you sit right there? He is from the Skokomish Tribe. This tribe is about 12 miles from where I live on Hood Canal so we have been colleagues and worked together on many issues for many years. Dave, nice to have you here.

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WEDNESDAY, MARCH 12, 2008.

## SKOKOMISH TRIBE OF WASHINGTON

### WITNESS

**DAVE HERERRA**

Mr. HERERRA. We appreciate that comment. Good morning, Mr. Chairman and committee members. I am Dave Hererra. I am a fisheries and wildlife policy representative for the Skokomish Tribe. I am here on behalf of Denese LaClair, the chair of the Skokomish Tribe. The reservation is located in Washington State at the base of the Olympic Mountains and our population is over 1,000 people. The tribe appreciates the work of this subcommittee in supporting and funding initiatives that are key to the development of tribal communities.

I wanted to mention a few things today. We have a concern about the Indian reservation road maintenance fund that the Administration has proposed a cut of 50 percent to that fund from $26 million to $13 million and they have also proposed to reduce SAFETEA–LU funds, which provide for road construction, to take 25 percent of that money and put it towards road maintenance, and we need both construction and maintenance on reservation roads. I wanted to give you a statistic. For the period of 1975 to 2002, the incidence of fatal crashes on federal highways has decreased by 2.2 percent. At the same time, the incidence of fatal crashes on reservation roads has increased by 52.4 percent. The National Congress of American Indians has asked that the IRR fund be increased by $100 million. While we recognize that is pretty difficult to do, we think that there is a real need for funding for roads on reservations.

With respect to law enforcement, the Skokomish Tribe requests increases in funding for BIA law enforcement programs. We commend the BIA's request for an increase of $2.9 million this year for

law enforcement services but this is not nearly enough to meet tribal needs. Over the last 11 years the Skokomish Tribe's public safety department has grown from one untrained officer now to 10 State- or BIA-certified law enforcement officers. The need for our services is actually for 18 officers. In order to help meet that need, we support the Senate Committee on Indian Affairs request for a $10 million increase over fiscal year 2008 funding level. We also support their request that these funds be distributed proportionately to the BIA and to tribal enforcement programs. We noted that 78 percent of law enforcement activities are undertaken by tribally operated police agencies and therefore would request that 75 percent of any increase be directed to these tribal law enforcement agencies.

With respect to tribal courts, the Administration has proposed a $2.5 million decrease. We would urge the committee to reject that and to fund the courts at the level of $15 million, which is a $700,000 increase over the level from fiscal year 2008.

Under the Environmental Protection Agency, the tribe thanks the committee for their continuing commitment and funding of environmental programs that are important to tribes, in particular for the STAG grants that the committee has provided to the tribe and to Mason County to develop a wastewater treatment system. We see this project as a linchpin of our collaborative efforts to restore the health of the Hood Canal, which the governor has called the jewel of the Puget Sound. I do want to point out that we are having a little bit of trouble with the red tape in dealing with the EPA in implementing this grant and would ask for some——

Mr. DICKS. The STAG grant?

Mr. HERERRA. Right. In particular with respect to the match.

Mr. DICKS. As I understood, we were able to get some match from the legislature. Did that happen?

Mr. HERERRA. Not that I am aware of.

Mr. DICKS. This was on the first grant about three or four years ago.

Mr. HERERRA. Well, the EPA regulations require the match to be in hand before we can access those funds, and we would ask that that requirement be waived and the match be met at the end of the grant, but also——

Mr. DICKS. We will work with you on it. We will check on that.

Mr. HERERRA. So again, we thank you for your support. We also support the comments that Billy and Mike made of the Fisheries Commission. Thank you very much.

Mr. DICKS. And then we will get all the rest of them as well.

[Statement of Dave Hererra follows:]

**TESTIMONY OF**
**DAVE HERERRA, FISH AND WILDLIFE**
**POLICY REPRESENATIVE**
**SKOKOMISH TRIBE**

**BEFORE THE APPROPRIATIONS COMMITTEE**
**SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES**
**ON FY 2009 APPROPRIATIONS**

My name is Dave Hererra, I serve as the Fish and Wildlife Policy Representative for the Skokomish Tribe. I am here to present testimony on behalf of Denese LaClair, Chair of the Skokomish Tribe of Washington State. The Skokomish Indian Reservation is a rural community located at the base of the Olympic Peninsula with a population of over 1000 people. The 5300 acre Reservation is a fraction of the 2.2 million acre of the Tribe's Treaty area. The Skokomish Tribe appreciates the work of the Subcommittee and asks that you provide increased funding in areas that are key to the continuing development of tribal communities.

## I. BUREAU OF INDIAN AFFAIRS PROGRAMS

**A. Indian Reservation Road Maintenance.** While many of the cuts in the President's FY 2009 Budget proposal we have seen in the past, for the first time the Administration has proposed a fifty percent reduction in the BIA road maintenance funds, from $26 million to $13 million. The Administration's justification for this cut is that SAFETEA-LU provided that 25% of the funding available to tribes for construction can now be used for road maintenance. Not only is the Administration's proposal contrary to SAFETEA-LU but to the overwhelming statistics regarding the state of roads in Indian country. For the period between 1975-2002, while the incident of fatal crashes on federal highways decreased by 2.2%, the number of fatal crashes on Indian reservations increased by 52.4%. The National Congress of American Indians has asked for the IRR maintenance program to be funded at $100 million. While this may not be possible, it certainly illustrates the absurdity of the Administration's cut.

For Skokomish, we have made road improvements and maintenance a high priority, because we know too well the impacts of having unsafe roads. Just last month, a ten year old boy was hit by a car riding his bicycle. If we had a shoulder and a sidewalk where the little boy entered the road, it is very likely that he would not have been hit by the car. However, under the Administration's proposal instead of making these important road improvements, we will be forced to use these limited resources for road maintenance.

**B. Law Enforcement.** The Skokomish Tribe respectfully requests increased funding for our law enforcement programs within the Bureau of Indian Affairs. We commend the BIA's requested increase of $2.9 million for law enforcement services, but more needs to be done.

In the last eleven years, the Skokomish Department of Public Safety has grown from one (1) untrained officer, to a force of ten (10) Washington State certified/Washington State equivalency trained or BIA certified law enforcement officers. To be fully staffed at a baseline minimum for the area and scope of service that the Skokomish Department of Public Safety is tasked with, we need a total of eighteen (18) officers. Thus, we are almost 50% below what is needed to safely serve our community.

To address this, we join in the Senate Committee on Indian Affairs' request for a $10 million increase over the FY 2008 funding level. We also join the Senate Committee on Indian Affairs in its request that this funding be allocated proportionately to BIA and Tribal law enforcement agencies. Currently, the BIA proposes to use any increase to fill BIA law enforcement personnel positions, while the majority of law enforcement activity (78%) is undertaken by tribally operated police agencies. Thus, we propose that at least seventy-eight percent of any increase should be allocated to tribal law enforcement agencies.

**C. Tribal Courts.** The Administration's proposed increase for policing, comes at the cost of Tribal Courts. The Administration proposes a $2.5 million cut to the tribal court program. Having a fair and qualified judiciary is the bedrock of any government's justice system. Skokomish has long understood this. In 1963, the Skokomish Tribe was the first Tribe in the Northwest (and one of the first in the country) to institute a tribal court to address fishing violations on the Skokomish River. The first Tribal Judge was a 33 year old nurse and mother of five (at that time), Anne Pavel. Mrs. Pavel was not law trained nor had she received any judicial training. She was simply a dedicated tribal member, who understood the importance of regulating fishing on the Skokomish River. She held her first hearing in a building heated by a coal stove, with her brother as her court reporter.

While the responsibility and scope of tribal courts have greatly increased in the forty-five years since Mrs. Pavel's first hearing, the Bureau of Indian Affairs has not provided these important institutions with the commensurate level of funding. Today, Tribal Courts handle huge criminal, civil and juvenile dockets, which could not be handled by the already over burdened state and federal courts. It is a sad reality that many tribal courts are still housed in ramshackle buildings. Most of our courts cannot afford to provide public defenders and many do not have law trained prosecutors. Fortunately, through the dedicated work our Tribal leaders most of our judges are now law trained. Nevertheless, the Administration proposes a $2.5 million cut to this program. We urge the Committee to reject this cut and to fund this program to at least $15 million—which is $700,000 more than last year's level.

**D. Education.** We remain disappointed by the Administration's repeated proposed cuts to critical education programs like Johnson O'Malley and Higher Education. The Johnson O'Malley program provides funding to local public schools to provide outreach and academic assistance to Indian children attending these schools. The Skokomish Tribe is equally disappointed that the Administration proposes a $6 million cut to scholarships and adult education. For any of our people who are lucky

enough to be accepted into a four year college or a community college, it is important that the Tribe have some resources to help them succeed.

## II. ENVIRONMENTAL PROTECTION AGENCY

The Skokomish Tribe would like to thank the Committee for your commitment to maintaining funding for key environmental programs and in particular for the State Tribal Assistance Grant provided to the Skokomish Tribe for the development of our wastewater system. This effort is the linchpin to our collaborative efforts to the restore the health of the Hood Canal, the jewel of the Puget Sound. The Tribe, the County and the PUD are now working on an amendment to our historic tri-party agreement, which will facilitate the implementation of the STAG grant.

The Hood Canal is threatened by the Low Dissolved Oxygen levels (LDOL), which means this vital ecosystem is essentially suffocating. LDOL is caused by many things, but primarily the cause is the sewage that is discharged directly into the Hood Canal. LDOL has caused a number of fish kills in the Hood Canal and the Hood Canal to be closed to other seafood harvesting throughout the year. This impacts the economy of not only the Skokomish Tribe but the entire region. But to the Skokomish, it is much bigger than our economy it is our culture. The Hood Canal is the place where we have for centuries gathered and prayed. In recent times this has not always been possible. Just this year, one of our ceremonial women leaders had to step over dead fish to enter the water to pray. This is unconscionable and the dedicated effort to address this issue must continue.

We urge the Committee to reject the Administration's proposed $134 million cut to the Clean Water State Revolving Fund. Again, the Skokomish Tribe greatly appreciates the State Tribal Assistance Grant provided by the Committee, but we have encountered a great deal of red tape at EPA in seeking to implement this grant, in particular with regard to the matching funds requirement. EPA requires that all the matching funds be in as we expend the EPA grant on a dollar for dollar basis. We would urge that that this requirement be changed so that the matching funds requirement be shown to have been met by the end of the grant. In alternative, the Tribe and the County have expended more than $600,000 to date in funds in planning and design of the wastewater system, which we would like EPA to consider as fulfilling the matching fund requirements.

## III. INDIAN HEALTH SERVICE

The need for increased funding for health care throughout Indian country is well known. Yet the Administration proposes an overall net decrease of $21.3 million in funding for the Indian Health Service. This overall decrease does not even reflect the true cut that tribal programs will experience as a result of inflation and population increases. The Indian Health Service estimates that it needs a $144.1 million increase to provide for IHS and tribal pay costs, medical inflation and population growth. This shortfalls will result in reductions in health services to patients and the reduction in health status for Indian people overall.

At Skokomish, like Indian people throughout the Nation, we face disproportionately higher rates of diabetes and the complications associated with diabetes. Heart disease, cancer, obesity, chemical dependency and mental health problems are also prevalent among our people. We supports the unified tribal effort to increase funding so that all tribes receive 100% of the Level of Need Formula (LNF), which is absolutely critical for tribes to address the serious and persistent health issues that confront our communities. We understand that an additional $800 million is necessary to bring tribes to this level.

## IV. CONTRACT SUPPORT COSTS

For both the Bureau of Indian Affairs and the Indian Health Service it is critical for the Committee to fully fund Contract Support Costs. Currently IHS is facing a $110 million shortfall in Contract Support Cost funding and the Bureau of Indian Affairs is facing a $40 million backlog. This backlog has resulted in IHS refusing to enter into any new Indian Self-Determination Act contracts, which a federal court has found to be illegal. The Indian Self-Determination Act, which allows tribes to take over BIA and IHS programs, is the only federal program that has truly worked in Indian country. Study after study has shown that tribal governments operate these programs more efficiently and more effectively than the federal government. A key to this success is full funding for Contract Support Costs, which is to afford a tribe all the resources that the federal government would have to operate a program. Unfortunately year after year, Contract Support Costs are not fully funded and tribal programs are forced to absorb these costs through cuts in programs.

## V. TRIBAL HISTORIC PRESERVATION PROGRAMS

In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination. There are currently 76 tribes in the U.S. approved by the Secretary to administer historic preservation programs. These programs conserve fragile places, objects and traditions crucial to tribal culture, history and sovereignty. As was envisioned by Congress, more tribes qualify for funding every year. In FY 2001, there were 27 THPOs with an average award of $154,000; there are now more than 50 THPOs, with the average now receiving approximately $50,000. Paradoxically, the more successful the program becomes, the less each tribe receives to maintain professional services, ultimately crippling the programs. We thank the Subcommittee for the $1 million increase provided to THPOs last year, but more funding is needed. We ask that $13.7 million be provided for Tribal Historic Preservation Officers (THPOs), which would provide a modest base funding amount of $180,000 per THPO program.

**Conclusion.** I want to thank the Subcommittee for the opportunity to present testimony on these important issues.

Mr. DICKS. Larry Wawronowicz. Is that close?

Mr. WAWRONOWICZ. Yes, you did a very good job.

Mr. DICKS. Welcome. We will put your statement in the record, and you can summarize.

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WEDNESDAY, MARCH 12, 2008.

## LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

### WITNESS

**LARRY WAWRONOWICZ**

Mr. WAWRONOWICZ. I appreciate that. Mr. Chairman and members of the committee, I am Larry Wawronowicz. I am the deputy administrator in natural resources for the Lac du Flambeau Band of Lake Superior Chippewa Indians. President Doud was not able to come today. She had some important matters at home she needed to take care of. She sends her best. It is an honor and privilege to provide this testimony on behalf of our 3,000-plus members, and it is also an honor and pleasure to discuss our issues and concerns about this budget with this committee.

Lac du Flambeau is surrounded by the State of Wisconsin and it is blessed to be located in the Great Lakes Region. The traditional name for Lac du Flambeau is Waswagoning. It is a great place to raise our children because the natural resources are plentiful. The 86,000-acre reservation has 260 lakes, 71 miles of rivers and streams, 24,000 acres of wetlands and 41,000 acres of upland forestland. These precious resources provide food, educational opportunities, economic opportunities and a way of life and medicine for our tribal members.

Mr. Chairman, I really do not know where to start. The fiscal year 2009 budget proposed by this Administration is a nightmare in Indian Country and I think you indicated that very well in your opening statement.

Mr. DICKS. Thank you.

Mr. WAWRONOWICZ. We are alarmed by the erosion of funding in Indian programs. We certainly oppose some of the major cuts such as JOM, HIP and cuts in research programs but the worst problems are the result of flat funding and across-the-board rescissions the tribes are subject to every year. There are two issues I would like to emphasize and request the subcommittee to consider. First, the tribes cannot absorb the across-the-board rescissions that have been applied in recent years. As cost of living, cost of fuel—when I left home, it was $3.39 a gallon for regular—and the cost of other resources rose over the years, many important programs see little or no increases, and increases that are provided are eliminated once the rescission is applied. We ask that Bureau of Indian Affairs, EPA, tribal programs and Indian Health Service be exempt for any rescissions applied in the fiscal year 2009 bill.

Second, the high cost of health insurance impacts the tribe's ability to provide services to all tribal members. This goes across the board. Anything that you can think of that is going on in Indian Country, healthcare costs are to the point where it is getting to be

a problem. Currently, a $20,000-a-year employee, which is a $10-an-hour employee, is costing us an additional $20,350 for family health insurance policy for a total of approximately $40,000 per employee.

And you talk about flat line budgets and budget cuts that the President is proposing, it exacerbates the problem. When the tribe is forced to supplement underfunded BIA and Indian Health Service programs to cover costs, direct services to tribal members and memberships suffer. We have less money available to provide counseling to students, support a student going to college, collect water samples, put more officers in the field and provide for basic healthcare services. Without substantial increases in funding, the tribe will continue to decrease services to tribal membership because we just cannot absorb these costs anymore. We may be forced to eliminate health insurance benefits, which will seriously impact our ability to recruit and maintain our labor force. My wife is a breast cancer survivor and I fully understand the value of health insurance and consider myself lucky that I was one of the lucky Americans to have it. Otherwise I would be in financial ruin or a burden on contract health system because my wife is a Lac du Flambeau tribal member.

I also want to briefly address some of the major cuts proposed this year. Written testimony submitted by the tribe goes into a lot of the detail, and I just have to mention that four pages is getting to the point where it is not big enough to deal with all the budget cuts this Administration has given Indian Country.

So I want to highlight the following: education. We urge the subcommittee to restore funding to JOM programs and reject the proposed $5.9 million cut to higher education. This is so important to our tribe.

Mr. DICKS. Last year we were able to do that.

Mr. WAWRONOWICZ. Yes, and we really appreciate that. And it is unfortunate we have to come back and do it again. Our JOM money supports a counselor to help students transition every year from majority Indian elementary school to majority white high school. Without JOM, this counselor would be cut. Road maintenance was mentioned before by other tribes. Housing improvement needs to be restored at the fiscal year 2007 level of $19 million. Of course, natural resources, since I am deputy administrator natural resources, is very important to me. We ask the subcommittee to provide for cost increases for natural resource programs, restore funding for the Tribal Wetland Waterfall Enhancement Initiative, which you guys have done over the years, and we support full funding for the Great Lakes Indian Fish and Wildlife Commission since we are a member tribe.

Last but not least, the need for Indian Health Service funding is still great. At Lac du Flambeau, we anticipate that our contract health shortfalls will be more than $3 million this year.

So Mr. Chairman and members of the committee, the tribe understands you have a hard job to do. I do not want to be in your position. When working on the budget, please remember that treaties were signed between the Lac du Flambeau Band and the United States. Remember along with the treaties the promises that were made to Indian people, the federal trust responsibility that

comes with those treaties, and the treaties of the United States are protected under the Constitution under Article 6, clause through 2. Treaties must be honored. Our integrity as a Nation depends on it. Congress needs to do this because as just indicated by all the cuts that the President proposed, he does not understand what treaties mean.

[Statement of Victoria A. Doud follows:]

## TESTIMONY OF VICTORIA A. DOUD, PRESIDENT
## LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
## HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

March 12, 2008

As President of the Lac du Flambeau Band of Lake Superior Chippewa Indians, located in Wisconsin, I am pleased to submit this testimony, which reflects the needs, concerns and issues of the tribal membership arising from the President's FY 2009 Budget for BIA, IHS, EPA and NPS. We would like to thank the Subcommittee for its past support, especially your support of the Lac du Flambeau Boarding School Project.

We are alarmed by the slow erosion of funding for Indian programs under the Bush Administration. While some proposed cuts are obvious (JOM, HIP, natural resource programs), the more insidious reductions are the result of the flat program funding and across-the-board rescissions that tribes are subject to every year. As the cost of living, the cost of fuel, and the cost of other resources rise over the years, these programs see little or no increases, and any increase that is provided is eliminated once the rescission is applied. We commend the Subcommittee on its decision to significantly increase law enforcement funding in FY 2008, but it is important to understand that other areas continue to suffer.

**Inflation, Cost of Living, and Fixed Costs.** Under the Indian Self-Determination Act, many tribes have assumed responsibility for providing core services to their members. If these services were provided by the federal government, employees would receive pay cost increases mandated by federal law, but Congress and Interior have failed to fulfill their obligation to ensure that tribes have the same resources to carry out these functions. For example, tribes received only 75% of the pay cost adjustment in FY 2002, 15% in FY 2003 and 30% in FY 2004. To make matters worse, the BIA and IHS have steadfastly refused to provide tribal contractors with full contract support costs, ensuring that when tribes take over these programs, they will be placed in an untenable position. This inequity is undermining tribal self-determination.

The Subcommittee also has to understand the impact of the increasing cost of health insurance on our ability to provide services to our tribal members. In order for us to maintain a $10/hr employee (approximately $20,000/yr), the Tribe faces an associated health care benefit cost of $20,350 for a family health insurance plan. When the Tribe is forced to supplement under-funded BIA and IHS programs in order to cover these costs, direct services to our members suffer. We have less money available to provide counseling to students, collect water samples, put more officers in the field, provide basic health service, etc. Without substantial increases in funding, the Tribe will continue to decrease services to our tribal membership because we cannot afford to absorb these costs. We may be forced to eliminate the health insurance benefit, which will seriously impact our ability to recruit and maintain our labor force.

**Our highest priority is to keep existing programs from failing. We ask that the Subcommittee provide cost of living increases and fully fund contract support costs.**

**Rescission Exemption.** The purpose of an across-the-board rescission is to spread cuts across all programs, but what may seem like a small loss to another program can be crippling to tribes. BIA and IHS programs have always been severely under-funded. The small increases provided in previous years have been eliminated by rescissions. This year, the President proposes to fund BIA Indian programs at $100 million below last year and HIS programs at $20 million less. A rescission would take us back even further. Tribes simply cannot afford to have our limited funding chipped away like this. **We ask that the Bureau of Indian Affairs and the Indian Health Service be exempted from any rescissions applied in the FY 2009 bill.**

## I. BUREAU OF INDIAN AFFAIRS PROGAMS

**Education.** Because the Band's member children attend public schools, Johnson O'Malley funding forms the core of the Band's education program. The JOM program provides funding for supplemental education programs for Indian students attending public schools. At Lac du Flambeau, JOM money funds a counselor/mentor position at the local high school. Most of our children attend an elementary school that is over 90% Indian, and transition to a high school in which they are a minority. The counselor/mentor provides academic support and assistance with this transition. The Administration attempts to justify the cut by claiming that the Department of Education provides enough funding for all youth attending public school, including Indian children, so JOM funding is "duplicative." This is not true. The Department of Education provides some funds for Indian students under Title VII, but the Department has not increased funding for Indian student programs for several years. If the JOM program were eliminated, we would lose our counselor/mentor. **We urge the Subcommittee to restore full funding to the JOM program and to reject the proposed $5.9 million cut to higher education scholarships.**

**Road Maintenance.** The BIA proposes an inexplicable cut to road maintenance funding for FY 2009, slashing the program in half. As Congress well knows, roads in Indian country are unsafe and in dismal condition. At least $120 million per year is required to address the deplorable state of these roads. As with JOM and HIP, the Administration justifies this cut by pointing to funding available from another agency – here the Department of Transportation. When SAFETEA-LU was passed, Congress permitted tribes to use up to 25% of DOT road construction funding for road maintenance in recognition of the BIA's terrible track record and consistent failure to request enough road maintenance funds. Congress also made it clear these funds were intended to supplement, not replace BIA Road Maintenance Program dollars and placed the choice of whether to use these funds for maintenance purposes squarely with the Tribal government, not the BIA, stating that the agency "shall continue to retain primary responsibility, including annual funding request responsibility, for road maintenance programs on Indian reservations." 23 U.S.C. § 204(c). **We ask the Subcommittee to reject the proposed $13 million cut to road maintenance.**

**Housing Improvement Program.** HIP is a critical program for Tribes like Lac du Flambeau, providing much-needed money to renovate dilapidated housing. This is an especially critical need in Northern Wisconsin, where substandard housing can have serious health and safety consequences in the winter. Lac du Flambeau typically receives about $38,000 – enough to improve a single home. Because of limited funding, the waitlist for HIP services is long. This year, our funding will be used to provide a new roof and siding for an elderly and disabled tribal member. The Administration justifies its proposed elimination by claiming that the Department of Housing and Urban Development will provide housing assistance. However, the Administration also proposes to cut funding for Indian housing within HUD. This will only increase the need for HIP resources. If HIP funding is eliminated, this woman will have no alternative source of funding. Her home and the homes of the others on the waiting list will remain in disrepair. **We ask the Subcommittee to restore HIP funding to the FY 2007 level of $19 million.**

**Natural Resources.** We thank the Subcommittee for its efforts to provide additional funds for natural resource programs last year. Tribes are leaders in natural resource protection and this funding is essential to maintain our programs. Lac du Flambeau has a comprehensive Natural Resources Department and dedicated staff with considerable expertise in natural resource and land management. Our activities include raising fish for stocking, conservation law enforcement, collecting data on water and air quality, developing well head protection plans, conducting wildlife surveys and administering timber stand improvement projects on the 86,000-acre Reservation. Unfortunately, natural resource programs have been cut or flat-

funded for many years now, and tribes have been forced to lay off staff and shut down programs, leaving critical resources in jeopardy. Worse yet, this year's cuts are proposed in order to fund internal BIA programs like the proposed $900,000 increase to Integrated Resource Information Program, taking limited funding from tribes in order to fund more agency bureaucracy. **We ask the Subcommittee to use this funding instead to restore cuts and provide cost of living increases for natural resources programs so that these programs can continue to operate.**

We are especially concerned about the Administration's proposal to eliminate the Circle of Flight program. Congress has restored this funding when it was targeted in past years, and the Tribe would like to thank the Subcommittee for understanding how important this program is in restoring and preserving wetlands and waterfowl populations, which are vital to the culture and economy of the Great Lakes region. **We urge the Subcommittee to restore $600,000 for the Tribal Wetland and Waterfowl Enhancement Initiative (Circle of Flight).**

Another area of concern is Water Management, Planning & Development funding, which supports tribes in their efforts to establish Clean Water Act standards. The Tribe is now in the process of applying for "Treatment as a State" status under the Clean Water Act, and this funding is essential to us. The program has seen more than $2 million in cuts over the past several years, which severely impacts tribes. **We ask the Subcommittee to restore this program to FY 2005 levels ($7.4 million).** We also ask that you add language preventing the BIA from transferring Water Resources money to fund Water Rights Litigation. This practice has created a severe drain on the budget for water management. It is important that the Subcommittee understand that protecting the quality of water resources is as important as securing the right to those resources – rights are of little use if the resource is contaminated.

The Band also supports the **Great Lakes Indian Fish and Wildlife Commission** (GLIFWC) request for $4,327,000. The Tribe is a member of the Commission, which assists the Tribe in protecting and implementing its treaty-guaranteed hunting, fishing and gathering rights.

**Law Enforcement.** Conservation law enforcement officers are a significant part of the Tribe's police force. These officers are primarily responsible for enforcing hunting and fishing regulations related to the exercise of treaty rights, but they also have a much larger role in law enforcement. They are often first to respond to an emergency situations, and would be the first line of defense for any meth labs found on or near the Reservation. Our conservation officers are now 100% dependent on tribal funds. This costs the Tribe $343,000 annually, in addition to the $893,000 the Tribe pays for its non-conservation law enforcement programs. We appreciate the increase provided for law enforcement in FY. **We ask that the Subcommittee direct a portion of any increases in law enforcement funding to conservation officers.**

**Indian Land Consolidation.** This program received a significant cut last year and the President proposed to eliminate the program entirely this year. For the Lac du Flambeau Band, this program has been very successful. With ILCA funding, we were able to purchase over 200 acres of fractionated land. This helps keep land in trust and expedites natural resource activities such as timber sales and forest development projects. **We ask the Subcommittee to restore this program to the FY 2007 level ($34 million).**

## II. ENVIRONMENTAL PROTECTION AGENCY PROGRAMS

**Clean Water Program.** The Clean Water Program provides grants to tribes under Section 106 of the Clean Water Act to protect water quality and aquatic ecosystems. The Lac du Flambeau Clean Water

program maintains and improves water quality as development continues for the tremendous amount of surface water within the exterior boundaries of the Reservation. According to the 2000 Census, the Lac du Flambeau Reservation includes nearly one-half of all of the water area (56.34 square miles) within Wisconsin Indian Reservations. The Band's GIS Program indicates that there are 260 lakes covering 17,897 acres, 71 miles of streams, and 24,000 acres of wetlands cover within the Reservation. Surface waters cover nearly one-half of the Lac du Flambeau Reservation. We received $171,000 in FY 2005, the minimum required to support the Band's program. In FY 2008, we will receive $161,000. **We request restoration of full funding to the Clean Water Program, including restoration of $171,000 from this fund for the Band's Water Resources Program.**

**Indian Environmental General Assistance Program.** We support the Administration's proposed $1 million increase to the Indian Environmental General Assistance Program (GAP). GAP funding is the primary federal mechanism available for tribes to protect our lands. These funds enable tribes to assume environmental responsibilities delegated by EPA. **We ask the Subcommittee to support this increase and to further increase funding to $68.3 million. We also ask you to clarify that GAP funding can be used for development, implementation and continued support of tribal environmental programs, not merely "capacity building."**

## III. NATIONAL PARK SERVICE PROGRAMS

**Historic Preservation.** In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination. There are currently 76 tribes in the U.S. – eight in Wisconsin – approved by the Secretary to administer historic preservation programs. These programs conserve fragile places, objects and traditions crucial to tribal culture, history and sovereignty. As was envisioned by Congress, more tribes qualify for funding every year. In FY 2001, there were 27 THPOs with an average award of $154,000; in FY 2006 there were 58 THPOs, and Lac du Flambeau received $57,374. Paradoxically, the more successful the program becomes overall, the less each tribe receives to maintain professional services, ultimately crippling the programs. We thank the Subcommittee for the $1 million increase provided to THPOs last year, but more funding is needed. **We ask that $13.7 million be provided for Tribal Historic Preservation Officers (THPOs), which would provide a modest base funding amount of $180,000 per THPO program.**

## IV. INDIAN HEALTH SERVICE PROGRAMS

**Contract Health.** Federal funding for health services has fallen dramatically behind the rising cost of health care over the past five years. We anticipate the FY 2009 shortfall to be in excess of $3 million. A much more substantial increase is needed to address the need across Indian county. **We urge the Subcommittee to significantly increase funding for Contract Health Services, and not to limit this increase to emergency CHEF funding, which can be difficult for tribes to access.**

**Contract Support Costs.** IHS estimates that it has a $107 million shortfall in contract support costs, yet it continues to request only minimal increases. **We ask the Subcommittee to consider making a portion of any unobligated balances available for contract support costs.**

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Mr. DICKS. We understand. We are caught with the same problem. We would like to be much more generous on these issues and were last year until the hammer came down at the end of the year and it is very unfortunate that because of the veto threat, we cannot do what is necessary, and we want to. And by the way, Mr. Obey is chairman of this whole committee from Wisconsin and he has been very helpful in trying to give us a better allocation to work with and that made it possible for us to correct these problems last year. But then at the end we had to do a cut to get down to the level where the President would sign the bill and he would have vetoed the bill and then we would have been on a continuing resolution, which we did not think was the right way to go.

Mr. WAWRONOWICZ. We definitely appreciate your hard work. Thank you, sir.

Mr. DICKS. So we are trying our best. And make sure you talk to Mr. Obey too.

James Zorn, welcome.

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WEDNESDAY, MARCH 12, 2008.

## GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

### WITNESS

**JAMES ZORN**

Mr. ZORN. James Zorn, executive administrator of the Great Lakes Indian Fish and Wildlife Commission. It is a pleasure to be back here again. Our 11 Ojibwe Tribes, 34,000 members, we serve a 60,000-square-mile area, a large part of Lake Superior that deals with off-reservation hunting and fishing rights. You will note from our written testimony it is basically the same line item that the Northwest Commission is funded under. We have an additional need with EPA that deals not with gap funding but with the Great Lakes Geographic Program, the Great Lakes National Program Office. And so what I would like to do is have the written testimony speak for itself.

And I always like to have a picture say a thousand words, and I would like to bring a reminder of what we do, the types of programs we do. Mr. Calvert, I do not know if you are familiar with us. For our member tribes, we provide biological services, conservation, law enforcement services, public information services and so on throughout that large area. We implement court orders that secure these rights for the tribes, deal in intertribal comanagement among and between the tribes themselves as well as with other managers. We really need to protect the BIA base because what that allows us to do is to do value-added projects for our members. For example, our recent language project that we did with Administration for Native American Funding. We produce an atlas of the area where our tribes are in their own language that identifies the geographic places to help preserve the culture, help keep the connection with the children, encourage intergenerational transfer of knowledge from the elders down to the kids so that people remain connected to the natural resources.

What I would like to do is provide examples that you can use to help support the job you are trying to do. One of the reasons we need an increase in some of our law conservation enforcement funding is that it took until the last year before the State of Wisconsin and it legislature recognized our conservation officers as legitimate law enforcement officers. We had a local district attorney that was threatening to prosecute one of our conservation officers for impersonating a law enforcement officer after 20-some years in the business. So finally we worked with the legislature——

Mr. DICKS. Did you get it straightened out?

Mr. ZORN. Well, we did, I mean, with the little threat of a federal court action, but then we thought, you know, you can work together, and so we went to the State legislature and Governor Doyle signed an act this past fall that integrates our officers into the regional law enforcement emergency services network. The point I wish to make with the committee with that is that this base funding helps us leverage other funding and other substantive measures that help us get the job done. We have been able to diversify our funding base in the face of these funding cuts to the point now where as much as 25 percent of our funding, it is not as secure as our BIA base but comes from other programs like ANA, Fish and Wildlife Service invasive species programs, State programs and so on. So just remember that that base is important for us to do more.

Again, another example, I do not know if you recall this from last year but I brought out the mercury in fish maps. This is a map that helps our tribal members know how much mercury is in the fish that they eat in the lakes where they fish.

Mr. DICKS. We have the same problem in the Puget Sound. Where does the mercury come from in your area?

Mr. ZORN. Well, is it a good thing our friend from West Virginia is not here today but we do have the issue of the coal-fired power plants and the idea of coal——

Mr. DICKS. This is emissions from coal power plants?

Mr. ZORN. Yes. We have some mining operations——

Mr. DICKS. We have the same problem in Tacoma when we had Asarco and the emissions would come down into the lakes and cause very serious problems.

Mr. ZORN. Exactly.

Mr. DICKS. And so I understand what you are saying.

Mr. ZORN. We are trying to understand the process by which this mercury becomes taken up in the fish tissue and then becomes a human health problem.

So in terms of the EPA, just one short point here, and that is, I think last year we talked about the Great Lakes regional collaboration strategy, and I just want to point out for the committee's attention on page 12 to 13, how these eight States, every federal agency that works in the Great Lakes, a myriad of non-governmental organizations as well as 1,500 citizens that participated view the tribe's role. They recognize that any even small funding cut to tribes can amount to a virtual elimination of tribes' abilities to participate in the implementation of the strategy. We are seeking $300,000 to keep tribes part of this. It is non-gap funding. It would go through the GIMPO office, and as that office funding is increasing for the Federal Government's participation in this, we

would like to remind the committee that implementation takes place at the local level. The tribes and others are the program deliverers. That is where the money needs to get.

Mr. DICKS. We have a Northwest Indian Fisheries Commission. Do you have a regional group with all the tribes?

Mr. ZORN. GLIFWC has 11. There is the Chippewa Resource Authority and the 1854 Authority. They are all funded under the same line item so it could be funneled through that same direction but again, it is under EPA. We have a good relationship with GLIMPO but their hands are tied in terms of getting money into the hands of tribes to keep them at the table to implement the strategy.

Mr. DICKS. We are struggling with the same problem.

Mr. ZORN. Exactly. And just the final point is, the tribal programs are not just another DNR. They relate to the tribal communities in a culturally appropriate way. If the tribes cannot do the jobs for themselves, no one else is there to do it for them.

[Statement of James Zorn follows:]

**GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION**
P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

• MEMBER TRIBES •

| MICHIGAN | WISCONSIN | | MINNESOTA |
|---|---|---|---|
| Bay Mills Community | Bad River Band | Red Cliff Band | Fond du Lac Band |
| Keweenaw Bay Community | Lac Courte Oreilles Band | St. Croix Chippewa | Mille Lacs Band |
| Lac Vieux Desert Band | Lac du Flambeau Band | Sokaogon Chippewa | |

**FY 2009 TESTIMONY**
**HOUSE COMMITTEE ON APPROPRIATIONS**
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**
BY
**JAMES E. ZORN, EXECUTIVE ADMINISTRATOR**
**GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)**

## AGENCIES – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY

1. **BIA TREATY RIGHTS PROTECTION/IMPLEMENTATION: $4,327,000** ($452,000 above FY 2008 appropriation).

**Agency/Program Line Item:** Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Trust-Natural Resources Management, Rights Protection Implementation, Great Lakes Area Resource Management.[1]

**Funding Authorizations:** Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Educational Assistance Act, 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes, specifically Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109.[2]

2. **EPA ENVIRONMENTAL PROGRAMS AND MANAGEMENT: $300,000** (FY 2004 enacted).

**Agency/Program Line Item:** Environmental Protection Agency, Environmental Programs and Management (funneled through the EPA's Great Lakes National Program Office).

**Funding Authorizations:** Clean Water Act, 33 U.S.C. s. 1268(c); and treaties cited above.

## GLIFWC'S GOAL – A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES

As Congress has recognized for almost 25 years, funding for GLIFWC's conservation, natural resource protection, and law enforcement programs honors federal treaty obligations to eleven Ojibwe Tribes and provides a wide range of associated public benefits. GLIFWC seeks an inflation-adjusted secure funding base to: i) implement federal court orders and intergovernmental agreements governing the exercise of treaty-guaranteed hunting, fishing and gathering rights; and ii) participate in management partnerships in Wisconsin, Michigan and Minnesota.

[1] The requested BIA funds reflect GLIFWC's allocation of this line item that also funds the 1854 Treaty Authority.

[2] The rights guaranteed by these treaties, and the associated tribal regulatory and management responsibilities, have been affirmed by various court decisions, including a 1999 US Supreme Court case.

## ELEMENTS OF GLIFWC'S FUNDING REQUEST

**1. BIA TREATY RIGHTS PROTECTION/IMPLEMENTATION: $4,327,000.** As its primary Indian Self-Determination and Educational Assistance Act funding base, GLIFWC seeks to:

**a. restore $227,000**[3] in program operational costs lost to continually decreasing base funding over the last four years;

**b. provide $150,000** to sustain enhancements in conservation enforcement and emergency services capabilities; and

**c. provide $75,000** to retain cultural infusion programs designed to sustain and foster inter-generational transfer of Chippewa language, lifeways and traditional ecological knowledge.

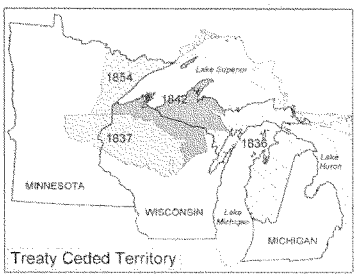
**2. EPA ENVIRONMENTAL PROGRAMS AND MANAGEMENT: $300,000.** As an EPA funding base for its primary environmental program elements, GLIFWC seeks to:

**a. Provide $190,000** for basic scientific/technical capabilities to: i) continue participation in a number of Great Lakes initiatives (including the Binational Program to Restore and Protect Lake Superior and the Great Lakes Regional Collaboration); ii) carry out habitat and human-health related research; and iii) provide the requisite analysis and data to support participation in regional initiatives and to assess the impact of particular projects on tribal treaty rights.

**b. Provide $110,000** to undertake three habitat and human health-related research projects regarding: i) GLIFWC's fish consumption mercury advisory program; ii) invasive species impacts on the Lake Superior food web; and iii) a global climate change pilot project.

## CEDED TERRITORY TREATY RIGHTS – GLIFWC'S ROLE AND PROGRAMS

Established in 1984, GLIFWC is a natural resources management agency for its eleven member Ojibwe Tribes regarding their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. Its mission is to: i) ensure that its member Tribes are able to exercise their rights for the purposes of meeting subsistence, economic, cultural, medicinal, and spiritual needs; and ii) ensure a healthy, sustainable natural resource base that supports those rights. GLIFWC is a "tribal organization" within the meaning of the Indian Self-Determination and Educational Assistance Act (PL 93-638). It is governed by a Constitution developed and ratified by its member Tribes and by a board comprised of the Chairs of those Tribes.




GLIFWC operates a comprehensive ceded territory hunting, fishing, and gathering rights protection/implementation program through its staff of biologists, scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists. Its

[3] This amount includes $151,000 in fixed pay costs that the Bureau has been providing but that needs to be preserved in future appropriations.

activities include: i) natural resource population assessments and studies; ii) harvest monitoring and reporting; iii) enforcement of tribal conservation codes in tribal courts; iv) funding for tribal courts and tribal registration/permit stations; v) development of natural resource management plans and tribal regulations; vi) negotiation and implementation of agreements with state, federal and local agencies; vii) invasive species eradication and control projects; viii) biological and scientific research, including fish contaminant testing; and ix) development and dissemination of public information materials.

## JUSTIFICATION & USE OF THE REQUESTED FUNDS

For almost 25 years, Congress has recognized GLIFWC as a cost-efficient agency that plays a necessary role in: i) meeting specific federal treaty and statutory obligations toward GLIFWC's member Tribes; ii) fulfilling conservation, habitat protection, and law enforcement functions required by federal court decisions affirming the Tribes' treaty rights; iii) effectively regulating harvests of natural resources shared among the treaty signatory Tribes; and iv) serving as an active partner with state, federal and local governments, with educational institutions, and with conservation organizations and other non-profit agencies.

Particularly relevant to the requested EPA funds, Tribal members rely upon treaty-protected natural resources for religious, cultural, medicinal, subsistence, and economic purposes. Their treaty rights mean little if contamination of these resources threatens their health, safety, and economy, or if the habitats supporting these resources are degraded. With the requested stable funding base, GLIFWC will:

**1. MAINTAIN ITS CORE CAPABILITIES TO CONSERVE NATURAL RESOURCES AND TO REGULATE TREATY HARVESTS:** With the requested funds GLIFWC would: i) restore program operational costs lost to continually decreasing base funding over the last four years;[4] ii) retain the knowledgeable, experienced staff that are relied upon to conserve natural resources, protect public health and safety, and promote social stability in the context of tribal treaty rights; iii) solidify law enforcement and emergency response infrastructure improvements that have been instituted with a combination of BIA and US Department of Justice COPS funds;[5] and iv) sustain cultural infusion programs designed to sustain and foster inter-generational transfer of Chippewa language, lifeways and traditional ecological knowledge.

**2. REMAIN A TRUSTED ENVIRONMENTAL MANAGEMENT PARTNER AND SCIENTIFIC CONTRIBUTOR IN THE GREAT LAKES REGION:** With the requested EPA funding base, GLIFWC

[3]For example, the previously restored funding base was used to: i) reinstitute fall juvenile walleye recruitment surveys to previous levels; ii) restore tribal court and registration station funding cuts; iii) restore Lake Superior lamprey control and whitefish assessment programs; iv) restore GLIFWC's share in cooperative wildlife and wild rice enhancement projects; v) replace aging equipment; vi) meet expanding harvest monitoring needs; and vii) meet uncontrollable increases in employee benefit costs.

[5]GLIFWC has: i) upgraded its patrol capabilities with new vehicles, boats, snowmobiles, and off-road vehicles; ii) increased officer medical training and upgraded first aid equipment; iii) upgraded its radio systems to be compatible with surrounding agencies; and iv) established ongoing joint training with federal, state, and local agencies.

would maintain its ability to bring a tribal perspective to the interjurisdictional mix of Great Lakes managers.[6] It also would use its scientific expertise to study issues and geographic areas that are important to its member Tribes but that others may not be examining.[7]

The lack of a secure, ongoing EPA funding base jeopardizes GLIFWC's role as a trusted environmental management partner and scientific contributor in the Great Lakes Region. The federal government's treaty obligations to GLIFWC's member Tribes compel more than the mere opportunity to compete for a diminishing patchwork of discretionary EPA grants. This is particularly true given important current initiatives such as the Great Lakes Regional Collaboration in which GLIFWC participates as a full partner.

**3. MAINTAIN THE OVERALL PUBLIC BENEFITS THAT DERIVE FROM ITS PROGRAMS:** Over the years, GLIFWC has become a recognized and valued partner in natural resource management, in emergency services networks, and in providing accurate information to the public. Because of its institutional experience and staff expertise, GLIFWC provides continuity and stability in interagency relationships and among its member Tribes, and contributes to social stability in the context of ceded territory treaty rights issues.

Over the past 20 years, GLIFWC has built many partnerships that: i) provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources; ii) maximize each partner's financial resources; iii) avoid duplication of effort and costs; iv) engender cooperation rather than competition; and v) undertake projects and achieve public benefits that no one partner could accomplish alone.

## OTHER RELATED APPROPRIATIONS CONCERNS

1. **Fully Funded BIA Contract Support Costs:** GLIFWC seeks full funding of its contract support costs. In 2007, for the first time ever, GLIFWC received full funding of its indirect costs and a portion of its direct contract support costs. GLIFWC strives to maintain a low indirect cost rate, thereby enabling the majority of federally contracted funds to go directly toward program services, not administrative costs. In FY 2008, GLIFWC has proposed a fixed-carry forward indirect cost rate of 17.58%.

2. **BIA Circle of Flight Tribal Wetland & Waterfowl Initiative:** Once again, Congress should fully fund this long-standing tribal contribution to the North American Waterfowl Management Plan that the Administration again proposes to eliminate.

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[6]GLIFWC currently participates on a regular basis in the Binational Program to Restore and Protect Lake Superior, International Joint Commission and SOLEC forums, the Great Lakes Regional Collaboration, and the implementation of agreements to regulate water diversions and withdrawals under the Great Lakes Charter, Annex 2001.

[7]With the requested FY 2008 EPA funds, GLIFWC would: i) continue its long-standing program to collect and test fish for mercury and to communicate testing results through health care providers and GIS maps; ii) document the diet of important species of Lake Superior fish in order to understand potential changes over time due to invasive species or other causes; and iii) identify climate variables that affect the presence, health and abundance of selected natural resources that are harvested by GLIFWC member tribes.

Mr. DICKS. Thank you very much.

Ron His Horse Is Thunder, chairman of the Standing Rock Sioux Tribe, welcome.

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WEDNESDAY, MARCH 12, 2008.

## STANDING ROCK SIOUX TRIBE

### WITNESS

**RON HIS HORSE IS THUNDER**

Mr. HIS HORSE IS THUNDER. Good morning, Mr. Chairman, members of the committee. Thank you for allowing me some time today. Mr. Chairman, I need to say thank you for visiting our reservation last year with Congresswoman Herseth.

Mr. DICKS. Stephanie is one of our really good members. She really cares about these issues, and I was delighted to be out there.

Mr. HIS HORSE IS THUNDER. I understand you had to step over some broken glass when you visited one of our buildings. It shows you an example of for us law enforcement, and that is part of what I want to talk to you about today as public safety, education, economic development and natural resources and we think that all these are intertwined with each other and interrelated in terms of providing a safe environment as well as lifting up reservations to help themselves.

In the area of public safety, I think that the biggest victims on our reservation across Indian Country are women and children. Our youth, of course, suffer all the ills associated with poverty: alcohol, substance abuse, violence, gangs, crime and suicide, which is a huge problem on our reservation. Violence against women likewise is a very significant problem. On our reservation, to give you an example of a problem, our reservation has 2.3 million acres, about 2,500 miles of road. We are almost the size of the State of Connecticut. For that we have 10 law enforcement officers which must patrol our reservation. On a good night we might have three officers on a Friday or Saturday during a shift. Other times we probably only have one officer on duty to cover that reservation that size. One disaster, if you will, in terms of law enforcement on our reservation was in 2003 we had a reported rape victim, Leslie Iron Root. Her rape was never investigated by the BIA, by the FBI, nobody investigated it, and a week later she died. She was 20 years old. I think that is a tragedy.

Interestingly, last year Congress gave the Bureau of Indian Affairs a $5 million increase to provide 50 more officers on the reservations across the country. Those 50 officers have not been disbursed at this time, simply because they have not come up with the matrix yet to the appropriate criteria on how they are going to disburse these 50 but given that Standing Rock Reservation has the second highest crime rate of any reservation in the country, we think they should be able to at least give us one, much less be able to disburse——

Mr. DICKS. Have you talked to the BIA about this?

Mr. HIS HORSE IS THUNDER. We have, and they said until they develop that matrix they are not going to put those people out in the field.

Mr. DICKS. Well, we will talk to the BIA about this.

Mr. HIS HORSE IS THUNDER. I appreciate that.

Mr. DICKS. We should have had them here today.

Mr. HIS HORSE IS THUNDER. One of the other problems we believe we can take a look at is youth detention facilities. We do not have a youth detention facility and we have to transport our youth 120 miles away, assuming that they have beds. If they do not have beds available, then we catch and release on our reservation so the youth are developing a mentality they can do anything that they want to. We do have a $30 million grant from the Department of Justice but is underfunded to the tune of $1.2 million.

So we are recommending that BIA's budget be increased $25 million in BIA criminal investigations in police services, $50 million increase in BIA public safety and justice facility improvements and repair, and are asking for $20 million for travel justice support services to help improve our tribal courts. That is an area of public safety.

In education, we think that the Bureau's educational budget is an absolute disaster. We are recommending this committee fully restore and increase the Administration's proposed $34 million cut to Indian education. We would like actually to have that number double the year 2008 funds. We need to have the enacted levels come up for Johnson-O'Malley, early child development and the technical colleges, one of them being United Tribe Technical College in Bismarck, North Dakota, which is actually zeroed out, and to take a look at the scholarship and adult education program as well as special higher education scholarships. In the area of scholarships, the Bureau has flatlined the special higher education scholarship by $2.1 million and imposed a $5.9 million cut in scholarships. If you work that out, on our reservation we give out over 300 scholarships and we receive $500,000. That is about $800 per student per semester. We understand there is a shortfall there and so the tribe has taken its own initiative and we put in $3 million into this fund over the last three years and we gave our students an additional $3,000. We are making up that shortfall because we believe that education is absolutely needed in order for our reservation to move forward. Most tribes are not in a position to do that and so we ask for those increases.

For economic development, we are recommending an increase of $10 million in the Administration's $13 million to the BIA Community and Economic Development Program and basically also adding $10 million over last year's level for the BIA's 477 job placement and training program and economic development.

We are asking Congress to restore the cut of $13 million also to the BIA road maintenance program. If they want economic development on reservations, if we want our children to go down safe roads in their buses, then we need to have this restored. In terms of streets, our tribe believes so much in safe roads that we have pumped in $26 million into our roads. We actually had to borrow that. We are on a payback of a 30-year note on that. We believe in safe roads, and I think that it is absolutely imperative for eco-

nomic development as well as safe roads for everybody including the buses that drive down these roads.

[Statement of Ron His Horse Is Thunder follows:]

**Testimony of Standing Rock Sioux Tribal**
**Chairman Ron His Horse Is Thunder**
**Regarding the President's FY 2009 Budget for the BIA**
**Before the House Interior**
**Appropriations Subcommittee**
**March 12, 2008**

My name is Ron His Horse Is Thunder. I am the Chairman of the Standing Rock Sioux Tribe. I am honored to report on the conditions of the Standing Rock Sioux Tribe as they relate to the programs of the Bureau of Indian Affairs (BIA) in the president's Fiscal Year 2009 budget. I want to thank this Subcommittee, its Chairman and members, for their steadfast support of Indian tribes. We need your continued vigilance to ensure that the Federal government honors its trust responsibility to the Nation's First Americans.

The Standing Rock Sioux Tribe is situated in North and South Dakota. The Reservation comprises 2.3 million acres, of which 1.4 million acres is Tribally owned and Tribal owned allotted lands. About 10,000 Tribal members and non-members reside on the Reservation in eight communities and in smaller towns. The Tribe's primary industry is cattle ranching and farming. We operate the Standing Rock Farms, two Tribal casinos, and a sand and gravel operation which help us supplement services and programs for our nearly 14,000 enrolled members. We are a "direct service" Tribe for the delivery of health care services from the Indian Health Service and law enforcement services from the BIA. While the Tribe is making its best effort to remediate the social and economic challenges we face, we continue to lag behind every national standard which measures health and prosperity of Americans.

We have persistent unemployment, a high drop out rate among our high school students, and over 40% of Indian families on our reservation live in poverty. In 2007, over 1,000 member households on Standing Rock had family income of 30%-80% of median family income in the area. The majority of our Tribal elders suffer from diabetes, heart disease and hypertension. Less than 4% of our members are above the age of 65. Accidents are the leading cause of death among our members. Despite the well documented needs in Indian country for basic governmental services, the president's FY 2009 budget further reduces the Federal government's commitment and trust responsibility to Native people. It is time to reverse this harmful trend so that Indian Tribes and our members can compete in today's global economy. During economic downturns, it is **rural** America, and Indian reservations in particular, which are hit especially hard.

I will focus my remarks on my Tribe's needs in the areas of **Public Safety, Education, Economic Development, and Natural Resources Development**.

**PUBLIC SAFETY NEEDS** –Last month, I traveled to Washington, D.C. with members of the Tribal Council to meet with our elected representatives and officials of the BIA to request funding to combat the breakdown in public safety on our Reservation. At Standing Rock, we have 10 staffed, full time police officers to patrol our 2.3 million acre reservation and 2,500 miles of roads. That averages to about 2-3 officers per eight-hour

shift. Nearly one-half of our resident Tribal members are under the age of 25. There is no effective law enforcement for youth offenders at Standing Rock, who are released if there are no facilities to house them. Violent crime rates are increasing. From January to June 2006, BIA police documented the commission of 1,247 offenses on our reservation, the vast majority involving alcohol and drugs. We are a rural community, but our crime rate parallels that of a major city.

We sought from the BIA: 1) their assurance to increase the number of law enforcement officers on our Reservation, 2) funds to supplement Tribal and Justice Department monies to complete construction of an 18-bed juvenile detention center for young offenders where individual and family counseling can reverse destructive behavior, and 3) funds to conduct a staffing and a spacing needs assessment to assist us design and build a modern Tribal Justice Center to house Tribal Courts, the BIA police department, and an adult detention center. There is simply no money within the BIA for these programs. If the BIA will not ask for adequate funding, Congress must step in.

The Administration is not implementing the recommendations of a 2006 "Gap Analysis" the BIA commissioned to identify and review current policing and detention capacity in Indian Country and to compare what is available to what is needed. The results are shocking. The report found that BIA District 1, which encompasses an eight state region including North and South Dakota, had 108 Law Enforcement Officers (LEOs), but needs over four times that amount (483 LEOs). A 1997 Justice Department study found that Indian Country had 1.3 officers for every 1,000 inhabitants, versus 2.9 officers in non-Indian jurisdictions. BIA District 1 is among the areas with the greatest need.

Between 2004 and 2007, United States attorneys declined to prosecute 62% of reservation criminal cases referred to their offices and there has been a 27% decrease in Indian Country criminal investigations by the FBI from 2001-2006, during the period when violent crimes in reservation communities are increasing. This must change.

We recommend that BIA Criminal Investigations and Police Services should be funded at $162.275 million, $25 million over the FY 2008 enacted level. BIA Detention/Corrections should be increased to $89 million, a $25 million increase over the FY 2008 enacted level. We recommend the BIA Public Safety and Justice Facilities Improvement and Repair program be funded at $50 million above the FY 2008 level, and we request $20 million in annual funding for the Tribal Justice Support program to improve Tribal Courts. These increases should continue each year until the recommendations of the Gap report are met.

**EDUCATION NEEDS** – According to NCAI, Native Americans attain bachelor and higher education degrees at half the rate of their non-Indian counterparts. At Standing Rock, our Tribe has provided $3 million over three years to support a scholarship program to provide over 300 students with grants of between $3,000-$3,500/semester which allow them to pursue degrees from accredited colleges, universities and vocational schools. BIA financed scholarships total about $500,000 per year (meeting 25% of need).

By providing scholarships to our students, they are able to remain in school and obtain a degree and education that can open doors to life-time careers. We want to break the cycle of joblessness that exists on our reservation. With scholarships, we monitor the progress of each recipient as they pursue their degree, review student degree plans and provide guidance if a student is not progressing toward their degree. We cannot do this alone and require increased funding for this vital program.

We oppose the Administration's FY 2009 BIA education budget, which proposes $33.85 million in cuts for Indian education: a $5.9 million reduction in Scholarships and Adult Education (TPA), the elimination of all $5.9 million for the Tribal Technical Colleges, flat lining funding for Special Higher Education Scholarships; a $10.8 million reduction in elementary and secondary BIA programs, including cuts in Early Childhood Development ($2.75 million reduction); and elimination of Johnson O'Malley funds.

We recommend fully restoring and increasing, by an additional $50 million dollars, BIA funding for education as well as seeking increased funding for construction, operation, maintenance and repair of BIA schools. You cannot start early enough to instill in a child a love of learning. The future of Indian communities rests on their young shoulders. As the past president of Sitting Bull College, I know how hard Indian students work to succeed. They face many obstacles to achieve and excel; they live in two worlds – one Indian and one non-Indian. They need to succeed in both if they are to live up to their full potential and lead healthy lives. They deserve our full support.

**ECONOMIC DEVELOPMENT NEEDS** – When Indian Tribes can provide basic governmental services to their reservation communities -- law enforcement and courts, housing, adequate infrastructure, including roads, potable water, electricity, and health services – they make possible the conditions for economic development.

We recommend restoring the Administration's $13 million proposed cut and adding $10 million to the BIA **Community and Economic Development Program**, add $10 million above last year's level for the BIA's **"477" Job Placement and Training Program** and **Economic Development Program** so that these programs achieve their goals – to increase educational levels, job readiness skills, job placement, and to promote economic growth in Indian country.

We also oppose reducing by half, to $13 million, funding for the **BIA Road Maintenance Program**. As a rural community, whose main industry is agriculture and ranching, our farmers and ranchers also need safe roads to get their goods to markets. The Administration's justification for the reduction, to reflect the increased assumption of the BIA Road Maintenance Program by Indian tribes, is incorrect. Tribes assume the "**Secretarial amount**," the amount available to the Secretary of the Interior to carry out the program under the Indian Self-Determination Act. We contracted the program in 2007 and now face losing half our BIA funding. Maintaining roads is common sense.

Standing Rock testified last summer before the Senate Indian Affairs Committee regarding the unacceptable high rate of traffic accidents and deaths on Indian Reservation

Roads caused in part by poor road maintenance. Statistics from the Center for Disease Control (CDC) and the National Highway Traffic Safety Administration (NHTSA) show that injury and death rates among Native American motorist and pedestrians are two and three times the national average. We support the request by NCAI to increase funding for the BIA Road Maintenance Program to at least $100 million annually.

**NATURAL RESOURCES NEEDS** – We are working with the Bureau of Reclamation to extend irrigation systems to cover 1,550 acres of 2,380 eligible acres as part of the Garrison Diversion Unit Reformulation Act. We have received about one-half of the $20 million in BOR funds required to construct irrigation lines for all 2,380 acres. With more lines, however, our operation, maintenance and repair (OM&R) costs increase. The BIA provides no funds for our annual OM&R costs ($750,000). Standing Rock Farms is becoming one of North Dakota's premier agricultural producers with a multi-million dollar impact on the economy. It is a producer of jobs and revenues on our reservation.

The Tribe would also like to be part of a demonstration program in Indian Country to use satellite imaging technology to assist the Tribe inventory and manage Tribal resources. Using Geographic Information System (GIS) technologies, our Tribe would like to access satellite data to identify and catalogue Tribal resources to improve land management programs on our reservation. BIA maps are outdated (sometimes by decades). As revenues are generated from the increased use of Tribal resources, the Tribe can assume a greater share of the program's cost.

As with other programs intended to benefit Native Americans, the Administration proposes further reductions to the BIA's Natural Resources Management programs. We encourage Congress to expand funding for BIA programs such as **Natural Resources, Irrigation Operation and Maintenance, Agriculture and Range, Tribal Management/Development Program, Integrated Resources Management Plans, Water Resources, and Minerals and Mining Program**, to improve Tribal management of our natural resources and promote economic development of these resources. We support the full restoration of the Administration's proposed budget cut of $7 million and recommend an increase of $50 million over last year's funding level for these programs so that more Indian tribes can improve resource management techniques and practices.

Working with Tribal governments, the United States needs to attend to the basics – ensure safe communities free from crime, safe homes with clean drinking water where children grow and learn from their parents and Tribal elders in a healthy environment, preventive health care to promote longer and healthier lives, safe roads so we do not lose members to preventable accidents, and modern schools where our children are eager to learn and where they are given the resources they need to succeed. If we can promote Indian family-friendly programs that help us maintain and strengthen the social fabric of our reservations, we will create a strong foundation to build upon.

Thank you for affording me this opportunity to present my Tribe's views on the FY 2009 budget for the Department of Interior, Environment, and Related Agencies. 93612.3

Mr. DICKS. We know the concerns on natural resources. We will try to do our best there.

Mr. HIS HORSE IS THUNDER. I appreciate the time, Mr. Chairman.

Mr. DICKS. Thank you very much.

Gene Joseph, Council Member, Confederated Tribes of the Colville Reservation, welcome.

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WEDNESDAY, MARCH 12, 2008.

## CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

### WITNESS

**GENE JOSEPH**

Mr. JOSEPH. Thank you, Mr. Chairman. My name is Gene Joseph from the Colville Business Council. Good morning to you, Ranking Member Tiahrt and other members of the subcommittee. I thank you for the opportunity to testify. I am here to testify about funding for two programs of interest to the Colville Tribe and to other tribes nationally. The first is the restoration of about $630,000 for the Lake Roosevelt Management and Enforcement Program, and the second is ask your support for a $1.5 million programmatic increase for the Bureau of Indian Affairs energy and economic development programs.

As for Lake Roosevelt Management Enforcement Program, what the money is used for is for our tribal officers to patrol Lake Roosevelt primarily and other water bodies on the Colville Reservation but most of the focus is on the reservoir. It is a 151-mile reservoir. Spokane and Colville have management responsibilities for the zone in the reservoir that abuts their respective reservations. The tribe provided testimony in 2006 about an incident in 2006 in which a float plane was seized that contained about $2 million in contraband drugs, and one of the apocryphal tales out of that incident was that the plane was disabled by a rock, disabling the prop so they could not take off, and we have been fighting with OMB for several years since the multi-party agreement in 1992 to maintain this funding and every year we have had to come back to Congress to seek restoration of these funds and we would appreciate——

Mr. DICKS. This is the Lake Roosevelt management?

Mr. JOSEPH. Yes.

Mr. DICKS. Yes, Senator Murray, I think, has been very helpful on this.

Mr. JOSEPH. And we either would like to have this program funded or the tribe's natural resources, not the tribes but——

Mr. DICKS. Was it part of the base at any time?

Mr. JOSEPH. In 1990 it was just money that was put in there by the Secretary's special representative that the agreement was included and it was in there.

Mr. DICKS. It was in there?

Mr. JOSEPH. It was in there. It was stripped out in 1991, and it is just the history of——

Mr. DICKS. This is a BIA issue, right?

Mr. JOSEPH. Yes.

Mr. DICKS. Well, we will see what we can do. We will try to help you.

Mr. JOSEPH. Well, thank you. As for the $1.5 million programmatic increase on the Indian energy program, my tribe has received a grant under this program to develop a woody biomass cogeneration facility so it is a very helpful program not only to us but to other tribes across the country. We are aware that approximately 70 other tribes since fiscal year 2000 have received these grants and they enable us to develop other economic development enterprises that have no relationship to gaming and we are just asking for an increase in the Bureau's funding for these grants and for the TERA agreements that are part of this program.

With that, Mr. Chairman, I conclude my statement and thank you again.

[Statement of Gene Joseph follows:]

The Confederated Tribes of the Colville Reservation

Prepared Statement of the Honorable Gene Joseph
Confederated Tribes of the Colville Reservation

House Committee on Appropriations,
Subcommittee on Interior, Environment and Related Agencies

Public Witness Hearing—Native Americans

March 12, 2008

Good morning Chairman Dicks, Ranking Member Tiahrt, and members of the Subcommittee. On behalf of the Confederated Tribes of the Colville Reservation (Colville Tribe or the "Tribe"), I thank you for this opportunity to provide testimony to the Subcommittee. I am here today to discuss funding of two programs of interest of the Colville Tribe and to other Indian tribes nationally: (1) restoration of $630,000 for the Lake Roosevelt Management-Enforcement program; and (2) a $1.5 million programmatic increase for the Bureau of Indian Affairs' (BIA's) Indian energy programs. Both of these programs are administered in the Trust-Natural Resources Management account.

Before discussing these programs, I would like to take this opportunity to provide some brief background on the Colville Tribe. Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of twelve smaller aboriginal tribes and bands from all across eastern Washington State. The Colville Reservation encompasses approximately 1.4 million acres and is located in north central Washington State. The Colville Tribe more than 9,300 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of the Tribe's members live on or near the Colville Reservation.

## I. THE LAKE ROOSEVELT MANAGEMENT/ENFORCEMENT PROGRAM

As the Subcommittee is aware, Lake Roosevelt Management/Enforcement funds enable both the Colville Tribe and the Spokane Tribe of Indians to employ law enforcement officers to patrol Lake Roosevelt and its shoreline to enforce federal laws (through cross-deputization arrangements) and tribal health and safety laws. Lake Roosevelt is the 151-mile reservoir of the Grand Coulee Dam, the largest hydroelectric power plant in the United States and the third largest in the world. As a national tourist destination, Lake Roosevelt receives approximately 1.5 million visitors annually.

The law enforcement patrols funded by Lake Roosevelt Management/Enforcement funds have become increasingly critical since the September 11 terrorist attacks. Tribal personnel funded by Lake Roosevelt Management funds have in recent years worked cooperatively with the Bureau of Reclamation and the National Parks Service to increase their patrols to correspond with the heightened security of the Grand Coulee Dam. To this end, Lake Roosevelt Management/Enforcement funds play a direct role in protecting public safety by ensuring that a key access point to the Grand Coulee Dam, Lake Roosevelt, remains patrolled.

The enforcement patrols funded by the appropriations are an integral part of combating ongoing smuggling activity involving float planes from Canada. Unmarked aircraft use Lake Roosevelt and other waterways on the Colville Reservation as a smuggling route for cocaine, ecstasy, and other contraband. In March 2006, Colville tribal officers funded by the appropriations apprehended one of the pilots of a float plane and recovered an estimated $2 million in illegal drugs. The Colville Tribe continues to receive several reports of sightings of these planes every month.

Funding for Lake Roosevelt Management/Enforcement program was included in the Department of the Interior's annual budget beginning in the early 1990s under the terms of an agreement between the tribes, the Secretary of the Interior, and other federal agencies. When the funds were omitted from the budget without explanation in fiscal year 2001, the tribes have had to seek Congress's assistance to restore the funds through the appropriations process. **The Tribe appreciates the Subcommittee's continued support for this program and respectfully requests that the Subcommittee either include this activity in its bill or, alternatively, provide sufficient funding for the Trust-Natural Resources Management account to enable the BIA to fund the program at the full $630,000 level.**

## II. THE BUREAU OF INDIAN AFFAIRS' INDIAN ENERGY PROGRAMS

The Colville Tribe also respectfully requests that the Subcommittee consider a $1.5 million programmatic increase for the BIA's Indian energy programs. The BIA's Indian energy programs are administered by the Office of Indian Energy and Economic Development (IEED). As the Colville Tribe can attest from its productive experience with the IEED in recent years, these programs bring much needed technical assistance and capacity building to Indian country and enable Indian tribes to maximize, leverage, and develop energy resources on tribal lands in two critical ways:

- *Grants*—The IEED provides grants to Indian tribes to assess energy resources on tribal lands, build capacity, conduct feasibility studies, and for other purposes. Since 2005, the Colville Tribe has received grants from this program that have allowed the Tribe to begin development of a new cogeneration facility on the Colville Reservation that will utilize woody biomass. A programmatic increase for this activity would enable more Indian tribes to receive grants for energy development activities. Since FY 2000, 70 Indian tribes have received grants for energy related activities under this program.

- *Tribal Energy Resource Agreements (TERAs)*: Authorized under Title V of the Energy Policy Act of 2005, TERAs are agreements between Indian tribes and the Secretary of the Interior that are intended to maximize tribal oversight and management of energy resource development. Once the IEED determines that a tribe possesses the requisite management capacity and approves a TERA, the tribe can then engage in a variety of energy development activities under an entirely new, flexible mechanism for entering into energy-related business agreements with third parties. The BIA published its final rule implementing the TERA program on March 10, 2008, and numerous applications are expected. A programmatic increase would provide the IEED with sufficient resources to ensure that Indian tribes are able to take advantage of this new economic development tool.

The tribal energy programs carried out by the IEED are administered in the Minerals and Mining account within the BIA's Trust-Natural Resources Management budget activity. Within that account, the President's Budget includes a total of $2 million for tribal energy activities for FY 2009. Of that $2 million, $1.4 million is for grants (encompassed within the $6.93 million requested in the Minerals and Mining Projects line item), and $600,000 is for the IEED to consult with Indian tribes and begin the TERA review process (encompassed within the $1.49 million requested in the Minerals and Mining Central Oversight line item). **The Tribe seeks an increase of $1 million for grants to Indian tribes and $500,000 for TERA implementation.**[1] Other Indian tribes and tribal organizations support this programmatic increase, including, among others, the Council of Energy Resource Tribes and the Southern Ute Indian Tribe.

Thank you for the opportunity to provide this testimony. I would be pleased to answer any questions that the members of the Subcommittee may have.

[1] To this end, the Tribe suggests the following report language: "Changes to the Request include increases to Minerals and Mining of $1,000,000 for grants for tribal energy activities and $500,000 for implementation and approval of Tribal Energy Resource Agreements."

Mr. DICKS. Well, thank you, and we will work with you on these issues.

Mr. CALVERT. Mr. Chairman, just one quick question.

Mr. DICKS. Mr. Calvert. Jump in any time, by the way.

Mr. CALVERT. Is the predominant drug methamphetamine that is being——

Mr. JOSEPH. It is cocaine, methamphetamine, anything. The reservation is surrounded on three sides by the Columbia and Okinalaga Rivers. It is very isolated. We have five major lakes there. The pilot who was seized testified that this was just one of 19 trips that he had made to drop off the drugs.

Mr. DICKS. From Canada, right?

Mr. JOSEPH. Yes, from Canada.

Mr. DICKS. Yes, there is a real problem up there on the border. Actually boats come across the Straits of Juan de Fuca, too. Does Lake Roosevelt go into Canada?

Mr. JOSEPH. It goes into Canada.

Mr. DICKS. That is what I thought.

Mr. DICKS. So they could come in by a boat there too.

Mr. JOSEPH. Well, it is the Columbia. The reservoir is formed by the creation of Grand Coulee Dam, the largest hydro facility in the United States.

Mr. DICKS. Thank you very much.

Mr. JOSEPH. You are welcome.

Mr. DICKS. We are going to have a vote here. We are going to have to run over at some point.

Liz Mueller, vice chairman, the Jamestown S'Klallam Tribe, welcome. We will put your statement in the record, and you have five minutes to summarize.

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WEDNESDAY, MARCH 12, 2008.

## JAMESTOWN S'KLALLAM TRIBE

### WITNESS

**ELIZABETH MUELLER**

Ms. MUELLER. Thank you. First of all, I want to say good morning, and Ron Allen was not able to be here today but he sends his best regards. I do not talk quite as fast as Ron but I will try to hit the highlights for our community.

One of the things that I want to first of all highlight is Tamanawas Rock is our sacred site in East Jefferson County, and Tamanawas Rock has an oral history for our people. Our oral history has to do with the flood 3,000 years ago and also the people of East Jefferson County are in total support of helping us, you know, secure this land.

Mr. DICKS. Okay. Good.

Ms. MUELLER. The second thing that I want to highlight has to do with fish and wildlife. Our fish and wildlife department has never been fully funded by the BIA. When we were recognized in 1981, we had our funding that went to the Point-No-Point Treaty Council but it was never fully funded. They just added some additional dollars to that, and now some of the dollars that the tribes

have pulled out of the Point-No-Point Treaty Council, that leaves Jamestown with not the full funding that is very important to us. And I do not have to tell you about what we have done in our natural resource program, you know, the Jimmy Come Lately Projects, the dungeness——

Mr. DICKS. I have been there and seen that project. I think that is a great project.

Ms. MUELLER. Exactly, and just recently, you know, the EPA recognized us with a certification for our watershed base plan. We are the first tribe in the United States to receive that certification.

Mr. DICKS. Congratulations. You deserve it. It is a great project.

Ms. MUELLER. It is, and——

Mr. DICKS. Do you get funded from the Salmon Recovery Fund on that?

Ms. MUELLER. Yes, but the BIA needs to step up and fund us.

Mr. DICKS. BIA needs to step up. If you have been here, you have listened to what has been said.

Ms. MUELLER. Yes, exactly.

Mr. DICKS. BIA has a lot of problems.

Ms. MUELLER. And so, you know, if you can give them the——

Mr. DICKS. And they are all dumped on us.

Ms. MUELLER [continuing]. Gentle persuasion to help fund fish and wildlife.

Mr. DICKS. We will do more than that.

Ms. MUELLER. And the next thing is, you know, we are the original tribes for self-governance and yet in the last 10 years we have not received any more additional funding in our self-governance budget, no cost of living. Ten years ago, we were screaming that we were paying $1 for a gallon of gas. Now it is 10 years later and we are paying $4 almost a gallon for gas. We just need to have that funding. We have maximized as much as we possibly can for in our self-governance, and you know, it is very obvious what we have done with our self-governance dollars.

The fourth one is, and you already mentioned it, Congressman, in relating to the Indian Health Service and the BIA budget, what is being proposed in President's Bush 2009 budget in the Indian program cuts. It is just unconscionable——

Mr. DICKS. It is.

Ms. MUELLER [continuing]. What is being done. In Washington State alone, if you are familiar with the Ombudsman Report, that the Indian children have the highest mortality rate of all other children, that teen suicide is the highest with our American Indian teens and that our Indian children are languishing in foster care. So the education, the housing, all of these programs are important to us.

Mr. DICKS. Healthcare.

Ms. MUELLER. And healthcare. Exactly. So with that, thank you.

Mr. DICKS. We are going to do our best. We will try to do our best. It is hard to do.

Ms. MUELLER. Thank you very much.

[Statement of Elizabeth Mueller follows:]

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**Oral Testimony Presented by Elizabeth Mueller, Tribal Vice-Chairperson**
**Jamestown S'Klallam Tribe on March 12, 2008**
**Before the House Interior, Environment and Related Agencies Appropriations Subcommittee on the Fiscal Year FY2009 Budgets for BIA & IHS**

On behalf of the Jamestown S'Klallam Tribe, I want to thank this Subcommittee for the opportunity to present testimony on our funding priorities and requests on the Fiscal Year 2009 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets. We have long appreciated this Subcommittee's support of our funding requests. However, we are gravely concerned that federal funding for Indian programs continues to lose ground compared to spending for the general U.S. population at large in the majority of programs that constitute the trust responsibility. We believe fulfillment of these responsibilities through appropriations is a top priority.

**Tribal-Specific Appropriation Priorities:**

1. **$1,460,000 Land Purchase for Tamanowas Rock Sanctuary Project**
2. **$200,000 Increase to BIA Tribal Base Budget for Fish & Wildlife Management**

**Local/Regional Requests and Recommendations: We support all requests and recommendations of:**

1. **Affiliated Tribes of Northwest Indians**
2. **Northwest Portland Area Indian Health Board**
3. **Northwest Indian Fisheries Commission**

**National Requests and Recommendations:**

BIA Requests:

1. Restore **Johnson O'Malley funds ($21.4 million)**; and **Housing Improvement Funds ($13.6 million)** to Tribal base programs;
2. Provide **$25 million General Increase to BIA Tribal Priority Allocation** for inflationary and fixed costs;
3. Provide **$45 million** increase for **BIA Contract Support Cost (CSC), including Direct CSC**; and,
4. **$500,000 for BIA Data Management to fund the Office of Program Data Quality**

IHS Requests:

5. Provide **$486 million for IHS mandatory, inflation and population growth** increase to maintain existing health care services;
6. **$152 million** increase for **Contract Health Services (CHS)**
7. **$160 million** increase for **IHS** to fully fund **Contract Support Cost (CSC), including Direct CSC**;
8. Increase **$5 million** to the Indian Health Service (IHS) **Office of Tribal Self-Governance**

We support all requests and recommendations of the **National Congress of American Indians and National Indian Health Board.**

**Tribal-Specific Appropriation Justification:**

**1. $1,460,000 Land Purchase for Tamanowas Rock Sanctuary Project**
The purpose of the project is to preserve tribal cultural and ceremonial access to an important archaeological site of the S'Klallam American Indian people. Tamanowas Rock, located in Eastern Jefferson County on the Olympic Peninsula of Washington State, is of great cultural and spiritual significance to the Tribes in the region, and also holds special historical meaning for the local non-Indian community. As a geological formation, the estimated age of Tamanowas Rock is forty-three (43) million years. More importantly, the oral history among the local Tribes includes the era of the mastodons (extinct for 8,000 years), when Tamanowas Rock was used as a perch by Tribal hunters. Another story references a great flood (assumed to be a tsunami from around 3,000 years ago) when people tied themselves to the Tamanowas Rock to avoid being swept away by the turbulent waters.

In 1976, Tamanowas Rock was listed in the Washington Heritage Register as having major archaeological interest. The Tribes and local community have been working to protect the property where the Rock is located from development for more than 10 years. In February 2005, the Jamestown S'Klallam Tribe, acting on behalf of all the S'Klallam Tribes, obtained loans to purchase a 20 acre parcel and a group of platted properties totaling 66.32 acres in imminent threat of development in the vicinity of the Rock. If dedicated roads are vacated, the acreage is closer to 100 acres for the platted properties. The local community and the Tribes now seek funds to purchase the land which was temporarily secured by the loans and purchase the remaining 80 acres directly surrounding Tamanowas Rock, all of which would be protected in perpetuity.

**2. $200,000 Increase to BIA Tribal Base Budget for Fish & Wildlife Management**
The U.S. government formally recognized the Jamestown S'Klallam Tribe in 1981. Jamestown is one of four Tribes that signed the Point No Point Treaty with the U.S. government in 1855. The BIA began contracting with the Tribe to provide fisheries management services. The Point-No-Point Treaty Council (PNPTC) was serving as the fisheries management agency for the other Klallam and Skokomish Tribes. In its efforts to contract with Jamestown for basic fisheries management services, the BIA decided to provide only enough funding to slightly expand PNPTC rather than providing funding of sufficient quantity for Jamestown to operate a fisheries program of its own. Following the implementation of the Self-Governance Initiative, the distribution of contracted funds to each PNPTC member tribe was based on funding history, thus Jamestown received a significantly smaller portion of the PNPTC base funding. The Tribe is required to meet the basic fisheries and wildlife management responsibilities of U.S. v Washington including planning, negotiation, regulation, and enforcement. ***The $200,000 increase to our Self-Governance base is needed to implement these essential treaty fish and wildlife management services.***

**Local/Regional Requests and Recommendations:**
The Jamestown S'Klallam Tribe is a direct beneficiary of the collective Tribal efforts and continues to support the requests and recommendations of the Affiliated Tribes of Northwest Indians, Northwest Portland Area Indian Health Board, and the Northwest Indian Fisheries Commission.

**National Requests and Priorities**:
The President's FY2009 budget included numerous decreases for Indian programs. We are deeply disappointed that once again this annual budget does not support strong Tribal Self-Government and Self-Determination. The following highlights our top priorities:

BIA REQUESTS

1. **Restore Johnson O'Malley funds ($21.4 million); and Housing Improvement Funds ($13.6 million) to Tribal base programs**
   - The JOM is a critical Indian-specific education program which targets Indian students.
   - The HIP program provides much needed housing repairs for Tribal citizens
   - These programs have long been part of our Tribal Self-Governance base and we strongly full restoration of these programs in our base budgets.

2. **Provide $25 million for General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs.**
   - For the past 10 years in a row, TPA funding has remained flat and continues to lose ground to inflation. ***In FY2009, the Administration's request not only contains no general increase for TPA, but TPA allocations would decline 8.3%.***
   - This activity includes the majority of the funds used to support core tribal community services and programs such as housing, education, natural resources management and tribal government services.
   - It is not reasonable to expect the Tribes and the Bureau to maintain these critically needed services to their communities when inflation continues to erode the purchasing power of the dollar and these programs are already severely under funded.

3. **Provide $45 million increase for BIA to fully fund Contract Support Cost (CSC), including Direct CSC**
   - The BIA recently implemented a new CSC Policy which includes indirect and direct CSC.
   - This funding is required to fully fund and implement this policy.

4. **$500,000 for BIA Data Management to fund the Office of Program Data Quality (OPDQ)**
   - A persistent problem affecting all areas of Indian Country is the lack of efficient and effective data management and reporting. Tribes and federal agencies badly need to improve capacity to identify existing needs and deficiencies. For instance, in the Department of Interior, Indian Affairs programs do not maintain collected data in a ready accessible format for instant analysis and reporting, which results in weeks or months of staff time to compile a report on standard program practices.
   - The Bureau's lack of data management also leads to duplicate data calls, missed deadlines, and incomplete reporting. It appears that all programs collect standard program data on a regular basis, but fail to maintain it.
   - We strongly urge an increased investment in data management to more efficiently and effectively use program funding and enhance data credibility and analysis for use by decision makers in critical processes (including GPRA and PART). ***We request $500,000 to establish a centralized office within the BIA for data management.***

IHS REQUESTS

5. **Provide $486 million for IHS mandatory, inflation and population growth increase to maintain existing health care services**
   - Mandatory costs increases are necessary to maintain the current level of services. These *"mandatories"* are unavoidable and include medical and general inflation, pay costs and population growth.
   - This year's President's budget proposes to cute $21.3 million in funding. This will have a detrimental effect on health services to Indian people and diminish any gains that the Indian health system has made over the years to address health disparities.

6. **Provide $152 million increase for Contract Health Service (CHS)**
   - $152 million increase is needed for contract health funding. This level will allow those Tribes who are not served by an IHS Hospital to provide health care services at the same level as those Tribes who are served by an IHS Hospital.

7. **Provide $160 million for IHS to fully fund Contract Support Cost (CSC), including Direct CSC**
   - On March 1, 2005, the United States Supreme Court issued a unanimous decision in *Cherokee Nation and Shoshone-Paiute Tribes v. Leavitt* lawsuit, which powerfully reaffirms the enforceability of government contracts between Indian Tribes and agencies such as IHS and BIA.
   - The Court's ruling compels corrective action from Congress, where historically insufficient funds have been appropriated to pay government contracts with Tribes, while all other government contracts are fully paid (through supplemental appropriations, if necessary).

8. **Increase $5.0 million to the Indian Health Service (IHS) Office of Tribal Self-Governance**
   - In 2003, Congress reduced funding for this office by $4.5 million, a loss of 43% from the previous year. In each subsequent year, this budget was further reduced due to the applied Congressional rescissions. There are over 330 Self-Governance Tribes with funding totaling approximately $1.0 billion; this is 57% of all federally-recognized Tribes and 33% of the overall IHS funding. Tribes continue to enter into SG resulting in a need for additional OTSG staffing.

**Support all requests and recommendations of the National Congress of American Indians and National Indian Health Board.**

- The leadership of the Jamestown S'Klallam Tribe remains actively involved in both NCAI and NIHB and has participated in numerous national forums to discuss and prioritize program funding and budgets. We are extremely supportive of the requests from these organizations.

**In conclusion**, the treaties and legislation that Tribal governments have fought so hard to achieve with the United States government remain the basic foundation of our unique governmental relationship. We strongly urge this Subcommittee to honor these commitments and request that Tribal government operations be afforded the highest priority in your appropriation decisions. Thank you.

Mr. DICKS. Ervin Carlson, president, InterTribal Bison Cooperative. Ervin, welcome, and we will put your statement in the record, and you have five minutes to proceed as you wish.

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WEDNESDAY, MARCH 12, 2008.

## INTERTRIBAL BISON COOPERATIVE

### WITNESS

**ERVIN CARLSON**

Mr. CARLSON. Thank you, Mr. Chairman and members of the committee. My name is Ervin Carlson. I am a member of the Blackfeet Nation in Montana and the president of the InterTribal Bison Cooperative, ITBC. Please accept my sincere appreciation for this opportunity to testify before the honorable members of the Appropriations Subcommittee on Interior, Environment, and Related Agencies.

ITBC is a Native American nonprofit organization headquartered in Rapid City, South Dakota, comprised of 57 federally recognized Indian tribes in 18 States. On behalf of the member tribes of ITBC, I would like to address the following issues: one, request an appropriation of $4 million for the fiscal year 2009 from the Department of the Interior, Bureau of Indian Affairs for operation of Indian programs; two, explain to the committee the unmet needs of the members of the ITBC; and three, update the committee on present initiatives of ITBC.

And we also appreciate the fact that this subcommittee has funded the ITBC for every year for many years. The American buffalo, also known as bison, has always held great meaning for American Indian people. The buffalo provided the tribes with food, shelter, clothing and essential tools. Indian people developed a strong spiritual and cultural relationship with the buffalo that has not diminished with the passage of time. It is this connection that caused multiple tribes to come together to organize ITBC with the mission of preserving the sacred relationship between Indian people and the buffalo through restoring buffalo to tribal lands. Federal appropriations have allowed ITBC to successfully restore buffalo to over 50 reservations. In ITBC's 17 years of existence, the population of buffalo has grown from 1,500 to over 15,000 in Indian Country.

With healthy, viable buffalo herds, opportunities now exist for tribes to utilize buffalo for prevention and treatment of the diet-related diseases that gravely impact Native American populations such as diabetes, obesity, cardiovascular disease and others. Viable buffalo herds also offer tribes the opportunity to develop sustainable economical development projects.

The InterTribal Bison Cooperative respectfully requests an appropriation for fiscal year 2009 in the amount of $4 million. The total unmet needs——

Mr. DICKS. Has that been an earmark or is that in the budget? It has been an earmark? Who has put it in? Do you know? Both sides have put it in. Okay.

Mr. CARLSON. One research we have done on it too was to see if it was an earmark, and we did not I guess consider it but——

Mr. DICKS. It should be in the budget. I do not understand. It is such an important program.

We have a vote here. Mr. Moran is going to take over as chairman until I get back. Mr. Tiahrt and I are going to go vote. Just keep rolling. We will be right back.

Mr. CARLSON. Okay. As I said, the InterTribal Bison Cooperative respectfully requests an appropriation for fiscal year 2009 in the amount of $4 million and the total unmet need for our tribes' projects in 2009 is $12 million. In fiscal year 2006, ITBC was funded through appropriations at $4 million. The President's budget in 2007 and 2008 eliminated funding for ITBC. ITBC was funded $1 million by the BIA in 2007 and $1 million in 2008 through a Congressional appropriation. The cuts came just as ITBC had started a successful marketing program and health initiative that addressed diet-related health problems that are epidemic on most of our reservations. The cuts damage the economic stability of the ongoing tribal bison programs.

The requested funding level will allow our member tribes to continue their successful restoration efforts to restore our marketing initiative and health initiative for the prevention and treatment of diet-related diseases among Native American populations while simultaneously building economic sustainability for tribal projects. With restoration of funding to the 2006 level, new member tribes will not receive adequate funding to begin buffalo restoration efforts. Tribes that have successfully restored buffalo to tribal lands will not receive adequate technical assistance and resource development funds to ensure the sustainability of our existing herds.

Furthermore, the investments made by Congress in 2006 towards ITBC's healthcare initiative has been cut to the point of almost being nonexistent. As indicated above, this was designed to utilize buffalo meat for prevention and treatment of diet-related diseases among Native American populations. ITBC is committed to providing buffalo meat to Indian reservation families both as an economic development effort for Native American producers and more critically as a healthy food option, and I know that there have been many up here talking about health, and this is also a prevention that can help in those areas. Current research indicates that the diet of most Indian reservation families includes large amounts of high-cholesterol processed meats that contribute to diabetes, obesity, cardiovascular disease and other diet-related illnesses.

ITBC tribes were beginning to implement a preventive healthcare initiative with the 2006 funding that provided easy access to buffalo meat on Indian reservations and educated Indian families on the health benefits of range-fed buffalo meat. The decrease in funding has led to the elimination of the program. ITBC and its member tribes have created a new reservation industry, tribal buffalo production resulting in new money for reservation economies. Because of the depressed economies on the reservations, jobs are scarce and our buffalo restoration efforts on the reservations have created hundreds of direct and indirect jobs relating to buffalo management and production. As a result, a significant amount of revenue derived from buffalo products is beginning to circulate through Indian reservations.

We ask that there be no report language this year as there was last year restricting funds going to the ITBC organization itself. We do allocate the lion's share of funds to our member tribes but we also provide substantial services to our member tribes from our staff and we need to be able to use some of the funds for operation of our organization so that we can provide these services.

I would like to thank the committee for the opportunity to present this testimony, and the members of the ITBC invite the honorable members of the committee to visit our tribal buffalo projects and experience firsthand our successes. ITBC and its member tribes are appreciative of the past and current support from Congress and the Administration.

[Statement of Ervin Carlson follows:]

## I. INTRODUCTION AND BACKGROUND

My name is Ervin Carlson; I am a member of the Blackfeet Nation in Montana and the President of the InterTribal Bison Cooperative (ITBC). Please accept my sincere appreciation for this opportunity to testify before the honorable members of the Appropriations Subcommittee on Interior, Environment and Related Agencies. ITBC is a Native American non-profit organization, headquartered in Rapid City, South Dakota, comprised of fifty-seven (57) federally recognized Indian Tribes in eighteen (18) states. On behalf of the member Tribes of ITBC I would like to address the following issues: 1) request an appropriation of $4,000,000.00 for Fiscal Year 2009, from the Department of Interior, Bureau of Indian Affairs, Operation of Indian Programs, to continue our bison restoration efforts; 2) explain to the Committee the unmet needs of the members of ITBC; and 3) update the Committee on the present initiatives of ITBC.

The American buffalo, also known as bison, has always held great meaning for American Indian people. The buffalo provided the Tribes with food, shelter, clothing and essential tools. Indian people developed a strong spiritual and cultural relationship with the buffalo that has not diminished with the passage of time. It is this connection that caused multiple Tribes to come together to organize ITBC with the mission of preserving the sacred relationship between Indian people and the buffalo through restoring buffalo to Tribal lands. ITBC envisioned the restoration of buffalo on Tribal lands would foster sustainable economic development that would be compatible with each of the Tribal cultures. ITBC received funds in 1992 and began their restoration efforts.

Federal appropriations have allowed ITBC to successfully restore buffalo to over fifty Reservations, thereby preserving the sacred relationship between Indian people and the buffalo. The respect that Indian Tribes have maintained for the buffalo has fostered a very serious, high level of commitment by ITBC member Tribes for successful buffalo herd development. With healthy, viable buffalo herds, opportunities now exist for Tribes to utilize buffalo for prevention and treatment of the diet related diseases that gravely impact Native American populations such as diabetes, obesity, cardio-vascular disease and others. Viable buffalo herds also offer Tribes the opportunity to develop sustainable economic development projects. This will allow the Tribes to utilize a culturally relevant resource as a means to achieve self-sufficiency.

## II. FUNDING REQUEST

The InterTribal Bison Cooperative respectfully requests an appropriation for FY 2009 in the amount of $4,000,000.00. This amount would restore ITBC to the FY 2006 appropriation level and provide for ITBC's continued growth as more Tribes join. The requested funding level will allow our member Tribes to continue their successful restoration efforts, to restore our marketing initiative and to restore the health initiative for the prevention and treatment of diet related diseases among Native American populations, while simultaneously building economic sustainability for the Tribal projects.

III. FUNDING SHORTFALL & UNMET NEED

In FY 2006, ITBC and it member Tribes were funded through appropriations at $4,000,000.00. The Presidents budget in FY 2007 and FY 2008 eliminated funding for ITBC. ITBC was funded $1,000,000.00 by the BIA in FY 2007 and FY 2008 through a Congressional appropriation. The cuts came just as ITBC had started a successful Marketing Program and Health Initiative that addressed diet related health problems that are epidemic on most of our Reservations. The cuts damaged the economic stability of the ongoing Tribal bison programs.

Without the restoration of funding to the FY 2006 level new member Tribes will not receive adequate funding to begin buffalo restoration efforts. Tribes that have successfully restored buffalo to Tribal lands will not receive adequate technical assistance and resource development funds to ensure the sustainability of existing herds. Furthermore, the investment made by Congress in FY 2006 towards ITBC's health care initiative has been cut to the point of almost being non-existent. As indicated above, this was designed to utilize buffalo meat for prevention and treatment of diet related diseases among Native American populations.

ITBC is structured as member cooperative and 100% of the appropriated funds are expended on the development and support of Tribal buffalo herds and buffalo product business ventures. ITBC funding is distributed to ITBC member Tribes via a Herd Development Grant program developed by the consensus of the members. ITBC surveys member Tribes annually to determine unmet project needs and currently the total unmet needs for ITBC member Tribe's projects is $12,000,000.00. I have attached the Tribal Bison Project Proposal summaries that detail the ITBC member Tribes projects and financial needs for your review.

IV. ITBC GOALS & INITIATIVES

The goal of ITBC is restoration of buffalo to Indian lands for Tribes to utilize in their day to day lives in a manner that promotes sustainable economic development.

Economic Development

In 1991, seven Indian Tribes had small buffalo herds numbering less than 1,600 animals. The buffalo provided little or no economic benefit to the Tribal owners. ITBC has proven extremely successful at buffalo restoration in its 17 years of existence. Today, with the support and technical assistance of ITBC and its fellow member Tribes, 57 Indian Tribes are engaged in raising buffalo or developing plans to raise buffalo and incorporate them into their daily lives. ITBC and the member Tribes have restored approximately 15,000 buffalo back to Tribal lands for use by the Tribes and their members.

Many of these Tribal buffalo programs have developed herds large enough to justify plans for marketing products as a step towards self sufficiency. Because of the depressed economies on the Reservations jobs are scarce and our buffalo restoration efforts on the

Reservations have created hundreds of direct and indirect jobs relating to buffalo management and production. As a result, a significant amount of revenue derived from buffalo products is beginning to circulate through Indian Reservation economies.

However, Tribes must have the resources to build solid foundations for this new industry to become fully self sufficient and maintain sustainable buffalo herds. ITBC provides critical technical assistance to member Tribes that have developed sustainable management and infrastructure development plans. Additionally, ITBC provides training curriculum for the newly created jobs and marketing plans as Tribal herds reach marketing capabilities. ITBC has begun implementation of a marketing initiative to provide member Tribes with viable marketing options for utilization of buffalo as economic development efforts. This marketing initiative is in an infancy stage and renewed funding is critical to achieve success.

Tribal Buffalo Marketing Initiative

ITBC member Tribes face a multitude of obstacles when trying to get their buffalo to market. The remoteness of the Reservations means having to transport buffalo long distances to processing plants and this results in higher operating costs. The quality of meat is also negatively impacted by introducing an increased amount of stress on the buffalo. Further compounding the problem is the reluctance of some processing plants to process range fed buffalo and the requirements of some buyers that animals be corn finished in a feedlot situation. Some buyers also require USDA certification which means USDA inspected processing plants must be used which increases transport time. ITBC believes this lack of a constant supply chain that is cost effective is what is limiting the economic development of Tribal buffalo herds.

ITBC has assisted the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community in northern Montana with the development of a meat packing facility acquired by the Tribe in Malta, Montana. They have also begun to operate a smoke house in addition to the packing plant. ITBC has assisted the Cheyenne River Sioux Tribe in South Dakota with operation of their meat packing facility. ITBC has provided assistance to the Ponca Tribe of Nebraska for a tannery that the Tribe has started to produce brain tanned hides. ITBC has set up an arrangement in which the Yakama Nation of Washington supplies buffalo meat to a Tribal enterprise of the Confederated Tribes of Umatilla in Oregon. ITBC believes the creation of locally driven, regional marketing plans will help to overcome the remoteness of the Reservations. ITBC will provide technical assistance in the areas of development of distribution and supply systems for buffalo meat and by-products and development of a cooperative brand name with standards and labeling guarantees for Native American produced buffalo.

Preventive Health Care Initiative

ITBC is committed to providing buffalo meat to Indian Reservation families both as an economic development effort for Native American producers and, more critically, as a healthy food option. Current research indicates that the diet of most Indian Reservation

families includes large amounts of high cholesterol, processed meats that contribute to diabetes, obesity, cardio-vascular disease and other diet related illnesses.

ITBC member Tribes were beginning to implement a preventive health care initiative with FY 2006 funding that provided easy access to buffalo meat on Indian Reservations and educated Indian families on the health benefits of range fed buffalo meat. The decrease in funding has led to the elimination of the majority of the program with only the educational program still in existence.

Generally, buffalo meat is not sold at the Reservation grocery and convenience stores which leaves Indian families with few alternatives to the high fat, high cholesterol, processed meats stocked in Reservation stores. ITBC seeks to remedy this concern by providing buffalo meat in family sized quantities to Reservation markets. ITBC will work with federal food programs to make buffalo meat available through the local school systems and local community health networks working on addressing diabetes and other health issues.

V. CONCLUSION

ITBC has demonstrated 17 years of success by assisting its member Tribes to restore buffalo to their native lands for cultural purposes and now is working towards economic development for herd sustainability. ITBC will continue to provide technical assistance and funding to its member Tribes to facilitate the development of sustainable buffalo herds.

ITBC and its member Tribes have created a new Reservation industry, Tribal buffalo production, resulting in new money for Reservation economies. In addition, ITBC continues to support methods to market buffalo meat by providing easy access to meat on the Reservations and education efforts about the health benefits buffalo meat can bring to the Native diet. The ultimate goal is to restore the Tribal herds to a size large enough to support the local health needs of the Tribal members and also generate revenue through a cooperative marketing effort to achieve economic self sufficiency.

ITBC and it member Tribes are appreciative of past and current support from the Congress and the Administration. I urge the Committee to consider restoring ITBC funding to the FY 2006 level of $4,000,000.00, which will allow ITBC to continue the restoration efforts and restore the marketing and health initiative program started in FY 2006.

I would like to thank this Committee for the opportunity to present testimony and the members of ITBC invite the honorable members of the Committee to visit our Tribal buffalo projects and experience first hand their successes. Questions and/or comments regarding any of the issues presented within this testimony may be directed to Mr. Ervin Carlson, President, or to Mr. James Stone, Executive Director, at (605) 394-9730.

Mr. MORAN [presiding]. Thank you, President Carlson. This is an important request, and we are talking about much healthier meat than meat that comes from cows. Are you able to export any of it?

Mr. CARLSON. Not at this time. We have looked into that though.

Mr. MORAN. It seems to me that would be a source of revenue. I do not know why there was the restriction on the bison cooperative, and I will ask about that. I am not directly involved but I do have an interest. We appreciate you giving this very important testimony, and thank you for making the trip here. We appreciate it, and I know those who are in the InterTribal Cooperative are very appreciative, so thank you, President Carlson.

Mr. CARLSON. Thank you for your support in the past and for continued support.

Mr. MORAN. So your request is that there be no restrictive report language in this year's bill?

Mr. CARLSON. Yes.

Mr. MORAN. I do not know why that restrictive language was put in. I will ask for an explanation. We appreciate your informing us of that. Thank you for coming to Washington. I know it is expensive but it is important that you do that.

We will now hear from Assistant Chief Gary Batton from the Choctaw Nation of Oklahoma. We are going to hold up on Chairman Peters until Chairman Dicks is able to join us.

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WEDNESDAY, MARCH 12, 2008.

## CHOCTAW NATION OF OKLAHOMA

### WITNESS

**GARY BATTON**

Mr. BATTON. Mr. Vice Chairman and distinguished members of the committee, I thank you for inviting the Choctaw Nation of Oklahoma to speak before you this morning. I am representing the Honorable Chief Gregory Pyle, and I come before you today delivering a request of the 170,000-plus tribal members of the Choctaw Nation for the fiscal year 2009 budgets on Bureau of Indian Affairs and Indian Health Service and related agencies.

First of all, I would like to say that we support National Indian Health Board and National Congress of American Indians in restoring funding for the National Indian Urban Health programs, and I will synopsize these and you do have a written report because I know you will hear a theme as you go throughout today but we do ask for $160 million increase for 100 percent full funding of IHS contract support costs including direct service costs. I would like to request $486 million increase for IHS mandatory inflation and population growth. You know what the rising costs of medical care that even with the funding that we have been to—even if we get 3 percent, that still does not keep up with the current cost of medical inflation and so we still have a decrease in regards to trying to achieve the level of care for our tribal members. We also ask for $152 million increase for Contract Health Services, and one thing that is important I think to need to know is that these dollars go directly into the private sector for these tertiary care facili-

ties that help keep their communities alive. It helps keep their EMS services alive and it is real important not only to Native Americans but to the non-Indians as well. We request you restore $21 million for healthcare facilities construction, maintain annual funding for the special diabetes programs for Indians at $150 million until new authority is enacted, and we have been able to do some great things with those dollars and it is detrimental if we are not able to keep that funding. We request a $5 million increase in the Office of Tribal Self-Governance.

In the Bureau of Indian Affairs, we would like to request $25 million increase for Tribal Priority Allocation and tribal government. We ask that you restore HIP at $13.6 million and Johnson-O'Malley at $21.4 million. In Oklahoma and of course throughout the United States, the Johnson-O'Malley dollars go to our public school systems a lot of times, and it helps sustain those school systems, which is critical to their sustainability. If they do not have it, they are not able to provide the needed resources that they need to help keep the educational needs for our tribal members as well. We support increases to tribal education programs and tribal college operations, a $50 million increase for 100 percent full funding of direct and indirect contract support costs, annual increase in tribal public safety and justice programs in tribal communities, $500,000 for Office of Program of Data Quality and support increase in the Office of Self-Governance for IT and staffing.

One thing that the Choctaw Nation, we are requesting an exemption from the moratorium on distribution of Indian Student Equalization Formula. Currently the Choctaw Nation has paid and completed construction of a new $10.2 million grade school, grades one through six, and we are needing this exemption desperately and it is vital to give the dollars that are needed to achieve a successful education of our students.

Lastly, I would like to say that I am very proud to relate a success story to you for our school, Jones Academy. In January of this year, teachers at Jones Academy received monetary awards from the State of Oklahoma for being recognized as one of only three schools in the State to receive the number one in academic performance index. And lastly, I would like to say Chief Pyle and I want to thank you personally in this committee for what you have done to fight and sustain the much-needed level of funding in Indian Country. Thank you.

[Statement of Gary Batton follows:]

**Choctaw Nation of Oklahoma**

P.O. Box 1210 • Durant, OK 74702-1210 • (580) 924-8280

**Gregory E. Pyle**
Chief

**Gary Batton**
Assistant Chief

**Oral Testimony Before the**
**House Interior, Environment and Related Agencies**
**Appropriations Subcommittee**
**On the FY 2009 Budgets for the Bureau of Indian Affairs and the**
**Indian Health Service Programs**
**Presented by**
**The Honorable Gary Batton, Assistant Chief**
**For the Honorable Gregory E. Pyle, Chief of the**
**Choctaw Nation of Oklahoma**
**March 12, 2008**

Mr. Chairman and distinguished Members of the Committee, I thank you for inviting the Choctaw Nation of Oklahoma to speak before you this morning. I am representing the Honorable Chief Gregory E. Pyle, and I come before you today delivering the requests of the Choctaw Nation for the FY 2009 Budgets of the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) in the bill making appropriations for interior, environment and related agencies.

**Choctaw Specific Request**

Last year, Chief Pyle submitted testimony (presented by Mickey Peercy, Executive Director of Health for the Choctaw Nation and Joy Culbreath, Executive Director of Education) before this Subcommittee during consideration of the Budget proposal for FY 2008, of the Choctaw Nation's desire to restore a tribally controlled academic program for Jones Academy, near Hartshorne, Oklahoma. Named for the one of the great Chiefs of the Choctaw Nation of Oklahoma, Jones Academy has been operating for over 100 years, and, until the BIA terminated all academic programs in the 1950s, provided excellent educational services to students from many Tribes

The Choctaw Nation of Oklahoma was one of the first American Indian Tribes to provide tribally supported education to *all* children, boys and girls. We opened schools soon after our removal over the Trail of Tears in the 1830s, and until these schools were absorbed by the new BIA system in the 1880s, they were Tribally controlled. The BIA used the schools as a tool of assimilation and, until the 1950s, many of our schools were either BIA schools, or were the basis for the new State of Oklahoma system.

The BIA shut down the academic program of Jones Academy and required us to send children residing at Jones to the public schools of the Hartshorne, Oklahoma School District (hereinafter HSD). Our experiences, and, more importantly, our students' experiences, in the public schools were not as positive or successful as we desired. Our Tribe continued to provide many tribally sponsored services such as tutoring, mentoring, Foster Grandparents and other tools, but our children did not achieve the academic results that we felt were possible.

When Tribal Self Determination became the policy of the United States in the 1970s and through today, our hope was that it would lead to a resurrection of tribally controlled education, particularly for our elementary school children. We believed, and continue to believe, that if they have a firm foundation, they can succeed in any setting. Today, with more Tribal resources and renewed hope and determination, we ask you to grant us access to this Tribal right.

Since the 2003-2004 Academic year, our Tribe has operated a separate program providing small classes, special services, and assistance to our children in grades 1-6. Under the authority of an agreement with the HSD, we operate a separate site on the Jones Academy campus. Our students in grades 7 through 12 continue to attend HSD site schools, and our relationship with the school district has changed. HSD receives funding for Jones Academy students from the U.S. Department of Education. The Tribe augments this funding by providing a quarter of a million dollars in tribal funds for Jones Academy, a commitment of which we are proud. Our older students will continue in classes at HSD, and we look forward to continuing our work with them.

However, for our youngest scholars, grades 1-6, we want to assume full tribal control of the policy and academic program, and to do so while maintaining our Federal Trust relationship with the Federal government. This means we are requesting an exemption from the moratorium on distribution of Indian Student Equalization Formula funds which has been included in each Fiscal Year Appropriations Act for a decade.

The moratorium was not originally put in place over academic concern. It was put in place because of concerns regarding the implementation of a new construction and facilities improvement and maintenance program. It was never explained as being permanent and we do not believe that was the intent. While it may be an effective control over Indian education for the Bureau, it is unfair in situations such as ours.

This limitation on funding of "new" or "expanded" programs has been interpreted as an absolute bar to any discussion of academic programs with Tribes, including the resumption of our terminated academic program. While we have met in the past five years with BIA officials who sympathize with our problem and admit they see the dichotomy, the BIA says we must start with the appropriations Members.

That is what was presented in the testimony of last year. Things have changed substantially in the past year. I will cite these changes, and renew our request.

-We have completed construction and equipping of a new $10.2 M state of the art facility for grades 1-6. The Choctaw Nation paid for this facility and asks for no federal

construction/facilities or improvement and repair funding. We are proud of this achievement and excited about what it means for the future of our students.

The moratorium purpose does not apply to us.

-Last year, after the testimony, the BIA told your staff that allowing us to resume programs was a bad idea, since there are a lot of Tribes in the same position. Since then, we have tried to find any information that can identify a Tribe which 1) had an academy program terminated in the Termination Period, 2) which has built a new school for such a program, showing commitment and faith in the future and 3) which has a proven track record of academic performance for a program under its day-to-day control. We have been unable to locate such a program. What we have discovered is that the BIA has allowed expansions of program in tribally built facilities.

-Last year, during Floor consideration the Chairman conducted a colloquy with our Congressman, Dan Boren, regarding concern that the moratorium was stifling Self Determination, and, more specifically, unfairly penalizing the Choctaw Nation. Mr. Boren pointed out that the BIA was ignoring this Subcommittee's directive, included in the report accompanying the FY 2006 appropriations bill for the Department of the Interior, that it develop guidelines and methods to allow consideration of expanded and re-instated academic programs. We were encouraged by your agreement that this was an issue the Subcommittee needs to address. (copy of colloquy appended)

-Finally, Mr. Chairman, I am very proud to relate a success story for Jones Academy.

In January of this year, teachers at Jones Academy received monetary awards from the state of Oklahoma for being recognized as one of only 3 schools in the state to receive #1 in Academic Performance Index (API) scores. This information can be found in the news releases on the Oklahoma State department website www.sde.state.ok.us ).

While we mean no disrespect, it is a fact that such performance has not been achieved in the past or in other settings. It is made possible because of an on-site program run by personnel over whom we have day to day management. However, for the basic policy, we are still under limits set by the HSD. Imagine what we could do if we were free to determine all programs, set new academic courses and horizons and to renew our Choctaw heritage in education. Imagine this in a setting which renews and continues our unique relationship with the Federal government. We ask for your permission for such a chance.

**National Funding Concerns**

The Choctaw Nation of Oklahoma supports the requests of the National Indian Health Board and the National Congress of American Indians in restoring funds for National Urban Indian Health programs. In addition:

**Indian Health Service**

- $160 million increase for 100% full funding of IHS Contract Support Cost, including Direct Service Cost
- $486 million increase for IHS mandatory, inflation and population growth
- $152 million increase for Contract Health Service
- Restore $21 million for health care facilities construction
- Maintain annual funding for the Special Diabetes Programs for Indians at $150 million until new authority is enacted
- $5 million increase in the Office of Tribal Self-Governance (Restore $4.7 million and $.3 million in shortfalls, pay costs increases and inflation)

**Bureau of Indian Affairs**

- $25 million increase for Tribal Priority Allocations (TPA) – general increase for core programs
- Tribal Government – Self-Governance: Restore HIP @ $13.6 million and JOM @ 21.4 million
- Support increases to Tribal Education Programs and Tribal college operations
- $50 million increase for 100% full funding of Direct and Indirect contract support costs
- Annual increases in Tribal Public Safety and Justice programs in Tribal communities
- $500,000 for Office of Program Data Quality
- Support increases in the Office of Self-Governance for IT and Staffing

On behalf of Chief Pyle and the Choctaw People, thank you for this opportunity to present our requests for FY 2009 in the Bureau of Indian Affairs and Indian Health Services Appropriations.

Mr. MORAN. I know the Chairman particularly appreciates that, and we appreciate your testimony. Thank you very much. It was good and succinct and to the point.

We are going to skip over Mr. Gipp because Congressman Pomeroy wants to introduce President Gipp so we are now going to hear from Eugene Guerito and Faye BlueEyes, school board president and director of finance, respectively.

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WEDNESDAY, MARCH 12, 2008.

## DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL

**WITNESSES**

**EUGENE GUERITO**

**FAYE BLUEEYES**

Mr. GUERITO. Good morning, Presiding Chair, and the honorable members of the committee. My name is Eugene Guerito and I am the president of the school board which operates the Dzilth-Na-O-Dith-Hle Community Grant School on the Navajo Reservation in Bloomfield, New Mexico. With me is Faye BlueEyes, our school finance director.

And to get right to the point, the Administration's budget request for our school operation betrays us and our children. The question is, how can the Federal government demand that our student makes an adequate yearly progress report under the No Child Left Behind mandates but yet withholds the financial resources that we need to meet these goals. The United States Government has made a commitment to support the tribal control of education through the Indian Self-Determination Act and the Tribally Controlled Schools Act but the BIA consistently violates this commitment by poorly funding the administrative costs which we incur when we take over direct program operations under the federal Indian self-determination policy. I urge you to meet the government's obligation to the Indian children and the school system that it created for them. So at this time, Ms. BlueEyes will describe the parts of the budget most in need of your attention.

Mr. MORAN. Thank you, Ms. BlueEyes. Actually can I just say that a couple times?

Ms. BLUEEYES. Sure.

Mr. MORAN. Faye BlueEyes. What a wonderful name.

Ms. BLUEEYES. Thank you. I do not have blue eyes though.

Mr. MORAN. I know. I was looking. I did not want to gawk but I was trying to see. They are not blue, but whatever.

Ms. BLUEEYES. Administrative cost grants—BIE seeks no additional administrative cost grants. These grants are supposed to help cover the administrative costs incurred in tribal-operated schools. Five more schools will be converting to grant schools. This means that instead of the 125 schools now in the system, 130 will be covered by the same amount of money. In the current school year, we only receive 65.7 percent of the funding required. With five more schools, this is going to be even lower, probably below 60 percent.

Our administrative costs continue to increase in critical management areas such as finance, property, personnel, insurance, auditing and legal. Right now we can only afford two people in the business office. This jeopardizes our internal control systems yet BIE asks us for $1.5 million to cover their administrative cost needs for severance pay for the employees being terminated at the five schools. It is so discouraging that the agency responsible for educating Indian children thinks only about its own needs, not the needs of the schools. Full funding for AC grants would require at least $66 million. If this is impossible to achieve in this budget, please supply at least $53 million, which will get us to 80 percent level.

Student transportation—we thank Congress for supplying more funds for student transportation last year. We really needed this extra funding, so please do not agree to cut $1 million this year as the BIA requests. In our area of New Mexico, we pay over $4 per gallon for diesel fuel. Last year a bus fill-up used to cost $115. Now it is going to run over $200. Please increase student transportation to a level that produces $3.15 per mile so we can cover our ever-increasing costs to get children to and from school.

Indian School Equalization Formula—the ISEF must supply funding for teacher salaries, all other parts of our education program and dormitory personnel but BIA's request of $364 million is only 5.3 percent higher than what we got six years ago. We are totally committed to the goals of the No Child Left Behind Act. We want to see all students perform at the proficient level, but in our school system, this is merely a dream, not the reality. Students in the BIA school system produce some of the lowest achievement scores in the Nation. We face many roadblocks in our efforts to improve student achievement. I will give you just one example. Low ISEF funding puts us at the bottom of teacher pay scales, which means we cannot effectively compete for qualified teachers and certainly cannot compete with BIE-operated schools, which have to pay at federal wage levels. We not only need better ISEF funding now, we need a commitment to recurring appropriate levels of support year after year. That is the only way we can plan for and then implement innovative programs to improve student achievement. We ask you to increase ISEF funding by at least 5 percent to $383 million.

Facilities operation—we could devote our entire testimony to facility issues. I will be brief, however, and just tell you that our facilities operation budget is constrained to 51.87 percent. This means we get only slightly more than one-half of what our facilities require. Most of these funds must be used to pay utility costs.

In conclusion, as long as poor budgets for the BIE school system persist, the objective of NCLBA remains only a dream and a broken promise. We hope you will produce a better school operations budget than the one proposed by the BIA. Thank you for helping Indian children.

[Joint Statement of Eugene Guerito and Faye BlueEyes follows:]

Dzilth-Na-O-Dith-Hle Community Grant School
[illegible]
Bloomfield, New Mexico 87413
[illegible]

Testimony of
Eugene Guerito, School Board President
Faye BlueEyes, Director of Finance
DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL
OF THE NAVAJO NATION
regarding
Bureau of Indian Education Fiscal Year 2009 Budget Request
to the
Interior, Environment and Related Agencies Subcommittee
House Committee on Appropriations

March 12, 2008

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| | | |
|---|---|---|
| Agency: | Bureau of Indian Education, Department of the Interior | |
| Programs: | *Indian School Equalization Formula*: | $382,783,800 requested |
| | *Administrative Cost Grants:* | $ 53,000,000 requested |
| | *Student Transportation:* | $3.15 per mile requested |

My name is Eugene Guerito. I am the President of the School Board which operates the Dzilth-Na-O-Dith-Hle Community Grant School on the Navajo Reservation in Bloomfield, New Mexico. I know that many non-Navajos have difficulty pronouncing our School's name, so if you wish, you may call us the *"DCGS School."* With me is Faye BlueEyes, our School's Finance Director. I asked her to address the Committee with me because of her extensive knowledge of the financial needs of the BIA school system for Indian children.

Our School offers K-8 academic programs and residential programs for students in grades 1-12, but the residential students in grades 9-12 attend the local public school. Currently, 235 students are enrolled in our academic program, and 47 students are housed in the campus dormitories. Our all-Navajo Board operates the School through a Grant issued by the Bureau of Indian Education (BIE) under the Tribally Controlled Schools Act.

Let me get right to the point. The Administration's budget request for BIE school operations betrays us and our children. How can the Federal Government demand that our students make Adequate Yearly Progress under *No Child Left Behind Act* mandates yet withhold the financial resources we need to meet these goals? The United States also made a commitment to support *tribal control of education* through laws such as the Indian Self-Determination Act and the Tribally Controlled Schools Act. But BIA and BIE consistently violate this commitment

by poorly funding the administrative costs we incur when we exercise the option to take over direct program operations under the Federal Indian self-determination policy.

I urge the Committee to take steps to meet the Federal Government's obligations to the Indian children in the school system it created for them. Ms. BlueEyes will describe specific parts of the BIE budget most in need of your attention.

**ADMINISTRATIVE COST GRANTS.** BIE seeks no increase for Administrative Cost Grants, the account that is supposed to provide funding for the administrative costs incurred in tribal operation of school programs. Five more schools will convert to tribal operation in SY09-10 (the school year funded by this budget request). This means that instead of the 125 schools now being supported by the $43.4 million AC Grant budget, 130 schools will have to be supported by that same amount. The budget request does not tell you that in the current school year, BIE was only able to supply 65.7% of the funding required by the formula for calculation of AC Grants set out in Federal law (25 USC 2008). With 5 more schools in the mix, the percentage paid will probably drop below 60%.

Yet our administrative cost obligations continue to *increase* -- in critical areas such as financial management, property management, insurance, grant management, auditing, legal and security. Right now we are only able to afford 2.25 employees for our Business Office, a situation which jeopardizes our internal controls system. A further cut could make compliance with minimum standards for internal control impossible.

At the same time that BIE ignores its responsibility to supply proper administrative funding to tribally-operated schools, it asks you to provide an additional $1.5 million for its own administrative costs -- to cover severance pay for the Federal employees who now work at the 5 schools that will convert to tribal operation. We think this additional $1.5 million should be used for AC Grants, and that BIE should have to do what schools have to do when they have insufficient funding: re-direct funds from other parts of its budget. Certainly it should be easier for the Department of the Interior, with its multi-billion dollar budget, to absorb these severance costs than it is for small tribally-operated schools who constantly have to make do with less. It is so discouraging that the agency responsible for educating Indian children thinks only about its own needs, not the needs of the our school system.

Full funding of the BIE's AC Grant obligation would require at least $66 million. If this is impossible to achieve in this budget year, please consider supplying at least $53 million to get us close to the 80% level and then close the remaining gap next year.

**STUDENT TRANSPORTATION.** We thank Congress for supplying more funds for student transportation last year. That was the first meaningful increase we've had for many years. At our School, the transportation budget fell short by nearly $13,000 last year. We had no choice but to use education funds from the ISEF to make up the shortage. If we cannot get students to school, we cannot educate them.

Here again our costs are ever increasing -- for fuel, bus repairs and bus driver salaries. In our area of New Mexico, diesel fuel now costs over $4/gallon. A fill-up that a year ago cost

$115 now runs $200. Our buses travel 100 miles round-trip per day. Much of their routes are over very rough dirt roads which enormously increases the cost of vehicle maintenance. Plus, we compete with the local oil field for drivers with the required CDL licenses. This means we must offer competitive bus driver salaries or we lose the ones with needed credentials.

Please do not agree to cut Student Transportation by $1 million as the BIE suggests. BIE estimates its request would cut the per-mile funding to $2.87, but we have to question whether this estimate would still be valid in July, 2009, when SY09 begins. Who can really predict what fuel prices will be that far in advance? Instead, please increase funding to a level that enables us to receive $3.15 per mile so that we can better cover our ever-increasing costs.

**INDIAN SCHOOL EQUALIZATION FORMULA (ISEF).** The ISEF is our biggest and most important account. It must supply funding for teachers, teacher aides and all other parts of our educational program as well as for a full complement of personnel to supervise and safeguard children who live in the dormitories. Sadly, ISEF funds must also be diverted to make up shortages in other areas such as in student transportation, as I mentioned.

We are very disappointed that the BIE request seeks additional ISEF funds only for "fixed costs" and actually shows a cut for program costs. The request of $364.5 million is only 5.3% higher than the appropriation for Fiscal Year 2003 -- the first budget submitted after the No Child Left Behind Act was passed.

Our School Board and staff are totally committed to the goals of NCLBA. We want to see all of our students perform at the "proficient" level. But in the BIE system, this is merely a dream, not the reality. Students in the BIE-funded school system produce some of the lowest achievement scores in the nation. Last year, nearly 2/3 of them scored in the lowest achievement category -- "basic" -- in reading. In mathematics, 70% of BIE system students were categorized as "basic".

Our School and other tribally-operated schools face many enormous roadblocks in our efforts to improve student achievement:

- Low ISEF funding puts us at the bottom of teacher pay scales which means we can't effectively compete for qualified teachers with public schools, and certainly cannot compete with BIE-operated schools which have to pay at Federal wage rates.
- We fund professional development opportunities for teachers, but often lose this investment when the additional skills they acquire qualify them for better-paying jobs at other schools. Then we have to start all over again with our professional development programs.
- Teacher recruitment is also adversely impacted by the remoteness of and poor housing options in reservation communities. We have to supply on-campus housing for teachers, but these quarters units are old, unattractive and lacking in basic comforts.
- Many school buildings are old, in disrepair, and incapable of supporting modern educational technology as they were not built with computer cabling in mind.
- Our children face many impediments to learning such as poverty, poor housing, poor nutrition and long distances between home and school. Many Navajo children also face the challenges of learning English as a second language.

I recite these conditions to help you understand why we need a significant increase in ISEF funding. We not only need better ISEF funding now, we need a commitment to *recurring* appropriate levels of support year after year. That's the only way we will have a chance to recruit high quality teachers and keep them. Student achievement occurs in the classroom. That means recruitment and retention of high quality teachers.

Improving ISEF resources is also the only way we will be able to afford the professional staff needed to implement innovative teaching models, especially those with lower teacher-to-student ratios. For example, to increase focus on reading skills, our School recently adopted a Reading First program and incorporated components of "Response to Intervention" for special education and "Walk to Read", a strategy where students walk to another classroom for specialized reading instruction in small, performance-level groups. It is too early to evaluate the results of these strategies, but both staff and parents are encouraged by the program. We can only continue it, however, if we are able to supply the additional staffing, instructional materials and teacher training it requires.

We ask the Committee to increase ISEF funding by at least 5% -- to $382,783,800.

**FOOD SERVICES AND FACILITIES OPERATION AND MAINTENANCE**

Our costs for food services were over-budget by $84,000 this year. While we receive student meal funding from USDA, it is not enough to cover the cost of 220 lunches per day for day students and the three meals per day for residential students. Thus we had to take money from the ISEF -- both education and residential budgets -- to cover the shortfall.

We could devote our entire testimony to facilities issues. I will be brief, however, and just tell you that on a daily basis we deal with many problems in our 40-year-old school buildings: inadequate plumbing, heating and cooling systems; electrical systems that are not capable of supporting today's educational technology; and un-safe conditions on sidewalks, playground and bus loading areas. For many years, the facilities operations funding has been so low that it is routinely "constrained". This is BIE-speak for supplying only a percentage of the amount needed by each location. This year the budget is "constrained" to 51.87%. Most of our facilities operations budget is used to pay utility bills as we must pay those at 100%, not 51.87%.

**CONCLUSION**

As long as woefully inadequate support for the BIE school system persists, the objective of NCLBA remains only a dream -- and a broken promise. For our schools, Congress is the equivalent of the county government and state legislature, the two sources of basic financial support for public schools. We hope this Congress will produce a better school operations budget than the one proposed by the Bureau of Indian Affairs. Thank you for helping our Indian children.

Mr. MORAN. Thank you, Ms. Faye BlueEyes. You are absolutely right. There are far, far, too many Native American children being left behind in our educational system, so thank you for making that point. We appreciate the testimony from both of you. Thank you very much.

Now, we have been joined by a good friend and a very, very important Member of Congress. This guy is actually the co-chair of the whole Democratic budget group. He is on the House Ways and Means Committee. This guy President Gipp must be a pretty important guy because to get Pomeroy here, holy smokes. So you can come over and sit in the Chairman's chair if you want or sit right there.

Mr. POMEROY. I would rather sit here by my president, Mr. Chairman, because I really want to look at you as I tell you about the remarkable leader I am introducing and the circumstances that he carries to the table this morning. David Gipp is the president of the United Tribes Technical College. The college was founded 39 years ago. How long have you been president?

Mr. GIPP. Thirty-one, going on 31.

Mr. POMEROY. Thirty-one of those years, a student body of around 1,000, a retention rate of 81 percent, a placement rate of 94 percent. They have one-year certificate programs. They have four-year degree programs. President Gipp has built this into one of the premier community colleges, tribally affiliated, in the country. It is unique along with one other institution in New Mexico in that it is multi-tribe. In fact, 29 tribes are represented in the student body from around the country. Now, this places it in a different part of the code than the other tribal colleges and that has been the source of why this Administration has tried to zero it out, close the doors on this remarkable facility. This facility had the support of the Reagan Administration and obviously the Democrat administrations. It had the support of the George Bush I Administration. Only this Administration, the Administration of George W. Bush, has sought to come after United Tribes, never an explanation of why they wanted to shutter the doors of this institution. Time and time again, thanks to the great work on this committee, that recommendation has been turned back. Funding has at great difficulty been restored. The institution continues and these young people are getting the career skills that they will carry with them the rest of their lives.

For the seventh consecutive year, the Administration not only zeroes out the funding within this committee's jurisdiction, to make matters worse, for the first time they zeroed out the Tribally Controlled Post Secondary Career and Technical Institutions program, a competitive grant program through the Perkins Act. This is a different committee, but this impacts—they would lose $4 million here. That would be fatal. This corollary attack they have now launched this year on United Tribes would take an additional $8 million. Rather than understand that bipartisan majorities in Congress will not see the shuttering of this valuable institution for our young people, they have not tried to make it impossibly difficult to keep this college open.

In the face of this, President Gipp has had a mighty burden, but as is his way, he always puts it forward, and I cite to you this re-

port of a talk that he gave to his staff, the staff that do not know whether they will ever have a job on the first day of the new fiscal year for the last seven years. Maintaining a workforce like that is challenging, but as reported in David's report to his staff, "UTTC future not in doubt. Budget just needs some work." Well, it sure does need work. This is a guy that finds the glass half full when there is no water in the glass at all. I really do look to you, Mr. Chairman, for help, and I know Tom Udall, who represents the institution in New Mexico that is similarly situated, there is no higher priority I have in terms of appropriations affecting my State for the entire year than getting this funding restored. I am dismayed and very angry that they have made it an even heavier lift than it has been in the past. With leadership like you have provided, Mr. Chairman, I know we can get it done.

With that, I would yield to Dr. Gipp, truly one of the most outstanding educators I have ever met.

Mr. MORAN. Well, thank you very much, Earl. I know Chairman Dicks is receptive to the request, and Mr. Udall has his top staff person here monitoring this and is going to report back. But as you so well do, carrying the load in the Congress for the entire State of North Dakota, this is your principal priority. I know that makes a lot of difference to the committee in terms of what its priorities should be. I trust that the next addition of that newsletter is going to reflect how Congressman Pomeroy went out of his way to help lift that burden. Particularly if George the Wise Bush had included it is hard to believe why the son would have taken it out. Congressman Dicks ran over from the floor to make sure he would get here in time too to hear your testimony, President Gipp.

Mr. POMEROY. Mr. Chairman, just to introduce President Gipp, I just want to thank you for the attention and the work we have done over the years on this issue, United Tribes Technical College.

Mr. DICKS. You may proceed for five minutes.

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WEDNESDAY, MARCH 12, 2008.

## UNITED TRIBES TECHNICAL COLLEGE

### WITNESS

**DAVID M. GIPP**

Mr. GIPP. Thank you, Mr. Chairman. I want to also acknowledge Congressman Pomeroy for his excellent summary, and frankly, I think he gave quite a bit of the justification for why United Tribes ought to continue receiving funding for close to 1,200 adult students and about 500 children that we serve on our campus because we do have three early childhood centers and a K–8 elementary school on our campus as well. So we have been in a growth mode and that represents what is happening throughout Indian Country. Better than 51 percent of the majority of our tribal nations are under the age of 25 now and that means we have a growing population and that one of the reasons why United Tribes is a growing institution along with the rest of the tribal colleges and universities throughout America.

Our request, as Congressman Pomeroy has pointed out, would be to ask that certainly the funds are restored but that we are funded at about a $4.5 million level of operation for the institution for the next fiscal year as well as requesting that the committee take a harder look at the adult vocational training programs under the Bureau of Indian Affairs, because if you look at their total request, no matter how you add it up, it is about $10 million for the coming year for the current year and the coming request. That is down by about $50 million from 1970. In fiscal year 1970, it was $60 million was the actual appropriation, and not counting the change in dollars and the inflationary factors. So we see that this overall effort has been a de-emphasis on adult vocational technical training, and this is where United Tribes and Navajo Technical College are very instrumental in trying to address that major issue for Indian Country.

So having said that, Mr. Chairman, I am going to rely on the remarks that our Congressmen and the committee are examining in terms of our details. We can certainly provide you a lot of other data and information as to the excellence that we provide in terms of the results for our students.

[Statement of David Gipp follows:]

**UNITED TRIBES TECHNICAL COLLEGE**
3315 University Drive
Bismarck, North Dakota 58504
701-255-3285

Statement on the FY 2009 Bureau of Indian Education Budget

Presented to the
House and Senate Interior, Environment and Related Agencies Appropriations Subcommittees

David M. Gipp, President, United Tribes Technical College (UTTC)
Myra Pearson, UTTC Board Chairman and Chairman of the Spirit Lake Tribe

March 12, 2008

For 39 years, United Tribes Technical College (UTTC) has provided postsecondary career and technical education, job training and family services to some of the most impoverished Indian students from throughout the nation. We are governed by the five tribes located wholly or in part in North Dakota. We have consistently had excellent results, placing Indian people in good jobs and reducing welfare rolls. Bureau of Indian Education (BIE) funds constitute about half of our operating budget and provide for our core instructional programs. We do not have a tax base or state-appropriated funds on which to rely. The requests of the United Tribes Technical College Board for the FY 2009 BIE budget are:

- ***$4.5 million in BIE funds for UTTC***, which is $500,000 over the FY 2008 level.

- ***We ask for the Committee's continued support for a Memorandum of Understanding between the BIA and UTTC concerning training and certification of BIA law enforcement officers.***

- ***A requirement that the BIA/BIE place more emphasis on funding and administrative support for job training and vocational/technical education.*** The Administration's FY 2009 request for Job Placement and Training is $8,864,000 with an additional $2,011,604 under TPA adult education for a total of $10.9 million. This is a $429,396 reduction from FY 2008. The FY 2009 amount is far less than the FY 1970 appropriation of $60 million for this program. There is little BIA/BIE leadership or advocacy for job training or vocational/technical education at the central or regional office levels.

The Administration, for the seventh straight year, has requested no funding for United Tribes Technical College or for Navajo Technical College. Thankfully, Congress understands the value of investing in tribal postsecondary education and has restored the funding each year.

This crass, outrageous and irresponsible proposal, if carried out, would irreparably harm Indian students who often have no other chance for improving their lives but through UTTC and Navajo Technical College. The Administration's request represents a failure to understand our educational mission and the nature of the populations we serve.

Our students are disadvantaged in many ways. They often come from impoverished backgrounds or broken families. They may be overcoming extremely difficult personal circumstances as single parents. They often lack the resources, both culturally and financially, to go to mainstream institutions. UTTC provides a set of family and culturally-based campus services, including: an elementary school for the children of students, housing, day care, a health clinic, a wellness center, several on-campus job programs, student government, counseling, services relating to drug and alcohol abuse and job placement programs that enable our students to start on the road to realizing their potential.

The Administration states that UTTC has other sources of funding to carry out its mission. This is not correct. Our present Bureau of Indian Education and Perkins funds (also cut entirely from the President's FY 2009 budget) provide for nearly all of our core postsecondary educational programs. Almost none of the other funds we receive can be used for core career and technical educational programs; they are supplemental and help us provide the services our students need to be successful. Moreover, these other programs are competitive, which means we have no guarantee that such funds will be available to us in the future. We cannot continue operating without BIE funds.

The Administration's stated view that because there other tribal colleges in North Dakota and that the Navajo Nation has Dine College that UTTC and NTC do not need BIE funding is specious at best. We educate Indian students from throughout the nation, many from tribes which do not have tribal colleges. We need more capacity at UTTC and NTC and the other tribal colleges, not less, because the demand from Indians for higher education is there.

Below are some important facts about United Tribes Technical College.

*UTTC Performance Indicators.* UTTC has:

- An 81 percent retention rate
- A placement rate of 94 percent (job placement and going on to four-year institutions)
- A projected return on federal investment of 20-to-1 (2005 study comparing the projected earnings generated over a 28-year period of UTTC Associate of Applied Science and Bachelor degree graduates of June 2005 with the cost of educating them.)
- The highest level of accreditation. The North Central Association of Colleges and Schools has accredited UTTC again in 2001 for the longest period of time allowable – ten years or until 2011- and with no stipulations. We are also the only tribal college accredited to offer accredited on-line (Internet based) associate degrees.
- More than 20 percent of our students go on to four-year or advanced degree institutions.

**Law Enforcement Training.** We ask for the continued support of Congress in obtaining a Memorandum of Understanding with the BIA's Police Academy in New Mexico that would allow our criminal justice program to be recognized for the purpose of *BIA and Tribal police certification*, so that Tribal members from the BIA regions in the Northern Plains, Northwest, Rocky Mountain, and Midwest areas would not have to travel so far from their families to receive training. While we have received assurances from the Assistant Secretary for Indian Affairs that the MOU is under consideration, we need to know that this effort will continue into the next Administration. We appreciate the language regarding the MOU in the FY 2008 Senate appropriations report and ask that this language be included in the FY 2009 Committee report.

> The Committee is concerned about the need for additional law enforcement officers in Indian country and to that end supports an articulation agreement between the BIA and United Tribes Technical College that would establish reciprocity between UTTC and the Bureau for training and certification of BIA law enforcement officers. (S. Rpt. 110-91, p. 38).

We are also interested in developing training programs that would assist the BIA in the area of provision of *trust services*. We have several technology disciplines and instructors that are capable of providing those kinds of services with minimum of additional training

**The demand for our services is growing and we are serving more students.** For the 2007-2008 year we enrolled 1122 students (an unduplicated count), nearly four times the number served just six years ago. Most of our students are from the Great Plains, where the Indian reservations have a jobless rate of 76 percent (Source: 2003 BIA Labor Force Report), along with increasing populations. The need for our services will continue to increase at least for the next five to ten years.

In addition, we are serving 248 students during school year 2007-2008 in our Theodore Jamerson Elementary school and 252 children, birth to five, are being served in our child development centers.

**UTTC course offerings and partnerships with other educational institutions.** We offer 15 vocational/technical programs and award a total of 15 two-year degrees (Associate of Applied Science (AAS)) and six (6) one-year certificates, as well as a four year degree in elementary education in cooperation with Sinte Gleska University in South Dakota. We are accredited by the North Central Association of Colleges and Schools for the longest accrediting period provided of ten years.

*Licensed Practical Nursing.* This program has one of the highest enrollments at UTTC and results in the greatest demand for our graduates. Our students have the ability to transfer their UTTC credits to the North Dakota higher educational system to pursue a four-year nursing degree.

*Medical Transcription and Coding Certificate Program.* This program provides training in transcribing medical records into properly coded digital documents. It is offered through the college's Exact Med Training program and is supported by Department of Labor funds.

*Tribal Environmental Science.* Our Tribal Environmental Science program is supported by a National Science Foundation Tribal College and Universities Program grant. This five-year project allows students to obtain a two-year AAS degree in Tribal Environmental Science.

*Community Health/Injury Prevention.* Through our Community Health/Injury Prevention Program we are addressing the injury death rate among Indians, which is 2.8 times that of the U.S. population, the leading cause of death among Native Americans ages 1-44, and the third leading cause of death overall. This program has in the past been supported by the Indian Health Service, and is the only degree-granting Injury Prevention program in the nation.

*Online Education.* We are continuing to create increased opportunities for education by providing web-based and Interactive Video Network courses from our North Dakota campus to American Indians residing at other remote sites as well as to students on our campus. Online

courses provide the scheduling flexibility students need, especially those students with young children. We offer online fully accredited degree programs in the areas of Early Childhood Education, Community Health/Injury Prevention, Health Information Technology, Nutrition and Food Service and Elementary Education. Over 50 courses are available online. We are currently teaching 30 online courses with 170 course seats, including those in the Medical Transcription and Coding program.

Another significant online course is suicidology – the study of suicide: its causes, prevention and the behavior of those who threaten or attempt suicide. Suicide in Indian country dramatically affects our communities, particularly our youth. According to the IHS, suicide rates in Indian Country are 6-8 times the national rate. We also provide an online Indian Country Environmental Hazard Assessment program, offered through the Environmental Protection Agency. This is a training course designed to help mitigate environmental hazards in reservation communities.

*Computer Information Technology.* This program is at maximum student capacity because of limitations on resources for computer instruction. In order to keep up with student demand and the latest technology, we need more classrooms, equipment and instructors. We provide all of the Microsoft Systems certifications that translate into higher income earning potential for graduates.

*Nutrition and Food Services.* UTTC helps meet the challenge of fighting diabetes in Indian Country through education. Indians and Alaska Natives have a disproportionately high rate of type 2 diabetes, and have a diabetes mortality rate that is three times higher than the general U.S. population. The increase in diabetes among Indians and Alaska Natives is most prevalent among young adults aged 25-34, with a 160 percent increase from 1990-2004. (Source: FY 2009 Indian Health Service Budget Justification).

As a 1994 Tribal Land Grant institution, we offer a Nutrition and Food Services AAS degree in order to increase the number of Indians with expertise in nutrition and dietetics. Currently, there are very few Indian professionals in the country with training in these areas. Our degree places a strong emphasis on diabetes education, traditional food preparation, and food safety. We have also established the United Tribes Diabetes Education Center that assists local tribal communities, our students and staff to decrease the prevalence of diabetes by providing educational programs, training and materials. We publish and make available tribal food guides to our on-campus community and to tribes.

*Business Management/Tribal Management.* Another critical program for Indian country is business and tribal management. This program is designed to help tribal leaders be more effective administrators and entrepreneurs. As with all our programs, curriculum is constantly being updated.

*Job Training and Economic Development.* UTTC continues to provide economic development opportunities for many tribes. We are a designated Minority Business Development Center serving South and North Dakota. We administer a Workforce Investment Act program and an internship program with private employers in the region.

We cannot survive without the core career and technical education funds that come through the Department of Interior. These funds are essential to the operation of our campus. Our programs at UTTC continue to be critical and relevant to the welfare of Indian people throughout the Great Plains region and beyond. Thank you for your consideration of our request.

Mr. DICKS. Somehow we have to get this in the President's budget. This has got to be there. I mean, in the next Administration, we have to work on that. Thank you very much. We appreciate you being here.

Mr. MORAN. Mr. Chairman, could I just ask a question?

Mr. DICKS. Yes.

Mr. MORAN. Do you draw people from all over the country?

Mr. MORAN. Indian students who are financially needy?

Mr. GIPP. Yes, we certainly do. It will range from this past year, 55 different tribes, to upwards of 70 different tribes that are represented in our student body.

Mr. MORAN. Thank you. Without any tax base to draw from.

Mr. GIPP. That is correct.

Mr. MORAN. Thank you.

Mr. DICKS. All right. Now we are going to go back to Jim Peters, chairman of the Squaxin Island Tribe. Jim.

Mr. PETERS. Good morning.

Mr. DICKS. Thank you, Jim. We are glad to see you here, and we will put your entire statement in the record and you can summarize in five minutes.

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WEDNESDAY, MARCH 12, 2008.

## SQUAXIN ISLAND TRIBE

### WITNESS

**JIM PETERS**

Mr. PETERS. I am Jim Peters, Squaxin Island tribal chair. We are located in Shelton, Washington. We are known as the gateway to the Olympic Peninsula and the headwaters of Puget Sound. One of the things I wanted to just touch base a little bit on is, I am not going to go through all the numbers because you guys have all heard those from the Puget Sound tribes and our Washington State tribes but some of the key words are fully funded in numerous programs that we are requesting those funds, the increase of programs because of the inflation. It is not necessarily an increase of the programs themselves but it is actually trying to maintain those programs at what they were supposed to be met throughout the years. So the increase is actually going to stabilize those programs and we will be able to fund the same amount of people with the extra monies that are coming in. Also, fully fund the direct and indirect costs of those programs also because it is costing more. Restore is another key word in our housing improvement programs. Johnson-O'Malley has been a very vital program for Indian Country for many, many years to take care of our kids and things.

One of the things that we are emphasizing more is on Indian health and public safety this year. There are a lot of priorities within our tribes and our Squaxin Island tribal leadership wanted to focus on the most important that impacts our future generations and our elders. Healthcare impacts our kids a lot more along with our elders. We are in a situation where we have a doctor that comes in one day a week at our clinic. A lot of our tribal members are tree harvesters that do not have insurance. We are trying our

best to employ as many tribal members as possible and get them underneath a benefit program for, to be able to take care of their health needs.

But a lot of our tribal members are still the traditional fishers and shell fishers that we have, and they are going to continue to do that for many years, but, and part of the problem that we have with this is that they are in the situation of just the basic maintenance medical needs here. We are at, as you heard from other tribal chairs, we are at a situation where it is life threatening, our limbs have to be done, but unfortunately, when we do not have the maintenance money, medical maintenance money to keep these people from getting to that condition, then it is going to cost us a lot more in these programs to take care of them.

And so it is more preventative methods that we need to deal with here versus hopefully keeping them from getting these, the diseases and the death and some of these situations that we have.

On the public health and safety, Squaxin Island Tribe has a need to hire six additional law enforcement people, and not only, we do not cover 24-hour coverage as it is right now, and with uprising drug and crime rate on the reservation. We are fortunate, however, that we are co-commissioned with our county commissioners, and we are able to arrest non-tribal members that are on the reservation with the cooperation with the Mason County.

But we also have the situation of our water ways that we have responsibilities and with the states cutting their budget every single year on their enforcement, it is the tribes stepping up and carrying on the responsibility in covering all of the waters that both the tribe and the state fishes.

So just to wrap this up, we want to also encourage your support on the Northwest or Northwest Portland Area Indian Health Board, the Affiliated Tribes in Northwest Indians and the Northwest Indian Fisheries Commission.

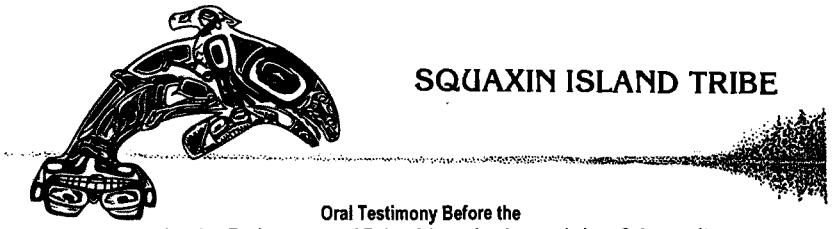
We also want to make sure that we get those shell fish settlement dollars in there. That is very important. Squaxin Island Tribe is the, one of the largest shell fish areas or tribes in the Washington State.

So my time is up, and I want to thank you again, especially you, Chairman Dicks, for all the help that you have and done for the tribes and especially ours since we are in your district.

Mr. DICKS. Right.

Mr. PETERS. So thank you very much.

[Statement of Jim Peters follows:]



# SQUAXIN ISLAND TRIBE

**Oral Testimony Before the**
**House Interior, Environment and Related Agencies Appropriations Subcommittee**
**on the Fiscal Year FY 2009 Budgets for the**
**Bureau of Indian Affairs and the Indian Health Service**
**by The Honorable Jim Peters, Chairman, Squaxin Island Tribe**
**March 12, 2008**

Thank you distinguished Members of this Subcommittee for inviting me to speak before you today on behalf of the Squaxin Island Tribe about our funding requests in the FY 2009 Budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). I am honored to be here and I would especially like to thank Chairman Dicks from the Great State of Washington and Representative for my District.

**Tribal Specific Requests:**

1. **12% increase in Contract Health Service in the IHS to address inflation and shortfall in the IHS Operating Plan**
2. **$750,000 for Public Health and Safety of the Squaxin Island Community in the BIA**
3. **Fulfill Puget Sound Regional Shellfish Settlement Commitment in the BIA**

**Support Regional Requests and Recommendations**

1. **Northwest Portland Area Indian Health Board**
2. **Affiliated Tribes of Northwest Indians**
3. **Northwest Indian Fisheries Commission**

**Support Self-Governance and National Requests and Recommendations:**

**Indian Health Service**

1. **$160 million increase for 100% full funding for IHS Contract Support Cost**
2. **$486 million increase for IHS mandatory, inflation and population**
3. **$152 million increase for Contract Health Service in IHS to support total request of President and House/Senate Indian Affairs Committees of Jurisdiction**
4. **Increase $5 million to the Indian Health Service Office of Tribal Self-Governance**
5. **Restore funding for Urban Indian Health Program**

**Bureau of Indian Affairs**

1. **$25 million increase for Tribal Priority Allocations (TPA) - general increase for core programs**
2. **$50 million increase for 100% full funding of direct and indirect contract support costs**
3. **Tribal Government – Self-Governance: Restore $13.6 million in Housing Improvement Program (HIP) in BIA-Tribal Priority Allocation Account and $21.4 million in Johnson O'Malley Assistance Grants (JOM)**
4. **Address 45% unmet need for Law Enforcement officers and provide annual increases in Tribal Public Safety and Health programs for Tribal communities**
5. **Support all requests and recommendations of the National Congress of American Indians and National Indian Health Board**

SQUAXIN ISLAND TRIBE / 70 S.E. Squaxin Lane / Shelton, WA 98584 / Phone (360) 426-9781
Tribal Council (360) 426-9781 Natural Resources (360) 426- 9781 Health Clinic (360) 427- 9006

The Squaxin Island Tribe, a signatory of the 1854 Medicine Creek Treaty, is located in Kamilche, Washington in SE Mason County. The 2008 year-end Tribal member enrollment was of 930. Squaxin has an estimated service area population of 2,767, a growth rate of about 10%, and an unemployment rate of about 30%, according to the BIA Labor Force Report. According to the Mason County Economic Development Council, Squaxin is the largest employer in Mason County.

**Rescissions on Funding for Indian Programs**

The Squaxin Island Tribe requests that the Committee includes language in the appropriations bill that will direct the Bureau of Indian Affairs and the Indian Health Service not to impose rescissions on funds for Indian programs. Funds that are already inadequate to address the level of need of the Tribal beneficiaries should not be subjected to additional reductions. However, if a mandatory rescission is applied to all federal programs, we ask that Indian programs not be required to absorb a disproportionate loss of funds with a double rescission on these funds.

**TRIBAL SPECIFIC REQUESTS JUSTIFICATIONS:**

**1. 12% increase in Contract Health Service in the IHS to address inflation and shortfall in the IHS Operating Plan:** The Squaxin Island Tribe's Sally Salvage Clinic serves approximately 2,000 patients every year. Twenty-three percent of the patients are children under 18 and about 20% are over age 55. The President's budget proposes a $9.0 million increase over the 2008 enacted level which is still insufficient to address the need that exists and continues to rise in Indian Country. For contract health-dependent areas like the Northwest with no IHS hospitals in the area, we have to purchase specialists' services, laboratory and radiological services and hospital care at undiscounted rates. The proposed increase for 2009 will be less than an $11,000 increase in our Contract Health Services budget will not cover our increased costs for radiology or labs, much less the increases we expect to pay for hospital care.

The Squaxin Island Tribe, despite redirecting own-source revenues to its health program, continues to defer needed medical care for its tribal members and other Indian patients. Despite innovative practices and the addition of a one day a week Indian Medical Doctor this year, the Tribe's contract health services budget is insufficient to pay for needed care. The Tribe would much prefer to provide care through its IHS program, but the reality is that many will have to forgo needed care, apply for hospital charity care, or see their hospital bills go to collections. The main reason is the 7 year deterioration in funding for the IHS budget, particularly the underfunding of the Contract Health Services line item. It is this line item that pays for the care we do not provide in our clinic. The Tribe supports the recommendations of the Northwest Portland Area Indian Health Board in its FY 2009 IHS Budget Analysis and Recommendations. That analysis finds that a $355 million increase is needed to maintain current services. Our Tribe supports that level of funding as the minimum required in FY 2009.

2. **$750,000 for the Squaxin Island Department of Public Health and Safety** to hire six (6) additional FTE officers for 24-hour coverage in order to ensure the safety of the community and a Public Defender: **Public Safety is a high priority for the Squaxin Island Tribe. The Squaxin Island Tribal Public Safety and Justice Department is dedicated to protecting lives, maintaining peace and ensuring that the property and resources of the Squaxin Island Tribe are protected through the enforcement of the**

**laws and regulations set forth by the Squaxin Island Tribal Council. Law enforcement officers patrol the reservation,** South Puget waterways and usual and accustomed hunting areas, protecting human life and natural resources upon which Tribal members rely on for cultural and economic sustenance.

The Squaxin Island Public Safety and Justice Department has continued to operate on funding levels insufficient to meet the needs of this Department and our community. This has resulted in operating a program at minimum capacity, which has placed a negative impact on the service level provided to the Squaxin Island Community. The process of protecting the public is hampered by the lack of officers to provide the 24-hour coverage, which is very critical in life and death situations.

The Public Safety Department successfully manages Squaxin Island Tribal Court, which consists of three divisions: a tribal court, an appeals court and an employment court. The Department also manages a shellfish and geoduck harvesting monitoring program. Officers are trained in scuba diving and assist with compliance and safety issues.

A Public Defender is needed for the justice program. Currently the Tribe is under contract to provide legal representation to the community members. The court caseload and number of police calls continue to grow at an increasing rate. Current funding is inadequate to meet the needs of the growing community, protect natural resources and to fully participate in regional and homeland security programs and initiatives.

The Tribe is enhancing the shellfish habitat and production programs, which has increased the demand on the water enforcement program to address issues of illegal harvesting. With current funding and staffing levels, it will be almost impossible to adequately protect the Tribe's investment in enhancing natural resources. The Squaxin Island Tribe is seeking both long-term and immediate assistance.

In the long term, BIA funding for law enforcement and public safety programs needs to be significantly increased. According to a gap analysis performed by the BIA in 2006 based on the FBI's 2004 Uniform Crime Report (UCR), there is a 42% unmet need of law enforcement officers in Indian Country. And, the Community Oriented Policing Services (COPS) grant program that has benefited Tribal communities and law enforcement hiring and staffing needs is recommended for termination under the PART FY 2008 Performance Budget.

**3. $5 million to fulfill Puget Sound Regional Shellfish Settlement Commitment:** The BIA Indian Land and Water Claim Settlements Account must include $7 million for the Puget Sound Regional Shellfish Settlement. The Federal government is committed under terms of recently enacted legislation to fully fund the shellfish settlement. To complete the Federal obligation, $7 million is due in FY 2008 and $5 million for FY 2009 – FY 2011.

**Squaxin Island Tribe Supports Regional Requests and Recommendations**

1. Northwest Portland Area Indian Health Board
2. Affiliated Tribes of Northwest Indians
3. Northwest Indian Fisheries Commission

**Squaxin Island Tribe Supports Self-Governance and National Requests and Recommendations**

**Bureau of Indian Affairs**

1. Restore **Johnson O'Malley funds ($21.4 million)**; and **Housing Improvement Funds ($13.6 million)** to Tribal base programs
2. Provide **$25 million General Increase to BIA Tribal Priority Allocation** for inflationary and fixed costs
3. Provide **$45 million** increase for **BIA Contract Support Cost (CSC), including Direct CSC**
4. **$500,000 for BIA Data Management** funding of Office of Program Data Quality

**Indian Health Service**

5. Provide **$486 million for IHS mandatory, inflation and population growth** increase to maintain existing health care services (President's budget proposes a cut of $21.3 million)
6. **$152 million** increase for **Contract Health Services (CHS)**
7. **$160 million** increase for **IHS** to fully fund **Contract Support Cost (CSC), including Direct CSC** (*recent increases have been dedicated for new and expended P.L. 93-638 programs and will require Tribes to waive their rights to CSC as a condition to the award of any new Self-Determination or Self-Governance agreements. It is because of this waiver requirement that Tribes have refrained from assuming programs under P.L. 93-638. Further such a requirement is contrary to the intent of Congress and the principles of ISDEAA. We request that Congress intervenes and prohibits the IHS new waiver policy and address the funding of CSC for new initiatives)*
8. Increase **$5 million** to the Indian Health Service (IHS) **Office of Tribal Self-Governance** (*Restore $4.7 million decrease in FY 2002 and $.3 million in shortfalls, pay costs increases and inflation. Self-Governance serves as a model initiative for federal outsourcing which supports the strengthening of Tribal infrastructure and provides quality health services to Tribal members.)*
9. Restore **$21 million for health care facilities construction** (Due *to the completion of project construction stages for health care facilities, the Administration proposes to reduce the 2008 level of $37 million by $21 million in FY 2009. These funds are critical to address the health facilities construction priority system that has been under a moratorium since 1992. Until the existing listing is updated and completed, the new facility construction requests comprise a plethora of health facilities construction needs in Indian Country.*)
10. Maintain annual funding for **Special Diabetes Program for Indians (SDPI) at $150 million** until new authority is enacted (*Current extended authority for Special Diabetes Program for Indians will expire in 2009*)

On behalf of the Squaxin Island Tribal Council and Tribal members, thank you for this opportunity.

Mr. DICKS. Well, and the Shellfish Settlement was a big deal.

Mr. PETERS. Yeah.

Mr. DICKS. So——

Mr. TIAHRT. Mr. Chairman.

Mr. DICKS. Mr. Tiahrt.

Mr. TIAHRT. Chairman Peters here brought up about preventative measures for a lot of the troubles that the Indian youth are facing, and when we have the Indian Health Service come in, I think we heard last year that there was some programs that were working well. And maybe we ought to talk to them about taking those success stories and having Indian Health distribute it in all the tribes they serve, because I think it is a very important issue that you bring up, and these are problems that we see tribe after tribe facing. And a lot of our American youth are facing the same challenge. And if we can find a way to prevent that, we will save ourselves a lot of dollars and a lot of heartaches for our families.

Mr. DICKS. Well, another one you mentioned here—go ahead. Go ahead.

Mr. PETERS. Oh, part of that was, yeah. There are some great programs out there. It is just the amount of money that we have. We actually, we have a summer youth program that we invite not just the tribal members to come in, and it is free of charge, and they come through and do a lot of that type of stuff, and we are able to expose those type of programs to even not just our tribal members but the surrounding community kids that are coming into our area.

Mr. DICKS. Another one you mention here is special diabetes program for Indians. Maintain the funding at 150 million. That expires in 2009, so we are all going to have to talk to Mr. Rahall, I believe, Chairman of the Natural Resources Committee, to make sure this thing gets reauthorized. That is, I would think, a very important program.

I am glad you mentioned it.

Mr. PETERS. Thank you very much.

Mr. DICKS. Thank you.

I want to go to Fawn Sharp now from the Quinaults.

It might be Ways and Means? Or whoever it is. Rahall or——

Fawn, good to see you, and we are glad to have you here, and we will put your entire statement in the record. And you have 5 minutes to summarize.

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WEDNESDAY, MARCH 12, 2008.

## QUINAULT INDIAN NATION

### WITNESS

**FAWN SHARP**

Ms. SHARP. Great. Thank you. Good morning, Mr. Chairman and members of the Subcommittee. This is my third year to appear before this assembly, and I truly appreciate the invitation to provide oral testimony on behalf of the Quinault Nation. Thank you.

To provide a meaningful context to our request, I would like to just briefly draw your attention to the many issues that we have

heard this morning and emphasize those regional and national initiatives that are set forth on page 1. To provide further context to our Quinault-specific issues, I would like to briefly share some facts with you.

The Quinault Reservation is located on the Olympic Peninsula with 23 miles of unspoiled Pacific coastline. Our land base exceeds 208,000 acres. Presently our enrollment stands at 2,782 members. We are the second largest employer in Grays Harbor County with over 700 employees. I will now turn to our specific requests.

First, we request $2.2 million to provide emergency repair and maintenance to what we call the McBride Road. The road is an escapement route available to 1,000 residents living in the village of Taholah, and it is the only escapement route.

Taholah is a coastal community that is located barely above sea level and is directly in the tsunami danger zone near the Cascadia Fault line. What is particularly important to understand is that portions of this road are susceptible to mudslides. This past year we experienced two such slides. The most recent occurrence occurred during the December 1 storm that devastated entire communities in western Washington. The mudslide blocked access for 3 days. Medical needs became an issue, while those in need of kidney dialysis were particularly affected.

Our second request is an issue that is very near and dear to my heart. The Quinault River Blueback Restoration Initiative. Our request is for $762,000. This unique and valuable stock of sockeye salmon is near collapse. Historically and up until 1950, our prize blueback filled the Quinault River at a level that exceeded a million sockeye annually. This past year we counted just over 4,000 blueback.

The degradation of our blueback can be traced to the turn of the century when our community witnessed widespread and senseless logging in the upper Quinault Flood Plain, where large conifer trees once provided stability to the natural flow of the system, the decimated basin now flows wildly with a great deal of unpredictability, leaving a wake of destruction to natural habitat and now private residences.

Further exacerbating——

Mr. DICKS. Who logged that? Who did the logging?

Ms. SHARP. Landowners, private landowners.

Mr. DICKS. Private landowners. Okay.

Ms. SHARP. Further exacerbating——

Mr. DICKS. So what you are saying is the D&R let us down because they have a permitting process, they should not have let them log that close to the river?

Ms. SHARP. Absolutely.

Mr. DICKS. Yes. I floated that river many times, and it is one of the most beautiful in our State.

Ms. SHARP. Further exacerbating the problem is the emergency riprapping of riverbanks, which has been factually and scientifically proven to accelerate the river flow to such a degree that nearly 3 miles of blueback spawning habitat is now destroyed.

We have also raised objections over the practice of constructing cable bog jams parallel to the riverbanks. Just as we predicted 2

years ago, that practice has led to entire banks giving way and private residences nearly falling into the river.

Although it seems bleak, we have an abiding faith that all is not lost, and there is still hope. Our initiative sets for a seven-generation, 100-year plan to restore the blueback population to its historic levels. It is also designed to hold the current habitat loss and to repair the natural ecosystems in the Quinault Valley. We have forged public and private coalitions and partnerships, and we are excited to begin restoration activities.

Our third and final request is for $529,000 for our Meth-Amphetamine Prescription Drug Initiative. Some further facts are worth noting. Eighty percent of students miss alcohol, or excuse me. Miss school because of alcohol or drug abuse within the home. Two of every five children experiment with drugs or alcohol by the age of ten. The youngest, self-admitted user of meth on our reservation was 14. Over the last 2 years we have developed a comprehensive meth prescription drug strategy that sets forth a 5-year plan and includes 227 activities largely weighted on prevention and educational efforts.

I am proud to say that this is a community-driven initiative, wherein we have directly engaged our membership in not only identifying the issues, but more importantly in developing meaningful plans and crafting long-term solutions.

In closing, I thank you for the opportunity to present our national priorities and requests. We truly appreciate the difficult position you are in when evaluating competing interests. We also recognize that you work very hard to meet the needs of every community, and we trust that during your deliberations you will do right by Indian Country and give the right level of deference to our needs.

Thank you for this opportunity.

[Statement of Fawn Sharp follows:]

**Quinault Indian Nation**
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**Oral Testimony Presented by**
**The Honorable Fawn Sharp, President, Quinault Indian Nation**
**Before the**
**House Interior, Environment and Related Agencies Appropriations Subcommittee**
**On the FY 2009 Budget for the Bureau of Indian Affairs**
**March 12, 2008**

Good Morning to the esteemed members of this Subcommittee, especially to Chairman Dicks, the Representative for the Quinault Indian Nation in Grays Harbor County in the State of Washington. This is my third year to appear before this Assembly and I appreciate your invitation to provide oral testimony on behalf of the Quinault Tribal members on the FY 2009 Budgets for the Bureau of Indian Affairs and Indian Health Service.

**SUMMARY OF QUINAULT INDIAN NATION TRIBAL SPECIFIC REQUESTS:**

- **$2.21 Million McBride Road Maintenance and Emergency Reservation Exit Route BIA/Roads Maintenance Program**
- **$762,000 for Blueback Restoration - BIA/Natural Resource Management/Rights Protection**
- **$529,500 Methamphetamine Initiative/Prescription Drugs – BIA/Office of Indian Services and IHS/Office of Behavioral Health**

**REGIONAL AND NATIONAL REQUESTS AND RECOMMENDATIONS:**

**BIA Requests:**

1. **Restore Johnson O'Malley funds ($21.4 million); and Housing Improvement Funds ($13.6 million) to Tribal base programs**
2. **Provide $25 million General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs**
3. **Provide $45 million increase for BIA Contract Support Cost (CSC), including Direct CSC**
4. **$500,000 for BIA Data Management funding of Office of Program Data Quality**
5. **Support increases in the Office of Self-Governance for IT and Staffing**

**IHS Requests:**

6. **Provide $486 million for IHS mandatory, inflation and population growth increase to maintain existing health care services (President's budget proposes a cut of $21.3 million)**
7. **$152 million increase for Contract Health Services (CHS)**
8. **$160 million increase for IHS for 100% Contract Support Costs (CSC), including Direct CSC**
9. **Restore $21 million for health care facilities construction**
10. **Maintain annual funding for Special Diabetes Program for Indians (SDPI) at $150 million until new authority is enacted (Current extended authority for Special Diabetes Program for Indians will expire in 2009.)**

**THE QUINAULT INDIAN NATION (QIN)**

Located on the southwestern corner of the Olympic Peninsula, the Quinault Reservation is a land of magnificent forests, swift flowing rivers, gleaming lakes and 23 miles of unspoiled Pacific coastline. Our boundaries enclose over 208,150 acres of some of the most productive conifer forest lands in the U.S. We were once sustained by the abundance of salmon runs, the land and trade with neighboring Tribes. The pride of our Nation is our people, our youth and our elders. We are the "Canoe People", the people of the cedar tree. The Quinault Indian Nation consists of the Quinault and Queets Tribes and descendants of five other coastal Tribes: Quileute, Hoh, Chehalis, Chinook and Cowlitz. There are 2,782 enrolled members of the Quinault Indian Nation and 1,929 living with the service area. Nearly 700 people, both Indian and non-Indian, are employed by the Nation and its enterprises.

**TRIBAL SPECIAL REQUESTS JUSTIFICATION:**

**$2.21 Million McBride Road Maintenance and Emergency Reservation Exit Route:** BIA/Roads Maintenance Program

The Quinault Reservation is located in Grays Harbor County in the village of Taholah, Washington; a rural isolated and economically deprived area. The village of Taholah lies in a tsunami danger zone. The site of the village is barely above sea level and experts have determined that the sea level is rising because of global warming patterns. For Taholah, tsunami is a health and safety risk factor that we must live with everyday. The Quinault Reservation is interlaced with thousands of miles of roads that are left over from large logging contracts that ended in about 1980. Most of these roads do not have the required right-of-way and do not receive funding for maintenance.

The village of Taholah is accessible via SR 109 that parallels the Pacific Ocean. The McBride Road, a single forest road, is the only escapement route available to the 1,000 community members of the Quinault Indian Nation living in the village of Taholah. Its state of disrepair necessitates that immediate action be taken to bring the road up to a Class B gravel road status to be used in cases of emergency. The cost for this project is $876,500 to repair 10.75 miles and could be accomplished within a 3-month time frame during dry weather conditions. The Project will create four new jobs in right-of-way acquisition and road engineering. And will impact about 400 jobs of timber workers, fishermen, and fishing guides that rely on these roads for their livelihood.

Major portions of this route are at sea level. What is particularly important to understand is that the portions of this road above sea level are susceptible to mudslides. Two such mudslides have occurred in the past two years; the most recent occurrence was early December 2007. The road blocked access for 3 days. Medical needs for village people became an issue, while those in need of kidney dialysis were particularly affected. Some tribal members were able to evacuate the village by using another, longer alternate route. Still, this application is unsafe for use by the general public because the forest roads are not patrolled, well maintained, have limited signage and cell reception.

The President's proposed budget for FY 2009 has a huge reduction in the BIA Roads Maintenance Program indicating that Roads Maintenance is within the Indian Reservation Roads (IRR) provisions of the SAFETEA-LU. The funding for roads maintenance of the BIA Roads System is severely inadequate and only 25% of the needed IRR Road Construction funds can be used.

**$762,000 for Blueback Restoration - BIA/Natural Resource Management/Rights Protection**
The Quinault River Blueback (Sockeye Salmon) Restoration Initiative is planned and designed to restore the production of sockeye (blueback) salmon in the Quinault River to historic levels. This unique and valuable stock of salmon is near collapse due mostly to degraded habitats in the upper Quinault River basin and in Lake Quinault. This habitat loss has occurred over the past century due to historic timber harvesting, property development, and infrastructure construction. Natural processes on the floodplain began unraveling in the late 1800s and the deterioration is continuing in the present time.

An important and necessary component to the Blueback Restoration Initiative is the construction and development of a wastewater and water treatment facility at Amanda Park, a community where Lake Quinault meets the headwaters of the Quinault River. The system will serve tribal and surrounding community residents and eliminate raw sewage disposed into Quinault Lake/River.

Currently, the conditions of exposed raw sewage in Amanda Park pose substantial and significant health and safety risks to our natural resources, the residents and our children. Last year, we closed a portion of Lake Quinault and the Quinault River to all swimming and water activities due to dangerous levels of e coli. Residents have had to clear their sidewalks and driveways of exposed raw sewage.

In the final analysis, the Blueback Restoration Initiative is designed to halt the current habitat loss and deterioration and to repair and restore natural habitat forming processes and sockeye production on the Quinault floodplain. The project will help to restore the natural beauty and productivity of the Quinault River Valley, thus making it a more attractive tourism destination. Conditions that will result from implementation of this program will benefit other salmon stocks in the system and will serve to protect private property and public infrastructure. In addition, the program will provide local construction jobs during its implementation phase, and the restoration program will result in conditions that will improve and sustain commercial and sport fishing on the Quinault River.

The project will also benefit local residents and businesses by reducing the likelihood of flooding. Implementation of the restoration program will help to avoid the burdensome and restrictive consequences of having the Quinault sockeye listed as threatened or endangered under provisions of the Endangered Species Act. It will protect and restore livelihoods of 100 commercial fishermen and 25 sport fishing guides in Grays Harbor County and the Quinault Indian Reservation. The program will also contribute partial support for approximately 20 jobs in the fish processing industry in western Washington. The program will provide employment for 10-30 laborers and equipment operators in Grays Harbor and Jefferson counties during construction phases of individual projects.

The program plan calls for formation of public and private coalitions and partnerships to implement restoration actions. These relationships are being formed with the U.S. Forest Service other federal and state agencies, North American Salmon Stronghold Partnership, and private property owners.

This funding request is for implementation of current habitat restoration program plans and will include project design, engineering and construction, nutrient application to selected habitat areas, acquisition of data and materials for further planning and construction.

**$529,500 Methamphetamine Initiative/Prescription Drugs – BIA/Office of Indian Services and IHS/Office of Behavioral Health**

QIN Facts:

- In 2004, tribal youth accounted for more than 40% of the drug and alcohol related arrests
- 80% of students miss school because of alcohol or drug abuse problems in the home
- An Estimated 2 of every 5 children experiment with drugs or alcohol by the age of 10 years old
- The youngest self admitted user of Meth on our Reservation was 14 years old

The QIN is designing a methamphetamine initiative to be responsive to the needs of the community it serves. This project will integrate and strengthen existing services that help to prevent and treat addiction, as well as coordinate and intensify efforts to reduce the access to and use of methamphetamine; thus reducing the harms associated with drug abuse. Approximately 227 activities are scheduled for this project and will effectively leverage the resources of existing service providers in our community. Activities will occur within six (6) domains including: Prevention, Education, Treatment, Support Services, Law Enforcement and Supply Interdiction. New programs, that are culturally competent, will be introduced in our community to help those in treatment, children affected by meth, family members and elders, who are often mistreated and abused by addicted family members. Similarly, revised tribal codes are in place to support supply interdiction and drug trafficking on the reservation.

The Quinault Nation Public Safety Division is partnering with multiple departments within the Nation to further develop the methamphetamine strategic plan. To date, they are drafting a Community Action Plan (CAP) that will incorporate local media, local departments, and the justice programs to educate members about the dangerous effects of drugs and alcohol. In addition, the Quinault Nation Public Safety is planning a mass mailing to its local members with regard to Turn-In-a-Pusher (TIP).

In closing, I thank you for the opportunity to present our national priorities and requests. We truly appreciate the difficult position you're in when evaluating competing interests. We also recognize that you work very hard to meet the needs of every community and we trust that during your deliberations, you will do right by Indian Country and give the right level of deference to our needs. Thank you for this opportunity.

Mr. DICKS. Well, we appreciate your testimony, and we will do everything we can to help, and you know, again, it is the bad budget we have received that makes it very difficult to take care of all the problems.

Ms. SHARP. Yes. Thank you.

Mr. DICKS. Thank you.

Rodger Martinez, accompanied by Nancy R. Martine Alonzo, President, Board of Trustees, Assistant Secretary of Education for Indian Affairs, Ramah Navajo School Board, Inc. Welcome.

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WEDNESDAY, MARCH 12, 2008.

## RAMAH NAVAJO SCHOOL BOARD, INC.

### WITNESSES

**RODGER MARTINEZ**

**NANCY R. MARTINE ALONZO**

Mr. MARTINEZ. Good morning, Mr. Chairman and members of the Subcommittee. My name is Rodger Martinez. I am the present Board of Trustees for the Ramah Navajo School Board that governs the K through 12, Pinehill School, Bureau-funded school on the Ramah Navajo Reservation in Pinehill, New Mexico. With me is Vice-President Nancy R. Alonzo. We are extremely grateful for coming to, before you and for the funding that we have received for the last 37 years and which impacts over 400 plus members of the Ramah band of Navajo Indians.

And today we have two parts of the testimony that we would like to provide for you; the need to attempt $6 million for, in 2009, BIA budget for a new multi-educational school building, and the second is the adequate funding for Bureau schools on fiscal year 2009 budget.

The amount of school building that we are requesting is K through 12 Pinehill School, Ramah Navajo Reservation only, Pinehill, New Mexico, to request $10.6 million, and it is, we have operated the Ramah Navajo School for over 35 years, and the buildings are pretty much old at this point. We are in the permiss of submitting a replacement, but it is a replacement, and our list is only going to be another list to the Bureau Program, which is already broken.

And the BIA-funded school, we have over 470 full-time students, 200 of them go to the public school, and we have over 700 community children that we serve here. And the buildings are getting old. They are more than 35 years, and they are constantly in needs of repair. And the multi programs that we have now has out, the space is not adequate enough to meet those, the special education federal programs battling of education, gift talents, and other programs as computer technology has set in within the last several years.

And the enrollment criteria for this has increased also the last few years, and we need to expand a little bit more on that. And then the crime and vandalism with the school system has added to this problem. Part of this request will be for that.

And at the end I would just like to go ahead and give this time to Nancy Alonzo to elaborate.

[Statement of Rodger Martinez follows:]

**Written Testimony From Rodger Martinez**

**President, Board of Trustees**
**Ramah Navajo School Board, Inc.**
**P.O. Box 10, Pine Hill, New Mexico 87357, 505-775-3256**

**Submitted to the U.S. Congress**
**House Appropriations Subcommittee**
**On Interior, Environment And Related Agencies**

**Regarding:**
**Bureau of Indian Affairs FY 2009 Budget**

*Mr. Chairman and Members of the Subcommittee:* My name is Rodger Martinez and I am the President of the Board of Trustees of the Ramah Navajo School Board, Inc., which governs the K-12 Pine Hill School, a Bureau of Indian Affairs funded school on the Ramah Navajo Reservation in Pine Hill, New Mexico. With me is our Vice President, Nancy Martine-Alonzo. We are extremely grateful for the continuing support and federal funding we have received for the past 37 years, which has impacted the 4,000-plus members of the Ramah Band of Navajo Indians. Our testimony today is on: (A) the need to appropriate $10.6 million in the FY 2009 BIA budget for a new multi-educational school building, and, (B) on the need to adequately fund Bureau schools and for other Indian program appropriations in the FY 2009 budget.

♦ ♦ ♦

**A. Multi-Educational School Building for the K-12 Pine Hill School on the Ramah Navajo Reservation in Pine Hill, New Mexico.** We request that Congress to appropriate $10.6 million for the construction of a multi-educational building for the Pine Hill School in the FY 2009 budget. Since its founding in 1970, the Ramah Navajo School Board, Inc. (RNSB) has grown to where it now operates over 35 programs under its divisions of education, health, community services and administrative services. The Pine Hill School is a BIA-funded grant school, with approximately 350 full-time students, plus 120 more children in our preschool programs of Head Start, FACE, Early Intervention, and the Child Care Center. Some of the current problems we now have with our school campus buildings are:

- *The Buildings Are Getting Old.* The five major buildings are all 35 years old or older.
- *They Are in Constant Need of Repair & Renovation.* These buildings are continuously in need of repair and renovation. For example, our gym, built in 1975 and underfunded then, has an antiquated lighting system, insulation is failing, lacks a sprinkler system, and the heating system is obsolete. So while we use the gym for many school and community events, it is literally falling to pieces around us. Unfortunately, the Department of the Interior fails to respond to all the repair needs for the school buildings that we submit annually and which now total over $4 million dollars.
- *New Mandated Programs Have No Room at the School.* The number of new programs and activities, most mandated, has grown greatly since 1975 without a commensurate growth in space, such as Special Education, federal title programs, bilingual education, Gifted & Talented, and the advent of computer technology has required space for computer server centers, a media lab, a computer instruction room, and computers in classrooms and lacks current computer technology.

- *Enrollment & Curriculum Requirements have Increased since 1975*. Enrollment increases for the last 30 years has also called for more classroom space that we do not have.
- *Increases In School Crime & Vandalism*. Increased criminal activity in the community in the past five years has focused on the school campus. Break-ins of school buildings has caused damage to the buildings, property and school equipment requiring more funding for school security.

For all above reasons and others, a multi-education building is needed to address the needs of the school, the needs of RNSB programs in its other three divisions, and - equally important - the needs of the Ramah Navajo community. The multi-education building will meet the critical immediate needs of Pine Hill School's K-12 programs for the next 50-to-75 years, for it will provide:

- A new gym.
- Offices for school administrators.
- Additional needed classrooms.
- A new computer lab for the school and adult community classes.
- A school security headquarters office.
- A recreational center for the nearby dorm students.
- The space needed to expand educational and recreational activities for our preschool programs of Head Start, FACE, Early Intervention and Child Care since they are now excluded from the current gym that is reserved for K-12 programs.
- The facilities needed to serve the needs of RNSB's other division programs in health, community services and administrative services.
- The facilities for community activities since we are also the social center of our community.
- The space and facilities we have always needed to enable us to better meet the needs of *all Ramah Navajo children in the community on a year-round basis* – the 350 Pine Hill School students, plus the 122 preschool students, and the 200-plus Ramah Navajo students who attend the public schools, for an approximate total of 700 Ramah Navajo community children. While those students in the public schools may be in the Ramah village during school days, they still look to RNSB facilities for sports, recreation and other activities, during the school year and the summer months.
- The facilities to enable us to offer online college education courses for Pine Hill students and adult community members enrolled in adult education, GED studies, online course work, and college degree programs.

The multi-educational building will be designed as a truly versatile building to help meet our various needs for the next 50-75 years. Because construction costs will be higher than normal due to our remote location, green building-related costs, and a realistic start date of 2010, we are estimating a cost of $345 per square foot for the 30,685-square-foot building for a total estimated cost of $10,586,325.

We know that this is a substantial amount to request at this time when there are many pressures on the Federal budget. However, earmarks for special congressional projects are still going to be made and approved by Congress. Our hope is that members of Congress will believe that the education of our country's children should be a national priority, including American Indian students in Indian Country on whose education tribes and Indian communities have to rely upon to improve their lives and their communities.

**B. PRESIDENT'S PROPOSED FY 2009 BUDGET FOR INDIAN PROGRAMS**

We will address those items in the President's proposed FY 2009 budget that will have a direct and immediate impact on our school and community.

**1. ISEP Formula Funds for FY 2009 (President's Request: $364,556,000).** This requested amount will only cover the mandated salary increases and nothing for program changes or school improvement. We request an increase in the Weighted Student Unit (WSU) value to $4,500 per student to keep pace with instructional and residential costs in the Bureau of Indian Education (BIE) system. The Indian Student Equalization Program (ISEP) is the only source of funds for the instructional and residential programs at our school, as well as other Indian schools throughout the nation. Due to the "No Child Left Behind" Act (NCLB), our school's anticipated Adequate Yearly Progress (AYP) status is Corrective Action Year Two. Because our school is a K-12 school, our greatest challenge is to make AYP for all grades from K-to-12, which is harder to achieve than schools that have only elementary grades or grades k-to-8. With this increased WSU, we can hire additional staff to overcome the achievement gaps.

**2. Administrative Cost Grants (ACG) FY 2009 (President's Request: $43,373,000).** The budget fails to follow statutory mandates to provide adequate administrative cost funding for BIA schools, which continue to rise, but no provisions are made to increase Administrative Cost grants to cover the need. We request funding ACG at 100% level of $63,000,000.

**3. Student Transportation for FY 2009 (President's Request: $46,912,000).** Over 90% of our students travel by school buses on 450 miles of mainly unimproved roads of gravel or dirt, which cause great wear and tear on our bus fleet, and is compounded during inclement weather. When FY 2008 funding resulted in only $2.61 per mile, this was only enough to cover 70% of our transportation needs, so we are forced to reprogram ISEP funds to offset this shortage for our transportation needs since *students must first get to school and back home before any education can happen.* Since the cost of fuel and maintenance continue to rise, we request an increase in student transportation to reflect the $3.10 per mile, for funding of $55,256,000, to get us closer to the national average of $3.58 per mile.

**4. Facilities Operations for FY 2009 (President's Request: $56,972,000).** This is a seriously underfunded program in school operations. Along with student transportation, inadequate funding in this program has to be made up from other programs to offset costs. We request full funding under the need-based formula of about $75,000,000. Failure to provide adequate funding will result in school facilities deteriorating more rapidly than they should.

**5. JOM for FY 2009 (President's Request: $0).** The need for the JOM to provide special assistance to Indian students to help them transition from reservation settings to the general population is as true today as it was in 1934. JOM is the only federal program that funds essential cultural programs that enhance student academic achievement. Unfortunately, JOM funding has not increased for years since it continues to use the 1994 student count while enrollments have increased. Our request is to restore funding for this viable program that is of great importance to our school by providing essential funding for Navajo cultural programs throughout our K-12 grade levels.

**6. Early Childhood Development for FY 2009 (President's Request: $46,912,000).** The President's request is to decrease by $2,970,000 the amount available for the Family and Child Education program (FACE), an intergenerational education program for parents and their children. BIE's early childhood mission would be shorted with this decrease. There are 37 FACE programs nationwide, with 17 of those on Navajo Reservation, including ours. Because of its success, Congress restored funding for FACE in FY 2007 and FY 2008, but no new centers have been built since. We support an average funding of at least $250,000 per center.

**7. Education Program Enhancements (President's Relquest: $5,217,000).** This

amount is reduced by $6,891,000. This is the only funding that BIE targets to enhance the capacity of schools to meet the requirements the NCLB Act. Since this funding was first appropriated for the 2007-08 School Year, it is difficult to assess its impact, but it may provide the funding needed to address AYP status. We fully support this amount, though modest, since it may help in bringing in outside educational help. We request full funding at the FY 2008 level of $12,108,000.

**8. New School Replacement for FY 2009 (President's Request: $115,400,000).** Although the Pine Hill School is not on the BIA's new construction list or school replacement list, we know the lengthy process is tantamount to loss of all hope. However, we will go through the BIA process, but, as indicated above, we are also requesting a special congressional earmark in the FY 2009 budget for a new multipurpose building.

**9. Housing Improvement Program (HIP).** The President's proposed FY 2009 budget totally eliminates HIP for Indians, stating there is a duplication of services between HIP and HUD. However, the CFR regulations for each are completely different and address different need groups. HIP is in place to provide housing to *"the neediest of the needy."* Eligibility priority for HIP is for elderly with the lowest incomes, elders who qualify because they lack the financial resources to sustain monthly payments on a home that would be required by HUD. If HIP is totally eliminated, the federal government is basically saying that they do not care about American Indian elders and their housing needs. We are requesting that Congress restore and increase over the FY 2008 amount of $13 million to $22 million for the FY 2009 budget.

**10. College Scholarships.** Any reduction for college scholarships for American Indian students is an invitation for increasing unemployment among our Indian youth. During the past several budget cycles, scholarship funding has steadily been reduced while the number of applicants increased. There is no logical reason to put programs such as "No Child Left Behind" in place when the opportunities for attaining college is being reduced at the same time. If our country is to sustain benefits from our youth, it needs to provide scholarship funding that parallels the ever increasing need for college educated Indians in education, business, health, natural resources, and all other professions needed by tribes throughout the country.

**11. Specific Impact of Welfare Assistance Reduction.** Basic needs of children, the elderly and adult heads of households will not be served if the welfare assistance budget is reduced. Included within welfare assistance are adult care assistance, burial assistance, child assistance (foster care), protective services, emergency assistance, and general assistance. A majority of our recipients currently receiving financial assistance are not eligible for financial assistance available from the State of New Mexico, tribal, county, or other federal agencies. Lack of funding to tribal community members will impact personal well-being and a split-up of families in reaction to economic and social instability. Working toward self-sufficiency is already a struggle for tribal members due to our location, lack of public transportation, and the nearest towns are more than 60 miles away.

**12. Indian Health Service.** The Administration's proposed cuts for the FY 2009 IHS budget must be restored. For instance, the cuts will require our health professional salaries, already below area rates, to be absorbed by using other health funds. Also, the Administration once again attempts to cut entirely the funding for urban Indian health support. While this does not impact us directly, it would mean great difficulty for our Ramah Navajo people who live in urban areas to find medical care. As medical costs rise, ability to stretch the IHS contract dollars decreases, directly affecting our people who need care outside the local IHS system.

Mr. DICKS. Fine. Thank you.

Ms. ALONZO. Good morning, Chair and members of the Committee. I want to address the second part of our request, which has to do with the President's proposed 2009, budget for Indian programs, and the first on that list is the ICEP Formula Funds, which is the only source of funds for the instructional and residential programs at our school, and we have both categories.

And the greatest challenge that we face in making AYP is having to share that instructional budget to offset costs for transportation and facilities. And so we urge that you will consider increasing the Formula Funds in that category.

The second is the Administrative Cost Grants. As we have operated for our programs, we have a whole host of number of programs that we require administrative cost support, and the budget that is being proposed is about $20 million short of that. And we would request that that be funded at 100-percent level.

And the third item is the student transportation. Over 90 percent of our students travel over 450 miles every day over gravel and dirt, unimproved roads, and with the cost of fuel and maintenance, this really puts a strain on our instructional budget because we have to offset those costs.

And then the next item that I want to speak to is the specific impact of the Welfare Assistance and Reduction Funds. This covers basic needs of children, the elderly, the adult heads of household, and they will not be all served if we have a reduction in this category.

We also use these funds for adult care, burial assistance, child assistance, foster care, protective services, emergency assistance, and just general assistance. This year our community has experienced a high rate of mortality. We have over 15 deaths, which is the highest for a small community such as ours, and when we have these disruptions in our family units, we have to rely on these sources of funds to help our families to move on with their lives.

And last but not least we want to also make comments about the Indian Health Service Reauthorization. We thank the Congress for passing Senate Bill 1200, but we also want to go on record to request that the Administration's proposed cuts for the IHS budget be fully restored. Pinehill Schools and the Ramah community operates a clinic there, and this greatly impacts our 4,000 population. We also provide services to an additional 2,000 non-Indian population that resides within our reservation because we are in a remote area. So this is very critical to our area, to our region.

And this concludes our testimony, and we stand for questions, and thank you very much for all of your support.

Mr. DICKS. Yes. We will do our very best. Of course, you know Tom Udall is a member of this Subcommittee and a very valued member of our Committee. So make sure he knows about your issues, too.

Ms. ALONZO. Yes. We have.

Mr. DICKS. Good.

Ms. ALONZO. Thank you.

Mr. DICKS. Thank you. Thank you very much.

Ms. ALONZO. Thank you.

Mr. DICKS. Lloyd Tortalita, Education Director, Pueblo of Acoma.

Mr. TORTALITA. Acoma.

Mr. DICKS. Acoma. Thank you. Indian House Service Funding. Welcome.

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WEDNESDAY, MARCH 12, 2008.

## PUEBLO OF ACOMA

### WITNESS

**LLOYD TORTALITA**

Mr. TORTALITA. My name is Lloyd Tortalita, regions for Pueblo of Acoma, and you have my testimony. I am here on behalf of Governor Chandler Sanchez, who is our governor, but I am one of the tribal elders, and but best of all I am a grandfather.

Mr. DICKS. Wonderful.

Mr. TORTALITA. And I think that is a title that we need to abide by and with, and I am here to testify and give presentation on behalf of my young people of Acoma, which are my grandchildren on all aspects of what our needs are.

And I have been before this Committee four times as governor, as lieutenant governor, and first time I came before this Committee was when Congressman Yates was——

Mr. DICKS. Yes. Chairman.

Mr. TORTALITA [continuing]. Sitting there.

Mr. DICKS. Yes.

Mr. TORTALITA. And one of the things he told me was, Governor, give me your testimony, I will read it, tell me what you need, and that is what I am here for, to talk to you——

Mr. DICKS. Okay. Good.

Mr. TORTALITA [continuing]. And let you know.

Mr. DICKS. Right.

Mr. TORTALITA. You know, we have a lot of problems with the BIA with the President's budget right now, and a lot of cuts are happening. And it is so amazing, it is mind-boggling, you know, roads, Indian house service, house services, Medicare, social service, Johnson-O'Malley, and those are all old programs that grandma and grandpa talked about when I was growing up, about the responsibility of the Federal Government to the Indian tribes.

But they keep cutting. And BIA is supposed to be providing the technical assistance, technical training for people in the Indian country, but it is not happening. Johnson-O'Malley is for one. You know, I mean, for the last 4 or 5 years President has gotten wrong information and Johnson-O'Malley goes back to 1934. And there was another law that was passed, public law 9561, Johnson-O'Malley, parent vested, where the parents are the ones that conduct Johnson-O'Malley programs. Ninety-five, five, six, one, which gives the local authority to the educational agencies. Are those happening? No.

Same way with Indian roads. I mean, BIA constantly wants to be the ones doing the roads. I can give you an example, Opollo Vacama, a 5-mile stretch, a 5-mile stretch, which was done 3 years ago because regulation tells us you have to go to the lowest bidder. We did not get the Cadillac on the roads. I mean, some of our back

roads, back countries, we can at least take our grader and grade those, but the paved roads, looks like it has been there for hundreds of years. That is no good.

Mr. DICKS. And it is only 3 years old?

Mr. TORTALITA. It is only 3 years old. It is falling apart. And you know what happened? Pueblo of Acoma sued the contractor in order to get the—and BIA had to come in and pay for it. So that is money that is lost again.

Mr. DICKS. Right.

Mr. TORTALITA. And then the same way with Johnson——

Mr. DICKS. Instead of doing it right in the first place.

Mr. TORTALITA. Right. Johnson-O'Malley.

Mr. DICKS. Yes. We restored that last year.

Mr. TORTALITA. I know. One of the things——

Mr. DICKS. In the Housing Improvement Program.

Mr. TORTALITA [continuing]. That Congress is asking us, where are the reports, what are you doing with Johnson-O'Malley? You know, in 1995, they said, we do not want to take Johnson-O'Malley, and a person who was in that office said, I do not want to deal with JOM. JOM is the lowest priority. Well, you know, there is a lot of discrimination going on within the Bureau. I mean, they are working with BIA to operate schools. That is only 3 percent of, in New Mexico, versus 90 percent, and they keep telling us, it is not a priority. We are only going to address BIA-operated schools. What about the mission statement of the Bureau? The Bureau of Indian Education. What are they doing?

You know, I mean, they are discriminating against us, and you know, segregating us. Well, this is our Bureau-operated school. We are going to tend to them. You guys are public schools. You are on your own. That is segregation. I thought that was——

Mr. DICKS. Is that under self-determination?

Mr. TORTALITA. Yes, it is.

Mr. DICKS. Is that because it is self-determination?

Mr. TORTALITA. Yes, it is, but there is still——

Mr. DICKS. You took on the responsibility and then they do not help you any further?

Mr. TORTALITA. They do not help us. And one of the things I asked because it took a lawsuit to stop the reorganization of the Bureau of Indian Affairs to go into the Bureau of Indian Education. It took a lawsuit, all in the Public Council and the Chairman of the Public Council Education Committee, and we had to sue the Bureau to stop the reorganization because our reports are not coming from down here at the lowest level.

And all I asked BIA and BIE to do is take them up that letter so they can come before you, before Congress, who has the dollars, and read my statements.

Mr. DICKS. Thank you.

Mr. TORTALITA. That is all I ask for.

Mr. DICKS. We will do our best. We will do our best but——

Mr. TORTALITA. One other thing before——

Mr. DICKS. Yes.

Mr. TORTALITA. Health.

Mr. DICKS. Yes. Indian Health Service.

Mr. TORTALITA. It is in there. ACL. I mean, it does not make any sense closing hospitals. Little hospitals, little budgets. I mean, we are spending $20 billion a day on the war, and we——

Mr. DICKS. Not a day but——

Mr. TORTALITA. Talk about—oh, well, I mean, that is——

Mr. DICKS [continuing]. That would be in a month. That is still a lot of money.

Mr. TORTALITA. That is what I read in the newspapers.

Mr. DICKS. Yes.

Mr. TORTALITA. You know, I mean, we are talking about Social Security. You and me Social Security and my grandchild's education. We are talking about that, and Congressmen, help us. Help us.

Mr. DICKS. We will do our best.

Mr. TORTALITA. I will be addressing the next Senator from New Mexico——

Mr. DICKS. Yes.

Mr. TORTALITA [continuing]. What he is doing here, so——

Mr. DICKS. Yes. We——

Mr. TORTALITA. And you are going to be sad to lose him, but he is going to be——

Mr. DICKS. It will be a loss to our Subcommittee.

Mr. TORTALITA. So I bring you that. Read my testimony. I ask——

Mr. DICKS. We will do it.

Mr. TORTALITA. Because that is what Congressman Yates used to do. Thank you very much.

[Statement of Governor Chandler Sanchez follows:]

**Testimony of Chandler Sanchez, Governor**
**Pueblo of Acoma**
**On the FY 2009 Interior and Indian Health Service Budget**
**Before the**
**House Interior Appropriations Subcommittee**
**March 12, 2008**

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Thank you for this opportunity to testify before the Subcommittee. I would like to propose five ways that this Subcommittee can, through its power of the purse, make transformative changes to Indian Country.

**First, reject President Bush's ill-conceived Indian programs budget for FY 2009 and, instead, approve a budget that meets or exceeds the inflation rate for all Indian programs.** The president has proposed flat-funding, cuts or even total elimination for most Indian programs. With inflation currently running at about 3% and the medical rate of inflation running at as much as 8%, the president's proposal, largely reflecting his practice for the last six years, would have a devastating effect on the purchase power of Indian programs. For example, the president has proposed to cut funding to the Indian Health Service by $20 million; however, when you calculate the purchase power cut after applying an 8% medical inflation rate, the cut is $121 million. Similarly, the president has proposed a $60 million cut to the BIA Operation of Indian Programs budget; however, when you calculate the purchase power cut after applying a 3% inflation rate, the cut is $119 million. These are unsustainable cuts in basic program that are already straining to address human needs in Indian country.

Ironically, even as the president has proposed some increases for law enforcement, he also proposes cuts for tribal courts, making it virtually impossible to bring wrongdoers to justice. The whole philosophical premise of the president's Indian programs budget is deeply flawed.

Along the way, the president, for the third year is a row, has proposed the elimination of the Urban Indian Health Program. We urge you to take care of our urban brothers and sisters by restoring funding to this program. The Native population moves very freely back and forth between the city and reservation environment. The Urban Indian Health Program provides a critical and effective link in the Native health care chain. If that link is severed, Native health will suffer and on-reservation facilities, already straining to meet reservation needs, will be overloaded by outflow from the cities.

The president also proposed eliminating the Johnson O'Malley program in the BIA education budget. This program is the best example of how flexible funding can be effectively tailored to local needs. Every report from Indian country states that this program is serving a critically important purpose. It should not be cut.

If the federal budget for Indian programs does not at least match the inflation rate, than these programs are taking a major cut in their purchase power. Indeed, over the last six

years the purchase power of nearly all Indian programs has declined by about 15% even as the Native population continues to expand rapidly.

**Second, save the small hospitals and clinics in the Indian Health Service, such as the Acoma-Canoncito-Laguna (ACL) Indian Health Service Hospital.** The smaller facilities are at the frontline of care in many places, where there needs to be an increased emphasis on prevention if Indian country is ever going to reach the lofty health goals set forth in one Indian health care act after another. The ACL facility, which serves three tribes, including my own, and which provides first responder services to a large segment of I-40, has been dying a slow death of a thousand budget cuts. These cuts are, in part, due to the corrosive effects of inflation. But they are also due to mismanagement at this IHS-run facility, where they have historically failed to engage in adequate third-party billing and, instead, without the knowledge of the tribes, have borrowed heavily from other facilities with no plan for how they would pay those funds back. Of course, had they borrowed from a bank rather than from internally within the Indian Health Service, they would have been required to have such a plan. Now the facility has a heavy debt, prompting the Indian Health Service to threaten to shutter its emergency room and ambulance services. Rather than receiving funds to address its poor state of maintenance, it is receiving cuts with little prospect for upgrading to a condition that would adequately serve our tribal communities. The Indian Health Service has now indicated that they will not shut down any programs; rather, they simply fail to fill about 30 vacancies at the hospital greatly compromising the level of care that it can provide.

Special funding needs to be directed to the smaller facilities. Also, there needs to be additional funding for exploring and sustaining efforts to improve the administration of these facilities through expanded "638" contracting or other innovative relationships with private and public health care providers.

**Third, hold a field hearing, perhaps at Acoma.** This will allow Native peoples to see your work and to express to you in person how critically important it is that the Federal government upholds its trust responsibility through adequate funding of Indian programs.

Thank you for your time and attention to these issues.

Mr. DICKS. Thank you. Thank you very much. He was a great man.

Joe Herman, Chief of Police, Oglala Sioux Tribe, Department of Public Safety. Welcome.

Mr. DUKE. Good morning. I am Ron Duke. I am here on behalf of the Oglala Sioux Tribe at the request of President Steele to give testimony on law enforcement.

Mr. DICKS. Okay. Good.

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WEDNESDAY, MARCH 12, 2008.

## OGLALA SIOUX TRIBE—DEPARTMENT OF PUBLIC SAFETY

### WITNESS

**RONALD DUKE**

Mr. DUKE. I am a Travel Councilman. I am also a Vice-Chair on the Tribal Council Judiciary Committee, and Informant Chief of Police.

We are faced with losing officers within our program. We have got a reservation the size of Rhode Island, 3.2 million acres, 50 miles by 100 miles long, and a population of 50,000 people that we have to service. We currently have 51 officers on our reservation. We went from, 10 years ago from 119 officers down to 61 and currently have 51, in the process of maybe losing another 21 officers within our tribal program, law enforcement program.

That will leave us with 30 officers. We were looking at the possibility of getting some funding from the BIA increase that they got, but if we are, we have not heard whether or not that is going to happen. We are in the process of losing these 21 officers in September, and we are going to be stressed with the lack of police officers within our reservation.

We are here to ask you for some help, and looking at the numbers that we have given in our testimony, we have a 50 percent drop rate, 60 percent average drop rate, and a $7,000 a year per capita per household. You know, we live in one of the poorest, one of three of the poorest colonies in the United States.

So we cannot afford to give any money from within our programs to help with law enforcement. That is why I am here today. We are a non-public law 280 state, which means we do not have any state jurisdiction, law enforcement, coming onto our reservation. We have all our own law enforcement through our treaty obligations.

One of the issues started back in the late '90s when DOJ started funding law enforcement. BIA had us go over to DOJ and start funding law enforcement. Probably half of our law enforcement comes from the DOJ grants, and we have come to that limit where we are no longer eligible for these grants. We, our funding, that funds our law enforcement vehicles. Our vehicles are funded probably 100 percent through these DOJ grants, and our vehicles are anywhere from 50 to 100,000 miles on them, and in the process we are going to need to build our law enforcement police vehicles.

Again, I mentioned a 2008 increase in funding for BIA law enforcement. We are hoping to get some funding from that program

to at least help maintain our 20, them 21 officers we are going to be losing.

Mr. DICKS. You know, and that is a big cut all the way from, what was it, 119?

Mr. DUKE. Nineteen.

Mr. DICKS. In the '90s.

Mr. DUKE. Yeah. It is a big decrease in law enforcement, and we are servicing 50,000 people. That is spread out through that whole 3.2 million acres of land. It is not like a city where everybody is clumped in one spot.

Mr. DICKS. Yes.

Mr. DUKE. You know, we are spread out throughout the reservation. And, again, I would like to thank you, Chairman Dicks, for coming to South Dakota, and I invite you to come to the Pine Ridge Reservation to see——

Mr. DICKS. See the problems.

Mr. DUKE [continuing]. The problems we are faced with down there.

Mr. DICKS. Well, we tried to do an initiative on meth last year. I know meth is, is not meth a problem for you as well?

Mr. DUKE. Yes. It is becoming a big issue.

Mr. DICKS. Big issue.

Mr. DUKE. Big issue. Yes. On our reservation.

[Statement of Ronald Duke follows:]

# Oglala Lakota Nation
## Department of Public Safety

PO Box 300 • Pine Ridge, South Dakota 57770
Phone (605) 867-5141 • Fax (605) 867-5832


**TESTIMONY OF RONALD DUKE**
**OGLALA SIOUX TRIBAL COUNCIL**
**FORMER CHIEF OF POLICE**
**OGLALA SIOUX TRIBE- DEPARTMENT OF PUBLIC SAFETY**
**MARCH 14, 2008**

Good morning Mr. Chairman:

My name is Ronald Duke and I am a member of the Oglala Sioux Tribal Council and the Oglala Sioux Tribal Judiciary Committee, I am also a former Chief of Police of the Oglala Sioux Tribe Department of Public Safety. Thank you for allowing me to present this testimony and thank you for your past efforts on Indian law enforcement.

I would also like to thank you, Chairman Dicks, for taking the time to travel to South Dakota last year. Next time, we hope that you and your colleagues will be able to visit with us at Pine Ridge. Our reservation is much larger than some of the tribal communities that you visited, and we want you to see for yourself what we mean when we say that we are located in one of the three poorest counties in the United States.

At Pine Ridge our unemployment rate is over 50%, our drop out rate is over 60%, and our average per capita income is around $7,000 per year. Thus, our Tribe simply does not have the money to supplement our tribal programs- even a program as vital as law enforcement. That is why I am here today to ask for your help.

Just to refresh your memory, last year our former Chief of Police James Twiss told you that our Pine Ridge Reservation is about the size of the State of Rhode Island. He also told you that we are a treaty tribe in a non P.L. 83-280 jurisdiction; thus, we have no state police presence on our lands. Finally, he told you that we had 119 police officers in the late 1990's, but because of budget cuts, we were down to 61 officers at this time last year. Well, Mr. Chairman, we are down to 51 officers today and, as I will describe in a minute, we are again facing the loss of 21 of those officers in FY 2009.

We are one of the so called "COPS Tribes." In the late 1990's, the BIA encouraged us to start funding a sizable percentage of our officers and all of our police cars out of DOJ COPS and Circle dollars. That purely discretionary grant funding was decreased over time and then, in FY 2005, the COPS authorization statute made us ineligible to continuing to receive those dollars because of its maximum five year funding limitation. Because the BIA did nothing to plan for this, despite our repeated requests, we were left with no funding for our police cars, and no funding for about 40% of our police officers at the beginning of FY 2006.

So, in short, we went from 119 officers ten years ago to 51now. Twenty one of those remaining 51 officers have only been maintained by DOJ Congressional earmarks in FY 2006 and FY 2008, and those

earmarks are scheduled to expire at the end of September. So, if nothing is done, we will be down to 30 officers by this time next year.

As far as I know, no other tribal law enforcement program in the country is facing this serious a loss of manpower. So, when Secretary Kempthorne speaks about the Administration's commitment to improved tribal law enforcement, the Oglala people find it hard to listen.

Now, we had hoped that some of those twenty one officers would be picked up by a portion of the new law enforcement monies that you added to the BIA's FY 2008 budget but, as of this date, all indications are that we will not receive enough new dollars to pay for more than a handful of those 21 former DOJ positions, if we receive any of that new funding at all. Thus, we will be left with 30 officers at this time next year, unless you can do something to help us. This will create a law enforcement crisis on Pine Ridge. Today, we have 5 officers who are off duty because they suffered injuries on the job, and we already have no one to replace them with. If we lose most of those 21 positions and we have injured officers, we could be down to 25 patrol officers on any given day and that would present an almost impossible situation.

The potential loss of these 21 positions is just a terrifying though. Our Department receives in excess of 73,000 law enforcement 911 calls each year, and 73,000 calls and 51 officers, or 12 per shift, is already an impossible task. Now, add to this the fact that a call on my reservation takes substantially longer than a call on most reservations in the east or the northwest, simply because of the distance that our officer has to travel to get to the site and you can begin to see just how impossible my situation really is. It is not unusual for an officer at Pine Ridge to have to travel 50 miles to respond to a 911 call. We don't have enough officers to place a police car in all of our strategic locations, so right now our response time is averaging around an hour. When I was Chief of Police, I cannot tell you how many nights I have laid awake thinking about which police car I can move where, to try to reduce this response time, but you can't build a decent house with $5,000 and you cannot run an effective police department with the funding I receive. It's just impossible.

While we have a terrific group of officers, the people on my reservation are scared. We have had community meetings where people were talking about buying guns, not to hunt, but to protect their families from gangs, drugs dealers and users and other criminals. This is unacceptable.

We also have real concerns about officer safety. Our officers are driving at high rates of speed in cars which should not even be on the road. We have not had the dollars to repair our police cars in some years and many of them have in excess of 100,000 miles on their odometers. In another year, those cars will have over 150,000 miles.

Our officers work totally without backup, and our radio communication is far below minimum safety standards. We watch these police shows on television where three or four officers jointly arrest a person under the influence, and we know that while we are doing that, one of my officers is probably walking into a gathering of 8 or 10 or 12 intoxicated or stoned individuals to stop a fight. He or she is alone. Backup is at least 45 minutes away, and that officer knows that if he or she gets into trouble they are on their own.

Let me give you just one example,. Two weeks ago, one of our female officers responded alone to a 911 call and found a number of individuals high on cocaine, which had apparently been brought in from California. Some of the coked up individuals were firing off their guns inside a home. There were children in the house, and a crowd had gathered outside. Now if any D.C. police officer went into a home like that to make arrests and rescue the children inside, he would have done so with a whole swat team backing him up and he would have been given the Medal of Valor. My female officer had to go in alone because the children were in danger and all she got was thanks from the neighbors, and her $32,000 a year- which by the way comes without medical benefits. Situations like this arise all the time at Pine Ridge. Despite these hardships, the fine men and women on my force made 23,541 arrests in FY 2007 usually one officer at a time.

This kind of situation not only leads to additional injuries on our reservation, it also costs federal money. Our IHS hospital reports that in FY 2007 it spent $1.8 million on the victims of automobile accidents, another $ 1.1 million on providing medical care to assault victims, and another $411,000 on the victims of suicide attempts on Pine Ridge alone. That's $3.3 million every year. Now I cannot tell you that all of this money would be saved by having more police officers out there, but I can tell you that the numbers would go down substantially, and that more people's lives would be saved.

To address all of these problems, I am here today to ask you for an increase of $2.5 million to continue funding the 21 officers that I am scheduled to lose, and add to approximately 39 more people to my force. The BIA's own studies show that Pine Ridge needs a minimum of 165 officers for its 50,000 population, and with the additional funding that I am asking for, we will be at 90. That will still leave us 75 officers below the BIA's own minimum standard for a community with our population. I therefore hope that you will find this to be a very reasonable request.

The police cars that DOJ funded also need to be replaced as soon as possible and we desperately need more equipment for my officers. Right now, 30% of my fleet has in excess of 100,000 miles, and 50% of my fleet has in excess of 80,000 miles. Given the number of miles that my officers have to drive each day, these cars will be virtually unusable at the end of this fiscal year. Most of these cars have no first aid kits, no shovels, no fire extinguishers, no cameras, and no cones to stop traffic. They don't even have chains to pull someone out of the ditch, and all of my officers are under-equipped. I am therefore asking for an addition $ 750,000 to purchase and equip replacements for those existing cars, and to better equip my officers. I do not have to tell you that running police cars with this much wear and tear, at high rates of speed, on our Pine Ridge roads, not only endangers our officers, it endangers the public as well. I also do not have to tell you that every police officer, who does the kind of job that the female officer I just described does, should have all of the basic equipment necessary to protect himself and to do the job effectively.

Adding to all of this is the fact that our 911 program is in desperate need of new equipment and additional staff. That 911 center handles 379,608 calls per year, or an average of 1,040.3 calls per day, and the computers, consoles and software that it is using are seriously out of date. That program is so under funded that its current computers actually had to be purchased at Wal Mart. Imagine that, 379,608 calls processed on Wal Mart computers. This old equipment is causing equipment failures at an ever increasing frequency. Our volume of 911 calls has our 911 staff stretched beyond human capacity, and we need additional personnel to handle our ever increasing demand. The last thing that you want to have, if your spouse has been stabbed, is an over tired, under equipped 911 operator who sends the police to the wrong address. Mr. Chairman, our 911 program is the only 911 service for the 50,000 residents of our reservation. This 911 center is the hub of all of our emergency services and if it goes down someone suffers. I am therefore requesting $1.3 million for new 911 equipment and staff.

In closing, I would also like to remind this Subcommittee that the 23,541 persons that we arrested, and the DPS detention staffs who guard them are all housed in our two condemned jails. Our Pine Ridge and Kyle short term facilities are so bad that we have totally lost heat in the winter and air conditioning in the summer, forcing the costly relocation of prisoners. Those jails have toilets that do not work, showers that do not work, exposed wiring near leaky pipes, and inmates sleeping on mats on the wet floors. The air is so bad in there that people are getting sick on a regular basis. If these facilities were located anyplace else in the U.S., the ACLU would be having a field day because of the simple number of constitutional violations that arise in a situation like this. We have been talking to the BIA about these problems for eight years and nothing gets done.

We are now at the point where it is no longer cost effective to repair either facility. We can't even get parts for most things, while the BIA does even more studies of jail facility needs. Isn't the need obvious? If something is not done soon, these buildings will become totally unusable. This would create a real crisis for us, because unlike those Tribes who are located near urban areas, we have no local non-Indian detention facilities that we can rent space from. So if we lose one of these facilities, we will have no choice but to cut down on the number of arrests that we make.

Mr. Chairman, I know the kinds of budget pressures that you are facing this year, but I implore you, please do whatever you can to help us, because our situation is becoming more desperate by the day. On behalf of the Oglala Sioux Tribal Council and the Oglalaa Sioux Tribe Department of Public Safety, I would like to thank you for allowing me to testify here today. I will be happy to answer any questions that you may have.

Mr. DICKS. Do you want to make a comment?

Ms. MARKS. Just two——

Mr. DICKS. Why don't you give her the mike?

Ms. MARKS. I am Patty Marks. I would just like to make two comments for the record.

One is that with a lot of the tribes, especially the Dakota tribes, you have, because of the Cops Program, dual funding that existed for a period of about 8 years. You had Pine Ridge, 30 of the officers are BIA, 21 have been DOJ. When that funding ran out, we have been fighting for earmarks ever since. It is something that needs to be addressed for a handful of tribes.

The other point I would like to make is that while the Administration claims to be increasing law enforcement, and it, in fact, is in the Bureau, if you take away the $15 million in the DOJ Indian Law Enforcement Funding, this is the single biggest cut Indian law enforcement has faced in a long time. You have to look at it in a comprehensive way.

And thank you so much, Mr. Dicks. If we have a fight, you are the man I want in the corner.

Mr. DICKS. Well, we will do our best. Thank you.

Ms. MARKS. Thank you.

Mr. DICKS. I appreciate that.

Mr. DUKE. Thank you for your help.

Mr. DICKS. Yes. And Stephanie is a big ally of ours, too.

Ms. MARKS. Stephanie is God's gift.

Mr. DICKS. Yes. She really is.

Micah McCarty, Chairman of the Makah Tribe Council, Neah Bay, Washington.

Mr. MCCARTY. Thank you, Mr. Chairman. It is a pleasure to introduce a colleague of mine, just recently back in council, Nathan Tyler.

Mr. DICKS. Welcome.

Mr. TYLER. Thank you, Mr. Dicks. Appreciate it.

Mr. DICKS. Is that a little cedar from up there at——

Mr. TYLER. Yes, it is.

Mr. DICKS [continuing]. Neah Bay?

Mr. TYLER. Yes, it is.

Mr. DICKS. Good.

Mr. MCCARTY. And good afternoon, Mr. Chairman.

Mr. DICKS. We will put your statement in the record, and you have 5 minutes to proceed.

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WEDNESDAY, MARCH 12, 2008.

## MAKAH TRIBAL COUNCIL (NEAH BAY, WASHINGTON)

### WITNESS

#### MICAH McCARTY

Mr. MCCARTY. Thank you. First I would like to thank you publicly for all the many services, not only for the A Tribes in the Olympic Peninsula but for all 552 tribes that you help through the Subcommittee and with the assistance and work of your distinguished colleagues and staff.

Today I will be presenting the top three priorities of the Makah Tribal Council for the community of Neah Bay for the fiscal year of 2009.

Priority one is contract support costs for the administration of our Indian health services.

Priority two is Peninsula Nano-systems and Cape Classit Nano-Technology Center.

And priority three is the completion of the scenic byway that comes out to Neah Bay and the replacement of the Sala River Bridge.

The first priority as you know, Mr. Chairman, we have been working with this Compact Agreement, and our annual average direct health services budget is about $3.3 million. We are currently receiving just over 10 percent of the amount, of that amount, about $330,000 for contract support costs. We understand that we are eligible to receive as much as $1.6 million for contract support costs, so the disparity there is quite apparent.

Of the 336 self-governed tribes funded by IHS, Makah Tribe is the lowest CSC-funded tribe in the United States. The average self-governed tribe receives approximately 77 percent for contract support costs.

We look forward to working with you to help fix this situation. We recall looking into the feasibility study, and we provided a public meeting for our people, and one of the tools that we used in promoting this opportunity to come out priority one, we used a video that former head of IHS, Charles Grim, and the title of that video was, Self-Governance Works. I might add that self-governance does not work without contract support costs.

Peninsula Nano-Systems and Cape Classit Nano-Technology Center, this is——

Mr. DICKS. And we will keep working to help with you, help you on this. I know Tim Lovain, who is here, has been working with us. We are trying to find a solution, and it is a difficult problem. We will keep working on it.

Mr. MCCARTY. Appreciate that.

Mr. DICKS. Tell us about the nano-systems.

Mr. MCCARTY. The Nano-Technology Systems is a unique opportunity for the Makah Tribe to diversify its economic base. As you understand, we are a natural resource dependent tribe, and I had the great pleasure to meet with one of the cofounders of Peninsula Nano-Systems or I mean, Micro-Assembly Technologies. Essentially what this is is this is a unique opportunity for the tribe to engage in some of these production facilities with regard to getting the military what it needs with respect to improved wireless communications.

Makah Tribe and Micro-Assemblies Technologies and Purdue University have teamed to develop and demonstrate advanced wireless components for defense communication and cell phone power reduction.

The proposed 4-year project will demonstrate a military radio enabled by a switch filter bank ramp up to micro-machinery production in Port Angeles and to meet DOD requirements and volumes and test center in Port Angeles with the state of art test equipment

and facilities. We would appreciate your support in this exciting venture.

Completion of the scenic bypass. As you know, it is the one way in and out of Neah Bay.

Mr. DICKS. Right.

Mr. MCCARTY. The eastern-most portion of the Cape Flattery Scenic Byway known as Bayview Avenue is the only passage in and out of town. The population of about 1,800 year-round residents, 16 U.S. citizens on the Coast Guard base, and about 5,000 tourists each summer month.

We have paved and repaved most of the byway and upgraded sidewalks and added wildlife pullouts. We have 3.27 miles of bicycle and pedestrian lanes along the byway, and we would like to complete the improvements of the byway through repaving, drainage improvements, guard rail replacements, and adding additional sidewalks.

The Makah Tribe seeks to replace the dangerous Sala River Bridge. Our fish and timber commerce would come to a halt if this bridge failed, and then, of course, we would have no way out of town. These improvements would enhance driver, pedestrian safety and access to the Neah Bay region.

We appreciate your——

Mr. DICKS. Whose bridge is it? It is BIA's or the tribe's or the State? Whose bridge is it?

Mr. MCCARTY. I believe it is part of State Highway 112.

Mr. DICKS. Yes. Tim thinks it is BIA. We will check that for the record.

Mr. MCCARTY. Okay. In closing, Mr. Chairman, on behalf of Makah Tribal Council and community members, we would like to invite you to Neah Bay and to visit us as soon and as often as you can. You are always welcome on our shores.

[Statement of Micah McCarty follows:]

**MAKAH TRIBAL COUNCIL**

P.O. BOX 115 • NEAH BAY, WA 98357 • 360-645-2201

IN REPLY REFER TO:

**Testimony of the Makah Tribe**
Neah Bay, Washington

**March 12, 2008**

Before the
House Appropriations Subcommittee
On Interior, Environment, and Related Agencies
On the Fiscal Year 2009 Budget

**Makah Tribal Council Members**
Micah McCarty, Chair; Michael Lawrence, Vice Chair; Timothy J. Greene, Treasurer;
Blanchard Matte and Nate Tyler, Tribal Council Members.

Good Afternoon, Mr. Chairman, I am Micah McCarty, Chairman of the Makah Tribal Council. First I want to thank you publicly for all your many services, for not only the eight Tribes in the Olympic Peninsula in Washington State, but for all the 552 tribes that you help through this subcommittee. We are truly grateful.

Today, I will be presenting the **top three priorities** of the Makah Tribal Council and our community for Fiscal Year 2009. **Priority One** is contract support costs for the administration of our health services. **Priority Two** is the Peninsula Nanosystems and Cape Classet Nanotechnology Center. **Priority Three** is the completion of the Cape Flattery Scenic Byway, including the replacement of the Sail River Bridge.

**Priority One: Contract Support Costs**

On September 3, 2006, the Makah Tribal Council assumed the administration of all direct health care services through an Indian Health Services (IHS) self-governance compact agreement. Our annual average direct health services federal budget was $3.3 million. We are currently receiving just over 10% of that amount, or about $330,000, for contract support cost administrative funds to operate medical services. We qualify for and should be receiving just over $1.6 million for the administration of health services for our User Population Count of 2,025 individuals, including the United States Coast Guard families stationed on the Makah Reservation.

Of the 336 self-governance tribes funded by IHS, the **Makah Tribe is the lowest funded CSC Tribe in the United States**. The average self-governance tribe receives 76.79% for their contract support cost funds according to IHS records for 2008 while the Makah Tribe receives just over 10% for its administration of medical services.

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We signed the IHS Compact Agreement in September 2006, with the understanding that once we become part of the Indian Health Services system, in the next fiscal years, we would qualify for additional CSC funding. This has not happened.

The Makah Tribe engaged in substantial negotiations with the IHS during 2005 to assume the tribal administration of an IHS-administered clinic on the Makah Reservation at Neah Bay. Before reaching final agreement, the IHS Director, by letter of February 13, 2006, changed the allocation rules so as to withhold all CSC funding of for new or expanded programs, functions, services or activities and related start-up costs. This mid-match rule switch by IHS dealt a technical knock-out to the orderly transition to Makah tribal administration of the Neah Bay federally-funded IHS clinic.

The IHS decision has caused hardship and uncertainty for both the local medical personnel and the local patient community. The transfer of our clinic's administration from IHS to the Makah Tribe is an essential element in a finance and development package prepared by the Makah Tribe through which we intend to secure private capital to construct a replacement clinic facility. This is an urgent priority of our Tribe, since the old modular IHS clinic facility is located in the middle of a dangerous tsunami flood plain. Our replacement clinic will double as a community health center and emergency shelter located far above the tsunami danger on our remote Reservation.

The Makah Tribe cannot afford to continue to assume the administrative operation of the clinic without receiving CSC funding from IHS. We propose legislative language to require the IHS to restore the status quo on Contract Support Cost funding that existed in 2005 when IHS substantially negotiated the clinic transfer agreement with the Makah Tribe. This language would provide that Contract Support Costs are required to be allocated for new or expanded programs, functions, services or activities, and related start-up costs, which were the subject of negotiations during 2005 with tribes or tribal organizations in the State of Washington under Public Law 93-638, as amended, so long as this allocation is made on the same recurring basis as are allocations made to ongoing agreements in FY 2009.

This bill language is necessary to ensure that the IHS treats all tribes and tribal organizations equally with regard to the distribution of the limited amount of Contract Support Cost funding. The Makah Tribe is requesting to be treated in an equitable manner regarding the allocation of CSC for the administration of our health services. We believe that supplemental CSC funds should be allocated first to the lowest-funded CSC Tribes.

**Priority Two: Peninsula Nanosystems and Cape Classet Nanotechnology Center**

The Makah Tribe, Microassembly Technologies and Purdue University have teamed to develop and demonstrate advanced wireless components for defense communications and cell phone power reduction. The objective of our joint project is the demonstration of hand-held power-efficient military radios enabled by micromachined switched filter banks.

Makah Tribal Council. Micah McCarty, Chairman,
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Many years of research and development, funded by the Defense Department and the Department of Energy, have yielded a number of advances in this technology. We are now planning to build up our manufacturing capability for switched filter banks that meet the program requirements at the Army Research Laboratory (ARL) and the Army Armament Research, Development and Engineering Center (ARDEC). These switched filter banks will provide dramatic advantages for reducing the size and power consumption of military radios. Beyond defense use, there is a potential for dramatic applications of this technology to reduce cell phone power consumption by 50-to-80 percent.

Our proposed four-year project will demonstrate a military radio enabled by a switched filter bank, ramp up micromachining production in Port Angeles to meet DoD's requirements and volumes, and establish a Test Center in Port Angeles with state-of-the-art RF test equipment and facilities. We would appreciate your support for this exciting joint venture.

**Priority Three: Completion of the Cape Flattery Scenic Byway, including Replacement of the Sail River Bridge**

The easternmost portion of the Cape Flattery Scenic Byway (also known as Bay View Avenue) is the only passage into and out of the town of Neah Bay, with a population of 1800 year-round residents and 60 U.S. Coast Guard residents who live on the Makah Indian Reservation. In addition, about 5000 tourists visit this region every summer month.

The Makah Tribe got 11.56 miles of roadway on the Reservation designated as the Cape Flattery Scenic Byway. Since then, we have paved or repaved nine miles of the Byway and upgraded sidewalks, added four wildlife pullout and added 3.27 miles of bicycle and pedestrian lanes along the Byway. Our request for $9,831,346 from the Federal Lands program under the Transportation-HUD Appropriations bill would complete the improvements to the Byway through repaving, drainage improvements, guardrail replacements and adding or upgrading sidewalks.

The Makah Tribe also seeks to replace the Salt River Bridge on this portion of the Byway. In 1999, BIA informed the Tribe that this "Bridge needs to be replaced for safety of all individuals". Our request for $3,726,176 under the Federal Lands program would enable this Bridge to be completely replaced.

These improvements would enhance driver and pedestrian safety, improve access to the Neah Bay region and protect nearby salmon habitat. We would appreciate your support for this request.

In closing, Mr. Chairman, on behalf of the Makah Tribal Council and community members I want to invite you to Neah Bay to visit us as soon and as often as you can. You are always welcome on our shores.

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JoDean Haupt-Richards, MTC Secretary, 360-645-3235
Charlie White, General Manager at 360-645-3122
Julie Johnson, Self Governance/Intergovernmental Relations at 360-645-2077.

Mr. DICKS. Well, I appreciate that very much, and it has been a great drive, I have told many times that I have been going up to Neah Bay as, you know, since the '50s, and it is one of my favorite places in the world, let alone—and probably my most favorite place in the State of Washington.

So——

Mr. MCCARTY. That is awesome.

Mr. DICKS [continuing]. We have a good time up there.

Mr. TYLER. One more thing. You know, we are part of the Northwest Indian Fisheries Commission.

Mr. DICKS. Right.

Mr. TYLER. We support their testimony earlier today, and we are also part of Northwest Indian Health Board, and we fully support what they are about to testify on today.

Mr. DICKS. Okay.

Mr. TYLER. So we thank you for your time.

Mr. DICKS. Yes.

Mr. TYLER. Appreciate everything you have done for us.

Mr. DICKS. Well, we will keep working on these problems.

Mr. MCCARTY. Thank you, Mr. Chairman.

Mr. DICKS. Okay.

Linda Holt, Chairperson, Northwest Public Area Indian Health Board. Linda, how are you?

Ms. HOLT. Good. How are you doing this morning?

Mr. DICKS. Well, we are holding up. Holding up.

Ms. HOLT. That is about what we can say.

Mr. DICKS. You know, we will put your statement in the record, and you have 5 minutes to summarize.

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WEDNESDAY, MARCH 12, 2008.

## NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

### WITNESS

#### LINDA HOLT

Ms. HOLT. Thank you, Congressman Dicks and members of the Committee.

My name is Linda Holt. I am a Tribal Council Member of the Skokomish Tribe in Washington State, and I bring you——

Mr. DICKS. Wonderful.

Ms. HOLT [continuing]. Greetings from Chairman Foresman——

Mr. DICKS. Yes. We have been working on a few issues.

Ms. HOLT [continuing]. And the Skokomish Tribe. Yeah. We still got some work to go there.

I am also Chairwoman of the Northwest Portland Area Indian Health Board. We represent 43 tribes in Washington, Oregon, and Idaho, 29 tribes in Washington State.

I would like to begin by underscoring the significant health disparities that Indian people face and the progress we have made to address those disparities. I have included the statistics in my report.

Mr. DICKS. Yes.

Ms. HOLT. You know, we have made great strides in a lot of areas. Gastrointestinal disease has been reduced by 90 percent, maternal mortality reduced by 80 percent, cervical cancer reduced by 76 percent. However, American Indians, Alaska natives continue to suffer from other significant disparities when compared to other Americans.

Four hundred percent more likely to die from tuberculosis, 91 percent more likely to die from suicide, 300 percent more likely to die of diabetes complications, 67 percent more likely to die of pneumonia and influenza. Given these significant health disparities, we must continue to build on the capacity of Indian Health Services and Tribal Health Programs and provide adequate funding.

The President's fiscal year 2009 request proposed to cut the Indian Health Service budget by $21 million. This is the worst budget request that we have seen in 15 years, and it will only serve to increase the health disparities that Indian people face.

The Northwest Portland Area Indian Health Board has just recently completed the budget analysis, and our analysis and recommendations will be forthcoming. Our fundamental budget principle is that the President and Congress must preserve the current health program that the IHS budget funds. If current service requirements of pay costs, inflation, and population growth are not funded, then tribes have no alternative but to cut healthcare services. And this is happening throughout the country.

We have here a comparison to show how, hospital and health clinic budget increases and actual inflation rates for inpatient and outpatient services and how those have just actually decreased from fiscal year 2000 to fiscal year 2008.

We also have the diminishing purchasing power, which is a 20-year look at the Indian Health Service accounts, actual expenditures adjusted for inflation and compared to loss purchasing power when adjusted for inflation and population growth. This is for fiscal years 1984 to 2007.

Contract support costs increases. As you have heard testimony from previous leaders, this is where contract support cost increases have gone from 1992 to 2008, and if you will recognize the 2001 dip, we are at 2007, which is far below the 2001 spot. This is something we cannot continue with. We are——

Mr. DICKS. Something bad happened in 2001.

Ms. HOLT. Yeah. And has continued for the last 8 years. But this is an obligation that needs to be met with the compacting that tribes are doing. We need full contract support costs to implement these programs and to keep them running.

Mr. DICKS. Yes.

Ms. HOLT. The rescissions. You and I have talked about this issue, and it is something that, you know, I look forward to your help in stopping this from Indian Health Services budget. This is a graph that shows the 9 years of rescissions from fiscal year 2000 to 2008, and the eroding effect it has on the Indian Health Service budget.

Mr. DICKS. How do they do that? Is this across the board?

Ms. HOLT. Jim, do you want to explain?

Mr. DICKS. But why would it be 24 percent?

Ms. HOLT. This is Jim Roberts. He is our policy analyst.

Mr. ROBERTS. Congressman, it is proportionate to the level of the increase.

Mr. DICKS. What is that?

Mr. ROBERTS. It is relative to the——

Mr. DICKS. It is not a rescission, is it? It is not called a rescission.

Mr. ROBERTS. Well, sometimes they have been called rescissions. Sometimes they have been referenced as across the board——

Mr. DICKS. Across the board cut.

Mr. ROBERTS [continuing]. Cut. Yes.

Mr. DICKS. I just think they are way over. No one has ever done a 43 percent. I mean, that has just got to be the Department.

Mr. ROBERTS. No. Congressman, it is not the level cut. That is the level of amount, that is how much it is cut into the increase. For example, in 2006, the increase was approximately $43,000. We had two rescissions that particular year. There was one contained in the Interior Appropriations bill and one contained in the Omnibus. And when those rescissions were applied to the increase, it——

Mr. DICKS. Well, that is of the increase, not of the entire budget.

Mr. ROBERTS. Right. Correct.

Mr. DICKS. Okay. I was thinking this is brutal.

Ms. HOLT. It is brutal.

Mr. DICKS. These guys are bad but, you know, this is brutal.

Ms. HOLT. But by the time they are applied to a diminishing budget, they are brutal.

Mr. DICKS. Yes.

Ms. HOLT. They are——

Mr. DICKS. Well, I agree. I mean, it is not good, but I mean, at least it is not as bad as I thought it was.

Mr. ROBERTS. Congressman, our position has always been that, you know, the VA and DOD Programs have been exempt from across-the-board cuts. Some of their Health Service Programs. We in the Indian Health Service provide, you know, we are very comparable to the systems. We provide healthcare services. If anything, we are subject to much higher rates of inflation than those particular programs because we do not have the critical mass in terms of health facility infrastructure and the number of services that we provide.

So in a very similar fashion we should be exempt for the same purposes, and I think that is the reason why Congress has exempted the DOD and VA Health Programs from those cuts is because of the high rates of medical inflation that they are subject to.

Mr. DICKS. Okay. All right.

Ms. HOLT. Just to close——

Mr. DICKS. Good point.

Ms. HOLT [continuing]. Congressman Dicks, I would like to, our recommendations.

The Committee should provide a $355 million increase to maintain current services. The Committee should provide $158.2 million to fund past year contract support cost shortfalls and allow funding for new and expanded self-determination and self-governance agreements. We recommend increasing the CHS Program by $70

million to maintain current services and address unmet need, restore the 34.5 million to fund the Urban Health Indian Program.

However, current funding for Health Service accounts should not be offset to make the restoration. This should be over and above.

Mr. DICKS. Where do you think we will get the money?

Ms. HOLT. Well, there is a lot of money going out of this country, Congressman. I was looking and talking to CDC and testifying down at HHS this morning. I looked at CDC and the amount of money that is going out of this country just from that agency. We have millions of dollars——

Mr. DICKS. The Centers for Disease Control?

Ms. HOLT. Yes. I am sorry. We have millions of dollars that is going out of this country to provide healthcare to other countries when we are not even meeting the health needs of the first Americans of this country.

Mr. DICKS. Well, listen. I am completely with you on this budget. I am just struggling to figure out where we are going to get the money to do all this.

Ms. HOLT. I understand.

Mr. DICKS. We will do our best. As you know, we restored the Urban Indian Health Program last year and tried to fill in as best we could. But the President the other year made us cut a billion dollars out of our bill or he would not sign it. So it was very unfortunate.

Ms. HOLT. And as a tribal leader I appreciate that. I face that—

Mr. DICKS. Yes.

Ms. HOLT [continuing]. Same dilemma on how we are going to come up with money to meet our tribal budgets and——

Mr. DICKS. Right.

Ms. HOLT [continuing]. Run our health programs for our tribal members.

Final recommendation is that the Committee provide at least $15 million to maintain current services for contract support costs and an additional $10 million be provided to restore base funding due to the effect of the rescissions.

Mr. DICKS. Okay.

Ms. HOLT. We are also asking for, and as you noticed, the STPI. I am a tribal leader diabetes committee member. We are asking for the 5 years at $200 million following the 2009 expiration of that program.

Mr. DICKS. It has to be reauthorized. Right?

Ms. HOLT. It has to be reauthorized. Yes.

Mr. DICKS. Do you know which Committee? Is it Ways and Means or is it—or Resources? Staff says it is in Ways and Means. So maybe we can get that Committee to join us in writing a letter to Ways and Means.

Well, we will work on this. That is a big thing. We cannot let that fall apart.

Ms. HOLT. And we are certainly willing from the Northwest Portland Area Indian Health Board to offer any assistance that we can in doing that.

Mr. DICKS. All right.

Ms. HOLT. I am also a delegate for the National Indian Health Board and offer the full resources of that Board also to help in any

way that we can. We are also helping with help with the reauthorization of the Indian Healthcare Improvement Act and ask that it be expedited out of the House and that you help us in any way that you can to move that bill through the House.

Mr. DICKS. All right. Thank you very much.

Ms. HOLT. Thank you, Congressman.

[Statement of Linda Holt follows:]

**Testimony of Linda Holt**
**The Northwest Portland Area Indian Health Board**

**Before:**

**House Subcommittee on Interior, Environment, and Related Agencies**
**Public Witness Hearing**
**March 12, 2008**

Good morning Chairman Dicks, Ranking Member Tiahrt, and members of the Committee. My name is Linda Holt, I serve as Chairperson of the Northwest Portland Area Indian Health Board (NPAIHB) and am a Tribal Council Member for the Suquamish Tribe.

Established in 1972, NPAIHB is a P.L. 93-638 tribal organization that represents 43 federally recognized Tribes in the states of Idaho, Oregon, and Washington on health care issues. For the past twenty years, our Board has conducted a detailed analysis of the Indian Health Service (IHS) budget. Our Annual IHS Budget Analysis and Recommendations report has become the authoritative document on the IHS budget. It is used by the Members of Congress, the Administration, and national Indian health advocates to develop recommendations on the IHS budget. It is indeed honor to present you with the recommendations of our analysis.

## I. Indian Health Disparities

The Indian Health Care Improvement Act (IHCIA) declares that this Nation's policy is to elevate the health status of the AI/AN people to a level at parity with the general U.S. population. Over the last thirty years the IHS and Tribes have made great strides to improve the health status of Indian people through the development of preventative, primary-care, and community-based public health services. Examples are seen in the reductions of certain health problems between 1972-74 and 2000-2002: gastrointestinal disease mortality reduced 91 percent, tuberculosis mortality reduced 80 percent, cervical cancer reduced 76 percent, and maternal mortality reduced 64 percent; with the average death rate from all causes dropping 29 percent.[1]

Unfortunately, while Tribes have been successful at reducing the burden of certain health problems, there is strong evidence that other types of diseases are on the rise for Indian people. For example, national data for Indian people compared to the U.S. all races rates indicate they are 638 percent more likely to die from alcoholism, 400 percent greater to die from tuberculosis, 291 percent greater to die from diabetes complications, 91 percent greater to die from suicide, and 67 percent more likely to die from pneumonia and influenza.[2] In the Northwest, stagnation in the data indicates a growing gap between the AI/AN death rate and that for the general population might be widening in recent years. In 1994, average life expectancy at birth for AI/ANs born in Washington State was 74.8 years, and is 2.8 years less than the life expectancy for the general population. For 2000-2002, AI/AN life expectancy were at 74 years and the disparity gap had risen to 4 years compared to the general population. The infant mortality rate

[1] FY 2000-2001 Regional Differences Report, Indian Health Service, available: www.ihs.gov.
[2] Ibid.

for AI/AN in the Northwest declined from 20.0 per 1,000 live births per year in 1985-1988 to 7.7 per 1,000 in 1993-1996, and then showed an increasing trend, rising to 10.5 per 1,000 in 2001.[3]

What is more alarming than these data is the fact that there is evidence that the data might actually ***underestimate*** the true burden of disease among AI/AN because, nationally and in the Northwest, people who classify themselves as AI/AN are often misclassified on death certificates. A caution in using AI/AN data is that, due to small numbers, death rates are more likely to vary from year to year compared to rates for the general population. Unfortunately, it is safe to say that the improvements for the period of 1955 to 1995 have slowed; and that the disparity between AI/AN and the general population has grown. Factors such as obesity and increasing rates of diabetes contribute to the failure to reduce disparities.

**II. Preserving the basic health program funded by the IHS Budget**

The fundamental budget principle for Northwest Tribes is that the basic health care program must always be preserved by the President's budget request. The FY 2009 IHS budget completely fails to preserve the existing IHS programs. Preserving the purchasing power of the IHS base program should be the first budget principle by the President and the Congress—not an afterthought. How can unmet needs ever be addressed if the existing program is not maintained? Tribes have one overriding concern that is crucial to this discussion. There must be a trusting relationship between tribes who are concerned about improving their health status, the Administration that is charged with that responsibility, and the Congress who holds the purse strings. Tribes, IHS and Congress must continue to focus on the goals and objectives of the IHS program and assure that the necessary resources are available to continue to make improvements in health status. If the Congress is serious about addressing Indian health disparities it must improve its commitment to provide adequate funding.

**III. Per Capita Spending Comparisons**

The most significant trend in the financing of Indian health over the past ten years has been the stagnation of the IHS budget. With exception of a notable increase of 9.2% in FY 2001, the IHS budget has not received adequate increases to maintain the costs of current services (inflation, population growth, and pay act increases). The consequence of this is that the IHS budget is diminished and its purchasing power has continually been eroded over the years. As an example, in FY 2008, we estimated that it would take at least $448 million to maintain current services[4]. The final appropriation for the IHS included only a $166 million increase, falling short by $281 million. This means that Tribes must absorb unfunded inflation and population growth by cutting health services.

The IHS Federal Disparity Index (FDI) is often used to cite the level of funding for the Indian health system relative to its total need. The FDI compares actual health care costs for an IHS beneficiary to those costs of a beneficiary served in mainstream America. The FDI uses actuarial methods that control for age, sex, and health status to price health benefits for Indian

[3] American Indian Health Care Delivery Plan 2005, American Indian Health Commission of Washington State, available at: www.aihc-wa.org.
[4] FY 2007 IHS Budget Analysis & Recommendations, Northwest Portland Area Indian Health Board, March 18, 2006; available: www.npaihb.org.

people using the Federal Employee Health Benefits (FEHB) plan, which is then used to make per capita health expenditure comparisons. It is estimated by the FDI, that the IHS system is funded at less than 60 percent of its total need.[5]

**IV. FY 2009 IHS Budget Recommendations**

Our annual analysis estimates that it will take at least $355 million to maintain current services for IHS programs in FY 2009. We further recommend an additional $158.2 million to fund the backlog of Contract Support Costs (CSC) that are owed to Tribes that have assumed programs under the Indian Self-Determination and Education Assistance Act (P.L. 93-638). This brings our total recommendation to $513.3 million just to maintain current services and fund past years CSC shortfalls. This is the minimum amount that is necessary to maintain the current levels of health care.

The President's budget proposes to decrease funding to the IHS by $21.3 million in FY 2009. The request finances $25 million in current service increases and $10 million for the Indian Health Care Improvement Fund on proposed program decreases of $56.3 million. Most notable of these decreases is the President's proposal to eliminate the Urban Indian Health Program. Tribes nationally do not support this proposal by the President and have testified before Congress to restore the urban program funds. The House Resources Committee and Senate Committee on Indian Affairs support the restoration of the urban program and recommend additional funding be provided to restore the program. The NPAIHB supports restoring funding to the urban programs and further recommends this be done without offsetting any of health services accounts. Our recommendation is that Congress provides additional funding on top of the President's request to restore the urban Indian program.

This year's request clearly demonstrates the negative effect that *phasing-in* staff at new facilities has on the IHS budget. To fund $25 million for staff at new facilities, the President proposes to cut the overall health program by $56 million. While a portion of the cut was directed toward some program increases, clearly $25 million could not have been financed without decreasing funding to established Tribal health programs. Funding for health facilities construction continues to be a controversial issue for Tribes nationwide. The IHS has submitted its recommendations to revise the health facilities construction priority system to HHS. Until the recommendations are acted upon by HHS and a more equitable funding methodology for facilities construction is developed, Northwest Tribes completely oppose funding for new facilities construction.

The Contract Health Service (CHS) program is extremely important for Northwest Tribes. The Senate Committee on Indian Affairs' 2008 Views and Estimates letter recommends that an additional $50 million over the President's request be provided to the CHS program in FY 2009. It is estimated that the unfunded CHS need in FY 2006 was at least $300 million and this estimate may understate the level of need. Many Indian patients quit presenting at health programs when they know there is no more CHS funding to provide care. Health programs quit tracking denied and deferred services due to the costs of reporting. In FY 2009, NPAIHB estimates that it will take at least $70 million to maintain current services in the CHS program.

[5] Level of Need Workgroup Report, Indian Health Service, available: www.ihs.gov.

NPAIHB recommends that Congress consider funding the CHS program consistent with the Indian Affairs recommendation and provide an additional $70 million to the President's request.

The well-documented achievements of the Indian self-determination policies have consistently improved service delivery, increased service levels, and strengthened Tribal governments, institutions, and services for Indian people. Every Administration since 1975 has embraced this policy and Congress has repeatedly affirmed it through extensive amendments to strengthen the Self-Determination Act in 1988 and 1994. Despite its commitment to government outsourcing, this Administration has not been supportive of Indian Self-Determination. It has consistently not requested adequate contract support cost (CSC) funding. In fact, there is less CSC funding today then there was five years ago. This is due to the fact that the Administration has not requested and Congress has provided adequate increases. When rescissions are applied it result has been an erosion of the base CSC funding. NPAIHB estimates that it will take at least $15 million to maintain current funding levels for CSC's. We further recommend that an addition a $10 million be provided to restore the base funding that has been lost due to rescissions.

We realize our recommendations may not seem politically feasible, however given the legal and moral obligations of the Federal trust relationship and the significant health needs of Indian Country they are realistic. We hope that you will be able to fund many of our recommendations and look forward to working with the Committee on our request. If should have any questions concerning our recommendations, our staff are available to assist you. Thank you!

**Recommendations:**

No. 1: The Committee should provide a $355 million increase to maintain current services (pay act increases, population growth, and inflation).

No. 2: The Committee should provide $158.2 million to fund past year Contract Support Cost shortfalls; and allow funding for new and expanded Self-Determination and Self-Governance agreements.

No. 3: Recommend increasing the CHS program by $70 million to maintain current services and address unmet need.

No. 4: Restore $34.5 million to fund the Urban Indian Health Programs; however current funding for health service accounts should not be off-set to make the restoration.

No. 5: Until the recommendations are acted upon by HHS and a more equitable funding methodology for facilities construction is developed, Northwest Tribes completely oppose funding for new facilities construction.

No. 6: Recommend the Committee provide at least $15 million to maintain current services for Contract Support Costs and an additional $10 million be provided to restore base funding due to the effect of rescissions.

Mr. DICKS. Ralph, come on up here. We are getting close here. We got a few more to go, but we are almost there. Thank you, Ralph. And we will put your entire statement in the record, and you have 5 minutes to summarize.

Mr. FORQUERA. Great. I will be——

Mr. DICKS. And welcome.

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WEDNESDAY, MARCH 12, 2008.

## SEATTLE INDIAN HEALTH BOARD

### WITNESS

**RALPH FORQUERA**

Mr. FORQUERA. Thank you very much, and it is a pleasure to be here. I will be very brief.

Basically I am here to represent the Urban Indian Health Programs and ask that the Committee consider the reinstatement of the Urban Indian Funding in the 2009, appropriations process. As you know the President has zeroed us out once again this year, and we have, last year you actually asked me why did I think he was zeroing us out.

Mr. DICKS. Yes.

Mr. FORQUERA. So we have done some investigation to try to figure that out, but then as you have heard this morning, it does not sound like we have been singled out specifically. It seems like——

Mr. DICKS. No. They do not discriminate.

Mr. FORQUERA. Yeah. They——

Mr. DICKS. They cut everything.

Mr. FORQUERA [continuing]. Have been very fair in their discriminatory practices, but so we have really, we have, are really coming to ask for, again, consideration for resources for this year.

The Urban Indian Programs are a very, very vital piece of the connection of the tribal communities and the Indian population. We serve a significant number of Indian people from throughout the country. You were asking earlier about the shared tribal representation. We have about 170 to 180 tribes represented in our service population every year, so we are seeing people from all over the country at the Seattle Indian Health Board, and that is similar to the situation in the other 33 urban Indian programs around the country. You are seeing large numbers of Indian people from throughout the country.

Of course, back in the 1980s, Mr. Reagan also tried to eliminate the Urban Indian Health Programs as you are well aware, and you and, again, Chairman Yates at the time were very instrumental in preventing that from happening.

Mr. DICKS. Right.

Mr. FORQUERA. And we really do appreciate that for an awful lot of people have been helped as a result of the maintenance of our programs over the years, and we want to make sure that we acknowledge that and acknowledge especially your support for us over the years in that regard.

A rather startling statistic that I ran across just recently from the Center for Medicare, Medicaid Services said that by 2070, 17,

I am sorry, which is 9 years from now, approximately one out of every $5 that the Americans, that Americans spend will be for healthcare. So as the costs of healthcare continues to rise as it becomes increasingly more and more important for organizations like ours to be supported so that we can, in fact, advocate for our communities. If we do not advocate for the Urban Indian population just like advocating for the Indian population in general, we oftentimes get left out of a lot of the initiatives and the other programs that are being used to address disparities issues or just in dealing with some of the health reforms that are necessary for this country.

The Urban Indian Health Programs are the foundation for doing that work specifically for Urban American Indians. There is nobody else that does that kind of work, so we are unique in that particular regard. The argument that, you know, the President made was that the community health centers could substitute for the work that we do. We refuted that claim and so have the community health centers, recognizing the unique characteristics of the Urban Indian population and the fact that working with these communities requires an awful lot more than just healthcare. It also requires case management, it requires a variety of other kinds of services, outreach activities, community-based activities, culturally-specific activities that help to bring people in and move them from treatment to prevention.

We talked a little bit about prevention, and I think one of the areas where we have done a remarkable job, I think, is the Special Diabetes Initiative. We turned an awful lot of people who were on the course for very bad health outcomes from diabetes around. We saved an awful lot of people from amputations. We have been able to prevent——

Mr. DICKS. And you are doing that work in Seattle?

Mr. FORQUERA. We are doing that work in Seattle. The Urban Indian Programs are part of the Special Diabetes Initiative, and I think we have done some fairly remarkable work, as have the tribes in reaching this particular population.

That kind of targeted approach to disease programs can be effective. The difficulty is that many of them like the Special Diabetes Program are only authorized for a period of time, and so when the resources are pulled away, the ability to be able to maintain those programs becomes a great challenge for us.

Mr. DICKS. Yes.

Mr. FORQUERA. Because these are not inexpensive programs as you are well aware.

In conclusion, I will be, as I said I wanted to be brief, the Urban Indian Health Programs are a very, very important piece I think of the whole Indian Health Initiative for the country. We have struggled in the last several years because of the activities of the Administration towards, again, not only us but other elements of the Indian community. And we are very, very hopeful that we can continue our work in trying to reach this very vulnerable, very difficult population.

Just for a quick statement, too, we created an Urban Indian Health Institute, a research institution as part of my organization in 2000. Just this last Wednesday we published a new report,

which I do not think should be part of the record, but I would like to have——

Mr. DICKS. We will put it in our files and——

Mr. FORQUERA. Yeah. Receive a copy of it. It is a look at the behavioral risk factor surveillance survey that has been done by the Indian, by the United States, by the Center for Disease Control for the last number of years. We summarized that information, found some fairly interesting findings about the urban population that were unique.

One of the most unique ones was four conditions; diabetes, obesity, cardiovascular disease, and binge drinking. We found that there were no differences in rates among populations of people because of income. In the general population when income rises, there is usually a decline in these, in the rates in those situations. This particular report found that that was not the case in these particular, the data that was collected. The data is a little bit limited because you have a risk-factor survey, it was a telephone survey, and a lot of Indian people do not have telephones.

Mr. DICKS. Yes.

Mr. FORQUERA. So the population—but it shows, again, these disparities and the importance of doing additional work and trying to address the specific needs of these populations.

Mr. DICKS. I assume you have a lot of dental healthcare issues.

Mr. FORQUERA. We have a tremendous amount of dental health problems in the population, both youth and adults. In the youth population we could oftentimes get kids in for initial screenings and things like that, but when they have severe problems, multiple cavities and other kinds of problems, getting them to pediatric dentists who can deal with children who have those kinds of multiple problems and can solve them has been a challenge for us. We are actually trying to implement that at the Health Board through a small initiative that we are working on.

For adults it is an enormous problem because so many people do not have dental insurance, and many Indian people have gone on for decades without dental care. And so we really are band-aiding an awful lot of the work that we are doing around adult dental. And of course, dental services——

Mr. DICKS. And then we make it difficult for people to volunteer.

Mr. FORQUERA. Absolutely.

Mr. DICKS. That really is——

Mr. FORQUERA. Absolutely.

Mr. DICKS [continuing]. Outrageous.

Mr. FORQUERA. And in Washington State reciprocity for licensing of professional dentists has been a problem for us. In other states generally if you are licensed in one state, you can practice in another state. In Washington they require that you actually be tested before you——

Mr. DICKS. Oh, come on.

Mr. FORQUERA [continuing]. Can——

Mr. DICKS. How many people are going to volunteer for that?

Mr. FORQUERA. Yeah. It has been a real problem.

Mr. DICKS. Well, thank you for—I will look at the report. Thank you for your excellent testimony.

Mr. FORQUERA. Well, thank you very much. Appreciate your time.

[Statement of Ralph Forquera follows:]

# Seattle Indian Health Board

*A Multi-Service Community Health Center for Medical Dental, Mental Health, Substance Abuse, and Community Education.*

TESTIMONY IN SUPPORT OF FUNDING
FOR URBAN INDIAN HEALTH IN THE FY09
INDIAN HEALTH SERVICE APPROPRIATION

By

Ralph Forquera, M.P.H.
Executive Director
Seattle Indian Health Board

Mr. Chairman and members of the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies, my name is Ralph Forquera. I am the Executive Director for the Seattle Indian Health Board, one of the oldest, largest, and most comprehensive urban Indian health organizations in the nation. I am here to request funds for urban Indian health in the FY09 Indian Health Service appropriation in the amount of $40 million.

As has occurred for the past three years, President Bush has failed to recognize the important role that urban Indian health organizations play in addressing the health disparities problem in America. During the President's tenure, more Americans than ever find themselves without access to needed health care, and the cost of care, for both the uninsured and those with insurance, continues to rise unabated without a guarantee that appropriate and timely help can be attained. This is increasingly true for groups like urban Indians. Studies continue to show that the health of urban Indians is seriously compromised by poverty, unemployment, inadequate access to health care, a lack of health insurance, and a history of poor health that goes back generations. Initiatives designed to address health disparities often look beyond urban Indian communities leaving these people without adequate assistance. The urban Indian health organizations are the only institutions devoted to caring for the needs of urban Indians.

Given the President's position, we have seen a push back by the Indian Health Service toward urban Indians as well. There has been little regard for the welfare of the people we serve or respect for the institutions struggling to maintain an Indian presence in major metropolitan cities where our organizations are located. While threatening elimination in funding, the Indian Health Service has turned to imposing ill-conceived contract and grant requirements while at the same time advocating for our demise. All that I can figure is that these tactics are used to divert our energy away from moving forward by forcing us to spend time and resources to fight these unilateral rules.

We know a lot more about urban Indians today than in years past. In 2000, my agency created the Urban Indian Health Institute as a vehicle to study the health, economic, social, and cultural factors that influence health among urban Indians. Just last Wednesday, the Institute issued an analysis of the Behavioral Risk Factor Surveillance

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System survey (BRFSS) for the years 2001 to 2005. This is an annual telephone survey coordinated by the CDC and the most extensive behavioral risk factor data gathering vehicle in the world. The report reinforced earlier findings for urban Indians and recognized unique indicators that need additional attention.

In November of 2007, an independent commission funded by the Robert Wood Johnson Foundation published a report titled "Invisible Tribes: Urban Indians and Their Health in a Changing World." The crux of this report was that urban Indians were experiencing severe health disparities in the areas of cardiovascular disease, diabetes, and depression, the three conditions studied. Furthermore, the report found inadequate data on urban Indians and a general lack of attention to the disparities urban Indians face. The report called for improvements in data to assist with the planning and development of health interventions that can retard and reverse the health disparities identified. My agency is requesting funds from the Labor, Health, Education, and Pensions subcommittee to have the Urban Indian Health Institute designated as a Center of Excellence for Urban Indian Affairs. This Center will coordinate national and regional data collection and research to meet the needs of urban Indian organizations, planners, and federal, state, and local policy makers as the Commission recommended. But this Center cannot fulfill its obligation to the welfare of urban Indians without the core funding realized from this Subcommittee to assure that urban Indian health organizations funded by the Indian Health Service are maintained.

These reports add to our understanding of the disparities urban Indians face. For example, there is an actual rise in the infant mortality rate among urban Indians in the urban areas studied. Infant mortality is a foundational index of health status in a population. Findings of this nature in a country like the United States with supposedly the "best" medicine in the world can only mean that the people with the greatest need cannot get this critical care. Who will assure that urban Indians are not forgotten if the urban Indian health program within the Indian Health Service goes away?

Last year, the Congress appropriated $35 million for urban Indian health. I would like to thank the Subcommittee and its leadership for your hard fought support for our work. But with more than 67% of the Indian population living in cities, and with the number of Indians moving to cities continuing to grow, there are an increasing number of Indian people without health care assistance that need our help. Tribal clinics are closing their doors to non-tribal members due to financial and political constraints. At my agency, we have seen an increasing number of Indian people who live on reservations near us who are now seeking our help because access has been cut off, or vital services, like pharmacy, have been discontinued or restricted at local tribal clinics.

Title V was created to assist non-reservation Indians who have been displaced by the termination and relocation policies of the past and those displaced by their individual tribes through eligibility changes and other political choices. Today there are far more Indian people who are not enrolled members of federally-recognized Indian tribes, then are. Until just recently, the urban Indian health programs have had the flexibility to serve all Indians. But in mid-February, the IHS imposed a unilateral amendment to our

contracts and grants limiting eligibility to an outdated definition that will reduce the number of Indian people that urban contractors will report to the Indian Health Service. After more than 30 years of respecting local decisions about whom we recognize as "Indian", the IHS has now taken it upon itself to change that practice. One can only speculate that this change has more to do with reducing the number of Indians served as an excuse for reducing or eliminating funding consistent with the Bush Administration's agenda, then it does with meeting the goal of better health for all Indian people.

Shortly, this nation will elect a new President. The three major candidates, one of whom will become our new President, are all supporters of Indian health. Senators Obama and Clinton have publicly stated their support for urban Indian health. Senator McCain has supported urban funding in the past and there is no reason to believe that his position will change. It is our hope that a more rational and thoughtful administration will help the urban Indian health movement grow rather than waste an inordinate amount of time and money defending our work.

There is no doubt that urban Indians are experiencing health disparities. We have data to support this fact. There is no doubt that improvements in the health of urban Indians cannot occur without institutions like the urban Indian health organizations to advocate for and help to implement targeted interventions designed to halt and reverse these disparities. There is no doubt that with more than 47 million Americans without health insurance and with the network of just over 1000 community health centers serving only 20 million of the uninsured that there is excess capacity to help America's most vulnerable citizens.

Health is a cornerstone of a fully functional society. People who are not healthy cannot work effectively, have difficulty learning, consume essential health care resources, put an economic and social burden on the society, and are often handicapped in their ability to achieve the American ideals of freedom, prosperity, and life's enjoyment. American Indians have struggled with poor health for many generations. Over the past 30 plus years, the urban Indian health program within the Indian Health Service has, at a minimum, assured that the fate of urban Indians is not overlooked.

As we approach a new era in the nation with the election of a new President, the health of all Americans will be a key social and political priority for this new administration. As plans for the future evolve, it is vital that small, mostly invisible populations like urban Indians are not forgotten or overlooked. For this reason, it is critical that the urban Indian health organizations remain viable resources for urban Indian people. Therefore, I urge your support for continuing to provide financial help for urban Indian health through the Indian Health Service for FY09 and beyond.

Thank you for the opportunity to testify on behalf of the 2.8 million urban American Indians and Alaska Natives in the United States, many of whom remain invisible to the general public and struggle each day with health challenges. With your continuing support, we will make the future for these individuals better.

Mr. DICKS. Thank you.

James Allen Crouch and the Honorable Reno Franklin, Executive Director/Chairman of the California Rural Indian Health Board. Welcome. Thank you for being patient. I am sorry we were delayed, but we have to vote. That is part of our job up here.

Mr. FRANKLIN. No problem, sir, Congressman Dicks.

Mr. DICKS. I missed a couple, too, so we can keep this thing going, so I sacrificed. I hope my constituents will forgive me.

Mr. FRANKLIN. I think the ones that are sitting right over there do.

Mr. DICKS. They are very good.

Mr. FRANKLIN. Well, Congressman Dicks, first before anything else, I wanted to thank you for attending our appropriations summit for National Indian Health Board last week.

Mr. DICKS. Right.

Mr. FRANKLIN. It was great to see you there. It was great to hear your real-world analysis of what that budget really dumps on Indian Country.

Mr. DICKS. Yes. So this is one of the worst budgets I have seen——

Mr. FRANKLIN. Uh-huh.

Mr. DICKS [continuing]. Ever, and that is just shocking to me, and we are going to do our best to fix it, but, again, with a billion dollar cut, that does not help us very much.

Mr. FRANKLIN. No. It does not.

Mr. DICKS. When we should have gotten a $600 million increase on the base funding, and so we have a $1.6 billion hole. I say that because Mr. Olver is a very powerful Chairman over here, and I want him to know that I am suffering here badly. So when he is fighting for his allotment, he will think of us. Okay. As a member of this Subcommittee.

Mr. FRANKLIN. Well, let me thank you for that now then, sir. Thank you.

Mr. DICKS. He will be there. Anyway, go ahead. You have 5 minutes.

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WEDNESDAY, MARCH 12, 2008.

## CALIFORNIA RURAL INDIAN HEALTH BOARD, INC.

### WITNESSES

**JAMES ALLEN CROUCH**
**HON. RENO FRANKLIN**

Mr. FRANKLIN. My name is Reno Keoni Franklin. I am the Chairman of the California Rural Indian Health Board, and I am a tribal council member for the Kashia Band of Pomo Indians.

The California Rural Indian Health Board, CRIHB, was founded in 1969, by tribal governments in California to serve as the focal point for the planning, design, and implementation of the Indian-Controlled Health System in California. For the past quarter of a century CRIHB has operated under tribal resolutions as a tribal organization under the authorities of the Indian Self-Determination Act, providing all levels of IHS-funded services in cooperation with

six locally-operated tribal health programs. And just to note also is that all Indian health programs or Indian healthcare in the State of California operates under the PL93638 compacts and contracts.

And before I go any further, I would like to introduce you to our Executive Director, Mr. James Crouch.

[Statement of Reno Franklin follows:]

# CALIFORNIA RURAL INDIAN HEALTH BOARD, INC.

**Appropriations Testimony**
**House Sub Committee on Interior and Related Agencies**
**March 13, 2008**

Reno Keoni Franklin, Chairman, California Rural Indian Health Board Inc.
I am a member of the Stewarts Point Band of Kashia Pomo and serve as their representative to the Sonoma County Indian Health Board Inc. Board of Directors

The California Rural Indian Health Board Inc. (CRIHB) was founded in 1969 by Tribal Governments in California to serve as the focal point for the planning, design and implementation of an Indian controlled health care system in California. For the past quarter century CRIHB has operated under Tribal resolutions as a Tribal Organization under the authorities of the Indian Self Determination Act providing all levels of IHS funded services in cooperation with six locally operated Tribal Health Programs. From its earliest days CRIHB has continually provided services on a statewide basis funded through a variety of governmental and philanthropic sources. More recently CRIHB has begun assisting Tribes and Tribal Health Programs in Nevada, Utah, Oregon, and Washington through projects funded by SAMHSA and the Centers for Disease Control.

The California Rural Indian Health Board requests that Congress address the chronic under funding of the Indian Health Service (IHS) and provide a level of funding far beyond the Presidents FY 2009 requested amount of $3,180,097,000. Specifically, we are requesting that Congress identify $2,000,000 in CHS funds to section 211 of the Indian Health Care Improvement Act to address the inability of Tribal Health Programs in California to provide inpatient and specialty care for Native Americans in our Area. We assert that California is deferentially under funded by the Indian Health Service and that our most critical short fall is in Contract Health Service funding. This lack of CHS funds is compounded by a lack of access to the Catastrophic Health Emergency Funds which is limited by our general under funding and lack of service capacity associated with IHS constructed facilities which are generally available in other IHS Areas.

Because good decisions are made using the best available data, we will attempt to provide you with documentation from a number of IHS data sets, state data sets as well as CRIHB organizational sources including published peer reviewed studies.

Due to federal termination policy all IHS funded services were withdrawn from California in the 1950's. Later in 1972, services were reestablished through direct Congressional action. Initially these new tribal health programs were operated under the provisions of the Buy Indian Act and became a model for what is now known as the Indian Self Determination Act. At the time the IHS had no "New Tribes" funding policy resulting in a funding dispute between Tribes in California and the Department of Health and Human Services. This dispute, known as the Rincon Case, was found in favor of the Tribes and ultimately lead to the establishment of what is now known as the Indian Heath Care Improvement Fund. Tragically the under funding of the IHS program in California has continued. Today, the California Area of the Indian Health Service has an active user population of 77,000 American Indians and Alaska Natives. Uniquely, only half of these IHS eligible clients are members of one of the 109 federally recognized tribe's within the state. About 30% of the active users are members of tribes located outside of California and 20% are California Indians documented as descendants of Tribes resident in California in 1852 and listed on the California judgment rolls. IHS eligible clients in California are served by 30 Tribal Health Programs which

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operate one or more primary care clinics under the Indian Self Determination Contracts and Compacts. Collectively these Tribal Health Programs provide services within 37 contiguous counties of mostly rural California running from the Mexican border to the Oregon Border. An area of over 123,510 square miles of which less than 7% is land held in trust. The largest Tribal Health Program serves 13,000 active users the smallest serves less that one hundred. To date, there are no IHS constructed facilities of any kind in the California Area of the IHS. Most significantly there are no IHS funded Hospitals. This makes California one of four IHS areas termed "Contract Health Service Dependent." Two of the four CHS Dependent Areas have at least one IHS funded Hospital facility. California's lack of Hospital capacity comes with a concomitant lack of Pharmacy, Diagnostic Laboratory, and X-Ray capacity. There are only seven Tribal Health Programs that operate licensed Pharmacies', there is only one CLEA certified laboratory and only two operate limited X-ray services. The lack of infrastructure compounds the shortage of CHS funds by expanding the range of services that must be purchased from non Indian providers. Many Tribal Health Programs are spending as much as 60% of their allotted CHS funds to cover prescription costs for individual clients.

The Tribally Operated IHS funded health care system in California has been very effective at utilizing all of the resources that are available to them. Aggressive measures are used to ensure enrollment of American Indian and Alaska Native clients into alternative coverage such as Medicaid, Medicare and S-CHIP. Many locations services are also provided to insured non Indians. All programs have active, long standing and creative prevention programs focused on diet, exercise, nutrition and risk taking behaviors.

Published research on IHS clients in California documents that very few hospitalizations are funded with IHS funds, but over all hospitalization rate is among the highest in the IHS system. Specifically 15.7per 10,000 were funded with CHS funds compared an all sources hospitalization rate of 980 per 10,000. This study identifies major sources of payment were Medicaid funded 40% of the discharges followed by Medicare which accounted for 25% and private pay at 19%.

Today, with 77,000 active users we can expect 2800 hospital discharges annually of which 700 are identified as having no source of pay creating $19,355,000 in bad debt at licensed hospital facilities in California.

Understanding of the IHS program is not new information. For over a decade the IHS Indian Health Care Improvement Fund methodology has shown California to be generally underfunded with an Area wide level of need funded at 55%. However, only recently the complexities and multiple impacts of the under funded CHS program in California begun to be understood.

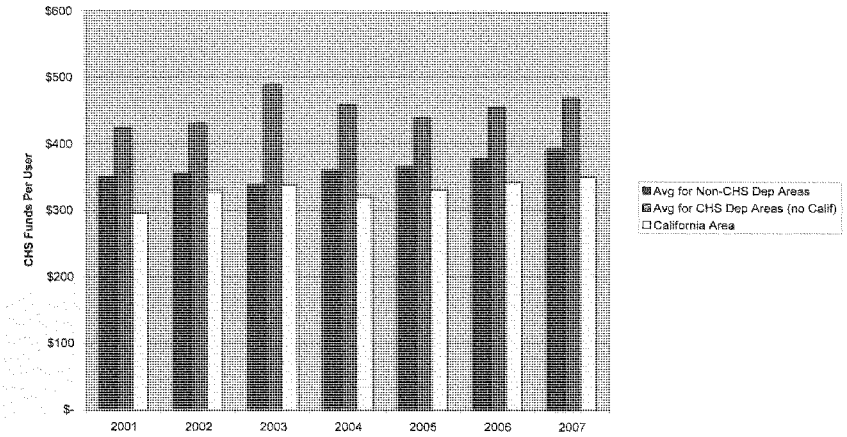
The central role of constrained CHS funding in California can best be addressed by providing funding to the California CHS Demonstration Project as authorized in Section 211 of the Indian Health Care Improvement Act which establishes an innovative intermediate risk pool that would target CHS costs below the threshold amount needed for reimbursement by the IHS operated Catastrophic Health Emergency fund (CHEF). The operation of such a fund by the California Rural Indian Health Board would increase access to inpatient and specialty care and reduce financial risk to local tribal health programs. It would also afford California an equitable opportunity to obtain funding through the IHS operated CHEF fund and help establish a more complete continuum of care.

Our analysis indicates that there is currently $19,355,000 in unfunded hospital costs from 700 unfunded hospital discharges for IHS Active Users in California. The requested $2,000,0000 for the California CHS Demonstration Project which would fund approximately 72 cases, given that the average cost of a hospital discharge in California is $27,650. Additionally, there could be as many as 20 high cost cases that would be newly eligible for CHEF reimbursement. A Congressional commitment to fully fund such an intermediate risk pool over a multi year period could easily serve as a model to address the issue of CHS dependency in other IHS Areas including Portland, Nashville and Bemidji. Initial funding for the California CHS Demonstration project should be in the range of $2,000,000 to allow for administrative efficiency. A sum is small compared to the "staffing packages" that routinely accompany the opening of new hospitals in other areas a benefit that will never accrue to thinly populated hospital rich California Indian country.

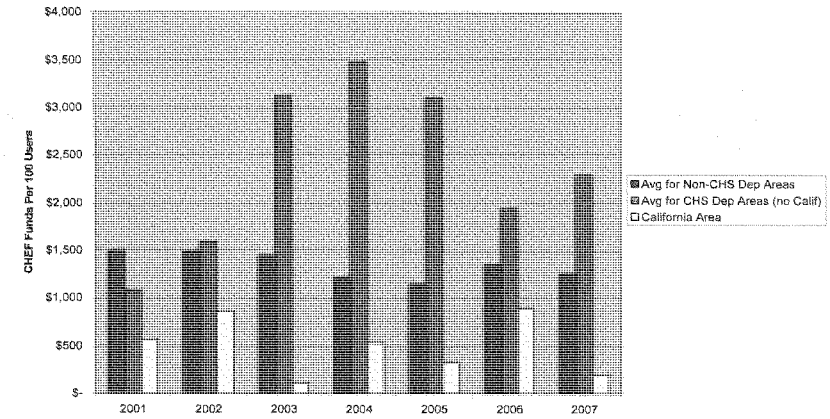
IHS CHS program management statistics document that the California Area consistently has fewer CHS resources even when compared to the other CHS Dependent Areas.

Similarly the California Area has had less access to the Catastrophic Health Emergency Fund of all the IHS Areas even when compared to the other "CHS Dependent Areas"

**Contract Health Service Funds Per User Distributed by IHS from 2001 to 2007: California Area, Other CHS Dependent Areas (Average for 3) and Non-CHS Dependent Areas (Average for 8)**




**Catastrophic Health Emergency Funds Per 100 Users Distributed by IHS 2001 to 2007: to California Area, Other CHS Dependent Areas (Average for 3) and to Non-CHS Dependent Areas (Average for 8)**



Mr. CROUCH. Thank you, Mr. Dicks. I would point your attention to line 4, paragraph 2 to get to the chase, the actual request.

California Tribal Health Programs are seeking the expansion in the CHS funding. We are seeking that you fund for the very first time Section 211 of the existing Indian Healthcare Improvement Act for $2 million. That authorization is laying fallow for a number of years and has created lots of problems in California where all healthcare is provided through ambulatory clinics. There are no hospitals. California is one of four IHS areas that are described as being CHS dependent.

What that means is we do not have access to inpatient care through IHS facilities, and it means, of course, we do not have access to those auxiliary services that exist in those facilities like laboratory and X-ray. And that causes extra expenses on our CHS budget.

I gave you a lot of data about California area itself, but I wanted to point out that we did——

Mr. DICKS. Why is that? Why is that? Why did that happen?

Mr. CROUCH. Our population is spread over a huge area, about 123,000 square miles, but we make up about seven-tenths of 1 percent of the state population. So we are a small population spread out over a large area. So——

Mr. DICKS. Okay.

Mr. CROUCH [continuing]. We have Section 211 of the Indian Healthcare Improvement Act sets up what is known as an intermediate risk pool to fund costs that would be otherwise funded by the local tribal health provider, or if they were great enough, they would go onto the CHEF Fund. Last year you gave the CHEF fund 10 million additional dollars. None of those monies will show up in California if history proves itself again to be true.

A few years ago we did a study looking at the IHS active users in California, about 70,000 of them, matching with all the Medicaid funded care, all the hospital discharge data in the State of California. And we identified that Medicaid pays for 40 percent of those discharges, Medicare pays for about 25 percent, private pay pays for about 19, and 15 percent of all those discharges are left unfunded. IHS, by the way, pays for about 1 percent.

The IHS data does not even show that we are getting to the hospitals. You have to go to state systems and match up the IHS and the state data to learn these things. That means there are about 2,800 hospital discharges annually and about 700 of them are unfunded. The value of those unfunded care is about $19 million a year.

That shortfall falls on individual Indians because their IHS is a discretionary system. If you do not have CHS funds, you simply deny care to those clients. In many places in California they provide no inpatient or specialty care.

Turn your attention to the charts in the back of the document. Not only are we more dependent on CHS funding, but sadly because you all look at line items, and I do not know who really does oversight on the IHS, but when you look at other cuts in how IHS appropriations are distributed, you will find interesting dis-equity.

In this chart on the top you see the non-CHS dependent areas in red. You see our sister areas like Portland, Bemidji, and Nash-

ville in green, and then California in yellow. So we have consistently less CHS funding per capita than any other piece of the system, much less the other CHS dependent areas.

That results in a secondary shortfall which is access to the CHEF Fund. The CHEF Fund should pay for high-cost cases over $26,000, but if your most generous program caps CHS coverage at $5,000 per inpatient event, you will never get into the CHEF.

Consequently, you can see that California in yellow has almost no access to the CHEF. Comparative area, Billings, Montana, with about the same number of Indians, has 150 CHEF cases a year. California has five.

So we would like you to fund Section 211 of the Indian Healthcare Improvement Act. It would not be an earmark because this is an existing authorization. It would put in play an opportunity for us to improve the coordination of care in California and meet another, a lot of other needs and free up CHS funding for other things.

Is there anything that you would like to finish with?

Mr. FRANKLIN. Yes, if I may. Another interior appropriations issue is the Historic Preservation Fund. I serve as a tribal historic preservation for my tribe, Kashia Pomo Tribe.

Mr. DICKS. Right.

Mr. FRANKLIN. And we would like to thank you for your support last year and hope that you would continue your support for our funding.

There are eight tipples in your state, sir, that serve, and as for a need, you know, the Kashia Pomo Tribe last year was named as one of the 11 most endangered places, historic places by the National Trust for Historic Preservation. So we are the first actual tribal lands on that list.

And the funds that we get for historic preservation, while they are definitely not adequate for what we need, it is a definite good starting place, and we would ask that you at least protect the amount that was enacted last year of 6.4 million.

Mr. DICKS. Okay. Thank you.

Mr. OLVER. May I——

Mr. DICKS. Yes. Yes. Mr. Olver. Of course.

Mr. OLVER. I am a little bit curious. I think I understand you to say you have a couple hundred thousand Indian people in California, roughly that.

Mr. CROUCH. We are serving 77,000 IHS active users. Yes, sir. The actual census population would be greater than that, of course.

Mr. OLVER. And the contract, the CHS's contract services is everything that you do? Do you have specific clinics in——

Mr. CROUCH. We have, yes, sir.

Mr. OLVER. Where are the clinics?

Mr. CROUCH. We have a network of 30 clinics——

Mr. OLVER. Thirty clinics.

Mr. CROUCH [continuing]. In mostly rural counties from the southern border to the northern border, mostly along the Sierra, the backbone of the Sierra Riverside, San Bernardino, and San Diego.

Mr. OLVER. Now——

Mr. DICKS. These are tribal. Right?

Mr. CROUCH. Tribally operated. Yes.

Mr. DICKS. All right.

Mr. OLVER. Tribally operated. Thirty clinics.

Mr. CROUCH. Thirty. Uh-huh.

Mr. OLVER. I see. And the contract service is beyond those 30 clinics?

Mr. CROUCH. Right. When you, right. What you can do direct care in those clinics is one source of funding. We have about 50 cents on the dollar from that side, and then what you need to buy from other providers like rural hospitals, specialty practitioners, X-ray capacity, pharmacies, you buy with your CHS money.

Mr. OLVER. So what proportion of your money is in the support of the clinics, and what proportion in the contract service?

Mr. CROUCH. Overall California gets about $120 million a year for healthcare, of which a little less than about 19 million is in CHS care.

Mr. OLVER. So——

Mr. CROUCH. So we are heavily invested in the clinic side and cannot help you when you really need it.

Mr. OLVER. Of those clinics, all those clinics have dental service in them?

Mr. CROUCH. Yes. It is fair to say all of them have dental services. All of them have some level of behavioral health and some level of medical care.

Mr. OLVER. Uh-huh.

Mr. CROUCH. But they do not have——

Mr. OLVER. The previous gentleman pointed out that, yes, the dental was particularly difficult. I understand that. We have worked on it in this Committee for the last couple of years in trying to upgrade that somewhat.

Mr. CROUCH. Absolutely and——

Mr. OLVER. You find the same thing?

Mr. CROUCH [continuing]. The dental healthcare program in California funded by the Medicaid Program is very much threatened as we speak.

Mr. OLVER. And do you have contract dental services as well or only medical services?

Mr. CROUCH. With the IHS money or with——

Mr. OLVER. With the CHS money.

Mr. CROUCH. CHS money we buy both dental and——

Mr. OLVER. And medical?

Mr. CROUCH [continuing]. Medical. For example——

Mr. OLVER. Mental health?

Mr. CROUCH [continuing]. Baby—some behavior health, the example of the dental care would be like baby bottle tooth decay. It is a very expensive procedure usually done with the child, you know, knocked out and in a hospital. And we do not have money, you know, some of those 700 hospitalizations would have been for that kind of service.

Mr. OLVER. And the 30 clinics do not include, there are urban centers, I take it, several urban centers.

Mr. CROUCH. Seven of those. There are seven of them.

Mr. OLVER. Seven of those.

Mr. CROUCH. Right.

Mr. OLVER. And those would be in the biggest metropolitan areas. But then yours are in the——

Mr. CROUCH. Rural.

Mr. OLVER [continuing]. Rural. But you, when you mentioned seven-tenths of 1 percent, that would be the Indian people in the whole state, in the whole population?

Mr. CROUCH. Exactly.

Mr. OLVER. Using both the urban centers and the CHS and——

Mr. CROUCH. In the tribal areas, the census population——

Mr. OLVER [continuing]. Rural clinics.

Mr. CROUCH [continuing]. Would be more like around 230,000 of the 640 or so that are in the state. So we are——

Mr. DICKS. How many recognized tribes are there in the state?

Mr. FRANKLIN. One hundred and nine.

Mr. DICKS. One hundred and nine recognized tribes.

Mr. FRANKLIN. One hundred and nine beautifully recognized tribes in the State of California. There are, I believe 30 some odd number of unfederally recognized.

Mr. OLVER. And these are all indigenous to California tribes?

Mr. FRANKLIN. Yes. To California. Yeah.

Mr. OLVER. Wow. One hundred and nine.

Mr. CROUCH. So that is why we need a structure to coordinate healthcare statewide like California Rural Indian Health Board, and that is why the CHS Intermediate Risk Pool would have some quality impacts on everybody's practice.

Mr. OLVER. With that number of people and number of tribes, do you have any tribal colleges, or is the education system, since it is so extensive in California and ubiquitous to the state, your education comes there.

Mr. FRANKLIN. We do. We have a DQ University, which I think had lost its accreditation a couple of years back.

Mr. OLVER. What is DQ?

Mr. FRANKLIN. That is a word that I cannot pronounce. That is why we call it DQ.

Mr. CROUCH. Q is Quatsaquatal.

Mr. FRANKLIN. There you go.

Mr. OLVER. And the D is too complicated.

Mr. CROUCH. It is non-California——

Mr. OLVER. Okay. All right.

Mr. DICKS. All right. Well, and I appreciate the gentleman probing further here, because I think it is very helpful because this is a unique system, and we need to understand.

Mr. FRANKLIN. Well, thank you very much.

Mr. DICKS. Thank you. And——

Mr. CROUCH. Thank you for your questions.

Mr. DICKS. And finally, Sally Smith, Chair of the National Indian Health Board.

Hi, Sally. How are you?

Ms. SMITH. I am well. Thank you very much.

Mr. DICKS. Yes. Welcome.

Ms. SMITH. Thank you. Good morning.

Mr. DICKS. We will put your statement in the record, and you have 5 minutes to summarize.

Ms. SMITH. Thank you. I am an Eskimo from Alaska.

Mr. DICKS. Oh, wonderful.

Ms. SMITH. And I understand that you are an avid fisherman.

Mr. DICKS. Yes. I fish up in Alaska twice every year.

Ms. SMITH. Please come to the Bristol Bay area. We are the gateway to the Wood-Tikchik Park System. I extend a personal invitation to you.

Mr. DICKS. I have fished that back bouncing for king salmon and did very well.

Ms. SMITH. Come back and do that again.

Mr. DICKS. Yes. We had some great trips up there. I usually fish in southeastern.

Ms. SMITH. Oh, no. Come up to the southwest.

Mr. DICKS. Sitka and out of Ketchikan to Coronation Island, where I got a 54-pound king salmon 3 years ago.

Ms. SMITH. We might be able to match or beat that in the southwest part.

Mr. DICKS. You have some big ones up there, do you not?

Ms. SMITH. Yes, we do.

Mr. DICKS. Oh, yes, you do. No doubt about it.

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WEDNESDAY, MARCH 12, 2008.

## NATIONAL INDIAN HEALTH BOARD

WITNESS

**H. SALLY SMITH**

Ms. SMITH. Thank you. Today my testimony focuses on the President's fiscal year 2009 proposed budget regarding the Indian Health Service budget.

The President's request for IHS is $3.3 billion, which is a $21 million increase from the fiscal year 2008 funding. The President's budget request is not adequate to address the high incidence of disease, behavioral health issues such as youth suicide and substance abuse. Certainly we have out-of-date healthcare facilities, vacancy rates, the list goes on.

The National Indian Health Board recommends that this Subcommittee appropriate at least $4.2 billion to the IHS, which would restore funding for healthcare facility construction, alcohol and substance abuse healthcare professionals, restoration of the Urban Indian Programs, as well as other substantial increases requested by the tribes through the HHS budget, tribal budget consultation process happening today and tomorrow here in your great city.

The request for the $4.2 billion made by NIHB, unlike the President's budget, does not include consideration of any third party collections. We believe that such consideration is contrary to Congressional intent.

Certainly we are appreciative of the increases to certain line items such as the additional $9 million to contract health services; however, as you have heard, $9 million is not nearly enough.

Additionally, contract support costs continue to be underfunded. The IHS estimates the shortfall at $150 million. If CSC is not fully funded, program funding is used to subsidize salaries, inflation,

and population growth, resulting in diminishment of healthcare services to Natives and Indians.

The high incidence of diseases and medical conditions in Indian Country supports an increase in funding. Native people continue to suffer from higher rates of disease. As you know, 1.6 times higher in cervical cancer; in diabetes, three times higher; and, again, 1.6 times higher in suicide.

The Administration defends the President's budget by claiming that program funding is reduced or eliminated in order to fulfill the IHS core mission of providing primary care to Indians on or near reservations blows my mind. But the President proposed decreases in funding to essential programs that represent vital components of the Indian Healthcare Delivery System.

As a representative from Alaska, I appreciate the President's request to specifically continue construction of the Barrow Hospital Project. However, many more American Indian native communities are waiting to build their first facility or to modernize their outdated facilities.

Mr. DICKS. How much is that Barrow one going to cost?

Ms. SMITH. It is going to cost, the construction costs are so high in Alaska. Eighty-six million. I am groping at that answer, but I will get you an accurate number.

Mr. DICKS. We hear it is up to $135 million.

Ms. SMITH. No. It has gone up that high? You know, I live in Clarks Pointe. I live in Dillingham, but in Clarks Point we are building a facility there, a health clinic. At the time we were quoted at $329 a square foot, until it got delayed and delayed. A year later it was up to $1,000 a square foot. So I understand if it is going to 130 plus million. It is extraordinary. The costs are so high.

Mr. DICKS. Is it in the budget?

Ms. SMITH. It is in the budget. It is in the budget. We thank you for that, but there are so many others that are outdated.

Mr. DICKS. What year is this in the Barrow thing? Do you have any idea?

Ms. SMITH. I do not have——

Mr. DICKS. Are they already under construction?

Ms. SMITH. Yes, it is. It is going through the PJDPOR process, and so it is under, it is moving through the system.

Mr. DICKS. But it is not under construction yet?

Ms. SMITH. No. Actually, they will begin, hopefully begin construction this summer. So yeah. We invite you up there, too.

Mr. DICKS. Yes.

Ms. SMITH. That would be great.

The average U.S. hospital is 9 years old, and many of the existing IHS hospital facilities are over 30 years old. A decrease in facility construction, halting funding halts current projects, inhibits future construction, and results in higher construction costs as you have just described.

The fiscal year 2009 President's budget reduced, requests to reduce health professions by $14 million will result in substantial reductions. It goes on, we already heard about the reduction or the diminishment that doing away with the Urban Health Program. The National Indian Health Board, of course, supports that.

There is a big—I have Kitty Marx with me, who is the Legislative Director, and you know that the Medicare and Medicaid supplementary revenues should be absolutely kept separate from the Indian Health Services budget.

And then, I wanted to say that the President's——

Mr. DICKS. Now, explain that to me. How does this thing work?

Ms. MARX. Well, as part of the President's budget——

Mr. DICKS. Just pull it over.

Ms. MARX. As part of the President's budget request they do request $3.3 million in appropriations, but in describing their operating budget and what they need to describe their program, we have interpreted that they are considering the Medicare and Medicaid collections in that calculation.

Mr. DICKS. So—oh. Okay.

Ms. MARX. Which we, I mean——

Mr. DICKS. So you collect Medicare and Medicaid where you can.

Ms. MARX. Right. I mean, the, it is estimated that it is $689 million for fiscal year 2007, that money is returned to the service units for the operation of the facilities to meet compliance standards with Medicare, Medicaid to pay for health professions, salaries, equipment, and X-ray. So this is vital money that the service units need.

Mr. DICKS. Yeah.

Ms. MARX. But the Indian Healthcare Improvement Act——

Mr. DICKS. Same thing they do in the community healthcare clinics. So they are going to reduce the amount of money by 689——

Ms. MARX. Well, they are not quite——

Mr. DICKS [continuing]. Because you are going to get these reimbursements?

Ms. MARX. Yeah. They are not quite reducing it, and that is kind of, it is a matter of interpretation.

Mr. DICKS. Well, what are they doing?

Ms. MARX. Well, I think they are considering it in their budget request. If they are only asking $3.3 billion in appropriations, knowing that they are going to collect close to $700 million in——

Mr. DICKS. Right.

Ms. MARX [continuing]. Medicare, Medicaid that they recognize they need, then their full operating budget is $4.2 billion. Well, if the Indian Health Service needs $4 billion to operate its program, they should ask for that.

Mr. DICKS. And also collect the money.

Ms. MARX. Yeah. And then have the 600, $700 million in Medicare and Medicaid supplement the program, which was——

Mr. DICKS. Yeah.

Ms. MARX [continuing]. Congress's intent back in 1976. And that is what our concern is, is that the Indian Healthcare Improvement Act——

Mr. DICKS. Have you got any history on this? Do you know where the, can you get us a piece of paper on that?

Ms. MARX. Yeah. We can do that. I mean, I think there is a long history of——

Mr. DICKS. Yes.

Ms. MARX [continuing]. The Administration——

Mr. DICKS. Get us a piece of paper on that.

Ms. MARX [continuing]. Doing this. Okay. We certainly will.

Mr. DICKS. Thank you.
Ms. MARX. Thank you.
Ms. SMITH. Thank you for the opportunity to——
[Statement of H. Sally Smith follows:]

**H. SALLY SMITH, CHAIRMAN, NATIONAL INDIAN HEALTH BOARD**

Good Morning Chairman Dicks and members of the House Subcommittee on Interior, Environment and Related Agencies, I am H. Sally Smith, Y'upik Eskimo and Chairman of the National Indian Health Board (NIHB). [1] Today, my testimony focuses on the President's FY 09 proposed budget regarding the Indian Health Service's (IHS) budget. The President's FY09 Budget Authority request for IHS is $3.3 billion, which is a $21 million decrease from the FY08 funding. The President's budget request is not adequate to address the high incidence of disease, behavioral health issues such as youth suicide and substance abuse; out of date health care facilities, vacancy rates – the list could go on and on. The NIHB recommends that this Subcommittee appropriate at least $4.2 billion, to restore the Health Care Facilities' line item to $374.6 million, Alcohol & Substance Abuse's line item to $173 million, Indian Health Care Professionals' line item to $36 million and Urban Indian Programs' line item to $35 million; as well as include other substantial increases recommended by the Tribes. The request of $4.2 billion made by NIHB does NOT include consideration of any third party collections - such consideration is contrary to Congressional intent.

On March 28 -29, 2007, the Department of Health and Human Services held its 9th Annual Tribal Budget Consultation Session. At that meeting, the IHS Tribal Budget Formulation Workgroup presented the FY 2009 Budget Recommendations, developed based on Area tribal consultation meetings, and recommended a $781 million increase, plus restoration of the urban Indian program funding. I have included as part of my written testimony a copy of the workgroup's recommendation.

The Tribal Workgroup's $781 million recommendation includes increases for pay costs, inflation, population growth, and staffing of new facilities, and includes the following recommended services and facilities increases:

| Services | | Facilities | |
|---|---|---|---|
| Hospital & Clinics | $110,000 | Health Care Facility Construction | $100,000 |
| Indian Health Care Improvement Fund | $40,000 | Maintenance & Improvement | $10,000 |
| Information Technology | $5,000 | Sanitation Facilities Construction | $20,000 |
| Dental | $20,000 | Facilities & Environmental Health Support | $2,391 |
| Mental Health | $25,000 | Equipment | $5,000 |
| Alcohol and Substance Abuse | $30,000 | Joint Venture, Small Ambulatory, YRTC | $30,000 |
| Contract Health Services | $110,000 | | |
| Public Health Nursing | $4,000 | | |
| Health Education | $1,000 | | |
| Community Health Representatives | $4,000 | | |
| Urban Indian Health | $3,500 | | |
| Indian Health Professionals | $1,000 | | |
| Tribal Management | $1,000 | (Funding increases in thousands) | |
| Self-Governance | $160 | | |
| Contact Support Costs | $2,845 | | |

[1] *The NIHB was established in 1972 to advocate for improvement of health care for American Indian and Alaska Natives (AI/ANs) and Tribal governments. Our Board Members represent each of the twelve Areas of IHS and are elected at-large by the respective Tribal Governmental Officials within their Area. We strive to advance the level of quality and adequacy of funding for health services operated by the IHS and other tribal health programs.*

Despite the Tribal recommendations, the President proposes substantial funding reductions in four of the most critical areas in the IHS as well as wrongly includes Medicare and Medicaid collections as part of the general funding consideration. The President proposed a $121 million decrease in funding for Health Facility Construction, an $11 million decrease in Alcohol & Substance Abuse, $14 million dollars in Indian Health Care Professionals and $35 million decrease in Urban Indian Programs. These essential programs were already severely underfunded in FY 08 but represent vital components of the Indian health delivery system.

Certainly, we are appreciative of the increases to certain line items, such as the additional $9 million to Contact Health Service (CHS). However, $9 million dollars is not nearly enough for this essential line item. Robert McSwain, Acting Director of IHS, stated at his nomination hearing on February 7, the increases to CHS are expected to cover CHS expenses through August. Now the saying in Indian Country will be "Don't get sick after August" where as the old saying was "Don't get sick after June". This is still not acceptable and increases to the CHS program are greatly needed.

In addition, the Contract Support Cost (CSC) continues to be underfunded. Although the President's FY 09 proposes a $4.2 million increase to the CSC line item, IHS estimates the shortfall at $150 million. This underfunding of administrative costs places burdens on direct health care delivery. If CSC is not fully funded, program funding is used to subsidize salaries, inflation and population growth, resulting in health services being diminished.

The high incidence of disease and medical conditions in Indian Country supports an increase in funding. Indian people continue to suffer from higher rates of diseases as compared to other races:

- Death rates due to cervical cancer: 1.6x higher
- Death rates due to diabetes: 3x higher
- Death rates due to suicide: 1.6x higher

The Administration defends the President's budget by claiming that program funding was reduced or eliminated in order to fulfill the IHS core mission of providing primary care to Indians on or near reservations. The last time I looked the IHS mission was to "raise the physical, mental, social and spiritual health of American Indians and Alaska Natives to the highest degree." The very foundation of the IHS is to "uphold the Federal government's obligation to promote healthy American Indian and Alaska Native people, communities and cultures, and to honor and protect the inherent sovereign rights of Tribes."

The President's budget targets the most critical line items important to the delivery of direct health care: facilities and health professionals, eliminates the urban Indian program, and in contradiction to Federal law, considers third party collections as part of its proposed budget.

**Health Care Facility Construction**

Health care facilities are the venue where health care delivery occurs. Frankly, we are offended by the President's request of only $15.8 million for facility construction – a $20.8 million decrease in funds from FY08. As a representative from Alaska, I appreciate the President's request to specifically continue construction of the Barrow hospital project. However, many

more American Indian and Alaska Native Communities are waiting to build their first facility or modernize an outdated facilitate. The average U.S. hospital is 9 years old, where as many of the existing IHS facilities are over 30 years old. A decrease in facility construction funding halts current projects inhibits future construction and results in higher construction costs.

**Indian Health Professions**
The FY09 President's Budget request to reduce the health professions line item by $14 million from FY08 level will result in substantial reductions in the number of scholarships and loan repayments awarded. In a society where cultural relevance is important, it is essential to retain dedicated health professionals who have earned the trust of the community.

**Reduction in Urban Indian Health Program:**
The President's budget proposes the elimination of $35 million for the urban Indian programs. Many of the 600,000 Indians served by these urban health programs reside in urban areas as a result of Federal relocation programs, or as a result of employment or education. This is the third year that the Administration has zeroed out the program. The Administration has failed to conduct any study nor consulted with Tribes and Tribal organizations.

The Snyder Act authorizes appropriations for the "benefit, care, and assistance of Indians throughout the United States." Elimination of the urban Indian program could be interpreted as the first step in regressing from the Federal government's trust responsibility to provide services to AI/ANs, no matter where they might reside.

**Keep Medicare and Medicaid Supplemental Revenues Separate from IHS' General Budget**
The Administration and the President continue to wrongly consider Medicare and Medicate collections as apart of general funding for the IHS budget. This practice must stop because it is a direct violates terms under the Indian Health Care Improvement Act. Instead, the Medicare and Medicaid Collections should be considered as supplemental funds available to tribes to service qualified AI/ANs.

While the recommended funding about for IHS is $4.2 billion dollars, the IHS FY 2009 Budget Request – Congressional Justification includes specific amounts of Medicare and Medicaid collections (total of $689.5 million) to meet this request. The budget justification clearly takes into consideration the Medicare and Medicaid estimates from prior years in determining the budget justifications for the next fiscal year. In 1976, Congress gave the IHS specific authority to bill for and receive Medicare and Medicaid reimbursement for services provided to Medicare and Medicaid eligible American Indians and Alaska Natives. As part of this authority, Congress did not intend for Medicare and Medicaid collections to replace existing IHS appropriations; rather, it was meant as a supplement to IHS appropriations to meet Medicare and Medicaid accreditation and compliance standards.

This is clearly stated in the law. For example, 25 U.S.C. 1641 (a) states that "any payments received by a hospital or skilled nursing facility of the Service (e.g., IHS) (whether operated by the Service or by an Indian tribe or tribal organization pursuant to a contract under the Indian Self-Determination Act [25 U.S.C.A. 405f, et seq.] for services provided to Indians eligible for

benefits under title XVIII of the Social Security Act [42 U.S.C.A. 1395, et seq.]) shall not be considered in determining appropriations for health care and services to Indians."

25 U.S.C. 1642 (b) states "any payments received by such facility for services provided to Indians eligible for benefits under title XIX of the Social Security Act [42 U.S.C.A. 1396, et seq.] shall not be considered in determining appropriations for the provision of health care and services to Indians."

By making the request for $689.5 million additional dollars, the Administration is clearly stating that it needs this amount of funding to become operational and fulfill its responsibilities. While we agree that the Medicare and Medicaid collections are needed to maintain program compliance standards and provide beneficiaries with access to Medicare and Medicaid services, consideration of this funding in making appropriations determinations is prohibited by law. Therefore, we request this Subcommittee to rectify the budget practice of including Medicare and Medicaid revenues in the bottom line of the IHS budget. This Subcommittee should make appropriate accommodations to achieve adequate funding of the IHS without including Medicare and Medicaid collections as apart of the general available funding source. Removing the Medicare and Medicaid revenues from the IHS budget request while maintaining their requested amount will assist appropriators with making correct assumptions about the IHS budget request and should result in an additional $689.5 million to the IHS budget target. We request your assistance with including this important increase in the budget resolution.

**Conclusion:**

As Tribes, every year, we participate in the HHS Tribal Budget Consultation sessions. Last year, tribes participated in good faith, yet our recommendations were not taken seriously by this Administration. We ask you, in closing, that you and other members of the Subcommittee take our tribal recommendations seriously and move them forward through the Appropriations process. IHS needs to be funded at 4.2 billion dollars using Medicare and Medicaid collections as a funding source to meet this baseline need. Medicare and Medicaid collections were intended to be supplemental sources of funding options for tribes.

In closing, I appreciate the opportunity to testify on behalf of the NIHB on these important issues. Thank you for your consideration. I am available to answer any questions you might have.

Mr. DICKS. Yes. Well, thank you very much, and Mr. Olver, do you want to ask any questions?

Mr. OLVER. I would like to ask just a couple of questions.

Mr. DICKS. Go ahead. Go ahead.

Mr. OLVER. I am curious now. How much of an appropriation do you actually get? Maybe I missed that. To operate the National Indian Health Board.

Mr. DICKS. Or are you financed by the tribes?

Ms. SMITH. Well, actually, we are a non-member, we are a member organization only in that we have representatives from all 12 areas, and we have——

Mr. DICKS. These are BIA areas?

Ms. SMITH. Well, I suppose you could——

Ms. MARX. Yeah. They are IHS.

Ms. SMITH. IHS.

Mr. DICKS. Indian Health Service. Okay.

Ms. SMITH. Indian Health Service areas. BIA is a whole different—I am glad I am not involved with them, but, anyway, it is Indian Health Service, and we receive under a cooperative agreement with the Indian Health Service a very small sum of money, and then through tribal shares the tribes, if they elect to return the money back to the Indian, to the National Indian Health Board, that then becomes part of our budget.

Mr. OLVER. What is the amount that you get from the Indian Health Service?

Ms. SMITH. It is——

Ms. MARX. It varies. I mean, we do that through a cooperative agreement, an inter-agency agreement. We are a non-profit organization, and the Indian Health Service gives us money to carry out programs to support, you know, budget formulation, tribal consultation, various activities. So we are non-profit, and we receive money through them, but we are not a part of the Indian Health Services.

Mr. OLVER. Well, I am curious. What would be the Board's total budget?

Ms. MARX. It is probably like close to——

Ms. SMITH. It is actually very small.

Mr. OLVER. Well, I guess it is a question, the reason I am asking is——

Mr. DICKS. Can you just give us a ballpark number?

Ms. SMITH. Between 1.2 and some years in our heyday 3 million, but I would say probably 1.2, 1.5 million.

Mr. OLVER. The whole budget of the Board?

Ms. SMITH. The whole budget of the National Indian Health Board.

Mr. OLVER. And you said a small piece comes from the Indian Health Service——

Ms. SMITH. Yes.

Mr. OLVER [continuing]. As a cooperative agreement.

Ms. SMITH. I believe $220,000.

Mr. OLVER. Two hundred and twenty thousand. So it is less than 10 percent of, or a little bit more than 10 percent, I guess.

Ms. SMITH. Yes.

Mr. OLVER. You said 1.2 million or did you say 3.2 million?

Ms. SMITH. One point two million dollars.

Mr. OLVER. Is the total. So it is a little over 10 percent. And how much do you get back from the tribes themselves?

Ms. SMITH. I will use Alaska as an example. There are 243 tribes in Alaska, of which their tribal shares equivalency is approximately $55,000. So from those tribes in Alaska that is what they would return back to the National Indian Health Board to add to our budget.

Mr. OLVER. Are they one of the BIA areas? Just Alaska alone? One of the BIA areas?

Ms. SMITH. Well, no.

Mr. OLVER. Because there was, I am trying to build myself in my mind a roadmap of where this system, how this system, how general the system is. You have, you said you had members from each of the areas.

Ms. SMITH. The way the United States is broken up, there are 12 areas. So we have 12 regions, Alaska being one, and there are 11 others.

Mr. OLVER. And how much money comes in from other sources, from donations, from fundraising, or something other than what comes from either through the tribal allocations back to you and from the BIA?

Ms. SMITH. As of last week the National Indian Health Board Board of Directors made a determination that we will no longer be absolutely independent the resources of the Indian Health Service. We cannot. In order——

Mr. OLVER. You cannot be——

Ms. SMITH. We cannot be——

Mr. OLVER [continuing]. Dependent. You want to try to become independent.

Ms. SMITH. We want to become independent——

Mr. OLVER. Somewhat.

Ms. SMITH [continuing]. Which means——

Mr. OLVER. Do not be too sure about that. Take what you can get from them.

Ms. SMITH. Sure.

Mr. OLVER. Do not deny it.

Ms. SMITH. But we cannot live on what they give us, and so we need to become a fundraising——

Mr. OLVER. So you need to—

Ms. SMITH [continuing]. Organization.

Mr. OLVER [continuing]. Fundraise. You have not been doing that in the past.

Ms. SMITH. We will——

Mr. OLVER. We will do it in the future?

Ms. SMITH [continuing]. We must do it.

Mr. OLVER. How many of the recognized tribes actually make money available to you? They would have to recognize that there is some significant service of promotion and advocacy, and so forth that you as the Indian Health Board, National Board, provide——

Ms. SMITH. Yes.

Mr. OLVER. [continuing]. That is of service to them.

Ms. SMITH. All 563 tribes, I would say maybe 90 percent of the 563 tribes return their tribal shares back to the Indian Health

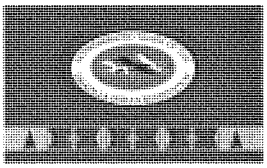
Service. It takes a little arm twisting sometimes, but they return it back. So is there support out there? Yes, sir. There absolutely is support. So from the tribes. Some of those tribal shares that are coming back are small. As I would say $32 would be a tribal share, do as great as $35,000. So is there support? Absolutely. Do we need to do more? There is no question that as fundraisers we must now step into a new realm of going out and asking for money.

Mr. DICKS. I think we better wind this up. I think it has been very useful. I thank all the tribes for coming today, but the Committee stands adjourned until 10:00 tomorrow.

Ms. SMITH. Thank you.

Ms. MARX. Thank you.

The following statements were provided for the record by witnesses who did not present oral testimony at the public witness hearing:



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TREATY JUNE 9, 1855 • CAYUSE, UMATILLA AND WALLA WALLA TRIBES

Antone C. Minthorn, Chairman, Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation
Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
March 12, 2008

Honorable Chairman Norm Dicks and Members of the Committee:

I am Antone C. Minthorn, Chairman of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), which is the home of the Umatilla, Cayuse and Walla Walla Tribes.

Once again the proposed budget for Indian Affairs does not support strong tribal self-government and self-determination. In fact, the FY 2009 proposed budget goes in the opposite direction as there is $100 million in proposed budget cuts. The proposed budget does not help meet the trust responsibilities the federal government owes to treaty tribes because the total Office of Indian Programs budget is still below the FY 1994 enacted level, without adjusting for inflation.

Tribal governments are like state governments in many ways – providing critical services, shaping values, and promoting jobs and growth. Though federal spending for Indians has lost ground compared to spending for the U.S. population at large, tribal self-government has proven that the federal investment in tribes pays off. Unfortunately, tribal governments are treated differently than states because we are forced to compete for funds to address local needs rather than directly receiving those funds. Real per capita income of Indians living on reservations is still less than half of the national average. Indian unemployment is nearly quadruple the rest of the country and the poverty rate is three times the national average. Thus, while the work of tribal self-determination is well under way, much work remains. These long enduring socio-economic disparities, and the success of tribes in addressing them, warrant continued federal investment in tribal self-determination.

With respect to the Indian Affairs budget, the CTUIR will address several issues beyond the total amount of funds that are currently proposed. These include:

- **Proposed reductions to specific line items in the Tribal Priority Allocations (TPA) will have disproportionate impacts on different tribes;**

- **The CTUIR is adamantly opposed to any redistribution of TPA funds based upon a needs analysis and asks that Congress prohibit the Department from pursuing any such plan.**

***The CTUIR has several specific areas of the actual budget currently proposed for Indian Affairs that we are commenting on.***

**The CTUIR requests that the Water Rights Negotiation/Litigation and Litigation Support/Attorney Fees programs be restored to at least FY 2004 budget levels.** Apparently this administration does not consider water an important resource or a trust asset of tribes. In FY 2004 the Water Rights Negotiation/Litigation and Litigation Support/Attorney Fees component of the BIA budget was $15.5 million. By FY 2008 the funding dropped to $9.95 million and there is a further proposed $1.0 million reduction for FY 2009, a 42% reduction since FY 2004. The justification for this cut was "to ensure other core responsibilities to American Indians/Alaska Natives were met". The CTUIR has a strong interest in the BIA budget for Water Rights Negotiations. In 2007, after CTUIR requests pending for a decade to assess the water rights of the CTUIR and the prospect for settling those water rights in the Umatilla Basin, Secretary Kempthorne appointed a Federal Water Rights Assessment Team. The CTUIR has been working closely with the State, Irrigation Districts and other stakeholders for the past 25 years to restore salmon and to meet the water needs of the CTUIR without harm to existing water rights holders. In 2009, the CTUIR expects to be requesting the appointment of a federal negotiation team for a comprehensive settlement of the Tribe's water rights in the Umatilla Basin. The CTUIR will need BIA financial assistance under the Water Rights Negotiation line item to be successful in our negotiations. The success the CTUIR has had in the Umatilla and Walla Walla basins is recognized as a national model for bringing together diverse water interests and cooperatively solving the multi-dimensional problems around use of water.

**The CTUIR requests that the Water Management program be restored to at least FY 2004 budget levels.** Water Management Planning and Pre-Development is another component of the BIA budget that now plays a significant role in tribal efforts to adjudicate their water rights. Again this program has seen sharp decreases, going from $8.1 million in FY 2004 to $5.6 million in FY 2008, a 30% reduction. According to the budget justifications, these "funds are being used to conduct water management and planning projects for the purpose of managing and conserving Indian water resources." At the CTUIR these funds play an important role in our water management program, in determining the amount of water available on the Reservation and the amount of water required for various purposes such as municipal service, agricultural irrigation, fish passage and measuring water quality standards.

**The CTUIR strongly objects to the continuing decline in resources for Trust – Natural Resources Management and requests that funding be restored to at least FY 2006 levels.** The budget justifications indicate that these programs support the goal of fulfilling Indian fiduciary trust responsibilities and assisting tribes in the management, development and protection of Indian trust land and natural resource assets. The justification further states that a significant portion of these activities are carried out by tribes under contracts/compacts – in other words, these programs are having a positive impact at the reservation level. In the FY 2007 Operating Plan the BIA reduced funding for these activities by $7.5 million or 5%. While Congress restored $2 million of the reduction in FY 2008 the proposed FY 2009 budget still includes $5.4 million in cuts. We have identified a need for an increase of $310,000 for 6.5 additional FTE's to our local budget. These funds are required to implement the Forestry, Agriculture and Range Management Plans that will be adopted this year. It does not make sense

to build up a system to track funds when the natural resources cannot be managed in such a way as to generate those funds.

**The CTUIR requests that under the Trust – Real Estate Services budget category the TPA Trust Services be increased by at least $5 million and the $7.4 million requested for Probate Backlog be added to the TPA Probate line item.** Increases to the TPA base directly increase services to individuals and tribes at the local level where the needs are most acute and the greatest benefits are achieved. In FY 2006 the BIA conducted a review of the local services and recommended that two (2) additional real estate staff be added to meet the work load. More recently we conducted a review of the staffing needs and found that three (3) additional real estate staff and one (1) additional probate staff were needed to meet the increasing work load demands being created by the implementation of the To Be Trust Model and to reduce the current probate and realty backlogs.

**The CTUIR requests that $3 million over the FY 2008 enacted level be added to the Tribal Court TPA line item to increase resources at the local level.** In FY 2008 Congress increased this line item by $2.3 million but the proposed budget removes this increase. The increases to law enforcement have not been accompanied by increases to the tribal court budget even though it has resulted in increasing the court's work load. Additionally, as the Tribe has grown its economy, the demands on the court system have increased. The Tribe has adopted a number of codes, all of which call for final dispute resolution to be heard by the Tribal Court. In FY 2006 an independent review of our Tribal Court system showed it is working, but additional resources to support the basic infrastructure that allows for the timely adjudication of criminal cases as well as for the expanded role in civil matters needs to be provided.

**The CTUIR requests that Welfare Assistance funding be restored to at least the FY 2005 enacted level.** A $14.4 million reduction in FY 2009 is being proposed on top of the $5 million reduction imposed in FY 2007. The budget justifications indicate this represents the removal of single, able bodied adults from the roles. However, that program change cannot be made until the regulations are amended, a process to our knowledge that has not begun. As pointed out above, Indian Country remains the poorest of the poor in this country. This program is not duplicative of other federal and state programs as claimed because clients must apply for services from all other sources that they are eligible for before receiving assistance. Due to the already extremely constrained resources, the CTUIR can serve less than 50% of the eligible clients per month.

**The CTUIR requests that the JOM and Scholarships/Adult Education programs be restored at a minimum to the FY 2004 budget levels and that these programs be moved back to the BIA structure.** The budget justifications for the newly created Bureau of Indian Education (BIE) make it very clear that the entire focus of the new Bureau will be on BIE operated and funded schools. While such improvements are clearly needed, the BIE is completely leaving out the 93% of Indian children that receive their education from public schools. If the BIE does not want to contend with tribally controlled TPA funding, then the programs need to be moved to an environment that supports tribal self-determination. The Johnson O'Malley (JOM) program is again proposed to be completely eliminated despite Congress's continuing support. The assertion that these funds are duplicative of the Title VII

program is simply not true. These funds go to tribal governments to provide support and services to Indian children, while Title VII funds generally go to school districts and tribes have little or no say over how they are used. Recent data shows that of the 552 tribal students from our reservation who attend local schools, 40% are not meeting the statewide standards in English/Language or in Math and are in need of the additional services provided by the JOM program. The FY 2009 proposed budget also calls for a $5.9 million or 20% reduction to the TPA scholarship/adult education line item. As tribes build their local economies, these programs are essential to having a well educated work force and to provide basic skills and opportunities to adults to participate in those economies.

**The CTUIR requests the restoration of the Housing Improvement Program.** The budget justification states that this program is being eliminated to meet higher priority items in the budget. What could be a higher priority than providing safe housing to the least well off individuals on the reservation? The assertion that these needs can be met through the HUD program demonstrates a lack of understanding by Washington bureaucrats of how programs operate in the field.

***With respect to non Indian Affairs components of the bill the CTUIR would like to offer the following comments:***

**The CTUIR opposes the proposed elimination of the Land Consolidation Program in the Office of Special Trustee.** This program is recognized as being highly successful in reducing the fractionation of Indian allotments, thereby reducing the accounting nightmare and saving the government substantial sums of money by not having to track very tiny interests. The elimination of this program does not meet the needs of the United States or tribes. The OST has given some indication it will be rolling out some form of new concept for land consolidation, but to date we are unaware of any discussions with Tribal leaders.

**The CTUIR supports an increase to the National Park Service's NAGPRA activities.** These funds have remained constant over the past several years while the number of tribes trying to access the funds has continued to grow. There has been a large increase in the number of NAGPRA activities with the return of many museum collections and the increased awareness.

**The CTUIR adamantly opposes the proposed 8% reduction to the US Forest Service budget.** In the 1855 Treaty the CTUIR ceded 6.4 million acres of land to the U. S. government but reserved the rights to hunt, fish, gather foods and medicines and graze livestock on "unclaimed lands" within the aboriginal area. The majority of the open lands are now under the control of three different National Forests. Past staffing and funding cuts already prevent the Forest Service from meeting even their most fundamental mission. Proposed budget cuts will only make the problems worse for future administrations, magnifying the damage and increasing the cost to repair. Over the past several years the Tribe has worked diligently to develop a cooperative relationship with the USFS and to educate them about the Tribe's treaty rights and their responsibility to protect those rights. A 10% staff reduction would jeopardize that relationship as USFS personnel would just not have the time to deal with these matters. Finally such a reduction would put the CTUIR and all rural communities at risk because of the reduced capacity to implement fire prevention projects.

**TESTIMONY SUBMITTED BY RON SUPPAH, CHAIRMAN,**
**THE CONFEDERATED TRIBES OF THE WARM SPRINGS**
**RESERVATION OF OREGON**
**to the HOUSE APPROPRIATIONS SUBCOMMITTEE**
**FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**
**REGARDING FY 2009 APPROPRIATIONS FOR**
**THE BUREAU OF INDIAN AFFAIRS and THE INDIAN HEALTH SERVICE**
**March 13, 2008**

**SUMMARY**

Mr. Chairman, I am Ron Suppah, Chairman of the Confederated Tribes of the Warm Springs Reservation of Oregon. I hereby submit the following requests for the FY 2009 BIA and IHS appropriations.

**1) In BIA, restore the $1 million cut to the Timber Harvest Initiative in BIA Forestry Projects.**
**2) In BIA, significantly increase the BIA basic Forestry budget, starting with a $5 million increase to Forest Development.**
**3) In BIA, add $2.2 million to Endangered Species funding for required Northern Spotted Own and marbled murrelet surveys, and provide a national BIA total of $5 million for ESA.**
**4) In BIA Law Enforcement, designate $750,000 for Warm Springs.**
**5) In BIA, fund Johnson O'Malley at $20 million, Housing Improvement at $19 million, and Welfare Assistance at $80 million.**
**6) In IHS, increase Contract Health Care funding by $150 million.**
**7) In IHS, require that Contract Support Cost appropriations for new contracts be used for those purposes, and that Contract Support Costs be increased by $30 million for FY 2008.**

**1) Restore the $1 million cut to the Timber Harvest Initiative in BIA Forestry Projects.**

Mr. Chairman, Warm Springs' foremost priority for the BIA FY 2008 budget is the restoration of $1 million to the Timber Harvest Initiative in Forestry Projects. Our base BIA Forestry budget is significantly below what is needed to adequately manage our forest. Currently, five of the BIA's 20 Forestry positions at Warm Springs are unfunded. The BIA's Timber Harvest Initiative is designed to help alleviate at least some of this problem on our Reservation and other reservations in the BIA's Northwest and Pacific Regions. At Warm Springs, the Timber Harvest Initiative provides funds for two additional Forestry personnel whose 2.3 million board feet harvest increase brings us close to our sustainable annual allowable cut. This additional harvest means logging and mill jobs in our community and critically needed revenues for our Tribal government. Given the chronic underfunding of the BIA's base Forestry budget, maintaining the Timber Harvest Initiative is particularly essential because it is directed at improving our harvest, which is a key element in our commercial forestry activities.

**2) Significantly increase the BIA basic Forestry budget, starting with a $5 million increase to Forest Development.**

As I discussed above, the necessity for a Timber Harvest Initiative is an indicator of a serious deficiency of funding for the basic BIA Forestry program. Even with the Initiative, one

quarter of BIA's Forestry positions at Warm Springs are vacant, and BIA is unable to fulfill the Tribe's desired level of management for our forest. There was no specific funding for mandated archeological and endangered species surveys in FY 2007, and the general funding insufficiency has been independently documented over the past fifteen years by the two IFMAT reports. In an effort to start rebuilding the BIA Forestry budget, we agree with the Intertribal Timber Council's suggestion to begin with a $5 million increase for Timber Stand Improvement.

The Timber Stand Improvement program is a national program to thin and replant the one million acre backlog of Indian trust commercial timber land in need of these activities. At Warm Springs, BIA has not been able to reduce our Forest Development backlogs of 32,000 reforestation acres and 57,000 thinning acres due to flat funding over the past eight years. These functions are essential if our timber stands are to be productive and healthy in the future. Moreover, thinning is particularly needed if we are to avoid catastrophic wildfire. Much of the Warm Springs' 440,000 acre forest, including our 250,000 acre commercial forest, is overcrowded, loaded with fuels and dead and dying trees. Current Forest Development funding, in combination with fuels reduction funds, falls woefully short of being able to significantly reduce the wildland fire threat that could devastate our principal economic resource. We have repeatedly pointed out this potential for disaster to the BIA, but to date they have done nothing to respond. Finally, the woody biomass produced by thinning operations will help provide fuel to the 20 megawatt biomass electric generation facility we are developing at our sawmill. So, for the current health of our forest and to foster its future productivity, to help avoid a devastating wildfire and contribute toward fulfilling the federal trust responsibility, and even to contribute to our local generation of renewable electricity, we urge the addition of $5 million to the Forest Development budget starting in FY 2009.

**3) In BIA, add $2.2 million to Endangered Species funding for required Northern Spotted Owl and marbled murrelet surveys, and provide a national BIA total of $5 million for ESA.**

The Endangered Species budget item is the only BIA funding for tribal Endangered Species Act compliance for the Northern Spotted Owl and marbled murrelet in our forests. Funding for this mandate was initiated in FY 1993 by this Subcommittee. Thirteen years ago in FY 1995, Congress provided $1.83 million for tribes affected by the Northern Spotted Owl and the marbled murrelet. In FY 2002, Congress provided a total of $3 million for the BIA's national Endangered Species program. Since then, the Administration has succeeded in driving the appropriation down to the point that, in FY 2007, there was zero funding directed to reservation-level ESA work anywhere in the United States.

For FY 2008, Warm Springs deeply appreciates the work of this Subcommittee to restore $1 million for the BIA's ESA program. We understand the BIA has distributed that funding to at least thirty-one locations nationwide, of which Warm Springs has received $45,000, for which we are grateful. Regretfully, that amount can only address a fraction of our ESA needs, and is less than half of what we were receiving for the Northern Spotted Owl back more than twelve years ago, without factoring in inflationary adjustments.

For FY 2009, once again the Administration is only requesting funds for Central Office ESA activity - $250,000 for three positions in DC. So once again, we must join with others to ask this Subcommittee to provide the appropriations necessary for the BIA and the tribal governments it is supposed to serve with adequate funds to comply with federal ESA mandates.

Warm Springs requests that the Subcommittee increase the BIA Endangered Species budget by at least $2.2 million designated for Northern Spotted Owl and marbled murrelet surveys on affected reservations. These species are still listed and ESA compliance is required for our forest management and our timber harvest. I must also note that our Reservation is affected by listed spring Chinook and summer steelhead. Currently on our Reservation, these are pure unfunded mandates, and compliance either goes lacking or other desperately needed services for our community must be reduced. To correct this on a nationwide basis, we roughly estimate that Indian Country easily needs a total of $5 million in FY 2009 for ESA activities, of which $2.2 alone is needed for the Northern Spotted Owl and the marbled murrelet.

**4) In BIA Law Enforcement, designate $750,000 for Warm Springs.**

Mr. Chairman, the Warm Springs Tribes welcome the substantial increase this Subcommittee made to BIA law enforcement for FY 2008, improving the program by nearly $24 million dollars. We are particularly encouraged by the conference report directive that BIA distribute these funds "outside the normal allocation methods" to assure areas of great need will be addressed, because we have very severe law enforcement needs at Warm Springs.

Beginning in the early 1960s, BIA shifted most of its law enforcement support away from Warm Springs as our Tribe began to assert more jurisdiction and authority over Reservation law enforcement. But today our diminishing tribal budget is sharply reducing our ability to meet our Reservation law enforcement requirements. Warm Springs law enforcement needs are severe. Our tribal police force is overextended. Major crime is increasing on our reservation, and the insufficient law enforcement has attracted meth labs and marijuana farms, compounding our difficulties. We desperately need assistance from BIA. But we have seen scant relief from the BIA despite appropriations increases, including that for FY '08.

While Warm Springs is glad the Administration proposes to maintain the Congress's $24 million increase in Law Enforcement for FY 2009, our Tribe still has not received much added assistance. Apparently, if more funding will not prompt BIA to improve law enforcement on our Reservation, we must ask this Subcommittee to direct funding to our Reservation, for which we request the designation of $750,000. We are reluctant to ask for a so-called "earmark" and prefer to support a strong national BIA law enforcement program, but if BIA still ignores our difficulties, we have no choice.

**5) In BIA, fund Johnson-O'Malley at $20 million, the Housing Improvement Program at $19 million, and Welfare Assistance at $80 million.**

Mr. Chairman, we request you fund the Johnson-O'Malley program with at least $20 million, the Housing Improvement Program with at least $19 million, and Welfare Assistance with $80 million.

Johnson-O'Malley is the sole education program provided by the BIA to our Tribe and many other tribes, and it is disgraceful that, once again, the Administration is proposing to eliminate it while BIA spends one third of its entire OIP budget on its direct education of perhaps 15% of all Indian children. We appreciate this Subcommittee's dedication to preserving JOM, but unfortunately the Administration's persistent efforts to eliminate the program have eroded its total funding. In FY 1998, ten years ago, JOM received $18.5 million, and since then, the number of Indian K-12 school children has surged upwards and cost-of-living increases have diminished

purchasing power. To begin to adjust for these changes and restore JOM, we urge the Committee to provide at least $20 million for JOM in FY 2009.

Warm Springs also objects to the Administration's proposed elimination of the Housing Improvement Program (HIP). HIP is essential to providing housing repairs and, in limited cases, modest housing for very needy tribal members who have difficulty qualifying for HUD housing. If HIP is eliminated, it becomes a gaping hole in an already badly frayed safety net for our neediest citizens. We ask that it be restored to $19 million in BIA Human Services.

Much of Indian Country clings to the lower rungs of America's economic ladder, and when difficult economic times hit, Indian people often feel it first and hardest. Today, that is particularly true for our Reservation. As the subprime mortgage situation stalls the housing market and salvage logs from large wildland fires glut the timber market, our sawmill has been very hard hit and we have had to lay-off half its workforce. We are facing a period of less opportunity and fewer jobs, not more, and as that ripples through our community, more of our people will have to turn to the Bureau's Welfare Assistance program to help see them through. We have not doubt this is also true across much of Indian Country, and urge that $80 million be provided in Welfare Assistance to help the swelling numbers of those facing desperate economic circumstances.

**6) In IHS, increase Contract Health Care funding by $150 million.**

The Warm Springs Tribe, along with all Northwest tribes and many other tribes across the U.S., is significantly dependant on IHS Contract Health Care funding to provide at least minimum health care for our membership. These funds provide for the delivery of our young children, specialty care, hospitalization and the treatment of life long, chronic diseases. The FY 2009 requested increase of $8.8 million (to $588 million) is not even enough to cover built-in cost increases, so that, in effect, already rationed health care will shrink even further. Today, Contract Health Care funds don't cover much more than the first six or seven months of the year. To try to improve that, we would recommend an increase of $150 million. This is about a 25% increase over the Administration's FY 2009 proposal, and would cover about three more months before the Contract Health Care program runs out of money, forcing those needing care to either postpone it or, in our case at Warm Springs, seek care paid for directly by our Tribe.

7) **In IHS, require that Contract Support Cost appropriations for new contracts be used for those purposes, and that Contract Support Costs be increased by $30 million for FY 2008.**

For the past three years, we have had before the IHS a 638 proposal to assume the Public Health function currently provided by our local IHS Service Unit on our Reservation. However, we cannot complete the contract because IHS refuses to provide Contract Support Costs as required by the PL 93-638 and its regulations. Congress has appropriated funds for new contracts, but IHS refuses to apply them to new contracts, citing ambiguous appropriations language. We are requesting two things. First, that the IHS language in the appropriations bill be changed to mandate that appropriations for new or expanded contract support costs "shall" - not "may" - be used for new or expanded contracts. Secondly, that FY 2009 IHS Contract Support Costs be increased by $30 million to allow ourselves and other tribes to participate in the benefits of the PL 93-638.

That concludes my testimony. Thank you.

**COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION**
729 NE Oregon, Suite 200, Portland, Oregon 97232 Telephone 503 238 0667
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**The Honorable Fidelia Andy, Chairwoman**
**Columbia River Inter-Tribal Fish Commission**
**Testimony on the Bureau of Indian Affairs Fiscal Year 2009 Budget**
**Appropriations Subcommittee on Interior, Environment, and Related Agencies**
**United States House of Representatives**
**March 13, 2008**

The Columbia River Inter-Tribal Fish Commission is pleased to share our views on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2009 budget and has specifically identified two funding needs: **1) $4,413,844 (an increase of $2,000,000 over FY2008) for Columbia River Fisheries Management under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation areas to provide for the Columbia River Treaty Fishing Access Sites Operation and Maintenance Program Fund as partial fulfillment of the BIA commitment under their 1995 Memorandum of Understanding with the Corp of Engineers, and to restore base program funding to meet management obligations, including efforts for species listed under the Endangered Species Act, and 2) $4,800,000 (an increase of $630,500 over the FY 2008) for U.S./Canada Pacific Salmon Treaty under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation areas.**

**BACKGROUND:** The Columbia River Inter-Tribal Fish Commission (CRITFC) was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and Nez Perce Tribe. CRITFC provides coordination and technical assistance to the tribes in regional, national and international efforts to protect and restore the fisheries and fish habitat. The collective ancestral homeland of the four tribes covers nearly one-third of the entire Columbia River Basin in the United States.

In 1855, the U.S. entered into treaties with the four tribes[1] and ceded millions of acres of our homelands to the U.S. In return, the U.S. pledged to honor our ancestral rights, including the right to fish. Unfortunately, a perilous history brought the salmon resource to the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

Today, the CRITFC tribes' are leaders in fish restoration efforts and work with state, federal and private entities. CRITFC has a comprehensive plan outlining principles and objectives designed to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that

[1] Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957.

support ceremonial, subsistence and commercial harvests. To achieve these objectives, our plan emphasizes supplementation of natural stocks, healthy rivers and collaborative efforts.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. We have successfully secured other funds to support our efforts, including funds from the Bonneville Power Administration, the Pacific Coastal Salmon Recovery Fund, and the Southern Fund of the Pacific Salmon Treaty, to name a few. Our programs are integrated as much as possible with state and federal salmon management and restoration efforts. We are participating in the court supervised collaboration on a coordinated plan for salmon restoration to meet the objectives for the Biological Opinion on the Federal Columbia River Power System, while ensuring protection of our treaty reserved rights.

**Columbia River Fisheries Management Program Needs under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation:** Tribal natural resource funding is not keeping pace with inflation. Funding shortfalls are undermining efforts to fulfill tribal self-determination goals for fisheries management, ESA recovery efforts, protecting non-listed species, conservation enforcement and treaty fishing access site maintenance. Since FY2003, our funding has decreased under the weight of inflation and rising operation costs. We require a $2,000,000 increase over FY2008 for a new program base of $4,413,844, for Columbia River Fisheries Management as explained below:

**Treaty Fishing Access Sites Operation and Maintenance:** The $2,000,000 annual increase in base funding will help rebuild the operation and maintenance (O&M) account for the Columbia River in lieu and fishing access sites. These sites were authorized by PL79-14 and 100-581 to provide lands and facilities to support treaty fishing activities for the CRITFC member tribes. The sites were promised by the U.S. Government in 1939 after the first of four federal dams flooded traditional fishing sites on the lower Columbia River. The Corps of Engineers (COE) was charged with acquiring land and developing the sites. With support of the Administration and Congress, 29 sites have been completed while another site is undergoing acquisition and planning, leaving one (possibly two) sites remaining. The sites are on federal lands and administered by the BIA for use of the four CRITFC tribes.

In 1995 the COE and BIA signed a MOU to provide for the transfer of completed sites to BIA and create an interest bearing account to cover future O&M costs. The account was intended to provide O&M funding for 50 years (to year 2045) relying on a 7.75% discount rate. The COE provided the initial capitalization payment for the first set of sites transferred to the BIA and the BIA agreed to provide at least $250,000 per year for the first eight years ($2 million total in 1995 dollars). As new sites were completed, the COE transferred the sites to the BIA and added more funds to the O&M account.

Unfortunately, the BIA never contributed their share and they lacked authority to invest the funds provided by the COE. Instead, BIA spent about $2 million of the principal from 1996 to 2003 to cover O&M costs thereby reducing the term of the fund to less than 50 years. In July 2003, under an Indian Self-Determination Act agreement, BIA transferred the balance of the O&M account (approximately $5.5 million) to CRITFC to enable the funds to begin earning interest. However, under 25 USC § 450e-3 of the Act, fund investments are restricted to low earning federally-backed instruments and typically yield 2 to 6% which is inadequate to meet

annual O&M needs. Under these restrictions with the current fund balance we estimate that the O&M account will be depleted before 2025 leaving no O&M funding over the final 20 years.

The addition of $2,000,000 to CRITFC's base funding will begin to satisfy BIA's original commitment in the MOU and overcome their over-expenditure of principal and inability to earn interest income to support to the O&M efforts. In the mean time, we will also seek a resolution to the investment restrictions.

**Restore Base Program and Meet Unfunded Program Needs:** The priority objective of the $2,000,000 increase is to restore the O&M account. As the O&M account becomes secure, the annual $2,000,000 increase in base funding would also provide CRITFC with long over due cost of living allowances and pay comparable with federal and state agencies. The past funding levels have not kept pace with inflation making it difficult to meet the rising operational costs to maintain the program support, personnel and infrastructure of the organization. In addition, resources are being stretched thin to support management responsibilities, coordination in multiple processes with federal and state agencies, participate in ESA recovery efforts, and address unfunded priorities.

While ESA-listed fish stocks dominate funding in the Pacific Northwest, funding is needed to address white sturgeon and Pacific lamprey, both non-listed species. These two species are also fundamental to tribal fishing rights and require immediate research and management actions to prevent their listing. White sturgeon reproduction in the mainstem of the Columbia River is restricted by limited spawning areas and data suggests that there is a need to augment production. Pacific lamprey population has decreased at an alarming rate, such as on the lower Snake River which has averaged less than 600 adults from 1995-2003. Little is known about the life history, range, and biology of lamprey so a regional work group has prioritized evaluating the distribution and abundance of Pacific lamprey as the highest research need.

Another critical area requiring additional support is CRITFC's Enforcement branch. Their primary mission is to enforce fishing regulations to protect the treaty fishery and provide public safety. The officers are the only daily river patrol on a 150-mile stretch of the Columbia River on the Washington and Oregon border between Bonneville and McNary Dams, including a portion of the popular Columbia Gorge National Scenic Area making them increasingly relied upon for overall public safety. CRITFC officers are certified in varying capacities to enforce tribal, state and federal laws including responsibilities to protect cultural and archeological resources. As professional courtesy they assist other law enforcement entities where appropriate.

**U.S.-Canada Salmon Treaty under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation:** For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of $4,800,000 through the BIA.

The U.S. and Canada entered into the Pacific Salmon Treaty in 1985 to conserve salmon stocks, provide for optimum production, and control salmon interceptions. The treaty established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. Congress increased funding in 2000 in order to

implement the 1999 Agreement but funding has eroded since then, even as we proceed into major renegotiation of sections to the Treaty.

The $4,800,000 provides for direct tribal participation with the Commission, panels and technical committees. The funding enables the tribes to assist in Treaty implementation and facilitates management coordination to protect trust resources. This funding maintains tribal resource assessment and research programs structure to address required implementation activities. Reductions in the FY 2008 BIA budget forced the tribes to limit participation in the Pacific Salmon Treaty process. The FY 2009 recommended level for this program is an increase of $630,500 over the FY 2008 level and includes pay cost adjustments and brings the program back in line with previous levels of participation.

Pacific Salmon Treaty obligations add significantly to the tribes' administrative, management, and research responsibilities. To effectively implement the treaty, tribal representatives must meet frequently to review technical information and develop informed policy input for use by the tribes' Pacific Salmon Commission representatives. These treaty-mandated responsibilities result in additional expenses for the tribes. Because each of the 25 tribes covered by this funding source is a separate government and manages its own fisheries, these obligations require direct tribal involvement.

The tribal management programs provide needed and beneficial and technical support to the U.S. Section. The Pacific Salmon Commission relies heavily on the various technical committees established by the Treaty. The work of these Committees is integral to the task of implementing fishing regimes consistent with the Treaty and the goals of the Parties. Numerous tribal staff appointed to these committees and all of the tribal programs generate data and research to support their efforts. For example, indicator stock tagging provides a key tool for estimating the annual harvest rates on individual stocks, evaluating impacts of management regimes established under the Treaty, and monitoring progress toward the Chinook rebuilding program started in 1984. Select Chinook stocks from major regions have been selected as "indicator" stocks to represent all stocks that are the focus of the rebuilding program. Tribal hatchery facilities are the source of several of these indicator stocks and this funding provides support for this work.

**In summary**, through combined efforts of the four tribes supported by a staff of experts, we are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of the Interior's BIA budget.

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**NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION, INC.**
**POSITION PAPER**
**ON THE**
**INDIAN TRIBAL JUSTICE SUPPORT ACT REAUTHORIZATION FUNDING**
**And the**
**INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE ACT REAUTHORIZATION**
**HONORABLE EUGENE WHITE-FISH, PRESIDENT**

**DOI Public Safety and Justice**

| | 2007 Actual | 2008 Enacted | 09 Request | Change |
|---|---|---|---|---|
| Law Enforcement | 204,454 | 228,137 2 | 29,577 | +1,440 |
| **Tribal Courts** | **12,013** | **14,338** | **12,047** | **-2,291** |

The Department of Interiors Budget request indicated a reduction by 2.291 million dollars and we respectfully request this reduction be restored and an additional $5 million be added. Particularly in view of law enforcement increase. Tribal courts and law enforcement in Indian Country must reflect a holistic approached. Justice in Indian Country is paramount and critical to the overall success of tribal sovereignty. Tribal court judges have established rapport with their state judiciary and need to expand and enhance our capacity for delivering and providing justice to native citizens. In addition it is now time to consider and review expanding tribal jurisdiction to any citizens who may find themselves within Indian Country jurisdiction. Our economic development and continued growth demands this issue be revisited. Native American tribal courts must deal with a wide range of difficult criminal and civil justice problems on a daily basis, including the following:

- While the crime rate, especially the violent crime rate, has been declining nationally, it has increased substantially in Indian Country. Tribal court systems are grossly under-funded to deal with these criminal justice problems.
- Number/complexity of tribal civil caseloads have also been rapidly expanding.
- Congress recognized this need when it enacted the Indian Tribal Justice Act – specifically finding that "tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments" and "tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation."

- While the Indian Tribal Justice Act promised $58.4 million per year in additional funding for tribal court systems starting in FY1994, tribal courts have yet to see **any** funding under this Act.
- Since Congress enacted the Indian Tribal Justice Act, the needs of tribal court systems have continued to increase, but there has been no corresponding increase in funding for tribal court systems. In fact, the Bureau of Indian Affairs funding for tribal courts has actually decreased substantially since the Indian Tribal Justice Act was enacted in 1993.
- The 106th Congress re-affirmed the Congressional commitment to provide this increased funding for tribal justice systems when it re-authorized the Indian Tribal Justice Act in December 2000 for seven more years of funding at a level of $58.4 million per year (see Public Law 106-559, section 202).

The vast majority of the approximately 290 tribal court systems function in isolated rural communities. These tribal justice systems face many of the same difficulties faced by other isolated rural communities, but these problems are greatly magnified by the many other complex problems that are unique to Indian country. In addition to the previously mentioned problems, tribal justice systems are faced with a lack of jurisdiction over non-Indians, complex jurisdictional relationships with federal and state criminal justice systems, inadequate law enforcement, great distance from the few existing resources, lack of detention staff and facilities, lack of sentencing or disposition alternatives, lack of access to advanced technology, lack of substance abuse testing and treatment options, etc. It should also be noted that in most tribal justice systems, 80-90% of the cases are criminal case and 90% of these cases involve the difficult problems of alcohol and/or substance abuse not the least of which involve methamphetamine.

**Importance of Tribal Courts**

"Tribal courts constitute the frontline tribal institutions that most often confront issues of self-determination and sovereignty, while at the same time they are charged with providing reliable and equitable adjudication in the many and increasingly diverse matters that come before them. In addition, they constitute a key tribal entity for advancing and protecting the rights of self-government. . . . Tribal courts are of growing significance in Indian Country." (Frank Pommersheim, Braid of Feathers: American Indian Law and Contemporary Tribal Law 57 (1995)).

The Department of Justice, Office of Justice Program, Bureau of Judicial Assistance's Tribal Court Assistance Program is the only viable training source for tribal courts. Without this program there would not be any federal program that earmarks training specifically for tribal courts. This program is under-funded and remains a low priority in the scale of programs for DOJ.

**Inadequate Funding of Tribal Justice Systems**

There is no question that tribal justice systems are, and historically have been, under funded. The 1991 United States Civil Rights Commission found that "the failure of the United States Government to provide proper funding for the operation of tribal judicial systems . . . has continued for more than 20 years." The Indian Civil Rights Act: A Report of the United States Civil Rights Commission, June 1991, p. 71. The Commission also noted that "[f]unding for tribal judicial systems may be further hampered in some instances by the pressures of competing priorities within a tribe." Moreover, they opined that "If the United States Government is to live up to its trust obligations, it must assist tribal governments in their development . . ." Almost ten years ago, the Commission "strongly support[ed] the pending and proposed congressional initiatives to authorize funding of tribal courts in an amount equal to that of an equivalent State court" and was "hopeful that this increased funding [would] allow for much needed increases in salaries for judges, the retention of law clerks for tribal judges, the funding of public defenders/defense counsel, and increased access to legal authorities."

The critical financial need of tribal courts has been well documented and ultimately led to the passage of the Indian Tribal Justice Act, 25 U.S.C. § 3601 et seq. Congress found that "[T]ribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health, safety and the political integrity of tribal governments." 25 U.S.C. § 3601(5). Affirming the findings of the Civil Rights Commission, Congress further found that "tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation." 25 U.S.C. § 3601(8). In order to remedy this lack of funding, the Act authorized appropriation base funding support for tribal justice systems in the amount of $50,000,000 for each of the fiscal years 1994 through 2000. 25 U.S.C. § 3621(b). An additional $500,000 for each of the same fiscal years was authorized to be appropriated for the administration of Tribal Judicial Conferences for the "development, enhancement and continuing operation of tribal justice systems . . ." 25 U.S.C. § 3614.

Fifteen years after the Act was enacted, not a single dollar was even requested under the Act for appropriations. Only minimal funds were requested for fiscal year 1996 and 2000. Yet, even these minimal funds were deleted. Even more appalling than the lack of appropriations under the Act is the fact that BIA funding for tribal courts has actually substantially decreased following the enactment of the Indian Tribal Justice Act in 1993. In December 2000, Congress re-affirmed its commitment to funding of the Indian Tribal Justice Act by re-authorizing the Act for seven more years of funding (see Public Law 106-559, section 202). Now is the time to follow through on this long promised funding and provide actual funding under the Indian Tribal Justice Act! The ITJA is now once again up for reauthorization and a bill is pending in the Congress to reauthorize the ITJA.

**Conclusion**

On behalf of the members National American Indian Court Judges Association, I respectfully urge you to support the reauthorization of the Indian Tribal Justice Act and The Indian Tribal Technical and Legal Assistance Act and appropriations at least in the $15 to $20 million range each year for the next four years for each Act, and to continue funding the Department of Justice's Bureau of Justice Assistance's Indian Country Initiative. The Tribal Court Assistance Project (TCAP) is extremely vital to Indian and Tribal Self-Determination and expansion and enhancement of quality justice systems throughout Indian Country. Finally, we would note that the Department of Interior's Budget as reduced the budget for operation of Tribal Courts by 2.3 million down the roughly 12 million for all the tribal courts in the nation! Even if restored back to 14.3, this is still not enough especially in light of Law Enforcements totals. Tribal Courts are clogged by this law enforcement funding trend.

**PL 280 Tribes**

As a judge from a PL 280 tribe, I must also point out that the DOI's Bureau of Indian Affairs has long standing policy not to provide court or law enforcement services to tribes in PL 280 states. It is my opinion that this is a breach of the government trust responsibilities to these tribes. Congress should direct the Bureau to fulfill is trust responsibilities to PL 280 tribes.

/S/
Respectfully, Honorable Eugene White-Fish,
Chief Judge, Forest County Potawatomi

# Chugach Regional Resources Commission

Chenega Bay
Eyak
Nanwalek
Port Graham
Qutekcak Native Tribe
Tatitlek
Valdez Native Tribe

**TESTIMONY OF THE**
**CHUGACH REGIONAL RESOURCES COMMISSION**
**HOUSE APPROPRIATIONS COMMITTEE**
**SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES**
**MARCH 12, 2008**

The Chugach Regional Resources Commission requests that the Subcommittee restore $350,000 in recurring base funding in the BIA Trust-Natural Resources budget. The Commission also seeks an additional $150,000 to support the Alutiiq Pride Shellfish Hatchery.

The Chugach Regional Resources Commission (CRRC) is an Alaska Native non-profit organization that was created by the seven Villages of the Chugach Region (Tatitlek Village IRA Council, Chenega IRA Council, Port Graham Village Council, Nanwalek IRA Council, Native Village of Eyak, Qutekcak Native Tribe, and Valdez Native Tribe) to address environmental and natural resource issues and to develop culturally-sensitive economic projects at the local level that support the sustainable development of the natural resources. The mission of CRRC is to work with our seven member villages to promote and develop sound economic resource-based projects and to work collectively to address any natural resource and environment-related issues that affect the Native people of the Chugach Region.

**Funding History.** CRRC normally receives its base funding through a self-determination contract with the Department of the Interior. The Indian Self-Determination and Education Assistance Act, Pub. L. No. 93-638, authorizes the Secretary of the Interior to enter into contracts with Indian tribes and tribal organizations to deliver services that would otherwise have been delivered by the BIA. CRRC entered into its original three-year contract in 1993, and that contract has been renewed several times by the Secretary in the years since.

The Act requires Interior to provide "not less than the appropriate Secretary would have otherwise provided for the operation of the programs" covered by the contract (the so-called "Secretarial Amount") plus additional "contract support costs." 25 U.S.C. § 450j-1(a)(1)-(2). The Act further specifies that Interior generally cannot reduce the contract funding amount from one year to the next. Despite this legal obligation to provide consistent annual funding to CRRC through the contract, the BIA has in recent years tried to avoid its funding obligation by failing to request funding for CRRC in its


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budget. We ask Congress to restore this funding in order to assist BIA in meeting its legal obligation.

CRRC received $350,000 as part of the BIA's base budget from FY 1994 though FY 2002. Beginning in FY 2003, CRRC was not included in the BIA budget (despite contractual obligations), but the program was restored each year with the help of Congress. In FY 2006, the BIA unilaterally reduced CRRC's funding to $300,000 – a significant cut from our previous level of funding. After across-the-board reductions, CRRC received approximately $270,000 in FY 2006.

In FY 2007, Congress again provided $300,000 for CRRC, but the BIA seized on the absence of associated earmark language to redirect CRRC's funding elsewhere in its budget. Despite repeated appeals to the agency and despite its contractual obligation to pay, the BIA did not provide CRRC with any funding in FY 2007. As a result, CRRC was forced to take out a bank loan of $100,000 just to avoid closing its operations entirely. We were also forced to lay off many employees, and several of our projects were put on hold because of the lack of employees.

In FY 2008, the BIA again sought to withhold all funding and in fact tried to cut off CRRC's contract (which is illegal under the Self-Determination Act). CRRC was forced to expend several thousand dollars in legal fees to file suit in order to obtain its rightful funding for FY 2008. We fear that without Congressional assistance in the form of an earmark, we will be forced to sue the BIA every year in order to obtain the funding that CRRC should rightfully receive pursuant to its contract.

**Employment.** CRRC has provided employment for 35 Native people in the Chugach Region, an area where Native people face high levels of unemployment. As a result of the reduction and elimination of funding in FY 2006 and FY 2007, CRRC had to lay off several employees, including most of our Village employees. The impact of approximately six families per village losing this income in a village with an average population of 100 strikes a devastating blow to the local community economy. If funding is not restored, CRRC will be unable to resume village projects and rehire our employees. These families will create a much larger burden on state and federal financial resources, as they will be forced to depend upon state and federal welfare programs to provide funding for necessary living expenses.

**Community Projects.** Over the past sixteen years, CRRC funding has supported the development and operation of many programs that have assisted communities in providing meaningful employment opportunities as well as valuable services and products, including:

- Alutiiq Pride Shellfish Hatchery – The Alutiiq Pride Shellfish Hatchery is the only shellfish hatchery in the State of Alaska. A 20,000 sq. ft. shellfish hatchery located in Seward, Alaska, the hatchery houses shellfish seed, brood stock, and algae production facilities. The hatchery employs four individuals and is operated

by CRRC. Alutiiq Pride is undertaking hatchery, nursery and grow out operations research to adapt mariculture techniques for the Alaskan shellfish industry.

- King crab research – Recently, CRRC staff have begun conducting scientific research on blue king crab and red king crab. This research is part of a larger federally-sponsored program. Because Alutiiq Pride is the only hatchery in the state, CRRC is the only organization in Alaska that can carry out this research.

- Natural resource curriculum development – Partnering with the University of Alaska, Fairbanks and the National Oceanic and Atmospheric Administration, CRRC is developing and implementing a model curriculum in natural resource management for Alaska Native students, integrating traditional knowledge and Western science. The goal of the program is encourage more Native students to pursue careers in the sciences. So far, there are 15 students enrolled in the program who have earned a total of nine university credits each that can be applied toward their certificate in natural resource management.

- Alaska Migratory Bird Co-Management Council – CRRC is a member of the Council responsible for setting regulations governing the spring harvest of migratory birds for Alaska Natives.

**Hatchery Operations Funding.** CRRC also seeks annual funding of $150,000 for hatchery operating expenses and research and development funding to develop new shellfish species until we are self-sustaining. Once the hatchery is self-sustaining, CRRC plans to expand its production so that it can support some of CRRC's base operating costs as well. Alutiiq Pride has been successful in culturing geoduck and razor clam species but additional research and development funding is needed to assist in the nursery, growth and marketing stages. Last year, Alutiiq Pride produced 4 million oyster seed. This year, the Hatchery anticipates sales of 8 million oyster seed. Revenue from such sales, however, is quite modest ($40,000). The geoduck shellfish farming industry is expected to grow rapidly. If Alutiiq Pride can sell geoducks and razor clam seeds, the production potential from only 2 million seed sales can approach $400,000, a tenfold revenue increase.

The shellfish industry in Alaska has not yet grown to the point where seed sales cover the cost of operations. Oyster sales have matured and geoduck seed sales will coincide with the expected growth of that industry. Alutiiq Pride is undertaking hatchery, nursery and grow out operations research to adapt mariculture techniques for the Alaskan shellfish industry. The hatchery has recently become involved in king crab research, as described above. Until the hatchery is self-sufficient in 3-5 years, however, it requires operations and research and development funds if it is to meet the State's growing demand for shellfish seed.

**Budget.** CRRC's base operating funding supports the continued operation of the various community projects. The total operating budget for CRRC, Alutiiq Pride, and the community projects is close to $2 million. Specific projects receive independent funding

from sources such as the Administration for Native Americans, Environmental Protection Agency, NOAA, and the U.S. Fish & Wildlife Service. However, base operating funding is essential to continue work on these projects. Building on its base funding, CRRC has been able to build several community programs and partnerships, as described above. See next page for a detailed budget breakdown by project.

| | Projected Cost |
|---|---|
| A. Chugach Region Shellfish Mariculture Development<br>• Oyster grow-out operations in Tatitlek<br>• Oyster marketing | $75,000 |
| B. Nanwalek Sockeye Salmon Development Project<br>• Seek funds for disease free water engineering study<br>• Operate smolt out-migration weir | $20,000 |
| C. Port Graham Pink Salmon Hatchery<br>• Broodstock development<br>• Sockeye and pink salmon fry production<br>• Training and education for hatchery crew | $75,000 |
| D. Program Development/Regional Office Operations<br>• 1 staff person/supplies/quarterly board meetings<br>• Biological Professional Assistance<br>• Project development and Planning<br>• GIS Mapping<br>• Resource Evaluation and Management | $180,000 |
| Total Direct Costs | **$350,000** |
| *Indirect Cost (27.7%)* | $96,950 |
| *TOTAL PROJECTED BASE BUDGET* | **$446,950** |
| Alutiiq Pride Shellfish Hatchery Operations | $150,000 |
| *TOTAL* | **$596,950** |

**For further information, please contact:**
Patty Brown-Schwalenberg, Executive Director
Chugach Regional Resources Commission
6200 Lake Otis Parkway, Suite 201, Anchorage, AK 99507
(907) 562-6647 *or* alutiiqpride1@crrcalaska.org

**In Washington:**
Mary J. Pavel *or* Addie C. Rolnick
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TESTIMONY ON FY 2009 APPROPRIATIONS
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
KAREN R. DIVER, CHAIRWOMAN
BEFORE THE HOUSE COMMITTTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
March 12, 2008

I am Karen R. Diver, Chairwoman of the Fond du Lac Band of Lake Superior Chippewa. Thank you for considering our testimony on FY 2009 Appropriations. Our Tribe occupies a 100,000 acre reservation in northeastern Minnesota. It is part of our aboriginal homeland and was established by Treaty in 1854. We provide health, education, social and other governmental services to 6,500 Indian people living on or near our Reservation. We are deeply concerned that the President's budget would cut funding for programs that are essential to our ability to educate our children, care for our elderly and infirm, prevent crime, and protect and manage natural resources. We urge Congress to restore or increase the funding for these critical programs.

**BIE: Education.** The Fond du Lac Band depends on BIE funding for the operation of the Band's Ojibwe School. We oppose the President's proposed $25.6 million reduction to funding for BIE programs as they are contrary to the government's trust responsibilities for the education of Indian people. The proposed cuts simply cannot be reconciled with the President's stated goal of closing the education achievement gap for Indian students. Nor can those cuts be reconciled with the BIE's own findings that for the past 3 years, 60 percent of BIE-funded schools have failed to achieve Adequate Yearly Progress (AYP) under the No Child Left Behind Act and that student performance at BIE-funded schools is lower than that for students at public schools. As Indian students are the most at-risk group of students in our Nation, funding for Indian education must not be further reduced. These programs should be funded at no less than FY 2008 levels.

The proposed cuts include a drastic reduction in Education Program Enhancements even though, as BIE points out, this funding is used for teacher training, strengthening math and reading skills, tutoring and mentoring, which BIE-funded schools need if they are to achieve AYP. The proposed cuts also include a reduction in Early Childhood Development, even though, as BIE again recognizes, early childhood education continues to be a very effective investment providing comprehensive reading skills that prepare our American Indian students to become successful learners. The proposed cuts also include the complete elimination of the Johnson O'Malley program. Restoration of this funding is essential as JOM is critical to sustaining Native language and cultural education in public schools serving Indian students. With the demands of achieving the goals of the No Child Left Behind Act, it becomes more important to integrate our native culture and teachings into the school curriculum. Not funding JOM will jeopardize the public schools' ability to do this.

The President's proposal would also reduce funds for student transportation, even though steadily increasing fuel costs and an already inadequate funding level have severely handicapped our ability to provide safe and reliable transportation to our students. In addition, the President would cut Education Construction from the FY2008 enacted level. We urge Congress to appropriate funds to support the new construction projects currently being funded, and ask that

the proposed reduction ($27.6 million) be restored and allocated to facilities improvement and repair so that we can extend the lives of the buildings and ensure that that they are safe.

**BIA: Public Safety and Justice.** While we support the Administration's Safe Indian Communities Initiative, the funding proposed for this still falls very far short of what is needed and should be increased. We also ask that Congress increase the Band's base funding by $1.5 million for court operations and law enforcement, and provide a one-time appropriation of $6 million to allow us to expand the facility that houses our law enforcement and natural resources departments but which is inadequate for those purposes.

The Fond du Lac Band faces massive unmet needs for law enforcement. We had to assume responsibility for law enforcement after the Minnesota Supreme Court ruled that the State did not have jurisdiction to enforce traffic laws on roads within Indian reservations, *State v. Stone*, 572 N.W.2d 725 (Minn. 1997). We have done this using a combination of tribal and federal funds (made available through the Community Oriented Policing Services (COPS) program and the Bureau of Indian Affairs), and by cooperative agreements with local law enforcement agencies. But because of the insurgence of methamphetamine, alcohol, illegal prescription drug use, and gang-related activities on our Reservation our law enforcement responsibilities continue to grow. In 2007, our police responded to over 4,000 calls, more than any prior year. Prescription drug abuse is becoming an epidemic, with increasing numbers of our elders and others the victims of more frequent assaults, burglaries and robberies that are prescription drug related. We also face increasing numbers of juvenile offenses involving drugs, alcohol, thefts, assaults and burglaries.

To address these problems, we need to increase our law enforcement staff so that we can station police officers in specific locations, such as near elderly housing, and ensure effective law enforcement coverage 24/7. But we do not have the funds to do this. We currently employ thirteen officers and three administrative staff. Two officers are assigned to needed day shift duties, a School Resource Officer (to try and stem the tide of juvenile crime), and an investigator. Officers work 12-hour shifts. We try to maintain at least two officers for each night shift and two on the weekend day and night shifts. Ultimately, for officer safety and timely responses, we should schedule three officers per shift around the clock. However, lack of funding prevents us from meeting this goal. As such, there are times when only one officer is on duty to cover the entire Reservation. With officer backup from other agencies as far as a 20-30 minute drive, this becomes a serious safety issue for both officers and the people we need to protect. Our limited staff also means that we are handicapped in our ability to implement pro-active measures, such as youth education and outreach programs, and assistance to the clinics in developing means for identifying and preventing prescription drug abuse. We need 15 to 20 officers, but this requires funding which we do not have.

Federal funding is also vital for law enforcement equipment. Our ability to effectively address crime requires that we periodically upgrade patrol cars including SUV 4x4 vehicles to respond to remote areas within our Reservation. Other equipment is needed as well. For example, because the Band does not own an intoxilyzer, our officers must transport persons arrested for DWI on our Reservation an hour each way to the St. Louis County Jail for DWI processing – pulling our limited number of officers away from other responsibilities for long periods of time. In addition,

while we recently accessed the on-line law enforcement reporting system (NEMISIS SHEILDS) which serves 7 area counties, it will cost us $400 per year per officer to use that system - a cost not previously budgeted. Further, to make effective use of this system, we should have a secure T-1 line (rather than the current key-fob system), but we do not have the funds ($20,000) for this. We also need substantial additional funds to buy new digital car radios and software to integrate the Band's dispatching system with the more advanced system being adopted by the counties.

Finally, we need a new facility for our law enforcement department. The department is now housed in a 6-room building which has no room for investigative interviews, nor office space for specialty positions such as investigators and school resource officers. The evidence room, reception area, and parking lot are all inadequate, and because of the building's age, staff must double-up phone lines. A new building is essential.

We also urge Congress to increase Tribal Court funding. As the demands on the Band's law enforcement have grown, so too has our Tribal Court docket. While the President, in his budget, recognizes that Tribal Courts are unable to meet needs, his proposed cut to Tribal Court funding will only make matters worse. Modest increases for Law Enforcement Programs should not come at the expense of a reduction in funds for historically under-funded Tribal Courts.

**BIA: Natural Resources.** We urge Congress to reject the President's proposal to cut funding for Natural Resources Management but to instead increase funds for these programs. Related to the Band's law enforcement work are the Band's responsibilities for enforcing conservation laws that protect natural resources and regulate Band members who hunt, fish and gather those resources within and outside the Reservation pursuant to rights reserved under Treaties with the United States. The Band is responsible for enforcing regulations over approximately 8,000,000 acres in northern and central Minnesota. Funding is essential for that work, as well as for the Band's management of natural resources both on and off-reservation. These resources provide the foundation for our culture, subsistence, employment and recreation. We request that $1.5 million to be added to our base budget for Resource Management programs, as funds for this program have not been increased since 1991.

**BIA: Natural Resources, Circle of Flight.** We ask Congress to restore the Circle of Flight Wetland/Waterfowl Enhancement Program to at least FY 2008 levels and to consider providing $1,000,000 to cover actual program needs. Circle of Flight has been one of Interior's top trust resource programs since its inception. Through this program, Great Lakes Tribes have restored or enhanced more than 66,000 wetland, grassland and native prairie acres. Circle of Flight has invested more than $9.7 million in habitat projects, and has leveraged these dollars for an additional $27 million in federal, state, private, and tribal funding, yielding an impressive match ratio of nearly 3 to 1. Because of the importance of wild rice to our members and to the wildlife of the area, Fond du Lac has used these funds to restore over 200 acres of wild rice habitat and has identified another 550 acres of wild rice habitat that is restorable given adequate funding.

**BIA: Human Services.** We urge Congress to reject the Administration's proposal to decrease Human Services funding. Although the President, in the proposed budget recognizes the need to increase funding for social services to address the impact that the methamphetamine epidemic

has on not only public health and safety, but also child protection, child welfare and foster care services, his proposed modest increase for social service funding is far too little, and most certainly should not be offset by reductions in funding for the BIA's welfare assistance, Indian Child Welfare Act, and Housing Improvement programs. If Tribes are to have any realistic hope of protecting Indian children, preventing domestic violence, and fostering Indian families in the face of this crisis, funding for Social Services and ICWA programs must be increased.

**Indian Health Service.** We oppose the President's proposal to decrease total funding for Indian Health Services by $21 million from the FY2008 enacted level. While the proposed budget includes small increases for clinical health services, contract health care, preventive care and contract support costs, those only bring funding to pre-rescission FY2008 levels and still fail to address the high rates of medical inflation and the substantial unmet need for health care among Indian people. Indians at Fond du Lac, like Indians throughout the Nation, continue to face disproportionately higher rates of diabetes and the complications associated with diabetes, than the rest of the population. Heart disease, cancer, obesity, chemical dependency and mental health problems are also prevalent among our people. As found by Minnesota Department of Health, in its *Populations of Color Health Status Report for 2007*, diabetes among Indians is 5 times that for Caucasians; infant mortality among Indians is more than twice that for Caucasians and higher than that for any ethnic group; and Indians are more likely than any ethnic group to die from cancer, cirrhosis, diabetes, and suicide. While other federal programs, like Medicare and Medicaid, have seen annual increases in funding of 5-10% to address inflation, the budget for IHS has never had comparable increases, and, as a result, IHS programs have consistently fallen short of meeting the actual needs. All Indian tribes should receive 100% of the Level of Need Formula (LNF), which is absolutely critical for tribes to address the serious and persistent health issues that confront our communities. The Band serves approximately 5,900 Indian people at our clinics, but the current funding level meets only 38% of our health care funding needs. In addition, the Band requests an increase in funding for substance abuse and mental health programs in order to combat the growing methamphetamine problem on our Reservation.

**EPA: Tribal Air Quality Management.** We support the President's proposal to increase funding for Tribal air quality management, and urge Congress not to offset this by cuts to other environmental programs. We operate an air quality monitoring program, and the demands on our program are increasing as industrial activity continues to grow. There are a number of major facilities within 60 miles of our Reservation that affect our air quality and which we must monitor – including Excelsior Energy (a coal-gasification plant), Minnesota Steel (new taconite plant), Polymet (Cu-Ni mine), Enbridge pipeline expansion, Mittal Steel (taconite plant issues), and US Steel-Keetac (taconite mine expansion) – as well as smaller local facilities which also impact regional haze. We collect wet deposition samples to test for mercury and operate ambient monitors for nitrous oxides, ozone, and fine particulate matter. And Fond du Lac is only one Tribe. Many other tribes face the same issues. Because of the critical need to protect reservation air quality, increased funding for tribal air quality programs is essential

In conclusion, the needs at Fond du Lac and throughout Indian Country remain massive. Your support on these funding issues is essential to our ability to maintain vitally important programs and improve the delivery of services to Band members. Miigwech. Thank you.

**Testimony of The Honorable Henry M. Cagey, Lummi Nation Chairman on the FY 2009 Appropriations for the Bureau of Indian Affairs and the Indian Health Service Before the House Subcommittee on Interior, Environment and Related Agencies**

**March 12, 2008**

On behalf of the Lummi Nation, I would like to thank Chairman Norm Dicks and the distinguished Committee members for the opportunity to share with you the funding priorities and requests of the Lummi Nation for the FY 2009 Budgets for the Bureau of Indian Affairs and the Indian Health Service.

The Lummi Nation, is located on the northern coast of Washington State, and is the third largest tribe in Washington State serving a population of over 5,200. The Lummi Nation is a fishing Nation. We have drawn our physical and spiritual sustenance from the marine tidelands and waters which as surrounded us for hundreds of thousands of years. Now the abundance of wild salmon is gone. The remaining salmon stocks do not support commercial fisheries. Our fishers have trying to survive with shellfish products. In 1999 we had 700 licensed fishers who supported nearly three thousand (3,000) tribal members. Today, we have about 350 remaining. This means that over 400 small businesses in our community have gone bankrupt in the past nine (9) years. This is the basic inescapable reality of the Lummi Nation. We are culturally a fishing society. Our people have contracted diseases that were unknown to us at the beginning of the 20th Century. Our people are seeking a return to traditional health and to practice our traditional healthy lifestyles. Our families are struggling to hold traditional values against the onslaught of poverty, drug abuse, mental and physical illness. Domestic violence among our people is three times the rate experienced by our non-Indian neighbors. Our children and elders go without the food clothing, shelter and community support that they desperately need.

**TRIBAL SPECIFIC REQUESTS:**

**Bureau of Indian Affairs**

- +$5 million - BIA General Assistance Program
- +$500,000 - Tribal Community Safety Center
- +$850,000 - Water Resources Protection
- +$1.5 million - Wetland and Habitat Mitigation Bank Land Acquisition
- +$1.6 million - Salmon Hatchery Program Maintenance
- +$1 million - BIA Realty
- +$2.5 million – Slater Road Bridge Project

**Indian Health Service**

- +$2 million – Contract Health Funds
- +$600,000 – Lummi Dental Facility Staffing and Equipment

**Lummi Nation Specific Requests - Bureau of Indian Affairs**

**+$5 million - BIA General Assistance Program**
The Lummi Nation worked with the BIA General Assistance Staff to develop a plan for emergency services for our fishers. This assistance did help some fishers make the transition from salmon to other commercial fisheries, until the BIA administrative decision was made not to allow Tribes to seek assistance for economic disaster, even though it is allowable under the program regulations. Lummi Nation is requesting that the Committee direct the Bureau to reverse this decision and provide the BIA General Assistance Program with an additional $5million to address the needs of those Tribes impacted by economic distress, such as the economic disaster facing the Lummi Nation.

**+$500,000 - Tribal Community Safety Center (Office of Indian Services)**
The Lummi Nation has been able to organize eight (8) federally recognized Tribal governments to support the development and operation of a Community Public Safety Center, which would serve as a regional alternative jail. The facility would feature a variety of incarceration services from the least restrictive forms of community-based services through limited maximum-security incarceration services. With proper planning and contract obligations the Tribes could support this operation.

**+$850,000 - Water Resources Protection (Division of Water)**
Pursuant to the 1855 Treaty of Point Elliot, an adequate quantity and quality of water is needed both on the Lummi Reservation to support an economically viable homeland for the Lummi People and in the Nooksack River watershed to support a sustainable, harvestable surplus of salmon and shellfish. In November 2007 the federal judge approved the negotiated settlement to the lawsuit *United States, Lummi Nation v. Washington State Department of Ecology,et al*, Civil Action No. C01-0047Z (U.S. District Court, Western District of Washington). The negotiated settlement resolved water rights conflicts for only a portion of the Lummi Indian Reservation; it did not resolve on-going conflicts for the northern half of the Reservation and it did not resolve on-going conflicts over water allocation in the Nooksack River watershed, which discharges through the Reservation. In addition, the negotiated settlement created obligations on the parties including paying for a federal water master, metering all water uses, and performing additional monitoring and reporting. The Lummi Nation is requesting $150,000 to pay the cost of these obligations due the Lummi Nation. Efforts to resolve the water rights conflicts have been underway for many years and additional technical, legal, and policy support is needed to resolve these conflicts. The estimated additional annual cost for this support is $700,000.

**+$1.5 million - Wetland and Habitat Mitigation Bank Land Acquisition**
The Lummi Nation is developing a wetland and habitat mitigation bank on the Reservation to restore high-value and relatively rare saltwater marsh habitat and to ensure no net loss of wetland areas or functions as a result of residential, commercial, municipal, and industrial growth on the Reservation and in surrounding areas. Although the Lummi Nation already owns about half of the land that will be used in the wetland and habitat mitigation bank, individual tribal members own the remainder of the targeted land in the Lummi River flood plain. Purchasing this land, at fair market value, which has marginal value for agricultural purposes due to saline soils and brackish water supplies, will consolidate ownership and allow the land to be used for a purpose

that provides a substantial benefit to the ecosystem and supports the residential and economic development of the Lummi Nation and surrounding communities.

**+$1.6 million - Salmon Hatchery Program Maintenance (Hatchery Maintenance & Rehabilitation)**
The Lummi Nation currently operates three salmon hatcheries that support tribal and other fisheries in the region. The tribal hatchery facilities were originally constructed in the early 1970's. The original infrastructure needs to be repaired or replaced as it approaches the end of its useful life and other infrastructure needs to be developed or modified to ensure compliance with the Clean Water Act and/or the Endangered Species Act. The existing pump station along the Nooksack River needs to be upgraded at a cost of approximately $600,000 and the existing approximately four (4) mile long, 10-inch diameter asbestos-cement water supply line needs to be replaced with a 12-inch diameter pipeline at a cost of approximately $1 million.

**+$1 million - BIA Realty (Division of Realty)**
Funding is requested to support BIA processing the backlog of Tribal fee to trust applications that have been accumulating for nearly twenty (20) years. This backlog is a significant barrier to Tribal development today.

**+$2.5 million – Slater Road Bridge Project (Division of Transportation)**
The Lummi Nation is partnering with the Federal Emergency Management Agency and neighboring Whatcom County to elevate a frequently flooded section of Slater Road. When this section of Slater Road is flooded, access to the Lummi Reservation, Lummi Island, the Cherry Point heavy impact industrial zone, and the City of Ferndale are severely limited which threatens public health and safety and has substantial economic impacts. The FEMA provided a $3 million grant for the project through the Pre-Disaster Mitigation Program (the maximum grant allowable) and Whatcom County has committed $3.66 million to the project based on initial project cost estimates. The design for the project has been completed but, due to unforeseen costs and increase material costs, the engineer's cost estimate based on the 100 percent design is approximately $2.5 million greater than the available budget. Value engineering efforts did not substantially lower the costs and would have a greater environmental impact. An additional $2.5 million is needed to construct this important project, from Indian Reservation Roads (IRR) Road and Bridge funds.

**Lummi Nation Specific Requests - INDIAN HEALTH SERVICE**

**+$2 million – Contract Health Funds**
The Lummi Nation has endured a shortage of contract health care funds for many years due to constantly increasing health care and health care administrative costs and a budget that does not keep pace. The Lummi Nation is requesting that the Committee direct the IHS to develop an allocation plan for contract health care funds that recognizes that Tribes who are not served by an IHS Hospital incur greater contract health costs than those tribes who are provided services by such a facility. The Lummi Nation has incurred approximately $2 million dollars annually in costs that are not covered by the current allocation level.

**+$600,000 - Lummi Nation Dental Facility Staffing and Equipment**
In 2008 the Lummi Nation is completing the process of expanding is dental clinic facility and services. Funding for this project was generated through a combination of IHS facility and tribal funds. The Tribal Health Planner has determined that the Dental Clinic needs at least twelve (12) chairs. Currently there are only four (4) chairs and a four (4) month waiting list for both youth and adult to see the dentists even though the Lummi Nation has prioritized dental services for school age children. Lummi Nation funds have been used to create dental clinic space sufficient for (12) chairs. The Lummi Nation is requesting that the Committee direct the IHS to provide the Lummi Nation with additional equipment (4 operatories at $100,000 each) and staffing (2 dentists at the rate of $100,000 annually each).

**Requests and Recommendations Supporting All Tribal Needs**:
**BIA Requests:**

- Restore **Johnson O'Malley funds ($21.4 million)**; and **Housing Improvement Funds ($13.6 million)** to Tribal base programs
- Provide **$25 million General Increase to BIA Tribal Priority Allocation** for inflationary and fixed costs
- Provide **$45 million** increase for **BIA Contract Support Cost (CSC), including Direct CSC**
- **$500,000 for BIA Data Management funding of Office of Program Data Quality**

**IHS Requests:**

- Provide **$486 million for IHS mandatory, inflation and population growth** increase to maintain existing health care services (President's budget proposes a cut of $21.3 million)
- **$152 million** increase for **Contract Health Services (CHS)**
- **$160 million** increase for **IHS** to fully fund **Contract Support Cost (CSC), including Direct CSC**
- Increase **$5 million** to the Indian Health Service (IHS) **Office of Tribal Self-Governance**
- Restore $**21 million for health care facilities construction**
- Maintain annual funding for **Special Diabetes Program for Indians (SDPI) at $150 million** until new authority is enacted (*Current extended authority for Special Diabetes Program for Indians will expire in 2009.*)

**The Lummi Indian Nation Supports the Regional Requests and Recommendations for:**
Affiliated Tribes of Northwest Indians
Northwest Portland Area Indian Health Board
Northwest Indian Fisheries Commission

**The Lummi Indian Nation Supports the National Requests and Recommendations for:**
National Congress of American Indians
National Indian Health Board

Hy'shqe.

MUCKLESHOOT TRIBAL COUNCIL
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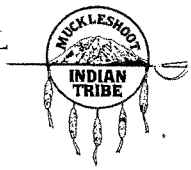



**Testimony**

**Submitted for the Record**

**By Ms. Charlotte Williams, Chairperson**

**Muckleshoot Tribal Council,**

**Muckleshoot Indian Tribe**

**Auburn, WA**

**Before the House Appropriations Subcommittee on**

**Interior, Environment, and Related Agencies**

**March 12, 2008**

Chairman Dicks and Members of the Subcommittee, I am pleased to submit this testimony on behalf of the Muckleshoot Tribal Council on federal issues of great importance to our Tribe. The Muckleshoot Indian Tribe seeks the committee's assistance to resolve long-standing concerns the Tribe has with United States Forest Service managed land.

First, we would like to express our gratitude to Chairman Dicks, Ranking Member Tiahrt and other committee members for this opportunity to present written testimony.

The first issue involves the Huckleberry Land exchanges in Washington State executed between the USFS and Weyerhaeuser Company in 1996. Those exchanges, panned in a 2000 GAO report and successfully contested in court by the Muckleshoot Tribe and others until 2001, contained critical provisions for the creation of 500 acres of elk habitat projects. Those provisions were key to the Muckleshoot Tribe's agreement to the plan yet to-date none of these important habitat projects have been initiated.

The second issue involves the Tribe's right under federal law to hunt and gather on USFS land. The USFS has infringed on those rights by charging tribal members to gather firewood on USFS controlled property. Efforts have been underway for some time to further clarify the ability of tribes to gather, without charge, wood on USFS property. While the Muckleshoot Tribe is

supportive of those efforts the Tribe is also concerned that the process has not made noticeable progress in the four years the effort has been underway.

Habitat management is also of great concern to the Muckleshoot Tribe. The Tribe believes the USFS should be doing all it can to manage and enhance Huckleberry habitats. Although most USFS lands in Washington State are in late successional reserve, the USFS is still able to manage for traditional plants. The USFS has the authority to manage for huckleberries but has to-date been reluctant to do so. The Muckleshoot Tribe strongly encourages the use of sound habitat management for huckleberries and other plants sacred to the Tribe.

The last issue involves the process of reviewing recreational cabin renewal across the country. Of particular concern is the cabin area located on the White River near the Tribe's Reservation and the city of Enumclaw Washington. The Silver Spring cabins are comprised of 180 units that are leased to private owners. Those owners are allowed to pass the cabins down through generations thus they do not serve a greater purpose to the recreational community. Of greater concern, only 1/3 of the cabins are on a septic system. The waste from the remaining cabins finds its way to the nearby creeks and White River. The Muckleshoot Indian Tribe believes the USFS review of cabin renewal should include an assessment of the environmental harms and recreational benefits of the Silver Spring cabins.

The Muckleshoot Indian Tribe asks the committee to use its authority and influence to help resolve these long-standing issues of great cultural importance to the Tribe.

THE JICARILLA APACHE NATION
P.O. BOX 507 • DULCE, NEW MEXICO • 87528-0507

**Name:** **Levi Pesata**
**Title:** **President**
**Institution:** **Jicarilla Apache Nation**
**Contact:** **Tel. (505) 795-3242, Fax (505) 795-3005; or contact Noelle Graney, Esq.**
**Tel. (505) 982-3622, Fax (505) 982-1827, Email ngraney@nordhauslaw.com**

March 1, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

On behalf of the Jicarilla Apache Nation, I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget. The requested appropriations include:

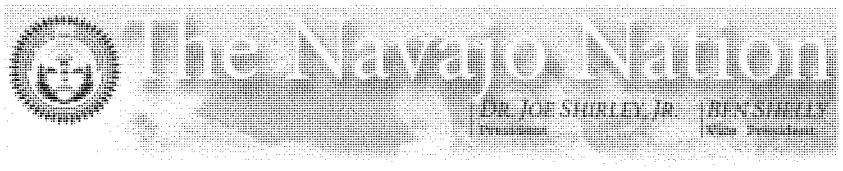
1. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS's Ouray National Fish Hatchery in Utah.

2. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

The Jicarilla Apache Nation greatly appreciates the Subcommittee's past support and requests your assistance for fiscal year 2009 funding to ensure the continuing financial participation of FWS in this vitally important program.

Sincerely,

/s/ Levi Pesata
President




**Name: Dr. Joe Shirley, Jr.**
**Title: President**
**Institution: The Navajo Nation**
**Contact: Stanley Pollack (Phone: 928-871-6192; fax: 928-871-6200; email: spollack@navajo.org)**

February 27, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

On behalf of the Navajo Nation, I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

The Navajo Nation greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,
THE NAVAJO NATION

/s/ signed electronically
Joe Shirley, Jr.
President

Office of the President and Vice President
Post Office Box 7440 / Window Rock, AZ / 86515 / Telephone: (928) 871-7000 / Fax: (928) 871-4025

# SOUTHERN UTE INDIAN TRIBE

## OFFICE OF THE CHAIRMAN

February 22, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

On behalf of the Southern Ute Indian Tribe ("Tribe"), I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service ("FWS") for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget. The Tribe requests support and action by the Subcommittee that will provide the following:

1. Appropriation of $697,000 in "recovery" funds to the FWS to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS' Region 2 expenses in managing the San Juan Program's diverse recovery actions.

The Tribe greatly appreciates the Subcommittee's past support and requests your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

/s/ Michelle Olguin for
Clement J. Frost, Chairman

P. O. BOX 737 • IGNACIO, CO 81137 • PHONE: 970-563-0100 • FAX: 970-563-0396

# The Ute Mountain Ute Tribe

*Office of the Chairman*

*Mr. Ernest House, Sr.*
*P.O. Box JJ*
*Towaoc, CO 81334*

February 27, 2008 in.approp@mail.house.gov

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

Ernest House, Sr.
Chairman

*Telephone: 970-564-5602* *Fax: 970-564-5709*

*Chief Jack House, Last Traditional Chief 1896-1972*

STATEMENT OF THE ALEUTIAN/PRIBILOF ISLANDS ASSOCIATION, INC.

1131 East International Airport Road
Anchorage, Alaska 99518-1408
907-276-2700

Submitted to the House and the Senate Interior, Environment and Related Agencies Appropriations Subcommittees

Regarding the FY 2009 Indian Health Service Budget

Dimitri Philemonof, President/CEO
Carolyn Crowder, Health Director

March 12, 2008

The principal concern of the Aleutian/Pribilof Islands Association, Inc. (APIA) with respect to the Indian Health Service (IHS) proposed budget for FY 2009 is the continued significant underfunding of both program and administrative costs for the operation of the St. Paul Health Center, which was completed in the fall of 2005. Our request is:

- IHS funding for the St. Paul Health Center of $555,957 of which at least $253,541 must be available to pay indirect costs of operating the health center.
- A significant increase in IHS contract support dollars.
- Provision that the increase in contract support dollars be available to address the contract support requirements of new and expanded programs.

St. Paul Island is located, as this subcommittee knows, in the Bering Sea and it is almost 1000 air miles away from our nearest referral center in Anchorage. It is also the only Health Center in the most dangerous fisheries area in the country. APIA must serve a huge influx of seasonal fisheries workers and our staff must be of a caliber to handle major disasters with no ready assistance. Our population balloons to over 2000 during the fishing seasons. Due to the dangerous nature of fishing in the Bering Sea, many of our cases are of an emergency nature – for instance, we have provided emergency response services for shipwrecks, explosions, and fishing-related injuries. In addition to the large numbers of persons – Native and non-Native – who fish in our waters, we also attend to emergency health needs of the many people who visit our area for bird watching. We are, in fact, "the only act in town" when it comes to health care, and thus we need to be as self-sufficient as possible in the provision of health care.

As noted in our testimony submitted to this Subcommittee on March 18, 2005, the Indian Health Service, in preparing the budget for FY 2006, made a mistake as to when the health center would be completed and ready to operate. APIA had been notified by our IHS project manager in a letter dated February 17, 2005, that the center would be completed and ready to operate by September 30, 2005. However, when submitting the budget for FY 2006 IHS

assumed that the center would operate for only one quarter in FY 2006 and asked only $260,000 in program funds as against $1.4 million required for a full year. We are grateful that the Indian Health Service responded to our request by providing some one- time funds in FY 2006 to help bridge this gap until funding was provided in FY 2007. However, the lack of the additional funding to cover contract support costs has had a remarkably devastating impact on our ability to provide the services envisioned when planning and construction of this facility first occurred. This has had a demoralizing affect on the staff and community of St. Paul Island.

The failure to fund contract support costs for the health center in full has a complex history. During FY 2006 IHS was able to locate $1,097,584 to allocate for additional program funds to permit the operation of the new center. APIA has expressed its gratitude already to IHS for the effort it took to locate these funds and permit the opening of the center. However, before releasing the program funds to APIA, IHS insisted that we amend our FY 2006 funding agreement (Funding Agreement 58G950030, Amendment 5) under the Alaska Tribal Health Compact to agree that we would not be entitled in 2006 to any contract support funding to support administrative costs of the new facility.

We feel that this seemingly draconian demand by IHS violates both the letter and the spirit of Title V of the Indian Self-Determination Act (ISDA) under which our IHS-funded health program operates. We understand that the IHS lead negotiator's position on this issue was one that he felt he could not compromise without compromising the agency; likewise we felt that we needed to agree to this language in order to receive the limited funding appropriated for our staffing package. As a result of IHS's refusal to provide for the administrative overhead at St. Paul, as well as the failure to fund the full program funding planned ($1.4 million), we have been able to open the center but not to provide the level of service for which it is designed. Our 23.1 percent overhead rate negotiated with the Department of Health and Human Services must be paid from the amount of funding provided to programs in the clinic which results in a real reduction of $253,541 below the reduced program funding. Thus we have for operation of the clinic $555,957 less than we should have. As a result, in the new center we provide to the people of St. Paul about the same level of service which was provided in the old, outdated facility, it just looks better.

Specifically, we have not been able to: fill two FTE midlevel provider staff positions, fill one FTE Contract Medical Services Director, expand Dental Health access by two visits/year, provide case management for our chronic care patients, provide travel access funds for patients requiring specialty services and emergency medevac transport, pay for biomedical support for new equipment, expand our IT capacity for the new health center, and provide administrative support necessary to ensure quality care is provided.

Most of the funds received have first gone to support increased facilities expenses including heat and other utilities, routine maintenance, benchstock, specialty subcontract facilities operations and engineering expenses. Very little is left over for actual provision of medical services to optimize the use of this beautiful new facility. In fact, we have had to seek and rely on non-recurring non-IHS grant funds to meet some of our short-term needs for this new facility.

Continuing litigation on the question of whether the ISDA requires the payment of contract support funds by the Bureau of Indian Affairs and IHS and the present IHS position that it will pay no contract support funding appropriated by Congress (even where the FY 2008 appropriation statute states that up to $5,000,000 of the amount appropriated to IHS may be expended for new or expanded contracts) leaves it very uncertain as to whether APIA is barred or not from receiving full contract support funding. IHS has told APIA that its contract support deficiency will be alleviated by allocating all shortfall funding to ongoing contracts and nothing to a program expansion either for FY 2007 or FY 2008. It has not worked out that way so far. The effect of FY 2007 funding distribution of contract support funds based on IHS' own figures was to reduce APIA's level of contract support need funded from 75.12 percent in FY 2006 to 70.96 percent in FY 2007. The total amount of our funding agreement was reduced by $105,694 from 2006 to 2007. Now in FY 2008, APIA is renegotiating its indirect rate to be at 39.1 percent based on increased costs, most of which relates to facilities costs and higher energy expenses. This creates an even greater shortfall that will need to come out of program dollars.

We therefore turn to the Congress to address this injustice at least in FY 2009 by (1) appropriating a significant increase in contract support dollars and (2) providing that the increase will be available to address the contract support requirements of new and expanded programs, including programs like APIA's new St. Paul Health Center which came into operation in FY 2006. This action will require the IHS to correct the gross injustice which it inflicted on the Native Village of St. Paul by requiring the health services budget for the new center to absorb all administrative costs based on APIA's negotiated indirect cost rate. Congress made very clear its intent that such costs should be paid for over and above the sums which would be used by APIA to provide the same services. See 25 U.S.C. § 450 j-1. IHS claims that it is unable to treat APIA fairly in accordance with this statute because Congress has failed to provide appropriations consistent with the wording of the statute. We are left with no alternative therefore but to appeal to you to make it possible for the new health center to provide the level of services which the IHS and Congress intended it to provide when its construction was approved.

We have brought this particular matter to your attention as it is a high priority of our organization and of the Native Village of St. Paul. In addition, we support the testimony of the Alaska Native Health Board on the need to increase funding for health services in Alaska, especially to fully fund contract support.

Thank you.

**Statement of the Bristol Bay Area Health Corporation**

6000 Kanakanak Road, P.O. Box 130
Dillingham, Alaska 99576
907-842-5201

Robert J. Clark, President and Chief Executive Officer

On Fiscal Year 2009 Indian Health Service Appropriations
Submitted to the House and the Senate Appropriations Subcommittees on
Interior, Environment and Related Agencies

March 12, 2008

The Bristol Bay Area Health Corporation (BBAHC) submits this statement regarding the FY 2009 Indian Health Service budget. BBAHC is a consortium of 34 tribes in Southwest Alaska and was formed by the tribes of the region in 1973. We were the first tribal organization in the United States to use an Indian Self-Determination (P.L. 93-638) contract to manage and operate an Indian Health Service Unit, and have been managing and operating the Kanakanak Hospital and Bristol Bay Area Service Unit since 1980. We provide health services in a 40,000 square mile area – larger than the state of Ohio and with no roads. Our energy costs are enormous. Heating oil is now $5 a gallon in Dillingham and double that in the villages – in some cases heating oil has to be flown in, exacerbating the costs. Gasoline is $11 per gallon in the villages. Medevac services are $20,000 per flight.

BBAHC is struggling to meet health needs with high costs and woefully inadequate facilities as reflected in our IHS budget requests:

- $5.5 million increase for the Village-Built Lease program over a three-year period with at least a $3 million increase in FY 2009 and a pro-rata share of any increase for BBAHC.
- $2 million to complete the replacement of the boiler plant at Kanakanak Hospital.
- Authority for IHS to accept non-IHS built facilities and to issue use permits for these facilities to tribes.
- $3.8 million for design and construction of a dental building.
- $2 million for design of an expansion and remodeling of the Kanakanak Hospital.
- $1.4 million for BBAHC's Medivac program. This is the amount needed just so we can continue services at the current level.
- Resources to stop the shoreline erosion – IHS owns the property underlying the Kanakanak Compound, and there is considerable contamination and beach erosion.

- Funding is needed for water and sewer installation.

*We also strongly support the FY 2009 IHS recommendations of the Alaska Native Health Board for:*

- A 20 percent increase in the IHS budget - $666 million increase over FY 2008.
- Full funding for contract support costs, a $100 million increase over FY 2008. Nearly half of the CSC shortfall is in Alaska.
- Funding for the Electronic Health Records Technology program – BBAHC's costs for this is $500,000.
- Sanitation Construction - a $20 million increase over FY 2008.
- Community Health Aide Program - a $3 million increase over FY 2008.

Boiler Plant Replacement. Of great urgency is the need to complete the replacement of the hospital's boiler plant. Of the $5.4 million cost, we have obtained $3.4 million from various sources. We need an additional $2 million to complete the job. If the replacement is not completed soon we face a breakdown of the current system and closing of the hospital.

The boiler plant will be in a new stand alone pre-fabricated building. A buried underground piping system will be added to connect the new building with the existing hospital heating system. A system of pipe anchors, pipe guides, and expansion joints will be provided to allow proper expansion of the steam piping system. The project will also incorporate space in the new boiler plant for the future relocation of the 500 kW standby generator system, which provides reliable power for the campus as a back-up to the utility power system.

Village-Built Clinic Leasing Program The IHS lease program for village-built clinics has absolutely stagnated and it is not able to come close to keeping up with village needs. Funding for the IHS lease program is $3.7 million, the same as it has been for 19 years! We have not even had funding for inflationary increases.

Thanks in part to assistance through the Denali Commission we have seen much needed expansion of some village-built clinics and new ones established. However, lease amounts for clinics that have expanded have not been increased, and indeed, are far below what one would consider reasonable local rates. And those clinics which have not expanded are also being leased at unreasonably low rates when one considers their rural, remote locations. An example is Ekwok, which has an annual clinic lease rate of only $9,146. Overall the current lease funding covers only approximately 55 percent of the operating costs, and those cost are expected to continue to increase as energy costs continue to skyrocket in rural Alaska.

As new clinics have been added, they must be on a waiting list for clinic leases. In order for

continued funding from the Denali Commission for clinic construction, the IHS leasing program funds must be increased. Such an increase would make an important difference in the provision of health services at the village level.

Medevac Travel. We request $1.4 million in recurring funding for BBAHC to support the high costs of Medevac services in the Bristol Bay region. As this Subcommittee knows, there are few roads in Alaska and there are many instances where we must transport patients via air to the hospital in Dillingham, and, in instances where our hospital cannot provide the type of care needed, to Anchorage. Medevac transport costs $20,000 per flight.

We receive $111,564 for Medevac but our costs are closer to $2 million. We have received no increase since 2001! We aggressively pursue third party collections, but it can in no way make up for the huge shortfall we have in Medevac costs. Medicare and Medicaid reimbursements cover less than half of Medevac costs. Due to high energy and increased costs over the previous year we absorbed $500,000 in Medevac costs last year.,

DHHS Hindering the Use of Facilities Built with Non-IHS Funds. In the past BBAHC has used non-IHS funds to pay for the construction of an emergency room and substance abuse treatment and behavioral health facilities, which we added to the Kanakanak Compound property owned by the IHS. Once built, these facilities were given to the IHS, which in turn has allowed BBAHC to utilize them to provide services under our compact in accordance with the terms of a use permit. DHHS has been micro-managing how IHS deals with the accepting and permitting of these facilities, and in so doing has prevented us from utilizing this arrangement for future construction projects. These actions make no sense to us because Congress does not appropriate sufficient funds for the IHS to pay for the needed construction projects at Kanakanak Compound. We, as well as other tribal health providers in Alaska, are compelled to seek other funding sources to build desperately needed facilities in an effort to carry out our mission of providing quality health care services. Beneficiaries in our regional have greatly benefited from our emergency room and substance abuse and behavioral health facilities. However, you should know that in completing the behavioral health facility, we lost two construction seasons due to lags in the "gifting process". We ask this Subcommittee to urge DHHS to delegate to the IHS the authority to accept these types of gifts and to continue issuing use permits to tribes as it has done in the past.

Dental Building. Funding for a dental building involves considerably more than just funding for a facility. In our case:

- There is a significant amount of contaminated soils at the current location.
- New dental equipment will cost $600,000.
- We will need to relocate a sewer line, light poles, and a manhole.
- Footings for new main entry will need to be completed with this project.
- Information Technology Space & Independent Servers for Digital Image.

Beach erosion. Our tribal consortium utilizes IHS-owned property for the Kanakanak Hospital and Compound in providing health services under the Indian Self-Determinatin and Education assistance Act. When we took over this federal facility under a use permit, the

government agreed to be responsible for hazardous conditions resulting from prior federal use of the property, including pockets of oil underground due to years of spills, leaks and overflows.

The erosion of the shoreline of the hospital compound has increased this problem. The erosion has brought oil to the surface and well as materials from old garbage dumps and, very disturbing, human remains from a cemetery dating back to about 1900. The cemetery was used by a federally operated orphanage and school – and is now part of the IHS property on which Kanakanak Hospital is located. IHS needs to obtain the resources to stop the erosion and clean up the site. If this situation is not corrected it will eventually put the hospital itself at risk. The problem needs to be addressed immediately and the cost should not diminish the resources available for Alaska Native health care.

Water and Sewer Installation. While we have a water and sewer system in downtown Dillingham, the outlying areas of town are not on the system, and this is a similar scenario for several of our villages. Several have wells and septic systems where a sewer system is too costly. We are very concerned with the age of many systems that will fail and need to be replaced as they are outdated and inadequate to meet needs.

Twenty percent increase in IHS budget. As mentioned above, we support the ANHB request for a 20 percent increase in the IHS budget, or $666 million over the FY 2008 enacted level. While the IHS budget has not kept up with inflation and otber built-in costs such as pay raises and population growth, the Administration's proposed FY 2009 budget would make matters dramatically worse. The Administration proposes not one penny for built in costs, and by its own conservative estimates tribal and IHS program would have to absorb $144 million for built-in costs in FY 2009. When you add to it the generally insufficient funding over the years for built-in cost and the $200 million that has been rescinded from the IHS budget since 2000, a 20 percent increase is not at all out of line, even in this tight budget environment.

Thank you for your consideration of our needs.

**FRIENDS OF INDIAN HEALTH**

The Friends of Indian Health is a coalition of over 50 health organizations and individuals dedicated to improving the health care of American Indians/Alaska Native (AI/AN) people. The Friends is seeking an additional $224.6 million for FY 2009 for the Indian Health Service for a total appropriation of $3,549,462,000. This request represents what is needed immediately for FY 2009. We could easily justify a request of over $1billion to close the gap in health care between Indian people and the rest of the nation's citizens.

Since the early 1990s the disparity in health care for Indian people has continued to increase. AI/AN people have a lower life expectancy – nearly four years less - when compared to other populations. This occurs for a variety of reasons:

- Native American youth are more than twice as likely to commit suicide,
- AI/AN people are 670 percent more likely to die from alcoholism,
- 650 percent more likely to die from tuberculosis,
- 318 percent more likely to die from diabetes and
- 204 percent more likely to suffer accidental death

Since, 2005, the Friends has advocated that the most immediate way to address the disparity of disease and health care in Indian country is to fully fund loan repayment and the IHS Director's prevention account. We were very pleased last year when the Committee addressed these needs by adding an additional $14 million for prevention of methamphetamine use and suicide and $5 million for loan repayment.

Currently, the overall health professions vacancy rate for the IHS is 20 percent, but some professions have even higher numbers. The IHS loan repayment program has been very successful in attracting providers to the Service. In FY07 the IHS made 487 awards and ended the year with 356 unfunded applicants. Additionally, many professionals would continue to stay in the IHS, thereby improving continuity of care, if more loan repayment funding was available. According to the IHS not being able to provide loan repayment contributes to increasing turnover and vacancy rates. Health provider vacancies also put an additional strain on contract health services dollars that are already extremely limited by requiring referrals for services that could otherwise be provided from within the IHS system.

The Friends of Indian Health recommends $40 million—an additional $22 million over current levels—for loan repayment so that the IHS can fully staff all health provider vacancies. Last year the Friends appealed to the Committee to add this funding over 4 years, allowing the IHS to be fully staffed by 2011. The Friends were very appreciative when the committee increased this account by $5 million for FY 2008 and looked forward to continuing to build on that start.

We are dismayed that the Administration has proposed cutting the health professions account by $14.4 million for FY 2009. The Secretary of Health and Human Services has testified before other committees that the reason for reducing various loan repayment accounts is that they prefer to put the money into services instead of facilities. It is hard to understand how the Department can equate manpower to buildings and how it intends to deliver services without health care

providers. The Friends believe that it is vital to restore the funding and to continue to reach the goal of fully funding the loan repayment account by 2011. Therefore we recommend the Committee provide an additional $19.4 million for this account.

The Friends is pleased that the Administration's budget proposal will maintain funding levels to address the rise in methamphetamine use and suicide. But, calling for a decrease of over $11 million to address alcohol and substance abuse will only increase health care costs. Problem drinking is associated with injuries. According to the IHS, "The AI/AN population has an age adjusted alcohol-related death rate (46.5) that is 7.4 times the U.S. all-races rate (6.3) and 7.8 times the U.S. white race." With injuries come additional health care costs and if injuries prevent the victims from working then there is increased unemployment. The IHS has estimated that fully funding needed alcohol and substance abuse services would require an additional $119.5 million above FY 2008 funding. Keeping with the Friends strategy to develop a plan to sufficiently fund the IHS over 4-5 years, we recommend that the committee restore the $11.2 million and add an additional $21 million for a total of $32.2 million.

As we have indicated above, an increase in injuries due to alcohol and substance abuse often leads to additional medical costs due to injuries. It is not uncommon that the injuries are so severe that IHS and tribal facilities cannot provide the needed services. Patients must seek care outside of the system and the IHS is supposed to reimburse the providers from the contract health services (CHS) account. Patients needing cancer treatments, mental health services and surgeries are also covered through this funding.

The number of services that can be provided through the CHS is declining annually because it has not kept pace with medical inflation and population growth. This has forced tribes to develop systems that prioritize and ration care often only able to fund emergent or acutely urgent care. The IHS reports that the CHS account is funding only 60 percent of the need. When applying realistic medical inflation numbers and adjusting for a population growth of 1.2 percent a year, the IHS has estimated that it could conservatively use over $1 billion in this account to meet 100 percent of the need. The Friends wishes that the Committee could meet this need but recognizes funding realities. Therefore, the Friends ask the Committee to increase the CHS account by a minimum of $20 million.

Totally, the Friends recommends an increase of $224.6 million above the President's request for IHS for FY 2008. That amount includes recommendations made above and funding for programs listed below to restore or fully fund them at amounts that reflect the actual level of need:

- + $43 million for Pay Act costs: The President's budget does not cover all mandatory salary needs.
- + $75 million for Health Care Facilities. We are disappointed to see that the Administration is again proposing to decrease this account. The IHS has carefully planned its construction schedule and an interruption in that planning will only result in higher construction costs in the future.
- + $35 million for Urban Indian Health Program (UIHP). While the Friends appreciate the need not to duplicate federal programs, we do not agree with the Administration's analysis that urban Indians should seek care in non-Indian facilities. Last year, the

National Council of Urban Indian Health stated that, "Contrary to the assertions made in the President's FY 2008 budget, urban Indian health organizations do not duplicate the functions of other programs, but rather serve a unique, non-duplicative and culturally specific purpose within the large urban Indian communities." We do not believe that any circumstances have changed in the past year to justify eliminating this program. Therefore, we strongly urge the Committee to restore it.

Below are additional statements by groups represented by the Friends detailing the need for improved Indian health care. As health care organizations and providers, we know that there will ultimately be a cost savings to the government if the disease disparity rates can be reduced and access to health care improved for AI/ANs.

The Friends is grateful to the Committee for its past strong commitment to addressing the health care needs of the AI/ANs. We believe that continued support from the committee will strengthen the IHS public health infrastructure and lead to decreases in mortality and morbidity rates of American Indians and Alaska Natives.

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**Mental Health**

- Poverty is a significant contributing factor toward mental and substance abuse disorders. The poverty rate for American Indians and Alaska Natives (AI/AN) in 2001 was 24.5 percent, as compared to 7.8 percent for non-Hispanic whites. The median household income estimate for AI/ANs was $32,000 as compared to $46,000 for non-Hispanic whites.
- Inadequate mental health and substance abuse services contribute to a suicide rate for AI/AN that is about 1.7 times the rate for all races in the U.S. and the suicide rate for males 15 to 34 years of age is over two times the national rate.
- The suicide rate for Indian people is 60 percent higher than the general population.
- Studies have shown that 69.9 percent of all suicidal acts (completions and attempts) in AI/AN country involved alcohol use.

**Kidney Disease**

- American Indians have one of the highest rates of chronic, irreversible kidney failure or End Stage Renal Disease (ESRD) of any population. In 2005, the prevalence rate for End Stage Renal Disease for Native Americans was 2.3 times higher than that for White Americans.
- Diabetes is the leading cause of all new cases of kidney failure for all Americans, and the explosion in the incidence of type 2 diabetes among American Indians is the driving force behind the AI/AN kidney disease prevalence rate

**Oral Health**

- 79% of children aged 2-5 years had a history of decay
- 78% of adults 35-44 years old and 98 % of elders 55 years or older had lost at least one tooth because of dental decay, periodontal (gum) disease or oral trauma.

**Diabetes**

- Today diabetes has reached epidemic proportions among Native Americans. Each year 54,000 people lose their feet or legs to diabetes. Amputation rates among Native Americans are 3-4 times higher than the general populations.

- An Arizona tribe has the highest rate of diabetes in the world. About 50% of the adults between the ages of 30 and 64 have diabetes in this tribe.

**Vision and Eye Health**

- A recent three year study of Navajo people (the largest native population) revealed that within the prior two years only about 33% had an eye exam and that only 20% had visual acuity good enough to qualify for a driver's license, even with their present eyeglasses.
- With the high rate of diabetes, it is imperative that timely detection and treatment be available in Indian country. Diabetic retinopathy occurs in 24.4% of Oklahoma Indians.

**Pharmacy**

- Pharmacists play an important role in disease state management, particularly the monitoring of patients suffering from diabetes.
- Through the pharmacy training program, now in 13 sites, the IHS plays a significant role in the education of pharmacists interested in pursuing careers in the IHS.

**Women's Health Care**

- AI/AN girls up through the age of 19 are approximately 3 times more likely to commit suicide than their white counterparts.
- Although AI/AN women across Indian country have lower cancer death rates than U.S. all races, in Alaska and Northern Plains, the rates for AI/AN women are 22% and 42% higher, respectively, than for U.S. all races.
- The 2002 U.S. prevalence of diagnosed diabetes in women 20 and over was 7.1%. For AI/AN women, it was 15.9%, more than double. This disease is devastating to the health of these women; in addition, it increases complications in childbearing, and elevates the risk that their children will also become diabetic.

**Children's Health Care**

- More than one-third of the nation's AI/AN population is under the age of 15, and the health of these children consistently lags behind other populations. For example, the SIDS rates among AI/AN infants are nearly twice that of the general population.
- AI/AN children are more than twice as likely to die in the first four years of life than the general population, and remain twice as likely to die through age 24.
- The rate of type 2 diabetes among AI/AN teens aged 15-19 has increased 109% since 1990.

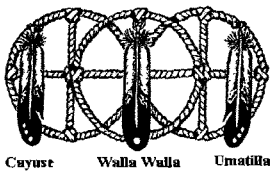
**Cardiovascular Disease (CVD)**

- While the general U.S. population has seen a 50% decline in cardiovascular mortality, the AI/AN population rates are rapidly and dramatically increasing.
- CVD is the leading cause of death among AI/ANs and is double the rate of the general U.S. population.

**Need for Nurses**

- The, IHS has been disproportionately affected by the national shortage of RNs.
- IHS nurses are older, with an average age of 48, and nearly 80 percent of RNs are over the age of 40.
- IHS nursing scholarships programs are severely under-funded. Targeted resources need to be invested in the IHS health professions programs in order to recruit and retain registered nurses in Indian Country.

# YELLOWHAWK
## TRIBAL HEALTH CENTER

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Shawna Gavin, Chair, Health Commission
Yellowhawk Tribal Health Clinic
Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
March 13, 2008

Honorable Chairman Norm Dicks and Members of the Committee:

I am Shawna Gavin, Chair of the Yellowhawk Tribal Health Center Health Commission, Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Thank you for the opportunity to testify on the very important issues related to tribal health funding and the Administration's proposed decreases in the Indian Health Service Budget.

Once again the proposed Indian Health Services budget falls far short of providing adequate health care for our people. In fact, the proposed budget does not live up to meeting the trust responsibilities the federal government has to Tribes.

Yellowhawk Tribal Health Center currently manages an active Compact with the Federal government. In that, we have assumed the government of the United States' responsibility to provide health care and wellness services to the people of the CTUIR. For us to accomplish this in an effective, efficient and responsible manner we must be appropriately funded. We currently are unable to provide all necessary critical services let alone basic preventative care. Federal spending for Indian health care continues to lose ground compared to spending for the U.S. population at large. Tribal health care facilities are forced to prioritize care delivery and compete for non-existent funds to address facility shortcomings. Furthermore, Indians living on reservations still suffer the health effects of poverty at a much higher level than the national average. Incidences of diabetes, HIV, substance abuse, addiction and suicide continue to far exceed that of the rest of the country. While we work to address these shortcomings as a self-governance facility, we cannot succeed without adequate funding. Passage and funding of the long neglected Indian Health Care Improvement Act reauthorization would go a long way toward this end and sets the stage for improving the health and wellness of our people now and into the future. Our people and all Indian people deserve access to high quality health care.

With respect to the Indian Health Services budget, the Health Commission would like to address issues beyond the total amount of funds that are being proposed. These include:

- **Contract Health Services funding shortfalls**
- **Perpetual under funding of Contract Support Costs**

- **Extension of the Special Diabetes Program for Indians**
- **Decreases in Annual Funding Agreement**
- **Lack of funding for new facility construction**

**The Health Commission recommends that the IHS budget be increased by $455 million in order to maintain current services.** This is based on an early analysis of the 2009 budget by the Northwest Portland Area Indian Health Board, which indicates a proposed $21.3 million cut to the 2009 IHS budget.

***Specific concerns include:***

**Contract Health Services Funding Shortfalls**

Funding for services purchased outside of Tribal and Indian Health facilities have continually failed to keep pace with industry standard, medical inflation and the true need for delivery of adequate preventative and diagnostic health care. A major issue of concern is the proposed decreases to Alcohol and Substance Abuse funding. These cuts would not only reduce the number of treatment beds available to our Tribal members but reduce the funding available to pay for those beds at other facilities. Also of major concern are continued Catastrophic Health Emergency Fund (CHEF) shortfalls. These funds continue to be exhausted long before the budget year ends. This forces proactive Tribal facilities to protect these funds in order to account for the inevitable high dollar cases that present between the time the CHEF funds run out and the beginning of the next fiscal year. When forced to protect ourselves against this funding shortfall we have no choice but to prioritize and ration necessary, but routine health care. Many times we are left to fund only life saving health care procedures. This cycle will never allow a proactive approach to early disease detection, prevention or long term health and wellness.

**Perpetual Under Payment of Contract Support Costs**

In 1996 Yellowhawk Tribal Health Center, in good faith, contracted with the Federal Government to assume the responsibilities of health care delivery for the CTUIR. In 2004 we negotiated and completed a compacted agreement to continue this business arrangement. Since the inception of this agreement with the federal government we have been under funded. In fact, to date, the amount owed to the Yellowhawk Tribal Health Center as we make good on the responsibilities of the Federal Trust, exceeds $3.1 million dollars and continues to increase. Fiscal year 2008 demonstrates a more than $16,000 decrease in contract support funding from fiscal year 2007. Again, these funding shortfalls put the quality of our health care delivery at risk by compromising our ability to recruit and retain quality employees and our ability to purchase and maintain modern health care equipment.

**Extension of the Special Diabetes Program (SDPI) for Indians**

Inadequate past and present funding have left the Yellowhawk Tribal Health Center dependent on grant funding to address diabetes treatment and prevention. The SDPI Grant is scheduled to expire in the summer of 2009. If it is not extended the impact on the Umatilla Reservation community, diabetic and non-diabetic, will be considerable. If we were to lose the more than $160,000 a year we receive from SDPI, we would have no choice but to eliminate many diabetes prevention initiatives that are just now demonstrating their benefit to our community's health and wellness. Further, the loss of the SDPI Grant would eliminate funding of approximately $80,000 currently committed to

diabetic pharmaceutical purchases. Our pharmacy program cannot sustain this expense in addition to all other necessary pharmaceutical costs. Again we will be forced to prioritize treatment delivery perpetuating a cycle where preventative and diagnostic care models will be deemed of a lesser priority so that critical health care needs can be met.

**Decreases in Annual Funding Agreement**

Annual funding agreements under our Compact with the Federal government have failed to keep pace with medical inflation, cost of living and increases in patient demand. Consequently we have no choice but to access reserve funds to maintain any level of quality care delivery and to meet the payroll for a skilled and talented staff. Because we are expending every dollar of our annual funding agreement and significant dollars from reserve accounts, our future health care delivery is jeopardized. We cannot sustain augmentation of our annual funding agreement with reserve funds. We must do more to protect our community's health and wellness future and will be forced to scale back spending which will ultimately impact access to preventative and diagnostic health care services. Reauthorization of the long overdue Indian Health Care Improvement Act legislation is a necessity to assure adequate funding of critical needs as well as industry standard diagnostic and preventative health care.

**Lack of Funding for New Facility Construction**

The CTUIR is in need of a new health care facility. The current structure has existed since 1976 and has been remodeled, modified and enlarged no less than 7 times since then. Our patient demographic continues to age and grow and has resulted in an exponential increase in demand for health care services. Unfortunately there is no more ability for facility expansion. The facilities HVAC systems cannot keep up with facility demands as it is currently configured and has become so substandard that architects and engineers recommend against any additional expansion or renovation. This inability to grow severely impacts access to care, patient flow and the way in which health care is delivered. It also significantly effects recruiting and retention of quality employees. This is particularly the case with physicians and dentists. Again, the reauthorization of the Indian Health Care Improvement Act legislation is our only hope for a near term solution to our critical need for a suitable facility with modern treatment and health care delivery spaces.

To reiterate, we are recommending at a minimum, a $455 million increase in Indian health care funding to address unavoidable increases in medical and general inflation, salary costs, additional staffing, and population growth. Minimum funding should also be provided to prevent the elimination of Urban Indian Health Programs.

More importantly, this committee would do well to advance any and all Indian health care legislation and initiatives. These many years of funding shortfalls reflect political neglect and it is within your authority to address this in a proactive fashion.

Thank you for your serious consideration.

Testimony of Millard Jacob Myers
Executive Director
1854 Treaty Authority

The 1854 Treaty Authority is an inter-Tribal natural resource organization which implements the off-reservation hunting, fishing and gathering rights of the Grand Portage and Bois Forte Bands of the Lake Superior Chippewa in the area ceded to the United States in the Treaty of 1854. Our program is partially funded by a PL 93-638 contract with the Bureau of Indian Affairs. The 1854 Authority respectfully requests an increase of $ 270,000.00 to our existing base funding in order to meet the increased cost of fulfilling our court-ordered responsibilities.

For background purposes, the Grand Portage, Bois Forte and Fond du Lac Bands are signatories to the Treaty of September 30, 1854, 10 Stat. 1109. In that Treaty the Bands ceded approximately 5,000,000 acres in northeastern Minnesota, reserving the right to hunt, fish and gather in that territory. For most of the 20th Century, those off-reservation rights lay dormant and unrecognized and Tribal subsistence activities were relegated to lands within reservation boundaries.

In 1985 the Bands went to Federal court seeking a declaratory judgment that the 1854 Treaty did indeed reserve these off-reservation rights and that the State of Minnesota had no authority to regulate tribal hunting, fishing and gathering in the ceded territory. In the course of that litigation, the Bands and the State entered into negotiations concerning the exercise of treaty rights in the ceded territory. The negotiations resulted in an agreement which was approved by both the Minnesota Legislature and the Tribal governments. The agreement was then entered as a consent decree in the Federal litigation such that the obligations of the parties are enforceable in court.

One of the Bands' obligations under the agreement and court order was to create a means by which the Bands could effectively regulate Band member activities. After the Fond du Lac Band exercised its right to opt out with notice, the two remaining Bands formed the 1854 Treaty Authority. To this day, the 1854 Treaty Authority is the entity responsible for management of the Bands off-reservation hunting, fishing and gathering rights.

The 1854 Treaty Authority employs ten (10) full time employees, consisting of an Administrative Division (3), a Resource Management Division (4) and an Enforcement Division (3). Two of the Resource Management positions are grant (temporary) funded. The organization is overseen by a Board of Directors comprised of the elected Tribal Councils of the Grand Portage and Bois Forte Bands. The 1854 Treaty Authority also has a Judicial Services Division which retains a judge to hear matters arising under the Tribal code.

The 1854 Treaty Authority is a shining example of cooperation as we gather and share biological information with state, federal, local, and other tribal governmental units. The 1854 Treaty Authority is authorized through a Joint Powers Agreement with the State of Minnesota to enforce state natural resource laws over non-Tribal users and State Officers are authorized to enforce tribal law applicable to tribal users. The 1854 Treaty Authority has also conducted many

natural resource improvement and research projects with the above-mentioned government entities, as well as organizations from the private sector.

However, the 1854 Treaty Authority has struggled to maintain its full-time staff as we have not had an increase in base funding for our programs of any significance in many years, and in fact the base funding has decreased the last seven funding cycles. Simultaneously, cost of living expenses have been increasing at a regular rate, and some expenses have been increasing at an alarming rate (e.g. health and vehicle insurance, fuel, etc). Staff pay costs (wages plus benefits) combined with a decrease in base funding has compelled the Treaty Authority to absorb all the cost increases internally at the expense of other programs and services. However, in 2007 we were unable to do so and two vacated positions (one biologist and one enforcement) remain unfilled due to lack of funding. Of particular concern is the fact that our current enforcement staffing level (3 officers) is woefully inadequate to cover the 5 million acres of ceded territory. The funding would go towards filling the two (2) current vacancies and adding an additional officer.

I understand that this is not a unique situation as budgets are tight everywhere, but at the same time the Federal government has a trust responsibility to protect and preserve treaty rights. Those rights will be jeopardized if the 1854 Treaty Authority cannot fulfill its obligations as an effective manager of treaty resources. We strongly believe that we can continue to be an integral and positive component of natural resource management in northeastern Minnesota. As history shows in the short 19 years of our existence we have been able to establish the Bands rightful place among all stakeholders and provide services that stretch beyond tribal benefit. In short, the work we do benefits all users and citizens of this region.

Without an increase in base funding, the Treaty Authority will be forced to make further changes that will result in diminishment of services to the Band members and lose the Bands' ability to participate meaningfully in natural resource management and conservation in northeastern Minnesota.

Finally, I would like to close with a sincere thank you for the years of funding which have enabled the Tribes success in this area and respectfully reiterate the request of an additional $270,000.00 in base funding to continue our work in the natural resource realm which is a positive for everyone.

If there are any questions or issues of clarification, please do not hesitate to contact me.

Respectfully Submitted this 27th Day of February, 2008.

*Millard Jacob Myers*

Millard Jacob Myers
Executive Director
1854 Treaty Authority

**TESTIMONY OF THE HONORABLE FLOYD JOURDAIN JR**
**CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS**

Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2009 BIA, IHS, and EPA Budgets, March 12, 2008

Mr. Chairman, I thank you and the other distinguished members of the Committee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians. On behalf of the people of Red Lake, who reside on our reservation in northern Minnesota, we respectfully submit that the budget appropriation process represents for us the major avenue through which the United States government fulfills its trust responsibility and honors its obligations to Indian tribes. We must depend on you to uphold the trust responsibility which forms the basis of the government to government relationship between our tribe and the federal government. The Red Lake Band of Chippewa Indians requests $4.5 million in additional FY 2009 funding from the Department of Interior for Red Lake's programs.

Red Lake is a fairly large tribe with 10,000 members. Our 840,000 acre reservation is held in trust for the tribe by the United States. While it has been diminished in size, our reservation has never been broken apart or allotted to individuals. Nor has our reservation been subjected to the criminal or civil jurisdiction of the State of Minnesota. Thus, we have a large land area over which we exercise full governmental authority and control, in conjunction with the United States.

At the same time, due in part to our location far from centers of population and commerce, we have few jobs available on our reservation. While the unemployment rate in Minnesota is about 4.5%, ours remains at an outrageously high level of more than 50%. The lack of good roads, communications, and other necessary infrastructure continues to hold back economic development and job opportunities.

The President's FY 2009 budget request for Indian programs provides the second largest cut in the entire history of Federal Indian affairs. It also imposes the largest cut of any Interior bureau. This budget is particularly harsh for tribes like Red Lake, who are located in remote areas far from major markets. The following testimony highlights some of the most critical needs of the Red Lake Band of Chippewa Indians in FY 2009.

**Tribal Priority Allocations (TPA)**

Tribal governments have suffered terrible and unprecedented erosion in federal funding for their critical core governmental services in the last decade. These services, including law enforcement, fire protection, courts, road maintenance, resource protection, and education and social services, affect the every day lives of people in Indian communities.

Tribes are locked in a desperate struggle to protect the funding levels provided for these services, especially since the crippling, nearly $100 million cut in the TPA in FY 1996. The President's FY 2009 budget cuts another $79 million from the TPA (including Road Maintenance, which was in the TPA until just recently). Together, these two cuts are nearly $200 million, with no inflationary increases in between, except for one small adjustment in FY 1998.

Further exacerbating the situation, tribes' core service funding has been subjected to permanent, across-the-board reductions each year, as well as permanent, targeted reductions like the reduction begun in FY 2004 to finance the BIA bureaucracy's Information Technology upgrades. Steep TPA cuts are proposed in FY 2009 for BIA Welfare Assistance, Johnson O'Malley, Housing Improvement, Scholarships, Courts, and Road Maintenance. It has become a major task each year just to count up the number of ways the TPA is being cut. We strongly oppose these cuts and ask the Committee to restore them.

As a result of the above, tribes' core service funding is far less, in real terms, than a decade ago. Critical services continue to be eroded, seriously undermining our ability to provide

minimal public safety, security, and well-being for people who already struggle to survive under some of the worst living standards in America. It may be the case that some federal agencies can absorb all of these cuts, but tribes like Red Lake cannot - we have reached the breaking point.

Let me provide an example of how real the funding crisis for basic services is at Red Lake. Below is a table showing TPA funding versus actual expenditures for just two of our critical service programs, Community Fire Protection and Tribal Courts.

| Red Lake Program | CY 2007 Actual TPA BIA Budget | CY 2007 Actual Expenditures | CY 2007 Actual Shortfall* | CY 2007 Unmet Need** | CY 2007 Total Need |
|---|---|---|---|---|---|
| Fire Protection | $42,500 | $303,074 | **($260,574)** | $599,979 | $860,553 |
| Tribal Courts | $246,900 | $545,828 | **($298,928)** | $765,000 | $1,063,928 |
| Totals | $289,400 | $848,902 | **($559,502)** | $1,364,979 | $1,924,481 |

* The actual shortfall, $559,502 for just these two programs, had to be taken from other Tribal programs, sharply reducing services provided by those programs.
** The Unmet Need for Fire Protection is primarily to renovate two fire station buildings due to age and deterioration. The Unmet Need for Tribal Courts is primarily for additional staff to resolve a tremendous backlog of more than 1,000 cases.

The above example illustrates the damage caused by the cuts to the TPA. The only solution to this crisis is a General Increase in the TPA, to be distributed to all tribes. The increase should be $100 million over the FY 2008 enacted level. This amount will not come close to getting us to where we were a decade ago, but will provide a good start.

**Fixed Costs**

Since FY 2002 we have expressed concern to the Department and Congress that tribes have fared far worse than all other Department agencies from the failure to fully fund fixed costs, primarily pay costs. We have gathered evidence which documents damage, not just from the failure of the Administration and Congress to fully fund pay costs, but also from a failure of the Department to request the full tribal amounts, and from errors and inequitable distribution of pay cost funds the Department received. A summary of the issues is found in my testimony to the Senate Committee on Indian Affairs in its September 20, 2006 Oversight Hearing on Tribal Self Governance and Pay Costs. We ask that you read this testimony to understand these issues.

Recently we learned that all federal agencies, including Interior, include in their Fixed Costs budget requests an amount to cover federal employee fringe benefit cost increases. The BIA has never included such a request for tribal fringe benefit cost increases. This is unconscionable. Since FY 2002 the Administration, through a tactic called "absorption", has cut BIA and tribal Fixed Costs by more than $70 million. This is a permanent reduction that will recur every year. For Red Lake, this has resulted in a loss of more than $1.6 million annually, greater than 15% of our government services budget. The failure of the BIA, through the years, to include fringe benefit fixed costs for tribes has resulted in an untold additional amount lost. We ask that for FY 2009, you add an additional $10 million in Fixed Costs to the BIA budget, to be directed to funding tribal fringe benefit fixed costs. We also ask that you direct BIA to include these costs in all future budget submissions, to ensure some level of parity with all other Interior employees. Finally, we ask for a specific earmark for Red Lake of $1.6 million in FY 2009, to partially offset the losses in Fixed Costs that Red Lake has unfairly suffered.

**Contract Support Costs**

Contract Support Cost (CSC) funds are critical for tribes to successfully operate programs under self-determination policy. The Administration and Congress have historically underfunded

tribes' CSC. The CSC account is presently funded at about 75% of documented need. No other entity the federal government contracts with is shorted on its overhead costs, and this must stop. The BIA recently implemented a new contract support policy, which allocates CSC based on a static tribal indirect cost rate (based on tribes' 2006 rate). The result is that almost no funding is available for tribes' direct contract support costs (DCSC), such as property insurance. The FY 2007 Tribal CSC Shortfall Report showed that, just for Self Governance tribes, the FY 2007 CSC shortfall was $12.8 million. The shortfall is far greater with all tribes included. In FY 2009, funding for Contract Support Costs needs to be increased by at least $50 million over FY 2008 to address shortfalls in tribes' CSC and DCSC.

**Health Services**

The President's FY 2009 IHS request is $4.26 billion, a decrease of $21 million over the FY 2008 enacted level. This includes anticipated offsets from insurance collections of $780 million and diabetes grants of $150 million, leaving a net request for budget authority of $3.32 billion. This net funding decrease is in actual fact a painfully sharp funding cut in real dollars.

The FY 2009 budget provides nothing to address IHS Services mandatory cost increases in FY 2009. These costs are unavoidable and include $234 million for medical and general inflation, $62.4 million for population growth, and $158.3 million for contract support costs for new and expanded programs and existing shortfall. The actual FY 2009 budget cut for IHS Services is $455 million, and we ask that you add this amount in FY 2009. We're falling further and further behind in health care, and this is reflected in diminished health and well-being of our people. I am sure you are familiar with some of the American Indian health statistics, such as our rates being the highest in the nation for cardiovascular disease, diabetes, tuberculosis, Sudden Infant Death Syndrome, and obesity. Our average life span is 6 years less than other Americans. Our infant mortality and unintentional death rates are two-times, teen suicide rate three-times, and alcoholism five-times that of the rest of America. These statistics can be directly tied to chronically inadequate federal funding.

Health care expenditures for Indian people are *far* below 50% of the per capita health care expenditure for mainstream America, and only 50% of per capita expenditures for *federal prisoners.* As the Administration and Congress continue to cut health services to Indian people by not providing funding levels even remotely in line with inflation, the rates of illness and death from disease will grow worse each year. The FY 2006 IHS "Needs Based Budget" was $19.7 billion. We ask that the Committee reassess funding priorities so as to significantly address this deficiency with substantial funding increases this year. In no case should the FY 2009 increase be less than $455 million above the FY 2008 enacted level. We strongly oppose the President's request to eliminate the Urban Indian Health Program. There was no justification provided for this request, and this program is critical for tribal members residing in urban areas.

**Circle of Flight Program**

The Circle of Flight Tribal Wetland & Waterfowl Enhancement Initiative, under the BIA's Other Recurring Programs category, was again eliminated by the President in his FY 2009 budget request. The Circle of Flight has been one of Interior's top trust resource programs for 18 years. Elimination of the Circle of Flight would cripple Great Lakes tribes' ability to continue successful partnerships which have benefited a diverse array of wildlife and associated habitats. We greatly appreciate the Committee's recognition of the importance of the Circle of Flight by restoring funding in FY 2003-08. We again ask that you restore this program to the BIA's FY 2009 budget to at least the FY 2007 level of $600,000, and to consider providing the FY 2009 requested amount of $1.1 million.

**Housing Improvement Program (HIP)**

In recent years, funding for the BIA's Housing Improvement Program (HIP) has remained

flat at about $19 million. Housing is one of the most basic needs of every American. Past funding for HIP has been terribly inadequate. For example, Red Lake recently submitted its 2003 HIP Work Plan Report to the BIA documenting 188 families in need of housing upgrades or replacement, for which the BIA is responsible to assist with. The total need documented for just BIA's share of housing repair and new housing at Red Lake was $1.2 million, yet Red Lake receives a tiny fraction of that amount. In FY 2008 the President succeeded in cutting HIP by $5 million, and he has again proposed complete elimination in FY 2009. Tribes do not accept this. We ask the Committee for a specific earmark of $1.2 million for Red Lake in FY 2009, and that you increase the BIA HIP budget to at least $32 million.

**Law Enforcement, Courts, and Community Fire Protection**

The President's FY 2009 budget continues the Safe Indian Communities Initiative begun in FY 2008. We support this initiative. However, funding levels do not address the woefully inadequate base funding for Law Enforcement services. Tribal and BIA law enforcement operations have lost ground every year due to inflation, annual rescissions, and the failure to provide full pay cost funding. On top of this, most COPS officer grants have now expired. At the same time, crime rates in Indian Country are rising, drug problems have become epidemic, tribes have increased homeland security responsibilities, and court case backlogs are monumental. Tribes simply do not have the resources, at current levels, to combat these problems.

Law enforcement expenditures at Red Lake in FY 2007 were about $2.5 million, with BIA funding levels at about $2.1 million. The shortfall of about $.4 million had to be taken from other programs. It's been difficult for us to hire and keep good cops on the street because funding shortages prevent us from being able to offer competitive wages. We request additional law enforcement funding of $500,000 in FY 2009 to make up this shortfall.

Funding for Tribal Courts remains far below the levels needed to adequately manage caseloads. The President's FY 2009 proposal to cut Tribal Courts by $2.5 million is unacceptable. Red Lake has an annual Courts shortfall of $300,000 and we ask the Committee for a specific earmark for that amount in FY 2009.

We are very concerned about the President's efforts to cut Community Fire Protection, and we appreciate your actions to restore funding. Our tribe is solely responsible for fighting fires on our reservation and protecting peoples' lives, *on an annual BIA-funded budget of $42,500.* I cited above, the huge disparity between BIA funding and actual expenditures for Fire Protection at Red Lake. We ask the Committee for a specific earmark for Red Lake in FY 2009 of $900,000.

**EPA Programs**

Water, wetlands, and the fish and wildlife which rely on them are precious to us. Red Lake is home to the sixth largest natural, freshwater lake in the United States and it is truly a national treasure. Red Lake is larger than Lake Champlain, which as you know temporarily held the title of the "6th Great Lake" a few years ago. Two programs which are vital to our efforts to protect the environment at Red Lake are the Indian General Assistance program (GAP) and Section 106 Pollution Control grants (Section 106). The President's FY 2009 budget continues a $4.5 million cut to GAP begun in FY 2006, despite an Adequate PART rating. We ask that you fund GAP in FY 2009 at no less than the FY 2005 enacted level of $62 million. The President's request for FY 2009 Section 106 grants is $221.6 million, the same as FY 2008. However, the amount allocated to tribes like Red Lake has sharply decreased. The reason is each year more tribes become eligible for and receive this funding, but the tribal allocation formula stays the same. Thus fewer dollars go to tribes to reduce water pollution. We ask that in FY 2009, you include language recommending no less than 15% of the Section 106 funds be made available to tribes.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake Band of Chippewa Indians in FY 2009, and for your consideration of these needs.

# STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

**SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS**
**SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES**
**DEPARTMENT OF THE INTERIOR - BUREAU OF INDIAN EDUCATION**

**March 13, 2008**

## I. REQUEST SUMMARY

On behalf of the nation's Tribal Colleges and Universities (TCUs), which comprise the American Indian Higher Education Consortium (AIHEC), thank you for this opportunity to present our Fiscal Year 2009 (FY09) Appropriations recommendations for the 26 colleges funded under the Tribally Controlled College or University Assistance Act (Tribal College Act), our two tribally controlled postsecondary career and technical institutions, the two Bureau of Indian Education postsecondary institutions, and the Institute of American Indian Arts. The U.S. Department of the Interior, Bureau of Indian Education, administers these programs, save for the Institute of American Indian Arts, which is funded directly by the Interior Department. In FY09, TCUs seek $70.7 million to fund all of the programs under the Tribal College Act; and a total of $7.0 million for our two tribally controlled postsecondary career and technical institutions.

Under the Tribal College Act, we seek $68.1 million for institutional operations grants; *of which, $50.4 million would be for Title I grants (funding 25 TCUs) and $17.7 to fund Title II (Diné College).* This request is an increase of $6.2 million for Title I grants and a $5.8 million increase for Diné College over FY08 levels and a total of $12.1 million over the President's FY09 budget request for institutional operations funding. Additionally, we seek funding for the technical assistance contract authorized under the Act [25 USC 1805] at the same amount as available in both FY08 and the President's FY09 budget and $2.0 million to help establish and fund endowments under Title III of the Act.

Tribal Colleges ask that Congress reject the Administration's latest recommendation to eliminate Department of the Interior funding for United Tribes Technical College and Navajo Technical College and to appropriate funds at $4.5 million and $2.5 million, respectively. AIHEC's membership also includes three other TCUs funded under separate authorities within Interior Appropriations, namely: Haskell Indian Nations University; Southwestern Indian Polytechnic Institute; and the Institute of American Indian Arts. AIHEC supports the independently submitted requests for funding the institutional operations budgets of these institutions.

**Forward Funding of Institutional Operations Grants:** For the past several years, basic institutional operations funding has not been available to the TCUs until well after October 1 of the relevant fiscal year.

- In FY06, despite the early August enactment of the Interior spending bill, almost two months prior to the start of the fiscal year, funds were not distributed to the TCUs until late November, two months into the new fiscal year – three months into the school year.
- In FY07, due to the protracted appropriations process, TCUs did not receive operating funds until mid-March; five months into the fiscal year and six months after the academic year began.
- This year (FY08), TCUs did not gain access to their initial partial payment, made in order under the first continuing resolution, until December 13 – a month into the second continuing resolution. TCUs were two months into the new fiscal year, and three months into the academic year, and unable to access even a partial payment toward their basic day-to-day operating budgets.

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Securing a one-time payment of $60 million to transition to a forward funded program for TCU institutional operations would correct this unfortunate cycle of delayed payments, expensive short-term loans, and lay-offs that perennially plague TCUs and – for the first time – would give these institutions the resources they need at the start of each academic year. Forward funding is authorized under the Tribal College Act and is consistent with the existing funding practices of other Indian education operating accounts within the Department of the Interior. Recognizing the fiscal constraints that this Congress is laboring under, TCUs recommend an incremental approach aimed at securing the funds necessary to transition the TCU grants program to forward funding over the next three years. We request an additional $20 million be appropriated each year for the next three fiscal years (FY 2009-2011), resulting in the $60 million necessary to finally establish the TCU institutional operating grants program as a forward funded program.

**II. BACKGROUND AND FUNDING DISPARITIES**

Today there are 36 TCUs located in 14 states, which were begun specifically to serve the higher education needs of American Indians. Annually, these institutions serve students from more than 250 federally recognized tribes, more than 80 percent of whom are eligible to receive federal financial aid.

TCUs are accredited by independent, regional accreditation agencies and like all institutions of higher education, must undergo stringent performance reviews on a periodic basis to retain their accreditation status. In addition to college level programming, TCUs provide much needed high school completion (GED), basic remediation, job training, college preparatory courses, and adult education.

Title I of the Tribal College Act authorizes funding for the basic institutional operating budget of one qualifying institution per federally recognized tribe based on a full-time American Indian student enrollment formula. Despite the much appreciated increases that Congress has appropriated over the last several years, TCUs remain chronically underfunded. Today, 27 years after the Act was first funded, the TCUs are receiving $5,304 per Indian student, still below the authorized level. If you factor in inflation, the buying power of this appropriation is $1,270 LESS **per Indian student** than it was in the initial FY 1981 appropriation, which was $2,831 per Indian student. While the other TCUs' operations funding is not enrollment driven and therefore the disparity is not as easily illustrated, they too suffer from a lack of adequate basic operating funds. This is not simply a matter of appropriations falling short of an authorization; it effectively impedes our institutions from having the necessary resources to grow their programs in response to the changing needs of their students and the communities they serve.

**III. JUSTIFICATIONS**

**a) TCUs provide critical access to vital postsecondary education opportunities.** Tribal Colleges and Universities provide access to higher education for American Indians and others living in some of the nation's most rural and economically depressed areas. The average family income for a student first entering a TCU is approximately $14,000, which is 33 percent below the federal poverty threshold for a family of four ($21,200). In addition to serving their students, TCUs serve their communities through a variety of community outreach programs.

**b) TCUs are producing a new generation of highly trained American Indians as teachers, tribal government leaders, engineers, nurses, computer programmers, and other much-needed professionals.** By teaching the job skills most in demand on their reservations, TCUs are laying a solid foundation for tribal economic growth, with benefits for surrounding communities. In contrast to the high rates of unemployment on reservations, graduates of TCUs are employed in "high need" occupational

areas such as Head Start teachers, elementary and secondary school teachers, and nurses/health care providers. Just as important, the overwhelming majority of tribal college graduates remain in their tribal communities, applying their newly acquired skills and knowledge where they are most needed.

**c) TCUs meet the strict standards of mainstream accreditation boards offering top quality academic programs and serve as effective bridges to four year institutions of higher learning.** A growing number of TCUs have attained a ten year accreditation term, the longest term granted to any higher education institution. While most TCUs are two year institutions offering certificates and associate degrees, their transfer function is significant. A survey of TCU graduates conducted by Harder + Company Community Research, San Francisco, CA for the American Indian College Fund, indicated that more than 80 percent of respondents who attended a mainstream college prior to enrolling at a tribal college did not finish the degree they were pursuing at the mainstream college. The rate of completion markedly improved for those who attended a tribal college prior to pursuing a degree at a mainstream institution. After completing tribal college coursework, less than half of respondents dropped out of mainstream colleges, and nearly 40 percent went on to obtain a bachelor's degree. This suggests TCUs have a profound impact on the persistence of American Indian students in pursuit of baccalaureate degrees. The overwhelming majority of respondents felt that their tribal college experience had prepared them well for further education and noted that it had a very positive impact on their personal and professional achievements.

**IV. SOME ADDITIONAL FACTS**

**a) Enrollment Gains and New TCUs -** Compounding existing funding disparities is the fact that although the numbers of TCUs and students enrolled in them have dramatically increased since 1981, appropriations have increased at a disproportionately low rate. Since they were first funded, the number of tribal colleges has quadrupled and continues to grow; Indian student enrollments have risen by over 300 percent. In FY05, Saginaw Chippewa Tribal College (Michigan) and Tohono O'odham Community College (Arizona) became eligible to receive funds under the Tribal College Act. In FY07, Ilisagvik College (Alaska) became eligible for funding, and White Earth Tribal and Community College (Minnesota) will be eligible in FY09. TCUs are in many ways victims of their own successes. The growing number of tribally chartered colleges and added students have forced TCUs to slice an already inadequate annual funding pie into even smaller pieces.

**c) Local Tax and Revenue Bases -** TCUs cannot rely on local tax base revenue. Although tribes have the sovereign authority to tax, high reservation poverty rates, the trust status of reservation lands, and the lack of strong reservation economies hinder the creation of a reservation tax base. On reservations where TCUs are located, the unemployment rate can well exceed 60 percent. In comparison, the current national unemployment rate is 4.8 percent.

**Trust Responsibility** – The emergence of TCUs is a direct result of the special relationship between American Indian tribes and the federal government. TCUs are founded and chartered by their respective American Indian tribes, which hold a special legal relationship with the federal government, actualized by more than 400 treaties, several Supreme Court decisions, prior Congressional action, and the ceding of more than one billion acres of land to the federal government. Beyond the trust responsibility, the fact remains that TCUs are providing a public service that no other institutions of higher education are willing, or able, to provide by helping the federal government fulfill its responsibility to the American people, particularly in rural America. Despite the fact that only students that are enrolled members of a federally recognized Indian tribe are counted when determining an institution's share of the operating funds, TCUs

have open enrollment policies. Approximately 20 percent of TCU enrollments are non-Indians. They are simply and effectively removing barriers that have long prevented equal access to higher education for reservation community residents.

## V. THE PRESIDENT'S FY 2009 BUDGET REQUEST

The President's FY09 budget includes level funding at $56.0 million for institutional operating grants for 26 TCUs. Over the past few years several new TCUs have become eligible for funding under Title I of the Tribal College Act. In FY09, White Earth Tribal and Community College in Mahnomen, MN will join the list of eligible institutions. We are hopeful that Congress will build on the President's FY09 budget. Additionally, the FY09 budget once again recommends eliminating Department of the Interior funding for the two tribally controlled postsecondary career and technical institutions, we trust that Congress will again reject the President's recommendation and adequately fund these two vital institutions.

## VI. APPROPRIATIONS REQUEST FOR FY2009

TCUs respectfully request a total appropriation of $70.7 million for all of the programs authorized under the Tribal College Act [25 U.S.C. 1801 et seq.]. Specifically, TCUs seek $68.1 million for operating grants under, *of which, $50.4 million would be for Title I grants (funding 25 TCUs) and $17.7 to fund Title II (Diné College).* This request is an increase of $6.2 million for Title I grants and a $5.8 million increase for Diné College over FY08 levels and a total of $12.1 million over the President's FY09 budget request. Additionally, we seek funding for the technical assistance contract [25 USC 1805] at the same amount as available in FY08 and in the President's request. These funds help address technical assistance needs of TCUs in securing and maintaining their accreditation and to fund data collection and analysis necessary to comply with Congressional and Department data requests. Additionally, we request $2 million for Title III of the Act, which helps our institutions to build endowments. The President's budget reduces this program to just $109,000. Lastly, we request the one-time appropriation authorized under the Act [25 1810(b)(2)] needed to secure forward funding of the institutional operating grants under the Tribal College Act.

For our two tribally controlled career and technical institutions, we support $4.5 million for United Tribes Technical College; and $2.5 million for Navajo Technical College to restore and expand the funding for these programs that the FY09 President's budget once again recommends eliminating.

## VII. Conclusion

Tribal Colleges and Universities provide quality higher education to many thousands of American Indians who might otherwise not have access to such opportunities. The modest federal investment that has been made in TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate your past and continued support of the nation's Tribal Colleges and Universities and your serious consideration of our FY2009 appropriations requests.

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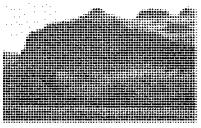

Statement of
Carol Schneider, Executive Director
Rock Point Community School
Navajo Nation, Arizona
to the
Interior Appropriations Subcommittee
House Committee on Appropriations
regarding
Fiscal Year 2009 Budget for Bureau of Indian Education
March, 2008

Rock Point Community School asks you to fund the following Bureau of Indian Education Programs at the levels noted:

| | |
|---|---|
| **Indian School Equalization Formula (ISEF)** | **$382,783,800 requested** |
| **ISEF Program Enhancements** | **$12 million requested** |
| **Administrative Cost Grants** | **$66 million requested** |
| **Student Transportation** | **$3.15/mile requested** |
| **Facilities Operations** | **$67 million requested** |

On behalf of the Rock Point Community School Board, I appreciate the opportunity to submit these views on the FY09 budget request for the Bureau of Indian Education. Rock Point is a K-12 school responsible for the education of more than 400 Navajo children. Rock Point is a small community near Chinle in a remote part of the vast portion of the Navajo Reservation located in Arizona. For over 30 years the school has been operated by an elected all-Navajo school board through an Indian Self-Determination Act contract issued by the Bureau of Indian Affairs. Rock Point relies exclusively on Federal appropriations as the school is not part of the Arizona public school system.

Indian School Equalization Formula (ISEF)

The ISEF appropriation funds our educational program. But year after year the amount supplied is insufficient to enable our school to provide the quality education program we want for Navajo children. It was most discouraging to learn that the FY09 request—which will fund our SY09-10 programs—does not request any boost in program funding; its only increase is to cover "fixed

costs." Compared with the funding supplied six years ago, the FY09 request of $364.5 million is a mere 5.3% higher. This means that we are not even keeping up with inflation, so the allotment we will get for SY09-10 will effectively be less than the amount supplied six years ago. Our costs, on the other hand, steadily increase. Quite frankly, it's as if the Federal officials who prepared this budget are saying that Indian children do not matter.

Rock Point has not made Adequate Yearly Progress for the last six years. The biggest impediment in our drive to meet AYP goals is our inability to attract and hold on to experienced, high quality teachers, as academic achievement must occur in the classroom or it does not occur at all. Without a sizeable increase in ISEF funding, we cannot hope to compete for staff with BIA-operated schools and public schools which pay far higher salaries than we are able to afford.

For us, teacher recruitment is made even more difficult by our remote location. The small Rock Point community offers no housing market. Fortunately, some of our teachers come from Rock Point or nearby communities, but for those who do not we must provide housing in the Federally-owned quarters units on our campus. These rental units are very old and badly in need of repairs and upgrades, but they are all we have to offer. The housing units are literally crumbling and have become severe health hazards, as they were constructed using asbestos-containing materials. By most of today's construction codes, these units would be condemned. The substandard condition of our housing and the remoteness of the school from the amenities offered by even a small town compound our recruitment issues. Why do we continue to stay here despite these deplorable conditions? We believe that Indian children do matter. Please don't mistake the dedication we hold to our students as complacency with or acceptance of our situation, though. We continue despite our conditions because our children are important to us. We firmly believe that we should not be subjected to and persist with the conditions under which we currently live and work. We cannot do justice to either our staff or our students under the current budget constraints.

Even a modest increase of 5% to the ISEF would greatly help Rock Point and other schools in the BIE system to meet their obligation to offer challenging academic programs, provide remedial education services for children who need extra help, and enable our students to achieve at the high levels we know they are capable of. We can put every additional dollar to use immediately—to fill chronic vacancies in the teaching staff, reduce staff turnover, and provide our students with modern educational tools.

*Our request.* We hope this Committee will heed our prayers by increasing the ISEF budget by at least 5% this year and in the coming years as well. We need the Federal Government to make a firm commitment to the education of Indian children and to sustain that commitment over the long term. Please do not send the message that Indian children do not matter to you.

ISEF Program Enhancements

Rock Point applauds the Committee for the "education program enhancements" funds it has supplied and strongly urge you to continue this funding. We cannot understand why BIE seeks to cut these enhancement funds by more than 50%.

Our School received $150,000 in enhancement funds this year. With these resources and with the support of BIE program personnel, we are developing a Navajo reading program for our K-3 classes. Our theory is that by enhancing Navajo reading and literacy skills and fostering a love of reading in young children, their ability to become proficient readers in both Navajo and English will be enhanced. We hired a reading coach/translator who is translating reading materials into Navajo, and the teachers selected for the program are receiving professional development in the Reading First model. We are very excited about launching this innovative approach. But if funding for it is not continued in the new budget, we cannot offer the program and the investment we and you have made in it will have been wasted!

*Our request*. Please continue to fund "educational program enhancements" at least at the $12 million level set in the FY08 budget.

Administrative Cost Grants and BIA Employee Severance Pay

Once again, the BIA budget ignores the Federal law that requires the agency to fund the administrative costs of tribal organizations such as the Rock Point School Board who have taken over operation of schools under the Indian Self-Determination Act. The agency requests only level funding for these Grants—$43.4 million—despite the fact that five more schools will be taken over by tribes next year. This means that the agency thinks it is acceptable to support 130 schools next year with the same amount used to support 125 this year.

As it is, BIA is only paying AC Grants at 65% of the level Federal law directs. See 25 USC Sec. 2008. When five more schools have to be supported from the same amount of money, the percentage supplied will likely fall below 60%. On the one hand the Indian Self-Determination Act *encourages* tribes to have direct, hands-on responsibility for program operations, but on the other hand, and in defiance of the law, BIA consistently *refuses* to supply administrative funds to make those program operations possible. This is unconscionable.

It is ironic that the only budget impact the agency mentions about the five schools that will convert to tribal operation is the need to pay the severance costs of the Federal employees at those schools who will be laid off. The $1.5 million BIA seeks for this is an *administrative cost* to the agency. How discouraging it is that BIA expects full funding for its administrative obligations, but pays no heed to the administrative cost needs of tribes and tribal organizations who operate the agency's programs. We hope you will move the $1.5 million requested for employee severance to the AC Grant account instead.

AC Grant funding is supposed to cover all aspects of administering the school program, such as executive direction; accounting; auditing; financial, personnel and property management; and contract compliance. Our administrative budget is already at a bare-bones level. The further reductions the budget request would produce will severely compromise tribal schools' ability to properly administer programs and maintain prudent internal controls.

*Our request*. Please increase the AC Grant appropriation and require BIA to pay our administrative costs at 100%. Full funding will require at least $66 million so we ask you to consider that figure.

Student Transportation

We don't understand how the BIA can ask to cut $1 million from student transportation when it knows that the cost of vehicle fuel continues to escalate and it will be even higher next year when SY09-10 begins. Rock Point school buses travel approximately 600 miles every day; 60% of those miles are over rough, unpaved roads which means we have constant bus maintenance issues. When we do not receive sufficient resources to cover our transportation costs, we have to make up the shortfall out of our education dollars from the ISEF.

Please increase student transportation funding to a level that enables us to receive $3.15/mile for our bus routes. We should not have to use our scarce education funds to help cover bus fuel, maintenance and driver salary costs.

Facilities Operations

This is another account where BIA provides far less than the amount of calculated need. In the SY07-08 constrained budget, Rock Point received only 52% of the amount the facilities formula says we need to properly operate the buildings on our campus. Nearly every dollar we receive must be used to pay utility costs—which leaves very few dollars for other facilities operations, maintenance, and repairs. We are unable to conduct preventative maintenance, which poses great risk, as our boilers and other essential equipment are also old. We are so far behind in our upkeep and preventative maintenance, and we are getting further behind with each passing year because of insufficient funding and the OFMC backlog. Our school buildings, like our housing units, were constructed with asbestos-containing materials. We have had two incidents with asbestos being released at school, the most recent occurring the summer of 2006. Although the U.S. EPA determined in the 90s the health risk that asbestos poses in most Navajo schools, the issue persists still to this day.

We urge the Committee to give this long-ignored facilities operations account renewed attention. It has had no meaningful increase in many years. Our schools are Federally-owned buildings and were built with Federal funds. They should be as safe, clean, well-maintained and comfortable for our occupants as any other Federally-owned building, including the Department of the Interior and Congressional office buildings.

*Our request*. Our suggestion is to add $10 million to the Facilities Operations item and fund it at $67 million.

Conclusion

We at Rock Point do not take pleasure in having to beg Congress for funding year after year. But since the BIA school system is the exclusive responsibility of the United States (not of any state), it is our obligation to tell you what our true needs are since the BIA does not do so. Please carry out the United States' responsibility through its treaty obligations and its ethical duty to properly fund this school system so Indian children have an equal chance as that of their peers to learn and succeed in their educational pursuits and compete in the job market.

**TESTIMONY**

**A. David Lester, Executive Director**
**Council of Energy Resource Tribes**
**To the**
**Subcommittee on Interior Appropriations**
**House Committee on Appropriations**

**March 2008**

I am pleased to submit the following statement on Indian energy funding needs for the record of the Subcommittee on Interior, Environment and Related Agencies Appropriations for the 2009 Appropriations process.

## About CERT

After decades of passively witnessing outside interests dictate to tribal communities the terms and circumstances of energy resource development on tribal lands, CERT was founded in 1975 by Indian tribes to chart a new course for the prudent, tribally-driven development of tribal energy resources. In the 33 years since CERT was founded, far-sighted tribal leaders have dramatically restructured the federal-Indian relationship regarding mineral development on tribal lands and, at the same time, have forged close alliances and partnerships with private sector energy interests.

The member tribes of CERT have witnessed first-hand the fundamental truths of the Indian Tribal Self Determination policy: that vigorous tribal governments and robust tribal economies serve tribal members well, produce efficient allocations of resources, and in the end help improve the material standard of living of tribal members and local citizenry. Accordingly, CERT's tribal leadership has forged a dynamic three-pronged approach to achieve these goals:

- To assist Indian tribes effectively govern their own lands as well as play an important role in the governance of America;
- To master the tools of modern technology and business; and
- To cultivate diversified economies, integrating environmental and cultural values with economic growth.

## CERT Mission

To support member Tribes as they develop their management capabilities and use their energy resources as the foundation for building stable, balanced self-governed economies.

**Indian Energy Resources and Growing Tribal Economies**

Indian Tribal economies are growing at a rate three times that of the national US economy over the past decade; and, Tribal membership living within Tribal economies is growing twice as fast as the overall US population growth. Demand for electricity in Tribal economies is growing but research by the Energy Information Administration shows that Indians living in Indian reservations are 14 times more likely to be without regular electric service and experience higher incidences of service interruptions than other rural communities.

Fortunately data from DOE documents that Tribal lands possess an abundance of solar, wind and biomass resources. And, the Department of Interior data documents that Indian lands possess nearly 20% of the conventional on-shore conventional energy resources of natural gas, petroleum and coal.

It is clear that a sustained program of assistance for Indian Tribes to develop their energy resources will provide significant development gains for Tribal economies while also contributing new renewable and conventional energy supply thereby contributing to the national goal of reducing dependence on imported energy and increasing supply of clean energy.

**Title V: Indian Energy Act**

As part of its mission, CERT was instrumental in working with Congress for the passage of the *Indian Tribal Energy Development and Self-Determination Act* that passed in 2005 as Title V of the *Energy Policy Act of 2005* (Pub.L.109-58). This is a comprehensive law that authorizes a variety of financial, technical, environmental and other programs to be carried out by the Office of Indian Energy and Economic Development (OIEED) in the Department of the Interior and the Office of Indian Energy Policy and Programs (OIEPP) in the Department of Energy. Unfortunately, the authorizations in that Act have gone largely unfunded by the Congress. Funding should be made available through both the Interior Appropriations Subcommittee and the Energy and Water Appropriations Subcommittee. The following are the initiatives that need to be funded.

**Department of Interior Initiatives**

- The centerpiece of Title V is a new land use approval process under which eligible Indian Tribes can negotiate and execute leases, rights-of-way, and other business agreements without the review or approval of the Secretary of the Interior. Authority to enter these agreements, known as Tribal Energy Resource Agreements (TERAs), would first require that the Secretary approve of the Tribe's regulatory, financial, and managerial capacity. The Department's final regulations to implement the TERA portion of the new law were published on March 10, 2008. Indian Tribes not interested in operating under the new TERA regime may continue to rely on current law in the form of the Indian Mineral Development Act (IMDA) or other leasing programs. TERA applications submitted by Indian Tribes will be reviewed and processed by the OIEED at DOI. The Omnibus Appropriations Bill included $2 million for the OIEED: $1.4 million for distribution to

Tribes to enhance their capacity to development energy resources and protect the environment, and $600,000 to the OIEED for the processing of TERAs.

**CERT recommends that $4 million be made available in FY 2009 to enable the OIEED the all-important task of carefully and successfully implementing the TERA regime in its first year by assisting Tribes in crafting and submitting TERAs and for other tribal energy related activities including low-interest loans, grants and technical assistance authorized by the Act.**

**Department of Energy Initiatives**

- While implementation of the 2005 law has been hampered by a lack of Federal appropriations and implementing regulations, CERT is encouraged by recent developments that augur well for Indian energy law and policy. The first is the appointment of Steven Steve Morello, Sr., to the position of Deputy Assistant Secretary and Director of Indian Affairs at the Department of Energy. Among other things, Title V authorizes OIEPP programs to reduce energy costs, enhance tribal energy infrastructure and improve delivery of electricity to tribal lands.

  **CERT recommends that $3 million be made available in FY 2009 for the Office of Indian Energy Policy and Programs (OIEPP).**

- In his capacity as Assistant Secretary, Mr. Morello can implement the new Indian energy initiatives authorized by the new law including a multi-billion loan guarantee program as well as assistance to encourage the development of renewable and non-renewable resources by Indian Tribes.

  **CERT believes that $15 million should be made available in FY 2009 to breathe life into the Indian Energy Guaranteed Loan Program authorized by Title V which is authorized at $2 billion.**

- Finally, in December 2007 Congress passed the FY 2008 Omnibus Appropriations Bill (H.R. 2764) that included $6 million for Indian renewable energy activities in the DoE. Various renewable energy programs are authorized by Title V as well by previous Acts of Congress to encourage conservation and development of alternative energy projects. The renewable program also supports the work of the Council of Energy Resource Tribes (CERT) and its member Tribes in their energy and environmental initiatives.

  **CERT recommends that $8.5 million be made available for the renewable energy and conservation programs and activities for FY 2009.**

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Excellence, Equity, Effectiveness

**Written Testimony of**
**Georgiana Ignace, President**
**National Council of Urban Indian Health For the**
**House Interior Appropriations Subcommittee's Public Witness Day**
**March 13th, 2008**

**Introduction:** On behalf of the National Council of Urban Indian Health, its 36 member organizations and the 150,000 individual urban Indian patients that our member health programs serve annually, I would like to thank the House Interior Appropriations Subcommittee for the opportunity to provide written testimony addressing the proposed elimination of the Urban Indian Health Program (UIHP) within the Administration's FY09 budget. The National Council of Urban Indian Health opposes, with the strongest possible terms, the elimination of the funding for the Urban Indian Health Program in FY09 and urges the Subcommittee to strongly support the restoration of the UIHP at 40 million to address the nearly decade of funding shortfalls.

**History of Bipartisan Congressional Support**: Congress overwhelmingly rejected the President's proposed elimination of the UIHP in both the FY07 and FY08 budgets. This Committee has consistently restored funding for the Urban Indian Health Program, and has even included sharp retort language to the President in their reports.

In the report language for the FY07 budget this committee stated:

> "8. Funding for the urban health program has been restored and the proposal to eliminate this program is rejected. Funding for IHS urban clinics is leveraged with nearly $2 for every $1 contributed by the Service. The Program Assessment Rating Tool score for the program was one point shy of `moderately effective', which is a score that many of the government programs in this bill can only hope to achieve in the future. The Committee encourages the Service to work with HHS to help these clinics get additional funding through the Community Health Centers program and to work with the individual clinics on continued improvements in health services delivery."[1]

In the report language for the FY08 budget the House further added:

> "*Urban Indian Health Clinics.*—the Committee does not agree with the elimination of the urban Indian clinics and provides an increase of $34,000,000 above the request. The Committee believes that the Urban Health program in the Indian Health Service provides vital, culturally sensitive health care in Indian Country and should not be eliminated in future requests. The Administration's proposal to terminate this program was a clear attempt to eliminate a program based entirely on the premise of reducing overall funding with no merit-based

[1] House Report 109-465.

> justification. The stated justification that other Health and Human Services programs would be available to take the place of the Urban Indian Clinics was not fully supported. Further, no plan was provided for transitional benefits for users who would need to shift to other health care resources."[2]

**Continuing Concerns:** Once again the Administration does not address the concerns raised by both the House and Senate with regard to the proposed elimination of the UIHP. In its justification for zeroing out this small but vital component of health care for Native Americans the Administration stated that other local, state, and Federal health resources could absorb the 150,000 patients currently served by the UIHP without providing any further explanation. The Administration now states that not only are the services provided by the UIHP duplicitous with the health centers administered by HRSA, they are duplicitous with any health service administered by a local, state, or Federal agency. This line of reasoning ignores not only the trust responsibility which Congress has long recognized follows Native Americans wherever they may reside, it also ignore the enormous health disparities that American Indians and Alaska Natives face. It further disregards the need for culturally sensitive and accessible health care services to even start addressing the health disparities facing this vulnerable population.

If the President's proposal is successful it would cause the complete collapse of many urban Indian health centers and greatly constrain the efficiency and work of those that survived. Patients from these clinics would either forgo critically needed health care or travel significant distances to reach Tribal and IHS facilities, which are not prepared to absorb a patient load of roughly 150,000 individuals. These patients would be entering the health care system at much later stages of illness and thus the costs of their treatment would be far higher. Moreover, many of the patients receiving care through the UIHP suffer from long-term and chronic disease such as diabetes which, if left untreated, leads to serious, debilitating and expensive complications.

**Disease knows no boundaries.** As one Federal court has noted, the "patterns of cross or circular migration on and off the reservations make it misleading to suggest that reservations and urban Indians are two well-defined groups." *United States v. Raszkiewicz*, 169 F.3d 459, 465 (7th Cir. 1999). With the 2000 census showing that well over half of the Indian population now resides in urban areas, the health problems associated strongly with the Indian population as a whole can only be successfully combated if there exists substantial funding addressed specifically at both the urban Indian population, as well as the reservation population.

Urban Indians suffer from the same severe health care problems common to reservation Indians. According to recent research undertaken by the Urban Indian Health Institute and other research centers, urban Indians suffer higher mortality rates "due to accidents (38% higher than the general population rate), chronic liver disease and cirrhosis (126% higher), and diabetes (54% higher). Alcohol-related deaths in general were 178% higher than the rate for all races combined." The rate of Sudden Infant Death Syndrome was 157% higher when compared to the rate for all children combined. Nearly one in four Indians residing in areas served by the UIHP live in poverty and nearly half live below 200% of the Federal poverty level. These rates are substantially higher than the rates for the general (all races combined) population (i.e., 14% below 100% FPL and 30% below 200% FPL). These alarming figures are only comparable to the poorest countries in the Hemisphere and some African nations.

Urban Indian Health Programs provide unique and non-duplicable assistance to urban Indians who face extraordinary barriers to accessing mainstream health care. In President's

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[2] House Report 110-187

proposed FY07 budget the Administration eliminated the UIHP and gave a small increase to the Community Health Centers administered by HRSA under the faulty reasoning that CHCs could absorb the 125,000 patients then served annually by the UIHP. The National Association of Community Health Centers refuted this claim stating that, even with the increase in funds, they could only serve an additional 25,000 patients a year leaving 100,000 of the patients served by the UIHP without primary care. The President's FY08 budget again proposed the elimination of the UIHP, but did not provide any increase to the CHCs despite the budget justification presented by the Administration stating that the CHCs could absorb the patient population served by the UIHP. NACHC again refuted this claim through testimony and letters of support for the UIHP. They eloquently argued that not only did they lack the necessary funds, but they also lacked the necessary cultural competence. In the President's FY09 budget he again has proposed the elimination of the UIHP and has again provided no increase to these other health services—CHCs and other local, state, and federal health services—that he states can absorb the now 150,000 patients annually served by the UIHP. NCUIH and NACHC both refute this claim. CHCs while important partners to the UIHP, simply cannot serve the 150,000 American Indians and Alaska Natives annually served by the UIHP. The 36 urban Indian clinics receive over a million patient visits per year. As NACHC has already pointed out in a letter to the Senate, their clinics are not capable of absorbing that load nor do they have the cultural expertise to even give appropriate care if they did receive the substantial increase in fund necessary to take over the care of the urban Indian patient load—an increase found nowhere in the Bush Administration's FY09 budget.

- **Urban Indian Health Programs overcome cultural barriers.** Many Native Americans are indeed reluctant to go to health care providers who are unfamiliar with and insensitive to Native cultures. Some Indians may be reluctant or unable to describe their health needs to strangers outside their own culture. Frequently, mainstream providers misunderstand or misinterpret the reticence and stoicism of some Indians. Urban Indian programs not only enjoy the confidence of their clients, but also play a vital role in effectively educating other health care providers in the community to the unique needs and cultural conditions of the urban Indian population.
- **Urban Indian Health Programs save costs and improve medical care by getting urban Indians to seek medical attention earlier.** Without Urban Indian Health Programs, many urban Indians would not seek or otherwise would dangerously delay seeking proper medical care. Such a delay in seeking treatment can easily result in a disease or condition reaching an advanced stage where treatment is far more costly and the probability of survival or correction is much lower. Thus, Urban Indian programs actually reduce the number of emergency room visits and otherwise raise the standard of care for a marginal additional cost to the system.
- **Urban Indian Health Programs are better positioned to identify health issues particular to the Native community.** Urban Indian Health Programs are experienced in those health issues, whether physical or mental, which are prominent in the Native community. These programs are able to diagnose quicker and more accurately the needs of the patient, as well as they are better suited to point a patient to the appropriate medical resource to successfully address his or her condition.
- **Urban Indian Health Programs are better able to address the fact that movement back and forth from reservations has an impact on health care.** Indian movement back and forth between the reservation and the urban environment is common and can

significantly affect the ability of health professionals to provide prompt, quality follow-up care. Urban Indian Health Programs understand this issue and hence account for it in their work with patients.

- **Urban Indian health programs are a key provider of care to the large population of uninsured urban Indians who might not go elsewhere.** Many Urban Indians, particularly those employed at or near minimum wage, have no insurance coverage or have coverage through plans that do not cover preventive or major medical care. For instance, in Boston, 87% of the local Indian Center's clients have no health insurance, and two out of every three urban Indians in Arizona are uninsured. Many urban Indians in Dallas prefer to drive several hours to go to a clinic in Oklahoma rather go to the county hospital should the Dallas Urban Indian health clinic close down. Coming to an Urban Indian Health Program indeed provides an open door for urban Indians in this situation who otherwise would be very reluctant and even afraid to seek care in a non-Indian health facility.
- **Urban Indian Health Programs reduce costs to other parts of the Indian Health Service System by reducing their patient load.** Many urban Indians, if unable to seek medical advice at an Urban Indian health clinic, will return to their reservation to access far costlier services.

As stated by Patrick Kennedy Chickasaw/Choctaw/Cherokee in a letter of support submitted online on February 6, 2007 (sic): "*Hunter Health Clinic is the only place I can receive services in Kansas. I am in my 40s and am a disabled American Indian--We rely on their services. I also need a Liver transplant due to a tainted blood transfusion in 1980. Elimination of these vital programs and services are nothing but a death sentence---this time for myself as well as other American Indians who rely on these clinics. I would be happy to receive a transplant from any of the legislative body who votes for the end of these services. Thank You.*"

**Conclusion**: In conclusion, I would like to thank the Committee for this opportunity to provide testimony on this important issue. We are grateful for your commitment and concern for the improvement of the health and well-being of urban Indian. Notwithstanding the difficulties, Urban Indian Health Programs, working with limited funds, have made a great difference in addressing the unique circumstances and health care needs of the urban Indian population. Despite the repeated attempts of the President to remove funding for the urban Indian health clinics, these small but vital components of the health care system for Native Americans have persevered and developed strong, innovative treatment methods and outreach programs addressing illnesses such as diabetes, substance abuse, and behavioral health disorders. These programs face incredible challenges to providing accessible quality health care for Native Americans; amazingly, these programs continue to not only serve their existing population base, but expand their services to reach more of the estimated one million Native Americans currently living in urban centers. The time has come to address this serious urban Indian health discrepancy as compared to the general population. It is the position of the NCUIH that not only should the UIHP be restored, but that UIHP desperately requires an increase of 17.6% over what was appropriated in the FY08 Congressional budget. Only this level of increase would significantly improve the chances of improving today's dismal health status of urban Indians and start a process of changing our health care reality to better reflect current medical and technological advances.

**TESTIMONY OF THE SOUTHWEST OKLAHOMA INTERTRIBAL HEALTH BOARD TO U.S. HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

**SUBJECT: THE PRESIDENT'S BUDGET REQUEST FOR FY 2009**

**Mr. Chairman**:

My name is Gary McAdams. I am President of the Wichita and Affiliated Tribes and and also President of the SOUTHWEST OKLAHOMA INTERTRIBAL HEALTH BOARD, comprised of Apache, Caddo, Comanche, Delaware, Fort Sill Apache, Kiowa, and Wichita and Affiliated tribes. The Board represents the health interests of the approximately 25,000 members of these and other tribes utilizing the health facilities of the Indian Health Service (IHS) Lawton Service Unit (SU) in southwest Oklahoma. We appear before the Committee to again plead for correction of a most serious failure unique to the Lawton Indian Hospital (LIH): the failure to receive necessary operating funds when the Lawton Indian Hospital (LIH) was constructed in 1967.

As in the past, we again welcome the opportunity to present testimony to the subcommittee relating to the President's request for FY 2009.

The desperate plight of the Lawton Indian Hospital (LIH) has been recounted in previous testimony and elsewhere. Perhaps the most concise way to describe the situation is with language from the House Appropriations Committee in its FY 2003 report (US House of Representatives Report 107-564, July 11, 2002): *"This situation* (e.g. failure to provide additional resources when the hospital was constructed in 1967*) is unique to the Lawton hospital. These funds should remain in the base to cover ongoing operational needs at the hospital. If additional funds are required, they should be justified in the 2004 budget submission"*.

This language confirms that the LIH is the only such facility in the country affected in this way (that is, absence of operating funds when the hospital was constructed in 1967). In accord with Congressional direction, the IHS has requested $10, 874 M in the FY 2009 submission, an amount supported by the President's FY 2009 budget. We strongly support the IHS submission and request this amount be made available for the LIH in FY 2009 appropriation. Mr. Chairman, the 102 positions made possible by this appropriation will permit us to begin providing a minimum level of acceptable services, which we cannot now do.

**Loss of Funds for the Urban Programs**

We do not support the loss of funds for the Urban Programs. These programs are the third in what are now three separate systems of health care for American Indians and Alaska Natives: the I/T/U. The rationale provided by the administration is specious and a serious retreat from the trust responsibilities of the federal government. We do not believe one's Indian status should change because one resides in an urban area and we do not believe that the beneficiaries of these programs will have access to other sources of health care in the urban areas where they reside.

THURSDAY, MARCH 13, 2008.

## TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

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### PUBLIC WITNESSES

Mr. DICKS. Welcome to the second of two days of public witness testimony. I need to remind our witness that we have many speakers scheduled to appear today. To ensure that we are able to accommodate everyone, I ask that our witnesses respect the five-minute time limit. A yellow light will flash with one minute remaining in your time in order to give you the opportunity to wrap up your statement. When the red light comes on, then your time has expired. Your prepared statement will of course be published for the record along with a transcript of your actual testimony.

Mr. Tiahrt, do you have any opening comments?

Mr. TIAHRT. No; I just want to thank you for conducting these hearings, and I realize you are a great advocate for Native Americans in the tribes and you have given special attention——

Mr. DICKS. As you are.

Mr. TIAHRT. You have given special attention to the tribes from Washington and I appreciate that very much because it is a challenging thing for all of them.

Mr. DICKS. Thank you very much.

Our first witness today is Virginia Thomas, president of the National Johnson-O'Malley Association, and the issue is the Johnson-O'Malley program, which last year our committee restored, as you know, after OMB and the White House brutally took it out of the budget. It is just one of those things that really upset me because they know we are going to put it back in so they take it out so that they make their budget look like it is less.

Ms. THOMAS. Stay upset.

Mr. DICKS. Anyway, this is a very good program, and I am still upset, yes. You can proceed for five minutes, and we will put your entire statement in the record without objection.

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THURSDAY, MARCH 13, 2008.

## NATIONAL JOHNSON-O'MALLEY ASSOCIATION

### WITNESS

**VIRGINIA THOMAS**

Ms. THOMAS. Thank you, Chairman. I am going to share my time later on with Mr. Harold Dusty Bull, but I am Virginia Thomas and I am president of the National JOM Association and I am here with three other board members that are here and we have been

pounding the pavement the last week here with our issue with JOM, and I thank you for this time.

I feel like I am preaching to the choir because I know that the support that this committee has given our program, and I need to let you know that within Indian Country, they know who you are, they know what you have done for this program and we thank you again for what you have been able to reestablish in the last few years to keep us going. But when the President zeroed us out this last year, we come back every year to the Hill to have to reiterate what our platform is. We have been up against several accusations that we have here that the program is not needed, that we are not monitored and that we duplicate other programs, and we are very alarmed about how this keeps coming up and we are so thankful that the committee has an ear——

Mr. DICKS. Do you go down and talk to these people at the BIA and down at the White House?

Ms. THOMAS. I sure do.

Mr. DICKS. I mean, it is OMB that kind of makes these decisions.

Ms. THOMAS. Yes, they are, and I had a discussion with OMB when we originally got our 16 and they cut us down to 12, and I did have a discussion with them. They actually told me I should be grateful that I did get the 12 and not the 16.

But what we have here, when we had our not-needed programs, when they say that we are not needed, I have to let you know that I also am the manager of the Muskogee Creek National Johnson-O'Malley Program out of Oklahoma, and I serve nine counties within my area. I have 46 school districts and I counted in 1994, it is 10,919 students that I was originally to serve. I do not know why we did not count all of the school districts but I have over 70, so I have school districts five miles apart. One gets JOM, one does not. I have got 10,000 that was counted for. I serve over 16,000 with that same dollar that the Bureau is giving us. You know, I have been blessed, truly blessed out of Oklahoma that my tribe was able to assist us. But it is a trust responsibility. This is not a tribal responsibility. But our tribe has been able to assist us with this.

This program here, when it says it is not needed, every child in Indian Country should have this need met. The law says it is a special and unique need. It does not say that we have to meet No Child Left Behind. It does not say we have to meet AYP. A lot of our students have withdrawn out of school so that the schools can meet AYP and meet the standards that we have here. And he also said that we were not monitored. We are self-monitoring, according to regulations. We have to be self-monitoring. We do our own needs assessment. We do an annual needs report along with our applications, and these all have to match. The problem is, we submit all these to the Bureau. The Bureau does not even look at them. We no longer have the office within the central office here. It was phased out years ago. There is one person standing in this nation left that knows anything about JOM within the line officers and that is Joey Martin out of Oklahoma City. When Gary Martin's position was phased out, I know that you kind of made a stand about what happened and why this happened and we are really concerned.

When it says that we are duplicating our programs, we are not Title VII. We are not. The Title VII goes from the State to the school districts. JOM goes from the Bureau to the tribes to direct monitoring with the parents. This is——

Mr. DICKS. Explain what you use the money for.

Ms. THOMAS. Well, I have 40 school districts and I have 40 education plans. We have after-school programs. We have summer programs. We have tutoring programs, language programs, culture programs, everything——

Mr. DICKS. This is for each student who has their own plan?

Ms. THOMAS. Each school district that we serve. Each school district has a parent committee that oversees it and those parent committees are the ones that are really evolved to make sure that this happens. The planning——

Mr. DICKS. Now, do you send in a report of what you did with the money?

Ms. THOMAS. Yes.

Mr. DICKS. But they only have one person to read all these reports from all over the country?

Ms. THOMAS. They do not have anybody.

Mr. DICKS. Nobody? Now, remember, you only have one minute left. You better give it to your colleague.

Ms. THOMAS. I will give it over to Harold.

Mr. DICKS. Harold.

Mr. DUSTY BULL. Greetings. My name is Harold Dusty Bull. I am also a member of the National Johnson-O'Malley Association. I come from the great State of Montana, Big Sky Country, where we have seven Indian reservations and 12 Indian tribes. These reservations are located in the most rural and isolated areas of Montana and the JOM programs are not subsidized. What you appropriate is what they receive for operation. It is a tragic reality that the standard of living in American Indian communities continues to be unmatched by any other group in the United States of America, characterized by the highest rates of poverty and morbidity, substandard housing and education. As a result, American Indian students lack many of the opportunities and resources available to other students elsewhere.

The JOM program helps level the playing field by providing Indian students with programs that help them stay in school. We do not get extra. It just helps level the playing field. JOM serves only federally recognized Indian tribes and gives priority to programs that are on or adjacent to the Indian reservation. One of the samples I want to give you is that a parent came to my office last week, and this was a father, mind you, it was the father that came to my office last week to pick up a purchase order. This purchase order was for an incentive program that we are providing to our rural community school for students who met the school's academic standards and attendance and this father told me, Harold, we really appreciate this program. This is our program. This was a program that kept me in school and helped me keep my grades up as a young child because I knew that I was going to get to go on this trip or have this incentive activity. I was going to be involved in an incentive activity. So these are some of the things that JOM

does that most people do not get to hear about but they do help our children stay in school.

So on behalf of our Indian children across the United States, we thank you for this opportunity.

[The statement of Virginia Thomas follows:]

**National Johnson-O'Malley Association**
**PO Box 126**
**Okmulgee, Oklahoma 74447**
**(918) 732-7839**
*"We are the elected voice and liaison to Congress for JOM Programs Nationwide"*

**TESTIMONY OF THE**
**NATIONAL JOHNSON O'MALLEY ASSOCIATION**
**BEFORE SUBCOMMITTEE ON INTERIOR**
**AND RELATED AGENCIES**
**March 13, 2008**

Chairman Dicks, Ranking Member Tiahrt and Members of the Subcommittee, my name is Virginia Thomas. I am the President of the National Johnson O'Malley Association - and the program Director of the Johnson-O'Malley Program (hereinafter JOM) at the Muscogee (Creek) Nation of Oklahoma. I have worked with JOM programs for over thirty five years, and I know the wonderful benefits this program brings to Tribes, local schools, parents and, most importantly, Indian students. The National Board thanks you for your tireless support of JOM, in particular your support in the last fiscal year.

We ask you to reject again the Administration's Budget proposal to terminate the entire program and ask that the Subcommittee to restore the funding to the Fiscal Year 2006 level of $24.6 million for the program, with $16.5 M restored for the Tribal Priority Allocation portion of the distribution. This is not an increase, but a restoration of the funding to the level prior to the Bureau of Indian Education's (BIE's) unilateral administrative cuts in Spring FY 2007, and is the level supported by this Subcommittee last year (FY 08)

In the field, we recognize the efforts of this Subcommittee. Your friendship and your actions on our behalf are known and appreciated. Despite the overwhelming success of the program and its support among Tribes and communities, for the past ten years the JOM program has repeatedly come under fire from the Bureau of Indian Affairs (BIA) and now known as the BIE. We are proud that the support of this Subcommittee has been consistent and nonpartisan. It has given hope, even when things looked bleak. As the latest instance, in FY 08, despite the Administration interpreting the last continuing resolution for FY 07 to justify a cut reducing the TPA program to $14 M, thanks to your work, the trend of decreasing funding was reversed and JOM was funded at an incredible $21.4 million dollars.

**JOM Program – Serving Indian Students since 1934,** was the first education program benefiting Indian students to be based on locally determined needs and subject to local control. Its ability to provide a broad range of benefits is its strength. Unlike programs which are narrowly defined, JOM programs meet the need of each individual community and student, doing whatever is necessary to make education of students successful and rewarding.

The JOM program brings benefits to Indian students within our service area, in both public and tribally operated schools. JOM is not restricted to just academic, remedial programs, though our programs do support work in these areas. We stretch our dollars to students and needs otherwise untouched by Federal programs, such as purchase of supplies for Native American students, support for academic activities (including extracurricular and graduation needs) and even aids in the purchase of glasses or appropriate clothing. It is this type of program flexibility and broad sweep, coupled with Tribal and local parent/community control that has made JOM critical for the past six decades.

**JOM program in danger.** The BIA first made clear its lack of support for JOM in 1995, when the BIA decided to transfer the JOM and program responsibility into the Tribal Priority Allocation (TPA) (Consolidated Tribal Government Program), a block grant system. There was a consultation where the Tribes were unanimous in opposition to this move. The BIA did it anyway. For the first time in over sixty years, JOM was no longer a separate appropriation under the Federal budget and appropriations bill. Even worse, this block grant mechanism, made it possible for the BIA to skirt its responsibility to the program by claiming that now that the program is totally in tribal control, it has no obligations to the program. BIA stopped collecting student counts or information. It stopped acquiring summaries of the programs and tracing the effects of the program. BIA stopped assessing needs or potential populations. Finally, in 2004, the BIA even eliminated the only position that worked with JOM in the Central Office.

During this time frame, funding for JOM fell from $24 million in FY 1994 to an amount of $16.4 million in FY 2006 within the Tribal Priority Allocation system and down to 12 million in the BIA FY 2007 Program Plan. In FY 2005, the BIA asked for only $8 million for the program, a cut of 50%. In FY 2006 and again in FY 2007, the Department recommended no funds at all for the program. In FY 2005, FY 2006, FY 2007, and FY 08 this Subcommittee rejected the BIA attempts. In last year's report from this Committee you stated in no uncertain terms that JOM should be left alone:

> "The Committee has once again rejected the Administration's proposal to eliminate the Johnson-O'Malley Education Assistance grants. Every attempt by this Administration to terminate this program has been resoundingly rejected by Congress. The feckless justification for the termination of this program--that Department of Education programs can take the place of these grants--has never been substantiated or explained to any level of adequacy. The Committee implores the Administration to include this program in future requests."

Unfortunately, the Administration did not heed your recommendation. I was raised to always believe in the best of people, it is therefore my belief that the BIE misunderstands the value of the JOM program. In his testimony before this Subcommittee on March 30, 2007, then Associate Deputy Secretary of the Department of Interior Jim Cason acknowledged the popularity of the program and the "back and forth" with Congress. He called it "...a continuing source of dialogue between the Administration and Congress." He did not mention any consultation with Indian Country or Tribes, though he acknowledged he had repeatedly been told "by Indians" the program does not duplicate any Department of Education funding or program and that the program is vital.

Mr. Cason said JOM is only serving public school students. This is not accurate. He stated that as a policy matter, any education funding for Indian children should flow through the Department of Education and that in the Administration's opinion "... Indian children who go to public schools receive adequate funding for their needs...".

There has been no consultation regarding such a sweeping change in Federal policy, which we note, does not comport with the BIE's own policy regulations (35 CFR 32). In fact, Cason's position was not supported. Cason admitted that this is "...something that ought to be looked at closely to clear that [ed.- meeting student need] up."

Also, Mr. Cason says Congress needs to clarify to what it should do with this program. While we think the program goals and needs are clear, we ask that again, this committee send another message to the BIE regarding this program. We ask that the Committee provide a clear mandate to the BIE to bring the program back in line with its historic position. The National Johnson-O'Malley Association asks the Committee to support our effort to make the tribal voice be heard and not just filed away as something of no significance.

Mr. Chairman, I wear many hats, and one is as a member of the National Advisory Council on Indian Education (NACIE). At a NACIE meeting last Fall, Assistant Secretary of Indian Affairs Carl Artman acknowledged that most of our Native American and Alaska Native students face many unique and added challenges in striving for excellence in all school settings. As a program specially situated to do just that, eliminating Johnson O'Malley makes no sense.

**Congressional response needed.** We will continue our discussions with the administration. However, we are realists and understand that our efforts to preserve the JOM program will be driven by the Hill. Tribes, parents, schools, educators and Congressional supporters are bruised, but not beaten. Again, we need your help in preserving the program.

The unjustified cut of 25% in FY 07, in came in the middle of a school year, causing some programs (such as the award winning program of the Menominee Tribe in Wisconsin) to close. Using the cut as evidence of intent, the BIE, essentially, has sent a message to Tribes and schools that our children's education was not a priority in their eyes. The JOM Programs nationwide are re-energized and, though bruised and nicked, they have come back stronger than ever for FY 08.

The National Johnson-O'Malley Association will fight this battle, will never tire or waiver as longs as Native children throughout this country have special and unique needs that only the JOM program can provide. As long as that need exists, we will continue to lobby this Committee and Congress, year in and year out, to ensure that JOM will be strong enough to look out for future generations of students, just as it has successfully been doing for decades.

I thank you for your time to hear and review my testimony and I have faith that the Committee will once again support the efforts of the National Johnson-O'Malley Association. Our motto this year is "All for the Children" and that is exactly why we are here today – for the children.

Sincerely,

Virginia Thomas

Virginia Thomas
NJOMA President
(918) 732-7839

Region 1
Eleanor Thomas
Navajo

Region 2
Lloyd Tortalita, Vice Presdient
Acoma

Region 3
Rebecca Clapp
Choctaw

Region 3
Gwen Parrish-Bart
Choctaw

Region 4
vacant

Region 5
Mona Pedregon
Oglala Lakota

Region 6
Carla Mann, Secretary
Blackfeet

Region 7
Clayton Long
Navajo

Region 8
Phyllis Carlson
Aleut

At-Large Region (3&4)
Jeri Brandon, Treasurer
Muscogee Creek

At-Large Region (5,6,&7)
Harold Dustybull
Blackfeet

At-Large member (1,2 &8)
Eileen Hill
Jacarilla Apache

Ex-official
Rona Rodenhurst
Hawaii

National At-Large
Virginia Thomas, President
Muscogee Creek

Mr. DICKS. Mr. Tiahrt, do you have any comments?

Mr. TIAHRT. No.

Mr. DICKS. Thank you very much. We will try to do our best. I want you to know, the budget this year is $1 billion less than the budget last year, and we should have gotten a $600 million increase to stay even, so we have a $1.6 billion hole that we have to fill. So every time we try to take care of something like this that is not in the budget, we have to take it from somewhere else. So it is very difficult. In the first year we had a few pots of money we could raid but they are gone.

Ms. THOMAS. We hold our faith in you.

Mr. DICKS. We will do our best. This is going to take faith too, believe me.

Ms. THOMAS. Thank you.

Mr. DUSTY BULL. Thank you.

Mr. DICKS. Nolan Colegrove, Sr., president of the Intertribal Timber Council, BIA Forestry. Nolan, welcome.

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THURSDAY, MARCH 13, 2008.

## INTERTRIBAL TIMBER COUNCIL

### WITNESS

**NOLAN COLEGROVE, SR.**

Mr. COLEGROVE. Thank you, Mr. Chairman. Good morning, members of the committee. My name is Nolan Colegrove. As you mentioned, I am the forest manager for the Hoopa Tribe and president of the Intertribal Timber Council here representing Indian Country in the name of BIA Forestry. Thank you for your help in the past. A year ago you helped us restore the $1 million back to the Endangered Species program. That is helping us to revive some of our activities out at the field level.

In 1991, the BIA ESA program was $1 million for spotted owl. Then additional listings came on for marbled murrelet. The funding reached $3 million in 2002. Since then the Administration though has cut that down until 2007 he restored it down to zero funding for field-level activities so there was nothing for the BIA. We do not understand why they do that and why they are so determined to cut the ESA. The United States has a trust responsibility for our lands and our resources but they still have not requested any, and we have urged them——

Mr. DICKS. What do you use the money for?

Mr. COLEGROVE. It is for mandated activities. When a tribe wants to do a project through the Bureau of Indian Affairs, you have to comply with NEPA, and ESA is a major component of that, and those mandates——

Mr. DICKS. So you have to have a consultation under Section 7?

Mr. COLEGROVE. With the Fish and Wildlife Service and National Marine Fisheries Service so you have to go through the——

Mr. DICKS. And the tribes do not have money to do that? That is what this money was used for was your efforts to comply with ESA on your tribal timberlands?

Mr. COLEGROVE. Right, on tribal timberlands.

In comparison, the BLM requests about $20 million. The Fish and Wildlife requests about $10 million, and some of that is used on tribal lands and stuff. If you are looking for a place to take it, I will give you a little hint. There is a good place to start. The tribes, this year the only pot of money they have is about $250,000 and that is really not going to go for any survey activity. It is going to go for some staff here at the D.C. office. The BLM request for ESA is about 8 cents an acre. To be fair, for tribes that would make the tribes on our 56 million acres about 4.4 million. If that was restored and if there was money to find somewhere, we would ask that $2.2 million be dedicated to bring the northern spotted owl and marbled murrelet effort back to its 2002 capacity. Those species are still listed and their management is still mandated.

The second request I would like to make is the restoration of the $1 million to the Timber Harvest Initiative. This was started in the early 1990s and the initiative provided about $1.4 million to the Pacific Northwest regions to move timber into the market to partially offset the volumes that were reduced by the listing of the owl and murrelet. It has remained an important part of the Bureau's ability to administer the harvest in those regions, and the $1 million cut will reduce harvests by about 52 million board feet a year, significant in Indian Country. If the BIA cannot process that, tribal governments' revenues will fall. People will lose their jobs. Their mills may close. The forest health also deteriorates. So we ask that this committee again restore that $1 million to the Timber Harvest Initiative.

Mr. DICKS. How much is in the budget for this?

Mr. COLEGROVE. Right now in the Administration's budget, it is zeroed out for Timber Harvest Initiative.

Mr. DICKS. So $1 million was all and that is gone?

Mr. COLEGROVE. That is gone.

Mr. DICKS. So it is zero?

Mr. COLEGROVE. Zero.

Mr. DICKS. Okay.

Mr. TIAHRT. And again, the money that was in there was for compliance with the government——

Mr. COLEGROVE. For government mandates.

Next, we ask that $5 million be added to BIA Forest Development. Over the 6 million acres of trust commercial forest, there is a 1-million-acre backlog needing thinning and replanting. The BIA is not making any headway to reduce that backlog. These are the tribes' prime timber-producing lands and the BIA's failure to plant and thin directly reduces those lands' productivity and tribal prosperity far into the future. Over the past 13 years, two independent IFMAT reports document that the Bureau's forestry budget needs to be doubled and the $5 million for forest development would be helpful and a needed first step.

Our fourth request is the full restoration of the land consolidation funding, $59.5 million. Indian land fractionation is a primary cause of the BIA administrative difficulties and will only get worse if not aggressively addressed and we do not know why the program should be eliminated. And to the best of our knowledge, tribes have not been contacted about any problems with land consolidation or any effort to find an alternative approach.

Fifth, I am switching to fire. Please add $4.5 million for BIA preparedness. At the tribe agency level, preparedness has been eroding since the year 2000 and we believe that being proactive and adequately prepared up front will help diminish the severity and cost of wildfires.

Mr. DICKS. And the lack of the thinning and all of that that you mentioned earlier, if that is not done in some areas, that makes the fires worse.

Mr. COLEGROVE. Yes, the health of the forest gets worse and the forest becomes a tinderbox and unhealthy and lots of stuff.

Last, we ask that our Indian Hot Shot Crews be funded out of suppression rather than preparedness. They are a national suppression resource serving all federal agencies and non-federal partners and covering their costs out of BIA preparedness is an unfair burden to the Bureau and the tribes.

So with that, thank you for your time.

[The statement of Nolan Colegrove, Sr. follows:]

**TESTIMONY OF NOLAN COLEGROVE, SR., PRESIDENT, INTERTRIBAL TIMBER COUNCIL, PRESENTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON FY 2009 APPROPRIATIONS FOR THE B.I.A. AND O.S.T., MARCH 13, 2008**

**Summary**

Mr. Chairman, I am Nolan Colegrove, Sr., President of the Intertribal Timber Council. I am a member of the Hoopa Tribe and serve as the Hoopa Tribal government's Forest Manager. I am pleased to present the following recommendations for FY 2009 Indian forestry-related activities in the Bureau of Indian Affairs (BIA) and the Office of the Special Trustee (OST):

1) In BIA Natural Resources Management, provide $4.48 million for ESA, including $2.2 million for Northern Spotted Owl and marbled murrelet surveys,
2) In BIA Forestry Projects, restore the $1 million cut from the Timber Harvest Initiative,
3) In BIA Forestry Projects, increase Forest Development by $5 million,
4) In OST, restore Land Consolidation at the FY 2007 $59.5 million level, and direct priority for Youpee interests and forest and other high value lands,
5) Add $4.5 million for BIA wildland fire preparedness, direct fire 638 indirect costs to BIA, and fund Indian hot shot crews from the suppression budget.

**Intertribal Timber Council background.**

The Intertribal Timber Council (ITC) is a thirty-two year old organization of seventy forest owning tribes and Alaska Native organizations that collectively possess more than 90% of the 18 million acres of timberland and woodland that are under BIA trust management. These lands provide vitally important habitat, cultural and spiritual sites, recreation and subsistence uses, and through commercial forestry, income for the tribes and jobs for their members. In Alaska, the forests of Native corporations and thousands of individual allotments are equally important to their owners. To all our membership, our forests and woodlands are essential to our physical, cultural, and economic well-being, and their proper management is our foremost concern.

**1) In BIA Natural Resources Management, provide $4.48 million for ESA, including $2.2 million designated for Northern Spotted Owl and marbled murrelet surveys.**

The ITC made a similar request for FY 2008, and we wish to express our great appreciation for this Subcommittee's addition of $1 million to BIA ESA funding for FY 2008.

The BIA ESA funding was initiated by this Subcommittee in FY 1991 in response to the listing of the Northern Spotted Owl, providing $1 million for compliance activities at approximately a dozen reservations throughout the Northwest. With the listing of the marbled murrelet, funding for the affected timber tribes was increased to $1.83 million in FY 1995. In FY 2002, BIA had removed the Northern Spotted Owl and marbled

murrelet funding from the Forestry program and established a separate office to use those funds to address additional ESA issues. Funding that year reached $3 million, an acknowledgement by Congress of the substantial ESA requirements throughout the 56 million acres of Indian Country.

Since then, funding has steadily declined, despite the continuing need for the BIA to review activities on Indian trust land for impacts on ESA listed species. Among the dozen or so forestry tribes affected by the Northern Spotted Owl and the marbled murrelet, compliance protocols and recovery obligations for our lands remain as they have been since the listings, but our field-level funding has declined precipitously – to zero in FY 2007. We are very pleased that the Committee revived the program with the $1 million addition in FY 2008, and while some of those funds are going for Northern Spotted Owl and marbled murrelet activities, the BIA has distributed the funds to 31 locations nationwide. While that demonstrates the need for ESA funding throughout Indian Country, it disregards the purpose for which the funds were initially sought and provided.

Unfortunately, for FY 2009, the Administration is, once again, requesting just enough funding - $250,000 – for three personnel in Washington, DC, with no support for field-level operations. Meanwhile, the Administration is requesting $10 million dollars in the Fish and Wildlife Service budget for ESA activities on *nonfederal* lands, where there is no fiduciary responsibility. The Administration is also requesting $20.6 million in specific ESA funds for BLM. That is 8 cents per acre for BLM's 258 million acres. If that were applied to BIA's 56 million acres, it would be $4.48 million. To bring some measure of equality to BIA ESA funding, we request that amount for FY 2009. Within that $4.48 million, we also ask that $2.2 million be designated for the Northern Spotted Owl and marbled murrelet, so that the tribes for which the ESA program was initiated can be brought back to a level of support equal in today's dollars to that provided in FY 1995.

**2) In BIA Forestry Projects, restore the $1 million cut from the Timber Harvest Initiative.**

For FY 2009, the ITC requests that the Subcommittee add $1 million to the BIA Forestry Projects budget for the BIA Timber Harvest Initiative program, to restore the Administration's $1 million cut to the program in FY 2008 and continued in FY 2009.

From its inception in the early 1990s, the Forestry Timber Harvest Initiative provided additional Forestry personnel on those reservations with a timber harvest backlog, enabling those tribes to process an increased harvest to come back into compliance with their forest management plans, which is a basic component in the federal trust responsibility for Indian forests. Meeting planned harvest levels provides tribes with revenues planned and relied upon for governmental operations and services, and helps protect the health of our forests from threats of catastrophic loss from insects, disease, and wildfire.

The Harvest Initiative funds build upon existing forest program infrastructure, and so are particularly efficient at moving additional timber out of the woods and thinning of overstocked forests. The Administration's $1 million dollar reduction to the program will affect ten or twelve reservations in the BIA Pacific and Northwest Regions, and will reduce the BIA's annual harvest level by about 52 million board feet (about 10% of the total harvest from Indian land nation-wide). It will result in a loss of millions of dollars

in revenues to tribal governments, as well as jobs in logging and processing which are important to local communities.

As a contributing factor to the BIA's inability to meet Indian timber harvest schedules, we note the FY 2009 BIA Budget Justification projects timber sales levels will decline from 555 million board feet to 533 million board feet because, according to the Justification, "reduced levels of funding translate directly to a decreased ability to perform the sale preparation work." Constrained sales contribute to the harvest backlog.

The Timber Harvest Initiative is a key element in maintaining the productivity and health of Indian forest lands. Without it, harvest levels will fall significantly, hazard fuels will build up, the federal trust responsibility to effectively manage Indian forests for the benefit of the tribes will be compromised, tribal revenues will suffer, mills may close, and rural jobs and the communities they support will be further strained. The drastic reduction of the program is imprudent, and we urge that the $1 million be restored.

**3) In BIA Forestry Projects, increase Forest Development by $5 million.**

The ITC also requests, as we did last year, that BIA Forest Development funding in Forestry Projects be increased by $5 million.

Currently, about one-sixth of the 6 million acres of Indian trust commercial forest is in need of either replanting or thinning. This backlog must be reduced to improve the productivity of Indian forest lands and reduce the threat of catastrophic loss due to insects, disease, and wildfire.

In FY 2005, the BIA Forest Development budget provided treatment on 58,000 acres. For FY 2009, the goal is 52,000 acres, a reduction of more than 10% over four years. In the face of a million acre backlog, more acres must be treated, not less. A $5 million increase to the FY 2009 request will treat an additional 30,000 acres.

Mr. Chairman, the insufficiency of the BIA Forestry budget is chronic at this point and must be addressed. Two independent national reports over the past twelve years have recommended that per acre federal funding for Indian trust forests should be comparable to that provided for the USDA Forest Service (USFS).[1] Both reports estimate that an additional $120 million would be required. We recognize that such parity is not realistic in the current budget climate, but to begin at least reducing this Forestry funding disparity, we believe the restoration of $1 million to the Timber Harvest Initiative and a $5 million increase for Forest Development would provide an important start.

Compared to almost any other federal forest resource, Indian trust forest lands continue to generate significant timber production and should be supported. Investing an additional $5 million to start reducing the BIA Forest Development backlog, and the restoration of $1 million for the timber harvest backlog, will help fulfill the federal trust responsibility by narrowing the funding gap between BIA Forestry and the U.S. Forest Service, will increase Indian timber harvest and value, improve the health or our forests, contribute to carbon sequestration, and produce woody biomass to advance the Nation's renewable energy initiatives. These worthy objectives deserve Congress's support.

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[1] Indian forests receive only about one third of the level provided for U.S. Forest Service. (FY 1991 BIA per acre: $4.14, USFS per acre: $11.69. See IFMAT 1 Report, November 1993, Table 11, page V-4. FY 2005 BIA per acre: $2.83, USFS per acre: $9.51. See IFMAT 2 Report, December 2003, Table 2, page 9)

**4) In OST, restore Land Consolidation to the $59.5 million level, and direct consolidation priority for acquisition of Youpee interests and forest and other high value lands.**

The ITC urges that funding for the Land Consolidation program be restored to the FY 2007 requested level of $59.5 million. Land fractionation is a root cause for many of the Interior Department's high costs and difficulties in trust fund and trust asset administration, and land fractionation must continue to be aggressively addressed. For FY 2009, it is preposterous that the Land Consolidation program is proposed for elimination while funds for the Office of the Special Trustee should continue with no budget reduction. It makes no sense that the office created to deal with the problems of fractionation should continue unabated while funding to try to reduce fractionation itself is eliminated. Further, we are not aware that the Land Consolidation Program, which has been in effect for at least nine years, has encountered such problems that its elimination is warranted. To the best of our knowledge, OST has not reached out to tribes to discuss the need for an "alternative approach." Funding should be restored to $59.5 million.

In reviving Land Consolidation, the ITC urges that it focus not only on highly fractionated properties, but also on (a) purchase of the so-called Youpee interests to avoid the enormous cost of un-doing the previous acquisition of highly fractionated interests through escheat; and (b) consolidation of high value lands, including forest lands, before they become so fractionated that productive use of the property becomes problematic.

**5) Add $4.5 million for BIA wildland fire preparedness, direct fire 638 indirect costs to the BIA, and fund Indian hot shot crews from the suppression budget.**

The ITC requests that Congress add $4.5 million to the wildland fire budget for BIA preparedness. Since the fire preparedness budget increase of 2000, BIA fire preparedness funding has been steadily eroded by annual rescissions and inflationary factors. These small but steady reductions are having a noticeable impact on tribe/agency abilities to develop the next generation's fire fighters, maintain the readiness of militia, maintain equipment, and respond to administrative directives for fire budget preparedness and reporting. ITC recommends that our nation would be better off being proactive in preventing and/or reducing the risk of large fires than to keep chasing the problem through suppression.

The ITC also recommends that Congress address the conflict that the BIA faces with charging 638 indirect costs for tribal wildland fire contracts to the preparedness account, rather than the BIA 638 indirect cost pool, where they should be charged. This current practice is a disincentive to tribal self-determination as each new contract penalizes the overall BIA preparedness budget and adversely impacts every tribe/agency nationally by reducing their preparedness funding. This simple accounting adjustment could free up the amount we are requesting for preparedness.

Finally, we are requesting that our Indian hotshot crews be funded out of suppression dollars rather than preparedness. This national resource, which Native Americans provides up to 25% of all the nearly 25,000 wildfire personnel, is truly a suppression resource available to all agencies and non-federal partners. Funding them out of BIA preparedness penalizes the BIA and tribes.

That concludes the ITC FY 2009 testimony. Thank you.

Mr. DICKS. Any questions?

Thank you.

Mr. COLEGROVE. I just want to add one more thing to the last presentation very fast is that I am a product of a JOM program about 25 to 30 years ago. It helped me go to school so I would like to put a plug in for that too.

Mr. DICKS. All right. Thank you.

Joseph J. Brings Plenty, Sr., chairman of the Cheyenne River Sioux Tribe. Welcome. We will put your entire statement in the record. It is good to see you again. You can summarize. You have five minutes.

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THURSDAY, MARCH 13, 2008.

## CHEYENNE RIVER SIOUX TRIBE

### WITNESSES

**JOSEPH J. BRINGS PLENTY, SR.**
**ELIZABETH HOWE**

Mr. BRINGS PLENTY. Thank you. Good morning, Chairman Dicks, Ranking Member Tiahrt and honorable members of the subcommittee. Thank you for the opportunity to appear before this subcommittee to express the needs of my Lakota people and Cheyenne River Sioux Tribe. My name is Joseph Brings Plenty. I am chairman of the Cheyenne River Sioux Tribe. Allow me to express my appreciation for visiting South Dakota on October 9, 2007, and meeting with several tribal members such as Robert Conoyer, the Yankton Sioux Tribe, Michael Janitor, who is chairman of the Lower Brew, John Steel Wallace, executive director, United Sioux Tribes. I wish to offer you and members of the committee an open invitation to visit South Dakota to meet with indigenous leaders of this nation.

With regards to CRST TPA, the Committee on Natural Resources, Chairman Nick Rahall, issued a letter to Representative John M. Spratt, chairman of House Committee on the Budget, regarding views and estimates on the budget, concurred with Chairman Rahall the contract of Indian programs. Under Public Law 93–638, it is a great success. But we as tribes run programs with fewer resources. While funding for the Bureau of Indian Affairs has decreased, funding for the Office of the Special Trustee continues to spiral out of control. The office was set up to oversee trust fund management for reform throughout the department. It was never intended to administer Indian programs. In a move referred to as reorganization of the BIA, the Department unilaterally with no tribal consultation and virtually no Congressional oversight transferred numerous programs and almost $200 million out of BIA and into OST and it continues to increase budget authority. Many of the protections legislated for tribes by Congress or through the Bureau of Indian Affairs, for example, Schneider Act in 1921, authorizes regular appropriations for relief and distress and conservation of American Indians today. Aid to tribal governments for Tribal Priority Allocation, TPA, is an outgrowth of this legislative protection for Indians. I respectfully request an increase in TPA $10 mil-

lion as requested for Cheyenne River Sioux Tribe in fiscal year 2009.

Lastly, we respectfully request the fiscal year 2009 budget provide the Bureau of Indian Affairs with $2.274 billion in current budget authority which were enacted in fiscal year 2006 levels for Indian programs. Moreover, we respectfully request a 4 percent across-the-board increase to the Bureau of Indian Affairs, $2,365,240,800. It is requested for the Interior appropriations bill of 2009. In addition, the Bureau of Indian Affairs is currently undergoing another reorganization effort. I suggest this subcommittee consider funding a study for the National Academy of Public Administration to assess the organization and needs of the Bureau. The Bureau funded a study on itself in August 1999 which indicated significant material weaknesses in their agency. Seven hundred and fifty thousand dollars is requested to revise the study for fiscal year 2009.

Cheyenne River Hospital, I must speak on healthcare. Cheyenne River, an independent study commissioned by the Indian Health Service in 2004, identified existing facility as having 19 percent the need of size and 34 percent of the necessary staff to provide services for 11,583 tribal members. Urgent care patients wait in hallway for hours. We have our 200 children who are born every year with no birthing unit or obstetrician on staff. These findings demonstrate the critical need to construct a new hospital facility, and short term to fund Cheyenne River Hospital, and $44,827,000 is requested to begin construction.

A second healthcare issue is prairie dogs. In 2006, South Dakota Governor Rounds signed into law a South Dakota prairie dog program. Tribes are excluded. Rhapsody Journal states that South Dakota now has about 195,000 acres of prairie dogs outside Indian reservations. The tribes will come up with their own plan of dealing with the approximately 215,000 acres of prairie dogs on their land. In fiscal year 2003, Cheyenne River Tribe's prairie management was funded at $1.5 million. Cheyenne River prairie management program was cut in fiscal year 2007. One point five million is requested for fiscal year 2009.

Indian reservation roads, IRR. Tribal roads are another critical infrastructure issue. The Cheyenne River Transportation Equity Act for 21st Century, TEA–21, Congress attempted to introduce increased funding levels.

Law enforcement, another huge issue. The Department is responsible for public safety protection of residents of the Cheyenne River Sioux Tribe. The reservation law enforcement department is requesting $5,659,827 in fiscal year 2009 appropriations. We have approximately 2.8 million acres, 96 miles from department headquarters which makes it very difficult for response time for law enforcement officers to get to the locations and respond appropriately.

I have with me 911 coordinator, which there are only two tribes in the United States basically at this point, that is coordinating these departments. I yield to her to give a short testimony.

Mr. DICKS. Your time is expired. We will give you one minute, okay?

Ms. HOWE. My name is Elizabeth Howe. I am a member of the Cheyenne River Sioux Tribe. I am here today to ask for $640,000

for my 911 program, 911 for emergencies. If you dialed 911 before 2002 at Cheyenne River Sioux Tribe, no one would answer. The tribe took the initiative to go ahead, and we are the second tribe in the United States, like my chairman just said, to provide this for 18,000 residents on our reservation. We provide non-Indian and Indian service. We provide service to BIA law enforcement, fire, ambulance. We are dispatching basically for free for them. I need your help. My dispatchers are way overworked. I know that you visited our reservation. If you had choked, if you had been in an automobile accident, the dispatcher was under no obligation to answer the 911 phone. And also secondary——

Mr. TIAHRT. Mr. Chairman, can I ask, how big is the area that you cover? You said 18,000 residents but it is over a large area, is it not?

Ms. HOWE. Two point eight million acres, sir.

Mr. TIAHRT. So that is, what, like the size of Rhode Island basically?

Ms. HOWE. Yes.

Mr. TIAHRT. And you have to cover all of that?

Ms. HOWE. Connecticut, yes.

Mr. DICKS. And the State does not help you on this at all?

Ms. HOWE. No. The State receives property tax money to supplement their——

Mr. DICKS. Have you looked at the Justice Department? Is there anything that you can get funded through the Justice Department?

Ms. HOWE. There are a few grants here and there but we need base funding. We need a 638 contract.

Mr. OLVER. May I ask a question?

Mr. DICKS. Yes, Mr. Olver.

Mr. OLVER. I heard earlier the number 11,000 and then the number 18,000. Is the number of residents on the reservation 18 or 11?

Ms. HOWE. Eleven is the tribal members.

Mr. OLVER. Tribal members?

Ms. HOWE. Yes.

Mr. OLVER. Enrollees?

Ms. HOWE. Yes.

Mr. OLVER. But you have 18,000 actually living on the reservation?

Ms. HOWE. Yes, that is non-Indian and Indian together.

Mr. OLVER. Is there a tribal college associated with Cheyenne River? You are right next to Standing Rock, are you not?

Ms. HOWE. Yes. I believe we have Ogallalas there. They have a secondary kind of sister college there and we also have Presentation College.

Mr. OLVER. Thank you.

Mr. DICKS. Thank you.

Mr. BRINGS PLENTY. Also Chairman Dicks, I would like to say thank you for coming out to our reservation.

Mr. DICKS. Yes I enjoyed that trip.

[Statements of Joseph Brings Plenty and Elizabeth Howe follow:]

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March 13, 2008

**Testimony of Joseph Brings Plenty**
**Chairman, Cheyenne River Sioux Tribe**
**For the House Committee on Appropriations**
**Subcommittee on Interior and Related Agencies for the FY 2008 Budget**

As Chairman of the Cheyenne River Sioux Tribe, I am pleased to present this testimony on the Department of the Interior budget for FY 2009. A summary of the Cheyenne River Sioux Tribe's FY 2009 funding request for Interior is as follows:

Agency, Program & Funding Request

1. To fund the Department of Interior, Bureau of Indian Affairs, Operation of Indian Programs, **$10,000,000.00 is requested** for the Cheyenne River Sioux Tribe in FY09.
2. To fund a new hospital for the Cheyenne River Sioux Tribe, **$44,827,000.00 is requested for a new hospital** in FY2009.
3. To fund the **Cheyenne River Sioux Tribe, Prairie Management Program, $1,500,000.00 is requested**.
4. To restore funding to the **Cheyenne River Law Enforcement, $5,659,827.00** is requested for the Department of the Interior, Bureau of Indian Affairs, Operation of Indian Programs.
5. To fund the **Indian Reservation Roads Program, $10,000,000.00** is requested for Cheyenne River Roads.
6. To fund **law enforcement, $5,659,827.00** is requested for the Cheyenne River Sioux Tribe.

Testimony Introduction

Good morning Chairman Dicks, Ranking Member Tiahrt and honorable members of the Sub-committee. Thank you for the opportunity to appear before this committee and express the needs of my *Lakota* people and the Cheyenne River Sioux Tribe. My name is Joseph Brings Plenty, Chairman of the Cheyenne River Sioux Tribe ("CRST"). Allow me to express my appreciation for visiting South Dakota on October 9, 2007, and meeting with several tribal leaders such as Robert Cournoyer of the Yankton Sioux Tribe, Michael B. Jandreau who is Chairman of the

The blue represents the thunder clouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka - The Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth

Lower Brule Sioux Tribe, and John Steele of the Oglala Sioux Tribe, and Clarence Skye of the United Sioux Tribes. I wish to offer you and members of the committee in an open invitation to visit South Dakota to meet with the indigenous leaders of this nation.

Regarding CRST Tribal Priority Allocations

The Committee on Natural Resources Chairman, Nick J. Rahall, II, issued a letter to Representative John M. Spratt, Chairman of the House Committee on the Budget, regarding views and estimates on the budget. I concur with Chairman Rahall that the contracting of Indian programs under Public Law ("P.L.") 93-638 is a great success, but we as tribes run programs with fewer resources. Page 3 of the letter states:

> "While funding for the Bureau of Indian Affairs has decreased, funding for the Office of the Special Trustee ("Office") continues to spiral out of control...the Office was set up to oversee trust fund management reform throughout the Department. It was never intended to administer Indian programs. In a move referred to as the 'reorganization' of BIA, the Department unilaterally, with no tribal consultation and virtually no Congressional oversight, transferred numerous programs and almost $200 million out of BIA and into OST and continues to increase budget authority."

Many of the protections legislated for tribes by Congress are through the Bureau of Indian Affairs. For example, the Snyder Act of 1921 authorizes regular appropriations for "the relief of distress and conservation" of American Indians. Today, Aid to Tribal Governments or Tribal Priority Allocations ("TPA") is an outgrowth of this legislated protection for tribes. I respectfully request an increase in **Tribal Priority Allocations, $10,000,000.00 is requested for the Cheyenne River Sioux Tribe in FY2009.**

Lastly, we respectfully request the FY09 budget provide the Bureau of Indian Affairs (BIA) with $2.274 billion in current budget authority, which were enacted FY06 levels for Indian programs; moreover, we respectfully request a 4% across-the-board increase to the **Bureau of Indian Affairs, $2,365,240,800.00** is requested for the Interior Appropriations Bill of 2009. In addition, Bureau of Indian Affairs is currently undergoing another reorganization effort. I suggest this Subcommittee consider funding a study through the National Academy of Public Administration to assess the organization and needs of the bureau. The Bureau funded a study on itself in August 1999, which indicated significant material weaknesses in the agency, **$750,000.00** is requested to revise this study for FY2009.

Cheyenne River Hospital

I must speak about healthcare at Cheyenne River. *"An independent study commissioned by the Indian Health Service ("IHS") in 2004 identified the existing facility as having 19% the needed size and 34% of the necessary staff to provide services for 11,583 tribal members. Urgent care patients wait in hallways for hours. We have over 200 children who are born every year, with no birthing unit or obstetrician on staff."* These findings demonstrate the critical need to construct a new hospital in the short term. To fund the new Cheyenne River hospital, **$44,827,00.00 is requested to begin construction** in Eagle Butte in FY2009.

Cheyenne River Prairie Management Program

A second healthcare issue is prairie dogs. In 2006, South Dakota Governor Rounds signed into law a South Dakota Prairie Management Program. Tribes were excluded. The Rapid City Journal states that, "South Dakota now has about 195,000 acres of prairie dogs outside Indian reservations. The tribes will come up with their own plans for dealing with the approximately 215,000 acres of prairie dogs on their land." In FY03, Cheyenne River Sioux Tribe's Prairie Management Plan was funded at $1.5 million. **The Cheyenne River Prairie Management program was cut in FY07, $1,500,000.00 is requested for FY2009.**

Indian Reservation Roads

Tribal roads are another critical infrastructure issue at Cheyenne River. In the Transportation Equity Act for the 21st Century ("TEA-21"), Congress attempted to introduce increased funding levels and tribal "set-aside" programs to correct historical transportation funding disparities between Indian reservation and other public road systems; yet, even under TEA-21 dramatic inequity persisted. The Indian Reservation Road ("IRR") accounted for only 3% of the Federal-aid Highway Program. In reality, IRR Program receives only about ½ the amount per mile that states receive. The Safe, Accountable, Flexible and Efficient Transportation Equity Act ("SAFETEA") attempts to correct fairness concerns. To fund the **Indian Reservation Roads (IRR) Program, $10,000,000.00 is requested for Cheyenne River in FY2009.**

Law Enforcement

The Law Enforcement Department is responsible for the public safety and protection of the residents of the Cheyenne River Sioux Reservation. The Law Enforcement Department is requesting $5,659,827.00 for FY 2009 appropriations. The Cheyenne River Sioux Tribe (CRST) Law Enforcement Department serves a populace spread out over sixteen (16) communities with a land base of approximately 2.8 million acres. The communities served are located anywhere from fifteen (15) to ninety-six (96) miles from the Department Headquarters in Eagle Butte. Eagle Butte metro area has the largest population with the majority of calls being located in this area. At current funding levels, the CRST Law Enforcement Department is unable to provide adequate police protection to all sixteen (16) communities served by the department.

Four (4) sergeants and nine (9) patrol officers, and with the reduction of approximately ten (10) patrol officers in recent budget cuts, our officers are logging approximately four hundred (400) to four hundred fifty (450) hours in overtime each quarter, severely putting our officers at risk for burnout. There are approximately 4,500 miles of roadways on the reservation with three major highways with remaining roads comprised of gravel and dirt surfaces, severely hampering response with distance and inclement weather often a contributing factor. **The Cheyenne River Sioux Tribal Law Enforcement Division requests $5,659,827.00** to serve the community.

*Cheyenne River Sioux Tribe*
*9-1-1 Corporation*
*P.O. Box 590*
*Eagle Butte, SD 57625-0590*
*Phone (605) 200-1839*
*Fax (605) 964-1172*

HOUSE OF APPROPRIATION TESTIMONY

Date: March 12, 2008

To: House of Appropriations committee

From: Elizabeth Howe, 9-1-1 Coordinator Cheyenne River Sioux Tribe

Subject: Cheyenne River Sioux Reservation 9-1-1

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Hello my name is Elizabeth Howe and I am a member of the Cheyenne River Sioux Tribe (CRST). I am employed by the Cheyenne River Sioux Tribe as the 9-1-1 Coordinator. As the 9-1-1 Coordinator I am responsible for the daily operations and functions of the Dispatch Center or Public Safety Answering Point (PSAP) as well as the Emergency Response System for the Cheyenne River Sioux Reservation.

I would like to point out that 9-1-1 in most areas is the number to call in Emergencies, most individuals don't think about 9-1-1 because when you dial the number someone is suppose to answer and send help. This has not been the case for anyone entering or living on the CRST Reservation, until recently.

If not for the fore thought and tenacity of key tribal members 9-1-1 would not exist on my Reservation today. Before 9-1-1 was established, on Reservation residents and visitors had dial a seven digit number to get a hold of Emergency Personnel, i.e. 964-2155. Now imagine that your son, daughter or loved one is choking. You have to remember a seven digit number or find a phone book to look it up. You have five minutes before your loved one is brain dead and you have no physical address to give the dispatcher. In all of this excitement you have to try to describe where you live, and the ambulance driver and police have to figure out your directions. As a result, the ambulance does not reach you until seven minutes after your loved one started initially choking and your loved one is now brain dead. This can all be prevented if 9-1-1, including its on-reservation home addressing program is properly funded and has the proper tools to get the emergency personnel where they need to be. This is a real life scenario that the people visiting or residing on the Cheyenne River Sioux Reservation face on a daily basis. Sending emergency help to locations without street addresses costs lives and most people do not understand that we have no street addresses on our reservation.

The CRST has established its 9-1-1 Center with virtually no federal help. The CRST passed Ordinance 72 9-1-1 Emergency Reporting Services on February 8, 2008, allowing the 9-1-1 Corporation to charge a 9-1-1 Surcharge of $3.00 per access line. The $3.00 per access line may only be used to support the emergency response system. State supported Public Safety Answering Point (PSAP), also known as dispatch Centers, are all supported by property tax money. My Tribe, which has in excess of 80% unemployment and per capita incomes of around $7,0000 does not receive Property Tax income and does not have any available tribal funds to support our PSAP, the Tribe relies solely on the $3.00 surcharge and the few grants that we can find to support this type of activity. Unfortunately our 9-1-1 operating costs now exceed what we can bring in and that is why I am here today to ask for your help. Our 9-1-1 Center not only

provides a valuable services to our members, it also provides a valuable services to federally funded programs like BIA funded Law Enforcement and IHS Ambulance if our program is not able to operate, these federally funded programs would again have to try and receive and dispatch their own emergency calls. Their track record in this regard is not good. BIA stopped funding Law Enforcement dispatch in 2002 and began relying on the detention staff to answer emergency calls. This not only violated BIA detention procedures it also led to delays, wrong addressing and other similar problems that were only addressed when our 911 center was established. Because the service that we provide is such a critical component of their on reservation emergency service, we believe that it is only fair that the BIA provide us with a reasonable amount of financial support. This is the only way 9-1-1 will function properly to save lives on the Reservation.

When we have approached the BIA they have been unresponsive. That is why I am here today. My current budget from the $3.00 surcharge provides my program with $360,000.00 of non-federal operating dollars. To make this program function properly I desperately need a total combined budget of $1 Million to hire the staff necessary and procure the proper equipment. I am therefore requesting a $640,000 add on to the BIA Law Enforcement budget and report language directing that this money be awarded to the CRST 9-1-1 Corporation through a P.L. 93-638 Contract. At the present time my staff is severely over worked and my equipment is desperately in need of replacement. Again think about the example I gave of someone choking. This person is relying on our staff to help save their life. You visited our reservation last year along with your staff. If you had been injured in an automobile accident during that visit, wouldn't you have wanted a rested, well trained, well equipped 9-1-1 Operator answering the phone.

The Counties within our reservation boundaries have designated the Cheyenne River Sioux Tribe as their PSAP because they do not have the funds or the ability to support a dispatch center.

The Cheyenne River Sioux Tribe is the sole PSAP Provider for two Counties: Ziebach and Dewey. When combined this 2 county area is almost the size of the State of Rhode Island, 2.8 Million Acres. Our 911 response and dispatch center also handles all of the calls for the Indian Health Service- Ambulance, Game Wardens, BIA Fire Department, and the Sheriff's Office for our two on reservation Counties Dewey and Ziebach. We are proud of what we do, but frustrated that the federal government refuses to give us any real financial help.

9-1-1 should not be a luxury only provided to residents that reside in counties that can afford it, it should be a service undiscriminating and provided to all residents.

9-1-1 is an essential component to Emergency Personnel and response. There are three main components to 9-1-1: Radio, Computers or IT and phones. If one of these components goes down 9-1-1 fails and someone suffers.

Sincerely,

Elizabeth Howe
911 Coordinator
Cheyenne River Sioux Tribe

Mr. DICKS. Elbridge Coochise, Chief Justice, retired, of the Independent Review Team on Tribal Courts. Welcome.

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THURSDAY, MARCH 13, 2008.

## INDEPENDENT REVIEW TEAM ON TRIBAL COURTS

### WITNESS

**ELBRIDGE COOCHISE**

Mr. COOCHISE. Thank you, Chairman. Good morning, Chairman and committee. Thank you for the opportunity to come before the Committee on Appropriations. We are addressing the fiscal year 2009 budget under Public Safety and Justice in the BIA and the Department of the Interior, and first of all, I would like to thank you, Chairman, for your appropriations last year for additional money to the tribal courts. That is the first time in many years that there was any increase, and we appreciate that, and when you came to South Dakota and made that announcement, it was really pleasant.

What we are asking in the 2009 budget, the President's budget proposed cut of $2.461 million, which includes that $2.3 million that the committee appropriated last year, we would like to see that restored. Quickly numbers-wise, there are 156 tribal courts that receive federal funds through the BIA Department of the Interior. There are 299 tribal court systems which includes CFR courts in Indian Country. And with the 558 or so federal recognized tribes, you can see that only about half the tribes have their own court systems.

The other request, the second and more important, is requesting on behalf of Tribal Courts additional new money of $50 million through the BIA Office of Justice Services Division of Tribal Justice Support. Our independent review team has been out reviewing tribal courts since fiscal year 2006. In 2006 we reviewed 25 courts, in 2007, two courts, and this year, seven courts, and we have not encountered any tribal courts that have sufficient funding from the Federal government. With that, we have found courts with as low as $12,000 per year to try to operate on, and it is highly unlikely that you have a good independent justice system when you do not have the—and with the budget increases for law enforcement, for the meth programs and detention issues, they all got increases and yet there are decreases in tribal court funding and all those entities, any arrest has to come through tribal courts. Any meth issues will have to be dealt with in tribal courts. And to get to detention, you have to get through tribal court system. So that is why we are making a request for and on behalf of tribal courts. And in our review process, the common denominator has been the lack of sufficient funding, including staff that are actually being paid lower than the income level, the poverty line. So with that, we had submitted last year, and I have another copy if you wish, the final report from the first 25 courts, that we reviewed, and part of our testimony reiterates some of those same findings that we made in that first 25.

And so with that, Chairman, we appreciate your support from the committee to address the funding shortages for tribes and their court systems, and if you have any questions—oh, I would like to introduce one of my colleagues on the team, Mr. Al Gonzalez.

[The statement of Elbridge Coochise follows:]

**INDEPENDENT REVIEW TEAM**

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**(602) 418-8937 ⇔ (623) 936-8758 fax ⇔ Email: ecoochise@msn.com**

ORAL TESTIMONY OF
**ELBRIDGE COOCHISE, CHIEF JUSTICE, RETIRED**
**INDEPENDENT TRIBAL COURTS REVIEW TEAM**
BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND
RELATED AGENCIES APPROPRIATIONS
SUBCOMMITTEE FOR THE FISCAL YEAR 2009
BUREAU OF INDIAN AFFAIRS APPROPRIATIONS
MARCH 13, 2008

Thank you for the opportunity to address the serious issues involving Tribal Courts and funding needs for the FY 2009 Budget. I am the team leader for the Independent Tribal Court Review Team. Our requests and recommendations for the ***Fiscal Year 2009 Budget for Public Safety and Justice in the Bureau of Indian Affair's (BIA) Budget that is included in the Department of the Interior.***

## Budget Priorities, Request and Recommendations - $52.46 Million

1. **+$2.461 million, restore the proposed cuts in FY09 President's Budget, (includes the $2.3 million FY08 additional appropriations)**
2. **+$50.0 million new additional funds for tribal courts, through BIA Office of Justice Services, Division of Tribal Justice Support**

For the past 30 months, our Independent Review Team has been traveling throughout Indian Country reviewing Tribal and Federal Courts of Indian Offenses (CFR Courts). We feel safe in saying that there are no individuals with more awareness of the current needs of Tribal Courts than our Review Team. During this time, we have completed some 34 court reviews. We have come into contact with every imaginable type of Tribe; large and small, urban and rural, wealthy and poor. We have NOT encountered any Tribe whose Court system receives adequate Federal funding. We have identified the following decrease in the President's budget.

**ITEM: Department of the Interior, Bureau of Indian Affairs**

| | | |
|---|---|---|
| President's Budget: | FY08 Enacted | 14,338,000 |
| | FY09 Request | 12,047,000 |
| | Program Change | -2,461,000 |

Cuts for tribal courts of $2,461,000 are not justified in President's Budget. This reduction will be the second such budget cut in two consecutive years.

Further, our research indicates Tribal courts are at a critical stage in terms of financial need. Nationwide, there are 156 Tribes with Courts that receive Federal Funding. Those Tribes divide a mere $14.3 million in Federal funds. It is the strong recommendation of the Independent Tribal

Courts Review Team that the Federal Tribal Courts budget be substantially increased, not decreased as in the President's Budget. We strongly urge Congress and the Appropriations Committee to increase funding for Tribal Courts by at least $50 million through the BIA Office of Justice Services, Division of Tribal Justice Support, to assure funds go to tribal courts.

A frequent observation as a result of the Tribal Court reviews is that Tribes and the Federal government fund Court operations as if they were a program that is capable of adjusting to budget reductions and not as a branch of government that is required to provide services irrespective of budget cuts. As everyone knows, a functional, independent and fully funded Court system is essential to the dispensation of justice on reservations and everywhere. Tribal Courts are under funded; they have little hope of increased funding; they are expected to make do with too little funding; and they are depressed from the weight of years and even decades of funding deficiency.

We have seen the poorest Courts in the United States. We have seen Courts where holding a jury trial means laying off staff. We have seen Courts with no criminal procedure updates for 30 years. We have seen Courts where 1000 defendants a year are prosecuted, by one Judge and one prosecutor. We have seen Courts where a significant number of the staff is paid below the poverty level; as low as $14,000 per year. We've seen courts funded as low as $12,000 per year.

In many cases, the common denominator is funding. These courts need additional funding. Yet, there are many Tribal Court funding fallacies. We address some of those here.

**A study of Tribal Courts will reveal what needs to be done to fix them.** No amount of studying these Courts will cure deficient funding. Any study will find Tribal Courts need the things that funding will buy, i.e. more staff, more resources, more computers, more training, better software, better facilities, etc.

**Tribes would benefit from moving Tribal judicial matters to Federal or State Court.** Federal and State Courts are already overburdened. They don't want additional jurisdiction or cases. The Federal Courts of Indian Offenses are perhaps the most overburdened courts in the Country, even in a poorer situation than many Tribal Courts. The P.L. 83-280 states, Indian reservations receive the worst level of law enforcement service. So bad, in fact, that when the P.L. 83-280 Tribes receive gaming funds, the first thing they do is start local law enforcement. Finally, Tribal Courts exercise laws and traditions specific to their populations which no non-Tribal Court could, or would do. This assists to keep the peace when other means are unavailable.

**Gaming means the Federal government no longer has to fund Tribal Courts.** There are perhaps 25-30 Tribes in Indian Country that make substantial amounts of money from gaming. The remainder only make enough to sustain a few Tribal programs or, as we have seen, just barely enough to sustain gaming. The Tribes that profit from gaming do not need Federal Court funds and **DO NOT SEEK THEM!** (Our research has revealed several Tribes who have turned down, or will turn down, Federal dollars for Tribal Courts because, among other reasons, other Tribes have more necessity of these funds). Why put up with the headache and the reporting if it is easier for the Tribal government to simply support their Court operation out of Tribal funds?

There are, however, many positive aspects about Tribal Courts. It is clear that Tribal Courts and justice systems are vital and important to the communities where they are located. Tribes value and want to be proud of their Court systems. Tribes with even modest resources tend to send additional funding to Courts before other programs. After decades of existence, many Tribal Courts, despite minimal funding, have achieved a level of experience and sophistication approaching, and in some cases surpassing, local non-Indian Courts. Tribal Courts, through the Indian Child Welfare Act, have mostly stopped the wholesale removal of Indian children from their families. Indian and Non-Indian Courts have developed formal and informal agreements regarding jurisdiction. Tribal governments have recognized the benefit of having law-trained Judges, without doing away with Judges who have cultural/traditional expertise. Some Tribal Court systems have Appellate Courts, jury trials, well-appointed Courthouses, and Tribal Bar listings and fees. Perhaps most importantly, Tribes recognize the benefit of an independent judiciary and have taken steps to insulate Courts and Judges from political pressure. No longer, in Indian Country, are Judges automatically fired for decisions against the legislature.

However, Tribal Courts continue to have many needs, the greatest of which are funding related. We comment today to express our very deep concern with the Federal funding levels for Tribal Courts. In particular, the President's budget would devastate Tribal Justice Systems. We respectfully request that Congress take a close look at these funding levels. Our research indicates that they are extremely low and should be increased.

We find these cuts unjustifiable and unsupportable. The Budget provides increases in Law Enforcement and Detention (which we support as needed and necessary costs for Tribes). How does the President suppose those individuals get to detention from law enforcement? The most probable answer is through Tribal Courts. The Budget proposes $6.34 million in increases in funds to fight Methamphetamine. How does the President propose we keep those individuals off the street after they are arrested? The most probable answer is through Tribal Courts. The Budget proposes $2.67 million in increases in funds for an IMARS Reporting system to track convictions. How does the President propose we document those convictions? The most probable answer is through Tribal Courts.

There are other examples, but none are necessary to show that this budget simply does not make sense. It ignores Tribal Courts, which is the primary means for carrying out justice and enforcement of the laws on Indian reservations. It relegated Tribal Courts to program status… essentially stating to Courts, "… we know the numbers [of cases] will increase but make do with what you have. Or, in this case, less than what you have".

Courts, however, are not able to make changes like Tribal programs. There are minimum standards that Courts must meet. And every time the New York Times (as has occurred) publishes a story about justice in Indian Country suggesting a violation of speedy trial requirements or bonding or adequate representation, Tribes will suffer the comparison with non-Indian Courts. Ideally, Courts should be funded on an individual basis and not compete with Tribal Programs for funds. Increases for law enforcement should be tied on a percentage basis to increases for Tribal courts. The ability of Tribal Courts to do more with less and adapt to this inept programmatic analogy should not be interpreted as meaning the analogy works.

The Independent Tribal Court Review Team completed the Tribal & CFR Court Reviews Project Final Report in 2006. The Report contains 132 Findings regarding all areas involving Tribal Courts. Many of the Findings support the recommendations made above, including several indicating that Tribal Courts are under-funded. We list some of these below.

> **Finding #38: The Federal Funds are inadequate to fund most Court needs.** Other Court needs, technology, supplies, travel, training, are usually assumed by the Tribe. These needs are often provided by decreasing available funds for Tribal Programs. Or, the needs are simply not provided and the Courts must make due without these services.
>
> **Finding #32: Almost all Courts are under-funded.** Court budgets vary widely. When you get beyond the few Tribes with very successful economic development ventures, the substantial number of Courts, approximately 90%, is under-funded. They are missing staff positions and common items such as a safe, a Court recording systems, telephone systems, or security systems. Almost every Court that is under-funded is still mostly functional.
>
> **Finding #33: Many are under-funded at a critical level.** Some contracted Courts are very poor. There are Courts with only a part-time Judge and a Clerk. They must rely [Tribal] Administration for simple items, such as printer ink. There is no training. Salaries are below the poverty level. We have seen Courts that operate on less than $25,000 per year. We have seen groups of Tribes with low Federal funding numbers joined into a single overworked Court system that can only provide limited service.
>
> **Finding #6: A very small number of Tribes have large amounts of available economic development funds.** These Tribes (about 10%) are those few with very successful economic development ventures. These Tribes contribute 90% or more of the funding to their Courts. These Tribes pay well; they have several Attorneys on staff, including Attorneys on the Tribal Court staff and have fully funded law enforcement. These Tribes are better trained and experientially and financially able to deal with Court matters, including criminal matters, than local city, county and state governments.
>
> **Finding #5: Most Tribal economic development funds provide jobs and pay for a modest amount of other governmental services.** The biggest fallacy about Indian Nations is that gaming has made all Tribes rich. (This fallacy isn't always bad. It often encourages non-Indian governments and law enforcement to work with the Tribe.) The vast majority of Tribes have limited economic development that 1) funds itself and 2) can modestly assist Tribal programs and the Court budgets. A majority of Tribes have no economic development or economic development that only funds itself.

On behalf of the Independent Tribal Court Review Team, Charles D. Robertson Jr., Honorable Philip D. Lujan, Ralph E. Gonzales, Myrna Rivera, court reporter and myself, thank you again for your consideration. If you have any questions, please feel free to contact Elbridge Coochise at 602-418-8937 or Charles D. Robertson, Jr. at 605-390-0061.

Mr. DICKS. No, we understand this is a shortage of funds and this is consistent with every other part of this budget. The thing that I want everybody to understand is, since 2001 the Interior budget has gone down by over 16 percent, EPA 29 percent, Forest Service 35 percent. And then this year between 2008 and 2009, the President's budget cuts this area by $1 billion so we can only do so much here because anything we add money to, we have to take it from somewhere else and we are scrubbing this budget to try to find places to do that but it is very difficult because these programs are all worthy programs. So, I just pledge to you that we will do our best with the resources we have. I think our allocation early on in the House will be good and we will be able to take care of some of these things, but at the end of the day we have to come down to the level of the President's budget to get a bill signed. We will be in deep trouble, I mean very serious problems.

So I appreciate your good work and all the efforts you have made to evaluate the system, and we understand what is needed is additional resources and we will do our best.

Mr. COOCHISE. Yes, and appreciate your considering, but again, if you increase the——

Mr. DICKS. You are sitting here and you are hearing all the other needs are out there too: Education, housing, healthcare. I mean, you go right down the list. Every single area is underfunded.

Mr. COOCHISE. Yes, and we support the increases for law enforcement and meth but it is not going to be dealt with unless——

Mr. DICKS. The courts are there, unless you have a court system. We take that point. It is a serious point.

Mr. Tiahrt.

Mr. TIAHRT. No questions.

Mr. DICKS. Clifton Skye, director of project management, the United Sioux Tribes Development Corporation. Welcome. We will put your statement in the record and you have five minutes to summarize.

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THURSDAY, MARCH 13, 2008.

## UNITED SIOUX TRIBES DEVELOPMENT CORPORATION

### WITNESS

**CLIFTON SKYE**

Mr. SKYE. Good morning, Chairman Dicks and Ranking Member Tiahrt and honorable members of this committee. I would like to thank you for the opportunity to appear before you here and I appreciate that you are submitting my testimony for the record.

The United Sioux Tribes has four requests. Two of them are for the organization and two are for the U.S. Geological Survey and the Bureau of Indian Affairs for tribal stream gauge networks, and the other one is for the Bureau to restore the budget back to 2006 levels, and I understand the restraints on this body here regarding that.

But before I continue, I would like to thank Members of Congress, this committee, the House and the Senate for authorizing legislation for Master Sgt. Woodrow Wilson Keeble, who won the

Medal of Honor. The ceremony was held at the White House March 3. Master Sgt. Keeble won this during the Korean conflict and that man died January 29, 1982. At the same time that he was fighting in Korea, federal Indian policy was into a program for termination. This was between 1953 and 1964. The reason I bring that up is because the United Sioux Tribes is an organization that began out of that. It began in 1952 as a grassroots outfit that was organized to confront this policy.

Mr. DICKS. Of termination?

Mr. SKYE. Of termination at the State level, and we were successfully able to prevent the State of South Dakota through a referendum, a successful public relations campaign, that prevented the tribes from coming under 280 law. Unfortunately, one of the members in Nebraska was able to get out of that in 2006 and we were able to assist him in that effort.

As far as other tribes that were affected, of course California and Minnesota and Wisconsin, my aunt was able to help the Menominee Tribe come out of the termination status in the Menominee Termination Act in 1954. Former President Nixon signed the Restoration Act in 1972.

The importance of that is that the organization itself through the Wounded Knee incident in 1973 was able to get itself involved with the White House during those days. Out of that relationship with Erlichman and Haldeman, whose names are not very well thought of at that time, but we were able to put together a 638 law which is something that all the tribes benefited from nationally through basic tenets that we submitted to the White House and was later passed as the Self Determination Act.

What we are asking for, for the organization, is to fund our EA, our Employment Assistance program. The EA provides job referral and job assistance to urban Indians. Sixty-four percent of Indians live off the reservation so it is an important program. The funding has always been about $450,000 so its impact is in the regional area of North Dakota, South Dakota, Nebraska. But it is a national program. It has funded people beyond those borders. We have not been funded since 2006 but if this committee finds funding for it, we are looking to leverage funds with the National Tribal Cultural Resources database. Now, it is hard to find vital statistics on tribes. The Reagan-era budget cuts eliminated a lot of those amenities for other federal agencies to provide that. So what we are looking for is $1.2 million for the National Tribal Cultural Resources database and we are also looking for $1.2 million for the Employment Assistance program.

In addition to that, we are asking for $7 million for the Stream Gauge Network.

Mr. DICKS. Yes, that is a very popular program. I think we will be able to help on that.

Mr. SKYE. And of course, we would like the Bureau funded back to its 2006 levels, and I thank you for your time.

[The statement of Clifton Skye follows:]

**UNITED SIOUX TRIBES**
**DEVELOPMENT CORPORATION**
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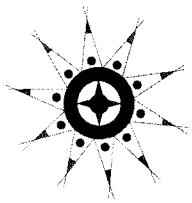
| | |
|---|---|
| Administration | (605) 945-3075 |
| Employment Assistance | (605) 945-3074 |
| Workforce Investment Act | (605) 224-8865 |
| Project Management | (605) 945-4374 |
| Business Office | (605) 224-8864 |
| Website | unitedsioux.com |
| Facsimile | (605) 224-0069 |



- Standing Rock
- Lower Brule
- Spirit Lake
- Flandreau-Santee
- Rosebud
- Santee
- Crow Creek
- Oglala
- Cheyenne River
- Sisseton-Wahpeton
- Yankton

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March 13, 2008

**Testimony of Clifton Skye**
**Director of Project Management-United Sioux Tribes Development Corporation**
**For the House Committee on Appropriations**
**Subcommittee on Interior and Related Agencies for the FY 2009 Budget**

As the Director of Project Management for the United Sioux Tribes Development Corporation, I am pleased to present this testimony on the Department of the Interior Budget for FY 2009. A summary of the United Sioux Tribes' FY 2009 funding request for Interior is as follows:

Agency, Program and Funding Requests

1. To funding to the **United Sioux Tribes' National Cultural Resources Database Program, $1,200,000.00** is requested for the Department of the Interior, Bureau of Indian Affairs, Operation of Indian Programs.
2. To fund the **U.S. Geological Survey/Bureau of Indian Affairs/Tribal Streamgage Network, $7,000,000.00** is requested for the Department of the Interior, Bureau of Indian Affairs, Operation of Indian Programs.
3. To restore funding to the **United Sioux Tribes' Employment Assistance Program, $1,200,000.00** is requested for the Department of the Interior, Bureau of Indian Affairs, Operation of Indian Programs.
4. To restore Indian program funding to levels identified in the Department of the Interior Appropriations Bill 2008 with a 4 % increase to the **Bureau of Indian Affairs (BIA), $2,356,325,900.00** is requested for the Department of the Interior, BIA.

Introduction

Good morning Chairman Dicks, Ranking Member Tiahrt and honorable members of the House Appropriations Committee, Subcommittee on Interior, Environment and Related Agencies. Thank you for the opportunity to appear before this distinguished committee. I am an enrolled member of the Standing Rock Sioux Tribe, which is a nation best known for our celebrated *Hunkpapa Lakota* leader, Chief Sitting Bull. I am required to testify before this committee on issues related to the *Lakota-Nakota-Dakota* people or "Sioux" as we are commonly called of the United Sioux Tribes. Before I continue, let me express my gratitude to the committee, House of Representatives and the United States Senate for authorizing the posthumous award of the Medal of Honor to Army Master Sergeant Woodrow Wilson Keeble on March 3, 2008.

*Dakota* "Sioux" Medal of Honor

His citation reads, "For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty: Master Sergeant Woodrow W. Keeble distinguished himself...in action

with an armed enemy near Sangsan-ni, Korea, on October 20, 1951." [1] Master Sergeant Keeble is a *Dakota* American Indian enrolled at the Sisseton-Wahpeton Sioux Tribe in Agency Village, South Dakota. Sergeant Keeble was a Guadalcanal veteran of World War II, re-enlisting for the Korean conflict. He died on January 28, 1982. His fearlessness in combat is a great credit to the Sioux nation and a standard for all American soldiers.

United Sioux Tribes Background and Termination Era

Ironically, Korea coincided with a new Federal Indian Policy commonly known as termination (1953-1964). Federal efforts to terminate tribes were the impetus behind the rise of the United Sioux Tribes Development Corporation. Beginning as an ad-hoc coalition of Sioux tribes in 1952, we worked in a grassroots effort to prevent the 83rd Congress from effecting House Concurrent Resolution (HCR), where "Under this policy, Indians' status as government wards would be ended as soon as possible and Native Americans would assume all the responsibilities of full citizenship." [2] HCR 108 was passed on August 1, 1953, but Congress already established American Indians as full citizens with the Indian Citizenship Act of 1924. [3] Fifteen days later, on August 15, 1953, Public Law 83-280 was passed by the 83rd Congress, providing state governments' authority to assume jurisdiction over Indian tribes.[4]

Aunt Ada and Menominee Restoration Act of 1972

The law enforcement jurisdiction of tribes in 6 states was turned over to California, Minnesota, Nebraska, Oregon, Wisconsin and Alaska. My mother, Ferial Deer, was a senior in college when the Menominee Termination Act of 1954 ended her tribe. Ada Deer, my aunt, dropped out of Harvard Law School, and successfully reversed Menominee termination when former President Richard M. Nixon signed the Menominee Restoration Act of 1972.[5] Years later, Ms. Deer was appointed Assistant Secretary-Indian Affairs by President Clinton in 1993.[6] Similarly, Sioux tribal leaders created the United Sioux Tribes to thwart the South Dakota State Legislature and Office of the Governor from assuming jurisdiction over the Sioux. The "United Sioux Tribes spearheaded a statewide referendum to block the legislature's action, and South Dakota voters approved the referendum in November 1964, mainly out of concern over the high cost to taxpayers if the state were to assume jurisdiction over the reservations." [7] The Santee Sioux Tribe of Nebraska recovered from P.L. 83-280 decades later.

P.L. 83-280 Nebraska State Retrocession of the Santee Sioux Tribe

Roger Trudell, Chairman of the Santee Sioux Tribe of Nebraska and member of the United Sioux Tribes, held a ceremony on Tuesday, March 14, 2006, for the reinstatement of "criminal jurisdiction over the Santee Sioux Reservation to the tribe and federal government -- effective at 12:01 a.m. Feb. 16." [8] I was honored to attend the ceremony in Santee, Nebraska, by invitation, since

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[1] White House, Office of the Press Secretary, "President Bush Attends Medal of Honor Ceremony for Woodrow Wilson Keeble," East Room, Press Release-March 3, 2008.

[2] U.S. Statutes at Large, 67: B132. House Concurrent Resolution 108, August 1, 1953.

[3] 1924 Indian Citizenship Act (43 U.S. Stats. At Large, Ch. 233)

[4] United States Code 18 U.S.C. § 1162, 28 U.S.C. § 1360, and 25 U.S.C. § 1321–1326.

[5] Public Law 93-197 (87 Stat. 170).

[6] U.S. Department of the Interior, Office of the Secretary, "Assistant Secretary for Indian Affairs Ada Deer announces resignation; Secretary Babbitt notes accomplishments," Press Release-January 9, 1997.

[7] Clow, Richmond, L., "The Sioux in South Dakota History," South Dakota State Historical Society Press, 2007.

[8] Dockendorf, Randy, "Santee Marks Change in Law Enforcement," Yankton Press & Dakotan, March 15, 2006.

the United Sioux Tribes provided assistance to Chairman Trudell, the tribe, and Bureau of Indian Affairs, during this critical "retrocession" process. Each Sioux tribe is unique, affected differently by the Dawes Act of 1887, Sioux Act of 1889, Indian Reorganization Act of 1934, Flood Control Act of 1944, and Public Law 83-280 passed in 1953, which is why I congratulate Chairman Dicks for personally meeting with several Sioux Tribal Leaders in Rapid City, South Dakota, on October 9, 2007. [9] Thank you Sir. Joseph J. Brings Plenty, Chairman of the Cheyenne River Sioux Tribe, who testifies today, and Representative Stephanie Herseth-Sandlin, are credited for inviting you to visit the Sioux reservations.

Invitation to Indian Country

In that same spirit, I support Chairman Brings Plenty's invitation to members of this committee to meet our tribal leaders in either a field hearing or as individual persons. Our board of directors is comprised of the Chairmen, Presidents and Chairpersons of the 11 Sioux tribes in Nebraska, North Dakota, and South Dakota. The reason behind my request is that the Crow Creek Sioux Tribe and the Oglala Sioux Tribe often trade places as ground zero for poverty. [10] Yet, vital statistics for tribes are difficult to obtain since the Reagan era budget cuts. Outside the U.S. Census Bureau and Bureau of Indian Affairs, federal agencies that formerly provided unique data about tribes have largely removed those resources years ago.

United Sioux Tribes Partnership with BIA and USGS

Chairman Dicks, I understand you were introduced to the Sanford Underground Science and Engineering Lab (SUSEL) in Deadwood, South Dakota, during your visit to the state. South Dakota hopes the National Science Foundation will select SUSEL for a deep underground science and engineering laboratory. [11] Science is important; however, Sioux tribes are not normally included in these state initiatives, which is understandable for SUSEL since the location is in the sacred Black Hills. [12] The United Sioux Tribes has successfully created an interagency partnership with the U.S. Geological Survey and the Bureau of Indian Affairs to establish a National Tribal Cultural Resources Database and a National United Sioux Tribes Center of Geographic Information System Resources? [13] We are requesting $1,200,000.00 from the Subcommittee to the United Sioux Tribes for capacity building activities related to the National Tribal Cultural Resources Database.

National Tribal Cultural Resources Database

Briefly, the database utilizes remote sensing data or Digital Orthographic Quadrangles. DOQ data is simply aerial photography, which undergoes a mathematical process to adjust for tilt of the camera and topographical variations in the surface of the earth. The data, itself, is public information; however, cultural resource sites identified from the data are regulated by tribal

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[9] Pitlick, Wendy, "Washington State Congressman, Herseth-Sandlin tour SUSEL," Black Hills Pioneer, October 9, 2004.

[10] CNN.com, "Clinton Focuses on Poorest of Poor, American Indians," July 7, 1999. http://www.cnn.com/ALLPOLITICS/stories/1999/07/07/clinton.tour/

[11] Ibid.

[12] Huckins, Kerry, "Sturgis Students study Bear Butte Controversy," Rapid City Journal, March 3, 2007.

[13] Presently, terms of the partnership are being amended; however, the initiative began in Reston, Virginia on October 27, 2004, when former Director of the U.S. Geological Survey, Dr. Charles "Chip" Groat signed an agreement with the United Sioux Tribes Development Corporation to create a relationship in science and technology, including geographical information systems, information technology, natural science and facilities management. The partnership is accessible for all tribes nationwide. On September 17, 2005, Bill Benjamin, former Regional Director of the Great Plains Regional Office, U.S. Bureau of Indian Affairs, signed an addendum to the agreement to participate in the partnership, creating an inter-agency and inter-tribal partnership.

governments. The Flandreau-Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska approved resolutions of support that authorize the United Sioux Tribes to develop and implement the National Tribal Cultural Resources Database. The Flandreau-Santee and Santee Sioux requested to serve as initial tribal participants throughout the project. The database is especially important, considering that the Bureau of Indian Affairs dismantled their Geographic Data Services Center in October of 2007.

USGS/BIA/Tribal Stream Gauge Network

Also, I call the attention of the committee to monitor federal officials in Interior who reprogram funds from one activity to another without Congressional approval. For example, $7 million was reprogrammed in FY06 that funded the operation of a USGS/BIA/Tribal Stream gauge Network. The stream gauge funds were used to pay out water rights settlements in the Pacific Coast, which resulted in the loss of ¼ of all western stream gauges. Approximately 50 long-term stream gauges are used to monitor Indian Water Rights locations. Six stream gauges are in South Dakota with 4 on the Oglala, Crow Creek and Lower Brule Sioux reservations. Stream gauges data requires long-term and uninterrupted hydrologic record. We are requesting $7,000,000.00 dollars from the Subcommittee to restore the USGS/BIA/Tribal Stream gauge Network.

United Sioux Tribes' Employment Assistance Program

Likewise, the United Sioux Tribes' Employment Assistance Program was excluded by federal officials, when House Joint Resolution 20 was passed by under a continuing appropriation for Fiscal Year 2007. United Sioux Tribes has served the urban Indian community with the Employment Assistance Program since the early seventies. The Employment Assistance provides job placement and job referral services, which we hoped to leverage under Public Law 93-638, as amended, for the National Tribal Cultural Resources Database.[14] Employment Assistance Program was part of the President's Budget until 1997; thereafter, the program has been an earmark until Fiscal Year (FY) 2007. [15]

If you consider that 66 percent of American Indians live in metropolitan areas, then the advocacy for Employment Assistance by Governor John Hoeven of North Dakota and Governor Michael Rounds of South Dakota makes sense.[16] We are requesting $1,200,000.00 dollars from the Subcommittee to restore the United Sioux Tribes' Employment Assistance Program. [17] Lastly, we respectfully request the FY09 budget provide the Bureau of Indian Affairs (BIA) with $2.274 billion in current budget authority, which were enacted FY06 levels for Indian programs; moreover, we respectfully request a 4% across-the-board increase to the **Bureau of Indian Affairs, $2,365,240,800.00** is requested for the Interior Appropriations Bill of 2009. Thank you.

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[14] Office of Management and Budget, Department of Interior, Bureau of Indian Affairs and Bureau of Indian Education, Operation of Indian Programs (14-2100), Director-Office of Budget Management, United Sioux Tribes Development Corporation. Description: Serving eleven Indian tribes (Cheyenne River, Crow Creek, Flandreau, Spirit Lake Sioux Tribe, Lower Brule, Pine Ridge, Rosebud, Santee, Sisseton, Standing Rock, and Yankton) in South Dakota with job placement assistance and implementing a job referral service (http://www.whitehouse.gov/omb/earmarks/preview-public-site/agencies/bureaus/accounts/earmarks/earmark9fd3.html?account-id=168&agency=010&bureau=76&earmark-id=161047&web-timestamp=&public-view=true).

[15] Ibid

[16] National Indian Child Welfare Association, "American Indian/Alaska Native Fact Sheet for the State of Texas," July 7, 2005. North Dakota and South Dakota Governors support the United Sioux Tribes' Employment Assistance Program in FY 2006.

[17] Employment Assistance serves to Native Americans relocating on or off the reservations and is an important service to the 11 Sioux tribes.

Mr. DICKS. Thank you very much. We appreciate your testimony. Any questions?

Mr. OLVER. I have one.

Mr. DICKS. Mr. Olver.

Mr. OLVER. Sir, the United Sioux Tribes Development Corporation, I think I understand that you operate in Nebraska, South Dakota and North Dakota. Do you represent all of the Sioux tribes in those three States?

Mr. SKYE. Well, the chairmen organized the corporation themselves back in 1952.

Mr. OLVER. Are all the Sioux tribes in those three States represented and served by the——

Mr. SKYE. Through the office of the chairman, yes.

Mr. OLVER. And are any tribes other than Sioux tribes involved in this development corporation?

Mr. SKYE. It is strictly Sioux.

Mr. OLVER. But you can operate throughout any of those three States?

Mr. SKYE. Right.

Mr. OLVER. Thank you.

Mr. DICKS. Okay. Thank you very much.

Roman Bitsuie, executive director of the Navajo-Hopi Land Commission Office. Welcome. We will put your entire statement in the record, and you have five minutes to summarize.

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THURSDAY, MARCH 13, 2008.

## NAVAJO-HOPI LAND COMMISSION OFFICE

### WITNESS

**ROMAN BITSUIE**

Mr. BITSUIE. Thank you, Mr. Chairman. I have two members of the Navajo Nation Council that are out in the audience. Mr. Ramon Max and Mr. Elmer Pagaho are members of the Navajo-Hopi Land Commission.

Thank you for this opportunity to provide testimony on one of the most vexing matters in modern federal Indian policy and a true tragedy for the Navajo Nation. I am the executive director of the Navajo-Hopi Land Commission Office, an entity of the Navajo Nation. I have spent my entire adult life working to resolve the Navajo-Hopi land dispute and the Bennett Freeze matters. The harsh impact of the federal action that created these two issues will be with the Navajo Nation for many more generations. Every day Navajo tribal members come into my office to tell me of the hardships that they have suffered because of the relocation law or the Bennett Freeze. For the first time ever, I have some good news to report, although I will again bring to the attention of the committee the need for additional resources to address the human toll of forced relocation of thousands of Navajo families as well as the Bennett Freeze. I also want to report on two positive developments which offer real hope for a brighter future of these families.

First, the Navajo nation has begun development of the Paragon Resources Ranchlands in New Mexico. These lands were provided

to the Navajo as part of the relocation law. The Navajo-Hopi Land Commission Office is developing large-scale renewable energy generating capacity on these lands. As a matter of federal law, the net income from the use of these lands will go exclusively towards addressing the impacts due to federal relocation law, creating a vital new source of funds that will be available to address the ongoing harsh impacts of the relocation law and the various construction fees. The Paragon Ranchlands have highly favorable characteristics for large-scale concentrating solar generating capacity. As a part of phase I development, we have already completed initial assessments and signed MOUs with two large solar companies. We ask that this committee help us help ourselves by providing $1.5 million for phase II of this project out of the budget of the Navajo-Hopi Indian Relocation Office which should be increased overall for this purpose.

The second piece of good news is that all of the key legal issues between the two tribes have been fully resolved, leading to after more than 40 years the lifting of the federally imposed Bennett Freeze in the western portion of the Navajo Nation which has had no significant development for more than 40 years. As a result of this construction freeze, the Bennett Freeze Navajos have become the poorest of the poor. In 2006, after a settlement agreement was reached between the Navajo and the Hopis, the freeze was lifted with most of the area having been found to belong to the Navajo Nation. For the thousands of Navajo families who live there, this means that the freeze served no real purpose other than to bring them misery and hardship. We ask that the committee support the lifting of the Bennett Freeze through establishment of the rehabilitation program for the Bennett Freeze area with a first year funding level of $10 million out of the BIA resources. After all, this was imposed by the Secretary of the Interior back in 1966.

In conclusion, I urge the Congress to live up to its responsibility to the many people adversely affected by the land dispute and the Bennett Freeze in a way that is fair and humane and not let the costly mistakes of the past force a decision today that results in an even greater human toll.

Mr. DICKS. Have you brought this to the attention of the Natural Resources Committee in the House and the Senate Select Committee on Indian Affairs?

Mr. BITSUIE. Yes, we did that yesterday, Mr. Chairman.

Mr. DICKS. That is good.

Mr. BITSUIE. The Navajo Nation is willing and open to working with the committee to identify the most effective and practical ways of moving forward. I thank the committee for this opportunity to provide testimony on these matters.

[The statement of Roman Bitsuie follows:]

**Roman Bitsuie, Executive Director**
**Navajo-Hopi Land Commission Office, Navajo Nation**

**Testimony Before the**
**House Interior Appropriations Subcommittee**

**March 13, 2008**

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**Requests:**

- **$1.5 Million** for Phase II of the Navajo-Hopi Land Commission Renewable Energy Development Project, out of the budget of the Office of Navajo and Hopi Indian Relocation (which should be increased overall for this purpose)
- **$10 million** for establishment of a rehabilitation program for the former Bennett Freeze Area of the Navajo Nation, out of BIA Economic Development and other funds

**Introduction.** Thank you for this opportunity to provide testimony on what is one of the most vexing matters in modern Federal Indian policy and a true tragedy for the Navajo Nation. I am the executive director of the Navajo-Hopi Land Commission Office, an entity of the Navajo Nation. I have spent my entire adult life working to resolve Navajo-Hopi Land Dispute and Bennett Freeze-related issues. I am from the Hardrock Chapter of the Navajo Nation in Northeastern Arizona, which was divided in half when the 1882 Executive Order area was partitioned by Congress into the Hopi Partitioned Land (HPL) and the Navajo Partitioned Land (NPL). I have seen the hardship that the relocation law and various multi-decade construction freezes have created. Every day Navajo tribal members come in to my office to tell me of the hardships that they have suffered because of the relocation law or the Bennett Freeze. The impact of these Federal actions will be with the Navajo Nation for many more generations.

Although I will again bring to the attention of the Committee the need for additional resources to address the human toll of the forced relocation of thousands of Navajo families, as well as the Bennett Freeze, I also want to report on two positive developments which offer real hope for a brighter future for these families.

First, the Navajo Nation has begun development of the Paragon Ranch lands through an initiative known as the Navajo-Hopi Land Commission Renewable Energy Development Project (REDP). These lands were provided to the Navajo Nation pursuant to 25 U.S.C. Section 640d-10. Funds generated through development of these lands are to be deposited into the Navajo Rehabilitation Trust Fund, which in turn can only be used "for purposes which will contribute to the continuing rehabilitation and improvement of the economic, educational, and social condition of families, and Navajo communities, that have been affected by" the Federal relocation law. 25 U.S.C. Section 640d-30(d). If these lands can be developed, than a vital new source of funds will be available to address the harsh impacts of the relocation law and the various construction freezes. The Navajo Nation

will use FY 2008 funding for REDP - $300,000 - to form a management organization to direct the project and gather site-specific solar and wind database to establish a firm foundation for future activity. Our FY 2009 budget request for $1.5 million is to support Phase II of REDP.

Second, all of the key legal issues between the two tribes have been fully resolved leading to, after more than 40 years, the lifting of the federally imposed Bennett Freeze in the western portion of the Navajo Nation, which has had no significant development for more than 40 years. We ask that the Committee support this important achievement through establishment of a rehabilitation program for the Bennett Freeze area with a first-year funding level of $10 million.

**Developing the Paragon Ranch Lands to Fund Rehabilitation Efforts.** The Navajo-Hopi Land Commission Office is seeking to develop large-scale renewable energy generating capacity on the Paragon Ranch lands, the funds from which will go exclusively towards addressing the impacts of the Federal relocation law. The Paragon Ranch lands in Northwestern New Mexico have favorable characteristics for large-scale concentrating solar generating capacity. The Paragon Ranch lands are near major roads, electrical transmission and natural gas facilities, isolated from population centers and include several contiguous, low-slope areas of greater than 4 square miles within the total of more than 32 square miles current owned by the Navajo Nation at Paragon Ranch.

The Navajo Hopi Land Commission Renewable Development Project is a 3 – 5 year program to construct and operate renewable energy generating facilities, using wind, concentrating solar and other renewable energy technologies. This project will be the first large-scale - 100 MW or larger – renewable energy generating project in Indian Country, in NM, and the Southwest and would demonstrate:

1) the viability of large-scale renewable energy technology to replace coal-fired power stations as energy sources in the Southwest US and
2) the viability of a Native American tribe to collaborate with industry and government partners on a large-scale renewable energy project.

For FY 2008, the Navajo-Hopi Land Commission received congressionally directed funds of $300,000 towards Phase I of this project. The requested budget for the second year of this project is $1,500,000. The Navajo Nation will provide in-kind contributions including NHLCO staff and staff of other Navajo Nation organizations. Following development of the project strategic plan and marketing materials, funding sources to be approached include the Navajo Nation Council, State of New Mexico and Federal renewable energy programs including the Tribal Energy Development Program, private investors and private investment funds, among other sources.

The project already has a number of achievements, including:

- Assessment of key attributes of the land including: large contiguous low slope areas; proximity to electrical transmission, road and natural gas facilities; high solar radiation – 2005 - 2006

- Initiation of contacts with renewable energy industry firms to announce Navajo Nation interest in development of Bisti-Paragon Ranch lands for large renewable energy generating facility projects – 2006 - 2007
- Provision of tours of Bisti-Paragon Ranch Lands for three renewable energy vendor teams, Navajo-Hopi Land Commission delegates, Eastern Navajo Land Commission delegates, BIA and Congressional representatives
- Signing of Memoranda of Understanding with two renewable energy facility developers to investigate commercial potential of solar resources at Bisti-Paragon Ranch sites – 2000 – 3000 acres site being discussed. A third MOU related to large scale renewable energy development is in negotiation.

Phase II funds will: support Project management and implementation team activities to development large-scale renewable energy generating facility in Bisti-Paragon area; initiate Navajo Renewable Energy capital investment/equity fund; design permit and initiate construction of (1) Bisti Renewable Energy Project Center at project site in New Mexico and (2) Navajo Nation Renewable Energy Center in Window Rock, the Navajo Nation governmental center; and initiate Navajo Nation Renewable Energy mentoring/education program. Funds are projected to be allocated to support: professional management and office management services accountable to Navajo Nation Tribal Corporation Board of Directors; technical services to support management team activities to develop and implement design plans, attain land clearances, rights of way and utility and transmission service agreements, mentoring/educational programs; office, travel and publication costs, establish and market project capital investment/equity fund; design, permit and construct first phase of Bisti Renewable Energy Project Center and project site for office, visitor center, research and development, training and residential facilities, commercial uses - on-site powered energy supplied LEED-certified building) and Navajo Nation Renewable Energy Center in Window Rock – Navajo Nation government center - business, government-relations, office, conference, training, and educational services center on-site powered LEED–certified building.

**Need for a study and establishment of a rehabilitation program for the former Bennett Freeze Area.** In 1934, the U.S. Government clarified the western boundary of the Navajo Nation identifying an area of land as for the Navajo and "such other Indians as may already be located thereon." This language created ambiguity over ownership of the land, which was nearly entirely inhabited by Navajos. In litigation between the tribes, the Hopi sought extensive rights over the whole area. As a result, in 1966, Commissioner of Indian Affairs Robert Bennett ordered a "freeze" on development in a 1.5 million acre area in the extreme western portion of the Navajo Reservation, now called the Bennett Freeze Area. As a result of this construction freeze, the Bennett Freeze Navajos have become the "poorest of the poor." While in theory development was possible with the permission of both tribes, in reality the area was principally occupied by Navajo families and the Hopis rarely granted permission for Navajo projects. Recently, a Federal court approved an agreement between the parties that lifts the freeze, with most of the area having been found to belong to the Navajo Nation. For the

thousands of Navajo families who live there this means that the freeze served no real purpose other than to bring them misery and hardship.

This Committee should fund a reconstruction program for the Bennett Freeze area to address the disparities the people of the Bennett Freeze face. In addition, Congress should authorize the Office of Navajo and Hopi Indian Relocation (ONHIR) to oversee reconstruction activities, with the Navajo Nation having the option of assuming control of those activities that affect Navajo people and lands. A reconstruction program would be consistent with the findings of the Interior Appropriations Subcommittee of the Senate Appropriations Committee in a field hearing held in Tuba City, Arizona on July 9, 1993. Going back four decades to the "War on Poverty" and the "Great Society Program," and continuing through numerous Federal initiatives addressing poverty and economic hardship in general, as well as programs directed at Indians in particular, this area has been effectively ineligible for aid. The results have been devastating with most homes lacking electricity and running water, limited infrastructure, few schools and, therefore, no economic development. The Navajo Nation proposes the implementation of a housing construction and renovation program, infrastructure improvements (such as roads and electrification), and economic development initiatives (training, micro-loans, etc.) in this area.

**Consistent with the findings of the study proposed above, rehabilitation efforts should also be focused on the Navajo Partitioned Land (NPL).** The NPL Navajo communities have borne much of the cost of the relocation, having absorbed thousands of relocatees and their livestock in an area that has long been at or over capacity. The NPL's extremely limited infrastructure, which was overtaxed by the influx of relocatees, was further constrained by the construction freeze that was in place from 1958 until approximately 1979 and continues to be grossly insufficient to meet current needs resulting from the relocation law.

**Additional study and support needs to be provided to the Navajo families who were forcefully evicted from District VI prior to passage of the relocation law.** Initially, these families received no relocation benefits; eight years later, when they became eligible for benefits, we believe from anecdotal evidence that only about half were certified to receive benefits.

**Conclusion.** The Navajo Nation believes Congress should become keenly aware of both the cost and the complexity of the Land Dispute and the Bennett Freeze. We urge Congress to live up to its responsibility to the many people affected by these two matters in a way that is fair and humane and not let the costly mistakes of the past force decisions today that result in an even greater human toll. The Navajo Nation is willing and open to working with the Committee to identify the most effective and practical ways of moving forward. I thank the Committee for this opportunity to provide testimony on these matters.

Mr. DICKS. We appreciate your good work and your commitment to helping resolve this very tragic situation.

Mr. Tiahrt.

Mr. TIAHRT. No questions.

Mr. DICKS. Mr. Olver.

Mr. OLVER. No questions.

Mr. DICKS. Thank you.

Mr. BITSUIE. Thank you.

Mr. DICKS. Terri Weaver on behalf of the American Lung Association and the American Thoracic Society. We will put your statement in the record and you have five minutes to proceed.

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THURSDAY, MARCH 13, 2008.

## AMERICAN LUNG ASSOCIATION AND AMERICAN THORACIC SOCIETY

### WITNESS

**TERRI WEAVER**

MS. WEAVER. Good morning, Chairman Dicks and members of the subcommittee. My name is Terri Weaver. I am the past chair of the National Board of the American Lung Association. I am also a past board member of the American Thoracic Society and I am grateful for the opportunity to provide a statement on behalf of the American Lung Association and the American Thoracic Society.

What I would like to discuss with you today is the need for increased funding for EPA's fiscal year 2009 budget for its Clean Air program activities to improve public health and more effectively protect those with lung disease who suffer from the adverse effects of air pollution. We oppose the Administration's proposed budget cuts to Clean Air programs. The proposed budget cuts for fiscal year 2009 by the Administration would cut overall funding for goal one, clean air and global climate change, by $33.5 million. The biggest share of these cuts, $27 million, was for Healthier Outdoor Air programs. In light of the fact that the EPA has fallen behind on measures to reduce emissions that contribute to air pollution, the proposed cuts are really ill-timed and ill-advised. We oppose the Administration's cut of $9 million to the Global Climate Change program. We know the health and other benefits achieved by reducing ozone and fine particulate air pollution are really quite large. In fact, the EPA conducted a study of the Clean Air Act from 1970 to 1990 and found that the benefits to health and the environment of this program was $22 trillion. The Administration's budget cut then we feel, given the tremendous health and environmental benefits, is a classic example of pennywise and pound foolish strategy.

We strongly recommend an increase in EPA's Clean Air budget. The National Ambient Air Quality Standards for ozone and particulate matter will require many measures by EPA and State and local pollution control agencies to design, adopt and enforce reduction programs that will lower mobile and stationary emissions. We recommend starting with a 10 percent increase, which is $64 million, in the Healthy Outdoor Air Program. We urge the sub-

committee to request an assessment from EPA of the resources that it needs to properly implement the National Ambient Air Quality Standards. We support increased funding for State and local agencies. In fiscal year 2008, State and local agencies received section 103 and 105 grants from EPA totaling $185.3 million. The agencies have calculated based on their assessment that they need grant funds in the amount of $270.3 million. We support the increased funding for the same reasons that I have mentioned previously for EPA's Clean Air programs.

We also request support and increased funding for DERA. We know that researchers have found that families that live in areas where there are busy roadways have increased lung disease and problems with lung health. Children are especially vulnerable who live very close to traffic-related air pollution. The EPA has provided for federal grants for diesel fleet replacement and retrofit programs pursuant to the Diesel Emission Reduction Act of 2005 called DERA. According to the OMB, this program to date has yielded one of the great cost-benefit ratios of any Federal government program. The Administration's fiscal year 2009 budget contains funding for DERA at the same level appropriated by Congress in fiscal year 2008, $49 million. However, we believe that the urgency of need and the proven effectiveness of this program justifies an increase in the level of funding for DERA to the full authorization which was set for DERA at $200 million per year.

Again, I thank the subcommittee for the opportunity to appear today and discuss the funding needs of EPA's Clean Air programs. Thank you very much.

[The statement of Terri Weaver follows:]

**Statement of the Terri Weaver PhD. RN, FAAN**
**on behalf of the American Lung Association and the American Thoracic Society**
**before the U.S. House of Representatives Committee on Appropriations,**
**Subcommittee on Interior, Environment, and Related Agencies**
**Fiscal Year 2009**
**U.S. Environmental Protection Agency**
**March 13, 2008**

**Summary: Funding Recommendations (Dollars in Millions)**

| | |
|---|---|
| **US Environmental Protection Agency** | |
| **Clean Air and Global Climate Change** | **$1,035.72** |
| **Healthier Outdoor Air** | **$708** |
| **Healthier Indoor Air** | **$45.6** |
| **State and Local Air Agencies (Sec 103,105 Grants)** | **$270.3** |
| **Diesel Emission Reductions (STAG)** | **$200** |

Good morning Mr. Chairman and members of the Subcommittee, my name is Terri Weaver I am Past-Chair of the American Lung Association and former board member of the American Thoracic Society. I am grateful for the opportunity to appear on behalf of the American Lung Association and the American Thoracic Society. Both organizations have worked for decades to address lung disease and the adverse impact air pollution has on those with lung disease and public health in general.* I would like to discuss with you today the need for increased funding in EPA's FY 2009 budget for its Clean Air Program activities in order to improve public health and more effectively protect those with lung disease from the adverse effects of air pollution.

**Background**

Lung disease is a significant health problem in the United States. Lung disease is the third leading cause of death in the United States - responsible for one in every seven deaths. More than 35 million Americans suffer from a chronic lung disease. According to the National Institutes of Health, lung diseases cost the U.S. economy an estimated $153.6 billion annually. Nearly all lung diseases are harmed by air pollution. How well or poorly our lungs perform depends on the quality of the air we breathe, making the impact of air pollution inescapable. Air pollution remains a primary contributor to the burden of respiratory diseases in our healthcare system as well.

The Clean Air Act has proven to be a powerful tool to improve the quality of our nation's air. From 1970, when Congress passed the Clean Air Act, until 1990, the average emissions of SO2 nationwide dropped by 40%, NOx emissions dropped by 30% and carbon monoxide dropped by half. Ambient or outdoor ozone levels were 15% lower on average. However, much remains to be done. Millions of Americans live in counties that do not meet current Clean Air Act health-standards, including our Nation's Capital. The EPA estimates that 136 million Americans in over 251 counties live in areas where they are exposed to unsafe levels of ozone and particulate matter. Further, in response to new research indicating that the existing health standard for ozone is too weak, EPA

issued a new standard for ozone on March 12, 2008. Clearly, a much greater effort to reduce emissions from mobile and stationary sources will be needed in order to further reduce air pollution to levels that do not threaten public health.

Instead of increasing its efforts, we find that EPA is falling behind across a broad array of measures needed to assure necessary emissions reductions are achieved in a timely fashion. These measures include:

1) Federal regulations to set minimum requirements for state programs to reduce fine particle pollution
2) Federal regulations to reduce emissions from diesel locomotive and marine engines
3) Review and up-dating of federal health standards (NAAQS) for several air pollutants, and
4) Issuance of requirements to reduce emissions of many sources of cancer-causing or hazardous air pollutants.

**The American Lung Association and American Thoracic Society Oppose Proposed Cuts to EPA's Clean Air and Global Climate Change Budget**

The American Lung Association and American Thoracic Society are extremely concerned with proposed cuts in the **Goal 1: Clean Air and Global Climate Change** of the Administration budget. The Administration's proposed budget would cut overall funding for **Goal 1: Clean Air and Global Climate Change** by $33.5 million. The biggest share of the cuts - $27 million - are in the Healthier Outdoor Air program. In light of the fact that EPA has fallen behind on so many measures needed to reduce emissions that contribute to air pollution, the proposed cuts are ill-timed and ill-advised. We also oppose the Administration's cut of $9 million to the Global Climate Change program. Clearly, this proposed cut undermines the U.S. efforts to demonstrate leadership in the area of greenhouse gas emissions control.

We know that the health and other benefits achieved from reducing ozone and fine particle air pollution in particular are very large and assure that a greater effort by EPA will yield significant health and economic benefits to our nation. For instance, EPA studied the air pollution reductions and the health and environmental benefits achieved from implementing the Clean Air Act from 1970-1990. The health benefits from these reductions achieved are staggering. EPA calculated these air pollution reductions saved some 200,000 lives each year, prevented 89,000 hospital admissions each year from respiratory problems induced by air pollution, and prevented some 850,000 air pollution induced asthma attacks each year. The tallied savings exceed $22 trillion for the 1970-1990 period. The Administration's proposed cut in EPA's effort in air pollution reduction is a classic example of a "penny wise – pound foolish" strategy.

The Administration has also proposed a $2 million cut in Healthier Indoor Air program. Indoor air pollution is an under-appreciated source exposure to air toxics. The admixture of particles, gases and other air toxicants found in homes and in the

workplace pose a real risk to America's health. The Administration proposal to reduce the education and outreach of the indoor air programs ignores this risk.

**The American Lung Association and American Thoracic Society Strongly Recommend an Increase in EPA's Clean Air budget.**

Meeting the National Ambient Air Quality Standards for ozone and particulate matter will require many measures by EPA and state and local air pollution control agencies to design, adopt and enforce reduction programs that will lower mobile and stationary emissions. For instance, the American Lung Association previously has called for 50% greater cuts in SO2 and NOx emissions from power plants than EPA's recently issued power plant emissions rules. This would prevent an additional 120,000 asthma attacks—50% less of these that air pollution annually triggers. Even more striking, cleaner power plant emissions would save an additional 9,000 lives each year by preventing the early deaths caused by air pollution. Meeting the ozone and particulate matter standards will take a multi-year effort that will require enhanced resources over a number of budget cycles starting in FY 2009. We recommend a 10%, or $64 million, increase in the Healthy Outdoor Air program. We urge the Subcommittee to request an assessment from EPA of the resources it will need to properly implement the standards.

**American Thoracic Society and American Lung Association Support Increased Funding for State and Local Air Agencies**

State and local air pollution control agencies are on the front lines in the effort to improve air quality across the nation. These agencies will be called on to adopt and enforce a range of new emissions reduction programs designed to meet the needs of each area that violate the standards. In the FY 2008 appropriations adopted by Congress, state and local air agencies received Section 103 and 105 grants from EPA of $185.3 million. These agencies have calculated, based on a needs assessment, that grant funds should be increased to $270.3 million. The American Lung Association and American Thoracic Society support this increased funding for the same reasons we support additional funding for EPA's Clean Air program described above.

**American Lung Association and American Thoracic Society Support Full Funding For DERA**

Researchers have found that adults and children show increased health risks associated with living or working in close proximity to busy roadways. Children are especially vulnerable to the effects of traffic-related air pollution. Studies show children exposed to higher levels of traffic generated air pollution face smaller lung function and worsened asthma. In addition, many components of diesel emissions have been found to be carcinogenic.

Even though EPA has issued new regulations that will significantly reduce emissions from new diesel engines used in trucks, buses and other vehicles, it will take many years to replace the oldest and dirtiest vehicles with new ones that meet new more

stringent federal emissions standards for diesel engines. The EPA has provided federal grants for diesel fleet replacement and retrofit programs pursuant to the Diesel Emission Reduction Act of 2005 (DERA). According to the Office of Management and Budget, this program to date has yielded one of the greatest cost-benefit ratios of any federal grant program. An expansion of this program is vitally needed to help more rapidly reduce the level of diesel emissions nationwide while the diesel fleet gradually is modernized through normal turn-over.

The Administration's FY 2009 budget contains funding for DERA, under the State and Tribal Assistance Grants (STAG) account, at the same level as appropriated by Congress in FY 2008: $49 million dollars. However, the American Lung Association and American Thoracic Society believe the urgency of need and proven effectiveness of this program justify an increase in the level of funding for DERA. We support funding the full authorization, which is set in DERA at $200 million per year. Since DERA requires that 70 percent of the appropriated funds be distributed by EPA and not state and local governments, we recommend that this program be funded through an EPA account other than STAG.

Again, I thank the Subcommittee for the opportunity to appear today to discuss the funding needs of EPA's Clean Air program.

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*The American Thoracic Society, founded in 1905, is an independently incorporated, international education and scientific society which focuses on respiratory and critical care medicine. The Society's members help prevent and fight respiratory disease around the globe through research, education, patient care and advocacy. For nearly 40 years, the American Thoracic Society has conducted scientific, public health and educational programs to fight air pollution and to improve the quality of the air we breathe. We remain strong supporters of the Clean Air Act and its amendments.

The American Lung Association, one of the nation's oldest voluntary health organizations, was founded in 1904. Since the 1960s the Lung Association has supported national and local initiatives to combat smoking and reduce air pollution in order to reduce these threats to lung health. The American Lung Association has lead initiatives to tighten EPA regulations to reduce ambient levels of ozone and particulate air pollution including tighter emissions standards for diesel trucks and buses and diesel engines used in construction and other off-road equipment and diesels used in locomotives and marine equipment.

Mr. DICKS. I just want to bring it to your attention that since 2001, EPA's budget has been cut by 29 percent, and we strongly support having more funds in this area. In fact, the budget allocation that we approved the last two years will provide that, but we get faced with a situation where at the end of the year the President says you have to come down to the level I requested or he will veto the bill, and there is no negotiation. I mean, this is just hard ball, and I think you are pointing out the price we pay, a huge price we pay for cutting these programs.

Ms. WEAVER. Well, we pay for it in the end.

Mr. DICKS. Yes, we all pay for it in the end. Thank you very much.

Ms. WEAVER. Thank you.

Mr. DICKS. Heather Taylor-Miesle is deputy director of the National Resources Defense Council. Heather, how are you?

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THURSDAY, MARCH 13, 2008.

## NATURAL RESOURCES DEFENSE COUNCIL

### WITNESS

#### HEATHER TAYLOR-MIESLE

Ms. TAYLOR-MIESLE. A whole bunch of stuff, although Energy Star is more focused on in the written testimony of course than the oral.

Thank you for the opportunity to testify. My name is Heather Taylor-Miesle. I am the deputy legislative director of the Natural Resources Defense Council. Every day we learn more about the ways in which global warming is already damaging our planet and its ability to sustain us. The U.N. Intergovernmental Panel on Climate Change, the IPCC, found that 11 of the past 12 years are among the 12 hottest years on record. More wildfires, like the disaster that just hit California, more heat waves, more droughts and floods are predicted to occur as global warming continues unabated. Even our very own Centers for Disease Control, when not censored by the White House, calls global warming a threat to public health. Everywhere one looks, the impacts of disrupted climate are confronting us.

First and foremost, NRDC supports those in Congress who are working to immediately authorize legislation that will cut global warming emissions by 80 percent by 2050. As we wait for the legislation to be finalized, the Appropriations Committee is in a unique position to be able to take action immediately to lay the groundwork for future policy and to put our country on a path toward a cleaner energy future.

The Energy Security and Independence Act passed in late 2007 gave federal agencies several tools in which to address climate change. Although NRDC supports many programs in environmental agencies, today's testimony will focus on newly authorized programs that support a new renewable fuel standard, accelerate the use of carbon capture sequestration technology and help our land and health agencies address a newly evolving environment.

First, NRDC urges the Appropriations Committee to provide $25 million in fiscal year 2009 for EPA to research, create and implement a renewable fuel standard. The oil that powers our vehicles accounts for two-thirds of our total oil use and generates one-third of the U.S. carbon dioxide emissions that cause global warming. Biofuels offer some hope but only if we create and implement regulations that are scientifically sound and sustainable. Reaching this goal will be no small task and will require that the EPA coordinate across federal agencies and in some cases with other countries. The regulations that they establish must take into consideration a huge laundry list of things that include everything from forestry and crop development, water quality, supply, pesticide use and disposal, soil erosion, habitat destruction, air pollution, public lands protective and invasive species. Once that regulation is done, they have to consider infrastructure associated with transportation and storage of new fuels and they have to take appropriate actions to ensure that there are no negative health and environmental impacts. This ambitious to-do list can only be completed with proper long-term federal investment.

Next, NRDC urges the committee to consider adding an additional $5 million more to the President's request for the EPA to finish their proposed rules for regulating geological sequestration of carbon dioxide and $6 million for the Department of the Interior to carry out carbon dioxide sequestration capacity assessment. More than 50 percent of the electricity consumed in the United States is produced from coal. Coal has a high uncontrolled carbon dioxide emission rate and is responsible for 33 percent of the carbon dioxide released into the atmosphere. Coal gasification with carbon capture technologies is essential if continued use of coal is to be reconciled with preventing dangerous global warming. These technologies can present 1 billion tons of carbon dioxide from escaping from coal plants in the next 50 years but the technology must be regulated in order to ensure that sequestration is done in a safe and effective manner. These funds will help the agency finalize this important rule and will provide them with a map in which to get the technology off the ground.

And finally, environmental agencies are facing a new challenge that they have never encountered before due to global warming. It is imperative that the Department of the Interior receive $15 million to incorporate climate change considerations into their resource management planning process and the Center for Disease Control and Preparedness receive $20 million to address health impacts of climate change. These agencies are literally on the front lines of global warming and their meager resources are not keeping up with the demand of a totally new problem.

The latest IPCC report predicts an increase of as much of 12 to 13 degrees in the United States by 2100. An upcoming report by several prominent think tanks and universities will project the cost of inaction to be about $1.9 trillion annually in the same time period. This relatively small federal investment now can help us start to address climate change and avoid some of the enormous costs in the future. Thank you.

[The statement of Heather Taylor-Miesle follows:]

March 13, 2008

**Testimony of Heather Taylor-Miesle, Deputy Legislative Director**
**Natural Resources Defense Council (NRDC)**

Thank you for the opportunity to testify today on NRDC's funding priorities for the Department of Interior (DOI), Environmental Protection Agency (EPA), and related agencies. I am Heather Taylor-Miesle, the co-chair of the environmental community's budget and appropriations working group and the Deputy Legislative Director of NRDC. NRDC is a non-profit environmental organization with over 1.2 million members and e-activists across the country.

Although NRDC supports many programs in the environment agencies, today's testimony will focus on newly authorized programs that will make an immediate impact on our nation's challenge to address climate change with minimal federal investment. Specifically, NRDC believes that the committee should consider fiscal year 2009 (FY09) funding for the following programs:

- $25 million for EPA for the research of policy needs associated with the development of a renewable fuels standard;
- An addition $5 million more than the President's request for the EPA to finish their proposed rules for regulating geological sequestration of carbon dioxide (CO2), build the internal capacity and expertise to administer these rules, and carrying out research in areas that need further clarification;
- $6 million for the DOI to carry out a Carbon Dioxide Sequestration Capacity Assessment;
- $15 million for the DOI to incorporate climate change consideration in the resource management planning process; and
- $20 million for the Center for Disease Control and Preparedness (CDC) to address the health impacts of climate change.

In addition to the priorities outlined in this testimony, NRDC also supports the environmental community's Green Budget recommendations (www.saveourenvironment.org), including requests for the following programs for FY09:

- $403 million for the Land and Water Conservation Fund;
- $500 million for EPA enforcement programs;
- $8 million for the Office of Environmental Justice;
- $52 million for Energy Star;
- $1.1 billion for the Clean Water State Revolving Fund;
- $866 million for the Drinking Water State Revolving Fund

Congress should reject the Administration's request to disinvest in these fundamental programs. Although it is imperative that Congress take steps to address climate change, it is also important to ensure that proven bedrock programs in the environmental agencies continue to receive adequate federal investment.

The realities of climate change are moving to the forefront of the public consciousness as we consider the environment, public health and economic impacts of a warming planet. There is a strong scientific consensus that much of climate change is man-made and that the time to address this problem is now. Rather than provide federal investment needed to address this challenge in response to the growing body of scientific evidence and public awareness, the current Administration has continually proposed spending cuts for environmental programs. Fortunately, Congress has consistently rejected these proposals and has in fact authorized several new regulatory and research programs that begin to address this immediate need. If funded appropriately, these initiatives could pave the way for future climate legislation that should limit the amount of CO2 produced in the U.S and provide for a cleaner energy path for our future.

**RENEWABLE FUEL STANDARD**

The Energy Independence and Security Act (EISA) of 2007 establishes a roadmap to increase the volume of renewable fuels required under the renewable fuel standard (RFS) of the Clean Air Act to 36 billion gallons per year by 2022. The RFS charges EPA with regulating new types of biofuels, such as those produced from cellulosic plant material.

EISA has far reaching impacts in requiring EPA to coordinate with the Department of Energy (DOE) and the Department of Agriculture (USDA) to assess greenhouse gas and other air emissions and water quality impacts over the full lifecycle of biofuel production. Lifecycle analysis as defined in the Act includes all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery to the use of the finished fuel to the ultimate consumer. It is essential that this precedent setting analysis be credible, robust, and based on the best available science to ensure biofuels produce real reductions in global warming pollution, and do not cause more harm than good.

Not only must EPA consider the infrastructure associated with the transportation and storage of these new fuels, it must also take appropriate action to ensure that there are no negative health or environmental impacts. Meeting these objectives will include the permitting and monitoring of new feedstock production to ensure effective implementation of the Act's important wildlife habitat, native ecosystem, and public land protections, regulating new facilities, transporting new fuels, emergency response procedures, testing new fuels for toxicity, anti-backsliding provisions, and extensive inter-agency and cross-government coordination.

EISA also requires EPA to report to Congress every three years on current and future impacts of the RFS on the environment and resource conservation in the U.S. and abroad including (1) air quality, effects on hypoxia, pesticides, sediment, nutrient and pathogen levels in waters, acreage and function of waters, and soil environmental quality; (2) soil conservation, water availability, and ecosystem health and biodiversity, including impacts on forests, grasslands, and wetlands; and (3) growth and use of cultivated invasive or noxious plants and their impacts on the environment and agriculture.

Achieving these goals will require significant additional resources for activities such as development of the RFS rule, new research and technology development, and broad interagency

coordination to ensure constant evaluation of how the development of biofuels will impact the environment, economy, and public health.

NRDC urges the Appropriations Committee to provide $25 million for the necessary work associated with EPA implementation of the RFS and related policy and assessment reports.

**REGULATING GEOLOGICAL SEQUESTRATION OF CO2**

More than 50 percent of the electricity consumed in the United States is produced from coal. Coal has the highest uncontrolled carbon dioxide emission rate of any fuel and is responsible for 33 percent of the CO2 (as well as other harmful emissions) released into the atmosphere. Coal gasification with carbon capture and disposal (CCD) technologies are essential if continued use of coal is to be reconciled with preventing dangerous global warming. These technologies could prevent 100 billion tons of CO2 from escaping coal plants in the next 50 years, but the technology must be regulated in order to ensure that sequestration is done in a safe, effective manner.

In late 2007, EPA announced that it would publish a proposed rule by the summer of 2008 for regulating geological sequestration of CO2. We welcome this rulemaking which, if carried out properly, will aid in the safe and diligent sequestration of CO2 from anthropogenic sources. We are concerned, however, that the Agency's budget request for FY09 essentially maintains current funding levels for the underground injection control (UIC) program, which is developing the proposed rule and will be tasked with implementation when it is promulgated.

The Agency should be devoting careful attention to drafting of adequate regulations, building internal capacity and expertise, and carrying out research in areas that need further clarification. Additionally, we believe that the Agency should be assisting state regulatory agencies in a similar fashion to understand and implement the regulations effectively. We therefore recommend that the Agency receive at least $5 million more for development and implementation of the proposed rule. We also hope that the safety research authorized in Title VII, Subtitle B, Sec. 707 of EISA does not delay the promulgation of the proposed rule but is used instead to coordinate with and leverage existing research under the DOE Regional Partnerships' Phase III and other early injection projects in order to supplement and refine existing knowledge.

**USGS GEOLOGICAL CO2 STORAGE CAPACITY ASSESSMENT**

Title VII, Subtitle B, Sec. 711 of EISA directs the Secretary of Interior to carry out a comprehensive capacity assessment of geological CO2 storage capacity for the U.S. Although a preliminary national atlas (NATCARB) already exists, geographical coverage is sporadic, and the accuracy of the estimates vary by region. Moreover, even though a methodology was eventually formulated, the capacity estimates were not made using a rigorous and uniform process. Only detailed, local studies will be able to conclusively prove whether a specific injection site is capable of safely sequestering the CO2 from a particular power plant. A reliable capacity map will not only reveal where those more detailed studies should be carried out, but also refine estimates of total capacity, storage safety and economics. This is an important effort

that will enable policy makers and operators in a carbon-constrained world to safely and economically assess the potential of sequestering carbon dioxide underground. The U.S. should be looking to match the quality of mapping efforts carried out in Australia and that are currently underway in China. We therefore recommend that Section 711 of EISA be funded at no less than $6 million annually.

## NATURAL RESOURCES AND HUMAN HEALTH

Since their inception, our federal land management agencies have dealt with a number of dynamic challenges in their charge as stewards of the nation's ecological treasures. The increase in global temperatures is expected to disrupt ecosystems and result in loss of species diversity, as species that cannot adapt die off. The first comprehensive assessment of the extinction risk from global warming found that more than one million species could be committed to extinction by 2050 if global warming pollution is not curtailed. Augmenting these predictions are the increasingly pervasive realities of widespread drought and the presence of invasive species through out the U.S. These dramatic changes will require a change in the resource management planning and implementation process and significant federal funding.

The first priority in carrying out such investment is to reverse the recent pattern of mismanagement of the tight resources the agencies have available to them. The administration continues to support proposals that would undermine fundamental protections as afforded by the National Environmental Policy Act (NEPA). For example, we oppose the extension of a Forest Service grazing rider that would permit livestock grazing to occur without environmental review, including within designated wilderness areas.

Global warming directly threatens the health of all Americans, but the burdens of global warming will fall especially on certain vulnerable populations, including children who are at greater of worsening allergies and asthma from pollen levels; the elderly who are at greater risk from heat waves; people living in poverty who are especially vulnerable to extreme weather events; and members of racial and ethnic minority groups who suffer particularly from air pollution made worse by rising temperatures. Scientists are reporting changing patterns of mosquito, tick, and flea-borne diseases, degradation of food and water supplies, more extreme weather events, and other hazards. CDC is ideally placed to lead the charge in planning and developing programs to respond to these challenges. An additional $20 million is needed for CDC's National Center for Environmental Health to support its work in developing a national climate-health coordinating center, further scientific research into how to prepare our nation's public health system to cope with the inevitable effects of global warming, and to offer funding support and guidance to state and local preparedness efforts.

## CONCLUSION

By investing in research, planning and regulatory programs now to address global warming, Congress can lay the groundwork for future policy and pave the way for a cleaner energy future.

Mr. DICKS. Well, one of the things you mentioned here about carbon dioxide sequestration capacity assessment, I have been in talks with Mark Myers at the USGS. He says that we have very little science about how we are going to do this except on oil and gas lands, that there we have some understanding of how putting this carbon dioxide into the ground is going to work, but there is very little real scientific information about how you do this in other areas which are not oil and gas lands, so I think you have touched on something. We think we are just going to go do this and there are going to be a lot of issues about how do you do this and we have to do it. So——

Ms. TAYLOR-MIESLE. And we keep hearing from Congress that coal, coal, coal is going to be a part of this and we have to accept the realities in the environmental community, at least this is what I have been told, that coal is going to be a part of us becoming more energy independent and therefore we are going to have to address it in the context of climate change, and I think the technology that is possible through coal carbon sequestration is going to be really important and we have to make sure that we do it the right way, though. That is our big thing.

Mr. DICKS. Last year we had a hearing with the federal agencies. They came in and told us about what they see on the ground already in terms of the impacts of climate change, so there is a lot more going on with the scientific level and the agencies than sometimes people think.

Ms. TAYLOR-MIESLE. Absolutely.

Mr. DICKS. Mr. Tiahrt.

Mr. TIAHRT. Yes. Thank you, Mr. Chairman.

I think that there is a lot of science out there that we have not addressed yet and I think we ought to have a hearing about it. For example, in Arizona, there is a plant that burns coal to generate electricity but they recycle the carbon. They use it to create algae. It is just an experimental project now but they grow algae and use the carbon and algae to burn again to create more electricity and then they again grow some more algae and so they are recycling the carbon. It is a form of sequestration in that it does not get out in the atmosphere but it is new technology that we are just seeing. We are worried about burying it in the ground or inserting it back into the ocean or something like that for sequestration but probably the best solution is recycling it.

Ms. TAYLOR-MIESLE. There are a lot of exciting technologies out there that we can look at through science but it is important to note that the environmental agencies are operating at a funding level that is the equivalent of levels that they received in 1985. So the research that needs to happen in the environmental agencies is enormous and they need the federal investment in order to find those creative new ways to make sure that we can address global warming.

Mr. DICKS. Mr. Udall.

Mr. UDALL. Let me say I agree with you. Do you have any sense on what you think is the magnitude of investment that needs to be made in areas like carbon sequestration and those kinds of areas? I mean, some people have said with carbon we should be investing $1 billion a year for the carbon and coal and sequestration,

$1 billion a year for the next five years to find out if we are going to be able to use our coal or not, so that would give us an indication of which direction we should move in. Do you have any recommendations?

Ms. TAYLOR-MIESLE. You know, we would have loved to come in and make those kinds of requests but of course I think that the chairman might have laughed at me.

Mr. DICKS. But we did add $5 million last year for the work on this.

Ms. TAYLOR-MIESLE. Yes, you did.

Mr. DICKS. So we know this is a problem and we also have a center at the U.S. Geological Survey for the impact on wildlife. People have not thought about the consequences to wildlife. We know about the polar bear and other species on our own lands here in the United States and of course the polar bear is part of that in Alaska.

So thank you very much. We appreciate your testimony.

Ms. TAYLOR-MIESLE. Thank you.

Mr. DICKS. Bill Becker, executive director of the National Association for Clean Air Agencies. We will put your entire statement in the record, and you have five minutes to summarize.

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THURSDAY, MARCH 13, 2008.

## NATIONAL ASSOCIATION FOR CLEAN AIR AGENCIES

### WITNESS

**S. WILLIAM BECKER**

Mr. BECKER. Thank you, Chairman Dicks. Good morning, Ranking Member Tiahrt. I am Bill Becker. I am the executive director of the National Association of Clean Air Agencies. We are an association representing 53 States and territories and more than 165 local air pollution control agencies around the country. These agencies are directly responsible for protecting the health and welfare of citizens in every State of the country.

Today there are more than, according to EPA statistics, 20,000 to 40,000 people who die every year from air pollution. Twenty thousand to 40,000 people die every year from air pollution in this country. Millions live in areas exceeding the health-based air quality standards for smog or fine particulate commonly referred to as soot and/or live in areas where exposure to toxic air pollution exceeds what EPA believes is an acceptable threshold. And of course, we must attend to the pervasive haze problem threatening not only our national parks but most other regions of the country.

As you know, Mr. Chairman, State and local air pollution control agencies in every State in this country receive grants under sections 103 and 105 of the Clean Air Act to help their implementation programs so that they can mitigate these problems. These agencies use these funds for people and equipment, for developing emissions inventories, for adopting regulations, drafting State implementation plans, monitoring enforcement, permitting. The list goes on. These grants are their lifeblood. The President for the——

Mr. DICKS. Do the States put up any money or the local government?

Mr. BECKER. Yes. Well, it is interesting that you ask. The Clean Air Act requires EPA to put up 60 percent and the States to put up 40 percent. Over the past probably 10 to 15 years, the States have put up close to 75 percent and the Federal government only 25 percent, and that gap has widened.

Mr. DICKS. Every year.

Mr. BECKER. Every year.

The President for the third straight year has proposed devastating cuts to the State's grants program. In fiscal year 2009, the President has proposed cutting our grants by $31.2 million, or over 15 percent of the total funds we receive from Congress. That is 15 percent. Last year you were gracious, Mr. Chairman, in restoring these cuts and all of my members want to thank you very much for that. That was very helpful.

Our request this year is that you not only restore the $31.2 million cut in the President's budget but you also provide an increase of approximately $50 million, which is a fraction of what is actually needed to protect the health and welfare of people in every State in this country, and I want to quickly break these two requests down.

First, restoring the cuts. We have analyzed the impacts of these cuts State by State and we found that if these cuts go through, agencies will have to lay off valuable staff or leave current vacancies unfilled. Many agencies would be forced to shut down their monitoring networks and curtail important monitoring programs. Inspection and enforcement programs would be impaired. Some local agencies would need to be closed and regional planning organizations would not be able to deliver important technical services to their constituencies. So clearly we need that money restored.

Secondly, what would we do with the additional $50 million? Today State and local agencies face many new and important challenges and among them are the following. We are smack dab in the midst of developing State implementation plans for haze, for ozone, or smog, and for fine particulate, or soot. These activities which we describe in our testimony are time consuming, they are labor intensive and they are very costly. Additionally, as recently as yesterday, EPA has tightened its health-based air quality standards, yesterday for ozone, less recently for fine particulate. And we will need to expand our monitoring capacity, both people and equipment, to address those new standards. And we will also need to regulate thousands of smaller sources of pollution, meaning, among other things, hazardous air pollutants, and the list goes on.

Let me close with two final comments. First, we are part of an important coalition of over 200 industry, environment and health groups and State and local agencies who are not only supporting our request for increased funding for State and local air pollution control agencies but also supporting $70 million for diesel retrofit projects under the Diesel Emission Reduction Act. I know you are familiar with the program and the ALA representative also supported that. And secondly and finally, we are concerned, irrespective of how much money you give us, that EPA has begun to ear-

mark our grants for purposes that they, not State and local agencies, believe are important. Recently in discussing the fiscal——

Mr. DICKS. So they are taking money out of 103 and 105 and then saying it has to be used for this purpose?

Mr. BECKER. Correct. And to your all's credit, the Appropriations Committee in the past several years ago had admonished EPA about this and they seem to have forgotten this instruction, and it has become a very significant issue this year. We have better purposes for spending the money than they have outlined for about maybe $5 to $10 million and it would be very helpful if you could provide some guidance in your legislation to address this problem.

Thanks again for your help last year and we hope you can help us again this year.

[The statement of S. William Becker follows:]

**Testimony of S. William Becker**
**Executive Director of the National Association of Clean Air Agencies**
**before the House Appropriations Committee**
**Subcommittee on Interior, Environment, and Related Agencies**
**March 13, 2008**

My name is S. William Becker and I am the Executive Director of the National Association of Clean Air Agencies (NACAA). NACAA represents the state and local air quality agencies in 53 states and territories and over 165 metropolitan areas across the country. Thank you for this opportunity to testify on the FY 2009 proposed budget for the United States Environmental Protection Agency (EPA), particularly federal grants for state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act, which are part of the State and Tribal Assistance Grant (STAG) program. NACAA recommends that grants within the STAG program for state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act be increased in FY 2009 by $84.7 million above the President's request, for a total of $270.3 million. This represents a restoration of the $31.2-million cut contained in the President's request, along with an increase of $53.5 million. Additionally, we request that grants for the particulate matter monitoring program *not* be shifted from Section 103 authority to Section 105 authority, as the Administration's budget proposal recommends. The increase we are recommending would not be an earmark because these expenditures are authorized under the Clean Air Act and the funds would be awarded to state and local air pollution control agencies in all 50 states.

Thank you very much for restoring in FY 2008 the grants for state and local air agencies that were targeted for a reduction in the President's request last year. We were extremely gratified by your commitment to clean air and public health and hope that you will again restore the grants that would be cut under the President's request and provide an increase above last year's amount to support important air quality activities that I will describe to you..

**Restoration of State and Local Air Grants is Essential to Clean Air Efforts**

For the third straight year, the Administration's budget request calls for $185.6 million for grants to state and local air quality agencies, which is a significant reduction compared to the FY 2008 appropriated level – a cut of over 14 percent. These grants, provided under Sections 103 and 105 of the Clean Air Act, are critical to state and local agency efforts to implement the many complex requirements of our nation's clean air program. Reductions of this magnitude would have a devastating effect on our clean air efforts across the country.

When EPA proposed similar cuts in each of the last two years, NACAA members analyzed the specific impacts the reductions would have on their programs and reported very disturbing results (see www.4cleanair.org/StateandLocalExamplesofImpactsofCuts.pdf and www.4cleanair.org/documents/FY2008budgetanalysisfinal022607.pdf). Because the proposed budget for FY 2009 is the same, similar negative impacts would be expected. For example, most

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state and local air agencies reported that the reductions would force them to lay off valuable staff or leave current vacancies unfilled. Many agencies would shut down existing monitors or otherwise curtail monitoring programs. Many inspection and enforcement activities would be impaired. Permits for minor sources would take longer to process and customer service would diminish. Some smaller local agencies might even be forced to cease operations entirely – a loss with significant negative consequences for those areas. Finally, the proposed cuts would deprive the Regional Planning Organizations of necessary tools and resources to help state and local agencies carry out technical activities related to regional haze that they have done so successfully for years.

The impact of the proposed decreases would be exacerbated by the proposal to shift grants for the fine particulate matter ($PM_{2.5}$) monitoring program from Section 103 authority (which does not require a 40-percent match from state and local recipients) to Section 105 authority and reduce them by the amount of the 40-percent match. Because of the inability of some state and local air agencies to provide matching funds specifically dedicated to $PM_{2.5}$ monitoring, there would be significant cuts to this important program, and some agencies could be forced to turn away much-needed grant funds and cease monitoring efforts for this pollutant. $PM_{2.5}$ is very damaging to public health, even leading to thousands of premature deaths. The air quality monitoring program is the foundation of our efforts to understand the nature of the $PM_{2.5}$ problem and address it. Dedicated funding under Section 103 has enabled states and localities to build a strong $PM_{2.5}$ monitoring program. We urge you to retain the $PM_{2.5}$ monitoring program under Section 103 authority.

**Additional Funds Above FY 2008 Levels are Needed for Continuing and New Activities**

In addition to restoring the proposed cuts, NACAA recommends that federal funding for state and local air programs be increased. While the need for additional funding for our programs is great, we recognize that there are many competing claims on federal funds and that full funding is not possible in the current economic climate. Therefore, we are requesting only a portion of the optimal amount. However, let me take a moment to provide some context, to illustrate that the amount we are requesting is truly a fraction of what is needed.

Section 105 of the Clean Air Act authorizes the federal government to provide grants for up to 60 percent of the cost of state and local air quality programs, while states and localities must provide a 40-percent match. In reality, the federal government provides only about 25 percent of the total (not including Title V permit fees, which state and local agencies collect from major sources and can use to fund *only* permit-related activities). The total amount needed to fund state and local efforts to implement the Clean Air Act is estimated at over $1 billion each year. If the federal government were to provide 60 percent of that amount, as the Clean Air Act envisions, federal grants would equal approximately $600 million annually. However, federal grants have been only about one-third of this total in recent years. To make matters worse, over the past 15 or 20 years, federal grants for state and local air pollution control agencies to operate their programs have decreased by approximately one-third in terms of purchasing power.

While significant grant increases are needed to carry out state and local agencies' *existing* obligations, they are facing several important *new* responsibilities that will even further strain

their budgets. For example, state and local agencies are in the midst of developing State Implementation Plans for haze, $PM_{2.5}$ and ozone, requiring new activities for each program, all of which are time-consuming, labor intensive and costly. These include, among others, emission inventory development, emissions and air quality modeling to determine what reductions are needed, development of strategies to decrease emissions, adoption of regulations, stakeholder outreach, and coordination with EPA to ensure the plans are acceptable.

Additionally, EPA has just tightened both the $PM_{2.5}$ and ozone standards. The new standards will require states and localities to greatly expand their ambient monitoring networks, necessitating additional equipment and staff. With regard to ozone, over 250 additional counties are expected to violate the just-promulgated primary health standard. Additional monitors will be needed in these areas, as well as in numerous counties across the country where there is currently no data being collected. Further, as a result of the lower standard, a month has been added to the ozone season in many areas, meaning that more staff and resources will be needed to sample during the longer season. We estimate that an additional $15-20 million will be needed for these ozone monitoring activities. The existing $PM_{2.5}$ network is also inadequate, especially in light of the recently tightened daily standard. We estimate that an additional $10-15 million is needed to ensure that the $PM_{2.5}$ monitoring network is sufficient.

Another example of additional workload is the implementation of standards for smaller – or "area" – sources of hazardous air pollutants (HAPs), many of which have not been regulated before. Pursuant to a court order, EPA is issuing 50 standards to reduce HAP emissions from area sources that, in the aggregate, are responsible for significant emissions. For state and local agencies that will implement the standards, locating facilities, providing compliance assistance and outreach, permitting and enforcing requirements will be labor intensive. Because most of these sources are too small for the Title V permit program, they will not pay permit fees. Thus, state and local agencies will need additional grant funds to take delegation of this new program.

**Why Should We Be Concerned About Air Pollution?**

With all the competing requests facing Congress, it is appropriate to ask why air pollution activities should receive additional funding. The answer is that dirty air poses a significant risk; tens of thousands of people die prematurely every year and many more suffer ill-health as a result of air pollution. In fact, it would be fair to say that more people die from exposure to air pollution than from almost any other problem that this Subcommittee addresses.

While we have made great progress under the Clean Air Act, millions of people in this country continue to breathe unhealthful air. Over 150 million people live in areas that violate at least one of the six health-based National Ambient Air Quality Standards (NAAQS). Exposure to these pollutants causes a host of problems including aggravation of existing respiratory and cardiovascular disease, damage to lung tissue, impaired breathing, irregular heart beat, heart attacks, lung cancer and death. The pollutants covered by the NAAQS are not the only problems we face. EPA's own data on toxic air pollution estimate that more than 270 million people in this country live in census tracts where the combined upper-bound lifetime cancer risk exceeds 10 in one million (one in one million is generally considered "acceptable"). Further, over 92

percent of the population lives in areas with "hazard index" values for respiratory toxicity above 1.0 – the level above which adverse effects to the respiratory system occur.

**Diesel Retrofit Funding Should Be Increased**

NACAA is a member of a broad coalition of over 200 groups, representing public-interest, environmental, business and governmental organizations, among others. The coalition recognizes the importance of adequate funding for state and local air quality agencies and recommends that federal grants to them be increased. The coalition also recommends that Congress provide $70 million in FY 2009 for programs authorized by the Diesel Emissions Reduction Act (DERA). The DERA programs are intended to decrease the amount of harmful microscopic particles in the ambient air resulting from diesel exhaust. NACAA urges Congress to provide this funding to these important efforts. Additionally, because the funds provided for the DERA activities will support more than just state and local air agencies, we believe the program should be funded through an EPA account other than STAG.

**EPA Grant Earmarks**

We believe Congress' intention in providing grant funds is to support the activities of state and local air agencies. Accordingly, EPA should not dictate precisely how these funds must be spent without considering the recommendations of state and local air agencies and the fact that each area may have different air quality priorities. When EPA earmarks new or existing grant funds for very specific projects or initiatives without first consulting with state and local agencies, the result can be an allocation of resources that is inefficient and ineffective. It would be helpful if this Subcommittee reminded EPA of the need to discuss with and obtain prior concurrence from state and local air agencies on any earmarks for specific activities or programs.

**Conclusion**

The President's budget request calls for a significant decrease in grants to state and local air agencies at a time when these entities are required to take on significant new responsibilities. This would make it difficult, if not impossible, for many state and local clean air agencies to carry out the tasks that are essential to their mission, which is protecting public health by achieving and maintaining improvements in air quality. Not only would budget decreases at this time be intolerable, but air agencies require additional resources to meet their responsibilities.

NACAA recommends that the FY 2009 budget for federal grants to state and local air quality agencies under Sections 103 and 105 of the Clean Air Act be increased above the President's request by $84.7 million (from $185.6 million to $270.3 million). This represents a restoration of the $31.2-million cut contained in the President's request, along with a modest increase of $53.5 million. Additionally, grants for the $PM_{2.5}$ monitoring program should not be shifted from Section 103 authority to Section 105 authority.

Thank you for this opportunity to testify on this important issue and for your careful consideration of the impacts that deficient funding will have on air quality and public health.

Mr. DICKS. Thank you.

Mr. Tiahrt.

Mr. TIAHRT. Thank you, Mr. Chairman.

From your title, you are a national association. Have you worked internationally at all? Because China now surpassed us last year as a leading contributor to not only carbon but also pollutants. Every five days they open a new old-technology coal-fired electrical generation plant and it seems like all this stuff that we are doing is going to be undone in a matter of months. So is there any effort to extend beyond the boundaries of the United States and try to bring the international community into some form of standard or compliance?

Mr. BECKER. Well, our association is consisting primarily of State and local and territorial air pollution control agencies. However, we are very much aware of the international problem. We attend all the international conferences. We are a small staff but some of our members go, and we and many other State officials are trying to work internationally to address this, but you are absolutely right. Both the developed and the developing countries need to do more to address this problem and we cannot do it alone. We would say the domestic response should not be conditional on China and others acting. We need to show leadership, but they do need to do their fair share.

Mr. TIAHRT. We do need to bring them along.

Mr. BECKER. I agree.

Mr. DICKS. All right. Thank you very much.

Mr. BECKER. Thank you.

Mr. DICKS. Next we have Dr. Soliman, the Association of Minority Health Professions Schools.

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THURSDAY, MARCH 13, 2008.

## ASSOCIATION OF MINORITY HEALTH PROFESSIONS SCHOOLS

### WITNESS

**MAGDI SOLIMAN**

Dr. SOLIMAN. Mr. Chairman, committee members, thank you very much for giving me the opportunity to come and testify today in front of you. My name is Magdi Soliman. I am a professor of toxicology and director of the graduate programs at Florida A & M University. I am also the program director of the environmental health research program at the Association of Minority Health Professions Schools.

The AMHPS, or Association of Minority Health Professions Schools, is a consortium of 12 historically black health professions schools. Collectively, we have educated nearly 50 percent of all the Nation's African-American physicians, 60 percent of its African-American pharmacists and 80 percent of its African-American veterinarians. Since 1992, AMHPS had a cooperative agreement with the Agency of Toxic Substance and Disease Registry to study the impact of the toxicity of 12 priority hazardous substances. The main objective of this cooperative agreement is to understand the

linkage between exposure to these hazardous substances such as lead, zinc, mercury and manganese on the negative health impacts. The idea was to try to fill in very important data gap in the scientific knowledge about the toxicity of these hazardous substances. By trying to fill in these important data gaps, we will be able to contribute in decreasing the uncertainties of public health assessment and providing the most effective measures to prevent or mitigate the human health effect of these toxic substances. This research has produced an impressive body of knowledge which has been reported in more than 120 presentations at scientific national and international meetings as well as more than 80 manuscripts published in very renown, prestigious peer review journals.

An additional benefit of this cooperative agreement is the training of minority students in the areas of toxicology and environmental health. We have trained not only graduate students but also professional medical, public health and pharmacy students. We have also recently produced a document detailing all of our accomplishments for the past 15 years of this cooperative agreement. This cooperative agreement with ATSDR should continue to allow AMHPS to apply findings of the previous 15 years of environmental health research to improve public health, especially in low-income underserved and minority communities.

I come to you today to respectfully request that this subcommittee fully fund this cooperative agreement at the level of $5 million per year. In fiscal year 2003, we were funded at $4 million. Our funding, however, in the last years has not been that robust. It actually has been decreased considerably.

Mr. DICKS. Have you tried to apply to EPA for——

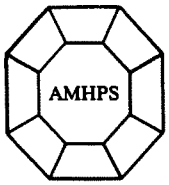
Dr. SOLIMAN. We are applying with ATSDR. It is a cooperative agreement with ATSDR.

Mr. DICKS. All right.

Dr. SOLIMAN. And like I said, we have been cut drastically in recent years. However, due to the commitment of our member institutions, we are continuing to provide the research in a very good way and try to do world-class research. However, we find that this is straining the resources of our institutions and we find it very increasingly hard to produce first-class research on a very low budget.

Therefore, in addition to the $5 million for our cooperative agreement, we request that you also fund the ATSDR with CDC at the level of $85 million per year, an increase of about $10.9 million in fiscal year 2008. This is a very small investment in view of the fact that this research will increasingly help the society to deal with some of the environmental health problems that we are seeing today. The increased need is not only to fund our agreement but also to do additional research. As you very well know, recently CDC report described potential health threats that are near the 26 polluted Great Lake areas. Also, we cannot forget the effects of Hurricane Katrina and we really need to assess the environmental impact of this hurricane and its effect on environmental health.

[The statement of Magdi Soliman follows:]

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**STATEMENT OF**

**MAGDI SOLIMAN, Ph.D.**

**PROFESSOR AND DIRECTOR OF GRADUATE PROGRAMS AT THE FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY**

**ASSOCIATION OF MINORITY HEALTH PROFESSIONS SCHOOLS, INC.**

**PRESENTED TO THE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND INDEPENDENT AGENCIES**

**COMMITTEE ON APPROPRIATIONS**

**UNITED STATES HOUSE OF REPRESENTATIVES**

**REGARDING FY 2009 APPROPRIATIONS FOR THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY**

**MARCH 13TH, 2008**

Chairman Dicks, Ranking Member Tiahrt, and members of the subcommittee, thank you for the opportunity to express the views of the Association of Minority Health Professions Schools (AMHPS). Our recommendations are for the Department of Health and Human Services' (DHH) Agency for Toxic Substances and Disease Registry (ATSDR) be funded at $85,000,000, and that this Subcommittee supports the ATSDR cooperative agreement with the minority health community at $5,000,000.

I am Dr. Magdi Soliman, Professor of Pharmacology & Toxicology and Florida A & M University (FAMU) and Program Director for the Environmental Health Research Program of the Association of Minority Health Professions Schools. AMHPS, established in 1976, is a consortium of our nation's twelve (12) historically black medical, dental, pharmacy, and veterinary schools. The members are the two dental schools at Howard University and Meharry Medical College; the four schools of medicine at Charles Drew University, Howard University, Meharry Medical College, and Morehouse School of Medicine; the five schools of pharmacy at Florida A&M University, Hampton University, Howard University, Texas Southern University, and Xavier University; and the school of veterinary medicine at Tuskegee University. Historically, this small number of schools has collectively trained 50% of the African American physicians and dentists in this country, 60% of its African American pharmacists, and 80% of its African American veterinarians. Many have called our institutions a national resource, and they are correct. Collectively, the goal of our historically minority institutions has been to train African Americans to serve in medically underserved areas. In other words, our institutions historically and still very much today make a great effort towards making the healthcare workforce look like America.

AMHPS has two major goals: 1) to improve the health status of all Americans, especially African-Americans and other minorities; and 2) to improve the representation of African-Americans and other minorities in the health professions. We are working toward achieving this goal by seeking to strengthen our institutions and fortify other programs throughout the nation that will improve the role of minorities in the provision of health care and research.

## AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

Congress created the Agency for Toxic Substances and Disease Registry (ATSDR) to implement the health-related sections of law that protect the public from hazardous wastes and environmental spills of hazardous substances. The mission of ATSDR is to prevent exposure and adverse human health effects and diminished quality of life associated with exposure to hazardous substances from waste sites, unplanned releases, and other sources of pollution. ATSDR works in partnership with Environmental Protection Agency, the Centers for Disease Control and Prevention (CDC), and the National Institute of Environmental Health Sciences to carry out its public health activities.

ATSDR is performing critical work in the field of environmental and toxicological studies that has a profound impact on public health. In order to carry out the

level of activity that is called for in its mission statement, AMHPS recommends an appropriation of $85,000,000 for ATSDR in FY09, an increase of $10,961,000 over FY08 and $12,118,000 over the President's FY09 proposal.

## THE ATSDR/AMHPS COOPERATIVE AGREEMENT ON ENVIRONMENTAL HEALTH AND TOXICOLOGY RESEARCH

In 1992, ATSDR identified a need for enhanced information on 38 hazardous substances. Through a cooperative agreement between ATSDR and AMHPS, we are engaged in research on twelve of these priority hazardous substances. They include:

1) Lead
2) Mercury
3) Benzene
4) Cadmium
5) Benzo (a) pyrene
6) Flouranthene
7) Trichlorocthylene
8) Toluene
9) Zinc
10) Manganese
11) Chlordane
12) Di-n-butylphthalate

Mr. Chairman, please allow me to share the highlights of the ATSDR/ AMHPS cooperative agreement. The ATSDR/ AMHPS Program (cooperative agreement) has filled 19 important public health research needs identified in the ASTDR Substance Specific Applied Research Program. Among its other accomplishments are:

- The Cooperative Agreement provides support for health education and community-related issues that are the focus areas of ATSDR's work at Superfund sites.
- The Cooperative Agreement has increased environmental public health capacity (clinical, basic and applied research, training, and funding) at historically black colleges and universities.
- The Cooperative Agreement trained undergraduate, graduate students, and medical residents in toxicology and environmental health. Through the Cooperative Agreements over the last 15 years, over 100 students have been trained as environmental health scientists.
- The Cooperative Agreement published a report titled "Environmental Health & Toxicology Research Program: Meeting Environmental Health Challenges through Research, Education, and Service." This report describes findings and other successes from the first 5 years of the program.
- The Cooperative Agreement established a model for ATSDR partnerships and enhanced participation of scientific and health professionals to better serve low-income and minority communities affected by hazardous sites and releases.
- The Cooperative Agreement addresses ATSDR's Agenda for Public Health Environmental Research

- It supports the Presidential Executive Order 13054, Protection of Children from Environmental Health Risks and Safety Risk, April 1997
- The Cooperative Agreement helps the agency achieve departmental goals in environmental justice, minority health, and women's health.

Mr. Chairman, I would like to express my appreciation to the subcommittee for its support again last year of the ATSDR/AMHPS Cooperative Agreement. The productivity of this research program is evidenced by the number of publication and scientific presentations made by the funded investigators. To date, more that 55 manuscripts reporting the findings of the various research projects have been published in peer-reviewed and prestigious scientific journals. These journals include: *Brain Research, Neurotoxicology, Journal of Neurochemistry, and Environmental Health Prospectives.*

Moreover, investigators have made more than 120 presentations at national and international scientific meetings, including the annual meeting of the Society of Toxicology, the Experimental Biology meeting, the International Congress of Toxicology meeting, and the International Society of Psyschoneuropharmacology meeting. Finally, the AMHPS/ATSDR Cooperative Agreement has contributed significantly to the training of students in toxicology and environmental health. Annually, more than 30 students, both graduate and undergraduate, are actively involved in the research program.

Mr. Chairman, AMHPS and ATSDR have completed fifteen years of successful research. We expect to continue with a new cooperative agreement in FY09, to not only conduct toxicological research, but to also engage in health services and health disparity research. The Cooperative Agreement should continue to allow AMHPS to apply findings from the previous 15 years of environmental health research to improve public health and environmental medicine in low-income and/or minority communities. The next phase in implementation will focus on applying research outcomes to promote environmental health policy and behavioral change in the impacted communities. Before 2004, the AMHPS /ATSDR research partnership was supported by ATSDR at a level close to $4 million a year. While the funding level for the cooperative agreement has not been as high in the last several fiscal years, the expectation from ATSDR has not diminished. *Therefore in FY09, we encourage the subcommittee to support this important collaboration by directing $5 million within the ATSDR budget for the cooperative agreement.*

Thank you very much for the opportunity to present the views of the Association of Minority Health Professions Schools. I would be pleased to answer any questions that you may have.

Mr. DICKS. Thank you very much.

Dr. SOLIMAN. Thank you very much for your time.

Mr. DICKS. Brian Pallasch, American Society of Civil Engineers. Welcome.

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THURSDAY, MARCH 13, 2008.

## AMERICAN SOCIETY OF CIVIL ENGINEERS

### WITNESS

**BRIAN PALLASCH**

Mr. PALLASCH. Thank you. Mr. Chairman, Congressman Tiahrt, good to see you again. Members of the subcommittee, I am Brian Pallasch. I am the managing director of government relations and infrastructure initiatives for the American Society of Civil Engineers. I am pleased to be here today on behalf of ASCE and to discuss key components of the Environmental Protection Agency's budget and the USGS budget for fiscal year 2009.

In the EPA's budget, ASCE urges among other things that the subcommittee fund the Clean Water State Revolving Loan Fund Program at $1.5 billion for fiscal year 2009. Last year you were able to provide $689 million. Unfortunately, that was a reduction of $395 million, or 36 percent, from the fiscal year 2007 level. It was the lowest federal commitment to the fund in more than a decade.

Mr. DICKS. What do you do with their argument? The EPA argues that the States have enough money now in their revolving funds and they can revolve and take care of the problems that are needed in each State. How do you deal with that?

Mr. PALLASCH. Well, you counteract that with the fact that the EPA's own gap analysis which they do over time says that there is about $390 billion in needs out there in the wastewater area to replace the infrastructure, and admittedly, the Federal government does not pay for all of these needs and the State and local governments, in fact, the utilities pay for 90 percent of that activity.

Mr. DICKS. There is very little outright grant money.

Mr. PALLASCH. Absolutely. This is primarily a loan program. That is correct. So it is all repaid into the system.

Mr. DICKS. And so in many areas of the country, it is very difficult to do these projects because you have to pay back the loans so the ratepayers have to pay the rates and if it is too high, they will not do the projects. They are politically unsustainable.

Mr. PALLASCH. It becomes a difficult process, yes.

The President's budget unfortunately this year continues this, if you will, retreat by proposing a budget of $555 million for the State Revolving Loan Fund and again that is just a further reduction from what you all were able to do last year.

I talked about the EPA gap analysis that put the needs at $390 billion. ASCE does a report card, as you are well aware. In 2005 we did a report card for American's infrastructure. When we talk about the needs and the shrinking federal investment, we gave wastewater systems a grade of a D minus, not a very good grade, sir. Meanwhile, the funding levels continue to go down.

The other area within EPA is the Safe Drinking Water Act State Revolving Loan Fund. Those dollars have remained relatively constant. We feel the subcommittee should appropriate $1 billion for the Safe Drinking Water Act State Revolving Loan Fund in 2009. This would be a modest increase of $150 million. The President's budget is at $850 million in fiscal year 2009. He has maintained that budget for a number of years. And this is necessary to continue to provide funding for critically needed upgrades to the Nation's 54,000 water systems, not to mention some of the mandates that have been put on them by EPA to get the contaminants out of the water.

With regards to the U.S. Geological Survey——

Mr. DICKS. Now wait a minute. You have another gap here of $151 million on drinking water. Those are not part of the 390.

Mr. PALLASCH. Correct. Drinking water has a similar gap, correct.

Mr. DICKS. A hundred and fifty-one million.

Mr. PALLASCH. It should be billion, I think.

Mr. DICKS. Billion. Excuse me.

Mr. PALLASCH. We talk in billions usually on infrastructure.

Mr. DICKS. So this is well over half a trillion?

Mr. PALLASCH. That is correct, sir.

And we are working with Mr. Oberstar and Mr. Blumenauer to come up with some more different ways to fund this rather than just straight out of the federal budget as a general appropriation.

With regards to USGS, as you know, the mission is to collect and analyze and disseminate geological, topographic and hydrologic information that contributes to the wise management of the Nation's natural resources and promotes the health, safety and welfare of folks. USGS received a little over $1 billion last year. That was the first year you were able to do that and we strongly support that, and thank you for those efforts. This year the budget has been proposed at about $968.5 million, which is a modest decrease of $38 million. However, our concern is the largest reduction is going to come in the agency's water resources budget, which is proposed for about $140.7 million, which is down from $151.4 million in 2008. Part of this a decrease in the National Water Quality Assessment Program, which would take a cut of $10 million, which is a 15 percent reduction. This program collects long-term data on groundwater quality and drinking water supplies. The reduction will effectively eliminate the assessments of water quality at 10 of the Nation's 20 largest aquifers and end the assessment of drinking water quality at almost 200 community water systems in California, Arizona, Utah, Massachusetts, New Jersey, Louisiana and Alabama.

We recommend that the subcommittee restore the budget for the National Water Quality Assessment Program to the fiscal year 2008 level to avoid the loss of this cortically important water quality data. I have heard others today mention the Stream Flow Information Program. We are pleased with the budget increases that were received last year. There is a small increase in the President's budget this year up to $23.8 million, up from $20.1 million. This new money will allow USGS and other agencies to continue operating almost 200 stream gauges in 31 States, and that has provided about 70 years' worth of data in some of these areas.

Last but not least is the Earthquake Hazard Reduction Program. ASCE is concerned that the President's request in fiscal year 2009 for the program is at $53 million, which is a $5 million cut from 2008 and it is about $2 million below the fiscal year 2007 level. This component at USGS was authorized in the bill at $88.9 million. I know you know about earthquakes.

[The statement of Brian T. Pallasch follows:]

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**TESTIMONY OF**
**THE AMERICAN SOCIETY OF CIVIL ENGINEERS**
**BEFORE THE**
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**
**OF THE**
**COMMITTEE ON APPROPRIATIONS**
**U.S. HOUSE OF REPRESENTATIVES**
**MARCH 13, 2008**

Mr. Chairman, Mr. Tiahrt, and Members of the Subcommittee:

Good morning. I am Brian Pallasch, Managing Director of Government Relations and Infrastructure Initiatives for the American Society of Civil Engineers (ASCE). I am pleased to appear before the Subcommittee today to testify on behalf of ASCE to discuss key components of the proposed budgets for the **Environmental Protection Agency (EPA)** and the **United States Geological Survey (USGS)** for Fiscal Year 2009.

**I. The Environmental Protection Agency**

**A. The Subcommittee should appropriate $1.5 billion for the CWSRF in FY 2009.**

In FY 2008, Congress provided $689 million for the Clean Water State Revolving Loan Fund (CWSRF). That represented a reduction of $395 million (36 percent) from the FY 2007 enacted level. The FY 2008 appropriation represents the lowest federal commitment to the CWSRF in more than a decade. We urge this Subcommittee to renew the federal investment in our nation's wastewater infrastructure.

The president's budget request for FY 2009 continues the retreat begun in FY 2008 by proposing a budget of $555 million for the CWSRF—a further reduction of $134 million (19 percent) from the inadequate funding level for 2008.

The United States faces a growing crisis in the operation of wastewater treatment plants. Although the federal government has directly invested more than $80 billion in the construction of publicly owned sewage treatment works (POTWs) and their related facilities since passage of

the Clean Water Act in 1972, the physical condition of many of the nation's 16,000 wastewater treatment systems is poor due to a lack of investment in plant, equipment, and other capital improvements over the years. The typical lifespan of wastewater equipment is 20 years, even when well maintained.

Nearly five years ago, the U.S. Environmental Protection Agency (EPA) released a detailed gap analysis, which assessed the difference between current spending for wastewater infrastructure and total funding needs. The EPA Gap Analysis estimated that, over the next two decades, the United States must spend nearly $390 billion to replace antiquated wastewater infrastructure and to build new treatment plants (the total includes money for some projects not currently eligible for federal funds, which are not reflected in the EPA State Needs Survey).

In its most recent "Clean Watersheds Needs Survey," EPA said in January that the nation needed to invest at least $202.5 billion as of January 1, 2004, in wastewater treatment systems to prevent combined sewer overflows, sanitary sewer overflows, and other polluting conditions. The estimate is a snapshot and may not reflect total national needs.

Meanwhile, federal appropriations for the CWSRF have declined in the past decade. Between FY 1998 and FY 2004, Congress appropriated an average of $1.35 billion for the program. But the funding was cut to $1.09 billion in FY 2005, to $900 million in FY 2006, to $1.084 billion in FY 2007, and to $689 million in FY 2008.

One of the greatest challenges for the future of wastewater treatment lies in the industry's ability to manage the increased demand for sewage treatment caused by population growth.

In 2007, the U.S. Census Bureau estimated that there were 301 million people living in the United States. That number is expected to reach more than 400 million within the next 50 years. Although American families today are smaller, many are moving further from urban areas into remoter suburbs and rural areas. In 2004, the EPA reported that one-third of new housing developments will manage their sewage through septic systems (known as "on-site treatment") due to the increasing decentralization of the U.S. population.

Treatment plant costs have risen sharply in recent years: the average per capita cost for wastewater treatment among 132 public agencies in 2004 was $171, an increase of approximately 20 percent from the $143 per capita cost in 1995, according to a survey by the National Association of Clean Water Agencies (NACWA).

At the same time, federal and state grants and loans declined from 10.6 percent to 5.9 percent of total publicly owned treatment plant revenues between 1992 and 2004, said NACWA. Thus more of the cost of providing wastewater treatment is falling upon local ratepayers, who already are paying nearly three-quarters of the cost through user fees and local bond issues. Two-thirds of all capital improvements to local treatment plants were financed by debt in 2004, said NACWA, while only 1.2 percent of all capital costs was provided by federal or state grants.

In the short run, ASCE supports increasing and expanding appropriations for the Clean Water Act State Revolving Loan Fund (SRF) program.

**B. Safe Drinking Water Act State Revolving Loan Fund**

The Subcommittee should appropriate $1 billion for the Safe Drinking Water Act State Revolving Loan Fund program in FY 2009. This would be an increase of $150 million from the president's budget request of $850 million for FY 2009. We believe this increase is necessary to continue providing funding for critically needed upgrades to the nation's 54,000 water systems.

The demonstrated need exceeds even this modest increase. The EPA's 2002 gap analysis put the capital investment gap for the nation's drinking-water treatment plants at almost $151 billion through 2019—an average of more than $7 billion annually..

**C. ASCE supports the creation of a Water Infrastructure Trust Fund to finance the national shortfall in funding drinking-water and wastewater infrastructure systems and other projects designed to improve the nation's water quality.**

Despite the consensus around the funding gap, broad public support for federal action, and years of hearings on these issues, the federal contribution to clean water investment has declined from more than 70 percent in the early 1970s, to less than five percent today. In the short run, Congress should reauthorize the CWSRF with a combination of loans, loan subsidies, and grants to help close the funding gap.

Increased funding for the State Revolving Fund is an important first step, but ASCE believes that, without a long-term clean water trust fund, clean water agencies will be hard pressed to carry out their important mandate to protect the environment and public health in a sustainable manner. As they continue to improve treatment processes and upgrade infrastructure to do the work necessary to protect and restore the nation's waters, short and long-term changes are needed to align current environmental laws into a comprehensive watershed approach.

ASCE further supports a variety of financial mechanisms for the trust fund, such as appropriations from general treasury funds; issuance of revenue bonds and tax exempt financing at state and local levels; public-private partnerships; state infrastructure banks; user fees on certain consumer products; and other innovative financing mechanisms, including broad-based environmental restoration taxes to address problems associated with water pollution and wastewater management and treatment.

**II. The United States Geological Survey (USGS)**

The mission of the U.S. Geological Survey (USGS) is to collect, analyze, and disseminate geologic, topographic, and hydrologic information that contributes to the wise management of the nation's natural resources and that promotes the health, safety, and well-being of the people. This information takes many forms, including maps, reports, and databases that provide descriptions and analyses of the water, energy, and mineral resources, the land surface, the underlying geologic structure, and the dynamic processes of the Earth.

The USGS received an appropriation of $1.007 billion in FY 2008. The president has proposed a budget of $968.5 million for FY 2009, a decrease of $38 million.

**A. Water Programs**

The largest reduction will come in the USGS water resources budget, which is proposed for $140.7 million, down from $151.4 million enacted in FY 2008. The National Water Quality Assessment Program would suffer a cut of nearly $10 million or a reduction of 15 percent. The program collects long-term data on groundwater quality and drinking-water supplies.

The reduction will eliminate assessments of water quality at 10 of the nation's 20 largest aquifers and end the assessment of drinking water quality at almost 200 community water systems in California, Arizona, Utah, Massachusetts, New Jersey, Louisiana, and Alabama.

We recommend that this Subcommittee restore the budget for the National Water Quality Assessment Program to the FY 2008 level to avoid the loss of critically important water-quality data.

On the plus side, the National Streamflow Information Program will see a small increase (from $20.1 million to $23.8 million). The new money will allow USGS and other agencies to continue operating almost 200 streamgages in 31 states, many with more than 70 years of data.

**B. Earthquake Hazards Reduction Program**

ASCE is especially concerned at the FY 2009 request for the USGS component of the National Earthquake Hazards Reduction Program (NEHRP) of $53.1 million, which is a $5 million cut from FY 2008 and would take it to $2.3 million below the FY 2007 level. The USGS component of NEHRP is authorized for FY 2009 at $88.9 million.

For the past 25 years, NEHRP has provided the resources and leadership that have lead to significant advances in understanding the precise risk earthquakes pose and the best ways to counter those risks. Full funding will not only allow this important work to continue, but provide an opportunity to strengthen NEHRP and permit further improvements in the nation's effort to mitigate the impact of earthquakes.

ASCE urges Congress to reject the President's proposed cuts and to fund the USGS functions of NEHRP at the full authorized funding level of $88.9 million.

Elimination of the congressionally added $2 million multihazard increase, discontinuing activities that are improving delivery of USGS information to support emergency management in Southern California and which expanded the initiative to high-hazard areas of the Pacific Northwest and Central United States. In additionally, there would be a $3 million cut to earthquake hazards research grants.

That concludes my statement, Mr. Chairman. I would be happy to answer any questions the Subcommittee might have.

Mr. DICKS. Yes, in the Northwest we have our share. Thank you.

Mr. TIAHRT. Mr. Chairman.

Mr. DICKS. Mr. Tiahrt.

Mr. TIAHRT. I am a little curious why when we have a loan fund that always costs us money, but when the banks loan money it does not cost us money. It seems like to administer the loans, we pay a lot of money and it seems like with the interest they ought to pay for themselves. So I am a little curious how that works. I also note that Brian has been very active in raising money for a lot of good charities through a basketball game they play once a year, and I played in that basketball game and I think he has actually blocked my shots and I want to register a formal complaint.

Mr. PALLASCH. I may have. And I believe, Mr. Chairman, we actually won this year, which one out of nine is not so bad.

Mr. TIAHRT. You did win, and it was fair and square.

Mr. DICKS. Thanks for coming in.

Debrah Marriott, executive director, Lower Columbia River Estuary Partnership, Association of National Estuary Programs. Hi, Debrah. How are you?

Ms. MARRIOTT. Well, thank you. How are you, sir?

Mr. DICKS. I am holding up, all this bad news.

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THURSDAY, MARCH 13, 2008.

## ASSOCIATION OF NATIONAL ESTUARY PROGRAMS

### WITNESS

**DEBRAH MARRIOTT**

Ms. MARRIOTT. Thank you. Good morning, Chairman Dicks, Ranking Member Tiahrt and members of the subcommittee. My name is Debrah Marriott. I am the executive director of the Lower Columbia River Estuary Partnership in Oregon and Washington, and I am here today representing the Association of National Estuary Programs. I thank you very much for the opportunity to speak with you this morning. I do have to say, my 11-year-old was giving me speaking prep last night and he suggested I smile, look you in the eye but not smile so hard I made you giggle, so I will try really hard not to make you giggle, although you might need it.

We appreciate very much your continued support of the National Estuary Program. Last year you invested $600,000 in each of the 28 programs, helping to restore and protect some of our most threatened and economically vital bays and estuaries. We include 42 percent of the Nation's shoreline and over 50 percent of the Nation's population lives in our coastal areas. These areas are huge recreation and cultural draws. They are transportation hubs and sources of major commerce. Their fishing industry alone equals about $1.9 billion nationwide.

In 1987, you took a very bold step creating the National Estuary Program to protect and restore these estuaries and their economic, environmental and cultural importance. You asked at that time that there be no federal cookie cutter approach, no exhaustive planning. You wanted us to be locally driven, to cross political boundaries, to work with diverse parties, use science and to get actions

on the ground. You asked us to empower citizens in our local communities to take responsibility and to be accountable to you and to future generations. We each developed action plans with very specific environmental targets and we are now implementing them.

Twenty-one years later, you only have to look around the Nation's coast to see that you did the right thing. Every NEP is giving you environmental results from Casco Bay, Maine, who has reduced bacteria levels and opened thousands of acres of shellfish beds, to Sarasota Bay, Florida, which has reduced nitrogen loading inputs by 50 percent, to our home base in the Columbia River where we have restored over 4,000 acres of habitat for threatened and endangered species. We have engaged 14,000 citizens planting and restoring at 18 sites. We have engaged 81,000 children in our applied learning programs, helping Oregon and Washington teachers meet their benchmark requirements. Nationally, the 28 programs have restored over 1 million acres of habitat.

Something else has happened also along the way. All those partners, all that collaboration has brought you a great deal more money for your investment. For every dollar you have given us as National Estuary Programs, we have given you 16 back. We have raised 16 additional dollars——

Mr. DICKS. For every dollar?

Ms. MARRIOTT. For every dollar, showing a very real commitment at the local level by citizens from the public sector, the private sector, corporations and even some kids donating their bottle-return money to us a few years ago. In the Columbia River, we have raised $20 million new cash to communities, thanks to your NEP funds. We give 90 percent of that back to our local communities for them to do restoration projects, toxics reduction projects and the outdoor education for kids. We are aiding resolution of public health issues, environmental health issues and economic issues.

The per-program minimum you set for each NEP is critical. It guarantees that the funds go to the local 28 programs, the local districts, getting you the results and leveraging our funds. In the Columbia River, we are using the additional funds you gave us this year to host more pesticide take-back programs to get thousands of pounds of DDT out of barns and garages. One site was held upriver above Bonneville Dam recently. It cost $30,000 to host the site. They took 17,000 pounds of DDT out of garages, so it is still out there, fortunately not in the water.

Would we like more? Well, absolutely. After listening today, you have some amazingly difficult decisions ahead of you. But there is a lot more to do. In the Columbia River, we have lost 300,000 acres of habitat since 1880. There is no monitoring of toxic contaminants. We know they are in the sediment, the fish tissue and the water but we do not know where they are coming from or where they are moving. We know some of these contaminants are actually altering the chromosomal makeup of fish within their lifetime, changing males to females within their own lifetime. And of the children we do reach, it is only 6 percent of the kids in our school districts, and one of our school districts has dropped science from its curriculum to focus on math and reading scores.

The urgency has never been greater.

Mr. DICKS. No Child Left Behind.

Ms. MARRIOTT. Something like that.

The Joint Oceans Commission has said that the oceans and marine resources of the Nation are in serious trouble. In the Columbia River, we have 12 threatened and endangered species of salmon. Our Native American populations consume those fish at nine times the rate of other populations. And as I said, the toxics in the system are increasing and moving and changing.

We appreciate very much your efforts. We know that the decisions in front of you are monumental. We can promise you that we will continue to work your money as hard as we have. We will continue to leverage them. You have 21 years of evidence, 28 great examples around the country, assuring you that your investment is in fact cleaning our Nation's waters and restoring our habitat. In the Columbia River, we like to say that the stewardship we build lasts a lifetime.

We thank you for the opportunity——

[The statement of Debrah Marriott follows:]

# TESTIMONY

*Presented to*

Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
United States House of Representatives

*Submitted by*

Debrah Marriott
Executive Director
Lower Columbia River Estuary Partnership
States of Oregon and Washington

March 13, 2008

Chairman Dicks, Ranking Member Tiahrt and members of the Subcommittee:

My name is Debrah Marriott, and I am the Executive Director of the Lower Columbia River Estuary Partnership. I am here today representing the Association of National Estuary Programs.

Thank you for the opportunity to speak with you today. We appreciate your continued annual support of the National Estuary Program (NEP). Last year, we wrote to this subcommittee asking that you invest directly in the stewardship of our nation's coasts by appropriating funds for FY 08 so that each of the 28 NEPs receives at least $600,000. This past year, the $600,000 allowed us to restore the impact of the reduction by EPA in FY07 and to go beyond that to implement programs that resulted in demonstrable improvements in our estuaries.

You responded to this request, and in so doing are helping to restore and protect some of our most threatened and economically vital bays and estuaries. By ensuring these funds are directed to the NEPs in the field, you are investing funds that are highly leveraged to achieve results in the communities along our entire coastline.

The Lower Columbia River Estuary Partnership is one of 28 estuaries, designated as "estuaries of national significance" by Congress. We work in southwest Washington and northwest Oregon, from Bonneville Dam to the Pacific Ocean. Our area includes Vancouver – Clark County Washington, the second largest populated area in Washington and Portland – Multnomah County, Oregon's largest population base.

Together the 28 NEPs include more than 42 percent of the continental U.S. shoreline. Fifteen percent of all Americans live within NEP designated watersheds, with thousands of new residents arriving every year. Estuaries provide habitat for more than 75% of America's commercial fish catch, and 80-90% of the recreational fish catch. Estuarine-dependent fisheries are among the most valuable, with an estimated worth of $1.9 billion nationwide.

In 1987, Congress took the bold step of creating the NEP to support the protection and restoration of estuaries around the nation that are important for their economic, environmental and cultural significance.

Even more bold was how you shaped the National Estuary Program. You called for it to be locally driven, to cross established political boundaries, to convene diverse interests, to use science and to get actions on the ground that would improve this ring of estuaries. You did not want exhaustive studies or planning; you did not want federal cookie cutter solutions. You acknowledged local thinking, you empowered citizens to engage, to take responsibility and to be accountable to you and to future generations.

In the lower Columbia River our initial planning involved more than 31 citizens of diverse backgrounds meeting more than monthly together and regularly with thousands of their constituents, giving up not-so-hidden self-focused agendas, to look at science, and set targets. For us in the lower 146 miles of the Columbia we said we would restore 16,000 acres of habitat by 2010; reduce toxic and conventional pollution, and engage citizens of all ages.

That story is repeated, with local solutions, in each of the NEPs around the nation.
Today, 21 years later, you only have to look around the nation's coasts to see you did the right thing.

Every NEP is on the ground getting you environmental results…

From Casco Bay, Maine where reducing bacteria contamination has resulted in opening thousands of acres of formerly closed shellfish beds to
Narragansett Bay, Rhode Island where the NEP brought federal, state, and local partners together to restore a 40-acre wetland creating a shellfish nursery where fisheries had been decimated thermal impacts of a power plant which revamped its system and built a closed cooling system to
Sarasota Bay, Florida which has reduced nitrogen loading inputs by fifty percent since 1988 and manufactured and deployed 2500 artificial reef modules to
Galveston Bay, Texas where over 4,500 acres of wetland habitats were restored, protected, and created through public-private partnership efforts between 1995 and 2000 to
Morro Bay, California and the purchase and creation of the Chorro Creek Ecological Reserve – providing a 580-acre property that reopens miles of freshwater wetlands restoring flood protection.

Since 2000, in southwest Washington and northwest Oregon, the Estuary Partnership has:

- restored 4,204 acres of habitat at 30 project sites working with 85 partners;
- worked with over 14,405 citizens planting 21,900 native trees and shrubs at 18 sites;
- provided 81,000 students applied learning programs, helping 853 teachers in Washington and Oregon meet state science benchmark requirements – developing curricula, delivering it in the classroom and applying it outdoors;
- provided stormwater management assistance to two communities to help meet federal Phase II stormwater requirements; and
- completed toxic and conventional pollutant water quality monitoring and juvenile salmonid sampling.

Nationally, the 28 programs have restored over 1,100,000 acres of habitat.

And something that may not have been planned also happened. Because the NEPs are huge collaborations of many many partners, we have leveraged your investment well beyond the 1:1 requirement. Nationally, we are leveraging your dollars 16:1. This investment of partners' dollars shows a very real commitment by thousands of local partners in every NEP.

The Estuary Partnership has brought in over $20,000,000 new cash to communities in southwest Washington and northwest Oregon thanks to the funds we receive through the NEP. For us, 90% of what we have brought in goes back out to our partners who otherwise could not access those funds – small governments, watershed councils, conservation entities and businesses– for restoration, toxic reduction projects, and outdoor education for students.

You took an even bolder step in 2006 and 2008 and set a per minimum amount for each NEP, ensuring that of the overall appropriation for the NEP, a minimum amount was guaranteed to go to the local districts and not stay here in Washington. That ensures that the environmental results expand and the local leveraging continues. The additional $100,000 in the Columbia is going to allow us to host several pesticide "take back" sites in communities. Similar take back sites in other parts of the Columbia system have collected several thousand pounds of DDT that had been sitting in barrels in barns and garages. The additional funds also will provide consumers with information about which ingredients in personal care products are safer for fish. In our river, like many across the nation, toxics from shampoos, deodorants and makeup are disrupting the hormonal structure of fish within their lifecycle.

Would we like a higher per minimum? You bet. And if we are lucky enough to sustain the current $600,000 per NEP or more, you have the evidence, 21 years of evidence and 28 examples, assuring you that your investment on behalf of the citizens of this country, is cleaning our nation's waters and restoring habitat we have destroyed.

We don't want to have to write reports about reports, we want to report results to you and our communities.

We don't want to develop processes to assess and reassess, we want practices on the ground that improve these estuaries.

We are humbled and honored to be part of something you began in 1987 – a locally driven, science rooted, cross boundary, watershed ecosystem based network of some of the nation's most spectacular places – all of which are in better environmental condition today than they were in 1987. The NEP is one of the best, if not the best, example of partnerships: federal and local, business and environmental, science and policy, policy and action. We have a song we use in our Stewardship through Music program, the chorus goes, "We are Kids for the Columbia, we are kids who really care. We are Kids for the Columbia and we are ready to do our share." We stand as kids of all ages ready to do our share.

Is there more to do? Unfortunately, yes.
In the Columbia River, along Washington and Oregon, we have moved forward with habitat restoration but 16,000 acres only gets us to about half what we have lost since 1880.

There still is no sustained monitoring on the Columbia. The states do great work within their borders, but the focus on the Columbia is minimal, intermittent and not integrated; there is only one sustained monitoring site. We don't know where toxics move in the system, what their sources are and what new ones are emerging. But we do know the toxics that are there are affecting the survivability of threatened and endangered salmon and the health of Native Americans, a population that has a high rate of consumption of these fish. We know new toxics are entering the system: flame retardants, pharmaceuticals, and personal care products in the nation's waterways that are impacting hormone balances in fish.

The 14,000 students we reach each year in Washington and Oregon, are only 6% of the total school population. In some districts in our study area, science has been dropped to focus on reading and math test scores. In many, field trips are eliminated to save money. Yet, study after study shows children learn and retain more when they can apply what they learn.

The urgency of restoring and protecting our coasts and estuaries has never been greater. Over 50% of the U.S. population lives in coastal areas and that number keeps growing – increasing the pressure on the critical ecological and economic resources in our estuaries. The Joint Ocean Commission Initiative, a collaborative effort between the US Commission on Ocean Policy and the Pew Ocean Commission underscores the widespread agreement that our oceans and marine resources are in serious trouble. The US Ocean Action Plan to implement the USCOP recommendations placed significant emphasis on managing our coasts and their watersheds. And the Administration has noted that "the NEP is EPA's flagship watershed protection effort. The NEP provides inclusive, community-based planning and action at the watershed level and has an established record of improvements to ecosystem conditions."

We are highly appreciative of your support for ensuring the NEPs in the field receive at least $600,000 each to continue ongoing work to implement their Management Plans, and to ensure the restoration and protection of our nation's estuaries.

I would be glad to answer any questions you may have, and again thank you for the opportunity to testify before you today.

Mr. DICKS. Well, we appreciate what you are doing, and I must say, Puget Sound, you know, the second largest body of water in the United States, was only getting $600,000. I mean, I cannot imagine how much good you do with so little money. I just hope you can continue to fix this until we can hopefully get back into a financial situation where we can do more for these programs. I really think this is one of the best programs we have and it is just woefully underfunded. I mean, you have the Tampa Bay, you have got the Narragansett. You can just go down the line of all these estuaries. They are huge bodies of water with all kinds of local support for this and we are doing $600,000.

Ms. MARRIOTT. Well, we appreciate that. We obviously hope there is more but that $600,000 is sort of the——

Mr. DICKS. It is critical.

Ms. MARRIOTT. Bottom of the pyramid that teeters, so thank you for that.

Mr. TIAHRT. In your district in southwest Washington and northwest Oregon, what is the farthest east you go?

Ms. MARRIOTT. Mr. Chairman, Representative Tiahrt, we work from Bonneville Dam, which is about river mile 146 on the Columbia out to the Pacific Ocean. We cover 31 communities in Oregon and Washington. Thank you very much.

Mr. DICKS. We are also trying to do a lot of the Mitchell Act hatcheries and trying to reform the hatcheries and I know you are getting some help probably from the Salmon Recovery Fund.

Ms. MARRIOTT. A little bit.

Mr. DICKS. Well, they cut that in half too so we have to try to get that restored.

Ms. MARRIOTT. Thank you very much, sir.

Mr. DICKS. Thank you for your good work.

Sue Gunn, Washington State representative on behalf of the Washington Watershed Restoration. How are you, Sue?

Dr. GUNN. I am doing pretty good, Mr. Dicks.

Mr. DICKS. Welcome.

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THURSDAY, MARCH 13, 2008.

## WASHINGTON WATERSHED RESTORATION INITIATIVE

### WITNESS

**SUE GUNN**

Dr. GUNN. Good morning, Mr. Tiahrt. Good morning, Mr. Hinchey. It is nice seeing you all again.

I would like to thank you for continuing this lovely opportunity for the public to testify. It is noble of you to do this for two days. I am testifying today as a Washington state representative for Wild Lands CPR. It is an organization that works to revitalize wild lands and we are based out of Missoula, Montana.

But I am also speaking today as a coalition director for the Washington Watershed Restoration Initiative and we are here to thank you for two things, one, for your leadership over the last decade in watershed restoration and salmon recovery, and also for the $40 million that was provided last year for the Legacy Roads and

Trails Remediation Initiative. That funding is incredible for our problems in Washington State and also it complements the work that is being done with Puget Sound Restoration Initiative because this way we can clean up the water quality at the upper end of the watershed and complement the work being done at the base of the watershed. It is also important nationally to bring down the backlog in Forest Service road maintenance.

So this year we would like to repeat our request from last year for $30 million for Washington State and also ask for $75 million for the Nation because for Washington State to get a portion, the Nation needs to get their share. Washington has 22,000 miles of roads, and in 2000 there was a MOA created with the State and the Forest Service because of violation of the Clean Water Act. In 2005, they said that the cost would be $300 million to address the roads problems and at the rate of funding it would take 100 years to do this. We are hoping that maybe it will only take a decade at $30 million annually.

We also have an annual maintenance problem for which we are appropriated $3 million but our need is about $11 million, so as you can see, each year we go further and further into the hole, and with the powerful storms that are coming through every winter, in 2006 and 2007 we saw $40 million worth of additional damage so our backlog for roads maintenance just increases annually, and this reflects that is happening at a national level. There are 380,000 miles of roads in the Forest Service and estimates range between $4.5 billion and $8.3 billion to address the backlog, depending which administration did those numbers.

So we would like to suggest that addressing this backlog and the recommendation that the Forest Service has made to decommission nearly half of their roads is important for water quality, improved habitat, connecting fragment to the ecosystems. And I have to tell you, this funding has struck a chord across the Nation and you are going to see organizations from many western states make requests of their delegation to continue this funding this year and in the future because——

Mr. DICKS. You also have to make a request of the Administration and the people who are not putting the money in the budget so that we can deal with these problems. That is the big problem. If the money was in the budget, we could do something but the President cut this whole budget by $1 billion below last year's level, and we should have gotten a $600 million increase to stay at the current services baseline. So that is a $1.6 billion gap right there. And the Forest Service has been cut by 35 percent without Fire. If you put Fire in, Fire has gone from 1991 at 13 percent to 48 percent of the budget. And in the Forest Service, you do not go to FEMA when you have one of these great big fires like everybody else does in disasters. They borrow the money from all these accounts. So what is bad even gets worse because sometimes that money does not get paid back. So it is an unbelievable problem. We had $40 million in there for the whole country under this Legacy Roads Program and Washington State got a small amount of that. I mean, the Forest Service, what can they do? They do not have the money.

Dr. GUNN. I know.

Mr. DICKS. I hate to say it, but maybe you guys are going to have to sue the Forest Service, and maybe you will have to take them to Court.

Dr. GUNN. Yes.

Mr. DICKS. And get a legal decision on this. I do not know how else we are going to get the money.

Dr. GUNN. I would certainly——

Mr. DICKS. The next Administration is going to be a lot more generous than the one we have.

Dr. GUNN. Yes, I would agree, and you know, the tribes just won a case against the state on culvert repairs so maybe the tribes would join us in a suit against the feds.

Mr. DICKS. I, you know, I do not know how else we are going to get there.

Dr. GUNN. Yes. Well——

VOICE. Next year.

Dr. GUNN. Next year.

Mr. DICKS. We hope so.

Dr. GUNN. New leadership and maybe your bill will pass with Mr. Rahall.

Mr. DICKS. Yes. Yes. That is right. We are working on that.

Dr. GUNN. Yes. I understand that.

Well, I would like to just close by saying that this funding is needed. It has the potential to birth the restoration economy.

[The statement of Sue Gunn follows:]

**STATEMENT OF SUE GUNN, Ph.D.**
**WASHINGTON STATE REPRESENTATIVE**
**WILDLANDS CPR**

**On behalf of a coalition supporting the**
**WASHINGTON WATERSHED RESTORATION INITIATIVE**

**Before U.S. House of Representatives Committee on Appropriations'**
**Subcommittee on Interior, Environment and Related Agencies**
**On Fiscal Year 2009 Forest Service Appropriations**

**March 13, 2009**

**Introduction:**

Mr. Chairman, on behalf of my organization, Wildlands CPR, and the Washington Watershed Restoration Coalition I would like to thank you for the opportunity to provide recommendations on funding for the National Forest Service in Fiscal Year 2009. We respectfully request $75 million be provided to the Legacy Roads and Trails Remediation Initiative in the US Forest Service's Capital Improvement and Maintenance account. Further, we request $30 million of that allocation be allotted to Washington State to address the impacts of deteriorating forest service roads, blocked culverts and flood damage on water quality and fish habitat.

We would like to express our gratitude to you for providing $40 million in funds in the Fiscal Year 2008 Omnibus Appropriations Bill to the Legacy Roads and Trails Remediation account for urgently needed watershed restoration on national forest lands. In Washington funds will be targeted to priority watersheds that support threatened or endangered species, such as salmon and steelhead, and will result in improved habitat and water quality for communities. We would also like to thank you for over two decades of leadership in watershed restoration that has brought about the decommissioning of 100 miles of old forest roads.

**The Problem:**

Washington State has 22,000 miles of National Forest Service Roads that are poorly and inadequately maintained. Previously timber sales provided revenues for maintenance of the road system but this is no longer the case. This change has resulted in years of chronic under funding for maintenance and repair of aging forest roads that have endangered our public lands, clean water and fish populations. Thousands of miles of

Forest Service roads in Washington and other northwest states block salmon passage and are at risk of triggering destructive landslides. Sediment from these roads smothers salmon and other fish eggs with sediment and dirties our drinking water. In 2005 the US Forest Services estimated that it would take $300 million and 100 years to bring Washington's forest roads into compliance with Clean Water Act.

This vast system of roads is no longer needed for extraction and hence it is imperative to remove unneeded roads and repair those needed for recreation and fire access. Washington receives approximately $3 million annually to address its road maintenance problem. Unfortunately $11 million is needed annually and therefore the backlog grows by $8 million annually. These numbers do not include the damage done by winter storms that in 2006 and 2007 alone added $40 million to the backlog. Damage from powerful winter storms will challenge the integrity of our national forest watersheds and accelerate the damage to stream habitat from failing roads. Climate models for the Pacific Northwest predict increased annual precipitation, which will in turn increase the risk of flooding. The Pacific Northwest is already experiencing intensified storms predicted by climate change models hence the removal of unneeded roads and stormproofing the balance of roads is essential to protect these watershed.

Washington situation is similar to that in other parts of the nation. Nationally 380,000 miles of forest roads pose the same problem as those in Washington. Nearly 85% of these roads are found in fifteen western states. Last year numerous organizations from Oregon, Idaho, Montana, California, Arizona and New Mexico contacted their delegation to express their concern about the legacy of failing national forest roads and need for sufficient funding to resolve this problem by addressing the backlog of nearly $10 billion in needed repairs to poorly maintained roads. The forest service has recommended decommissioning up to 186,000 miles of the most problematic and unneeded roads nationally, while other roads need improved maintenance to provide needed access and improve fish habitat. Due to inadequate funding and neglect, many of these roads continue to deteriorate causing serious environmental damage.

**The solution:**

Last year an historic appropriation was made to address the legacy of failed forest roads. This is an important first step toward a comprehensive solution but it provides less than one half of one percent of the national need and about one percent of Washington's need. We strongly urge you to continue an annual appropriation to the Legacy Roads and Trails Remediation account to provide the investment needed to systematically restore our national forest watersheds. We realize that this is a major request but it is what is needed for the agency to appropriately staff, plan, implement and monitor baseline conditions and road and trail remediation project effectiveness. The need for recurring annual funding is so great that we believe a line-item in the National Forest Service budget should be created to provide the constancy and accountability needed to build the agency infrastructure to execute the work and expand partnerships with landowners, tribes and other agencies and organizations.

**Development of a Restoration Economy:**

Our society is moving into a mature phase of its history and the pattern of fiscal expenditures reflects that transition. We believe we are now at a phase where restoration needs will dominate our funding agenda. Rapid growth and new development of the last century has shifted in recent decades to a phase focused on the maintenance and conservation of our built and natural environment. But now our aging infrastructure and degraded ecosystems have degenerated to the extent that we must now concentrate our efforts on their restoration. This shift should not be perceived as a problem but as new phase of our nation's economic cycle. Restoring the natural resources and functional components of our aquatic ecosystems will provide high-wage, high-skill jobs in rural communities. A 2003 Wildlands CPR study found that $93 million annually for road removal could provide between 2,000 - 3,000 direct jobs. It has been further estimated that $30 million in funding for Washington State could provide up to 435 jobs in areas where road reclamation and remediation is implemented, as well as additional/related jobs in the communities engaging in these efforts.

Considerable savings can be derived from forest road restoration. For example, the Forest Service estimates that road decommissioning could save taxpayers up to $1,200 annually per mile of decommissioned road. That is because it is cheaper to remove a road before it fails than removing the sediment from the stream after a road fails. Some engineers have estimated that road reclamation can cost at least 50% less than fixing the problem after roads fail. Seattle has spent approximately $6 million over 20 years to reclaim roads in the Cedar River Watershed, the city's drinking water supply, instead of constructing a multimillion dollar water filtration facility that would incur ongoing facility costs. An investment in restoration is both good for the land, and good for the communities that depend on the land.

**Conclusions:**

We are grateful for your continued leadership in watershed restoration and look forward to working with you to provide the impetus to create consistent and dependable funding to heal our forest watershed ecosystems and move the agency toward proper stewardship of its lands and provide safe access for recreational use and appropriate management.

**Supporting organizations**

Washington State Department of Ecology, Washington State Department of Fish and Wildlife, American Whitewater, Alpine Lakes Protection Society, Cascade Chapter - Sierra Club, Gifford Pinchot Task Force, North Cascades Conservation Council, Olympic Forest Coalition, Pacific Rivers Council, Pilchuck Audubon Society, The Mountaineers, The Wilderness Society, Wild Fish Conservancy, Wildlands CPR, Upper Columbia United Tribes, and Pacific Coast Federation of Fishermen's Associations.

Mr. DICKS. The other thing we have to do is next year where we go, in 2009, we are going to have reauthorization of SAFETEA–LU or whatever we call that thing.

Dr. GUNN. Yes.

Mr. DICKS. The Highway Trust Fund.

Dr. GUNN. Yes.

Mr. DICKS. And the Forest Service has never been in that pot, and I am talking to Mr. Oberstar about that. That would get us a significant amount of money, you know, the Park Service gets what, 250——

Dr. GUNN. Two hundred and forty.

Mr. DICKS [continuing]. 240 million. The Forest Service gets zero, I think, or very little.

Dr. GUNN. I just found out yesterday I was talking to the Chief of Staff of Resources, and when they reauthorize that, they amended it to allow 20 million for forest highways maintenance, but I do not know the details, and I am going to research that more, and I do not——

Mr. DICKS. One billion?

Dr. GUNN. Twenty million.

Mr. DICKS. Twenty million.

Dr. GUNN. Yes. It is not much, but it is in there, and all we could find was a press release from 2005. I did not find the language in the bill, but I am researching that.

Mr. DICKS. Shocking isn't it?

Dr. GUNN. Yes. Yes. But we could use your help.

Mr. DICKS. Well, we are going to work on it.

Dr. GUNN. Yes. So I would just like to say——

Mr. DICKS. Those are some of the things——

Dr. GUNN [continuing]. We are going to work on it.

Mr. DICKS [continuing]. We can work on together.

Dr. GUNN. And thank you for your leadership.

Mr. DICKS. Right. We will keep it up. We will keep fighting, you know.

Dr. GUNN. All right.

Mr. DICKS. Bill Imbergamo, Director of Forest Policy, American Forest and Paper Association. How are you, Bill?

Mr. IMBERGAMO. Very good, Mr. Chairman.

Mr. DICKS. We will put your statement in the record, and you have five minutes to summarize.

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THURSDAY, MARCH 13, 2008.

## AMERICAN FOREST & PAPER ASSOCIATION

### WITNESS

#### BILL IMBERGAMO

Mr. IMBERGAMO. Thank you very much. Mr. Tiahrt, Mr. Hinchey, thank you for the opportunity to present the views of the American Forest and Paper Association. We represent the Nation's forest, paper, and wood products industry, collectively represent over a million employees and 6 percent of U.S. manufacturing output.

First I would like to thank the Committee for the leadership you have shown in support for active forest management and the Forest Products Program, particularly in these difficult budget times. We have five main points that we hit in our written statement, and I will summarize briefly here.

Our top priority is fixing the way the Forest Service budgets and pays for fire suppression costs. As you were just discussing, Mr. Chairman, fire suppression is paid for largely out of borrowed funds from other land management accounts after suppression funds are exhausted, and these transfers are rarely, or at least not always repaid.

The FLAME Act, H.R. 5541, is an important step towards addressing this problem, and we thank you for your leadership as an original cosponsor of that legislation which seeks to create a clear break between fire suppression costs for large fires and land management programs.

Clearly, the agency's cost containment efforts have not been sufficient to address this problem. Budgetary reforms are needed.

Second, adequate funding for active forest management is vital to our forests and to my industry. The Forest Service continues to harvest far less timber than dies annually from fires, insects, and other natural causes on national forests, and stocking levels remain unsustainably high in many areas. Accounts such as K–V and the Salvage Sale Fund, which directly fund reforestation habitat and forest management activities, have been depleted by fire transfers over the last several years.

Funding the forest products line item at 338 million, a 5 percent increase, and repaying the 159 million transferred from K–V in fiscal 2006, is vital to prevent erosion in the program this fiscal year.

We appreciated language included in the fiscal 2008, Omnibus that placed a high priority on regional capability and the distribution of forest products funding and would encourage similar language in this year's bill.

We strongly encourage you to hold the agency accountable for claimed savings in administrative costs which would make substantial resources available for land management. The agency claims it can save 30 million from administrative efficiencies. They should be directed to report to Congress on how these savings were directed to the field for actual land management projects.

Third, we strongly support efforts to reduce hazardous fuels on the national forest. Reducing fuel loads helps protect watersheds, communities, and adjacent non-federal timberlands. The forest products industry can play a constructive role in this regard.

The cost of treating hazardous fuels is much lower in areas that still have a strong forest products industry presence. We support an increase of 15 percent above the enacted level with a strong emphasis on mechanical treatment of forest and acres.

We continue to be concerned about the Forest Service's use of acres treated as the sole measure of success in this program. Congress should provide guidance directing them to treat higher priority forest condition class three acres using mechanical methods and to more fully utilize all of their legal authorities such as the Health Forest Restoration Act to achieve these goals.

Fourth, we are concerned about proposed cuts to programs such as Cooperative Forest Health——

Mr. DICKS. When you say mechanical, what does that mean?

Mr. IMBERGAMO. It can mean harvest, it can mean thinning, it can mean brush hogging, and harvest is definitely a component of it.

Mr. DICKS. Just clearing out the under story so that when the fire occurs, it is not as intense and——

Mr. IMBERGAMO. Yes.

Mr. DICKS [continuing]. Severe.

Mr. IMBERGAMO. And it is not just under story. It stems per acre and a lot of forest types of stems per acre, too high.

Mr. DICKS. Well, and that is the thinning. In other words, you should——

Mr. IMBERGAMO. Right.

Mr. DICKS [continuing]. Thin the forest and get the separation, the fires are less intense.

Mr. IMBERGAMO. Correct.

Mr. DICKS. Okay.

Mr. IMBERGAMO. As I was saying, we are concerned about the proposed cuts to Cooperative Forest Health, Cooperative Fire, Forest Legacy, and Forest Legacy Roads. These programs help protect valuable private timberlands from fires, insects, and hazards, and poor-maintained road systems and upper watersheds. There programs should be funded at continuing levels to ensure that these hazards are adequately addressed.

Threats such as these do not respect property lines, and individual landowners cannot effectively combat them on their own.

Fifth, research programs including Forest Inventory, the Agenda 2020 Technology Alliance, and the Forest Products Laboratory are critical to the long-term health of our forests and a competitiveness of our forest products industry. Continued funding for FIA at $65 million is vital to our understanding of long-term trends in our forests and is one of the most widely-supported programs run by the agency.

Agenda 2020 supports development of sustainable bioenergy supplies at existing wood and paper facilities, and the Forest Products Lab supports cutting-edge research including nanotechnology that helps ensure efficient use of wood fiber and helps develop uses for small diameter trees. These programs are run in a cooperative fashion with states, universities, and the forest industry, giving the opportunity to leverage scarce federal dollars.

Thank you, again, Mr. Chairman, for the opportunity to testimony, and we appreciate the support of this Committee.

[Statement of Bill Imbergamo follows:]

**Statement of the American Forest & Paper Association**
**Bill Imbergamo, Director, Forest Policy**
**U.S. House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**Fiscal Year 2009 Appropriations Recommendations**

On behalf of the American Forest & Paper Association (AF&PA), I am pleased to submit the following testimony regarding the Fiscal Year 2009 Forest Service budget. AF&PA is the national trade association of the forest products industry, representing forest landowners, pulp, paper, paperboard, and wood products manufacturers. Our companies are in the business of producing products essential for everyday life from renewable & recyclable resources that sustain the environment.

The forest products industry accounts for approximately 6 percent of the total U.S. manufacturing output and employs more than a million people with an estimated annual payroll exceeding $50 billion. The management of the National Forests, key research programs, and programs which promote the management of the Nation's private forests are vital to the sustainability of our nation's forests. The forest products industry is vitally interested in ensuring that these programs are funded at levels that reflect the high priority that forests should have as this nation grapples with challenges like climate change, mounting wildfire suppression costs, and major economic concerns facing the wood products sector. We recommend the following priorities as you build a budget for Fiscal Year 2009:

**1. Fix the Fire Funding Problem:**

We believe firmly that a sound forest management program for the National Forests should be the foundation of the Forest Service budget. In order to achieve this, Congress must find a better way to fund fire suppression costs. We are pleased to note the Chairman's efforts in this regard, as an original co-sponsor of the Forest Land Assistance, Management and Enhancement (FLAME) Act. The bill establishes an "emergency" account, which can be managed separately from the rest of the Forest Service budget. Without that separation, it is extremely unlikely that the agency will be able to meaningfully implement a forest management program that restores forest health, prevents emissions of significant amounts of greenhouse gases, and maintains a strong forest products infrastructure.

The USDA Forest Service is in serious danger of becoming the National Fire Service. While firefighting is an important part of the agency's history and core mission, the way it is currently funded causes severe disruption in the delivery of every resource management program. Fire transfers have resulted in the diversion of over $2.2 billion between 1999 and 2003, with over $450 million of that amount never repaid. The Knutson-Vandenberg (K-V) fund lost over $2.3 billion since the mid-1980s, with over $150 million transferred from K-V in FY2006 and not repaid.

Fire suppression costs now make up almost half of the discretionary budget for the Forest Service, and many other important programs are suffering as a result. We look forward to working with you to enact the types of changes envisioned in the FLAME Act

and funding large fire costs in a manner which does not raid important land management programs. Cost containment measures taken by the agency, while critical and needed, are clearly not enough to achieve this goal.

**2. Increase Funding for the Forest Products Program and Begin Restoring Depleted Trust Funds:**

AF&PA views active forest management as vital to reducing hazardous fuel loads and preventing long-term forest health and wildfire disasters. Fuels reduction programs are much more effective and cost-efficient over the long term when there is a strong forest products industry presence. An integrated program that at once addresses fuels reduction and stand resilience to disturbance while providing a reliable and sustainable supply of wood and fiber is critical to sustaining current industry infrastructure. We therefore suggest that at least a 5% ($16 million) increase over the FY2008 enacted level in the **forest products** line item is needed to implement an integrated and sustainable program as called for in forest plans in all regions of the country.

The volume of fiber sold through timber sales is well below sustainable harvest levels, and is insufficient both ecologically and economically. With Forest Service data indicating that growth exceeds harvest five-fold, the lack of active management is exacerbating the already dire situation regarding wildfire threats and insect and disease epidemics. Economically, diminished industry infrastructure hampers the ability of the agency to conduct needed work. While several budget line items contribute to the agency's ability to conduct active management, the forest products line item is the most significant. Sufficient funding for this program would help return the Forest Service to a "forest management" agency, not a "fire service" agency.

We appreciate the language that this committee included in the current fiscal year's appropriations omnibus that placed a high priority on regional capability in the distribution of forest products funding, and would encourage similar language in this year's spending bill. We also value this committee's past attention to accountability within the Forest Service, and encourage similar language this year directing the agency towards greater efficiencies and adherence to performance standards.

The Forest Service is currently facing significant depletion of its trust funds, such as K-V and the Salvage Sale fund. This depletion, as well as the agency's growing reforestation backlog, is the direct result of wildfires. Reforestation following timber harvest is paid for out of receipts from the timber sold. Wildfires, however, create immediate reforestation needs and no source of funds to pay for them. Over 1 million acres are in need of reforestation because of this. Congress can take some initial steps to implement important reforestation, rehabilitation, and habitat work by **repaying the $159 million in K-V funds** that were transferred for fire borrowing.

The administration proposes continued reductions in Washington Office and Regional Office administrative expenses. We urge the committee to hold the agency accountable for these cuts, which have been promised in prior years but have, to our knowledge, not materialized. Currently, fully 30% of forest products funds are not reaching the field. If

the agency is directed to reduce 25% of the FY2009 forest products Washington Office and Regional Office funds, this frees up $30 million for program implementation at the field level.

We are also extremely concerned about the language included in the Forest Service's budget justification regarding timber markets. The Forest Service must not base projected accomplishments on the volatile market for lumber, but instead must focus on forest health and sound management of its forest lands, and be aware that failure to deliver a forest health timber sale program will lead to further mill closures. Ultimately, the agency will find itself faced with fewer customers and higher costs for land management when the industry infrastructure contracts even further. The Congress should direct the agency to maximize program outputs given the available budget, while integrating hazardous fuels reduction more fully into the program.

**3. Integrate Hazardous Fuels Reduction with Other Land Management Goals:**
The hazardous fuels reduction program is a critical component to restoring forest health on federal lands. We therefore support a 15% increase ($45 million) over the FY2008 enacted level to the **hazardous fuels reduction** budget. Where hazardous fuels reduction is the primary goal of land management efforts, the Forest Service must have the flexibility to use hazardous fuels funds to complete projects, including those requiring timber sales to meet management objectives. The forest products industry can play a key role in reducing hazardous fuels from federal lands. The costs of mechanical hazardous fuels reduction are frequently significantly lower in regions with a substantial forest products industry presence. The agency must take advantage of these synergies.

It is also critically important that the agency move away from using "acres treated" as the sole metric of accomplishment in the hazardous fuels reduction program. Continued focus on this measure incentivizes the agency to treat low priority acres repeatedly, and discourages them from treating higher priority forested acres in condition class 3. More aggressive pursuit of mechanical treatments, including more frequent use of Healthy Forest Restoration Act authorities, will result in treatments that produce usable wood fiber, and, more importantly, longer-lasting and more meaningful positive impacts on the long-term fire problem.

**4. Maintain Programs to Protect Private Forests:**
We are concerned about the proposed reductions for key programs such as **Cooperative Forest Health**, **Cooperative Fire Assistance**, **Forest Legacy Roads**, **Forest Stewardship**, and **Forest Legacy**. We understand the budgetary pressures that produced the President's budget proposal, but we cannot support these reductions. With ongoing droughts, invasive species infestations, and significant forest health problems in many corners of the country, these cuts leave valuable private forest resources vulnerable to damage from pests or fires that do not respect boundary lines between public and private lands. Similarly, deteriorating roads in upper watersheds on national forest land will ultimately deposit the problem on downstream private lands and streams unless corrective actions are funded and applied to all affected areas.

We urge you to provide funding for these important programs at the current level of spending, which represents a minimum need to ensure the health of these productive timberlands. Private timberlands provide the bulk of the Nation's wood fiber supply, while also sequestering huge amounts of carbon from the atmosphere, providing millions of acres of wildlife habitat, and supplying clean drinking water for millions of Americans. These programs protect these resources from threats that are beyond the capability of small landowners to effectively combat.

**5. Fund critical research on forests, forest products:**
Targeted research and data collection is needed to support forest productivity, forest health, and economic utilization of fiber. Increased funding for the Research and Development budget area is needed in order to allow the agency to focus on several critical priorities. The **Forest Inventory and Analysis (FIA)** program is the backbone of our knowledge about the nation's forests, and is a critical tool that allows us to assess their sustainability and health. We are concerned about the reduced budget proposed in the President's request and urge you to provide funding at the FY2008 enacted level. This level is needed to allow the Forest Service to cover 100% of US forest lands and expedite data availability and analysis.

We also recommend increased funding within the Forest Service R&D program in support of the **Agenda 2020 Technology Alliance**. Working in partnership with universities and the private sector, Forest Service funding for the Agenda 2020 program supports research to develop and deploy wood production systems that are ecologically sustainable, socially acceptable, and economically viable, in order to enhance forest conservation and the global competitiveness of forest product manufacturing and biorefinery operations in the U.S. Finally, we encourage greater support for research on forest products and utilization at the **Forest Products Lab and Research Stations**. Innovative wood and fiber utilization research, including nanotechnology research, contributes to conservation and productivity of the forest resource. The development of new forest products and important research on the efficient use of wood fiber directly address the forest health problem through exploration of small diameter wood use and bioenergy production.

**Conclusion:**
Congress must use this year's Forest Service budget as an opportunity to create a clear division between fire suppression funding and critical natural resource management programs. Congress has recognized that catastrophic wildfires are a land management problem, but now the next step must be taken. Programs, such as hazardous fuels reduction and timber management, must be protected from raids to pay for catastrophic fires. Forest management that reduces fuel loads and changes condition class on forested lands must be a top priority. Forest products programs must focus on managing for forest health, not just in fire prone forests but in other forest types that benefit from periodic harvest.

Thank you for the opportunity to provide input on the FY2009 Forest Service budget.

Mr. DICKS. Very good and I appreciate your good work.

Mr. Tiahrt.

Mr. TIAHRT. Mr. Hinchey.

Mr. HINCHEY. I thank you very much for the points that you have made, and I think that they are very good. And I also want to thank the two women who preceded you for a number of things, including the assertion on the fact that an investment of a small amount of money produces a large comeback, which I think is very significant. So thank you very much for all the work that you are doing.

Mr. DICKS. Okay. Thank you. And now we will have Deborah Gangloff, Executive Director of the American Forests.

Dr. GANGLOFF. Thank you, Mr. Chairman. How are you today?

Mr. DICKS. Good, Deborah. How are you? Welcome.

Dr. GANGLOFF. I am doing good.

Mr. DICKS. We will put your entire statement in the record, and you have five minutes to summarize.

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THURSDAY, MARCH 13, 2008.

## AMERICAN FORESTS

### WITNESS

**DEBORAH GANGLOFF**

Dr. GANGLOFF. I appreciate the opportunity, Mr. Tiahrt, Mr. Hinchey, to be here today.

You know, the members and supporters of American Forests are somewhat amazed by this Forest Service budget. We represent people from individuals to non-profit groups to major corporations that support good tree conservation.

Mr. DICKS. We thought we were the only ones.

Dr. GANGLOFF. And I think you clearly outlined what the external pressures are, let us say, on the Forest Service budget, and what I really want to talk about are the way they have sorted through the funds internally.

We believe that the Forest Service has a responsibility to help all Americans enjoy the benefits of healthy forests both in the national forest and elsewhere. And the services we get from forests; clean air, clean water, and assistance with the global warming issue as well, are going to be significantly reduced with this President's budget.

The Forest Service has a broad mission but a very narrow and misguided budget we think, especially this year. Even their own strategic plan and the initiatives of the Chief are not being met under this budget.

As mentioned earlier by other folks, the introduction of the FLAME Act we think is going to go a long way in dealing with the suppression problems and budgetary problems coming from the small amount of emergency wildfires that eat up the great amount of the land and the budget.

But we cannot cut the hazardous fuels reduction part of this budget either. That is what lets us get ahead of the fire risk, and

cutting that down, we need to have that back and restored at the $310 million level.

Similarly, in the BLM, those projects cannot be cut, because they help us get ahead of the fire risk. Burned area rehab and plant conservations are also important for the BLM.

We also call for 50 million for state assistance in fire. This President's cut of 27 percent is unacceptable there and also state and private forestry needs to have at least $40 million to deal with hazardous fuels reduction.

We are puzzled by the elimination of rehabilitation and restoration dollars. The agency consistently cuts this out, and the President cuts it out. This is where American Forests and our members and supporters interact greatly with the national forests. Every year we raise private sector dollars to plant millions of trees on national forests. We leverage that small amount of funding in that budget line item many times over to plant trees, and the need is greater and greater every year for replanting our national forest. So that needs the $10 million restored.

Finally, I want to talk about state and private forestry. This is where the expertise of our Nation's foresters is made available to the benefit of all Americans everywhere. The President's budget cuts state and private forestry by nearly 60 percent and coop forestry programs by 81 percent. The agency can no longer help keep forests as forests with that kind of budget slashing.

Economic Action Programs provides rural communities with the opportunities to develop economies that actually make the forest healthier. We talked about thinning earlier and fuels reduction. There are products that can come out of those forests where an economy can be built on it, justify the cost of taking those trees out individually one by one, and have a healthy economy that is interdependent with the forest. So Economic Action Programs, we ask for the $40 million appropriation there.

Forest stewardship, again, helps private forestland owners keep their forests in forests. That was slashed under the President's budget 83 percent. We would like to see that restored to the $35 million level.

And, again, the Forest Legacy Program has been mentioned by others, cannot be sustained with a 76 percent cut in the budget, and it should be maintained at that $75 million level.

International Programs, too, where we share our expertise around the world, what we know about forests and the benefit to humans, should be funded at the 7 million and not cut 73 percent as proposed in this budget.

And finally, a topic very near and dear to me is Urban and Community Forestry. I believe the House of Representatives knows better than anyone the value of that program out in the states and in the local communities. It is cut 82 percent in this budget down to $5 million, which is outrageous. Last year you were successful in getting that restored back to about $27, $28 million. We are asking for at least $50 million for this program. Urban forests provide essential clean air and clean water benefits, can help be a part of the answer to the global warming issue. Trees planted around homes and buildings can cut energy use significantly, and that means less pollution in the air, less $CO_2$ in the atmosphere.

I know the Chairman is familiar with our work on the Puget Sound and in Tacoma——

Mr. DICKS. Right.

Dr. GANGLOFF [continuing]. The value of trees for water quality in the Puget Sound. That happens all across the country, that kind of work, through this small Urban and Community Forestry budget. We have planted trees in many of the cities in upstate New York, Binghamton, actually happens to have a pretty good tree canopy compared to Buffalo or Rochester, but those are important programs, and that expertise goes right down into the communities. Kansas, of course, was an early developer and adaptor of urban forestry science and practice. This program cannot be cut. It is too important for Americans.

And I——

Mr. DICKS. Thank you.

Dr. GANGLOFF [continuing]. Thank you very much.

[The statement of Deborah Gangloff follows:]

**Statement of Deborah Gangloff, Executive Director, AMERICAN FORESTS**
**To the Interior Appropriations Subcommittee, U.S. House of Representatives**
**On the President's FY 2009 Budget Proposals**
**For the USDA Forest Service and USDI Bureau of Land Management**

**March 13, 2008**

**SUMMARY OF REQUESTS**

**USDA Forest Service**

- **Urban and Community Forestry Program at $50 million.**
- **Economic Action Programs at $40 million.**
- **Forest Stewardship Program at $35 million.**
- **Forest Legacy at $75 million.**
- **International Forestry at $7 million.**
- **Hazardous fuels reduction at $310 million.**
- **State Fire Assistance at $50 million (WFM) and $40 million (S&PF).**
- **Rehabilitation and Restoration at $10 million.**

**USDI Bureau of Land Management (BLM)**

- **Public Domain Forest Management at $10.7 million**
- **Challenge Cost Share at $9.2 million**
- **Jobs in the Woods at $6 million.**
- **Hazardous fuel reduction at $210 million.**
- **State and Local Assistance at $6 million.**
- **Burned Area Rehabilitation at $24.3 million.**
- **Plant Conservation at $5 million.**

Dear Mr. Chairman and Members of the Subcommittee:

Founded in 1875, American Forests is the oldest national citizen conservation group in the U.S. We work to protect, restore and enhance the natural capital of trees and forests. We do this by partnering with diverse groups and organizations across the country, including local leaders and community groups, policymakers and agencies, researchers and students, small businesses, corporate sponsors, and foundations, to build understanding and encourage participation in forest conservation policies and projects. Our testimony focuses on Forest Service and BLM programs to pursue forest restoration and maintenance through strategies that build community capacity and encourage cooperation across public and private forests, urban and rural.

**USDA Forest Service—a broad vision and a narrow, misguided budget**

While the Forest Service's Strategic Plan and the Chief's three major initiatives—climate change, water, and kids' connection to nature—reflect a broad vision and suggest expanded efforts to collaborate with state and local governments, other landowners, and non-governmental organizations, the agency's FY 2009 budget proposals reflect a retrenchment and a narrow focus

on "core mission needs" (overly emphasizing the National Forest System) and "highest priority activities" (overly emphasizing timber production and acres treated.)

Given overall federal budget pressures, as seen in the 13 percent cut in the agency's non-emergency budget, the Administration and the agency are being forced to choose among its many important programs. In addition, increasing wildfire suppression costs, reflected in the 18 percent increase in regular appropriations, exacerbates the situation by further reducing the amount of funding available for non-fire programs.

Though we sympathize with the difficult context, we believe that the budget priorities in the agency's FY 2009 proposals are significantly off the mark for pursuing the agency's strategic goals and initiatives. To illustrate our concerns, two of the seven goals in the agency's strategic plan are cut dramatically: Conserve Open Space (Goal 3) is reduced by 71 percent and is left with 1 percent of the agency's funding; and Engage Urban Communities (Goal 6) is cut by 71 percent and is left with only 0.2 percent of the annual funding.

**State and Private Forestry (S&PF)**

While the Administration proposes to cut S&PF spending by 58 percent, it would cut Cooperative Forestry programs by even more, a whopping 81 percent! Our testimony focuses on these programs, which represent the core of the agency's efforts to work collaboratively with state and local governments, tribes, private landowners, and for-profit and non-profit entities. These are the primary programs through which the agency provides leadership in addressing major forest-related issues on private forest lands, which comprise 60 percent of our nation's forests, and in urban areas where more than 80 percent of our population lives.

We appreciate the efforts over the last year by the Forest Service and the National Association of State Foresters to "redesign" S&PF. The directions charted through the redesign, such as prioritizing areas of need, focusing on landscape and watershed scales, and allocating resources through competitive processes, are sensible and consistent with approaches for which we have advocated. The redesign makes little sense and becomes unworkable, however, if reasonable funding is not provided for S&PF programs. The funding levels in the Administration's budget proposal are highly unreasonable and show a blatant disregard for S&PF priorities and programs.

**Urban and Community Forestry (U&CF):** American Forests is concerned about the proposed 82 percent cut in the U&CF program. While the change in direction suggested in the S&PF redesign may help the program, little could be accomplished with this level of funding. American Forests is currently working with the agency on one of its priority projects for this program. We are developing a model project in the Southeast to build greater understanding of major issues related to natural systems and urban development in a five-state area covering about a dozen urban centers. We look forward to presenting the findings from this project to the committee in the near future. For these projects to occur at a meaningful level and for needed technical and financial assistance to urban communities, we urge Congress to provide $50 million for the U&CF program. This is consistent with the recommendations of the Sustainable Urban Forests Coalition, which includes $36 million for the U&CF base program, $12 million for a Metropolitan Areas Canopy Restoration Initiative focused on assessing, restoring, and maintaining urban tree canopy cover in 10 to 15 pilot cities, and $2 million for technology transfer and education. In addition, we urge Congress to support $6 million in the agency's Research budget for urban forestry.

**Economic Action Programs (EAP):** The EAP has been critical to the agency's progress in working with rural communities, through place-based collaboration, to develop innovative restoration projects, train skilled workers, apply appropriate technologies, and build local businesses that can add value to restoration by-products. Once again, the President proposes to eliminate funding for EAP without offering suggestions on how to meet the needs of rural communities for these types of capacity building programs. We believe it is essential for Congress to continue funding assistance to rural communities for building local capacity for forest restoration activities. We urge the Congress to fund EAP at $40 million.

**Forest Stewardship Program:** The Administration's proposed 83 percent reduction in the Forest Stewardship Program would have significant impacts on the agency's ability to provide technical assistance to non-industrial private forest landowners at a time when the conservation and stewardship of private forests is emerging as a major policy issue facing our country, due to the important products and environmental services provided by private forests. We urge the Committee to fund this program at $35 million.

**Forest Legacy Program:** The Administration proposes 76 percent cut in this program which has become a key tool for the agency, state governments, and NGOs to protect private forests and open space. The program provides funds for acquiring easements on private forests threatened by conversion to non-forest uses. We believe this is a critical program for pursuing the agency's strategic goals of protecting private forests and conserving open space. We urge the Committee to fund Forest Legacy at $75 million.

In addition, we reflect briefly on the **International Forestry** program, which is also a part of S&PF and demonstrates U.S. leadership on global issues, such as climate change, sustainable forest criteria and indicators, wildfire, biodiversity, and forest products trade. We believe it is critical for the agency to maintain sufficient capacity to effectively participate in these issues. We urge the Committee to reject the Administration's proposed 73 percent cut in funding for this program and to maintain funding at the FY 2008 level of $7 million.

**Wildland Fire Management (WFM)**

The Administration and Congress have struggled over the past several years to address the issue of increasing wildfire costs and their adverse effects on the agency's ability to meet its overall mission. We are encouraged by the introduction of the FLAME Act (HR 5511) which would provide a supplemental funding source for catastrophic emergency wildfire suppression. We would like to thank Chairman Dicks for his leadership on this legislation, along with Natural Resources Committee Chairman Rahall.

**Hazardous Fuels Reduction:** American Forests continues its strong support for this program, and we urge the Committee to maintain funding at the FY 2008 level of $310 million. We are also concerned Administration's emphasis on efficiency, which requires the agency to focus on treating the most acres at the least cost and gives too little attention to higher priority acres for reducing risks to communities. In addition, we would like to see clearer direction for this program to provide greater support for preparing Community Wildfire Protection Plans that identify where and how fuel reduction treatments should be done on the landscape and how these treatments and their by-products may provide opportunities for local businesses and workers.

**State Fire Assistance (SFA)**: The SFA has become a key federal program for providing financial and technical assistance to communities for preparing Community Wildfire Protection Plans (CWPPs). As authorized under the Healthy Forests Restoration Act of 2003, CWPPs are a key mechanism for local collaboration. The President proposes to cut the SFA (WFM) by 27 percent. American Forests urges the committee to increase funding for this program to $50 million. In addition, we support an increase in SFA (S&PF) from the Administration's proposal of $25 million to $40 million.

**Rehabilitation and Restoration:** We continue to be puzzled by the Administration's proposals to eliminate funding for this program, despite increasing wildfires, increasing restoration needs on the National Forests, and the fact that this program is critical to the larger National Fire Plan goal of restoring fire-adapted ecosystems. Through our Wildfire ReLeaf campaign, American Forests partners with the Forest Service by raising private-sector matching funds to help plant trees on burned-over lands for environmental restoration purposes. We believe that "keeping forests as forests" should be one of the agency's highest priorities, and that greater funding is needed for the Rehabilitation and Restoration program to better understand and address post-fire restoration concerns. We urge Congress to provide at least $10 million for this program.

**USDI Bureau of Land Management (BLM)**

With our focus on programs pursuing collaborative forest restoration, we urge this committee to restore last year's funding level of $10.7 million for the **Public Domain Forest Management** program. Increased support for this program in recent years has helped the agency rebuild its staff capacity and seek to develop collaborative forest restoration projects with local communities. We support the Administration's $9.2 million proposal for the **Challenge Cost Share** program which develops innovative and highly leveraged partnership projects focused on land restoration and resource conservation. Within the Oregon and California Grant Lands accounts, we urge the restoration of funding at $6 million for the **Jobs-in-the-Woods** program.

Under Wildland Fire Management, we urge Congress to increase funding for the **Hazardous Fuel Reduction** program to $210 million for fuels reduction through local collaboration. We also urge Congress to restore funding of $6 million to the **State and Local Assistance** program, which the Administration proposes to eliminate. Finally, we support the President's proposal of $24.3 million for **Burned Area Rehabilitation** and urge $5 million for the **Plant Conservation** program, which provides essential native plants for restoration activities.

Sincerely,

Deborah Gangloff, PhD
Executive Director

Mr. DICKS. You did an excellent job, covered a lot of territory.
Dr. GANGLOFF. Thank you very much.
Mr. DICKS. Thank you very much.
Martin A. Bartels, Outdoor Alliance.
Mr. BARTELS. Good morning, Mr. Chairman.
Mr. DICKS. Yes. We will put your statement in the record, five minutes to summarize.
Mr. BARTELS. Thank you very much.
Mr. DICKS. Yes.

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THURSDAY, MARCH 13, 2008.

## OUTDOOR ALLIANCE

### WITNESS

**MARTIN A. BARTELS**

Mr. BARTELS. I am Martin Bartels, Executive Director of the American Canoe Association. I am testifying today on behalf of the Outdoor Alliance, a coalition of six national membership-based organizations devoted to conservation and stewardship of our Nation's public lands and waters through sustainable human-powered outdoor recreation.

Our collective direct membership is over 100,000, and we have a network of almost 1,400 clubs covering every state in the union. We are, in other words, the Nation's paddlers, climbers, back country skiers, hikers, and mountain bikers. The aim of the Outdoor Alliance is much more than to maintain federal lands and waters for recreation. We believe firmly that responsible use of these lands engrains responsible care for our environment.

Further, businesses associated with the enjoyment of America's great places contribute billions to the national economy. With that in mind, we are offering a few budget recommendations under understandably challenging circumstances.

The Forest Service has come up a lot today. We are proposing a $285 million expenditure for recreation management, heritage, and wilderness. Importantly, I think it is important to note that Outdoor Alliance figure will help leverage partnerships and passionate volunteers from the human-powered community. In my former job I was Director of Communications for the Appalachian Trail Conservancy. I think many of you are familiar with that. I saw firsthand how more than 5,000 volunteers contributed almost 200,000 hours of service each year. If nothing else, this relative microcosm of the massive forest and park system is a resounding endorsement by Americans that our outdoor spaces matter deeply.

We are also recommending a 12 percent increase for capital improvement in trails maintenance and $75 million for the Legacy Roads and Trails Remediation Program.

Having spent a good deal of my youth at 9,800 feet above sea level in Colorado, I gained a great respect for the work of the BLM. Outdoor Alliance has suggested $70 million will pay for additional rangers and field staff, finance monitoring and restoration programs, and support BLM's volunteer core.

We also favor creating specific budget subactivities for all the specially designated places in the Conservation System, including Wild and Scenic Rivers and the National Scenic and Historic Trails.

We are happy about the increased funding proposed in fiscal year 2009, for the Park Service, but I think we all know that key National Park Service programs are too often overlooked, including the Rivers, Trails, and Conservation Assistance Program.

RTCA contributes greatly to the quality of life for millions of Americans who do not live near iconic parks. An appropriation of $12 million in '09, would end a decade of neglect and would enable the program to serve the growing needs of communities throughout the country.

Also, through the Land and Water Conservation Fund more than 40,000 local and state park recreation and conservation projects have been completed in almost every county across the U.S. Outdoor Alliance supports increased funding for LWCF and categorically opposed the Administration's recommendation to terminate stateside LWCFs, a program critical to ensuring and enhancing close-to-home recreation opportunities for all Americans.

Lastly, the National Wildlife Refuge System protects myriad species and critical habitat, provides recreational opportunities on approximately 2,500 miles of land and water trails for nearly 40 million visitors annually.

Mr. DICKS. This Subcommittee last year added 39 million——

Mr. BARTELS. Yes, sir.

Mr. DICKS [continuing]. To the Refuge System because we recognized that it was on a disastrous downward course, and we have a refuge caucus in the House led by Ron Kind, and he testified, and it was a great group of people and just saying, we have to stop this. And I actually took it to the Secretary and told him, you know, we are very supportive of your Parks Initiative, but we also think refuges are very important.

And fortunately, that money stayed in the budget. A lot of these things we tried to fix were dropped back to——

Mr. BARTELS. Sure.

Mr. DICKS [continuing]. Last year's levels. But that was one we are pleased about. But you have to still add $15 million to stay even.

Mr. BARTELS. Just to keep it at no net loss.

Mr. DICKS. Yes.

Mr. BARTELS. Exactly. And I should point out, the work of this Subcommittee in particular has been exemplary. We really appreciate the work you have done and have a great respect for you.

Mr. DICKS. We are trying to do the best with what we have got, and it is tough. It is a tough time.

Mr. BARTELS. Thank you very much, sir.

[The statement of Martin Bartels follows:]

TESTIMONY OF MARTIN A. BARTELS, OUTDOOR ALLIANCE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
PUBLIC WITNESS HEARING, MARCH 13, 2008

**Executive Summary of Outdoor Alliance's FY2009 Budget Recommendations**

| Agency | Program and Funding Recommendations |
|---|---|
| *United States Department of Agriculture Forest Service* | • Recreation Management, Heritage and Wilderness: minimum of $285 million;<br>• Capital Improvement and Maintenance/Trails: minimum of $85 million; and<br>• Legacy Roads and Trails Remediation Program: $75 million. |
| *Department of Interior Bureau of Land Management* | • National Landscape Conservation System: $70 million. |
| *Department of Interior National Park Service* | • Support President's proposed funding level for Park Operations;<br>• Rivers, Trails and Conservation Assistance program: $12 million; and<br>• Wild and Scenic Rivers program: $600,000. |
| *DOI—US Fish & Wildlife* | • National Wildlife Refuge System: $450 million |
| *DOI and USDA Jointly* | • Stateside LWCF (NPS): $125 million; and<br>• Federal LWCF (across the federal land management agencies): $220 million. |

Mr. Chairman and Members of the Subcommittee, thank you for giving the Outdoor Alliance the opportunity to speak in support of funding for the FY 2009 Recreation and Public Lands Budget. It is an honor to be here today.

I am Martin Bartels, Executive Director of the American Canoe Association. I am testifying today on behalf of the Outdoor Alliance, a coalition of six national, member-based organizations devoted to conservation and stewardship of our nation's public lands and waters through sustainable human-powered outdoor recreation. Outdoor Alliance includes: Access Fund, American Canoe Association, American Hiking Society, American Whitewater, International Mountain Bicycling Association, and Winter Wildlands Alliance. Our collective direct membership is over 100,000, and we have a network of almost 1,400 clubs covering every state in the Union. We are, in other words, the nation's paddlers, climbers, backcountry skiers, hikers and mountain bikers.

Last summer I had the pleasure of kayaking with my nine year old daughter, Audrey, on a remote lake in Wisconsin's north woods. It was her first time piloting her own kayak, and as we left the shore her eyes glowed with the excitement of independence and new adventures.

As we paddled along we came upon a small family of turtles sunning themselves on a large piece of driftwood. She laughed as each plopped into the water, then reappeared. At one end of the

lake, an eagle circled high above. And then as we rounded into a small cove, Audrey whispered excitedly: "Dad, look!"

On the shore was a young Great Blue Heron staring at us intently. Audrey set her paddle down and drifted in silent awe. Later she shared this experience with everyone she met and frequently asks, "Dad, when can we go back?"

The aim of the Outdoor Alliance is much more than to maintain federal lands and waters for sustainable recreation. We believe firmly that responsible use of these lands ingrains responsible care for our environment. These lands and waters are integral to our national identity—from images on our currency to regional and international tourism campaigns. Further, businesses associated with the enjoyment of America's great places contribute billions to the national economy. With this in mind, we offer the budget recommendations set forth below.

***Outdoor Alliance's Spending Priorities for Public Land: Using Sustainable Human-Powered Outdoor Recreation to Improve Public Health and Spark Conservation and Stewardship for the Long Term***

People cannot care for what they do not know. The goal of Federal funding for public lands and waters should be to help Americans develop a relationship with those places over the long-term, and make it possible for them to personally reap the physical and spiritual benefits of simply being outside. To achieve this, Congress will need to provide the funding levels set forth below.

**United States Department of Agriculture - Forest Service**

One of the USDA Forest Service's seven goals in its FY 2009 budget proposal is to "Sustain and Enhance Outdoor Recreation Opportunities." Although recreation is essentially the greatest use of National Forest System lands, recreation is chronically under-funded and understaffed, an unsustainable trend perpetuated by the Administration's FY 2009 budget request.

In my former position as Director of Communications for the Appalachian Trail Conservancy, I was honored to witness the exemplary work of Forest Service Rangers like Pete Irvine. I also witnessed the impacts of cuts imposed on the Service. Outdoor Alliance's proposal of $285 million for Recreation Management, Heritage and Wilderness will empower the Forest Service to better care for resources and facilities as well as augment on-the-ground staff and improve recreation resource analyses and planning.

Importantly, the Outdoor Alliance figure will also help leverage partnerships and passionate volunteers from the human-powered community, who collectively devote thousands of hours to conservation and stewardship projects throughout the National Forest System. In contrast, the Administration's proposed 10 percent *decrease* will among other things, reduce FTEs by 296 from FY 2008, thereby limiting the Service's ability to utilize available volunteers.

Consider that the Appalachian Trail, for instance, gathers more than 5,000 volunteers each year who contribute more than 200,000 hours collectively to the Trail. If nothing else, this relative microcosm of the massive forest and park trails system is a resounding endorsement by Americans that our outdoor spaces matter deeply.

The Forest Service manages 140,000 miles of trails used for a rich variety of activities, including hiking, mountain biking, cross-country skiing, as well as approaches to climbing routes and river

access points. Rather than a 34 percent decrease as requested by the Administration, Outdoor Alliance believes that a 12 percent increase is required to help restore and maintain its thousands of trail miles--including national scenic and historic trails--help reduce the deferred maintenance backlog, improve trail infrastructure, prevent and mitigate resource impacts, and provide safe, high-quality recreational experiences for millions of Americans.

In FY 2008, Congress established the Legacy Roads and Trails Remediation Initiative. Our members witness first-hand the impacts of inadequate funding for Forest Service roads and trails. As these assets crumble away, they threaten access to public lands and recreational sites and degrade water quality and fish habitat. It is time to decommission roads that are unauthorized or are causing adverse ecosystem impacts, and instead provide appropriate maintenance for roads that provide critical access to public lands. The active outdoor community enthusiastically supports continued growth of this critically important program. We believe $75 million in FY 2009 is a good next step.

**United States Department of the Interior - Bureau of Land Management**

Having spent a good deal of my youth at 9,800 feet above sea level in the mountains of Colorado, I gained a great respect for the work of the Bureau of Land Management. The American West, home of BLM's National Landscape Conservation System, includes eleven of the nation's fifteen fastest growing states. The Conservation System includes some of the nation's best recreational, cultural, and natural resources, and even though the System encompasses just 10% of BLM land, it receives more than a third of all BLM visitors. Despite growing population and increased demands on recreational resources, funding for maintenance of the Conservation System continues to decrease. Vandalism of cultural and recreational resources occurs in the absence of law enforcement staff, and carefully developed Transportation Management Plans lay idle for want of resources to implement them.

Outdoor Alliance's suggested $70 million will pay for additional rangers and field staff, finance monitoring and restoration programs that sustain and protect the System's cultural and historical sites, assist with coordination and management of volunteers, and support human-powered active recreation programs. In addition to this suggested figure, we favor creating specific budget subactivities for the *all* the specially-designated places the Conservation System contains – including Wild and Scenic Rivers and National Scenic and Historic Trails

**United States Department of the Interior - National Park Service**

There is a tremendous amount of enthusiasm among Park Service employees and NPS partners for the centennial anniversary of the National Park System. As I mentioned earlier, my experience at the Appalachian Trail Conservancy offered a glimpse of the remarkable energy and exhaustive work of Park Service employees. Outdoor Alliance supports the increased funding for national park operations included in the Administration's FY 2009 request.

Even with this increase, key NPS conservation and recreation programs are too often overlooked, including the Rivers, Trails and Conservation Assistance (RTCA) program, national scenic and historic trails, and a properly-funded Wild and Scenic Rivers program.

RTCA implements the natural resource conservation and outdoor recreation mission of the NPS, contributing greatly to the quality of life for millions of Americans who do not live close to

iconic parks like the Grand Canyon or Yellowstone. An appropriation of $12 million in FY2009 would put an end to a decade of neglect and under-funding and enable the program to respond to growing needs and opportunities in communities throughout the country.

This year we celebrate the 40th Anniversary of the Wild and Scenic Rivers Act. In contrast to other federal agencies that manage Wild and Scenic Rivers, the National Park Service has no national program to coordinate management of our nation's most spectacular wild rivers. A small investment of $600,000 in FY 2009 would get this program off the ground.

**Land and Water Conservation Fund (LWCF)**

The Land and Water Conservation Fund provides and protects recreation opportunities nationwide through federal land acquisition and state recreation grants. Through the LWCF, more than 40,000 local and state park, recreation, and conservation projects have been completed in virtually every county across the US. Although authorized at $900 million annually, the FY 2009 Administration request represents one of the lowest proposed funding levels in the program's 44-year history. Outdoor Alliance supports increased funding for LWCF and categorically opposes the Administration's recommendation to terminate stateside LWCF, a program critical to ensuring and enhancing close-to-home recreation opportunities for all Americans. Outdoor Alliance recommends appropriations equaling $125 million for the Stateside LWCF, and $220 million for the Federal LWCF.

**Department of Interior – US Fish & Wildlife Service**

The National Wildlife Refuge System (NWRS) protects myriad species and critical habitat and provides recreational opportunities on approximately 2,500 miles of land and water trails for nearly 40 million visitors annually. The operations and maintenance backlog for the system totals more than $3 billion, and approximately 200 refuges do not have any staff. A minimum increase of $15 million over the Administration's FY2009 proposal is necessary to prevent "no net loss" for the system, meet cost of living increases and inflationary pressures, and keep refuges from cutting public use programs.

***Conclusion: Provide, Protect and Enhance Valuable Outdoor Recreation Opportunities***

Cresting the peak of Katahdin at the north terminus of the Appalachian Trail; rafting the Colorado River; traversing the Palm Canyon bike trail in California, and a simple kayak trip on a north woods lake are more than simply ways to catch a pretty view. These lands and waterways provide a direct, contextual experience for millions of Americans to understand our responsibilities to the environment. The lands themselves are an urgent and intimate call to action.

When my daughter Audrey becomes a teenager, I know that she won't be camped in front of a TV or a computer: She'll be camped at the base of a mountain or on the shore of a freshwater lake. I know that because Audrey has firsthand experiences in a natural world, she won't join today's sad statistics of childhood obesity and poor health. I know that she will make responsible choices and contribute to global solutions instead of adding to global problems.

It can be true for millions of other children and their parents, as well.

Thank you for the opportunity to appear before the Subcommittee.

Mr. DICKS. Thank you. Appreciate you being here.

George Lea, President, Public Lands Foundation.

Mr. LEA. Mr. Chairman, good to see you again.

Mr. DICKS. We will put your statement in the record, and you have five minutes to summarize.

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THURSDAY, MARCH 13, 2008.

## PUBLIC LANDS FOUNDATION

### WITNESS

**GEORGE LEA**

Mr. LEA. Thank you. Yes. I am George Lea. I am the President of the Public Lands Foundation. The foundation is an organization of basically retired BLM people, and as such we represent a vast knowledge of, and experience in public land management.

It is important that the Committee understand that while we support the Bureau's programs, we are independent in our views. We do not have to feed our children any longer, and we often disagree with some of the policies and programs that are undertaken.

It is also significant that the Committee understand that the Bureau of Land Management will return $6.2 billion in receipts in 2009.

Mr. DICKS. Billion.

Mr. LEA. Billion. Yes.

Mr. DICKS. Yes.

Mr. LEA. That is not a mistake. That is billion.

Mr. DICKS. Yes.

Mr. LEA. With 44 percent of the receipts being returned to the states and counties to support roads, schools, and other community needs. We are unaware of any other agency that returns those kind of receipts.

We basically support the budget before you, however, we have identified certain short fallings, shortcomings, and the need for additional funding.

The Healthy Lands Initiative is a very important program, Mr. Chairman. There is a lot of real good work being done on the ground for this program. And as you know, it is directed at compensating for the, some of the damage done by energy development and fire, particularly in the sagebrush zone area, and there the target is basically trying to prevent the sagebrush grouse from being listed. So that is a very important program, and we certainly suggest that it be increased.

I would like to turn next to selling of public lands. The budget before this Committee, again, proposes that the Federal Land Transportation Facilitation Act be amended to allow BLM to sell all lands identified suitable for disposable in all updated management plans. FLPMA, of course, the Federal Land Policy Management Act, already provides this authority to the Bureau.

However, the budget proposal would direct that the, that a portion of the proceeds from the selling of BLM lands be made available for other agencies to acquire in-holdings such as the Forest Service, Park Service, and Fish and Wildlife Service. We object to

using the Bureau of Land Management lands as a cash cow. BLM lands have the same integrity and importance as the Forest Service and the Park Service lands. And they should be treated as such.

As a matter of fact, each agency has the need to dispose of lands that they can no longer manage; the Forest Service, Park Service, and they need their own authority to sell lands and to use some of their proceeds to acquire in-holdings.

Next I would like to return, to turn to renewable energy. With increase in the cost of energy and the need for alternative energy sources, the number of applications for wind and solar facilities of the public lands has mushroomed. Currently BLM has the backlog of 137 solar and 173 wind applications waiting BLM actions. The BLM needs funding to process these applications, and we suggest that the BLM be given the authority to retain the receipts from, the fee receipts from renewable energy application as it has in the case of some of the other energy activities such as oil and gas and geothermal.

Mr. Chairman, you discussed here on a couple of cases this morning the need to make some changes in the Firefighting Arrangements Funds.

Mr. DICKS. Right.

Mr. LEA. And, again, I want to impress upon the Committee the need to do that. BLM fortunately has been able to borrow from carryover funds so that they are able to use those funds and to be reimbursed later by Congress. Forest Service, the poor devils, they do not have carryover funds, and they have to shut down their field operations or their——

Mr. DICKS. Right. Right.

Mr. LEA [continuing]. Other forest managers to pay the fire funds. So you are just shutting down the agency during the field season, and they have no ability to use borrowed funds. So, again, we suggest that——

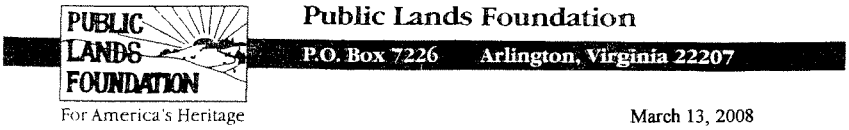
Mr. DICKS. We are trying to get that fixed.

Mr. LEA. We would appreciate that.

Mr. DICKS. Chairman Rahall and I are working together on that.

Mr. LEA. That is my summary, Mr. Chairman, and I appreciate the opportunity and want you to know that we are sincere in our efforts to see that the public lands are well managed.

[The statement of George Lea follows:]




Public Lands Foundation
P.O. Box 7226 Arlington, Virginia 22207

March 13, 2008

**TESTIMONY - THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES– FY 2009- Bureau of Land Management**

By George Lea, President, Public Lands Foundation

Thank you Mr. Chairman for this opportunity to present your committee with our views on the Bureau of Land Management's (BLM) budget request for FY 2009. As a national, non-profit organization principally of retired but still dedicated former BLM employees, the Public Lands Foundation (PLF) has a unique body of knowledge, expertise and experience in public land management. We are the only national membership organization dedicated solely to the protection and professional multiple use management of BLM public lands. As retirees, we believe we can now offer an objective and non-bureaucratic view of what is really happening to the public lands and suggestions for improvement. It is important that the Committee understand that while we are supportive of BLM and its programs, we are not a "captive" of the Bureau and are independent in our views. Our mission's primary focus is on improving the condition of the land and its natural resources and keeping the public lands in public hands. We strive to improve the effectiveness of BLM by encouraging professionalism among employees and to increase the public's understanding of and support for the proper scientific management of these lands.

***Overview***

While the demands upon BLM public lands continue to increase, yet the total net budget request of $977.4 million, a decrease of $5.8 million from the 2008 level. It is significant to note that BLM will return more than $6.2 billion in receipts in 2009, yes that is not a mistake but $6.2 billion, with 44% of the receipts returned directly to States and Counties to support roads, schools and other community needs. We are unaware of any federal agency that returns such receipts compared with its budget. BLM emphasizes inclusion of local input in the process of conserving the environment and is a model of President Bush's idea of cooperative conservation. In addition to 258 million surface acres BLM, also is responsible for 700 million acres of federal mineral estate throughout the nation. That is nearly a billion acres of precious assets making BLM the largest steward of Federal lands.

We support the requested budget, particularly the increases to implement the Healthy Lands Initiative. However we see certain shortfalls in emphasis and/or the need for increased dollars in FY 2009 principally to increase staffing, in the following high priority programs, to enable the Bureau to adequately address urgent natural resources issues:

***Personnel Needs***

BLM's budget is directed towards the work force requirements needed to put trained natural resource specialists on the ground to manage the land. BLM's programs are labor intensive and do not lend themselves to contracting. Any man-power or budget reductions will not only directly affect BLM's ability to properly manage and protect the public lands, but also would have a negative impact on the generation of receipts to the States, Counties and the US Treasury. Budgets often contain the false assumption that, with a smaller budget and fewer personnel the workload will decrease and less work needs to be accomplished. That is not the case for natural resources management agencies. It is the constant need to protect the land and the natural resources and the public's increasing service demands that drive the budget requirements. For example the 2000 Census found the West to be the fastest growing region of the Nation; nine of the 12 fastest growing states are in the West, where the growth rate averages 27% per decade

more than twice the national average of 13%. To demonstrate this constant need to protect the land, more than 22 million people live within 25 miles of the land the Bureau manages and the BLM lands have become the outdoor recreation playground of the West. In 2009, over 58 million visitors are expected to participate in recreational activities on BLM lands.
BLM has always been the forgotten "step-child" in the family of Federal land management agencies and has never had the personnel needed to match its responsibilities. Once again we believe the Committee needs to know the personnel needs of BLM and should encourage BLM to develop a five-year program to bring BLM's work force to a level adequate to protect the resources and perform the work needed.

**Healthy Lands Initiative-(+$5,000,000)** We support a $15 million total increase for the Healthy Lands Initiative. Mr. Chairman, there is a lot of good work being done on the ground under this program, much of it in partnerships with private organizations, and we support a $5 million increase over the requested budget This new program is directed towards lessening the impact of energy development and other resource use activities such as grazing, fire and recreation on the potential conflicts with the needs of wildlife and habitat conservation in six priority geographic areas. To a large extent the areas to receive special consideration are the sagebrush dominated landscapes associated with managing at-risk species, such as the sage grouse, to prevent listing of the grouse and to better assure recovery for other listed as threatened and endangered.

***Selling public lands-*** The 2009 BLM budget suggests legislation is needed to stimulate the selling public lands to help reduce the Federal budget deficit in 2009. The PLF strongly objects to a policy of accelerated selling of the public lands. The Committee is reminded that the Federal Land Policy and Management Act (FLPMA) of 1976 contains adequate authority for BLM to sell lands. Reducing the federal deficit in any meaningful degree would require a massive disposal of the public lands, which the public will not support. PLF does not support retaining all public lands in public ownership. There are scattered, isolated parcels of BLM lands that should be in private ownership, and there are BLM lands in the vicinity of growing Western cities and towns that are needed for urban expansion. However, the bulk of the BLM lands have become the outdoor playgrounds of the West and the public has repeatedly and strongly opposed any large-scale disposal of the BLM lands.
The BLM budget before this committee again proposes that the Federal Land Transportation Facilitation Act be amended to allow BLM to sell all lands identified suitable for disposal in all updated management plans. FLPMA already provides BLM this authority. However, the budget proposal would direct that a portion of the proceeds from the sale of BLM managed lands be available for the acquisition of other non-federal lands (in-holdings) in national parks, refuges and monuments. We object to using BLM lands as a "cash cow" in this manner. The public land system that BLM administers have the same importance and integrity as the land system managed by the National Park Service, for example, and that integrity needs to be respected. All federal land management agencies, including the Forest Service, have many lands that are difficult to manage and that could be sold. Congress should provide the authority that these agencies need to sell these lands with the proceeds going to the acquisition of in-holding lands within that agency rather than to rely on selling BLM lands.

**Wild Horse and Burros (+2,000,000)-** The budget proposes a very modest increase for this program in FY 2009. The Committee is reminded that once the wild horse and burro population levels is down to Appropriate Management Levels (AML), each year approximately 20%, the

annual reproductive increment, of the population must be removed to keep the population with in the AML. BLM estimates they will have approximately 31,000 animals in contract holding facilities where the animals must be held until they die of natural causes. BLM has no alternative. This is ridiculous! There are more animals held in these facilities than roam the public lands. These holding costs consume over half of the BLM's wild horse and burro program ($18,000,000) each year and it keeps climbing. In previous years Congress has provided additional funding in order to remove animals for the public lands to reach the AML and it would be most unfortunate to not to provide an increase in FY2009

**Range Improvement Fund-** The FY2009 BLM budget again proposes to eliminate the Range Improvement Fund ($10 M) to further deficit-reduction efforts. Originally this proposal was based on the assumption that the Department would change the grazing regulations to give title to range improvements to grazing permittees thus reducing the need for the range improvement fund and give the grazing permittee an incentive to bear the costs of such improvements. As a result of a court decision, these regulations have now been abandoned by BLM. It should be noted that the current grazing regulations encourages grazing permittees to contribute towards range improvement projects and further protects a permittee's financial investment in improvements by authorizing a grazing permittee to be reimbursed for their financial contribution to range improvements should they loose the use of such improvements. It is also important that the Committee understand that the Range Improvement Fund is not used exclusively to benefit the grazing permittee. The fund is also used on high priority watersheds to maximize the potential for overall improvement and protection of those watersheds by improving the vegetation, habitat conditions and health of rangeland ecosystems to benefit livestock, fish and wildlife habitat, riparian values, watershed protection and other resource values. The funds are thus not tied to an individual grazing permit or a specific grazing allotment but used for a rather wide variety of projects not necessarily benefiting directly a grazing permittee. The benefits to the Range Improvement Fund out-weigh the small contributions to deficit reduction that eliminating the fund would make. For the above reasons, the PLF does not support the budget proposal.

**Oil and Gas Management-+($2,000,000)** Increased funding to supervise oil and gas operations on the ground is needed over the increases granted in FY2008. According to a December 17, 2007 report by the Subcommittee on Royalty Management to the Royalty Policy Committee which is chartered under the Federal Advisory Committee Act, BLM role in production accountability reviews needs to be strengthened to ensure that all royalties are being reported and collected properly.

**Renewable Energy- + ($2,000,000)** With the increase in the cost of energy and the need for alternative energy sources the number of applications for wind and solar facilities on public lands has mushroomed. Currently BLM has a backlog of 137 solar and 173 wind applications awaiting BLM's actions. The Bureau need funding to process these applications and we suggest that the BLM be given the authority to retain the fee receipts from renewable energy applications as is the case with some of the other energy activities, i.e. Oil and Gas and Geothermal.

**Illegal Immigrants Impacting Public Lands (+$2,000,000)**—Undocumented aliens continue to cross from Mexico into the United States, crossing public lands administered by BLM, and continue to damage or destroy valuable natural and cultural resources, abandon vehicles, pollute with their trash and human waste, and create serious safety risks to employees and the visiting

public. Increased funding is required to mitigate these damages, repair infrastructure, improve signage, and close mine shafts. BLM is responsible for managing 8.8 million acres of borderlands.

**Fire Fighting Funds**--As the Committee knows BLM has historically borrowed funds from programs that carry over funds from year to year to pay fire fighting costs. The borrowed money is repaid through supplemental appropriations. This system has generally worked well. However, should these funds not exist, this would cause serious disruption of on-going programs. It is our understanding that the Forest Service has such a problem, as may other federal land management agencies. The procedures for funding fire suppression should be changed. The cost of funding fire suppression should be taken out of the agency's budgets and made available by a separate fire suppression fund

**Recreation and Visitor Services Program (+$10,000,000)** Despite the fact that recreation uses of BLM lands are increasing exponentially, the FY 2009 budget for this program proposes a substantial decrease. In many respects the recreational uses on public lands is a dominant feature on the landscape and a major element in the economy of the western states. Issues related to increased urbanization of the west and continuous advances in technology, particularly motorized recreation and increased off-highway vehicle (OHV) use, have overwhelmed the many BLM field offices especially in fast growing urban areas. Issues such as irresponsible target shooting, rampant OHV use, vandalism, trash dumping are generating considerable resource damage and visitor safety concerns. Increase funding is required to improve on-the-ground management of OHV, mapping and signing of roads and trails, and increasing law enforcement and BLM patrol efforts. BLM's current recreation challenge-cost share program is one of the most effective in the Department of Interior, often leveraging resources and funding at about 4 to 1, sometimes even as great 10 to 1.

**Cultural Resources- (+$3,000,000)** We are disappointed to see the reduction in this important program particularly when the program received a long overdue an increase for FY2008. We have been asking for the Congress for many years to recognize the extensiveness and value of the public lands as a national storehouse of cultural and historic treasures. With the increase in recreational uses of the BLM lands, these cultural resources require constant protection, restoration and surveillance.

**Cost Recovery-** The 2009 budget again proposes to repeal provisions of Section 365 of the Energy Policy Act, which prohibits BLM from implementing cost recovery fees for processing APDs. This change would allow BLM to make permanent the recovery of the cost of processing these types of applications. We support this change. The total cost of processing a permit averages $4,500. The industry objects to paying a processing fee, a minor cost that surely would not severely impact the financing of exploration nor reduce the number of permit applications. More than 10,000 APDs are anticipated in 2009.

**Fixed costs-** We encourage the Committee to fully fund BLM's fixed costs.

Mr. Chairman, we hope these comments for priorities for BLM's FY 2009 budget request and our ideas for changes will be of value to your committee. We remain sincere in our efforts to see the public's land managed well. George Lea, President

Mr. DICKS. Well, thank you. We appreciate the good work you do and your independent look at the budget, and we will take a look at all your other comments you had to make.

Mr. LEA. Thank you.

Mr. DICKS. Thank you.

Gregory Miller, President, American Hiking Society.

Dr. MILLER. Good morning, Mr. Chairman.

Mr. DICKS. Yes. We will put your statement in the record.

Dr. MILLER. Hello, Mr. Hinchey.

Mr. DICKS. You have five minutes to proceed.

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THURSDAY, MARCH 13, 2008.

## AMERICAN HIKING SOCIETY

### WITNESS

**GREGORY MILLER**

Dr. MILLER. Well, I thank you for this opportunity to testify and applaud your resilience in going without a break. As noted, I am Gregory Miller, President of American Hiking Society. We are a national organization that promotes and protects foot trails and the hiking experience across the country. We represent thousands of members and speak for the 75 million Americans who hike. We are also a member, as noted by Mr. Bartels, a member of the Outdoor Alliance, as he testified a moment ago.

We greatly appreciate the Subcommittee's past support for trails and recreation and urge you to support strong trails and recreation funding in fiscal year '09.

I would like to ask the Committee, and frankly, everyone in the room to take a moment and imagine your favorite trail and how it shaped your outdoor experience. Now, take that trail and picture that it is gone or that it is so poorly maintained that you no longer have access to it, you and your family and friends.

Hiking our Nation's trails offers a lifelong and enjoyable way to deepen one's connections to nature, people, and places and can also motivate people to protect those places, places that they love, places that they wish to preserve for future generations.

Now, I am here on behalf of hikers, and I want to highlight just briefly five key funding priorities from our written testimony that we believe are critical investments towards the health and well-being of American society.

First area is around the National Forest Service, and we do believe, in fact, that the forest system is threatened. American hiking is deeply concerned about the Administration's proposed cuts to the Forest Service Recreation and Trails Programs. These cuts are unacceptable and would result in devastating program and staff reductions, adversely impact recreation opportunities, and compound maintenance backlogs.

For example, in Olympic National Forest estimates that only 17 percent of the 308-mile trail system is today in passable condition. So we seek minimum appropriations of 285 million for the Forest Service recreation and 85 million for Forest Service capital improvement and maintenance for trails to enable the Forest Service

to provide safe, high-quality recreational experience for millions of America's hikers.

As we know, the Bureau of Land Management stewards more than 13 percent of America's surface area and manages trails in the fastest-growing states in America, whether it is the soaring heights of the Pacific Crest Trail in Oregon or the depths of the Paria River Canyon in Utah. Frankly, these lands are in demand.

Recreation use is increasing dramatically, and the fact is more than 23 million people live within 25 miles of BLM lands. The President's fiscal year '09 budget would, however, deal a crippling blow to the BLM's mandate to respond to massive public demand for safe, diverse recreational opportunities.

However, Congress can help in three ways. First, insist that the BLM create a budget subactivity for national scenic and historic trails. Second, provide adequate funding for the National Landscape Conservation——

Mr. DICKS. Well, we would have to get the authorizers to help us on that, would we not?

Dr. MILLER. Absolutely.

Mr. DICKS. I mean, are you——

Dr. MILLER. Absolutely, Mr. Chairman.

Mr. DICKS [continuing]. I hope you are going to take that over to Mr. Rahall, because I think that is a great idea.

Dr. MILLER. We are busy doing that on several other fronts. Thank you for recognizing that.

We really want to see adequate funding for the National Landscape System.

Mr. DICKS. Cap says we can do that.

Dr. MILLER. We can do that.

Mr. DICKS. Yeah.

Dr. MILLER. And let us work together to get that done. Absolutely.

Mr. DICKS. I stand corrected.

Dr. MILLER. And they are, they are working on it.

Finally, the BLM's recreation management subactivity must be adequately funded. I just give you a brief example in, near Phoenix, Arizona, at the Agua Fria National Monument, where there is only one developed hiking trail despite the fact that it is next to the second-fastest growing city in America. We cannot continue to have Americans disconnected from our national patrimony.

We applaud the Administration's proposed increase for National Park Service operations and request 12 million for the Rivers and Trails Conservation Assistance Program. This is willfully unfunded and has extraordinary high leverage.

In addition, as hikers we strongly oppose the Administration's recommendation to zero out the Land and Water Conservation Fund, Stateside Program, and request 125 million for Stateside, 220 million for the federal program, including land acquisition.

As you know, this year marks the 40th anniversary of the National Trails System Act, and we endorse the funding request submitted by the Partnership for National Trails System, of which American Hiking is a member. Our organization coordinates volunteer vacations and National Trails Day, nationally recognized programs that engage hundreds of thousands of volunteers are citizen

stewards and trail advocates. We leverage hundreds of thousands of hours of sweat equity that are literally worth millions of dollars to the public lands.

While volunteerism is essential to trails and recreation, volunteers on public lands must not be perceived as a panacea to declining agency budgets. Congress must invest in trails as they are the gateway to our nature, our Nation's rich natural heritage.

Again, we appreciate very much the tremendous work that you all are doing on the Subcommittee, for your past support for trails and recreation, and we look forward to working side by side with you all to continue this strong support.

Thank you very much for your time.

[The statement of Gregory Miller follows:]

**Statement of Gregory A. Miller, Ph.D., President, American Hiking Society**
**Presented to the U.S. House of Representatives**
**Committee on Appropriations, Subcommittee on Interior and Related Agencies**
**Public Witness Hearing, March 13, 2008**

American Hiking Society FY 2009 trail and recreation funding recommendations include:

USDA Forest Service (FS):

- Recreation Management, Heritage and Wilderness: minimum of $285 million
- Capital Improvement and Maintenance - Trails: minimum of $85 million, including $10.345 million for National Scenic and Historic Trails
- Legacy Roads and Trails Remediation Program: $75 million

National Park Service (NPS):

- Rivers, Trails and Conservation Assistance program: $12 million
- National Trails System (NTS), Operations: $14.546 million; NTS Construction: $2.095 million; NTS Feasibility Studies and Planning: $1.061 million; NTS GIS: $1.253 million; NTS Challenge Cost Share: $1.5 million

Bureau of Land Management (BLM):

- National Landscape Conservation System: $70 million
- National Trails System, Operations: $3.838 million; NTS Construction: $500,000; NTS Challenge Cost Share: $500,000
- Recreation Management: $70 million, including Travel and Transportation Management: $15 million; Field Staff for Trail Maintenance: $5 million; Public Outreach, Information Management, and Education: $1 million

US Fish & Wildlife Service:

- National Wildlife Refuge System: $514 million

Land and Water Conservation Fund (LWCF):

- Stateside LWCF (NPS): $125 million
- Federal LWCF: $220 million, including National Scenic and Historic Trails as follows: Appalachian NST: $10.645 million (FS), 4.275 million (NPS); Ice Age NST: $4.75 million (NPS); Florida NST: $7 million (FS); Nez Perce NHT (BLM): $2 million; North Country NST: $2 million (NPS), $8.25 million (FS); Oregon NHT (BLM): $5 million; Overmountain Victory NHT: $1 million (FS); Pacific Crest NST: $16.25 million (FS)

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify. I am Gregory Miller, President of American Hiking Society, the only national nonprofit organization that promotes and protects foot trails and the hiking experience. We represent thousands of individual members, more than 285 member organizations, and speak for the 75 million Americans who hike. Our nation's trails provide unparalleled opportunities for hiking, enjoyment and appreciation of natural and cultural resources, healthy physical activities, and economic development for local communities. Hiking offers an easy, enjoyable, and life-long way to deepen one's connections to nature, people, and place and can also motivate people to protect the places they love and preserve them for posterity. We greatly appreciate the Subcommittee's past support for trails and recreation and urge you to support strong funding in FY 2009 that will keep our trails open, safe, and enjoyable today and for future generations.

Despite the growing importance of recreation and our treasured lands and waters to the American people, the federal investment for trails, recreation, and land conservation has not increased accordingly. This lag has resulted in high maintenance backlogs, deteriorating infrastructure, loss of open space, and negative impacts to resources. In order for Americans to enjoy the outdoors, experience our rich natural heritage, and find healthy places to recreate, we need well-maintained trails and protected open spaces. We recommend the following appropriations to protect resources and ensure high-quality recreational experiences for future generations:

**USDA Forest Service, Recreation Management, Heritage and Wilderness:** ***minimum of $285 million.*** Although recreation makes up the greatest use of National Forest System lands, recreation remains severely underfunded and understaffed. Facilities deteriorate faster than upgrades and maintenance can be accomplished, and the dire shortage of recreation staff on-the-ground means obligatory agency functions—resource protection, provision of information and assistance to visitors, enforcement of laws and regulations, and performance of routine maintenance—often go unfulfilled or unsatisfactorily accomplished. Funding is also required for travel management planning for completion of motorized road and trail designations by 2010 in accordance with the 2005 travel management rule.

The President's FY 09 proposed funding level, excluding any cost of living increases or inflationary pressures, would result in a RMHW program reduction of $25.6 million and 296 FTEs from FY 08. The Forest Service requires increased funding for recreation management and wilderness to protect critical resources; upgrade recreation facilities; reduce the $200+ million deferred maintenance backlog; augment on-the-ground recreation and wilderness staff; improve recreation resource analyses and planning; and more effectively utilize partnerships and volunteers. We urge the Subcommittee to prioritize Forest Service funding and ask for your continued strong support of the world-class recreation heritage of our National Forest System.

**Forest Service, Capital Improvement and Maintenance - Trails:** ***minimum of $85 million***
The Forest Service manages 140,000 miles of trails. Visitor safety, protection of natural resources, provision of public access, and supporting economic growth all depend on a greater commitment of funds to trails. The Forest Service requires increased funding to restore, maintain, and improve its thousands of trail miles; reduce the $224 million deferred maintenance backlog; prevent and mitigate resource impacts; and provide safe, high-quality recreational experiences for millions of hikers and other trail enthusiasts. The President's FY 09 proposed funding level, excluding any cost of living increases or inflationary pressures, would result in a program reduction of $26.3 million (34% decrease) and 249 FTEs from FY 08. American Hiking is a member of the Partnership for the National Trails System (PNTS) and endorses the specific funding requests for the individual national scenic and historic trails submitted by the PNTS totaling $5.49 million for operations and $4.855 for construction. 2008 marks the 40th Anniversary of the National Trails System Act, and we urge your continued strong support for these national treasures as we embark on the Decade for National Trails leading up to the 50th Anniversary in 2018.

**National Park Service:** American Hiking supports increased funding for national park operations, as included in the Administration's FY 2009 request of $2.132 billion and also

strongly urges increased funding for key NPS recreation and conservation programs including the Rivers, Trails and Conservation Assistance program and national scenic and historic trails.

**NPS, Rivers, Trails, and Conservation Assistance program (RTCA):** ***$12 million***
The RTCA program implements the natural resource conservation and outdoor recreation mission of the NPS. Through technical assistance and partnerships, RTCA helps communities and agencies across America restore rivers and habitat, develop trail networks, preserve open space, and revitalize communities—all contributing to improved quality of life and close-to-home recreation. RTCA is a highly successful program, but its funding has remained relatively flat during the last decade and lagged well behind the rate of inflation, resulting in significant cuts to staff and reduced participation in on-the-ground projects. Current demand greatly exceeds the program's capacity. The Administration FY 09 request calls for a $492,000 decrease, which would be a devastating hit to this small, yet extremely worthy, results-oriented NPS program. RTCA requires at least a $12 million appropriation to remedy the program's continued erosion, compensate for losses due to inflation, and enable the program to respond to growing needs and opportunities in communities and with national parks throughout the country.

**NPS, National Trails System (NTS):** ***Operations: $14.546 million; Construction $2.095 million.*** For most of the twenty national scenic and historic trails administered by the NPS, barely one-half of their congressionally authorized length and resources are protected and available for public use. At least $14.546 million for operations is needed in FY 09 for resource protection, trail maintenance, interpretation, and volunteer coordination and support. We endorse the individual requests for national scenic and historic trails submitted by the PNTS for administration and construction for the NPS-administered trails.

**Bureau of Land Management (BLM), National Landscape Conservation System:** ***$70 million.*** We request funding of at least $70 million for the National Landscape Conservation System in FY 09—a modest increase over historic funding levels when accounting for the growth of the System, growth in visitation, and adjusting for inflation and uncontrollable costs, such as insurance increases. We urge Congress to allocate at least $6 million, a permanent base increase of $3.456 million over the permanent base shown in the President's request, to accomplish objectives primarily from the Recreation Management 1220, Cultural Resources 1050, Annual Maintenance 1652, and Challenge Cost Share 1770 Subactivities. We urge the NLCS office to prioritize Recreation Management Subactivity funding to fund planning, establishment, and maintenance of hiking trails on the ground throughout the Conservation System.

**BLM, National Trails System.** We urge Congress to create budget Subactivities for the BLM's National Scenic and Historic Trails, without which BLM will be unable to plan, execute, or report on *any* activities in respect to these national treasures. We endorse the specific funding levels for national scenic and historic trails submitted by the PNTS.

**BLM, Recreation Management:** ***$70 million.*** The BLM manages 261 million acres of lands in the fastest growing states in America, with use in some areas increasing by 300%. Unfortunately, BLM receives barely sustainable funding to provide the rapidly increasing number of visitors safe and convenient access to the public land recreation resources they demand. Our request focuses on several areas of greatest need:

*Travel and Transportation Management: $15 million.* BLM is committed to travel management planning for its hundreds of thousands of miles of primitive roads and trails, a process crucial to ensuring that recreational trails are sustainable and safe. Additionally, adequate signage and maps are frequently unavailable on BLM trails, precluding safe access for many user groups.

*Field Staff for Trail Operations: $5 million.* Ninety percent of BLM recreation staff is primarily office-based, with little opportunity to directly maintain and protect trails. As a result, many BLM areas have few publicly available trails, and users face increasing threats from migrant traffic, methamphetamine manufacture, and poorly maintained and unmarked trails. Increased funding in this area would enable BLM to hire and train law enforcement and recreation technician staff to complete needed inventory, repair, and maintenance functions.

*Public Outreach, Information Management, and Education: $1 Million.* BLM is far behind the other land management agencies in informing the public about the recreational resources available on its lands. Many BLM field offices are unable to provide accurate information about trail resources, and many of the BLM recreation websites are nonfunctional. Increased funding is crucial to give BLM basic abilities to communicate recreational opportunities to the public.

**US Fish & Wildlife Service, National Wildlife Refuge System: *$514 million***
The National Wildlife Refuge System protects myriad species and critical habitat and provides recreational opportunities on approximately 2,500 miles of land and water trails for nearly 40 million visitors annually. The operations and maintenance backlog for the system totals more than $3 billion, and approximately 200 refuges do not have any staff. Without adequate staff, important management activities such as trail maintenance, habitat restoration, and educational programs will be diminished or eliminated. A minimum increase of $15 million is necessary to prevent "no net loss" for the system, meet cost of living increases and inflationary pressures, and keep refuges from cutting public use programs.

**Land and Water Conservation Fund (LWCF): *$125 million Stateside; $220 million Federal.***
The LWCF provides and protects hiking opportunities nationwide through federal land acquisition and state recreation grants. More than 40,000 LWCF projects have been completed in virtually every county across America. Authorized at $900 million annually, the FY 09 Administration request represents one of the lowest proposed funding levels in the program's history. LWCF is critical to the future protection of our public lands, national trails, and provision of close-to-home recreation opportunities. *We strongly oppose the Administration's recommendation to zero out the stateside LWCF program.*

**Conclusion:** American Hiking is dedicated to building, maintaining and protecting hiking trails and their natural corridors so that current and future generations can experience the many joys and benefits of hiking and are inspired to protect this legacy. We coordinate Volunteer Vacations and National Trails Day®, nationally-recognized programs that engage thousands of volunteers in trail projects every year and raise public awareness of trails and hiking. Volunteerism is essential to trails and recreation; however, volunteerism on public lands must not be perceived as a panacea to declining agency budgets. We greatly appreciate the Subcommittee's past support for trails and recreation and look forward to continued strong support. Thank you for the opportunity to testify and for considering our requests.

Mr. DICKS. All right. The Committee is going to stand in adjournment for a few minutes here while we go vote. We are going to come back, and we are going to finish this.

[Recess.]

Mr. DICKS. Yes. Brian Moore, the National Audubon Society.

Mr. MOORE. Good morning, Mr. Chairman.

Mr. DICKS. Okay. We will put your statement in the record, and you have five minutes to summarize.

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THURSDAY, MARCH 13, 2008.

## NATIONAL AUDUBON SOCIETY

### WITNESS

**BRIAN MOORE**

Mr. MOORE. Great. Thank you, Mr. Chairman and Mr. Tiahrt. I will be brief.

First, on behalf of the million supporters of Audubon, thank you for the opportunity to express to your Committee our recommendations for the fiscal year 2009, funding for the Interior and the EPA.

Audubon has been protecting birds and other wildlife and habitat that supports them for over 100 years. Our national network of community-based nature centers and chapters, scientific and educational programs, and advocacy on behalf of areas sustaining important bird population engages millions of people of all ages and backgrounds in positive conservation experiences. The purpose of our testimony today is to recommend levels of funding for specific programs that are vital to our mission.

But first let me express to you Audubon's gratitude, not only to the members of this Committee, but also to the staff. We believe that the bill produced by this Committee for fiscal year 2008, represented a significant and positive change in the funding of the important conservation efforts of the Federal government, and Audubon looks forward to working with the Committee to continue this trend in 2009, and the subsequent years to come.

In June of 2007, Audubon issued a report called, Common Birds in Decline. This report indicated a severe drop in the populations of 20 common species of birds over the last 4 decades, and on average populations of common birds have declined about 70 percent in 40 years since 1967.

The overwhelming factor in this alarming trend is a loss of habitat, including wetlands, forests, and native grasslands which support common birds and other wildlife.

The Administration's budget request for fiscal year 2009, includes an initiative called Birds Forever. Birds Forever proposes a combined $8 million, $8 million in needed increases to the Fish and Wildlife Services Migratory Bird Management Program, as well as a Joint Ventures Program.

Audubon is encouraged by the Birds Forever proposal, but at the same time we are troubled to see the Administration's request for other proven programs that protect birds and habitat, like the Neotropical Migratory Bird Act, which the Administration requests

a $.5 million less than the 2008, appropriated amount, and $1.5 million less than the authorized amount.

Even more concerning is the Administration's request for a 70 percent reduction in the Land Acquisition Funds. Adding and adequately managing habitat for birds and wildlife is critical in reversing the current trends. In this aspect the Birds Forever Program is, in our view, inadequate. We hope to work with this Committee and the Administration to improve this proposal, but we are concerned that the focus has been to move some money around to a few programs and ignore the larger issue of habitat loss for birds and wildlife with the drastic cuts in the Land Acquisition Funds.

Mr. DICKS. Well, we have seen this as a pattern of adding two or three or four initiatives from each of the departments but then cutting everything else in the world in order to make room for these things. And I think you point out the contradiction there very nicely.

Mr. MOORE. Yeah. We support $403 million for the Land and Water Conservation Fund, with $125 million of it going to the Stateside Program. We think this program is imperative to combat the rapid, rabid rates of habitat loss threatening America's native birds and wildlife.

In particular, Audubon supports land acquisition projects, including but not limited to additional acquisition in the Silvio County National Wildlife Refuge, and we appreciate the Committee funding an acquisition last year. The same with the Stewart McKinney National Wildlife Refuge in Connecticut, and we also appreciate the funding last year.

We also support acquisitions in the Rachel Carson National Wildlife Refuge, the Patoka River National Wildlife Refuge, the Cash River National Wildlife Refuge in Arkansas, and a larger, multi-tiered acquisition of the San Pablo Bay National Wildlife Refuge in Northern California. So we see the Land and Water Conservation Fund as instrumental in adding land back to the land mass for birds and habitat as instrumental for us.

The State Wildlife Grants is also a valuable program that provides matching grants that design and implement habitat and wildlife conservation plans and allows states to conserve and restore declining native species to, so it is no longer necessary to list them as threatened or endangered. The Administration's request of $74 million for State Wildlife Grants is welcome, giving the severe budget constraints facing the Congress, but it still shortchanges what we think are important conservation goals served by this program. And we support funding this program at $85 million for 2009.

The National Wildlife Refuge for us is also key for habitat and recreation. America's National Wildlife Refuge System faces a massive multi-billion dollar backlog of operations and maintenance needs that is widely recognized as a handicap to the Fish and Wildlife Services' efforts to conserve and protect the systems' more than 94 million acres of prime habitat for more than 2,000 bird and wildlife species. Increasing funding is needed to provide adequate services for the millions of birdwatchers, sportsmen, and others who enjoy the outdoors of their local wildlife refuges.

So we call on the Committee to once again increase funding just as you did last year for the National Wildlife Refuge. This year we think a number of $514 million, which is about an $80 million increase over the fiscal year 2008, enacted level, but we think this Committee last year in your bump up of that account was the best work we had seen on the Wildlife Refuge System in a long time, and we certainly——

Mr. DICKS. Thank you.

Mr. MOORE [continuing]. Appreciate it.

A couple more projects that Audubon supports and works on are ecosystem based. One is the Long Island Sound Restoration Act and the Long Island Sound Stewardship Act. These acts strive to protect and restore the environmentally and economically vital resources of the Sound. In 1985, the Sound was one of the first three estuaries recognized under the National Estuary Program because of its, because it provides feeding, breeding, nesting, and nursery areas for a diversity of plant and animal life and contributes an estimated $5.5 billion per year to the regional economy from commercial fishing, sports fishing, and recreation activities. More than 8 million people live in the Long Island Sound watershed, and the resultant development has led to increasingly poor ecosystem health.

So we thank the Committee for funding the Long Island Sound Restoration Act for the first time last year in fiscal year 2008, and encourage additional funding to the authorized amounts for both the Long Island Sound Restoration Act of the $40 million, and the Long Island Sound Stewardship Act of $25 million for fiscal year 2009.

Audubon has also a long history of working on the National, on the Everglades National Park, and we are grateful to this Committee for its longstanding support of the Everglades restoration through the appropriations process.

Mr. DICKS. I think your time has expired.

Mr. MOORE. Okay.

[The statement of Brian Moore follows:]

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**Brian Moore**
**Director, Budget and Appropriations**
**Testimony for the House Interior Appropriations Subcommittee**
**March 13, 2008**

Mr. Chairman, on behalf of over one million members and supporters of Audubon, thank you for the opportunity to express to your Committee our recommendations for Fiscal Year 2006 funding of Department of the Interior programs. **Audubon has been protecting birds and other wildlife and the habitat that supports them for over 100 years. Our national network of community-based nature centers and chapters, scientific and educational programs, and advocacy on behalf of areas sustaining important bird populations, engage millions of people of all ages and backgrounds in positive conservation experiences.** The purpose of our testimony is to recommend levels of funding for specific programs that are vital to our mission.

## I. Everglades Restoration

We are grateful to the Committee for its long-standing support of Everglades restoration through the appropriations process and in important appropriations-related issues such as the Modified Water Deliveries project and Everglades science coordination. Restoration of the Everglades is at a critical juncture. Keeping Everglades restoration on schedule and the Federal/Florida partnership strong requires significant federal investment in 2009.

The long anticipated Modified Water Deliveries to Everglades National Park (Modified Waters) will be completed by 2010, but only if fully funded over the next three years. Audubon remains supportive of completing the Modified Waters Delivery project as quickly as is practicable. A provision in the authorizing language of CERP (WRDA 2000) that prevents construction of key restoration projects until Modified Waters is finished.

| **Interior** | |
|---|---|
| Modified Water Deliveries to Everglades National Park | $25 million |
| CERP – USFWS & NPS Science and Planning | $10 million |

## II. Land Conservation, Preservation and Infrastructure Improvement Fund (LCPII)

**Land and Water Conservation Fund (LWCF):**

We urge the Committee to **appropriate $403 million for LWCF, with $125 million allocated to the stateside LWCF program,** to combat the rapid rate of habitat loss threatening America's native birds and wildlife.

**State Wildlife Grants:**

This valuable program provides matching grants for design and implementation of habitat and wildlife conservation plans and allows states to conserve and restore declining native species prior to a necessity to list them as endangered or threatened. The Administration's request of

$74 million for combined State and Tribal Wildlife Grants is welcome given the severe budget constraints facing the US Congress, but it still short-changes the important conservation goals of this program. **Audubon supports funding SWGs at $100 million in FY 2009.**

## III. US Fish and Wildlife Service (FWS)

**National Wildlife Refuge System:**

America's Refuge System faces a massive multi-billion dollar backlog of operations and maintenance needs that is widely recognized as a handicap to Fish and Wildlife Service efforts to conserve and protect the System's more than 94 million acres of prime habitat for more than 2,000 bird and wildlife species. Increased funding is needed to provide adequate services for the millions of birdwatchers, sportsmen, and others who enjoy the outdoors at their local wildlife refuges. We call on the Committee to **increase funding for the National Wildlife Refuge System to $514 million, an increase of $80 million over the FY 08 enacted level of $434 million.**

**Endangered Species Program:**

We firmly believe that the Endangered Species Act is one of our nation's most important environmental laws. We continue to be disappointed that the Endangered Species Program has not been funded at the level needed to fully carry out its critical purpose of preventing the loss of irreplaceable species and biological diversity. We urge the Committee to appropriate a total of $185.2 million for the four endangered species operations accounts, allocated as follows: $25.2 million for Listing; $12 million for Candidate Conservation,; $84.8 million for Recovery; and $63.2 million for Consultation.

**Neotropical Migratory Birds and the Multinational Species Fund:**

The Neotropical Migratory Bird Conservation Act (NMBCA) passed the Congress in order to reverse the decline of migratory birds that breed in the U.S., by protecting their habitats in Latin America and the Caribbean. Approximately 500 of the existing 800 species of birds found within the United States migrate across the nation's borders annually. For a great number of these species, this region contains almost the entire world population of these birds in the non-breeding season. The demand on this program is great, despite its' 3:1 match requirements. Every year since the programs inception, the demand has outstripped the supply of grant dollars. We appreciate the Committee's support for this program in past years, and hope to see that support continue, in light of the importance of conservation grant programs that are highly leveraged, and in light of the high demand on the program. **We respectfully request that the fully-authorized amount of $6 million be appropriated in FY 2009.**

**Migratory Bird Management (MBM) at FWS:**

The President's FY 09 budget request for the Division of Migratory Bird Management is welcome and should go far toward allowing adequate surveying and monitoring of migratory bird populations, using sound science as a management tool, coordinating activities with other agencies, governments and NGOs, carrying out conservation plans, and other important work of the Divison. We urge the Committee to fund the DMBM at the President's request of $53.2 million in FY 2009.

**North American Waterfowl Management Plan, Joint Ventures:**

Beginning in 2001, Congress recognized the effectiveness of the Joint Venture regional conservation approach by ramping up the level of administrative funding to organize this effort. That support continued through 2004 when full funding was realized to develop the capacity necessary to carry out the work spelled out by the North American Waterfowl Management Plan for wetland habitat conservation. Congress should be commended for its part of this important partnership, as it was the pivotal link that ensured ongoing success for all partners. Congress' continued commitment to the cause of cooperative conservation cannot be overstated, for without Congressional support, accomplishment by Joint Venture partners would be far less significant. We respectfully encourage the Committee to fund Joint Ventures at $15.1 million in FY 2009, a slight increase over the President's request but an increase that would allow JVs to expand their partnerships to encompass all bird conservation.

| **US Fish and Wildlife Service** | |
|---|---|
| **Endangered Species Program** | **$185.2 million** |
| - **Listing** | **$25.2million** |
| - **Candidate Conservation** | **$12 million** |
| - **Recovery** | **$84.8 million** |
| - **Consultation** | **$63.2 million** |
| **Neotropical Birds and the Multinational Species Fund** | **$6 million** |
| **Migratory Bird Management** | **$53.2 million** |
| **North American Waterfowl Management Plan, Joint Ventures** | **$15.1 million** |

## IV. US Forest Service (USFS)

**International Programs:**

Audubon strongly urges the Committee to provide $12 million to these under-funded programs in FY 2009. The President's budget request cuts needed funds from this valuable program, and the recommended funding level would halt assessment work of shrimp farming impacts on bird populations in Mexico, would disallow migratory bird habitat restoration work along the Sinaola coast. It would require 50% cuts in restoration work on the Nariva RAMSAR wetland site in Trinidad-Tobago, and would stop work on a number of other important bird habitat improvements in Mexico, Central and South America, where a good percentage of our backyard songbirds spend the winter.

Unfortunately, many migratory birds are experiencing rapid population decline due mainly to the loss of habitat outside of the United States. Adequate support for the Migratory Bird Conservation work performed by the Forest Service is essential, and would allow important conservation efforts for species such as the Kirtland's Warbler, Swallow-Tailed Kite, Cerulean Warbler, Bicknell's Thrush, and the Mountain Plover. Without restoration of the budget cuts proposed, these migratory bird species will likely continue to decline and may ultimately face extinction.

| **US Forest Service** | |
|---|---|
| **International Programs** | **$12 million** |

## V. US Environmental Protection Agency

**Great Lakes Restoration**

The Great Lakes hold one-fifth of the world's fresh surface water supply. They support the economy through agriculture, industrial farming, steel production, commercial and sport fisheries, and recreation and tourism. More than 150,000 Americans work in the Great Lakes' shipping industry, which provides passage for approximately 180 million tons of cargo annually. The economic benefits in the Great Lake states are more than $15 billion for hunting, fishing, and wildlife watching.

Despite their vast expanse, the Great Lakes are fragile and in peril. Raw sewage contaminates beaches, invasive species threaten native fish, and toxic mercury makes fish unsafe to eat. Action must be taken now or the entire Great Lakes ecosystem will be damaged beyond repair. Funding is needed to restore the health of the Great Lakes. Every day the problems intensify and the solutions become more costly.

| **Great Lakes** | |
|---|---|
| Clean Water State Revolving Fund | $1.35 billion |
| Great Lakes Legacy Act | $54 million |
| Beaches Environmental Assessment and Coastal Health Act | $10 million |
| Great Lakes National Program Office, EPA | $25 million |
| Great Lakes Fish and Wildlife Restoration Act | $16 million |

**Long Island Sound Restoration**

The Long Island Sound Restoration Act strives to protect and restore the environmentally and economically vital resources of the Sound. In 1985, The Sound was one of the first 3estuaries recognized under the National Estuary Program because it provides feeding, breeding, nesting, and nursery areas for a diversity of plant and animal life and contributes an estimated $5.5 billion per year to the regional economy from commercial fishing, sport fishing, and recreational activities. More than 8 million people live in the Long Island Sound watershed, and the resultant development has led to increasingly poor ecosystem health.

We thank the committee for funding the Long Island Sound Restoration Act for the first time in Fiscal Year 2008 and encourage funding the program at $40 million in 2009. Additionally we encourage the funding of the Long Island Sound Stewardship Act at $25 million in 2009.

| **Long Island Sound** | |
|---|---|
| Long Island Sound Restoration Act | $40 million |
| Long Island Sound Stewardship Act | $25 million |

Thank you for providing us with this opportunity to testify on Audubon's priorities for the Department of the Interior. I appreciate the fact that this is a large agenda, but the problems facing America's birds, wildlife and their habitat are daunting. We look forward to working with you to protect America's birds, wildlife and habitat.

Mr. DICKS. You have got it pretty well covered here.
Mr. MOORE. Okay. Well, thank you, Mr. Chairman.
Mr. DICKS. Except you forgot the Puget Sound——
Mr. MOORE. Well——
Mr. DICKS [continuing]. Restoration activity.
Mr. MOORE [continuing]. No, that was implied.
Mr. DICKS. Well, you thought I would take care of that. Right? All right.
Mr. MOORE. Thank you very much.
Mr. DICKS. Tom Cassidy, Director of Federal Programs, The Nature Conservancy. Tom, good to see you.
Mr. CASSIDY. Thank you, Mr. Chairman.
Mr. DICKS. We will put your statement in the record. You have five minutes to summarize.

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THURSDAY, MARCH 13, 2008.

## THE NATURE CONSERVANCY

### WITNESS

**TOM CASSIDY**

Mr. CASSIDY. Mr. Chairman, Mr. Tiahrt, I appreciate this opportunity to present The Nature Conservancy's funding recommendations. My name is Tom Cassidy. I am director of Federal Programs at the Conservancy.
And the Puget Sound is in our written testimony, Mr. Chairman.
Mr. DICKS. Good. Well, we appreciate that.
Mr. CASSIDY. The Conservancy is a large international, non-profit conservation organization working around the world to protect econologically important lands and water for nature and people. My oral testimony will highlight six program areas described more fully in my written testimony.
First, on climate change. Mr. Chairman, we appreciate your leadership in highlighting the need for increased investments in climate change science through the National Global Warming and Wildlife Science Center. We support a robust increase in funding for this and other programs that will guide science-based investments necessary to meet the critical needs of fish and wildlife adaptation in a world whose climate is changing. We look forward to working with the Subcommittee as it addresses this increasingly vital conservation challenge.
Second, the Land and Water Conservation Fund. Thank you for your action last year to reverse the decline in funding for key conservation programs, including LWCF. We look forward to the Subcommittee providing far greater support for this program than is proposed in the President's budget, which was one of the lowest requests for federal land acquisition funding in decades.
We recommend a funding level of $278 million for the federal side of LWCF. This year we are proposing 17 biologically rich projects. Priorities include completing the BLM's component of a large multi-year project in Montana's Blackfoot Watershed and continuing large-scale projects in the Silvio O. Conte National Fish

and Wildlife Refuge, and Montana's Rocky Mountain Front Conservation Area.

We are also pleased to be working on a new project in Willapa National Wildlife Refuge in the Evergreen State.

Mr. DICKS. Wonderful.

Mr. CASSIDY. The third program is forest legacy. This year states submitted 87 projects to the Forest Service with a total funding request of $200 million to protect nearly 400,000 acres, yet the Administration has proposed only three projects. We strongly support $120 million for this program and are proposing 16 projects, including the Northern Cumberlands Project, which is the largest conservation deal in Tennessee since the creation of Great Smoky Mountains National Park. The state has provided $82 million towards this partnership project, while private equity investors and philanthropy have leveraged an additional 45 million.

The fourth area is wildland fire management. Chairman Dicks, you have observed that existing fiscal trends threaten to transform the Forest Service into the Fire Service. Wildfire costs continue to rise with continued residential growth and forested and fire-prone areas, coupled with a lengthening fire season in a warmer climate. The Conservancy recommends focused investments of 10 percent over last year's enacted in four Forest Service and DOI fire programs, including Hazardous Fuel Reduction, State Fire Assistance, and the Rehabilitation and Restoration Program.

Fifth, endangered species. The Conservancy supports an increase for the Cooperative Endangered Species Fund to at least $96 million. Our request reflects the unmet funding needs of the program and recognizes the important role the states, municipalities, and non-federal partners have in conserving threatened, endangered, and at-risk species on non-federal lands.

For example, program funds have been used to provide permanent habitat protection for Washington's Tieton River Canyon, ensuring intact habitats remain in place for numerous listed species.

Finally, the Conservancy as part of an alliance of conservation groups, supports the International Conservation Budget, which calls for $12 million to the Fish and Wildlife Service Multinational Species Conservation Fund, and increased funding for both the Fish and Wildlife Service and Forest Service International Programs.

Thank you for the opportunity to present our recommendations for the Interior, Environment and Related Agencies Appropriations Bill.

[The statement of Tom Cassidy follows:]

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**Statement of The Nature Conservancy**
**2009 Interior, Environment and Related Agencies Appropriation**
**Committee on Appropriations**
**U.S. House of Representatives**
**March 13, 2008**

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to present The Nature Conservancy's recommendations for Fiscal Year 2009 appropriations. My name is Thomas J. Cassidy, Jr. and I am Director of Federal Programs at the Conservancy.

The Nature Conservancy is an international, non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. We are best known for our science-based, collaborative approach to developing creative solutions to conservation challenges. Our on-the-ground conservation work is carried out in all 50 states and more than 30 foreign countries and is supported by approximately one million individual members. We have helped conserve nearly 15 million acres of land in the United States and Canada and more than 102 million acres with local partner organizations globally.

**USGS - Climate Change.** The Conservancy appreciates Chairman Dicks' leadership in highlighting the need for increased investments in climate change science through the National Global Warming and Wildlife Science Center. We support a robust increase in funding for this and other programs that will guide science-based investments necessary to meet the critical needs of fish and wildlife adaptation in a world whose climate is changing. We look forward to working with the subcommittee as it addresses this increasingly vital conservation challenge.

**Land and Water Conservation Fund (LWCF).** Thank you for your action last year to reverse the decline in funding for key conservation programs, including LWCF. We look forward to the Subcommittee providing far greater support for this program than is proposed in the President's budget, one of the lowest requests for federal land acquisition funding in decades.

We recommend a funding level of $278 million for the federal side of LWCF. This year, the Conservancy is specifically recommending 17 biologically rich land acquisition projects totaling $33 million. Priorities include completing the BLM's portion of a large multi-year project in Montana's Blackfoot River Watershed and continuing large-scale projects in New England's Silvio O. Conte NFWR and Montana's Rocky Mountain Front Conservation Area. We are also supporting projects in Washington's Willapa NWR, Georgia's Chattahoochee NF, New Jersey's Delaware Water Gap National Recreation Area, Idaho's Henry's Lake ACEC and Iowa's Driftless Area NWR. We also urge the Subcommittee to restore funding for the state-side of LWCF.

**Forest Legacy**. For FY 2009, 87 projects were submitted by states to the Forest Service with a total funding request of $200.5 million to protect nearly 400,000 acres. The huge potential of this program to achieve conservation goals while maintaining sustainable use of private lands requires a significant funding increase. We strongly support $120 million for this program, and are specifically proposing 16 projects totaling $39 million. The 127,000 acre Northern Cumberlands project is the largest conservation deal in Tennessee since the creation of Great Smoky Mountains National Park. The State has provided $82,000,000 towards this 127,000 acre project, while private equity investers and philanthropy have leveraged an additional $45,000,000. Other priority projects include Michigan's Northern Great Lakes Forest, West Virginia's South Branch, California's Chalk Mountain Area and Maine's Machias River project.

**Wildland Fire Management**. Wildfire costs continue to rise with continued residential growth in forested and fire-prone areas, coupled with a lengthening fire season in a warmer climate. The Conservancy recommends focused investments in four Forest Service and Department of the Interior fire programs. First, increase Hazardous Fuel Reduction to $560 million to address the accumulation of forest fuels (USFS: $341.1M; DOI: $219.6M). Second, increase State Fire Assistance to $42.4 million to address the need for planning, treatments, education, and efficient fire response in the WUI (USFS: $35.9M; DOI RFA:$6.5M). Third, increase Rehabilitation and Restoration to $38.5 million to assure native seed supplies and prevent non-native plant invasions in burned areas (USFS: $11.9M; DOI: $26.6M). Fourth, develop market incentives to reduce the cost of mechanical treatments, including $7 million for biomass utilization grants. Finally, the Conservancy recommends setting clear priorities for hazardous fuel reduction and biomass utilization funding and focusing mechanical treatments where fuel loads and large populations intersect and to use managed fire to reduce fuels where it can be managed safely.

**Forest Health Management.** America's forests face a growing number of non-native pests and diseases. The Conservancy appreciates the Subcommittee's leadership in consistently providing funding significantly above the President's request. The Forest Health Management program should receive at least last year's enacted level of $122.5 million so that it may effectively address economically and ecologically damaging pests, including the Asian Longhorned Beetle, Emerald Ash Borer, Hemlock Woolly Adelgid, Sudden Oak Death and Laurel (or Redbay) Wilt.

**Forest Service Research Program.** We recommend an increase of $3 million above the request for the "Invasives R&D" line item within the Forest Service Research program. This would permit maintaining at current levels research to improve detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid and other non-native forest pests and diseases.

**Endangered Species.** The Conservancy supports an increase for the FWS's Cooperative Endangered Species Conservation Fund (CESCF) to at least $96.2 million. Our requested increase reflects the unmet public funding needs of the CESCF, and recognizes the important role states, municipalities, and non-federal partners play in conserving threatened, endangered and at-risk species on non-federal lands. The Conservancy and its partners, including multiple state and county governments, have used the Habitat Conservation Plan (HCP) and Recovery Land Acquisition Programs to secure key habitat for numerous threatened, endangered and at-risk species. In recent years, CESCF funds have been used to provide permanent habitat protection for Washington's Tieton River Canyon, ensuring intact habitats remain in place for

numerous listed species. California's Ramona Grasslands and Montana's Blackfoot Valley have also been the focus of attention for fee-title and conservation easements under the CESCF program. The Conservancy has also worked with states to develop and implement HCP Plans funded by this program, including an ongoing multi-partner HCP effort in North Carolina's coastal region to protect the red-cockaded woodpecker and other native species. We also support the Administration's proposed funding for the Upper Colorado River Endangered Fish Recovery Program, recovery funds for the San Juan River Basin Recovery Implementation Program, and $475,000 for fish hatchery needs associated with the recovery plans in this region. We also support funding for the Platte River Recovery Implementation Program.

**State Wildlife Grants.** The Conservancy strongly endorses the Teaming with Wildlife Coalition's funding recommendation of $85 million. This continues to be a critical phase for implementation of the 56 approved Wildlife Action Plans. Strong federal investments remain essential to ensure strategic actions are undertaken by state and federal agencies and the conservation community to conserve wildlife populations and their habitats. We also support the continuation of a $5 million competitive grant program as a subset of the State Wildlife Grant Program. We encourage the Subcommittee to provide direction to the Service on the use of these funds, including on-the-ground habitat restoration work on private lands, as well as climate change resiliency and adaptation needs identified as priorities by the states in their comprehensive wildlife conservation plans.

**National Wildlife Refuge System.** The Conservancy applauds the Subcommittee's significant increases in last year's budget for operations and maintenance of the National Wildlife Refuge System, a cornerstone of our commitment to fish and wildlife resources throughout the nation. We urge sustained investments in these key accounts to reverse the loss of permanent refuge staff positions and capacity to maintain the refuge system. We also strongly support the $400,000 increase in the Refuge budget for the Palmyra Atoll National Wildlife Refuge and Palmyra Atoll Research Consortium.

**Migratory Bird Programs.** The Conservancy supports increasing funding for the North American Wetlands Conservation Act (NAWCA) to $50 million. NAWCA is one of the nation's most successful conservation programs prompting more than 3,500 partners to match $836 million in federal funds by leveraging $2.5 billion in partner contributions in order to protect 23 million acres of wetlands and associated upland habitats. The Conservancy also supports $15.1 million in funding for the Joint Ventures. We also support the Administration's Birds Forever proposal, particularly increases in funding to the Joint Ventures and Migratory Bird Management Program with an emphasis on reversing declines in bird populations through conservation and monitoring of focal bird species.

**Cooperative Conservation.** We support the FY08 funding levels, at least, for both the FWS Coastal Program ($14 million) and the Partners for Fish and Wildlife Program ($50 million). The Conservancy supports the Administration's request of $5.2 million for the National Fish Habitat Initiative and the continued work of the Service to facilitate the development of Fish Habitat Partnerships and implementation of high-priority projects. Further, the Conservancy encourages the Subcommittee to increase funding for the FWS Fisheries Program to implement the Open Rivers Initiative/Fish Passage Program at the FY2008 enacted level of $11 million.

**International Programs.** The Conservancy, as part of an alliance of major international conservation groups, supports the International Conservation Budget, which calls for $12 million to the FWS' Multinational Species Conservation Fund. This includes funds for the African and Asian Elephant funds, the Great Apes fund, the Marine Turtle fund, and the Rhinoceros/Tiger fund. We and the alliance also strongly support $20.4 million for the FWS office of international affairs which includes Wildlife Without Borders; $6 million for the FWS' Neotropical Migratory Bird Conservation Fund; and $12 million for the U.S. Forest Service's International Programs.

**Healthy Lands Initiative**. The Conservancy supports funding equal to or greater than the President's request of $21.9 million to be used by BLM, FWS and USGS to landscape scale planning initiatives to improve wildlife habitat, water quality, invasive species control, and more informed management and planning activities. Agencies should be encouraged to use existing data sets so that funding can be focused on data gaps rather than creating duplicitous data sets.

**USGS – Water Resources.** We support $34 million for the National Streamflow Information Program and $70 million for the Cooperative Water Program. These programs provide scientific data needed by multiple public and private water managers and their partners. We support the Administration's Water for America Initiative, however, we urge restoration of funding to programs reduced to enhance the Initiative. As climate change, drought and population growth increase the demands on our nation's water resources, it is critical to invest in the integration of state and federal water resource data and to better understand the water needs of both human communities and the environment. We recommend that $3 million be provided to support improved management of federal reservoirs by increasing the scientific understanding of downstream river ecosystem needs.

**Office of Insular Affairs.** We support $1 million for the Coral Reef Initiative.

**Environmental Protection Agency.** The EPA Geographic programs provide critical leadership, technical support and funding for on-the-ground actions to improve water quality and restore ecosystems. In particular, we support $10 million for the EPA Gulf of Mexico Program, which has been a catalyst in efforts to restore the Gulf of Mexico, as well as the President's request for the Great Lakes and Chesapeake Bay programs. We also support $30 million to support development and implementation of the Puget Sound Partnership's Action Agenda for restoration efforts in the Puget Sound. We strongly support restoring funding, at a level of $20 million, for the Targeted Watersheds Grants program proposed for elimination by the Administration. Finally, we support $800 million for the Clean Water State Revolving Fund.

**Payments in Lieu of Taxes** and **Refuge Revenue Sharing** programs provide payments to counties where land has been taken off the local property tax rolls and put into federal ownership. In some counties, protection of significant natural resources impacts the tax base that funds local government services, including schools and public safety. We urge the Committee to provide full funding for these programs and honor the federal commitment to local communities.

Thank you for the opportunity to present The Nature Conservancy's recommendations for the Interior, Environment and Related Agencies appropriations bill.

Mr. DICKS. Well, thank you, and we appreciate the great work you do all over the country and actually the world. And we deeply appreciate your good work, and we want to work with you, and we are very concerned about the cuts that you have mentioned in this particular budget.

Mr. CASSIDY. Thank you, Mr. Chairman. It is a pleasure working with you.

Mr. DICKS. Thank you. Okay.

We are going to skip ahead here. I have Congressman Brad Miller from North Carolina here, and he wants to introduce Jay Vogt, President of the National Conference of State Historic Preservation Officers. We are going to move to that.

Brad, glad to have you here, and why don't you introduce your constituent or friend or whatever.

Mr. MILLER of North Carolina. Friend, I think.

Mr. DICKS. Okay.

Mr. MILLER of North Carolina. The State Historic Preservation Offices, of course, their first preference was to send the Historic Preservation Officer for Puget Sound.

Mr. DICKS. No. She is here.

Mr. MILLER of North Carolina. She did want me to say that she hopes you would be especially nice to her colleague today.

Mr. DICKS. Well, I will. I will do my best.

Mr. MILLER of North Carolina. And I do appreciate this opportunity to come before the Committee.

I am co-Chair of the House Historic Preservation Caucus. Mike Turner from Ohio is the other co-Chair, and I want to thank you, Chairman Dicks, and all the Committee members for your commitment to historic preservation and your efforts to save and increase appropriations for our Nation's core historic preservation programs.

Key to the success of those programs is the work at the State Historic Preservation Offices. I have heard the acronym for that pronounced both SHPO and SHPO. But it is my pleasure to introduce Jay Vogt——

Mr. DICKS. You better be careful how you say that, too. Okay?

Mr. MILLER of North Carolina. Well, I think if you got even a slight lisp by saying SHPO——

Mr. DICKS. You would be in trouble.

Mr. MILLER of North Carolina [continuing]. It is kind of hard. Mr. Vogt is the current President of the National Conference of State Historic Preservation Officers in the state and the South Dakota State Historic Preservation and South Dakota State Preservation, Historic Preservation Officer. He has dedicated his career to the preservation of our Nation's historic heritage and has served as the South Dakota State Historic Preservation Officer since 1996, and been Director of the South Dakota State Historic Preservation Society since 2003.

He is currently a member of the Advisory Council of Historic Preservation and recently co-chaired the Preserve America Expert Panel on improving the preservation program infrastructure. He has authored many publications, including Picturing the Past, South Dakota's Historic Places.

Mr. Chairman, I am sure that Mr. Vogt will discuss the National Academy of Public Administration's recently-released report on our

historic preservation programs and found that they were a very successful federal, state partnership. They were very effective, and they needed additional resources.

So I look forward to working with you, Mr. Chairman, and the members of your Committee, as well as with Mr. Vogt and others from the historic preservation community to secure funding for the foundation of our Nation's historic preservation programs.

So thank you, again, Mr. Chairman——

Mr. DICKS. Right.

Mr. MILLER of North Carolina [continuing]. For this opportunity to introduce Mr. Vogt.

Mr. DICKS. And thanks for being here, and thanks for being co-Chair of the Caucus. Jay, you are up. Five minutes and we are not even going to count Miller's time.

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THURSDAY, MARCH 13, 2008.

## NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

### WITNESS

**JAY VOGT**

Mr. VOGT. Thank you for the introduction, Congressman, and as Representative Miller said, I am Jay Vogt, President of the National Conference of State Historic Preservation Officers, and on behalf of my 57 state historic preservation officers, and we will say SHPO for short——

Mr. DICKS. Yes.

Mr. VOGT [continuing]. From across the country, including the District of Columbia and the U.S. territories, I would like to thank you, Chairman Dicks and Ranking Member Tiahrt and the members of the Subcommittee for championing the increased funding for the State Historic Preservation Officers and the opportunity to testify today.

Oftentimes when we think about history, we think about people. But because human life is short, in part of what we understand about the past comes from what people made and what they left behind, such as historic buildings and structures.

Now, thanks to a National Historic Preservation Program people from rural communities to large metropolitan cities can walk down a street and point to a particular house or building and recognize that those structures are more than just bricks and mortar. Rather they are icons to our past.

Mr. Chairman and members of the Committee, I realize Congress has been operating out of fiscal constraints, and the SHPOs are most grateful for having experienced recent modest increases in our funding. However, we are still trying to get back and preferably beyond the amount of funding we received in 1979, which was a little over 47 million.

Last year because of your efforts we came close. This Subcommittee and the House of Representatives agreed to fund the SHPOs at $45 million, but after conference and an across-the-board cut, our amount was reduced to just over $37 million. For fiscal

year 2009, we are requesting $50 million from the state, for the State Historic Preservation Officers.

The National Historic Preservation Program is an outstanding example of federalism, with the National Historic Preservation Act setting the policy and the states through the SHPOs administering the program, which has flourished for the past 42 years. To strengthen my case, I am pleased to share with the Committee that in December the National Academy of Public Administration or NAPA, released an independent evaluation of our program which stated that the National Historic Preservation Program, "Stands as a successful example of effective federal, state partnership and is working to realize Congress's original vision to a great extent. And while the Program's basic structure is sound, it continues to face a number of notable challenges."

Mr. Chairman, NAPA confirmed that the SHPOs have been performing admirably while experiencing funding constraints, workload increases, and changes in the field that are straining the capacity and limiting our effectiveness. Since 1980, inflation has outpaced funding for SHPOs, and meanwhile, steady increases in the number of Section 106 cases and tax credit reviews have intensified the funding squeeze.

For example, the number of rehabilitation tax credit application reviews is on the rise. This is a double-edged good news, because many communities use this program to, as a primary economic development driver. They are using it to revitalize downtowns, generate jobs, create affordable housing, and build local property tax bases.

In 2007, the Federal Rehabilitation Tax Credit stimulated $4.35 billion in private investment, produced over 6,500 low and moderate income housing units, which is a 17 percent increase over 2006, and created an estimated 40,755 jobs. That is historic preservation at work.

However, NAPA agrees that the sheer success of the program and the amount of the federal reviews have left many SHPOs operating in a reactive mode unless able to forge creative partnerships with other agencies and the private sector to keep the preservation field vibrant. NAPA identified eight recommendations to insure the continued success of the program, and we are working in concert with the National Parks Service to strategize on implementing the recommendations in the most cost-effective ways.

However, Mr. Chairman and members of the Committee, without additional funding these recommendations are not achievable.

Again, thank you for your commitment to historic preservation, and I ask your consideration of $50 million for the states. Through our partnership with the Federal Government, State Historic Preservation Officers will be able to continue to identify, protect, and nurture what Congress declared in 1966, that, "The spirit and direction of the Nation are founded upon and reflected in its heritage, historic heritage."

And thank you very much.

[Statement of Jay Vogt follows:]

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National Conference of State Historic Preservation Officers

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Jay D. Vogt, President
National Conference of State Historic Preservation Officers

Testimony before the
U. S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
The Honorable Norman Dicks, Chairman,

March 13, 2008

**Request:**

- $50,000,000 for State Historic Preservation Offices
- $5,000,000 for competitive grants to States for historic site survey fieldwork and digitization of documents

The programs are funded through the U. S. Department of the Interior's, National Park Service Historic Preservation Fund and authorized by the 1966 National Historic Preservation Act.

I would like to thank Chairman Dicks, Ranking Member Tiahrt, and the members of the House Appropriations Subcommittee on Interior, Environment and Related Agencies for the opportunity to appear before you. I am Jay Vogt, President of the National Conference of State Historic Preservation Offices[1] and the South Dakota State Historic Preservation Officer. I appreciate this opportunity to share with you State Historic Preservation Office's on-the-ground historic preservation activities as well as discuss our appropriations and need for inventory funding.

**Importance of Historic Preservation—Saving our Nations Heritage**

Mr. Chairman, often times when we think of history we think of people, but because human life is marked by brevity, a large part of what we understand about the past comes to us in the form of its material record e.g., historic buildings. These physical remnants are the "stuff of history" that allow us to verify the past by seeing and touching the creations of people who lived long before our time. From small rural communities to large metropolitan cities, residents can point to a particular house, government building, or commercial block in recognition that those physical manifestations of history are more than mortar and brick – that they stand as icons of our past.

[1] The National Conference of State Historic Preservation Officers (NCSHPO) is the professional association of the State government officials who carry out the national historic preservation program as delegates of the Secretary of Interior pursuant to the National Historic Preservation Act of 1966. The NCSHPO acts as a communications vehicle among the SHPOs and their staffs and represents the SHPOs with Congress, federal agencies and national preservation organizations

**National Historic Preservation Act—NPS Leadership Responsibility**
In 1966 Congress recognized the importance of preserving our past by passing the National Historic Preservation Act (NHPA16 USC 470), which established today's Historic Preservation program. The NHPA directs State Historic Preservation Offices (SHPOs) to carry out the federal preservation program: 1) Locate and record historic resources; 2) Nominate significant historic resources to the National Register of Historic Places; 3) Foster historic preservation programs at the local government level and the creation of preservation ordinances; 4) Provide funds for preservation activities; 5) Comment on federal preservation tax projects; 6) Review all federal projects for their impact on historic properties; and 7) Provide technical assistance to federal agencies, state and local governments and the private sector.

**SHPO Funding—Dollars Well Spent**
Given the constrained budget conditions Congress has been operating under the past few years, SHPOs are thankful to have experienced modest increases; however, we are still trying to get back to and beyond the 1979 level, $47 million. We especially want to thank this subcommittee and the House for agreeing to $45 million for FY08. Unfortunately funding restraints reduced the amount to $39.376 million in conference.

For such a small program, SHPOs have extensive and wide ranging support - from within Congress, to State and local governments, community organizations and individuals across the country. Brent Warr, Mayor of Gulfport Mississippi said that through the Historic Preservation Fund's hurricane Relief Grant Program, "The historical character of our community is being renewed, distinguishing us from others and preserving our heritage so that it can be shared with future generations."

Historic preservation is a sound investment and as an economic tool has proved its worth. Since 1981, rehabilitation activities in Colorado have created almost 29,000 jobs and generated a total of over $2 billion in direct and indirect economic impacts. In Florida, an examination of the assessed values of mainly residential property in eighteen historic districts found that in at least fifteen cases, property in historic districts appreciated greater than comparable, targeted non-historic districts and that there was no case where historic district designation depressed the property values. In 2007, HPF programs such as the Rehabilitation Tax Credit stimulated $4.35 Billion in private investment and at the same time produced 6,553 low and moderate income housing units, a 17% increase over 2006, and created an estimated 40,755 jobs.

Though often unglamorous, SHPOs work is fundamentally essential to the preservation of our heritage. From 2002 to 2007, the number of Section 106 reviews conducted increased 104% to 129,200 while SHPO funding decreased by nearly 5 percent over the same time period. In 2007, SHPOs also provided nearly 82,000 National Register eligibility opinions, assisted in creating 58 new Certified Local Governments and provided technical assistance and preservation policy guidance to hundreds of thousands of communities and individuals nationwide.

**Inventory Funding—NPS Steps Up to the Plate**
Many of the programs discussed above could be done much more effectively and efficiently if States had an accurate inventory of their historic resources in a digitized format. Knowing what you have and defining the location and significance of the Nation's historic assets, is

fundamental for all historic preservation activity. Further, having electronic access to that data is essential for federal project planning. We are pleased and encouraged that the NPS is "stepping up to the plate" and fulfilling its forty-year old commitment to find America's historic places by acknowledging and responding to the strong recommendations of the 2006 Preserve America Summit and by requesting inventory funding in FY08 and for FY09.

Mr. Chairman, in your home state, with little NPS support, the State Historic Preservation Office is undertaking providing web-based access to its information on historic sites which dramatically reduces federal agency project planning times and provides information on the State's heritage to all Washingtonians. I encourage you to visit their website www.dahp.wa.gov.

While, Washington and a select few other SHPOs have made remarkable progress assembling a patchwork of funding to initiate digital access to inventory information, other SHPOs around the country are not as fortunate. After 40 years of the national preservation program we, as a Nation, still don't know the location of hundreds of thousands of our historic resources.

Support for inventory funding exists within Congress, State and local governments, and the private sector and while we are pleased that the Administration has requested funding we are disappointed in the proposed amount of $2 million. We believe a minimum of $5 million (the Administration's FY 08 unfulfilled request) a year for five years is needed.

Specifically, inventory funds would be used for two purposes 1) to conduct inventory fieldwork, filling in the current patchwork of identified sites which is essential for federal project review (Section 106) and lays a foundation of every future preservation activity, e. g., National Register) and 2) to convert existing paper records to electronic formats (data bases, GIS).

Recent natural disasters have also exposed the adverse consequences of the void in historic resources information. In the Gulf, in 2005 aid to victims and FEMA responses were delayed because digitized historic site locations were not available. The NPS detailed staff to do after the fact digitization of the location of historic places. The result of the work—on line access to maps of historic sites—led to a dramatic reduction in project review, from weeks to hours.

**National Academy of Public Administration Report - Confirms NCSHPO Request**
Federal funding for SHPOs is money well spent. Under the Administration's Program Assessment Rating Tool, management of Historic Preservation Programs received a score of 89% indicating exemplary performance of mandated activities. Reinforcing this finding is the December 2007 National Academy of Public Administration (NAPA) report "BACK TO THE FUTURE: A Review of the National Historic Preservation Program."

NAPA, a non-profit, independent coalition of top management and organizational leaders, found that the National Historic Preservation Program "stands as a successful example of effective federal-state partnership and is working to realize Congress' original vision to a great extent. And while the program's basic structure is sound, it continues to face a number of notable challenges." The Panel concluded "that a stronger federal leadership role, greater resources, and

enhanced management are needed to build upon the existing, successful framework to achieve the full potential of the NHPA on behalf of the American people."[2]

Report recommendations specific to SHPOs included the following:

- the NPS request funding and FTE increases sufficient to address the increased workload since Fiscal Year 1981 in National Register eligibility opinion, tax credit reviews, Section 106 reviews, and HPF grants administration and to redress, at least in part, the significant decline in inflation adjusted funding;
- the NPS build upon the National Preservation program's success by providing a stronger national leadership role in consultation with the Advisory Council on Historic Preservation (ACHP) and other national partners as appropriate;
- the NPS expand its mission to make building the capacity of State Historic Preservation Officers and Tribal Historic Preservation Officers a top priority and that it pursue this goal aggressively in cooperation with its national partners;
- the Department of the Interior and the NPS strengthen the performance of the National Historic Preservation program and expand resources based on its demonstrated effectiveness in cooperation with the ACHP; and
- the NPS improve the efficiency of national historic preservation efforts by taking full advantage of information technologies;

On behalf of the States, NCSHPO is working in concert with the NPS to strategize on implementing the recommendations. However, Congress ultimately decides funding levels and without additional funding, many of these recommendations are unattainable.

**Conclusion—HPF: a Wise Federal Investment and the Right Thing to do**
I'd like to leave with you one final thought. Congress stated in 1966 that "The spirit and direction of the nation are founded upon and reflected in its historic heritage." Mr. Chairman, historic preservation recognizes that was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary, fifty, one hundred or five hundred years from now.

Again, I would like to thank the committee for the opportunity to testify and for their commitment to historic preservation. The federal government plays an invaluable role in preserving our nation's history and through our partnership, State Historic Preservation Officers stand committed to identify, protect, and maintain our Nation's historic heritage.

Thank you.

[2] NAPA, "BACK TO THE FUTURE: A Review of the National Historic Preservation Programs" December 2007, p. 29

Mr. DICKS. Thank you. Thank you very much. Appreciate your testimony. We will do the best we can.

Mr. VOGT. Thank you.

Mr. DICKS. Mary Beth Beetham, Director of Legislative Affairs, Defenders of Wildlife.

Ms. BEETHAM. Mr. Dicks.

Mr. DICKS. Hi, Mary Beth. How are you?

Ms. BEETHAM. Fine.

Mr. DICKS. Good to see you.

Ms. BEETHAM. Thank you, Mr. Tiahrt. Thank you for——

Mr. DICKS. We will put your statement in the record, and you have five minutes to summarize.

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THURSDAY, MARCH 13, 2008.

## DEFENDERS OF WILDLIFE

### WITNESS

**MARY BETH BEETHAM**

Ms. BEETHAM. Okay. Thank you for the opportunity. I am Mary Beth Beetham, Director of Legislative Affairs with Defenders of Wildlife. With over 1 million supporters across the Nation, Defenders is dedicated to the protection and restoration of wild animals and plants in their natural communities.

I would like to begin by expressing our deep appreciation for the outstanding fiscal year 2008 House bill with its historic increase for the National Wildlife Refuge System and for the successful effort to include important increases in the final negotiated Omnibus bill, including funding to establish the National Global Warming and Wildlife Science Center.

Unfortunately, the President's budget again cuts funding for lands and wildlife. Bright spots such as safe borderlands and wildlife and Birds Forever are paid for by cuts in other programs, with the result a net conservation loss. While funding provided in the fiscal year 2007, and fiscal year 2008, bills has begun to stabilize our land and wildlife programs, we continue to be greatly concerned that budgets under this Administration have left the Fish and Wildlife Service and the wildlife-related programs and the other natural resource agencies without the capability to carry out their mission.

Significant additional amounts and careful oversight will be needed in coming years to continue to reverse the damage to make the agencies once again whole and to equip them to deal with the growing crisis of climate change.

We urge the Subcommittee to continue to rebuild the Fish and Wildlife Service career workforce, which has suffered substantial losses. Just a few examples here. The Endangered Species Program staff is down 30 percent, the National Wildlife Refuge System has lost 300 staff, as you know. The all-important Office of Law Enforcement is down to 191 special agents, down from a high of 238 in 2002.

Similarly, we ask continuation of your good efforts to address fixed costs. The Refuge System, as you know, has been a poster

child for this need. The increase provided in the fiscal year 2008 bill has provided the Service with the breathing room to put on hold massive staff downsizing, but without continued increases the Refuge System will slide backward once again.

Yet even the inflation-adjusted fiscal year 2004 level of 466 million would still not make the Refuge System whole. Defenders supports the recommendation by the Cooperative Alliance for Refuge Enhancement for a yearly level of 765 million by 2013. To make progress toward that goal we recommend 514 million in fiscal year 2009.

Likewise, we ask the Subcommittee to turn its attention to rebuilding the Endangered Species Program. Currently, 280 candidates await proposal for Endangered Species Act protection, and the loss of staff has left the Service without the needed biological capability to oversee recovery of listed species and meet other obligations.

We ask continued restoration of the Land and Water Conservation Fund. The Administration has proposed just 50 million in its fiscal year 2009 budget, a 67 percent cut. Protection of habitat will be one of the most important things we can do to help in the battle to help wildlife adapt to global warming. Important wildlife-related programs in the other land management agencies also are at the breaking point.

We thank you for efforts to limit appropriated dollars devoted to energy development on BLM lands and to address the diversion of resources from wildlife to support energy and other programs. We ask you to continue this strong oversight and effort to refocus BLM on multiple use.

We further urge the Subcommittee to reject the Administration's proposed $14 million cut to Forest Service Wildlife and Fish Habitat Management and to restore the integrity of the USGS Cooperative Fish and Wildlife Research Unit.

We thank the Subcommittee for direction and funding in the fiscal year 2008 bill to address impacts of illegal immigration and related enforcement on sensitive land and wildlife resources along the southwest border, and we urge continued oversight and increases. In particular, we ask the Subcommittee to work with the DHS Appropriations Subcommittee to insure that a devastating wall planned through the lower Rio Grande Valley National Wildlife Refuge is not allowed to proceed before completion of a thorough assessment and full mitigation plan.

Last but certainly not least, we thank the Subcommittee for its leadership on climate change and, in particular, for establishment of the National Global Warming and Wildlife Science Center. We ask for $10 million to fund the center in 2009. We also ask the Subcommittee to include funding and specific direction for the development of a national strategy to insure a coordinated interagency framework to address impact of climate change on wildlife and habitat.

Mr. Dicks, Mr. Tiahrt, thank you very much for the opportunity, and we look forward to continuing to work with you this year and in the coming years.

[Statement of Mary Beth Beetham follows:]

**TESTIMONY OF MARY BETH BEETHAM**
**DIRECTOR OF LEGISLATIVE AFFAIRS**
**DEFENDERS OF WILDLIFE**
**HOUSE COMMITTEE ON APPROPRIATIONS**
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**
**PUBLIC WITNESS HEARING**
**MARCH 13, 2008**

Mister Chairman, Ranking Member and members of the subcommittee, thank you for the opportunity to testify. I am Mary Beth Beetham, Director of Legislative Affairs for Defenders of Wildlife. Founded in 1947, Defenders of Wildlife has more than one million members and activists across the nation and is dedicated to the protection and restoration of wild animals and plants in their natural communities.

Defenders continues to be greatly concerned that the U.S. Fish and Wildlife Service (FWS) and the wildlife related programs in other natural resource management agencies have reached a breaking point. The president's budget again cuts funding for lands and wildlife. Bright spots such as "Safe Borderlands" and "Birds Forever" are paid for by cuts in other programs, with the result a net conservation loss. We deeply appreciate increases provided by the subcommittee in H.R. 2643, the excellent House version of the FY 2008 Interior, Environment and Related Agencies appropriations bill and are also very grateful for the increases that were maintained in the final omnibus bill after negotiations with the administration reduced the subcommittee's allocation. Funding provided has begun to stabilize our land and wildlife programs. However, significant additional amounts will be needed in the coming years to reverse the damage to the FWS and other agencies, to make them once again whole and critically important, to equip them to deal with the growing crisis of climate change. We know that the subcommittee must operate within the constraints of its 302(b) allocation, but we ask you to do as much as possible. Defenders has again worked during the development of the FY 2009 Congressional budget resolutions to support the environment and natural resources budget function, and we will continue to do so in the coming years.

**We urge the subcommittee to continue to rebuild the FWS workforce which has suffered substantial losses, nearly 800 staff from 2004-2007, an 8 percent reduction.** We are particularly concerned about the loss of biological capability.

- The endangered species program continues to experience a 30 percent overall vacancy rate, yet the president's FY 2009 budget cuts the program by $3.7 million, 2.5 percent.
- The National Wildlife Refuge System has lost 300 staff and will eliminate at least another 250 if funding increases are not forthcoming. A comprehensive staffing model developed by the International Association of Chiefs of Police recommended 840 law enforcement officers for the System which currently can afford only 180 full time officers.
- The Office of Law Enforcement (OLE) is down to 191 special agents down from a high of 238 in 2002, far below the authorized level of 260, and is expected to lose another 20 to 25 through retirement in the next year. The OLE also is in desperate need of both scientists for its world renowned wildlife crime forensics laboratory and port inspectors.
- In the International Wildlife Trade Program, under International Affairs, the Division of Scientific Authority's already small staff continues to be short by one third and the Division of Management Authority still suffers a 15-20 percent staffing shortfall. Still, the president's budget cuts International Affairs by $1.2 million, 10.3 percent. In addition, the important International

affairs program is currently buried in the General Operations Activity – Defenders recommends that it be moved and given equal status with other programs such as Migratory Birds and OLE.

**We urge the subcommittee to continue its effort to fully fund agency fixed costs which typically increase by 3-5 percent yearly and to restore the integrity of the National Wildlife Refuge System, one of the crown jewels in our nation's conservation heritage.** The FY 2007 and 2008 bills took excellent first steps in correcting the damage done by years of funding below fixed costs that had forced severe erosion of programs. We deeply appreciate the subcommittee's effort in the FY 2008 House bill to fully fund the Refuge System at its peak year FY 2004 inflation adjusted level of $451 million. We also thank the subcommittee for standing firm in final negotiations on the bill to still provide a substantial increase which has given the Refuge System breathing room to put on hold plans for massive staff downsizing; however, with the $434.1 million level in the request, refuges still would slide backward. The Refuge System needs $15 million each year just to keep pace with fixed costs and the FY 2004 inflation adjusted level now totals $466 million. Moreover, even if fixed costs were fully funded, the FWS still would not have the resources to ensure that the System envisioned in the landmark 1997 National Wildlife Refuge System Improvement Act would be realized. Defenders supports the recommendation of the Cooperative Alliance for Refuge Enhancement, a diverse coalition of 22 national conservation, sporting, and scientific organizations for a yearly level of $765 million for Refuge Operations and Maintenance by FY 2013 and, to make progress toward this goal, $514 million for FY 2009.

**To address the needs of our nation's most vulnerable plants and animals, we urge the subcommittee to rebuild the FWS endangered species program.** The budgets of this administration have further damaged this most important of programs that already was suffering from chronic funding shortfalls. Currently, 280 candidates await proposal for protection under the Endangered Species Act – many have been candidates for years. Further, the loss of staff has left the FWS without the needed biological capability to oversee recovery of listed species, to adequately address the workload of consultations, or to effectively monitor hundreds of Habitat Conservation Plans covering millions of acres.

**We urge the subcommittee to provide increases to important FWS grant programs where it will not take needed funding from core operations, and continue to provide direction that maximizes their efficiency.** Our highest priorities among the grant programs are the State and Tribal Wildlife Grants (STWGP) and the Cooperative Endangered Species Fund. The STWGP was established to serve the federal interest by conserving species before they decline to the point where they need Endangered Species Act protection. We appreciate the subcommittee's strong oversight of the implementation of the Action Plans created through STWGP and ask that it be continued.

**We urge the subcommittee to continue its efforts to refocus the Bureau of Land Management (BLM) on its multiple use mission, and, in particular, halt the diversion of wildlife program resources to support energy and other programs.** We appreciate the subcommittee's efforts to limit the amount of appropriated dollars devoted to energy development on BLM lands and to address the diversion of resources from wildlife programs to pay for compliance activities of BLM's energy, grazing and other non-wildlife related programs, which should instead come from benefiting programs. Unfortunately, despite the subcommittee's diligent oversight of this diversion, no information has emerged to suggest that the situation has been rectified. This practice significantly undermines the wildlife programs which already are grossly underfunded; for example, more than $60 million is needed annually just to implement actions

assigned to BLM in recovery plans for listed species, and the recent court action overturning the FWS decision failing to list the sage grouse under the Endangered Species Act will likely lead to a need for substantially increased resources for its protection. Moreover, the diversion of resources has increased the importance of the Challenge Cost Share program, with reports that it is the primary means through which proactive wildlife conservation work is accomplished. In addition, we strongly support the Native Plant Materials Development program which will become more crucial in the face of the climate change threat and recommend that the subcommittee examine the need for a separate Plant Conservation Activity or Subactivity under Management of Lands and Resources.

**We urge the subcommittee to continue restoration of the Land and Water Conservation Fund (LWCF).** Habitat loss is one of the main threats to wildlife and will be greatly exacerbated by climate change. According to a recent Forest Service report, "Cooperating Across Boundaries – Partnerships to Conserve Open Space in Rural America," the U.S. loses 6,000 acres of open space a day. The administration has repeatedly cut LWCF funding by increasingly greater levels each year, and even though the unspent balance in the Fund on paper exceeds $16 billion, proposed just $50 million for FY 2009, more than 67 percent below FY 2008.

**We thank the subcommittee for direction and funding in the FY 2008 bill to address impacts of illegal immigration and related enforcement on sensitive land and wildlife resources along the border and urge continued oversight and increases.** We support the administration's "Safe Borderlands" initiative; however we believe greater increases are needed to adequately address the situation. To date, there has been no assessment by the land management agencies of the costs to fully address the situation– we ask the subcommittee to include language in the bill requesting this information. In addition, the Department of Homeland Security (DHS) is expediting plans to start construction of border walls in Texas that will have devastating impacts on one of the most biologically diverse areas in America, including the Lower Rio Grande Valley National Wildlife Refuge, in which approximately $90 million and three decades has been invested purchasing land and restoring habitat for ocelots, jaguarundi and other rare wildlife and plants. Recently, DHS has begun to pursue an even more damaging alternative formerly dismissed in a Draft Environmental Impact Statement (EIS) to build a wall into the existing levee without revising the EIS, doing hydrologic modeling, or formally consulting on impacts to refuges or endangered species. We ask the subcommittee to do everything in its power to protect its investment in the refuge by working with the DHS appropriations subcommittee to ensure that a thorough assessment to select the least harmful alternative and full mitigation plan is completed before any construction proceeds.

**We urge the subcommittee to reject the proposed cut to Forest Service (FS) Wildlife and Fisheries Habitat Management.** Although more than 425 listed species and 3,200 at-risk species occur on FS lands, the budget proposes a 10.6 percent cut ($14 million) and reduction of 130 staff.

**We urge the subcommittee to restore the integrity of the U.S. Geological Survey (USGS) Cooperative Fish and Wildlife Research Units.** One fifth of all CFWRU scientist positions (24) are vacant due to erosion of funding since FY 2001. The Research Units provide critical scientific capability to the four land management agencies, yet the president's budget reverses the FY 2008 $1 million increase provided by the subcommittee.

**We are deeply grateful for the subcommittee's leadership on climate change and, in particular, for establishment of the National Global Warming and Wildlife Science Center (Center). We ask that you continue leadership on this critically important issue.** The new

Center will be a critical front in the battle to help wildlife adapt to climate change, supporting research needs of both federal and state agencies in dealing with a threat in which we have no analogous experience. While the subcommittee allocated up to $2.5 million for FY 2008 for the Center, we were disappointed to find that the administration has allocated only $1.5 million and has requested only that amount for FY 2009. We urge $10 million for FY 2009. In addition, comprehensive bills are moving forward that likely will dedicate significant sums to the natural resource agencies for climate change adaptation; the agencies need to start planning now to spend these sums strategically and effectively. We ask the subcommittee to include funding and specific direction for the development of a national strategy to ensure a coordinated interagency framework to address impacts of climate change on fish, wildlife, and habitat.

**RECOMMENDED FY 2009 PROGRAM FUNDING LEVELS (DOLLARS IN MILLIONS)**

| Program | President's Request | Recommended Level |
|---|---|---|
| FWS Endangered Species Total | 146.8 | 185.2 |
| *Candidate Conservation* | *8.7* | *12* |
| *Listing* | *18.2* | *25.2* |
| *Recovery* | *68.4* | *84.8* |
| *Consultation* | *51.6* | *63.2* |
| FWS National Wildlife Refuge O&M | 434.1 | 514 |
| FWS Office of Law Enforcement | 57.4 | 69.5 |
| FWS Migratory Bird Management | 53.2 | 53 |
| FWS International Affairs | 10.3 | 20.4 |
| FWS State and Tribal Wildlife Grants | 73.8 | 100 |
| FWS Cooperative Endangered Species Fund | 75.5 | 96.2 |
| FWS Multinational Species Conservation Fund | 4.3 | 12 |
| FWS Neo-tropical Migratory Bird Cons. Fund | 4 | 6 |
| BLM Wildlife and Fisheries | 43.8 | 65.4 |
| BLM Threatened and Endangered Species | 20.6 | 29.9 |
| BLM Native Plants | 4.6 | 15.8 |
| BLM Challenge Cost Share | 9.2 | 19.3 |
| FS Wildlife and Fisheries Habitat Management | 118 | 176.5 |
| USGS Coop. Fish and Wildlife Research Units | 15.4 | 19.4 |
| USGS National Global Warming Wildlife Ctr. | 1.5 | 10 |
| Land and Water Conservation Fund | 50 | 403 ($278 federal and $125 stateside) |

Mr. DICKS. Well, thank you for a very comprehensive statement, and we have enjoyed working with you and your staff, and again, I just wish we could do more on these programs. And it is just we are at a very difficult budgetary situation.

Ms. BEETHAM. And we understand that, and we have been——

Mr. DICKS. Yeah.

Ms. BEETHAM [continuing]. Working to try to get the numbers up in the——

Mr. DICKS. And you did a good job over there.

Ms. BEETHAM [continuing]. Budget resolution and——

Mr. DICKS. Spratt keeps coming up to me and saying, can you get those environmentalists off my back. So you did good.

Ms. BEETHAM. So we will continue to try to do that and help you out.

Mr. DICKS. John can handle it. Okay.

Ms. BEETHAM. Thank you very much.

Mr. DICKS. Thank you.

Don Barry, Executive Vice President, the Wilderness Society, and a former senior official in the Clinton Interior Department.

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THURSDAY, MARCH 13, 2008.

## THE WILDERNESS SOCIETY

### WITNESS

**DON BARRY**

Mr. BARRY. Mr. Chairman——

Mr. DICKS. Good friend.

Mr. BARRY [continuing]. And I have to say that I have waited a long time to be able to formally say that to you.

Mr. DICKS. Yes.

Mr. BARRY. Last year when I showed up at the Subcommittee's hearing, I brought my kneepads, and I did not bother to put them on, but if you think it will enhance my chances of getting what I am asking for, I am more than willing to do that.

Mr. DICKS. Yes. Those look pretty nice, too. Blue and gold. My high school colors.

Mr. BARRY. When I came last year, what I did was I wanted to use as a comparison the budget that I last testified on behalf of, in the year 2000, the last year that I came up as the Assistant Secretary for Fish, Wildlife and Parks. And I was using it as a measuring stick to compare last year's President's budget, and as bad as the numbers were last year, the numbers are much, much, much worse this year.

Let me just use a couple of examples. When I appeared in front of this Subcommittee in April of 2000, I was able to request for the Land and Water Conservation Fund $413 million for the Administration. This year it is one-tenth of that, about $43 million.

On behalf of the National Park Service and Fish and Wildlife Service, I was able to come up here and testify on behalf of Land and Water Conservation Fund appropriation request of $240 million. This year it is down to $32 million for those two agencies, one-eighth of what I was asking for 8 years ago.

In terms of what the Appropriations Committee was able to do in terms of actual appropriations for the Park Service and Fish and Wildlife Service in the year 2000, you appropriated $150 million for those two agencies. Again, by comparison what this Administration is asking for is one-fifth of that amount for those two agencies, and that does not even include the operational, I mean, the operational costs of running that program are rolled inside that number. So the actual amount of land acquired is going to be much, much, much, much less.

Forest legacy, the same thing. Two-fifths of what the Administration, we were asking for something much, much higher. The Administration is asking for two-fifths of what we asked for, and when you take a look at the way the Land and Water Conservation Fund numbers have been slashed from last year's appropriated amounts, it is stunning. The only way I can describe this——

Mr. DICKS. This was one of the big things he touted in his, we are going to have full funding of the Land and Water Conservation Fund.

Mr. BARRY. Absolutely, and he was going to take care of the park backlog on maintenance, too, and that never happened.

The only way I can describe what has happened with the Land and Water Conservation Fund appropriations process is that this is a bread and water starvation diet for those agencies. And, you know, the Forest Service's amount has been slashed by 85 percent, the Fish and Wildlife Service by 71 percent, Park Service by 51 percent, BLM by 50 percent.

Let me show you a chart. This shows the history of appropriations in the Land and Water Conservation Fund for the last 30 years, but more importantly is this chart. This shows the more recent history, and you can see that the diagonal line is heading down in the wrong direction. If this trend continues, this line is going to punch through the crust of the earth and pop out in Beijing in time for the Olympics.

And you get to a point really where you have to sit there and say to yourself, what is the point of having the program anymore if that is the trend line that we are going to be facing for all these different agencies.

Along with the dramatic slash in appropriated funds, what I am equally worried about is what is happening with the staffs of these agencies. The Fish and Wildlife Service stands to lose half of their reality officers with this budget. We have already heard a number of people mention the cuts that would happen in the Refuge System. I find the——

Mr. DICKS. What do the realty officers do?

Mr. BARRY. They are the ones who actually go out and acquire the lands for the Fish and Wildlife Service or the Park Service. So they are key to the Land Acquisition Programs.

But the thing that I find probably most distressing of all is what the Administration has proposed to do with the National Wildlife Refuge System. The reason I find this really distressing is just 2 years ago the Administration had a big celebration for the 100th anniversary of the National Wildlife Refuge System, 2 years ago, had a big commission set up.

Mr. DICKS. Yes.

Mr. BARRY. The current number of unstaffed wildlife refuges today is 188. Under the President's budget that has been put to this Subcommittee, that is projected to go up to 221 national wildlife refuges without a single staff person, almost half. We are starting to approach half of the entire Wildlife Refuge System without a single staff person to man them. Two years after the big celebration for the 100th anniversary. So I find that just an amazing way to celebrate the creation of such a fabulous system.

Mr. DICKS. Do you remember back when you were the Secretary how many of them were unstaffed?

Mr. BARRY. Well, I could get you that——

Mr. DICKS. Just to give you a baseline.

Mr. BARRY [continuing]. Number, but it was not even approaching that remotely. I mean, I just know that Jamie Clark and I worked extremely hard to get the numbers done. I know that there was a period there where the very first wildlife refuge in the country had no refuge manager, had nobody on the ground. And over time we were able to——

Mr. DICKS. That is down in Florida. Right?

Mr. BARRY. Yes. Yes. We were able to take care of that. So I can get you that number, Norm, but I cannot——

Mr. DICKS. Yes.

Mr. BARRY [continuing]. Give it to you right off the top of my head.

Mr. TIAHRT. Was it all of them?

Mr. BARRY. No. No. No. I would not be trying to say that. There have always been staffing problems on refuges, but it has just been magnified to a level that I have never seen before.

You know, I think when you take a look at——

Mr. DICKS. You are talking about some of these just have one person. I mean, it is not like there——

Mr. BARRY. Or one person managing multiple units, too.

Mr. DICKS. Yes.

Mr. BARRY. And, you know, there is one other thing I notice on this big chart here on the history of the Land and Water Conservation Funding, if you go back to 1981, which was when Jim Watt was Secretary of the Interior, 28 years ago, he got 155 million acres, excuse me, $155 million for Land and Water Conservation Fund 28 years ago.

Mr. DICKS. And that was a lot more money when you figure out inflation.

Mr. BARRY. Yes. And despite your best efforts you had to eventually settle for 156 last year.

Mr. DICKS. Right.

Mr. BARRY. You know, and we appreciated that.

Mr. DICKS. Yes.

Mr. BARRY. But in effect, you were able to provide way less than Jim Watt had 28 years ago.

Mr. DICKS. Now you really make me feel bad.

Mr. BARRY. Yes. I just wanted to put it into historical perspective.

Mr. DICKS. You know, one time James Watt attacked me because I did something in the Committee, I cannot remember what it was, and he said, I am going to go out there and debate Norm Dicks,

and so I put out a press release saying, I will send he and his wife first class tickets to Seattle, because I want to go, I want to have this debate. Well, he never showed up.

Mr. BARRY. He never showed up.

Mr. DICKS. Never showed up.

Mr. BARRY. Let me just close by saying that there was a time when I first arrived in this town 34 years ago when conservation was considered to be a conservative virtue.

Mr. DICKS. Right.

Mr. BARRY. Conservation was considered to be a conservative virtue. I think we have lost those times. When the Wilderness Act was going through Congress in 1964, the chief proponent of that Act in the House of Representatives was a conservative Republican Congressman from Pennsylvania, John Saylor. He believed that we ought to conserve and save things, and so he was a strong proponent of the Wilderness Act. I would just urge this Committee on a bipartisan way to support our public lands because these are resources that are truly of tremendous value to all Americans. There is not such a thing as a Republican park or a Democratic wildlife refuge.

Thank you very much.

[Statement of Don Barry follows:]

THE
WILDERNESS
SOCIETY

**Statement of Don Barry**
**Executive Vice President, The Wilderness Society**
**For the House Appropriations Committee, Subcommittee on Interior**
**On the Fiscal Year 2009 Interior and Related Agencies Appropriations Bill**
**March 13, 2008**

Mr. Chairman, and members of the committee, The Wilderness Society (TWS) represents more than 310,000 members and supporters across the U.S. who support our mission to protect wilderness and inspire Americans to care for our wild places. On behalf of TWS, I thank the committee for the opportunity to comment on the Fiscal Year 2009 Department of the Interior and Related Agencies Appropriations bill.

Last year, this subcommittee reversed the near decade-long pattern of severe funding cuts to numerous conservation programs. We applaud your leadership in increasing appropriations for essential public land conservation activities, particularly the boosts for wildlife refuges and national parks. Despite your work, these and other indispensable conservation programs continue to suffer from years of under-funding. To avoid the slow, steady collapse of our public land conservation systems, we ask that you take bold, immediate action in making additional investments for Fiscal Year 2009. As a minimum step toward adequate funding of our public land programs and to meet new challenges associated with climate change, TWS recommends:

**Land and Water Conservation Fund**
As a federal side program with a state matching grant program, the Land and Water Conservation Fund (LWCF) has been this nation's single most effective tool for creating new parks and open spaces, protecting wild lands and wetlands, preserving wildlife habitat, and enhancing recreational opportunities. The federal program provides funds to purchase land and water resources for national parks, forests, wildlife refuges, and other public lands. The state matching grants program provides funds to assist in the acquisition of urban open space and creation of local recreation facilities. For FY 09, the Administration's budget proposal slashes LWCF funds by more than $110 million, reducing the funding level to nearly $43 million. *TWS' FY 09 recommendation for the LWCF is $403 million ($278 million for federal and $125 million for stateside), an increase of $248.7 million over FY 08 enacted level of $154.3 million.*

**A Sampling of TWS LWCF and Forest Legacy Acquisition Priorities for FY 09**

- AZ - Las Cienegas National Conservation Area. LWCF Request: $550,000
- CA - California Desert Wilderness. LWCF Request: $500,000; Santa Rosa and San Jacinto Mountains National Monument. LWCF Request: $2.58 million
- CO - Canyons of the Ancients National Monument. LWCF Request: $3 million
- GA - Silver Lake – Forest Legacy Request: $4.5 million

- ID - Idaho Wild & Scenic River – Morgan Ranch. LWCF Request $2.2 million; Upper Snake/South Fork Snake River ACEC/SRMA. LWCF Request: $300,000
- NC - Appalachian National Scenic Trail – Roan Highlands. LWCF Request: $1.8 million
- MN - Upper Mississippi River NWR (includes WI, IA, and IL). LWCF Request $500,000
- NH - Lake Umbagog NWR. LWCF Request: $1 million
- NM - Kasha-Katuwe Tent Rocks National Monument. LWCF Request: $502,000
- OR - Cascade Siskiyou National Monument. LWCF Request: $3.6 million
- SC - Congaree National Park – 1,840 acres Riverstone tract. LWCF Request: $5.3 million
- TN - Rocky Fork, 10,000 acres located along the Appalachian Trail Corridor on the NC-TN line. LWCF Request: $9 million; North Cumberland Conservation Area. Forest Legacy Request: $8.1 million

**Bureau of Land Management (BLM):** Once again, the President's budget makes oil and gas drilling its top priority, funding a $22 million increase in the program, while reducing allocations for such programs as fisheries management, cultural resources management, threatened and endangered species management, and resource protection and law enforcement. In addition, the Administration has asked that Congress delete the prohibition on use of appropriations to finalize a commercial oil shale leasing program and on holding commercial oil shale lease sales. *We recommend a reduction in the allocation for the oil and gas program, the imposition of a "due diligence fee" on the more than 30 million acres of idle onshore federal oil and gas leases, similar to Section 7224 of H.R. 3221 passed by the House last year, and a reallocation of funds to programs such as fisheries management, cultural resources management, threatened and endangered species management, and resource protection and law enforcement. We also strongly urge retention of the prohibition on the use of funds to finalize a commercial oil shale leasing program because the BLM simply does not have enough information upon which to design and implement an appropriate commercial oil shale leasing and development program at this time.*

**BLM's National Landscape Conservation System**

The Bureau of Land Management's (BLM) National Landscape Conservation System, comprising some 26 million acres of congressionally and presidentially designated lands and waters, such as national monuments and national conservation areas, represents some of the best places where one can experience the history and wild beauty of the West. The System provides innumerable recreational opportunities, critical wildlife habitat, clean water, wilderness, and open space near fast-growing cities. The President's budget request represents a needed $2.6 million increase over his 2008 request, though it is still more than $3.5 million below last year's enacted level of $55.3 million. This year, the President's budget did add a budget category for the System's national monuments and national conservation areas, providing more transparency and improving managers' ability to plan for and track funding; however, additional clarity is still needed. *TWS' FY 09 recommendation is $70 million for the Conservation System, an increase of $14.7 million over FY 08 enacted level.*

**National Park System**

Our National Park System, comprised of 387 units, includes some of our nation's most beautiful landscapes and culturally significant areas. Increased funding for operations of the National Park System can help ensure that visitors have safe, enjoyable, and educational experiences in the park system. The President's budget provides $2.4 billion for the Park Service and would increase the operations budget by $161 million to $2.1 billion. This money can be invested in interpretation, enforcement, and natural resource protection staff. Unfortunately, this increase comes at the

expense of other critical Park Service funding, including a $46 million cut from the construction account. The request of $172 million for construction is a mere half of what was provided five years ago. These construction funds are badly needed to help the Park Service reduce its staggering parks maintenance and construction backlog.

**National Wildlife Refuge System**

The National Wildlife Refuge System, with its 548 refuges on nearly 100 million acres of land, helps protect critical wildlife habitat, ensuring that wildlife protection remains a priority of these lands. There is a wildlife refuge in every state and within an hour's drive of most American cities. More than 35 million people visit refuges annually, generating nearly $1.7 billion for local economies and supporting almost 27,000 private sector jobs. Last year's operations and maintenance appropriation increase of nearly $39 million brought funding to a level that is close to what the Refuge System needed to keep pace with inflation costs over the past five years. This significant investment helped stem severe staff losses and program cuts. But years of stagnant funding fueled a spiraling backlog of $3.5 billion in operations and maintenance projects and a loss of more than 300 positions since 2004. The Refuge System needs $765 million in annual funds to adequately address its operations and maintenance needs of the Refuge System. The President's budget request of $434 million fails to take into account annual inflation adjustments, which will cost the system nearly $15 million. *TWS' FY 09 recommendation for the Refuge System is $514 million. This represents an increase of $79.9 million over the FY 08 enacted level of $434.1 million.*

**National Forest Lands**

We believe a proposed cut of 2,707 full time employees in the Forest Service, with almost 1,200 cuts in the National Forest System alone, could jeopardize many key functions that the Forest Service normally performs. In particular, TWS believes the potential elimination of the wilderness director and other leadership positions from the Forest Service program that manages 35 million wilderness acres would result in an inadequate organizational and management structure.

Although the Forest Service cites the loss of open space as one of its top tier concerns, the President's proposed budget ignores this worry entirely. A proposed 58 percent cut to the State and Private Forestry program from the FY 08 enacted level of $262.6 million—requesting just $109.5 million for FY 09—would jeopardize the Forest Service's ability to protect open spaces. Under the State and Private Forestry program, Forest Legacy would receive a drastic 76 percent cut from its FY 08 enacted level of $52.3 million to $12.5 million under the President's budget. The Urban and Community Forestry program would also be cut to $5 million, which is an 82 percent drop from last year's enacted level of $27.7 million. *TWS' recommendation for FY 09 is that Forest Legacy be funded at $125 million and Urban and Community Forestry be funded at minimum $30 million.*

In addition, TWS is concerned that the Forest Service has not moved toward a more serious and consistent approach to managing its increasingly deteriorating road system. The Forest Service should not only work to limit the construction of new roads, until it reaches a sustainable level of miles, but also prioritize decommissioning roads that are unneeded and causing environmental problems. *The Forest Service can begin reaching this goal by maintaining and funding the Legacy Road and Trail Remediation Program at TWS' recommended level of $75 million.* Additionally, the Roads Maintenance Program should be funded at a level that will help to maintain necessary roads. The Forest Service estimates a need of $649 million to meet its annual

road maintenance needs. *TWS recommends this program receive $325 million, half of these funds should be allocated to roads maintenance in those forests where a roads analysis, identifying the unnecessary and problematic roads that should be decommissioned, is completed.*

Recreation is the largest of the forest uses, making it critical that the Forest Service encourage recreation that is environmentally sound, including actions to help Americans adapt to a more climate-responsible method of recreation. The Forest Service's "travel management rule" requires designating roads and trails that minimize impacts to visitors, waterways, and wildlife habitats. Although the Forest Service was instructed to pull dollars from several programs to fund the travel management projects, all of the funds to date have been derived from the Recreation program, thus constraining other Recreation programs. Therefore, *TWS recommends a $115.8 million increase to the Recreation, Heritage and Wilderness program for travel management planning and implementation for FY 09. An additional increase of $30 million is recommended for the Wilderness and Wild & Scenic Rivers program.*

**State and Local Fire Assistance**
In 2001, the Forest Service and the Department of the Interior identified over 11,000 communities adjacent to federal lands that are at risk from wildland fire. State Foresters conservatively estimate 45,000 communities at risk. The scope of the problem is enormous—and growing. Experts estimate that almost eight million new homes will be built in the wildland-urban interface (WUI) between 2005 and 2010. Increased population in the WUI is one of the main reasons suppression costs are skyrocketing. State Fire Assistance is the primary federal program that helps communities prepare for fire by funding firefighter training, hazardous fuels reduction near communities, and Community Wildfire Protection Planning. *TWS' FY 09 recommendation for State Fire Assistance is $144 million, an increase of $63.4 million over the FY 08 enacted level of $80.6 million.*

**Wildfire Suppression Funding**
Wildland fire will account for 48 percent of the Forest Service's budget in FY 09, overwhelming other agency mission areas. Moreover, experts are predicting that a changing climate will only increase the length of the fire season. To address this problem, Congress must: (1) fix the suppression funding structure; and (2) invest in a 21st century fire management force. A new suppression funding structure should create a separate fund for unanticipated large fire events, freeing up constrained federal wildland firefighting budgets to be invested in the goals of the National Fire Plan and the 10-Year Comprehensive Strategy. A robust commitment to new fire management strategies, like risk-based suppression and Wildland Fire Use, is also needed. This change will lead to healthier landscapes and less costly fire seasons in the future. *TWS recommends implementing a new budget funding structure for wildland fire suppression and designating $10 million from suppression funding to increase Wildland Fire Use staffing and training.*

**Land Sales and Arctic Drilling**
The Administration once again proposes to sell BLM and Forest Service lands and to drill in the Arctic National Wildlife Refuge for deficit reduction and other purposes. Similar proposals included in previous Administration budgets have been rejected by Congress. *We urge the subcommittee to once again omit from its bill and report any language that would amend existing law to provide for such land sale and drilling provisions.*

Mr. DICKS. Thank you very much, and we appreciate your good work and your lifetime of commitment to these issues. And we will continue to work with you and do the best we can.

Laura M. Bies.

Ms. BIES. Bies.

Mr. DICKS. Bies. Sorry.

Ms. BIES. That is all right.

Mr. DICKS. The Wildlife Society. And you are Associate Director of Government Affairs. We will put your statement in the record, and you may proceed for five minutes.

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THURSDAY, MARCH 13, 2008.

## THE WILDLIFE SOCIETY

### WITNESS

**LAURA M. BIES**

Ms. BIES. Okay. Thank you for the opportunity to testify. My name is Laura Bies, the Associate Director of Government Affairs for the Wildlife Society.

The Wildlife Society represents nearly 8,000 professional and wildlife biologists and managers who are dedicated to excellence in wildlife stewardship through science and education.

I will just talk briefly about some of our priorities for the fiscal year 2009 budget now.

I will start with the Fish and Wildlife Service. Funding assistance for state wildlife agencies is one of the highest priority needs for wildlife, and State Wildlife Grants Program meets this need. With the completion of the Congressionally-Mandated Comprehensive Wildlife Conservation Plans, it is critical this program receive adequate funding to assist the states with implementation of on-the-ground actions associated with the plans.

As part of the team with Wildlife Coalition, we recommend that $85 million be appropriated for the State Wildlife Grants Program in '09.

Equally essential for Wildlife Action Plan implementation is a Landowner Incentive Program, which acts in a unique way to bring a source of funds to landowners. Funds invested in this program today mean potential savings of millions in the future by preventing species from declining to a point that it requires listing under the Endangered Species Act.

We urge you to restore this program to $23.7 million, which was the fiscal year 2007, enacted level.

Another key program for the Society is the National Wildlife Refuge System. We are part of the Cooperative Alliance for Refuge Enhancement or CARE.

Mr. DICKS. Right.

Ms. BIES. A diverse coalition of 22 organizations representing over 14 million members and supporters. CARE has determined that the National Wildlife Refuge System needs $765 million in annual appropriations by 2013, to properly administer its nearly 100 million acres. Years of stagnant budgets have increased the oper-

ations and maintenance backlog to $3.5 billion and forced plans for a dramatic 20 percent downsizing of the workforce.

Refuge visitors often show up to find roads and visitor centers closed, observation platforms and hiking trails in disrepair, and habitat restoration and education programs eliminated.

As part of CARE we respectfully request that you provide $514 million for the Refuge System in '09, and I do want to say that we truly appreciate the budget increase that we saw in '08, and really hope we can try and build upon that again this year, because as we all know, the Refuge System really needs that funding.

Next I would like to address the Bureau of Land Management. BLM manages more public land than any other federal agency. However, its programs to manage fish and wildlife are chronically understaffed. The BLM has only one biologist per 591,000 acres.

Given the significant underfunding of BLM's wildlife programs, combined with the tremendous expansion of energy across the BLM landscape, an increase to $52 million for the BLM Wildlife Management Program is warranted.

Also within BLM, their Threatened and Endangered Species Management Program would suffer a significant cut over, under the Administration's request. The current budget is already woefully inadequate for BLM to meet its current responsibilities in Endangered Species Recovery Plans.

In addition, the budget request ignores the agency's March, 2001, report to Congress which called for a doubling of the current budget in that program to $48 million and an increase of 70 staff positions over 5 years.

In view of this gross inequity between the resource needs of the agency and the current funding levels, we strongly encourage that funding for this program be increased to $33.5 million.

Finally, I would like to touch on a few key programs within the U.S. Geological Survey. As a member of the USGS Coalition we support overall funding of $1.3 billion for USGS in fiscal year 2009. This would enable them to meet new challenges which continuing to provide essential data for land use management, sustainable natural resource development, and enhanced security from natural and manmade hazards.

We are concerned that the proposed budget includes only 82 percent of uncontrollables for the biological resources discipline. We strongly recommend that to the best of your ability to fully fund these uncontrollables to prevent further erosion to essential programs and services within the BRD.

We also support increased funding for the Cooperative Fish and Wildlife Research Units. Fiscal year 2001, was the last time Congress could fully fund those Co-op Units, and that allowed the unit productivity to rise to record levels.

However, since then budget shortfalls have caused an erosion of available fiscal resources, resulting in a current staffing vacancy of 23 researcher positions, which is nearly one quarter of the professional workforce of the units.

The fiscal year 2009 budget for the Co-op Unit should be increased to $19.1 million to help stop this funding shortfall.

Finally, I want to say that Wildlife Society really supports the funding provided last year for the National Global Warming and

Wildlife Science Center. This is a huge issue for the Society and really we appreciate the recognition of the need to address this as soon as possible.

However, we feel additional funding is needed in fiscal year 2009, to continue establishment of the center, begin to fund key research priorities that have been identified, and enable USGS and its partners to develop a comprehensive plan for moving forward to address the impacts of climate change on wildlife.

Therefore, we recommend that the National Global Warming and Wildlife Science Center be funded at $10 million in fiscal year 2009.

Thank you very much for considering——

Mr. DICKS. Thank you.

Ms. BIES [continuing]. The views of wildlife professionals, and we look forward to working with you.

[Statement of Laura Bies follows:]

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13 March 2008

Subcommittee on Interior, Environment, and Related Agencies
House Committee on Appropriations
B-308 Rayburn House Office Building
Washington, D.C. 20515

Testimony Submitted by:
Laura Bies
Associate Director of Government Affairs
The Wildlife Society

The Wildlife Society appreciates the opportunity to provide comments on the proposed FY 2009 budget for the Department of Interior, Environment, and Related Agencies. The Wildlife Society represents nearly 8000 professional wildlife biologists and managers dedicated to excellence in wildlife stewardship through science and education.

**U.S. Fish and Wildlife Service**

Funding assistance for state wildlife agencies is one of the highest priority needs for wildlife, providing essential resources to conserve wildlife, fish, and habitat, and to prevent further declines in at-risk wildlife populations in every state. We appreciate the Administration's recognition of the importance of the **State Wildlife Grants Program** through the $73.8 million request, but we strongly encourage even greater funding to achieve species conservation. States have recently completed their comprehensive wildlife conservation plans as mandated by Congress. These Wildlife Action Plans detail each state's species of greatest concern, their remaining habitats, limitations, and needed conservation actions. With the completion of all 56 state and territorial Wildlife Action Plans, it is critical this program receive increased funding to assist states with the implementation of on-the-ground actions associated with the plans. **We recommend that $85 million be appropriated for State Wildlife Grants in FY 2009.**

Equally essential for Wildlife Action Plan implementation is the **Landowner Incentive Program (LIP)**, which acts in a unique way to bring a source of funds to landowners. **TWS urges you to restore the Landowner Incentive Program to $23.7 million, the FY 2007 enacted level.** This program is both an essential tool for wildlife conservation and a cost-saving mechanism that institutes actions on the ground that prevent wildlife species from becoming threatened or endangered. Funds invested in LIP today mean potential savings of millions in the future, by preventing species from declining to a point that requires listing under the Endangered Species Act. Maintaining funding for LIP is essential to sustaining the investment in delivery infrastructure already in place at state agencies, as well as supporting participation by private landowners in cooperative conservation.

The Wildlife Society is a member of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters. A comprehensive analysis by CARE determined that the **National Wildlife Refuge System** needs $765 million in annual operations and maintenance funding by 2013 to properly administer its nearly 100 million acres, educational programs, habitat restoration projects, and much more. Many years of stagnant budgets have increased the Operations and Maintenance backlog to $3.5 billion, and forced plans for a dramatic 20% downsizing of the workforce. Refuge visitors often show up to find roads and visitor centers closed, observation platforms and hiking trails in disrepair, and habitat restoration and education programs eliminated. Invasive plant species are taking over and with a deficiency of more than 500 law enforcement officers, illegal activities such as poaching and trespass are on the rise. We are grateful for the much-needed budget increase that Congress provided the Refuge System for the current fiscal year, and we urge the Congress to build upon this important step in the FY 2009 budget. **We request that you provide $514 million in FY 2009 for the Operations and Maintenance of the National Wildlife Refuge System.**

**The North American Wetlands Conservation Act** is a cooperative, non-regulatory, incentive-based program that has shown unprecedented success in restoring wetlands, waterfowl, and other migratory bird populations. We are pleased by the Administration's support of this program through its $42 million request, but **recommend that you appropriate $50 million for the North American Wetlands Conservation Fund in FY 2009.**

**The Neotropical Migratory Bird Conservation Act** provides a broad-spectrum approach to bird conservation. **The Wildlife Society recommends that Congress fund the Neotropical Migratory Bird Conservation Act at its full authorization of $6 million in FY 2009.**

The Wildlife Society supports adequate funding levels for all subactivities within the **Endangered Species Program**, and is concerned with the proposed 2% budget reduction. Endangered species recovery efforts can ultimately lead to delisting actions that result in significant benefits to species through state management efforts. Currently, all subactivities are understaffed, as the costs for management of listed species continue to rapidly escalate. **We recommend that Congress restore this program to the FY 2008 level of $150.5 million.**

The Wildlife Society is very disappointed that funding for the **Science Excellence Initiative** has zeroed out for a second year in a row. Discontinuing funding for this office will prevent FWS from expanding its on-the-ground scientific capacity in adaptive resource management (ARM), structured decision analysis, and conservation genetics. We are concerned that the elimination of these programs will reduce the Service's capacities in these key areas and prevent the expansion of these programs to other regions of the Service. **The Wildlife Society strongly recommends that Congress reinstate the Science Excellence Initiative at $493,000 in FY 2009.**

A detailed peer review of **the Draft Spotted Owl Recovery Plan** by The Wildlife Society indicated the plan does not adequately avail itself of the depth and breadth of the extensive information available upon which to build a scientifically credible recovery plan. The result is a seriously flawed plan for recovery that weakens virtually every provision already in place for northern spotted owls. The Society recommends that FWS start over with a fundamental commitment to using the best available science and find real solutions to threats faced by spotted

owls and their habitats. In doing so, FWS should reconstitute the membership of the recovery team so that it emphasizes biologists and ecologists with extensive expertise in the biology of the spotted owl and the ecology and management of Pacific Northwest forests.

**Bureau of Land Management**

The Bureau of Land Management (BLM) manages more public land than any other federal agency. However, its programs to manage fish and wildlife are chronically understaffed: BLM has only one biologist per 591,000 acres. The agency needs at least $60 million annually to simply keep up with actions assigned to it by recovery plans for listed species.

The proposed budget for BLM's **Wildlife Management Program** is $31.443 million, a $719,000 increase over FY 2008. However, this includes $6.0 million for the Healthy Lands Initiative. Therefore, an increase of $5.281 million is required to simply maintain the program at FY 2008 levels. However, given the significant underfunding of the BLM's wildlife programs, combined with the tremendous expansion of energy development across the BLM landscape, an increase to **$52.086 million for the BLM Wildlife Management Program** is warranted. This will allow BLM to maintain and restore wildlife and habitat by monitoring habitat conditions, conducting inventories of wildlife resources, and developing cooperative management plans.

BLM's **Threatened and Endangered Species Management Program** would suffer a significant cut under the Administration's request of $20.552 million in FY 2009. The current budget is woefully inadequate for BLM to meet its conservation responsibilities in endangered species recovery plans that identify more than $300 million of recovery tasks to be accomplished by BLM in the next 5 years. In addition, the Administration's request ignores the agency's March 2001 Report to Congress which called for a doubling of the current Threatened and Endangered Species budget to $48 million and an additional 70 staff positions over 5 years. In view of this gross inequity between resource needs and funding levels, **we strongly encourage Congress to increase overall funding for the BLM endangered species program to $33.453 million.**

**U.S. Geological Survey**

As a member of the USGS Coalition, **The Wildlife Society supports $1.3 billion in funding for USGS in FY 2009**. This would enable USGS to meet new challenges while continuing to provide essential data for land-use management, sustainable natural resource development, and enhanced security from natural and manmade hazards. More investment is needed to strengthen USGS partnerships, improve monitoring networks, produce high-quality digital geospatial data and deliver the best possible science to address critical environmental and societal challenges.

The Wildlife Society is concerned that the proposed budget includes only 82% of uncontrollables for the **Biological Resources Discipline** (BRD). We strongly recommend that Congress **increase the FY 2009 budget for BRD to a level that fully funds uncontrollables** in order to prevent further erosion to essential programs and services.

We are also concerned about the proposed $2,940,000 reduction to **NBII funding** and the impacts that this reduction may have on research focused on the critical issues of wildlife

disease, invasive species, fire ecology, and migratory birds. The Wildlife Society recommends that Congress **fund NBII at the FY 2008 enacted level of $22.422 million.**

We also support increased funding for the **Cooperative Fish and Wildlife Research Units** (CFWRUs). The CFWRUs are a jointly funded federal/state partnership, where the federal government provides the funding for personnel and states provide funding to establish the units at a university. At funding levels proposed for FY 2009, the federal government will not be able to meet its commitments outlined in existing agreements with states, and closure of one or more CFWRUs is a distinct possibility. FY 2001 was the last time Congress fully funded the CFWRUs, allowing unit productivity to rise to record levels. Since then, budgetary shortfalls have caused an erosion of available fiscal resources, resulting in a current staffing vacancy of 23 researcher positions, nearly one quarter of the professional workforce. In order to fill current scientist vacancies, restore seriously eroded operational funds for each CFWRU, and enhance national program coordination, **the FY 2009 budget for the CFWRUs should be increased to $19.174 million.** This would restore necessary capacity in the CFWRU program and allow it to meet the nation's research and training needs. It would also ensure that the Interior Department provides the federal scientist staffing agreed to with partners, so that the return on their continuing investment in the CFWRUs is realized and fully leveraged.

The CFWRUs are crucial to successfully addressing the natural resource management challenges posed by climate change, energy development needs, invasive species, infectious diseases, and wildfire. These challenges also include replacing the unprecedented number of natural resource professionals who will be retiring over the next 10 years. To begin meeting these high priority research and training needs in FY 2009, we ask that you establish a competitive, matching fund program within existing CFWRU legislative authority that would make available **$5 million annually in new funds beyond base operational costs**.

The Wildlife Society appreciates the funding for the **National Global Warming and Wildlife Science Center**, which in FY 2008 provided up to $2.5 million for the Center's establishment. This center will play a pivotal role in addressing the impacts of climate change on fish and wildlife. Additional funding is needed in FY 2009 to continue establishment of the Center, begin to fund key research priorities, and enable USGS and its partners to develop a plan for moving forward. **The Wildlife Society recommends that the National Global Warming and Wildlife Science Center be funded at $10 million in FY 2009.**

**U.S. Forest Service**

The Wildlife Society is deeply concerned that the President's budget proposes a 10% reduction for the **Wildlife and Fisheries Habitat Management Program**. We urge Congress to restore $36.4 million to this program, for **a total of $154 million in FY 2009**.

Thank you for considering the recommendations of wildlife professionals. We are available to work with you and your staff throughout the appropriations process.

Mr. DICKS. Very nice.

Ms. BIES. Thank you.

Mr. DICKS. Appreciate your good work.

Yes. Tom Kiernan, President of the National Parks Conservation Association. Hi, Tom. How are you?

Mr. KIERNAN. Doing well, sir.

Mr. DICKS. Sorry for the delay, but we were all stuck in the same, the staff schedules. It is a torture drill for the members. But we love it. We are glad you are here.

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THURSDAY, MARCH 13, 2008.

## NATIONAL PARKS CONSERVATION ASSOCIATION

### WITNESS

**THOMAS KIERNAN**

Mr. KIERNAN. Thank you very much, Mr. Chairman, Mr. Tiahrt, for the opportunity to speak today on behalf of NPCA's 340,000 members. Before talking about '09, I would like to take a moment and thank you deeply, sincerely for the extraordinary leadership in the '08, budget. The $122 million increase in the operating budget for the Park Service, as well as the $25 million increase in the Centennial Challenge, was an extraordinary catalyzing budget as we enter this 10-year window leading up to the Centennial of the National Park Service. The opportunity that we have to reach an extraordinary potential for the National Parks at their 100th, you have been able to get going with this budget. And we thank you.

Before talking about '09——

Mr. DICKS. Appreciate that.

Mr. KIERNAN Appreciate your leadership. I do want to say upfront that we very much recognize and acknowledge the extraordinary budget challenges that you do have in this coming year. We, along with many others, have been talking to Mr. Spratt, and others on the Budget Committee, as well as the Full Appropriations Committee to increase the allocation to this, to your Committee.

In '09, we do want to add our strong support to the Administration's $161 million proposed increase in the operating budget. NPCA launched an effort many years ago with our Endangered Rangers Report, Mr. Chairman, that you know well, and we have built on that report, showing and analyzing, articulating the decline well over a decade, the decline in seasonal rangers, the decline in the number of programs, the ability of the Park Service to keep its toilets clean, its visitor centers staffed.

So the increase we hope will continue what you did in '08, that began reversing the over-a-decade-long trend. The recent challenges we have had on the park police we think are just one more indication or example of the problem in the fundamental operating needs of the parks.

While we strongly support that operation increase of $161 million, it did come at the cost of other important Park accounts that we do think need to be——

Mr. DICKS. Construction in particular.

Mr. KIERNAN. Exactly. Construction account, the propose a drop of $46 million, down to about $170 million. That is, that would end up being about one-half of what the construction account was 5 years ago, and there is no way we can make progress against the $6, the $12 billion backlog if we are at those levels.

I will point out, though, that we do support the $10 million Tamiani Trail——

Mr. DICKS. Yes.

Mr. KIERNAN [continuing]. Increase, as well as the $20 million increase for the Oha River; two extraordinary, important projects.

Another account that took a huge hit is the Land Acquisition Account. Park Service currently has a $1.9 billion backlog of priority land purchases. The Park Service portion of this, the Administration is proposing be cut from $44 million last year to $21 million this year. That is a dramatic cut. We strongly oppose. In fact, we think the $44 million increase needs to be increased up to—or $44 million from last year needs to be bumped up to $94 million this coming year to begin to address that significant backlog of in-holdings.

I would also like to say a word about the Great Lakes. There are a number of national parks up there, and I have the honor of being co-Chair of the Great Lakes Heliar Waters Coalition and would hope the Committee would consider increasing both the Great Lakes Legacy Act Accounts as well as the Great Lakes Fish and Wildlife Restoration Accounts.

Lastly, because we know this Committee cares deeply about the Centennial Challenge, did want to let you know that we are continuing our work with the Authorizing Committee——

Mr. DICKS. Yes. This is critical. We have got to get the authorizers to come up with something. Now, somebody was talking about maybe a stamp. Have you heard about this?

Mr. KIERNAN. Yes. As——

Mr. DICKS. A stamp that would go, instead of, what is it, 38? What is that? Forty-one. Would go up to 50 cents. They do this, I think, on some health issues.

Mr. KIERNAN. Yes.

Mr. DICKS. And maybe we could look at that. That might be a, might not be a bad idea.

Mr. KIERNAN. We think that is a good idea and one of a couple of ideas that if you package them together——

Mr. DICKS. Might get us there.

Mr. KIERNAN [continuing]. Exactly. Could get the entire 100 million there. We believe——

Mr. DICKS. Take awhile to get the stamp revved up, but I mean, I mean, you could have a great stamp. You could have, you know, pictures of various parks and that. I think it would be——

Mr. KIERNAN. And it is clear that the——

Mr. DICKS. Would be a huge audience for that, I think.

Mr. KIERNAN. Very much so. And the private sector is stepping forward in their potential support for these projects. So we would have private sector——

Mr. DICKS. Yes.

Mr. KIERNAN [continuing]. Funding and——

Mr. DICKS. We have a great amount of money available. We just do not have the 100 million that we were supposed to have in mandatory spending.

Mr. KIERNAN. Right. And I think——

Mr. DICKS. And we put the 25 million in just to kick start the thing.

Mr. KIERNAN. And I think we will see this spring and summer the results of that kick starting, because we are already seeing some of the projects. Hopefully the Park Service will announce in the next week or so is our understanding that list, and we will see the benefits this next year.

So in close, national parks are not just about our past. They are about our future, and we have got the Centennial coming up.

Mr. DICKS. Well, it is one of the most important things to the American people, and you have done a great job. "Endangered Ranger" really caught my attention and many others up here, and you know, this is the one really positive thing in the entire budget and then as you said, they made cuts in other areas within the Park Service budget to plus up operations. But we have to have operations or you are not going to have a decent experience.

Mr. KIERNAN. Absolutely. And now is the time to continue the increase that you launched in '08, to continue successive increases as we head towards the Centennial so at the Centennial we have got a national park system the entire country can be proud of.

Thank you.

[Statement of Thomas Kiernan follows:]

# Statement of Thomas C. Kiernan
## President
## National Parks Conservation Association

## Re: Public Witnesses Hearing

## Subcommittee on Interior, Environment and Related Agencies
## Committee on Appropriations
## U. S. House of Representatives

March 13, 2008

Mr. Chairman, Ranking Member Tiahrt, and members of the Subcommittee, for the record I am Tom Kiernan, President of the National Parks Conservation Association (NPCA). I am pleased to have the opportunity to appear before you today on behalf of NPCA's 340,000 members nationwide to discuss the Administration's budget request for the National Park Service for the 2009 fiscal year and our own priorities relating to it. Since 1919, NPCA has been the leading independent voice in support of protecting and enhancing the National Park System for generations of Americans, past, present and future.

On a personal note, Mr. Chairman, your indefatigable leadership and support for the national parks is something on which we, and all people who love the parks have been able to count for many years. For that, we are immensely grateful.

Believe me, we are fully mindful of the context under which this budget arrives. We recognize that the Park Service has generally done better than most if not all the other bureaus and agencies within the Subcommittee's jurisdiction in the Administration's budget request. We know the budget and appropriations process inherently entails making difficult choices among many worthy, competing needs and interests; but for far too many years the national parks have been overwhelmed by other compelling national spending priorities, along with other Interior programs. We hope and are advocating for the subcommittee to receive the allocation it needs to address many of these needs. Today, the clear and tangible goal of repairing and revitalizing the park system in time for the celebration of its centennial in 2016 frames and supports the Park Service budget proposal, in particular with regard to the requested increase of $161 million over FY 2008 for National Park Operations.

Park Service Operations

Park Operations remain a top priority for NPCA. We strongly endorse the requested, 8% increase of $161 million over the FY 2008 level for park operations.

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I know, Mr. Chairman, you are well aware of the long litany of problems and deficiencies confronting the park system that are the result of decades of under funding for park operations – from missing rangers, shuttered visitor centers, dirty bathrooms, reduced interpretive programs and deteriorating artifacts to inadequate or spotty personnel training. Lately, serious deficiencies in the park police have received a good deal of attention in the press. Those deficiencies are only the latest, albeit extraordinarily sobering, symptoms of the greater long-term problem. Our estimate is that the annual funding shortfall under which the Park Service is forced to operate is approximately $750 million, even with the signal $122 million operations increase Congress provided for FY 2008. That operations shortfall leaves virtually no room for error or unforeseen circumstances or catastrophes such as the severe storm damage that has occurred in the national parks in the chairman's home state of Washington.

We are gratified and, frankly relieved that the Administration has honored its Centennial Initiative commitment to seek substantial, sustained, cumulative yearly increases for park operations during the period leading up to the park centennial. Our hope is for that to continue until the national parks are made whole. Importantly, the $161 million requested increase for park operations in FY 2009 includes an additional $100 million over fixed costs for the second year in a row. It sets a marker for the next administration and for all of us to sustain that direction for the remaining pre-centennial years. While a one shot, one time operations increase is certainly not a bad thing in and of itself, it will not suffice to address the many problems confronting the park system and make the national parks the best they can possibly be as they prepare to begin their second century of serving the American people and showcasing these superlative examples of our shared natural and cultural heritage to the world. Last year's operations increase of $122 million will, among other things, enable the Park Service to hire 3000 seasonal rangers. We urge the subcommittee to continue the momentum created last year by supporting at least the requested $161 million increase for national park operations.

That said, there are serious deficiencies in the Administration's budget request for the Park Service we are also compelled to mention. It is the classic good news/bad news scenario. Unfortunately, if left to stand we fear these budget deficiencies in other areas will undermine the momentum and trajectory for park system improvements the Centennial Initiative has set in motion.

The Administration's overall fiscal year 2009 budget request for the National Park Service of $2.4 billion represents an increase of only $14 million over current fiscal year 2008 levels. That is less than 1%. When inflation is factored in, it is overall essentially flat or slightly reduced.

Construction

We are encouraged that the Administration's budget request includes $10 million for the long delayed Tamiami Trail plan for the modified water deliveries project for the Everglades, as

well as $20 million to restore the Elwha River ecosystem. However the overall amount requested for construction is disappointing. The $172 Million budgeted for construction is down $46 million from the current enacted level. It is fully half of what the parks received for construction five years ago – further diminishing the Park Service's ability to address the multi-billion dollar maintenance backlog. That backlog is now estimated to be between $6 –12 billion, according to the Department of the Interior Performance and Accountability Report for FY 2007. The construction request needs to be improved.

Land Acquisition

The Administration's budget calls for less than $21 million for the Park Service to purchase priority, privately held parcels of land within park boundaries from willing sellers necessary to complete particular parks or enable a park to fully realize its mission. This would reduce the current $44 million budget for Park Service land acquisition under the Land and Water Conservation Fund (LWCF) by more than half, and would be the smallest appropriation for LWCF land acquisition in recent history. With a current estimated backlog of $1.9 billion in priority land acquisition needs, we cannot allow this downward trend in LWCF funding to continue. NPCA is seeking an increase in FY 2009 of $50 million above the current FY2008 levels for NPS federal land acquisition. Among the important priorities in FY 2009 are acquisitions in Big Thicket National Preserve (TX), Congaree National Park (SC), Gettysburg National Military Park (PA), Golden Gate National Recreation Area (CA), Harpers Ferry National Historical Park (VA, WVA), Mount Rainier National Park (WA), Obed Wild and Scenic River (TN), Petrified Forest National Park (AZ), Sleeping Bear Dunes National Park (MI) and Virgin Islands National Park (VI).

In most instances, completion of these parks by purchasing inholdings from willing sellers has been directed by Congress. Right now, there are many willing sellers. The longer we wait and the more the pressure for incompatible development on this attractive land increases, the more expensive the land becomes. It is a far more complicated proposition than simply opposing or supporting the expansion of federal holdings or the size of the federal government. We often hear the argument that it is inconsistent for us to advocate for money to acquire more park land when we are also arguing, in effect, that the Park Service lacks the resources to manage, protect and operate what they already have. I understand the argument. While it makes a nice point in debate, the reality is that removing inholdings and completing parks will actually make their administration more efficient and cost effective.

In a few weeks, NPCA will issue a detailed, comprehensive report on the lands within national park boundaries now vulnerable because of insufficient LWCF funding. We hope it will serve to inform the discourse on the subject. We believe it will be compelling. In the meantime, let me just say that we look forward to working with you to improve on these numbers, as in years past.

Great Lakes

As one of the co-chairs of the Healing our Waters Coalition, Great Lakes restoration continues to be an NPCA priority. We are hopeful more money can be made available to fund important Great lakes restoration initiatives as embodied in the Great lakes Legacy Act and the Great Lakes fish and Wildlife Restoration Act than the Administration has requested.

Centennial Challenge

Mr. Chairman, I would indeed be remiss if I did not mention the National Park Centennial Challenge, and thank you for your support and bold action to jumpstart this unprecedented opportunity to carry out significant, creative projects and programs to enhance and revitalize the national parks beyond what would ordinarily be possible with regularly appropriated dollars. Putting the ingenuity and generosity of the American people in league with their government to reach a lofty goal is as American as the national parks themselves. It is in no small measure thanks to you that the Park Service can announce a list of Centennial projects that will begin immediately thanks to the $25 million appropriation to kick-off the program provided in FY 2008, the push for which began in this subcommittee.

We are working hard to help enact the legislation necessary to authorize the full, 10-year Centennial Challenge program. We need your continued help in that regard as well.

Mr. Chairman, we realize it is going to be a tough year for all appropriations. We are profoundly grateful for your steady and consistent efforts to invest in addressing the needs of the parks every year. You have helped the Park Service put rangers back on the ground and enabled the Park Service to better accomplish their job of caring for these natural and cultural treasures so they can continue to inspire and educate millions of visitors each year. We acknowledge and appreciate Secretary Kempthorne's efforts as well for making the case for the national parks under difficult circumstances in preparation of this budget.

The national parks are not just about America's past; they are about our future. After years of waiting, the bar is re-set. The time is now. It is the national parks' turn. More than ever as their centennial approaches, the national parks should be a national priority.

Mr. DICKS. Thank you for your good work.

Evan Hirsche, President of the National Wildlife Refuge Association. Evan, how are you?

Mr. HIRSCHE. I am very well.

Mr. DICKS. Good to see you.

Mr. HIRSCHE. How are you? Thank you, Mr. Chairman——

Mr. DICKS. We are holding up.

Mr. HIRSCHE [continuing]. And Mr. Tiahrt.

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THURSDAY, MARCH 13, 2008.

## NATIONAL WILDLIFE REFUGE ASSOCIATION

### WITNESS

**EVAN M. HIRSCHE**

Mr. HIRSCHE. Thanks so much for the opportunity to testify on National Wildlife Refuge System priority funding. Like others before me I would like to thank you, Mr. Chairman, and the rest of the Subcommittee for tremendous work on the fiscal year 2008 budget to increase funding for the National Wildlife Refuge System. Your proposed budget of 56 million was truly phenomenal, and while we were certainly disappointed with the number that came out of conference, the enacted 39 million was greatly needed, and your support truly meant all the difference.

Mr. DICKS. Thank you.

Mr. HIRSCHE. I did want to take a moment to convey the special appreciation of National Wildlife Refuge Friends Groups across the country. The National Wildlife Refuge Association is comprised of a membership of current and former refuge professionals but also more than 150 refuge friends organizations who serve as affiliates and work locally to support the refuges through volunteer and community outreach and other activities. And you really do a tremendous amount of lifting for the Refuge System. And we have heard from all across the country, from Refuge Friends, how appreciative we are of the Committee for these increases.

As you probably know 20 percent of the work conducted on the National Wildlife Refuge System is done by friends and volunteers, and I think that is fairly——

Mr. DICKS. That is good.

Mr. HIRSCHE [continuing]. That is probably unprecedented.

Mr. DICKS. Congratulations to your group for doing that.

Mr. HIRSCHE. So——

Mr. DICKS. That is vitally important.

Mr. HIRSCHE. Thank you. I mean, they are doing a phenomenal job, and so it is important to recognize and support these efforts through continued and consistent funding increases.

All right. To that end, the NWRA Friends Groups across the country and the CARE Group respectfully request operation and maintenance allocation of $514 million for fiscal year 2009. Now, you have heard from previous speakers about some of the needs, and your comments earlier were certainly appreciated, but let me put it in context.

Even with the increase that was received in fiscal year 2008 we are seeing tremendous challenges throughout the system. For example, in Washington State alone you have got 360 high-priority refuge projects that amount to $48.9 million alone. At Kirwin National Wildlife Refuge, which is in Kansas, they used to have eight full-time staff and three seasonal workers. They are now down to three staff.

We were talking earlier, I think, with Don Barry about unstaffed refuges. Well, if you look at the Shawangunk National Wildlife Refuge in New York State, they have no staff. They are complexed under the Wallkill River Refuge, which straddles between New Jersey and New York State. And in fact, Wallkill is scheduled to lose their refuge manager as well. So not only are we losing staff at complexed refuges, we are actually losing staff at the lead refuges for those complexes.

Now, while we certainly have challenges in managing the National Wildlife Refuge System, in interesting perspective looking at refuges, particularly in the lower 48 states, is that they are small in scale. And fundamentally, if you look at land use patterns over the last 20, 30 years, refuges that formerly were rural are now urban or suburban. In 2005, we released a report called, Beyond the Boundaries, which sounded a clarion call to the need to conserve refuge buffer zones and corridors.

Indeed, Dr. Michael Scott of the University of Idaho, has talked about how the vast majority of refuges in the lower 48 are unable to meet their core conservation mission, unless we are working to protect buffer zones and corridors.

To that end, the National Wildlife Refuge Association requests that the Subcommittee allocate $55.1 million for the partner Fish and Wildlife Service, Partners for Fish and Wildlife Program, of which $2 million be allocated specifically to conduct strategic habitat conservation around national wildlife refuges that involves refuge friends and other national, regional, and local interests, that work with states, countries, and municipalities to identify, prioritize, and implement land and water conservation opportunities.

Mr. DICKS. Do they get some money, some mandatory spending? Is there a mandatory account that they get for land acquisition? Fish and Wildlife Service?

Mr. HIRSCHE. Duck Stamp dollars do go to acquiring refuge habitat.

Mr. DICKS. How much is it? Just refuge habitat. But they cannot do——

Mr. HIRSCHE. That is correct. Yeah.

Mr. DICKS. Thirty-four million.

Mr. HIRSCHE. Thirty-four million——

Mr. DICKS. So, yes.

Mr. HIRSCHE [continuing]. In the fiscal year 2008. That is correct.

Mr. DICKS. Thank God we have that.

Mr. HIRSCHE. That is a good thing.

Mr. DICKS. Yes.

Mr. HIRSCHE. Absolutely. And these strategies using the partners' money are really vital to conserving buffer habitats and wild-

life corridors, and it is really a strategic approach to conserving habitat that engages communities and results in communities that are both economically and environmentally sustainable.

We also thank the Committee for its tremendous support of volunteers and invasives on refuges, and once again, request that the Committee support a $1 million allocation to this effect. Just looking at some of the numbers, since the Committee and Congress allocated its first round of funding in fiscal year 2003 the program has enabled 2,750 volunteers to contribute more than 49,000 hours to the treatment, inventory, and restoration of over 211,000 acres of refuge lands. In fiscal year 2006 a total of 917 volunteers contributed 22,000 hours for the restoration and inventory of 73,909 refuge acres. So truly phenomenal commitment and a great leverage of federal resources.

Talking——

Mr. DICKS. That is really outstanding.

Mr. HIRSCHE. It is wonderful.

Mr. DICKS. It is amazing.

Mr. HIRSCHE. It is incredibly inspiring.

Mr. DICKS. Leveraging of, for funds. I mean, that is fantastic.

Mr. HIRSCHE. Absolutely. And we thank the Committee for that support. It has made all the difference.

Refuge system land acquisition backlog is estimated to be more than $4 billion. We have got over 15 million acres remaining to be acquired just within approved refuge boundaries. And to that end, the Refuge Association supports $100 million allocation for land acquisition for refuges. I realize it is a large request, but there is an enormous need out there as we have discussed.

I would also encourage the Subcommittee to resist zeroing out the President's, the Refuge System's construction budget in the President's budget, and instead allocate $25 million to that end. The Fish and Wildlife Services identified over $1 billion in construction projects, and in many cases these are going to replace quickly-deteriorating structures. And that is adding up costs to that end.

Mr. DICKS. Your time has expired. We will look at the rest of your statement, and we appreciate your good work.

Mr. HIRSCHE. Great. Thank you, Mr. Chairman.

[Statement of Evan Hirsche follows:]

Evan Hirsche, President
National Wildlife Refuge Association
1901 Pennsylvania Avenue, NW, Suite 407
Washington, DC 20006

**TESTIMONY**
**BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**
**CONCERNING FISCAL YEAR 2009 APPROPRIATIONS**
**March 13, 2008**

Mr. Chairman and Members of the Subcommittee:

My name is Evan Hirsche, President of the National Wildlife Refuge Association (NWRA). On behalf of the NWRA and its membership comprised of current and former refuge professionals, more than 150 refuge Friends organization affiliates and thousands of concerned citizens throughout the United States, thank you for your leadership and strong support for the National Wildlife Refuge System (NWRS) including your $56 million increase for Fiscal Year 2008. While we were disappointed the number was reduced in Conference, the enacted $39 million increase was greatly needed and your support truly meant all the difference. I further thank you for the opportunity to offer comments on the fiscal year 2009 (FY09) Interior Appropriations bill. Specifically, we respectfully request that the Subcommittee support the following:

- **An overall funding level of $514 million for the operations and maintenance (O&M) budget of the National Wildlife Refuge System, managed by the U.S. Fish and Wildlife Service (FWS);**
- **An allocation of $55.1 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated to conduct strategic habitat conservation around national wildlife refuges in strategic partnerships among the FWS, refuge Friends and other national, regional and local interests that work with states, counties and municipalities to identify, prioritize and implement land and water conservation opportunities beyond refuge boundaries;**
- **An allocation of $1 million to continue to support the Volunteers and Invasives Program which utilizes Friends and volunteers to identify and eradicate invasive species on and in connection with refuges;**
- **An allocation of $100 million in the FWS land acquisition budget through the Land and Water Conservation Fund (LWCF) to acquire vital habitat from numerous willing sellers across the country;**
- **An allocation of $25 million for the NWRS construction budget to prevent further degradation of Refuge System infrastructure;**
- **An allocation of $85 million for the State and Tribal Wildlife Grants Program;**
- **An allocation of $10 million for the National Fish and Wildlife Foundation (NFWF) in the FWS' Resource Management General Administration appropriation;**
- **Include language prohibiting use of funds for a land exchange at the Izembek NWR in Alaska;**
- **An allocation of $30 million for Climate Change Planning for refuges.**

The NWRA is the chair of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 wildlife, hunting, fishing, conservation, and scientific organizations representing more than 14 million members and supporters. A comprehensive analysis by CARE determined that the Refuge System needs $765 million in annual operations and maintenance funding by 2013 to properly administer its nearly 100 million acres and provide the full spectrum of wildlife dependent recreation identified in the Refuge Improvement Act of 1997. To reach this reasonable goal, we respectfully request that you provide $514 million in FY09 for Refuge System Operations and Maintenance (O&M).

Recent years of stagnant budgets have caused the System O&M backlog to rapidly escalate to more than $3.5 billion. This huge backlog has forced the FWS to initiate plans for a dramatic 20% workforce downsizing. Visitors often show up to find roads and visitor centers closed, parking lots and boat launches in disrepair, and habitat restoration projects put "on-hold" or eliminated. Invasive plant species continue to encroach on the Refuge System lands and undermine their ability to fulfill their mission. In addition, a serious staffing deficiency in biologists and law enforcement officers has caused biological monitoring and habitat management to diminish and allowed illegal activities such as poaching and trespassing to increase. All of these shortcomings have reduced the opportunity for wildlife dependent recreational opportunities on Refuge System lands. Creating and enhancing these opportunities is critical to connecting people to our natural resources. We are grateful for the much-needed budget increase that Congress provided the Refuge System for the current fiscal year, and we respectfully urge the Congress to build upon this important step toward restoring the Refuge System by carefully considering our request in the FY09 budget.

While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to achieve their conservation mission and objectives alone. Their integrity depends on the health of surrounding state, federal and private lands and waters. Consequently, there is a growing need to provide funding to ensure that lands and waters beyond refuge boundaries are conserved. Today, the alarming rush to convert rural land to subdivisions and strip malls has caught wildlife managers off guard and requires quick action. In response, NWRA launched *Beyond the Boundaries,* a campaign designed to identify and prioritize crucial additions to the nation's conservation estate, improve connectivity between refuges and other conservation lands, and protect buffer zones. *Beyond the Boundaries* employs sound conservation science to integrate State Wildlife Action Plans (SWAP), refuge Comprehensive Conservation Plans (CCP) and other conservation planning tools, and engages diverse stakeholders at the state and local levels to develop bold strategies for protecting critical wildlife habitat. All while strengthening economies through improved quality of life, clean water and outdoor recreation and appreciation.

Accordingly, for FY09 we respectfully ask that the Subcommittee appropriate $55.1 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated specifically to conduct strategic habitat conservation around national wildlife refuges that engages refuge Friends and other national, regional and local interests that work with states, counties and municipalities to identify, prioritize and implement land and water conservation opportunities beyond refuge boundaries. These local initiatives will result in strategic visions which will serve

as blueprints for use of state, federal and private conservation dollars, and will expedite implementation of State Wildlife Action Plans.

We also encourage the Subcommittee to continue its strong support "for cooperative projects with [F]riends groups on invasive species control" in the Volunteers and Invasives Program by again appropriating $1 million for this valuable program. With annual allocations by Congress since FY03, more than 207 separate refuges have taken actions to control invasives, and the Refuge System has identified approximately $166 million of invasive species projected needs. A competitive grants program for cooperative invasive species projects with refuge Friends and volunteers constitutes the majority of previous allocations. Over the past three years, funding awarded to refuges through this program for engaging volunteers in invasive species management has enabled 2,750 volunteers to contribute more than 49,000 hours to the treatment, inventory, and restoration of over 211,000 acres of refuge lands. In FY06, a total of 917 volunteers contributed 22,239 hours and participated in the treatment, inventory and restoration of 73,909 refuge acres.

Likewise, the Cooperative Volunteer Invasives Monitoring Program has demonstrated powerful results at the 32 participating refuges. A partnership among the NWRA, FWS, United States Geological Survey (USGS) and The Nature Conservancy, the program trains refuge volunteers to identify invasives and collect extensive data using inexpensive but sophisticated global positioning system (GPS)/geographic information system (GIS) data-collection equipment. To date, an estimated 24,000 acres of refuge lands, in addition to hundreds of water bodies, have been inventoried and mapped by a corps of nearly 200 trained volunteers contributing 8,000 hours. Refuges participating in the program have used the data to engage an additional 887 volunteers in invasive plant management actions such as control and restoration measures. Importantly, the Chairs and Vice-Chairs of the Wildlife Refuge Caucus have recognized the value of this program, including it as a component of the House passed "REPAIR Act" (H.R. 767) that directs the Secretary to establish a Cooperative Volunteer Invasives Monitoring and Control Program to document and combat invasive species in and near national wildlife refuges.

The NWRA encourages the Subcommittee to allocate sufficient funding to assess and purchase high-priority water rights and high-priority lands and conservation easements through the Land and Water Conservation Fund (LWCF). Inadequate water quantity and quality represent some of the biggest obstacles for refuges to overcome and unfortunately, many refuges do not own the water rights on the refuge or they are not guaranteed an allocation of water from a river or stream. The FWS is currently compiling a needs-based priority database of where water rights need to be secured, and we urge the Subcommittee to allocate sufficient funding to allow the FWS to acquire these essential rights while they are available and affordable. In some cases, if we fail to act, refuges will be left high and dry.

The Refuge System land acquisition backlog is estimated at more than $4 billion, with over 15 million acres remaining to be acquired within approved refuge boundaries. While a full suite of conservation strategies should be employed in working with private landowners, in cases where fee title acquisition is preferred by the landowner and the refuge has identified it as a top priority, the FWS should acquire the land. The NWRA believes that $100 million should be allocated toward Refuge System land acquisition, yet even at that annual rate, it would take at least 40

years to acquire priority lands. Within this request, the NWRA encourages the Subcommittee to provide funding for the following projects which have willing sellers and are immediately available for purchase: $5.6 million for Crystal River NWR (FL); $6 million for Stewart B. McKinney NWR (CT); $2.15 million for Rappahannock River Valley NWR (VA); $1 million for Lake Umbagog NWR (NH); $2.5 million for Silvio O. Conte NFWR (MA); $1.1062 million for Bayou Sauvage NWR (LA); $3.5 million for Rachel Carson NWR (ME); $2 million for Pelican Island NWR (FL) and $6 million for James Campbell NWR (HI).

We encourage the Subcommittee to resist the zeroing out of the Refuge System's construction budget proposed in the president's FY09 budget request and instead allocate $25 million. The FWS has identified over $1 billion in construction projects, which in many cases will result in replacement of quickly deteriorating structures that are becoming more expensive to maintain.

The NWRA urges the Subcommittee to appropriate at least $85 million for the State and Tribal Wildlife Grants Program in FY09 to implement statewide conservation plans, supporting projects to keep common species common and develop partnerships. These state-based plans can dovetail with refuge Comprehensive Conservation Plans (CCPs) and help fulfill the shared federal/state responsibility for keeping our nation's wildlife from becoming endangered.

We encourage the Subcommittee to allocate $10 million for the National Fish and Wildlife Foundation through the FWS' Resource Management General Administration appropriation. Each year, NFWF receives more project proposals than they are capable of funding. Adequate funding will ensure NFWF has the ability to leverage resources to fund projects that directly benefit diverse species in, around and outside of national wildlife refuges across the country.

The NWRA is strongly opposed to a proposed land exchange at the Izembek NWR on Alaska's peninsula, which would allow a road to be built through the biological heart of the refuge. This exchange is in the President's FY09 budget justification and has also been introduced as legislation in both the House and Senate (HR 2801 and S 1680).

And perhaps most importantly in this era of uncertainty related to climate change, we urge the Subcommittee to allocate $30 million in dedicated funding to allow the FWS to create a plan for how to manage refuges in such a way that would allow them to adapt to anticipated changes. Work currently conducted by scientists including Dr. Michael Scott, Senior Scientist with the U.S. Geological Survey and Professor of Wildlife Biology at the University of Idaho, show how models for individual refuges can be made that simulate rising water levels, increased temperatures, and how species are expected to react. While these innovative tools are now readily available, without dedicated funding, refuge staff is simply unable to take full advantage. Refuges are perhaps our best natural laboratories on a national level to assess impacts to wildlife and habitat as a result of global climate change; a small investment could yield valuable insights that will guide wildlife management and land use planning well into the future.

In conclusion, the NWRA believes the National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge volunteers. We extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System.

Mr. DICKS. LuAnne Kozma, Michigan Director, Defense of Place.
Ms. KOZMA. Thank you.
Mr. DICKS. Yes. Welcome.
Ms. KOZMA. Thank you very much.

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THURSDAY, MARCH 13, 2008.

## DEFENSE OF PLACE

### WITNESS

**LUANNE KOZMA**

Ms. KOZMA. Yes. I am the Michigan Director of an organization called Defense of Place, which works to assure that parks remain protected in perpetuity.

I have been advocating for the protection of Michigan's public parks for nearly a decade and have been working with grassroots community groups and individuals doing the same as a citizen advocate myself. I appreciate this opportunity to testify today about the Land and Water Conservation Fund administered by the National Park Service.

I urge you to restore and expand funding for this program, and in particular that you absolutely require the administrative oversight of the stateside part of the program. We must vigorously enforce the protection this Act provides for the approximately 40,000 local and state parks around the Nation.

I support the funding level of $125 million for the statewide LWCF, and I believe that this is actually a modest amount for what is really needed, and it is only, of course, a fraction of what is authorized.

I am greatly troubled by the request in the President's budget that calls for stripping away the oversight function of this program. What oversight provides is the main purpose, the accountability and the legacy of the Act to ensure that these parks in their entirety are still here for our future generations.

This is more critical than ever before, because our parks are, have become the targets of increasing attacks by private interests and governmental attempts to take public parkland out of public use and essentially rob the fund. The funding is needed for the Department to ascertain if a proposed conversion is a legitimate one and to fend off those that are not.

I have two Michigan examples that I would like to share with you about this disturbing trend and that show why we must continue funding this program.

One is Jean Klock Park in Benton Harbor, Michigan. It was gifted as a public park over 90 years ago for the community and children of Benton Harbor. The Land and Water Fund contributed to the park's amenities. The state spent $1.7 million in addition, and there were, of course, 90 years of local support. This park is priceless. It is on Lake Michigan, has a half-mile of Lake Michigan lakefront and dunes that provide a beautiful view of the lake.

A few years ago residents sued to save part of the park from a luxury home development, and in exchange for allowing some of the homes to go in, settled on an agreement, thinking that they

had, once again, achieved permanent protection for the rest of the park. But little did the residents and city leaders know that the park was Land and Water protected, and that this was actually the beginning of a long-time plan, private development plan, to take over most of the park for three holes of a high-end, privately owned golf course, combined with 700 homes, a hotel, and a water park.

This plan is being driven by private entities created by Whirlpool Corporation and its chief executives, but the park belongs to the people of Benton Harbor.

NPS has already once rejected this profoundly flawed proposal and when it does deny a conversion such as this, it goes up against powerful developers with millions of dollars to spend. And in fact, these same developers are continuing the attack on Jean Klock Park, putting this, essentially with the same well-funded proposal, and they are putting the park in grave danger of, you know, forever being stolen from the community.

The staff of the Park Service, of course, as you know, is professional and committed to protecting public parks, but they have few resources with which to doublecheck and verify the claims made in these very elaborate plans, which are assembled by those who have an interest in the theft of the public assets.

Just by way of illustration, a total of $126 million of Land and Water money has gone to Michigan parks, about 2,000 parks over the past 40 years. If one private entity is allowed to liquidate a park like Jean Klock Park, even at conservative estimates valued at about $15 million, and we believe that is probably off by an order of magnitude, then it essentially is robbing the Federal government of a huge portion of the investment of all of Michigan's parks through this program.

And Proud Lake State Recreation Area is my second example. For the past 4 years a citizens' group in Michigan has been waging a grassroots campaign against the State of Michigan's decision to sell about 560 acres of Proud Lake State Park. By the time the state made an offer to sell this parkland to a local township for $13 million plus a $1.4 million transaction fee, the Michigan DNR had already, behind the public's back, gone to the Park Service to administratively change the boundaries of the park to exclude the acreage so that it could be sold.

The park had at least six Land and Water grants in it, and each time the state pledged to encumber the entire park, the state has now violated that agreement by claiming that this acreage was never inside the boundaries.

To summarize, the fund, to fund the Land and Water Program at meager amounts, at $30 million even, is a disservice to the mission of this program and to the Nation. What is most at stake is not the few dollars that we put in now to developing and acquiring new parks, but what is really at stake is how it fails to protect the existing parks——

Mr. DICKS. Yes.

Ms. KOZMA [continuing]. The vast majority. It is like kind of putting water into a bucket—am I done?

VOICE. You are done.

Ms. KOZMA. Okay.

Mr. DICKS. But you did a good job.

Ms. KOZMA. Okay.
[Statement of LuAnne Kozma follows:]

**Statement by LuAnne Kozma**
**Michigan Director, Defense of Place**
**Before the U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies**
**At a Hearing conducted March 13, 2008.**

Good morning Mr. Chairman, Members of the Subcommittee,

My name is LuAnne Kozma. I am the Michigan Director of an organization called Defense of Place, which works to assure that parks remain protected in perpetuity. I've been advocating for the protection of Michigan's public parks for nearly a decade and have been working with grassroots community groups and individuals.

I appreciate the opportunity to testify today about the Land and Water Conservation Fund administered by the National Park Service. I am here to urge you to expand funding for this program, and in particular that you absolutely require the administrative oversight of the "Stateside" part of the program. We must vigorously enforce the protection this Act provides for the approximately 40,000 local and state parks around the nation, of which about 2,000 are in Michigan.

A funding level of $125 million is recommended by several park organizations, and I believe this is a modest amount for what is really needed, and is only a fraction of what is authorized. I am greatly troubled by the request in the President's budget that calls for stripping away the oversight function of this program.

What the oversight function provides is the main purpose, the accountability, and the legacy of the Act—to ensure that these parks, in their entirety, are still here for our future generations.

The reason the oversight function is more critical than ever before, is that our parks have become the targets of increasing attacks by private interests, and governmental attempts, to take public parkland out of public use and essentially rob the Fund. The funding is needed for the department to ascertain if a proposed conversion is a legitimate one and fend off those that are not.

This is a very disturbing trend. I have two Michigan examples to share with you.

**Jean Klock Park, in Benton Harbor, Michigan.**

Jean Klock Park in Benton Harbor, Michigan, was purposefully purchased and gifted as a public park over 90 years ago and was given to the community and the children of Benton Harbor "forever." Later, the Land and Water Conservation Fund contributed to the park's amenities, the State spent about $1.7 million, and there were 90 years of local support. The park is priceless—it has a half-mile of Lake Michigan lakefront and dunes that provide a beautiful view of the lake. A few years ago residents sued to save part of the dunes from a luxury home development, and in exchange for allowing the homes to

go in, settled on a consent agreement, thinking they once again had permanent protection for the rest of the park. Little did residents and city leaders know, that this was the beginning of a longtime plan to take the park almost entirely from public use. It's the target of a private development plan to take over most of the park for three holes of a high-end, privately-owned golf course, 700 homes, a hotel and water park. This plan is being driven by private entities created by Whirlpool Corporation and its chief executives. Jean Klock Park belongs to the people of Benton Harbor.

NPS has already rejected this profoundly flawed proposal. But when it does deny a conversion such as this, it is up against powerful developers with millions of dollars to spend. In fact, the developers are continuing the attack, putting this park once again in grave danger of forever being stolen from the community, and the children for whom it was dedicated. We have found that the staff of the Park Service is professional and committed to protecting public parks. But they have few resources with which to double check and verify the claims made in these elaborate plans which are assembled by those with an interest in the theft of public assets at bargain-basement prices.

We think there is a pattern to these conversions. Local and state governments, desperate to improve the economy and tax base, see a short-term gain from selling off legacy assets. The so-called "lease" arrangement for Jean Klock Park is slated to last 105 years. In human terms, 105 years of removing most of the park from public use is forever. Along with that, these beautiful sand dunes, Michigan's priceless natural assets, will be destroyed, converted to golf course bunkers, and seeded with turfgrass. A major change would befall a natural, lakefront legacy.

While no one can predict what the property use patterns around that park will be in 2113, it is certain that a century's worth of children and adults, running and walking and picnicking and marrying among those precious natural dunes will have been sacrificed for a dubiously financed retirement community.

A total of $126 million has been spent on about 2,000 Michigan parks over the past 40 years with the Land and Water Conservation Fund. If one private entity is allowed to liquidate a park like Jean Klock, even at conservative estimates valued at $15 million—and that is probably off by an order of magnitude—then it essentially is robbing the federal government of a huge portion of the investment in Michigan's parks.

**Proud Lake State Recreation Area**

For the past four years, a citizens group in Michigan has waged a grassroots campaign against the State of Michigan's decision to sell about 560 acres of Proud Lake State Recreation Area. By the time the State made an offer in 2006 to sell this parkland to the local township for $13 million plus a $1.4 million "transaction fee," the DNR had already, behind the public's back, gone to the National Park Service in 2005 to administratively change the 6(f)(3) boundary map to exclude the 560 acres so that it could be sold. It was purchased over 60 years ago, had at least six grants over the years, and each time the State pledged to encumber <u>the entire park</u> for all time for the people of

Michigan. The State has now violated that agreement by claiming this acreage was never inside the boundaries and it was mistakenly included with each grant request. Here again, a lack of oversight and protection of the Fund's investment.

**Summary**

To fund the LWCF program at meager amounts, $30 million, is a disservice to the mission of this program and to the nation. What's most at stake is not the few dollars being put into developing and acquiring new parks.

What's really at stake is that it fails to protect the entire 40 years' of federal investment, endangering the vast system of parks we've already set aside. It's like putting water into a bucket with a hole in the bottom, and the hole is getting bigger.

The legacy of the LWCF Act will be what we do to vigorously protect all those places that were created and developed with the funds. The program needs adequate staffing levels, funds for Environmental Impact Statements to follow the National Environmental Policy Act, and funds to conduct independent appraisals and site visits, so the agency can properly conduct its own independent assessments.

Our parks should be inviolate. Yet they are increasingly at risk from bolder and better-funded developer-driven proposals that seek our protected parkland—prime parkland set aside many years ago—for their privatization schemes. These schemes are getting tiresomely familiar—water parks, elite golf courses, hotels, ski lifts, there's no end to these. They are for profiteering by the private sector, at the expense of parks we hold in the public trust.

Our public parks were not set aside, and invested in by LWCF federal funds—only to succumb years later to these private schemes. They're there for future generations in the same way that they have been there for us.

I will be happy to answer any questions and would appreciate the chance to talk with staff.

Mr. DICKS. And make sure you talk to your members of your Congressional delegation from Michigan about these things.

Ms. KOZMA. We do. Yeah.

Mr. DICKS. Good.

Ms. KOZMA. They certainly know about it.

Mr. DICKS. Good.

Ms. KOZMA. Okay.

Mr. DICKS. Thank you very much.

Ms. KOZMA. Thank you very much.

Mr. DICKS. Right.

Joe Kessler, President on behalf of the Friends of the Virgin Islands National Park. Joe, how are you? Welcome.

Mr. KESSLER. Nice to see you again.

Mr. DICKS. Yes.

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THURSDAY, MARCH 13, 2008

## FRIENDS OF VIRGIN ISLANDS NATIONAL PARK

### WITNESS

**JOE KESSLER**

Mr. KESSLER. And I would like to thank you before we get started for your visit to study the problems and the issues facing the park in the Island.

Mr. DICKS. And Donna got her bill passed, which is good.

Mr. KESSLER. She did.

Mr. DICKS. Yes. Well, we are glad to have you here.

Mr. KESSLER. Well, thank you very much, sir, and——

Mr. DICKS. Put your statement in the record, and you have five minutes to summarize.

Mr. KESSLER. Great. We appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need for the Virgin Islands National Park, an appropriation of $4.5 million from the Land and Water Conservation Fund as requested in fiscal year '09, to begin Park Service acquisition of the unique Maho Bay property.

I represent the Friends of Virgin Islands National Park, a 501C3 non-profit organization, whose members are bound by our dedication to the protection and preservation of the natural and cultural resources of Virgin Islands National Park, and it is promoting the responsible enjoyment of this unique national treasure.

While we have considerable participation of Virgin Islanders, we are not just a local organization. Our members come from every state in the Union and several foreign countries. In fact, 40 percent of our members come from the home states of the members of this Committee.

Virgin Islands National Park is a Caribbean jewel and the crown of the National Park Service. Those of you who had the opportunity of visiting the park, such as yourself, sir, can attest to the incomparable beauty of the Virgin Islands National Park.

I would like to take this opportunity to thank you for visiting firsthand and studying those problems. As you can also attest——

Mr. DICKS. Excuse me.

Mr. KESSLER. No problem.

Mr. DICKS. I thought I had it off. Go ahead.

Mr. KESSLER. As you can also attest, the Maho Bay area is one of the most beautiful parts of the park, stretching inland from the Maho Bay and its white powdery sand beach to the surrounding thousand foot ridge line. There is a virgin green watershed, extremely rich in botanic wonders and historic treasures.

I am sure this Committee has heard about the many technical details concerning this appropriation. I hope you have heard about how this property divides the park in two and hampers effective management and protection of the park's resources, about the flora and fauna, both terrestrial and marine, which are threatened by development, and about the remarkable historic structures on the property that do not enjoy protection from the park and already many important artifacts have been looted.

What I would like to talk about today is what Maho Bay means to the people who live on St. John, both native St. Johnians and those who have chosen to make St. John their home, as well as the millions of visitors a year who come annually to experience and enjoy this remarkable place.

Most residents, visitors, and even some MPS staff go to Estate Maho Bay was part of the park. It looks like a park, smells like a park, and feels like a park, but it is not. It is a private in-holding within the park, which until recently was owned in common by 11 heirs. Family disagreements over the future of the land prevented any development to this area, and we were all nävely able to enjoy the peace and serenity of this remarkable place.

Maho Beach is the most accessible beach on the Island and one of the most popular. Due to its close proximity to the road, the nearly flat beach and the shallow water, it is particularly popular with families with small children, people with mobility concerns, non-swimmers, and of course, those who just love a beautiful beach.

This beauty and serenity was shattered in 2005, with the news that the land was being purchased by a stateside developer. Despite his statements that part of the land would be preserved, the full threat became clear with his plans to build a dock 120 feet out into the bay, drain the wetlands behind the beach, and divert the road inland.

This threat galvanized the community and those who love Maho Bay. The Friends played an important role of informing and motivating the community about the issues related to the preservation of Estate Maho Bay and the threat this development portended. But motivation was hardly needed. The preservation of Estate Maho Bay and ensuring unimpeded access to the spectacular area draws near unanimous support among native St. Johnians' residents and visitors alike. No easy feat for a community that prides itself on its diversity of opinions.

Eventually the letters to the editor and pieces appeared in local papers, and more than 1,000 E-mails and letters were received by the National Park Service, urging the director to stand fast in opposition to this development. The will of the people prevailed, and the developer backed away from his plans that would have destroyed this wonderful place.

This lauded land preservation organization with whom we work in partnership to step in and acquire the land with the aim of conveying it to the Park Service. It is only by conveyance to the Park Service that this land can be truly preserved and the threats averted.

And now we have the unique opportunity to preserve this spectacular place and make Virgin Islands National Park whole. This property is being made available to the National Park Service for a total of $9 million over 2 years, about half of its appraised value, with the balance to be provided through private donations of cash and land value.

This year an appropriation of $4.5 million is needed from the Land and Water Conservation Fund towards the purchase of the first phase. This preservation effort has been the result of the dedication and hard work of many parties. We are grateful to the expertise and persistence of the Trusts for Public Land in shepherding this project through its many hurdles, to the owners of the land for their commitment to the preservation of their heritage, and to our delegate to Congress, the Honorable Donna Christensen, Donna Christensen for her tireless support.

Mr. Chairman and distinguished Committee members, the fate of Estate Maho now rests with you. I want to thank you for this opportunity to testify on behalf of this important land preservation effort, and on behalf of the residents of St. John and over the 1 million visitors to the park each year, I appreciate your consideration of this funding.

[The statement of Joe Kessler follows:]

**Testimony of Joe Kessler, President**
**On Behalf of the Friends of Virgin Islands National Park**
**In Support of Maho Bay project**
**Virgin Islands National Park, St. John, Virgin Islands**
**Land and Water Conservation Fund, National Park Service**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman D. Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking**

**March 13, 2008**

Mr. Chairman and Honorable Members of the Committee:

I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need at Virgin Islands National Park. An appropriation of $4.5 million from the Land and Water Conservation Fund (LWCF) is requested in Fiscal Year 2009 to begin Park Service acquisition of the unique Maho Bay property.

I represent the Friends of VI National Park, a 501(c)(3) non-profit organization, dedicated to the protection and preservation of the natural and cultural resources of Virgin Islands National Park and to promoting the responsible enjoyment of this national treasure. We have more than 3,000 members – 20% of whom live in the Virgin Islands and the balance represent every state in the union.

We carry on the rich tradition of using private philanthropy for the betterment of this park as well as mobilize volunteers and community participation. In our 19 years of work in support of Virgin Islands National Park we have been involved in many initiatives, projects and activities that help this park be a model of natural resource protection and cultural preservation – but none have been as important as our work in support of the acquisition of Estate Maho Bay and its incorporation within the park.

We have played the important role of informing and motivating the community about the issues related to the preservation of Estate Maho Bay. But motivation was hardly needed; the preservation of Estate Maho Bay and ensuring unimpeded access to this spectacular area enjoys near unanimous support among native St. Johnians, residents who have moved here from mainland US and visitors alike – no easy feat for a community that prides itself in its diversity of opinions.

Virgin Islands National Park, located on the island of St. John, is a tropical paradise preserved for the enjoyment and edification of the public. Beautiful white sand beaches, protected bays of crystal blue-green waters, coral reefs rich in colorful aquatic life, and an on-shore environment filled with a breathtaking variety of plants and birds make St. John a magical place. More than 800 species of trees, shrubs, and flowers are found in the park, and more than 30 species of tropical birds breed on the island, which was designated an international Biosphere Reserve by the United Nations in 1976. St.

John is also home to two species of endangered sea turtles, the hawksbill and the green. In addition, the park contains archeological sites indicating settlement by Indians as early as 770 B.C. The later colonial history of St. John is also represented by remnants of the plantations and sugar mills established by the Danes in the 18th and 19th centuries.

One of St. John's most popular eco-campgrounds sits on a cliff overlooking Maho Bay and its pristine white sand beaches. The bay's campgrounds create memorable vacations in the beautiful setting of St. John without sacrificing the delicate ecosystem of the island. Few places on earth match the breathtaking beauty of Maho Bay. A lush forested slope rising nearly 1,000 feet rims its crystal waters and soft white beaches. Hundreds of tropical plant species and more than 50 species of tropical birds fill these lands on the island of St. John, at the heart of the American paradise of Virgin Islands National Park. Just offshore are seagrass beds, green turtles and magnificent coral reefs. This fragile area contains large nesting colonies of brown pelicans, as well as the migratory warblers and terns that winter on St. John. In addition to its natural treasures, the largest concentration of historic plantations and ruins on the island is found within this area.

Available within the Virgin Islands National Park boundaries in FY 2009 is the first phase of a 207-acre acquisition at Maho Bay. This Maho Bay property offers spectacular views of the bay and includes some beachfront. It is extremely important because of their relationship to the whole undeveloped area and its cultural resources.

Though the park boundaries cover a broad area of St. John, the National Park Service actually owns two separated blocks of land. A smaller block covers the northeastern shore of the island, and a larger, more contiguous block extends from the southern to northwestern side. The acquisition of the Maho Bay property would be the first link of these two blocks, ensuring future access, resource connectivity, and seaside protection.

Wetlands in the lower portion of the watershed provide adequate sediment retention for the undeveloped nature of this area. As a result of long-term geological processes, the topography created by these processes and the historical rise of sea level during the past 5,000 years, a large, rare and complicated freshwater dominated wetland developed throughout the basin. It represents a natural stage wetland typical of large watersheds with relatively flat basin topography. The Maho Bay wetland is the largest of this type on St. John and along with the Magens Bay wetland on St. Thomas, one of only a few of this type in the Territory. These wetlands provide habitat to numerous species of shorebirds, water fowl and other wildlife, several listed as endangered under the V.I. Endangered and Indigenous Species Act. Others are protected under various federal laws and treaties.

The land was historically used during the plantation era for agricultural activities such as sugar cane, coconut, and cotton cultivation. The lands included in the Phase I area include portions of several historic plantation era sugar estates. The Maho Bay area contains the highest density of plantation era estates on St. John. Preservation of these

sites is important in reconstructing the history and heritage of St. John. With increasing growth and investment throughout the Caribbean – including places not far from the unspoiled beauty of St. John – this vulnerable land has been the focus of intense development threats. In recent years, more than one investor envisioned private development along these shores, which would have jeopardized the unique character of Maho Bay. Once this land is acquired by the park, future visitors will be treated to spectacular views of Maho Bay and some of the most accessible and scenic shoreline and waters on St. John.

The total estimated fair market value of the 207 acres is $18.6 million. This property is being made available to the National Park Service for a total of $9 million over two years, with the balance to be provided through private donations of cash and land value. This year, an appropriation of $4.5 million is needed from the Land and Water Conservation Fund toward the purchase of the first phase (105 acres) of these valuable lands.

As you know, Mr. Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

Mr. Chairman and distinguished committee members, I want to thank you for this opportunity to testify on behalf of this important national protection effort in Virgin Islands National Park. On behalf of the Friends of Virgin Islands National Park and the over one million visitors to the Park each year, I appreciate your consideration of this funding request.

Mr. DICKS. Well, we enjoyed our visit down there, and we will work with Donna on this. She is a valued colleague and she is very committed to this. So we will do our best.

You know, the Administration only has $5 million in land acquisition for Park Service projects, four projects. So we are going to have to——

Mr. KESSLER. Well, it is the number one priority in the region and number three priority nationally. So——

Mr. DICKS. Yes. Good. Thank you.

Mr. KESSLER. Thank you, sir.

Mr. DICKS. Karen Munro. Karen, you have been here a long time. Now you know all the things, all the problems I face.

Ms. MUNRO. That is right. It has been interesting.

Mr. DICKS. Yes. It certainly, it has been interesting. Well, you are welcome—

Ms. MUNRO. Thank you.

Mr. DICKS [continuing]. And we will put your statement in the record, and you have five minutes to summarize.

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THURSDAY, MARCH 13, 2008.

## FEDERATION OF STATE HUMANITIES COUNCIL

### WITNESS

**KAREN MUNRO**

Ms. MUNRO. Thank you, Chairman Dicks, and I appreciate the opportunity to testify on behalf of the State Humanities Council, the state affiliates of the National Endowment for the Humanities.

I am here to support the Humanities Commission's request or Communities' request of $177 million for the NEH and to request an increase in federal funding for the NEH federal state partnership of $15 million to $47 million for fiscal year 2009. Because of the Council's excellent record of raising matching funds from state governments and private sources, we can confidently state that these funds will at least be doubled.

The National Endowment for the Humanities was founded in 1965, in part because "Democracy demands vision and wisdom of its citizens." The State's Humanities Councils enable people throughout the Nation to expand their vision, learning from human experience across time and around the world. Individuals gain wisdom through Council programs, coming together for informed civic discourse on public issues.

We greatly appreciate the support Congress and especially this Subcommittee has provided to State Councils over the years, allowing us to work in partnership with NEH and provide responsive, innovative programs at the local level. State Councils have become the neighborhood face for important national initiatives such as We the People, which is revitalizing the understanding of American history.

Last year through a We the People grant in our state, seven ethnic and tribal organizations created a traveling exhibit documenting their unique histories. One of the sponsors, the Black Historical Society of Kitsap County, showed the experiences of the

black shipyard workers who came to Bremerton from other parts of the country during World War II and who, incidentally, worked with your father and my husband's father there.

Often those who have taken part in our programs write to say how an experience enriched their lives. A Marysville woman reacting to the Inquiring Mind presentation, I am no Hero, Journeys of a Holocaust Survivor, said, "He is an excellent speaker, and he inspired our family to visit Dachau in Germany to learn more."

The diversity and reach of Council programs tailored to the needs of each state and territory can be seen in the California Stories Initiative, through which citizens learn about the rich culture of their communities. And the Justice Talking Program, through which Illinois young people use readings to consider questions underlying civic service.

But today's needs far outdistance the funding available. The Federation of State Humanities Councils has identified unmet needs in community humanities programs of more than $50 million. To address those needs the State Humanities Council is requesting an increase of $30 million in federal funds over the next 2 years, which will enable them to leverage additional matching funds in their states.

Increased funding will be critical to meet important needs such as these. Opportunities to build community through civic conversations, generated through dynamic speakers, exhibits, films, books, dramatic presentations, and other formats. New media and technology resources that offer millions of Americans access to historical and cultural knowledge through documentary films, radio programs, and electronic state encyclopedias. Expanded reading and literacy programs that bring community members together to discuss books and ideas and create lifelong readers. Such programs often blend reading training with participation in the vital civic experience of community discussion.

An instructor in our Mother Read, Father Read Literacy Program for low income parents of young children told us, "Thanks to this program our culturally-diverse group was given an opportunity to learn so much by sharing children's literature, as well as family values, traditions, and legends." Our common goal is to enhance reading and communication skills within the family unit.

And finally, a child of a class participant, whose family probably did not have children's books in their home until the mother received a paperback book at each session, wrote to us. "Thank you for giving my mom books. I read all the books that you gave to her. I like the books so much. My brother reads and likes the books, too. Today, is my birthday. I am ten."

On behalf of this child and the millions of other citizens whose horizons have been expanded through programs of the State Humanities Councils, I thank the members of Congress and respectfully ask for your continuing support of our work.

Thank you very much.

[The statement of Karen Munro follows:]

**Testimony on behalf of the Federation of State Humanities Councils**
Prepared for the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies by Karen Munro, Member of the Board of Directors, Humanities Washington; Addressing the National Endowment for the Humanities, March 13, 2008.

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to present testimony on behalf of the state humanities councils, the state affiliates of the National Endowment for the Humanities. I am here to support the humanities community request of $177 million for the National Endowment for the Humanities and to request an increase in federal funding for the NEH Federal-State Partnership of $15 million, to $47 million, for FY 2009. Because of the councils' outstanding record of leveraging matching funds, we can confidently say that this federal investment will be at least doubled if not tripled through other sources.

The National Endowment for the Humanities was founded in 1965 in part because "democracy demands wisdom and vision in its citizens." The state humanities councils enable people throughout the nation to expand their vision, learning from the human experience across time and around the world. Individuals gain wisdom through council programs, coming together for actions essential to a robust civic life: discussing ideas, applying critical perspectives, and seeking common ground.

The state humanities councils were created in the early 1970s to provide local access to the humanities through public programs offered in communities throughout the state. The councils are full partners of the NEH, receiving their core funding through the Federal-State Partnership line of the NEH budget and using that funding to leverage additional funds from state government, foundations, corporations, and private individuals. The councils have also received approximately a third of the NEH We the People funds and have used these funds to extend the reach of the We the People initiative to communities throughout the nation. Unlike the other programs in the Endowment, the councils operate as independent nonprofit organizations charged with conducting a statewide program supported entirely by their federal funding and the other funds they leverage through those federal dollars. As NEH partners but nonprofit organizations, councils attract contributions from countless volunteers, and generate funds from state government and private sources to match their federal funds.

We greatly appreciate the support Congress has provided to state humanities councils over the years, allowing us to work in partnership with the NEH and provide responsive, innovative programs at the local level. But today's needs far outdistance the funding available. The Federation of State Humanities Councils, the membership association of the state humanities councils, has identified unmet needs in community humanities programming amounting to more than $50 million. To provide the vital programs that address these needs, the state humanities councils require an increase of $30 million in federal funds over the next two years ($15 million per year), which will enable them to leverage the additional funds from other sources.

Additional funding will be critical to meet citizens and community needs such as these:

* Opportunities to build community through civic conversations. Discussion can be

launched through dynamic speakers, exhibits, films, books, dramatic presentations, or other formats that provide a historical or cultural context for looking at basic human questions.

* Expanded reading and literacy programs that bring community members together to discuss books and ideas with their neighbors and that create lifelong readers, among both native and new English speakers. Such programs often blend reading training with participation in the vital civic experience of community discussion.

* New media and technology resources that offer millions of Americans access to historical and cultural knowledge through web-based technologies, documentary films, radio programs, and electronic state encyclopedias. Councils use these and other technologies to attract new audiences and offer new ways of exploring our history and communicating with each other about common concerns.

The diversity and reach of council programs, tailored to the needs of each state and territory, can be seen in the "California Stories" initiative, through which citizens learn about the rich culture of their communities; the "Mass Moments" radio and web project that educates residents of Massachusetts about their history; and the "Justice Talking" program through which Illinois young people use readings to consider questions underlying civic service.

State councils have become the neighborhood face for important national initiatives such as "We the People," which is revitalizing the understanding of American history. Last year, through a "We the People" grant in our state of Washington, seven ethnic and tribal organizations created a traveling exhibit representing the variety of stories of who we are as Washingtonians. One of the sponsoring groups, the Black Historical Society of Kitsap County, documented the history of the black shipyard workers who came to Bremerton from other parts of the country during World War II, and who, incidentally, worked with Congressman Dicks' father and my husband's father there.

Often, those who have taken part in our programs write to tell us how an experience enriched their own lives and their communities. A Marysville woman, reacting to the Inquiring Minds presentation "I'm No Hero: Journeys of a Holocaust Survivor," said, "He is an excellent speaker, and he inspired our family to visit Dachau in Germany to learn more." The director of the Museum and Arts Center in Sequim told us about the success of an exhibit and presentation on the history of American music for school children, "We were able to reach the largest audience to date in the history of the Sequim School District, and by far the largest in the Museum and Arts Center's history."

A recent Federation of State Humanities Council brochure declares that state humanities council programs "Transform Lives, Connect Communities, and Enrich the Nation." It would not be overstating the case to claim that state humanities council programs strengthen our democracy. Indeed, in the array of humanities council programs presented across the country, we see evidence of this every day.

One of the key indicators of a vital democratic society–and also one of the most reliable ways of sustaining it--is the deceptively simple practice of civic conversation. As Humanities Montana Executive Director Mark Sherouse puts it, "Talk is cheap. Informed civic discourse is not. With change relentless and accelerating, we as a people need to talk together in the informed and dispassionate ways that the public humanities enrich and champion." By bringing together citizens and scholars, drawing on the perspectives of history, literature, and philosophy, councils promote this reasoned dialogue in ways that truly do transform lives, connect communities and enrich the nation.

The Arizona Humanities Council, to take one striking example, launched a statewide initiative for 2008 entitled "Project Civil Discourse." The basis for this initiative was the council's belief that "Our democracy is dependent upon a responsible citizenry that can, and will, wrestle with tough issues, without partisanship, while maintaining respect for the need to hear, understand and take into account different viewpoints." With support from the NEH We the People funds, the council invited citizens throughout Arizona to apply for funds to conduct conversations around issues of concern to their communities and their state. The council itself collaborated with other organizations around the state to offer training in facilitated conversation, conduct forums and town meetings on such topics as land use, immigration, and urban growth. They developed a website that provides information about trainings, public forums, speaker presentations, and book discussions.

The Utah Humanities Council, through their Public Square program, offers speaker and discussion programs that allow groups to talk about a variety of contemporary issues from a humanities perspective. Topics include "The Past, Present and Future of the Middle East," "Religion and the Environment: Finding Common Ground in Utah," and "Lifeline of the West: Deciding the Future of the Colorado River."

Such discussions need not always center around specific contemporary issues to get citizens thinking about the future of their communities and the issues that divide and unite them. A number of councils promote citizen awareness and involvement through discussions of the rich and diverse histories of their communities. The Kansas Humanities Council provides an outstanding example with their We the People-supported "Kansans Tell Their Stories" initiative. Launched in 2004, this initiative has funded dozens of high quality grassroots projects that illuminate the history and culture of the many groups who make their homes in Kansas. Projects exploring the history of Germans and Mexicans in Kansas take place alongside such projects as "A Trolley Tour of Atchison's African American Historic Sites" and "Starting Over, Staying On: Southeast Asian Citizens in Garden City."

Councils also play a key role in promoting books and reading, believing that literate citizens are more likely to be engaged citizens. Many councils now support family reading programs that promote reading proficiency among both adults and children while also strengthening relationships between parents and children, through discussion of high quality children's literature. The Missouri Humanities Council's Read From the Start program is based on the conviction that parents are children's first and most influential teachers, and that early exposure to books and reading will promote a lifelong love of words and learning. The structure of group

meetings with parents and other caregivers fosters mutual support among the participants. In 2008 the Kentucky Humanities Council, in partnership with the Kentucky Department for Libraries and Archives, will bring the award-winning Prime Time Family Reading Time program, originated by the Louisiana Endowment for the Humanities, to twenty Kentucky libraries. The project, says Kentucky council director Virginia Smith, changes lives "because it focuses on families, the most basic of institutions," and allows newly trained parents to find meaning in the stories they read. "They look for layers of meaning, and they develop ways of talking about what they find or expect to find. They share this experience with their children with a new sense of confidence and purpose."

In my own state of Washington, an instructor in our Motheread/Fatheread literacy program, for low income parents of young children, summed up her experiences this way, "Motheread/Fatheread definitely holds true to its philosophy, 'The power of story, the power of heart.' Thanks to this program, our culturally diverse group was given an opportunity to learn so much by sharing children's literature, as well as family values, traditions, and legends. We share a common goal, which is to enhance reading and communication skills within the family unit."

A child of a class participant, whose family probably did not have children's books in their home until the mother received a small paperback book at each session, wrote to us, "Thank you for giving my mom books. I read all the books that you gave to her. I like the books so much. My brother reads and likes the books too. Today is my birthday, I'm 10."

Although councils vigorously promote the value of books and reading, they are also steadily expanding their use of digital technology to make their programs more widely available. The Pennsylvania Humanities Council is working with WHYY-TV in Philadelphia to produce "Humanities Live," a project that films the council's "Commonwealth Speaker" programs before a live participatory audience for broadcast on WHYY's digital channel. The Virginia Foundation for the Humanities has produced an "African American Heritage" online database that enables users to search the information stored there by geographical region, theme, and historic period. Other councils offer podcasts, interactive cultural heritage websites, and other innovative web-based formats to democratize their programs and involve new audiences.

The programs I have described have an impact far beyond the funding invested, but those funds do not begin to cover the needs that are revealed to councils each day. The additional $30 million we are requesting over the next two years would allow councils to more than double the funds they currently award to community groups wishing to explore their history or discuss community issues. It would allow them to multiply the number of family literacy discussion leaders they train, the number of reading and discussion groups they offer to libraries, and the number of community forums they support. It will allow councils to further expand the web-based technologies they employ for reaching larger and more dispersed audiences.

On behalf of the millions of citizens whose horizons have been expanded through programs of the state humanities councils, I thank the members of Congress and respectfully ask for your continuing support of our work. Thank you.

Mr. DICKS. Well, I just want to say I very much have appreciated over the years your willingness to come back and help our office understand the importance of these programs, and we want to do more on these things. It is just a question of the budget. I mean——

Ms. MUNRO. I know.

Mr. DICKS. And as you heard, we got a budget $1 billion below last year's level. I do not know how you do this. I mean, we should have gotten a $600 million adjustment to the baseline.

So we will do the best we can.

Ms. MUNRO. Well, you and your community have——

Mr. DICKS. I mean, it is just——

Ms. MUNRO [continuing]. Been wonderful supporters for us.

Mr. DICKS. And then you heard all these tribal leaders here. I mean, the situation out in Indian country, which you are very sensitive——

Ms. MUNRO. Sure.

Mr. DICKS [continuing]. To, is dire. And you have healthcare issues. I mean, it is a very difficult thing.

But we are going to do our best. We tried to help last year and——

Ms. MUNRO. You certainly did.

Mr. DICKS [continuing]. If we could get the other body——

Ms. MUNRO. And we appreciate your support.

Mr. DICKS [continuing]. To go along with this a little bit, we——

Ms. MUNRO. I know.

Mr. DICKS [continuing]. Could do fine. But, and, again, I want you to know how much I appreciate you, both you and Ralph and the great friendship we have had over the years——

Ms. MUNRO. Thank you.

Mr. DICKS [continuing]. And the great meetings we have had at your house near Olympia, and it has meant a lot to us.

Ms. MUNRO. Well, thank you.

Mr. DICKS. Thank you.

Ms. MUNRO. Appreciate your support so much.

Mr. DICKS. I am sorry about your dog, too. That was——

Ms. MUNRO. We have a new dog now.

Mr. DICKS. Oh, good.

Timothy Regan, President, Emissions Control Technology Association.

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THURSDAY, MARCH 13, 2008.

## EMISSIONS CONTROL TECHNOLOGY ASSOCIATION

### WITNESS

#### TIMOTHY REGAN

Mr. REGAN. Thank you, Mr. Chairman. Appreciate the opportunity, but I feel that I am bringing coals to New Castle. I am here to talk about the Diesel Emission Reduction Act, and you have been fabulous and your staff has been fabulous, Mike, Peter, Delia. Everybody has done, I know, everything you can to help out with the program.

It all started here back in fiscal '03, when this Committee, Subcommittee funded the Clean School Bus USA Program, an enormously successful——

Mr. DICKS. Great program.

Mr. REGAN [continuing]. Fabulous program. And in fact, what it has done is cleaned up 40,000 school buses and now 1.5 million kids get cleaner air as a result. So it has been a great success.

Mr. DICKS. Cannot beat that.

Mr. REGAN. Cannot beat it. It is a great success, and in fact, what happened is because of that success the Diesel Emission Reduction Act was passed as part of the 2005, Energy Bill, and you were the first one to actually fund the program.

Mr. DICKS. Good.

Mr. REGAN. So we appreciated very much last year the President asked for 35. You increased it by 40 percent to 50, and the program is being launched this year, and we are excited about it.

We are here to ask you to do the same thing you did last year, if you can. We know that you are really under a lot of financial stress in this Subcommittee, and there are a lot of difficult choices to make. But we would appreciate if you would consider the possibility of giving us another increase to $70 million this year. Makes a lot of sense, I think, from an economic perspective, because this technology has proven itself to be very cost effective, the most cost-effective technology that is out there today for cleaning up the transportation sector.

And, you know, this kind of pollution is, you know, currently now the biggest threat to human health that is out there from the transportation sector, so we appreciate what you have done, and if you can——

Mr. DICKS. We will just try——

Mr. REGAN [continuing]. Give a little more this year, we would appreciate it. Thanks.

[The statement of Timothy Regan follows:]

**TESTIMONY BY**

**TIMOTHY J. REGAN**
**PRESIDENT**
**EMISSIONS CONTROL TECHNOLOGY ASSOCIATION**

**BEFORE THE**
**THE U.S. HOUSE COMMITTEE ON APPROPRIATIONS**
**SUBCOMMITTEE**
**ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

**MARCH 13, 2008**

**Introduction**

Mr. Chairman, thank you for the invitation to appear before you this morning. I appreciate the opportunity to propose FY09 funding for EPA's Diesel Emission Reduction Act ("DERA") program at $70 million and for the EPA's State and local quality grants program at $270 million.

My name is Tim Regan. I'm the President of the Emissions Control Technology Association ("ECTA") and an executive with Corning Incorporated. ECTA is a trade association that promotes public policies to improve air quality by reducing mobile source emissions through the use of advanced technologies.

ECTA represents the companies that have been at the cutting edge of mobile source emissions control technology for three and a half decades. Our members invented and developed the core, specifically the substrate and the catalyst, of the catalytic converter. Our technology has had a profound impact on the environment both here and abroad, removing 1.5 billion tons of pollution from American skies and 3 billion tons worldwide since 1975.[1]

Thirty years ago, when the catalytic converter was first introduced, our industry was faced with the challenge of reducing nitrogen oxides from the transportation sector. Today, the challenge is to reduce the black smoke and smell from diesel exhaust. Once again, our industry has risen to the challenge by developing a full range of devices commonly known as "after-treatment" technology that remove fine particulate matter and other pollutants in diesel exhaust.

Our technology is required equipment on all new on-road heavy duty vehicles entered into service after January 1, 2007. This will make a significant contribution toward cleaner air and better health. In fact, EPA estimated at the time the so-called 2007 Highway Rule was promulgated that the technology would generate $66 billion in economic and health benefits annually when the new vehicles significantly penetrated the fleet after the year 2020.[2]

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[1] *See* Corning Press Release citing the Manufacturers of Emission Controls Association ("MECA") (February 15, 2005), http://www.corning.com/environmentaltechnologies/media-center/press-releases/2005021501.aspx.

[2] *See* Environmental Protection Agency (July 7, 2005), "2007 Heavy-Duty Highway Final Rule," i.e. http://www.epa.gov/OMSWWW/diesel.htm.

Obviously, there is a cost associated with installing this equipment on new vehicles, but the payoff is significant. EPA estimates that for every dollar spent on the technology $16 of economic benefit will be generated.[3]

**The Challenge**

The challenge before us now is how to retrofit this new technology onto existing vehicles and engines that are being used today. These vehicles and engines do not have the emissions control technology that is required for new vehicles. Consequently, they are the "dirtiest" diesel devices in use, and there are a lot of them.

EPA estimates there are currently 11 million heavy duty diesel engines in use today. This compares to about 500,000 new clean diesel engines that are normally put in use annually. In other words, there are 22 existing engines in the fleet for every new clean diesel engine that is added each year.

Because diesel engines are so durable, the existing equipment in the fleet will not be fully replaced until the year 2030.[4] The best way to clean up the existing fleet is to retrofit it with the same kind of technology that is being installed on new heavy duty vehicles. This retrofit equipment could include after-treatment devices, such as a diesel particulate filter or a diesel oxidization catalyst. It also could include vehicle replacement, engine replacement, engine rebuilds, and engine repair.

Unfortunately, the cost of purchasing and installing diesel retrofits oftentimes does not introduce enough operational efficiency to generate a return on the investment. So, equipment owners are understandably reluctant to invest in a retrofit unless they are given some form of financial assistance to help defray the cost. And, it makes sense for the public to help finance retrofits because diesel retrofits generate benefits in the form of cleaner air for all of society.

**Congressional Action**

To the credit of Congress, it has acted to provide the necessary financial assistance to promote the deployment of diesel retrofits. As you know Mr. Chairman, your Subcommittee started addressing this problem as far back as FY03. At that time, the Subcommittee took the lead in appropriating $5 million to provide the original funding for the Clean School Bus USA program.

This program was founded to improve the health conditions of the 25 million children who ride diesel-powered school buses every day. EPA estimates that 40,000 school buses have been cleaned up during the lifetime of the Clean School Bus USA program, reducing the exposure of more than 1.5 million school children to the potential harmful effects of diesel exhaust. It marks a good beginning, but we still have a long way to go to clean up over 400,000 school buses that are currently on the road today.

Based on the positive experience with the Clean School Bus USA program, Congress took another big step in 2005 to advance the deployment of diesel retrofits. Specifically, as part of the Energy Policy Act, Congress proposed and passed the Diesel Emissions Reduction Act ("DERA"). This provision of law authorized the expenditure of $1 billion over five years to

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[3] Ibid

[4] *See* Senator Voinovich Press Release (June 16, 2005), http://voinovich.senate.gov/news_center/record.cfm?id=238996&.

finance diesel retrofits through grants and revolving loans. The authorization calls for the appropriation of $200 million per year for FY07 through FY11.

Mr. Chairman, your Subcommittee has done a valiant job in trying to find the resources to fund DERA in FY08. These are difficult financial times. All Federal accounts are under stress, especially those under the jurisdiction of this Subcommittee. But under your leadership, your Subcommittee approved $50 million in funding for this program last year, a 40% increase above the President's request. We appreciate the Subcommittee's efforts.

**The Problem**

Unfortunately, the demand for resources to fund diesel retrofits far exceeds the funds available. The best example of this is what has happened with the Clean School Bus USA program. During the first three years of the program, 292 grant applications for a total of $106 million were submitted to EPA. Because of funding constraints, only 72 awards were made from the 292 applications, a 25% grant rate. In terms of funding, only $17.3 million was awarded from the $106 million requested, a 16% success rate.

This shortfall affected much of the country, especially the States represented on this Subcommittee. For example, applicants from the 12 States represented on the Subcommittee filed 124 grant applications with EPA under the first three years of the school bus program. These grant requests amounted to a total of $43 million. EPA only awarded 27 of these grants totaling only $6 million.[5]

**Our Request**

In light of this strong demand for funding, we respectfully request that the Subcommittee increase the level of funding for DERA above the amount requested by the President. The President proposed $49.2 million. We urge the Subcommittee to increase funding for DERA by the same proportion that it did last year to a total of $70 million for FY09. Last year, the President requested $35 million and the Subcommittee appropriated $50 million.

**Rationale**

We believe that this proposed increased level of funding is reasonable and appropriate for several reasons. First, it is fully consistent with the action taken by the Subcommittee last year when you increased DERA funding by 40% above the President's request.

Second, the demand for funding to purchase diesel retrofits far exceeds the supply of funds, as witnessed by our experience with the Clean School bus USA program.

Third, the money will be well spent because diesel retrofits have been proven to be one of the most cost-effective emission reduction strategies. Studies have shown that emission reduction strategies which involve the use of diesel retrofit technology can, in almost every case analyzed, achieve the lowest cost-per-ton of emissions reduced compared to a long list to other strategies for reducing emissions from the transportation sector.[6] For example, installing a diesel

[5] The data concerning the Clean School Bus USA program is limited to FY03 through FY05 because this is the only data available to the public by EPA

[6] *See* ECTA comments (February 20, 2007) in Federal Highway Administration Docket No. FHWA-2006-26383, http://dmses.dot.gov/docimages/p89/454896.pdf, http://dmses.dot.gov/docimages/p89/454899.pdf

particulate filter on a Class 7 heavy duty truck is 15 times more cost-effective than replacing a conventional bus and 46 times more cost-effective than building an HOV lane.[7]

Fourth, spending on diesel retrofits generates a substantial return on an investment of 13 to 1. When DERA was enacted, EPA estimated that, if fully implemented, the program would generate $20 billion of economic and health benefit for $1.5 billion of cost. This cost includes both the Federal funding of $1 billion and anticipated State and private sector match of $500 million. In other words, for every dollar of government money spent, $13 of economic and health benefit would be generated.[8]

Fifth, because DERA sets aside 30% of its funds for a State Grant Program, it can be used to help States bring their air quality in to conformity with Federal standards for particulate matter. Moreover, by providing additional Federal monies to States that match the DERA funds, the DERA State Grant program provides incentives to States to more proactively address diesel emissions in their region.

Finally, there is a very broad base of support for DERA and a level of funding for the program that far exceeds the President's request. From the beginning, DERA enjoyed strong support from both sides of the aisle in Congress and from the entire range of private interests and non-profit public interest groups. As evidence of this, I include in Appendix A to my testimony a letter co-signed by over 250 businesses, associations, and environmental groups asking the President to fully fund DERA in FY09. Few environmental programs enjoy such widespread support.

**State and Local Air Quality Grants**

We would also like to endorse the request for increased funding to support State and local air quality grants that is being recommended by the National Association of Clean Air Agencies ("NACAA") in their testimony before the Subcommittee. State and local governments hold primary responsibility for preventing and controlling air pollution. They rely on grants to carry out their core obligations under the Clean Air Act, including monitoring air quality, assessing emissions impacts, developing implementation plans permitting and inspecting sources, and enforcing environmental regulations.

Unfortunately, because of funding constraints, the State and air quality agencies grants have been on the decline. Last year, the grants were funded at $216 million and the President has proposed reducing funding to $185.6 million in FY09. We urge the Subcommittee to increase funding for these grants to $270 million, the level being proposed by NACAA. As explained in NACAA's testimony, this level of funding is essential to carry out the critical mission of the State and local agencies.

**Conclusion**

Thank you again Mr. Chairman for the opportunity to appear before the Subcommittee. We urge you to fund DERA at $70 million for FY09 because it is consistent with the proportional increase adopted by the Subcommittee last year and will result in the most cost-effective use of Federal funds to achieve emission reductions from the transportation sector.

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[7] Ibid, Table 4, p. 10, http://dmses.dot.gov/docimages/p89/454896.pdf

[8] *See* Supra, Note 4

Mr. DICKS. Good. Well, thank you very much, and we appreciate your patience here. And you are our last witness, I think, for today.

Mr. REGAN. Thank you.

Mr. DICKS. Yes. So the Committee will stand adjourned until the call of the Chair.

THURSDAY, APRIL 3, 2008.

## TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

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### PUBLIC WITNESSES

Mr. DICKS. The committee will come to order.

I want to welcome everybody here today. We will have two hearings this morning. The first half-hour will be devoted to testimony of five public witnesses that were unable to be scheduled on the previous public witness day. I ask you to be brief and follow the five-minute rule so that we may proceed to the second hearing, the Budget for the Bureau of Indian Affairs and the Office of Special Trustee for American Indians, which will immediately follow the testimony of the public witnesses.

Mr. DICKS. I ask our first witness to come to the table, John Churchill, president, the National Humanities Alliance. John, good to see you again.

Mr. CHURCHILL. Good morning, sir.

Mr. DICKS. I enjoyed our event there the other day.

Mr. CHURCHILL. We appreciate your coming.

Mr. DICKS. It was a wonderful evening. What was the gentleman's name from the University of Washington? Do you remember?

Mr. CHURCHILL. The University of Washington?

Mr. DICKS. Yes, who——

Mr. CHURCHILL. Raymond Jonas.

Mr. DICKS. John, you have five minutes, and we are glad to have you here and we appreciate what the National Humanities Alliance does and we are proud of the work of the endowment too.

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THURSDAY, APRIL 3, 2008.

## NATIONAL HUMANITIES ALLIANCE

### WITNESS

**JOHN CHURCHILL**

Mr. CHURCHILL. Thank you, sir, very much. On behalf of the National Humanities Alliance, Mr. Chairman and members of the subcommittee, and also on behalf of the Alliance's 93 member organizations, I am pleased to testify in support of the National Endowment for the Humanities and I request that our previously submitted written testimony be entered into the record.

Mr. DICKS. Without objection, we will do that, place the entire statement in the record.

Mr. CHURCHILL. I also want to express my gratitude for the goodwill shown toward the humanities by this subcommittee and espe-

cially for the willingness last year to support a significant increase. This year the President's 2009 budget requests $144.4 million for the NEH, essentially flat funding, but within it, our increases for overhead and administration are offset by nearly $7 million in cuts to two core programs, Preservation and Access, and Challenge Grants. We strongly oppose those cuts and urge increased funding for all core programs including the Federal-State Humanities Partnership and the two major initiatives, the We the People Initiative and its new program, Picturing America, and the Digital Humanities Initiative as provided for in the President's 2009 budget.

Over the years, inflation and budget cuts have eroded NEH's ability to carry out its Congressional mandate. The humanities community appreciates last year's increase of $3.6 million and urges a restoration to the peak nominal funding level of $177.5 million reached in 1994. The core programs of NEH have eroded disproportionately and appropriations for the divisions of Research, Education, Preservation and Access, public programs and Challenge Grants have dropped by 43 percent since 1994, not adjusted for inflation. We urge the reversal of that deteriorating trend.

Here are some program specifics of the President's 2009 budget. The Preservation and Access program is a decrease of almost 25 percent, that is $4.5 million, from the 2008 level, and we are extremely concerned about the proposed elimination of a program called Stabilizing Humanities Collections, funded at $3.6 million in 2007. We ask for Congress's assistance in restoring those funds to the Preservation and Access Division.

Challenge Grants in the 2009 proposal see a decrease of almost 24 percent, that is $2.2 million, from the current level, and we strongly disagree with the Administration's assessment that endowment-building grants are not cost-effective. I would mention, Mr. Chair, that two Challenge Grants, one to the University of Puget Sound and one to the Washington State History Museum, are still doing good, even a decade after their having been made.

Other divisions essentially receive flat funding in the proposal, but we oppose the cuts that I have just described and support proportionately increased funding for NEH's competitive peer review grant programs through each of the agency's national core programs.

Turning to State programs and the Federal-State Partnership, the proposal in the President's budget is flat funding at $31.7 million, but we support significantly increased funding for the State Humanities Councils.

Turning to the Digital Humanities Initiative, it is proposed in the President's budget for flat funding of $2 million. We support the agency's request for this high-priority initiative and encourage further investment in Digital Humanities throughout all areas of the endowment.

Turning to We the People, the President's 2009 budget requests an additional $5 million, including the Picturing America Initiative. We support this requested increase, urging that new funds be found to support it.

We appreciate the subcommittee's request last year for an evaluation by the National Endowment for Humanities of its international programs and perspectives. We look forward to the release

of the agency's report and working with Congress and the NEH on the future enhancement of the agency's international education programs.

So in conclusion, among Congress's difficult choices, we are asking for a significant funding increase for the National Endowment for the Humanities of $32 million, again to bring it to its nominal peak of $177.5 million, which is represented in 1994. We think this is a wise and a necessary investment in the Nation's education and research infrastructure. We appreciate the subcommittee's outstanding support for the arts and humanities in this country and thank you for your consideration.

[Statement of John Churchill follows:]

**Testimony Submitted for the Record to the Subcommittee on Interior, Environment and Related Agencies, U.S. House of Representatives—by John Churchill, President, National Humanities Alliance and Secretary, The Phi Beta Kappa Society (April 3, 2008)**

***Regarding Fiscal Year 2009 Funding for the National Endowment for the Humanities***

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Humanities Alliance and its 93 member organizations and institutions, I am pleased to testify for the record in support of the National Endowment for the Humanities (NEH). Our members, and the thousands of teachers, scholars, humanities organizations and institutions they represent, use NEH grants to maintain a strong system of academic research, education and public programs in the humanities. ***The Alliance respectfully urges the Subcommittee to support funding of $177 million for NEH in FY 2009, an increase of about $32 million above the FY 2008 appropriation and the President's request.***

## SUMMARY

The President's FY 2009 Budget requests $144.4 million for NEH in FY 2009, approximately the same amount as in FY 2008. The President would offset increases for overhead costs and Administration priorities with nearly $7 million in cuts to two of NEH's core programs, **Preservation & Access** and **Challenge Grants**. NEH's other core programs, which include **Education**, **Public Programs**, **Research**, and the **Federal-State Partnership**, would receive level funding in the President's Budget. We strongly oppose the President's proposed cuts and urge increased funding for all core programs.

As the single largest source of humanities funding in the U.S., NEH plays a pivotal leadership role in the education of our nation's citizens; the creation and dissemination of new knowledge; and the preservation and enrichment of American intellectual and cultural life. Our nation's schools and universities are falling behind in almost every aspect of humanities education and research. A serious reinvigoration of the nation's investment in the humanities is desperately needed if we are to keep pace with the rapidly transforming global environment, and its pressures on our economy, citizens and civic institutions.

Increased NEH funds will enable the agency to sustain its core programs, while extending the reach of its two major initiatives: ***We the People*** (along with a new *WTP* program, **Picturing America**), and the **Digital Humanities Initiative**. The Alliance applauds the agency's responsiveness to national needs. We support the increased funding for special initiatives included in the President's FY 2009 Budget. However, we believe funding for these initiatives should be in conjunction to, not in competition with, NEH's core programs. We are extremely concerned about the proposed elimination of a critical Preservation grant competition, **Stabilizing Humanities Collections**, and urge Congress to instruct the agency not to terminate or substantially reduce this program in FY 2009.

## FUNDING ANALYSIS

NEH is funded at a level of $144.7 million in FY 2008, an increase of $3.6 million over the previous fiscal year. The humanities community deeply appreciates the final, enacted increase, as well as the extraordinary support demonstrated by the $19 million increase recommended in the FY 2008 Interior Appropriations bill drafted by this Subcommittee and approved by the full House. The combined impacts of inflation and budget cuts over the last two decades have

seriously eroded NEH's ability to carry out its Congressional mandate. NEH reached its *nominal* funding peak of $177.5 million in FY 1994, the benchmark set by the humanities community to begin restoration of the agency's budget. However, NEH reached its *real* historical peak in Fiscal Year 1979; if funded at the 1979 level, NEH today would have a budget of more than $400 million.

The NEH's current funding level is not adequate to meet the needs of humanities practitioners and the communities they serve. There is significant, unmet demand in this country for new knowledge and programming in the humanities—from **history** and **literature**, to **world cultures**, **foreign languages**, **philosophy**, and **ethics**. In FY 2007, NEH was only able to make $118 million in new awards, but it received more than $440 million in funding requests.

**NATIONAL CORE PROGRAMS**

The NEH's national, core program competitions are at the center of the agency's mission to create, preserve, and disseminate knowledge in the humanities. However, since 1994, these programs have suffered disproportionately from budget cuts and inflation. In FY 1994, appropriations for the national NEH core program divisions (**Research**, **Education**, **Preservation & Access**, **Public Programs** and **Challenge Grants**) totaled $116.3 million. In FY 2008, appropriations for these divisions totaled only $66.0 million—a 43% decline in nominal funding.

**Preservation and Access Programs**—The NEH Preservation & Access Division supports the preservation of materials important to research, education, and public programming, including: books, journals, newspapers, manuscript and archival collections, maps, photographs, films, sound recordings, oral histories, and objects of material culture. NEH works with the community to preserve these resources and supports the creation of reference materials and new methods to increase access to them.

The President's FY 2009 Budget requests $13.9 million for the Preservation & Access Division, a decrease of $4.5 million from the FY 2008 level. In addition, the administration proposes to eliminate an important grant competition, Stabilizing Humanities Collections–a program funded at a level of $3.6 million in FY 2007. We are extremely concerned about the President's proposal, and ask for Congress' assistance in restoring funds to the Preservation & Access Division, and in ensuring that the Stabilization grants are not cancelled in FY 2009.

The President's proposed reduction is an inappropriate response to documented needs for the preservation and dissemination of our nation's cultural heritage. In FY 2007, the Preservation Division reviewed 564 applications, representing more than $100 million in requested funding. Of these requests, 56 applications were submitted for Stabilization grants, totaling more than $15.7 million (only 11 were funded). Stabilization grants provide libraries, museums, and historical societies with hard-to-raise funds necessary to improve housing and storage, environmental conditions, security, lighting, and fire protection of collections. According to the Heritage Health Index, a 2004 survey conducted by Heritage Preservation, only 37% of collecting institutions in the United States report adequate storage and over one-half report damage to collections due to poor environmental conditions for their collections.

**Challenge Grants**—The Challenge Grant program helps local, state and national institutions secure their humanities resources and activities for the long term through fundraising as a means of building permanent resources for the future. Grant uses include: establishing or augmenting

an endowment to pay for humanities staff and programming, renovation or construction of facilities, purchase of capital equipment, upgrade of technology, and additions to collections. Challenge grants are a cost-effective investment of taxpayer dollars. First-time challenge grant recipients must match every federal dollar with 3 nonfederal dollars; recipients of subsequent awards must raise 4 nonfederal dollars for every federal dollar. Since the program started, NEH Challenge grants have leveraged $1.58 billion in nonfederal support.

Over the years, Challenge Grants have made an extraordinary contribution toward strengthening the institutional base of the humanities. Unfortunately, the President's FY 2009 Budget requests $7.1 million in funding for Challenge Grants, a decrease of $2.2 million from the FY 2008 level. In FY 2009, the administration plans to decrease both the number (reduced to 10) and size of challenge grants, particularly de-emphasizing endowment grants. We oppose these cuts. Challenge Grants are among the most valued NEH grants by our members. In FY 2007, NEH received 113 application requests for this division totaling more than $63 million (20 were funded)—nearly nine times the amount recommended by the administration.

We also strongly disagree with the administration's assessment that endowment-building grants "consume a significant amount of federal resources in their first few years while returning only modest benefits as the endowment accumulates earnings". Endowment building allows institutions to realize years of return on an initial investment, as opposed to a one-time expenditure. Moreover, the increased organizational capacity afforded by the annual return on endowment funds often allows institutions to further expand humanities programming and activities well beyond the scope of the original challenge grant.

**Research**—NEH Research grants are among the most coveted and prestigious awards for scholars. They support fellowships, stipends, collaborative research, and scholarly editions. Investing in humanities research yields new knowledge, consumed by the public in the form of books, TV/radio documentaries, museum exhibits, course materials, and web resources. The President's FY 2009 Budget requests level funding of $13.0 million for Research. Research has been among the hardest hit areas of the Endowment. In FY 1994 NEH made 1,054 research awards, including fellowships and stipends, totaling $31.6 million. In FY 2007, the NEH Research Division made only 309 new awards totaling $15.6 million (including additional *We the People* funds). NEH research grants are the most competitive offered by NEH, with demand far outstripping supply. In FY 2007, NEH considered 2,537 research applications representing over $107 million—a 12% success rate. By comparison, in FY 2006, the National Science Foundation made awards to 25% of proposals.

**Education**—The Division of Education Programs supports professional development opportunities for teachers and faculty members, model curricula, and classroom resources for the humanities. Education grants strengthen teaching and learning in the humanities through all grade levels, from kindergarten to graduate level education. The President's FY 2009 Budget requests level funding of $12.6 million for Education programs. In contrast, the FY 1994 budget allowed NEH to award $29.1 million for 352 education projects, including seminars and institutes. In FY 2007, NEH was only able to make 104 new education awards totaling $13.3 million (including additional *We the People* funds). The division received 429 applications in FY 2007 for $54 million in requested funds.

**Public Programs**—It is through NEH-funded public humanities programs that the Endowment works most directly with the American public. From traveling exhibits in local museums and

libraries to film, television and radio productions, NEH public programs reach literally millions of Americans each year. The President's FY 2009 Budget requests level funding of $12.7 million for Public Programs. In contrast, the FY 1994 budget allowed NEH to award $27.5 million for 201 public program projects. In FY 2007, NEH was only able to make 113 new public program awards totaling $13.7 million (including additional *We the People* funds). The division received 494 applications in FY 2007 representing more than $70 million in requests.

***We support significantly increased funding for NEH's competitive, peer-reviewed grant programs through each of the agency's national core programs.***

## STATE PROGRAMS

**Federal/State Partnership**—The NEH Federal/State Partnership is a collaborative effort of the NEH and the 56 state humanities councils to ensure the delivery of high-quality humanities programming to communities throughout the country. State councils are nonprofit 501(c)(3) organizations governed by local volunteer boards; every federal dollar received by a council for operating support is matched equally by local contributions of cash, goods, or services. The President's FY 2009 Budget requests flat funding for the Federal/State Partnership at $31.7 million. ***We support significantly increased funding for the state councils through NEH.***

## NEH PROGRAM INITIATIVES

**Digital Humanities Initiative (DHI)**—Launched in FY 2007, DHI offers grants to support the use of digital technologies in conducting research and presenting scholarship. This area has been identified as a high priority by the National Humanities Alliance membership. The President's FY 2009 Budget recommends essentially flat funding of $2 million for the newly renamed Office of Digital Humanities. ***We support the agency's modest request for this initiative and encourage further investment in the digital humanities throughout NEH.***

**We the People (WTP)**—*We the People* is an NEH initiative established in 2002 to boost the teaching, study, and understanding of American history and culture. Over the last five years, *We the People* funds have been used largely to support grants made through the agency's regular program divisions. The President's FY 2009 budget requests an additional $5 million to support *We the People* and allow full implementation of the NEH's new *Picturing America* initiative—an agency-directed program to distribute reproductions of American masterpieces to schools and libraries nationwide beginning in 2008. ***We support the requested increase for We the People, but urge that new funds be found without drawing resources away from other NEH programs.***

## INTERNATIONAL EDUCATION

The well-being of this country depends now, as perhaps never before, on our ability to understand the history, cultures and languages of the world's diverse societies. We appreciate the Subcommittee's request last year for an evaluation by NEH of its global society activities. We look forward to the release of the agency's report, and to working with Congress and the NEH on the future enhancement of the agency's international education programs.

***We recognize that Congress faces difficult choices this year. We are asking the Subcommittee to recommend a significant funding increase for the National Endowment for the Humanities of $32 million in FY 2009, as a necessary investment in the nation's education and research infrastructure. We appreciate the Subcommittee's outstanding support for the arts and humanities in America. Thank you for your consideration of our request.***

Mr. DICKS. We appreciate your statement. I am going to say this once today. The President's budget request cuts our bill by $1 billion and we should have gone up $660 million to stay with current services, so we have a $1.6 billion gap, and that is going to make it extremely difficult for us to do what we would like to do if we had a reasonable budget. Mr. Tiahrt and I and the members of the subcommittee are going to do the very best we can, but we are in a very difficult situation. Since 2001, Interior has been cut by 16 percent, EPA by 29 percent, the Forest Service by 35 percent if you take Fire out, and Fire has gone from 13 percent to 48 percent. So we have a very difficult situation, and until we get a request from the Administration that does justice to this area, we are going to be struggling, and this does not reflect what I would like to do as Chairman but we are just going to have to try to patch this together and get through this year and then hope for better times.

Mr. CHURCHILL. Mr. Dicks, I understand that, and we appreciate your support and your goodwill toward the humanities, and we stand to bolster that support as best we can.

Mr. DICKS. I appreciate that.

Mr. CHURCHILL. We would love to be called on to do that further.

Mr. DICKS. Thank you.

Mr. CHURCHILL. I would like to leave with the committee some letters from our constituents supporting particularly the Preservation and Access issue.

Mr. DICKS. We will put those in the committee files. Thank you.

Mr. CHURCHILL. Thank you, John.

Mr. DICKS. Thank you.

Mr. John Akridge, chairman of the Trust for the National Mall. Good to see you. Welcome.

Mr. AKRIDGE. Thank you very much.

Mr. DICKS. We will put your entire statement in the record, and you have five minutes to summarize your position.

Mr. AKRIDGE. Thank you, Mr. Chairman.

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THURSDAY, APRIL 3, 2008.

## TRUST FOR THE NATIONAL MALL

### WITNESS

**JOHN E. "CHIP" AKRIDGE, III**

Mr. AKRIDGE. Thank you, Mr. Chairman. Members of the Subcommittee on Interior, Environment, and Related Agencies, I am Chip Akridge, Chairman of Akridge, which is a local commercial real estate development and management firm.

But I am here today as Chairman of the Trust for the National Mall. I want to thank you for the opportunity to speak here today. We did submit written testimony, which I hope will be put in the record.

Mr. DICKS. It will be.

Mr. AKRIDGE. Thank you very much. I do not know if any of you have been down to the Mall in recent days or years but I am here to report to you that as one American, I am unhappy with the way it looks. We have passed out to you a folder of information. In that

folder, there is a picture book which tells the story much better than I could do with millions of words as to the sorry state of repair of the National Mall. It is in desperate need of repair. It has a $350 million backlog of unfunded repair and maintenance projects.

Mr. DICKS. How many?

Mr. AKRIDGE. Three hundred and fifty million. That does not include any funds which are necessary to improve the infrastructure down there to handle the increased people load on the Mall. There are over 25 million visitors a year on the Mall, more than Yosemite, Yellowstone and the Grand Canyon combined, that visit the park. The park is simply loved to death by the number of people that visit.

Mr. DICKS. Especially when the cherry blossoms are out.

Mr. AKRIDGE. Especially when the cherry blossoms——

Mr. DICKS. I try to drive through there on the way, and it is not easy.

Mr. AKRIDGE. It is not easy, and it is not easy to walk around the Tidal Basin because the walks are too narrow for the people load. Again, the people load has increased to such an extent that it is just overpowered by the people. I think the Park Service though has done a good job with the money that they have had. It is just that the budget that they have is woefully inadequate to properly maintain America's front yard. So I became dissatisfied with this a few years ago. I tried to figure out what we could do about it. I looked around the country to find a model that had been successful and I found in New York City the Central Park Conservancy which took Central Park about 25 years ago which was half closed and completely run down and over the last 25 years it has raised almost $500 million, and today Central Park is one of the truly world-class spaces in the world. It is something we can look to to try to duplicate.

In November, Secretary Kempthorne announced that the Trust for the National Mall had been designated as the private funding partner for the National Park Service for the Mall. Our mission is simple. It is to help the Park Service accomplish their mission, which is to preserve unimpaired the natural and cultural resources and values of the Mall for the enjoyment, education and inspiration of this and future generations.

Now, in carrying out these efforts, the Park Service is in the process of producing the National Mall Plan, which will serve as the blueprint for how these improvements will be made over the next 15 or 20 years.

Mr. DICKS. Who is doing that?

Mr. AKRIDGE. The National Park Service. They solicited input from the public, and to date over 23,000 Americans have responded to that call in pointing out things that would make the park experience more meaningful to them. The plan is in its final draft form. The Park Service is working with over 20 cooperating agencies and over 30 consulting parties to review this plan. Some of the agencies including the National Capitol Planning Commission, the Architect of the Capitol, D.C. Office of Planning and the Commission on Fine Arts. In all, over 500 professionals in this area will have reviewed

and commented on this plan before it is approved late this year. We are looking to get that approved in 2008.

Mr. DICKS. Are you worried at all about the kind of bureaucracy that any kind of plan would have to go through to be approved? Things are not easily done in Washington, D.C.

Mr. AKRIDGE. No, sir, they have 20 cooperating agencies that they have to go through.

Mr. DICKS. So this is a difficult challenge.

Mr. AKRIDGE. It is. It is a difficult challenge.

Mr. DICKS. Someone has to be the lead entity, and that is going to be the Park Service, right?

Mr. AKRIDGE. That is the Park Service.

Mr. DICKS. But you are going to be with them shoulder to shoulder trying to——

Mr. AKRIDGE. Absolutely, yes, sir. And as I say, they have done a good job. The draft plan was first put out last year for additional public comment. The final draft plan will be coming out momentarily with the final plan being approved, as I said, by the end of this calendar year. And the Park Service has taken very seriously the guidance and the comments of the American people and they have expressed certain areas of particular concern. One is the preservation of the First Amendment rights and freedom of expression that the Mall offers but also they are looking for an increase in the restroom facilities, the catering facilities and the fact that the park just does not look good. They want to improve the appearance and the quality of urban space.

Our project is unique. It is to restore and preserve one of the greatest American icons for all visitors, both domestic and foreign. We believe, and we are hopeful that you will agree that the National Mall is one of the Nation's chief cultural assets. There is no other place in the United States that celebrates our democracy, freedom of speech, leadership and heritage like the National Mall. It is America's front yard. It needs our help, all our help, and it needs it now. Thank you.

[Statement of John E. "Chip" Akridge III follows:]

**Statement of John E. "Chip" Akridge, III, Chairman, Akridge**

**Chair, Trust for the National Mall**

**Before the Subcommittee on the Interior, Environment and Related Agencies**

**Committee on Appropriations**

**Restoring and Preserving the National Mall**

**Thursday, April 3, 2008**

Mr. Chairman and members of the Subcommittee on the Interior, Environment and Related Agencies, I am Chip Akridge, Chairman of Akridge, a local commercial real estate development and management firm.

I am here today in my capacity as Chairman of the non-profit organization, the Trust for the National Mall. The Trust for the National Mall is a non-profit organization dedicated to supporting the National Park Service mission to "preserve ... unimpaired the natural and cultural resources and values ...for the enjoyment, education, and inspiration of this and future generations." As the official funding partner of the National Park Service for the National Mall, the Trust has a long term goal to raise over $500 million to help return the Park to a landscape of extraordinary beauty and to better connect visitors to its unique and important history as the platform of our democracy.

After years of deferred maintenance on the National Mall, the current cost of restoring "America's Front Yard" is a staggering $350 million. This figure does not include physical improvements to handle the current volume of 25 million annual visitors or money for educational programs.

The Park Service cannot restore "America's Front Yard" with its current budget. This urgently needed work can be funded and completed only through a creative public-private partnership, which is what the Trust for the National Mall is proposing

Over the last twenty years, I've enjoyed regular jogs through downtown D.C. and across the National Mall. I started this routine to check on my properties throughout the District and ended each run with a scenic reminder of why I love this city, and a reminder of why I am proud to be an American.

While I would look at the amazing icons on the National Mall: the sun coming up over the Capitol, the flags circling the Washington Monument, and the Jefferson, Lincoln and war Memorials, I rarely looked at the National Mall as a property manager. Over four years ago, someone challenged me to look closer at the condition of the park, and sadly what I saw did not make this American proud. The National Mall, "America's Front Yard," was and is a disgrace.

So with the help of several Washingtonians, I founded the Trust for the National Mall in an effort to restore the National Mall to a place of beauty befitting our nation's Capitol.

We knew that we wouldn't be alone in our efforts since there were many people in this community who cared about this sacred and historic space. We were right.

We've modeled the Trust after the Central Park Conservancy in New York. Thirty years ago, half of Central Park was closed and its 800 acres were completely run down. In 1980, Mayor Koch asked Bill Beinecke, former Chairman of S&H Green Stamps, to lead a private effort to restore that park, and a successful public-private partnership was born.

More than 25 years later and with close to $500 million raised, Central Park is truly a world-class urban space. We hope to follow their lead, raise a similar amount, and restore the National Mall to a place of beauty and pride for visitors and future generations.

Last November, the Trust held its national launch when Secretary of the Interior Dirk Kempthorne announced the Trust's designation as the official partner of the National Park Service (NPS) to raise private funds to be added to Federal funds for execution of the National Mall Plan. Under the leadership of the Secretary and NPS Director Mary Bomar, our partnership is flourishing. They, along with the new National Mall and Memorial Parks Superintendent, Peggy O'Dell, truly see the value in creating productive public-private partnerships to restore our national parks and have been terrific leaders in moving the Trust forward because they are committed to this American treasure.

Today, with budget cuts and a deferred maintenance bill of $5 billion in the NPS system, the work cannot be done by the government alone. The National Mall carries a $350 million deferred maintenance deficit, and with 25 million annual visitors (more visitors than Yellowstone, Yosemite and the Grand Canyon parks combined) the decay from this wear and tear is massive and continues to grow. The NPS has done an outstanding job with the funds available to them, but those funds have been woefully inadequate to enable the NPS to properly maintain the park.

The National Park Service is working diligently pursuing the critical work of preparing the National Mall Plan which will determine the future of the National Mall and will be the blueprint for our work. The NPS is working with over twenty cooperating agencies and thirty consulting parties to prepare the National Mall Plan. In all over 500 professionals will have reviewed and commented on the plan by the time it is approved. Additionally, during the plan scoping phase NPS held press conferences, issued media releases, published a newsletter requesting participation, and held a symposium and public meetings. More than 23,000 Americans from across the country have submitted their comments to the plan. The most important messages from the public have been to protect the space for First Amendment rights and freedom of expression demonstrations, increase the number of toilets and food facilities, and improve the physical beauty and quality of the area.

The National Park Service leadership and staff have taken very seriously the guidance and vision of these organizations and the thousands of Americans in developing the final plan. The NPS is diligently pursuing the critical work of preparing the National Mall Plan which is due to be released at the end of 2008 and will serve as a blueprint for the NPS and the Trust's work.

In addition to the estimated $350 million needed for the deferred maintenance backlog, approximately $100 million is needed for infrastructure improvements like repairing or

building additional food and restroom facilities and $50 million is needed for educational programming, to tell the story of our country's rich history found in the park to all its visitors.

The National Mall, the 700-acre stretch of hallowed ground located between the Capitol and the Lincoln Memorial and from Constitution Avenue to the Jefferson Memorial, has come to be known worldwide as a symbol of democracy and America's heritage. It encompasses the strength and proud history of our nation, symbolizes the democracy that our forefathers worked so hard to secure, and memorializes the sacrifices of so many who have given their lives to preserve. It is "America's Front Yard."

Our project is unique: restore and preserve one our greatest American icons for all visitors and future generations. For some of us the National Mall is our backyard, but its real reach and purpose is without boundaries. Because of this, we know our efforts must be far-reaching in scope and require the support of volunteers ranging from gardeners and academics to individual and major donors from across the country. Our efforts will include outreach and education to all Americans, including students and parents, community leaders and patrons, educators and historians.

As a real estate developer and property manager, I know what an immensely difficult and ongoing task it is to maintain the National Mall in world-class condition given the enormous usage of the space. But its purpose is to honor our forefathers and all the people who have made our country what it is today. It must be fixed and maintained.

We believe – and are certain that you will agree – that the National Mall is one of the Nation's chief cultural assets. There is no other place in the United States that celebrates our democracy, freedom of speech, leadership, and heroism like the National Mall, America's Front Yard. And it needs all of our help now.

Mr. DICKS. Thank you for your testimony. Let me just ask this. Up in New York, how much money did they raise in the private sector? Did they get private sector contributions?

Mr. AKRIDGE. Yes, they did. Over 25 years they raised $500 million.

Mr. DICKS. And did the State and the city put up some money too, I would assume?

Mr. AKRIDGE. Yes, I think just about a like amount.

Mr. DICKS. About a 50/50 deal?

Mr. AKRIDGE. Right.

Mr. DICKS. What is your outlook for this, for the private sector?

Mr. AKRIDGE. We are hopeful that the private sector will pick up half the tab and that the government will pick up the other half. We are hopeful.

Mr. DICKS. Mr. Tiahrt.

Mr. TIAHRT. Chip, thanks for bringing this to our attention. It is hard to understand how we open it up for, as you say, First Amendment opportunities, and when it gets wet down there, it turns into mud. I run the Mall like you do, and it is very disappointing to see, but I am not sure exactly how we handle the crowds and keep the grass.

Mr. AKRIDGE. May I respond to that?

Mr. TIAHRT. Please.

Mr. AKRIDGE. There are a number of things that are being looked at, best practices from around the world. The Mall has not been looked at in really a technical point of view or horticultural point of view in over 30 years. Many improvements have been made in the area of turf, turf management, turf maintenance, and also circulation and crowd control that we are looking to put some of these systems to work on the Mall, which will help the problems that we are talking about. To begin with, the irrigation system that is down there, because of all the tin pegs and everything that have been driven into the ground, it is inoperative so trying to keep turf alone is impossible. You can see from the book, it is mostly mud, which if it rains, it turns immediately to mud. So if you have a good base of turf to start with, it is not nearly as likely to become a mud bath as it is now. So there are lots of measures that are being looked at and that will be involved in solving that problem.

Mr. TIAHRT. I think you have some good ideas. We ought to look at how we can put this together.

Mr. DICKS. Mr. Moran, do you want to make a comment?

Mr. MORAN. Yes, I do, and the first thing I want to say is that Chip Akridge is one of the real leaders in the Washington area and your time is very valuable. The fact that you have chosen to take this on gives it the kind of credibility as a priority that is going to involve the other folks who are absolutely essential if we are going to get up to $500 million. So I thank you very much for doing that. I appreciate the fact that you run early in the morning. Well, 10 years ago I used to run along the Mall, five years ago I would jog and now I just kind of plod at noontime. I do not do it at the crack of dawn like you do, but it is a beautiful place and you cannot help but observe the things that you have observed. It is a national icon and we have got to preserve it. I appreciate the fact that the Park Service is taking the lead. I do not know that it is fair

to say that raising funds should be a 50/50 public/private matching arrangement. I mean, this is clearly something that the Federal Government should take the principal responsibility for. There are a number of questions I want to ask you about in terms of your priorities because I have questioned some of the decisions that have been made but I think as long as you are going to take a role that goes beyond raising funds and writing checks, that is a source of real encouragement, so I appreciate this. Do you want to say something?

Mr. DICKS. I just wanted to say, has there been a hearing on this before the authorizing committee?

Mr. AKRIDGE. No, sir, not to my knowledge, no.

Mr. DICKS. Which committee would have jurisdiction?

Mr. MORAN. It is Nick Rahall's. It is Natural Resources.

Mr. DICKS. Maybe we ought to encourage that. I think this deserves some more attention. I have had some people come in to talk to me about this. I think it is a tremendously high priority and we want to get it started and we want to help it. But maybe getting the authorizing committee to look at this would be helpful.

Mr. MORAN. You know, we could do a joint hearing.

Mr. DICKS. We could do a joint hearing, or if we cannot get them to do it, we will do it ourselves.

Mr. MORAN. Good.

Mr. AKRIDGE. I am happy and available to participate in any way I can.

Mr. MORAN. Now is not the time to belabor this because we have a lot of other witnesses, but the fact that we are cutting this short, all you need to know is——

Mr. DICKS. We are serious. We want to help you.

Mr. AKRIDGE. We are too.

Mr. DICKS. And we appreciate your leadership on this.

Mr. MORAN. And Norm is going to be at the fundraiser as well and Susie is going to make him write a check, and he does not do that a lot.

Mr. DICKS. Mr. Olver.

Mr. OLVER. Thank you, Mr. Chairman.

Mr. Akridge, I have only a short comment to make here. All of us have witnessed massive historic gatherings on the mall. It happens to be tomorrow we are not in session but tomorrow is the 40th anniversary of the assassination of Martin Luther King, which we are going to be a commemoration of in the Rotunda today at some point in time later this morning, and I am particularly interested in your effort at enhancement of the use for free speech purposes, for First Amendment purposes. That is extremely important in your plan. That is all I want to say. I will not question you further about that because things are tight here.

Mr. AKRIDGE. Very good. Thank you, sir.

Mr. DICKS. We thank you again, and we appreciate your leadership on this issue.

Mr. AKRIDGE. Thank you very much.

Alan Front, senior vice president, the Trust for Public Land. Alan, how are you?

Mr. FRONT. Mr. Chairman, I am going to try to keep my microbes on this side of the table.

Mr. DICKS. Good.

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THURSDAY, APRIL 3, 2008.

## TRUST FOR PUBLIC LAND

### WITNESS

**ALAN FRONT**

Mr. FRONT. I do appreciate, germs notwithstanding, the opportunity to appear before the subcommittee today and very much appreciate the chance to talk about the need for investments in land conservation programs, the Land and Water Conservation Fund, the Forest Legacy Program, the grant programs at the Fish and Wildlife Service, and I am also pleased to share with you some of the non-Federal action that the work that you are doing here is catalyzing around the country and maybe give you just a flavor of the good, the bad and the ugly of what we are seeing in the conservation real estate market as we do our work.

Sitting at your table, Mr. Chairman, and among this good company, it is impossible not to well up with a degree of gratitude for the commitment that all of you have already made to these programs and to the specific places that you have protected through these programs, the wildlife refuges in Washington State, the Bogasheel, which I know a picture of which hangs on your wall.

Mr. DICKS. It does.

Mr. FRONT. The Quinault lands, the wildlife refuges in Virginia and the views of Mount Vernon which, as Mr. Moran knows, we have just completed another acquisition and are about to cut a ribbon, the wildlife lands along the Connecticut River in Massachusetts. I am not sure why I am thinking of those three particular places as I look across the table.

Mr. DICKS. There has to be something in Kansas. I mean, come on.

Mr. FRONT. Mr. Tiahrt, our testimony next year hopefully will include you as well.

But those achievements are particularly significant, given the context of fiscal constraint and competing priorities and candidly of woefully inadequate Administration budgets of the last few years. So what you have been able to do is truly phenomenal. Those dynamics, those limitations, as wonderful as the successes have been, they have also led to a similar number of conservation losses, of incompatible developments that should not have happened in our national parks but have happened, of lost opportunities for recreational access or for habitat consolidation. What ends up happening is, those projects are either deferred or they are lost. The ones that are lost leave an irreparable scar on our public landscapes. The ones that are deferred have their own set of costs because land is not getting any cheaper and so year by year we end up paying more for what we do not do in years past, and there are also a host of issues that are raised, management issues that are raised by those holdings, issues involving wildfire risk, issues involving incompatible uses and obstacles to access.

So organizations like the Trust for Public Land and many of our private partners around the country are certainly doing what we can but candidly, we are not only hoping but we are desperate for more Federal support for these Federal activities, especially on Federal lands and in areas where the Federal government has staked its flag for State and local activity. The needs are particularly acute for the Land and Water Conservation Fund, and those opportunities to leverage Federal funds are particularly in evidence this year. Rachel Carson National Wildlife Refuge in Maine, for instance, as the 100th anniversary of Rachel Carson herself has come and gone, there is an opportunity this year for $3.5 million to buy 110 acres of spectacular wildlife habitat, coastal habitat, that is worth more than $10 million because of a generous landowner and an aggressive philanthropic campaign. In Montana, the New World Mine Site that this subcommittee struggled through in the last Administration, there are still remaining private interests that the landowners have just stepped forward and offered to sell if there is money this year. If there is not money this year, that opportunity will be lost.

Mr. Chairman and Ranking Member Tiahrt, I think both of you have recently had an opportunity to see the work that we are doing at Maho Bay in the Virgin Islands where the Trust for Public Land, not cavalierly but with a great deal of consternation and nail biting, spent over $30 million to buy that connector between the two disparate halves of the national park there and we will be able, if there is Federal funding available, to turn it over to the Park Service at a fraction of what we paid for it, again through private philanthropy.

There are lots and lots of examples, at Congaree Swamp where we are trying to consolidate habitat and recreation land, working with Mr. Clyburn and other members of the delegation, and maybe protecting the last habitat of the ivory-billed woodpecker. The examples go on and on, in the Cascade Checkerboard in Washington State, in the Carbon River Gateway to Mount Rainier. We have a willing seller who has been willing for years and may be less willing as the years pass.

Mr. DICKS. I think we are going to get to that one this year.

Mr. FRONT. I am hoping, and I am appreciating your commitment to it and you helped in past years. So this is really just a recognition that there is more need, there is an ocean of need and understanding the struggle, the financial struggle, Mr. Chairman, that you mentioned, there is just a small puddle of money, and we are not expecting huge increases but there are meaningful increases that are really necessary in Land and Water.

Similarly, the needs in the Forest Legacy Program are no less present or pressing, from the Katahdin Forest in Maine to the Eden Forest in Vermont to lands in the Catskill Park that Mr. Hinchey is concerned about, to lands in Moore River in New Mexico that Mr. Udall is attentive to, and the needs are again no less severe in those grant programs in the Fish and Wildlife Service.

So we do recognize that there are a host of competing demands and that there will always be a need for us to try to stretch the capacity of the Federal government but what I am here to tell you is that working in the real estate marketplace, there are land-

owners who just are not going to wait anymore. There are opportunities in national parks and in national wildlife refuges. There are opportunities in federally supposed State and local areas that are going to disappear off the plate this year, and when they do, we will be left with scars that just will not heal. So we are appreciating what you do on the Subcommittee and the commitment you have made, what Robert Frost called work for heavens in the future sake. That is what these programs do, and to the extent that we can, we will absolutely help out, but to the extent that you can, we are hoping that you can come up with some meaningful increases for those programs this year.

[Statement of Alan Front follows:]

Testimony of Alan Front
Senior Vice President, The Trust for Public Land
Regarding the Land and Water Conservation Fund, the Forest Legacy Program,
And Land Conservation Grants to States
Before the House Appropriations Subcommittee on Interior, Environment and Related Agencies
April 3, 2008

Chairman Dicks, Ranking Member Tiahrt, and distinguished members of the Subcommittee:

Thank you for this opportunity to appear before you today. My name is Alan Front, Senior Vice President of The Trust for Public Land (TPL), a national nonprofit land conservation organization. I am pleased to offer our views on a number of critical land conservation programs that the Subcommittee will be considering as you draft your Fiscal Year 2009 bill.

We recognize that the Subcommittee will face a variety of big-picture challenges, including a scarcity of dollars, in meeting the broad range of priority needs in the Interior and Environment bill this year. Recognizing as well the longstanding leadership and vision of Chairmen Obey and Dicks – and the effective balance that they, Ranking Member Tiahrt, and other members of the Subcommittee have managed in the past – we remain very hopeful that the FY 2009 bill will provide enhanced funding for conservation programs.

**Land Conservation in America – Our Perspective**

From our nation's threatened national parks, wildlife refuges, and forests to our vital state and local parklands and natural areas, The Trust for Public Land has seen firsthand just how important these programs are. Since 1972, TPL has worked in communities across the country to assist national, state, and local public agencies, private landowners and concerned citizens working to protect our country's heritage of natural, cultural, recreation and other vital resource lands. Our work runs the spectrum of conservation initiatives: creating community gardens to help revitalize urban neighborhoods; preserving working forests with public and private partners; maintaining wildlife corridors and enhancing public recreation opportunities in state parks; and acquiring critical inholdings in the magnificent landscapes that lie within federal boundaries.

In total, TPL has completed more than 3,500 land conservation projects that together have protected some 2.3 million acres in 47 states. Roughly one-third of these special places were conserved either through outright federal acquisition of lands or easements, or through critical federal assistance to state and local governments. Given the importance of non-federal public dollars for conservation, since 1994, TPL has helped states and localities craft and pass over 300 ballot measures, generating almost $25 billion in new conservation-related funding.

In partnership with concerned civic groups, willing seller landowners and public lands agencies, TPL brings practical conservation real estate expertise to help achieve land and resource protection. Given the limited public conservation funding at all levels of government, these transactions often require a creative blending of funding sources. TPL works to leverage limited federal land acquisition dollars, bringing to bear private philanthropic support as well as state and local funding sources to forge workable solutions to complex conservation funding challenges.

But for the remarkable and gratifying efforts of many members of this Committee and other conservation leaders in Congress to maintain funding for land acquisition programs – and in particular to fund specific 'now-or-never' projects – successful land protection simply would not be possible. As we continue that work, and as the Committee drafts its Fiscal Year 2009 bill, TPL respectfully requests that you maintain your commitment to federal land conservation accounts. Specifically, we urge an increase in funding levels for the Land and Water Conservation Fund (LWCF) and the Forest Legacy Program, two key programs that have lost ground in recent years and that the President's Budget woefully underfunds in FY09, and a renewed commitment to land conservation funding through the Cooperative Endangered Species account, the North American Wetlands Conservation Act, and the State and Tribal Wildlife Grants account.

**Land and Water Conservation Fund**

The Subcommittee is of course well aware of the imminent threat to our federal public lands from incompatible development. Each day the news media reports on development encroaching upon our national parks, or subdivisions being built on checkerboard timberlands, contributing to dramatically escalating fire hazard and suppression costs. In our experience, private landowners within or adjoining our federal public lands often are amenable to a conservation solution. Faced with uncertainty about the availability of federal land acquisition dollars, however, they often determine that they cannot afford to pursue that win-win public disposition. The reasonable expectation of federal land acquisition funding is critical to the ability to protect the nation's public lands heritage when these time-sensitive opportunities arise.

For over forty years, LWCF has been the cornerstone that sustains our federal public lands heritage. To preclude the loss of key inholdings, TPL, as part of the broad coalition of national, state and local groups working together as the Land and Water Conservation Task Force, recommends that you fund the annual **federal LWCF program** at **$278 million**, with an additional **$125 million** for the **LWCF state grants**. These figures obviously fall far below LWCF's $900 million annual authorization, but they represent the minimum required to secure crucial inholdings that might otherwise be lost to private sale and development this year.

Among these immediate conservation needs is an historic opportunity to connect the two disjointed halves of Virgin Islands National Park by acquiring 207 acres of historic Estate Maho Bay, a magnificent expanse of white sand beach and forested hillsides. In your great state of Washington, Mr. Chairman, landowners are working with TPL and public agencies to secure the Carbon River Gateway at Mount Rainier National Park, as well as several critical puzzle-piece sections along the Pacific Crest Trail. In New Mexico, the Bureau of Land Management and TPL have joined with local landowners to acquire the sensitive Canyon River Ranch within the La Cienega Area of Critical Environmental Concern. At the four-state Silvio Conte National Wildlife Refuge, continued LWCF funding will protect the fish, wildlife, flora, and rural character of the magnificent Connecticut River Watershed. These are just a few of the many urgent land acquisitions that must be funded this year to stave off incompatible development.

In these and other areas, TPL is proud to join forces with extraordinary partners who dedicate significant resources to protection of the places of their hearts and heritage. In Maine's Rachel Carson National Wildlife Refuge, a coalition of land trusts, public agencies, and advocacy groups is working to protect 110 acres at Timber Point; in FY09 this coalition is requesting $3.5 million in LWCF funds and is raising $3.5 million in private matching funds that will be donated to the federal acquisition effort. Groups including the Association for the

Preservation of Cape Cod are working with us to protect the last large-acreage inholding at that National Seashore, where $2 million in FY09 will complete funding of a key campground property whose public-spirited owner has endured financial hardship for three years while waiting for purchase funds to be assembled. In North Carolina a key tract in the beautiful Roan Highlands along the Appalachian Trail can be protected with just $1.875 million in LWCF funds, to be matched by almost $3 million in private funding and land value, thanks to a partnership that includes a generous landowner, the Appalachian Trail Conservancy, the Southern Appalachian Highlands Coalition and others. In Arizona, TPL and the citizens of the town of Cottonwood are working to protect the 93-acre Packard Ranch, where a $2.6 million LWCF appropriation will preserve the gateway to the Sycamore Canyon Wilderness in the Coconino National Forest.

LWCF's stateside program also faces an array of conservation opportunities and threats in FY09. Since 1965, the stateside program has provided 41,000 grants to states and local communities for park protection and development of recreation facilities. This program reaches deep into communities across our nation, supporting citizen-led efforts to conserve places of local importance, many with TPL's help. In 2006, LWCF stateside funding contributed to the protection of the 225-acre tidal estuarine park on Hawaii's Ka'u Coast. Last year, a stateside LWCF grant helped the Town of Dunstable, MA to protect 149 acres of rolling forestland and an adjoining historic home. Stateside funds also were essential to a conservation easement over 37,000 acres of Maine's famed 100-Mile Wilderness, the northernmost and wildest stretch of the Appalachian Trail. To meet needs such as these as they continue to arise in all 50 states and in U.S. territories, we urge the restoration of funding to this program at the $125 million level.

**Forest Legacy Program**

The U.S. Forest Service Forest Legacy Program has provided extraordinary assistance to states and towns seeking to preserve working forests in their communities. Each Forest Legacy project tells a story of land or resource protection and collaboration among federal, state and local partners. Each also includes significant state, local and/or private matching funds and a long-term commitment to nonfederal management. Since its inception in 1990, the Forest Legacy Program has protected over 1.5 million acres of forestland. Despite this Subcommittee's best efforts, the funding trend for this program is incrementally downward. For FY 2009, 82 conservation projects were submitted (by 41 states and three territories) to the Forest Service; the requests total $202 million in Forest Legacy Program need to protect 400,000 acres of forestlands valued at almost $400 million. Yet the President's budget recommends only $12.5 million for three projects. Our continued inability to meet demand has a long-term impact on the multiple public benefits that derive from forests – clean water, wildlife protection, public access to recreation, economic development and sustainable forestry.

In Fiscal Year 2009, Forest Legacy project requests include checkerboard forestlands in Montana's north Swan Valley that are threatened with conversion to subdivision. Another project will protect almost 20,000 acres of Katahdin Forest adjacent to Maine's Baxter State Park and within the viewshed of the Appalachian Trail, ensuring wildlife habitat protection and access for snowmobilers and other recreationists. A third initiative – Eden Forest – seeks to protect 5,000 acres of prime wildlife and recreation lands that represent the missing puzzle-piece in a 30,000-acre block of conserved land near the Long Trail Corridor in Vermont's Northern Forest. Yet another project will ensure scenic protection and sustainable forestry on 700 acres inside the Catskills Park in New York. To support these and other important FY2009 project needs, I urge your support for this important program at the level of $120 million dollars in FY2009.

**Fish and Wildlife Service – Land Conservation Grant Programs**

We are grateful for the Subcommittee's continuing efforts to support U.S. Fish and Wildlife Service grant programs. While funding has remained relatively stable in recent years, these conservation programs are consistently oversubscribed and unable to meet the overwhelming demand for cooperative grants. Through your continuing leadership and commitment, funding for the **Cooperative Endangered Species Conservation Fund** – leveraged by state and private funds – has protected threatened and endangered species habitat across the nation. Support provided through the Fund's Habitat Conservation Plan (HCP) Land Acquisition grants are allowing for huge gains in habitat consolidation. In Washington State, for instance, these grants were key to the protection of lands along Interstate 90 that provide a wildlife corridor for five federally listed land species and help conserve the Yakima River's bull trout and steelhead populations. Also supported through the Fund, Recovery Land Acquisition grants are fostering resource-saving partnerships and are leveraging considerable non-federal funds. In Arizona, for example, $2.25 million in grants were matched by over $4 million in non-federal funds to allow the State to protect 4,300 acres of the most ecologically significant habitat on the historic Salero Ranch, sparing these sensitive lands from imminent development. We urge your support for funding of this program at the increased level of **$96.2 million** in FY 2009.

Regarding other FWS grant programs, the **North American Wetlands Conservation Act** (NAWCA) provides much-needed matching grants to carry out wetlands conservation, restoration and enhancement projects in the U.S., Canada, and Mexico. Since 1990, over $836 million in grants has leveraged about $1.6 billion in matching funds and $946 million in additional support to protect approximately 23.8 million acres of wetlands and associated uplands. TPL joins our many partners in utilizing these funds for wetlands conservation across the country. We commend your leadership in supporting continued level funding for this program at **$42.6 million**, as included in the President's budget. Finally, we urge you to consider an increase for the **State and Tribal Wildlife Grants Program** to a funding level of **$85 million** in FY2009. This strategic funding program supports grants aimed at preventing wildlife from becoming threatened and endangered through strategic conservation investments in every state and territory.

**For the Future's Sake**

These programs determine the fate of our most treasured public lands. Just as much, they make a real difference in the lives of countless Americans. Whether we walk in a local park, cross-country ski through a national forest, or canoe across a lake or a bayou, our daily lives are healthier and reinvigorated by the public land experiences these programs foster. Those experiences span the generations. A South Carolina middle school student, working with his classmates and teacher to create an outdoor classroom at Congaree National Park, put it this way: "I would like some day to maybe take my grand kids there. I would love to see their faces when they see that beautiful forest."

The Trust for Public Land continues to invest its resources, in concert with the Subcommittee, to protect our nation's natural, cultural and recreational heritage. As ever, we are deeply thankful for the Subcommittee's recognition of the importance of these efforts. We urge you to renew the investment in these programs and stand ready to work with you to accomplish great things. Thank you for help and support, and for your consideration of our requests.

Statement of Alan Front, Senior Vice President, The Trust for Public Land
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116 New Montgomery St., 4th Floor, San Francisco, CA 94105

Mr. DICKS. Thank you for your very eloquent statement. I am not going to go through what I said earlier. We are in a very difficult spot and we are going to do the best we can. Anyone else? Thank you very much.

Mr. FRONT. Thank you, Mr. Chairman.

Mr. DICKS. Jeff Trandahl, executive director of the National Fish and Wildlife Foundation.

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THURSDAY, APRIL 3, 2008.

## NATIONAL FISH AND WILDLIFE FOUNDATION

### WITNESS

**JEFF TRANDAHL**

Mr. TRANDAHL. You know after I retired from here a couple years ago, I went down to take over National Fish and Wildlife Foundation, a foundation created by Congress actually in 1984. The idea of that foundation was to leverage with Federal agencies private dollars to do a lot of the conservation work that currently is the goals and the objectives of the agencies. So traditionally we get Federal seed monies that are directly appropriated monies that we collect no administrative monies on and we turn around and leverage private dollars alongside those and then turn around and put those monies on the ground. We do no lobbying, no litigation, just projects. We are currently involved with over 20 agencies. Today I am here to talk about three particular agencies, which is Fish and Wildlife Service, Forest Service and Bureau of Land Management, and I am proud to tell you later this month we will have a board meeting and at that point we will have approved with $13.9 million of fiscal year 2007 appropriated monies from these three agencies, we will leverage in more than $65 million in addition to it.

Mr. DICKS. Congratulations.

Mr. TRANDAHL. Yes, it is very, very good. It is a good way to get Federal priorities done with both Federal dollars and private partnerships. The fiscal year 2009 request that is before the committee is for $25 million out of those three agencies, $10 million from Fish and Wildlife Service, $3 million for our Washington salmon program, $4 million from the Forest Service and $4 million from BLM. Some of those dollars are included in the President's budget request. We obviously had worked with the agencies to try to get the proposals all the way through their process. Probably the saddest one from our side and the one that we are working with the most is the Bureau of Land Management. There we have had more than a 10-year partnership. We were zeroed out in the President's budget. That is the first time that has happened in more than eight years. So we are trying to work with the agency and hopefully with you to restore some of those monies because that has been a very, very important partnership and the Bureau of Land Management, as we all know, has been under significant pressure to do better conservation on the ground and we have been delivering some very good results for them.

Mr. DICKS. What did you get last year for the BLM?

Mr. TRANDAHL. BLM last year was $2.855 million.

Mr. DICKS. With across the board.

Mr. TRANDAHL. Yes. It has traditionally been three. We have been trying to move up to four. There as well, I think there is great potential in terms of bringing in private dollars to leverage up against any monies we are able to bring on in BLM.

And just separate of those three agencies, know that we do affect everything including Kansas. You know, we run a very significant Chesapeake Bay program. We are very involved up there in Massachusetts as well. The Northwest has been a significant focus and we have run a very successful Chesapeake Bay program with EPA and NRCS for years. We have been trying to replicate that into the Great Lakes, into Puget Sound, into the San Francisco Bay, which are going to be big priorities in the next few years for us.

Any questions I can answer?

[Statement of Jeff Trandahl follows:]

TESTIMONY OF JEFF TRANDAHL, EXECUTIVE DIRECTOR
NATIONAL FISH AND WILDLIFE FOUNDATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES REGARDING
FY 2009 BUDGET FOR THE U.S. FISH AND WILDLIFE SERVICE, BUREAU OF LAND MANAGEMENT AND FOREST SERVICE

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to submit testimony regarding FY 2009 Department of Interior Appropriations and funding for the National Fish and Wildlife Foundation (Foundation). We appreciate the Subcommittee's past support and respectfully request your approval of funding at the following levels:

- $10 million through the U.S. Fish and Wildlife Service's Resource Management General Administration appropriation;
- $3 million through the U.S. Fish and Wildlife Service's Resource Management Endangered Species appropriation to conserve and restore Pacific salmon in Washington State;
- $4 million through the Bureau of Land Management's Management of Lands and Resources appropriation; and
- $4 million through the Forest Service's National Forest System appropriation.

This funding request for FY 2009 is well within the authorized levels and would allow the Foundation to uphold our mission and expand our successful partnerships with the U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and Forest Service (FS). Mr. Chairman, I want to make one very important point: we are asking for your support of well-established conservation programs with national significance. The Foundation is an honest broker for the federal agencies and we have a remarkable track record of bringing private partners together to leverage federal funds and maximize conservation impacts.

Since the Foundation's establishment by Congress in 1984, the Foundation has built strong partnerships with the FWS, BLM and FS by convening cooperative efforts to further the conservation of fish, wildlife and plants. The Foundation continues to excel in grant-making while providing thought leadership, accountability and sustainable conservation outcomes. Our unique ability to organize federal agencies and private partners to work together to achieve mutual conservation goals through on-the-ground and in-the-water grant programs is notable and there is significant potential to advance these efforts in FY 2009 and beyond.

In addition to FWS, BLM and FS, the Foundation works closely with other Department of Interior agencies, the Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration (NOAA), and USDA's Natural Resources Conservation Service (NRCS), among others. On average, every federal dollar is leveraged with three or more matching dollars from the non-federal sector. Therefore, an appropriation of $21 million in FY 2009 would turn into a minimum of $42 million, according to the Foundation's Congressional Charter which requires a minimum of a 1:1 match, and have the potential to turn into $84 million or more for on-the-ground conservation. Funds appropriated by this Subcommittee are exclusively dedicated to grants and are not spent on overhead expenses of the Foundation.

This Subcommittee's funding has been critical to our success in attracting additional funding for conservation through corporate sponsorship, legal settlements, and direct gifts. Through our targeted grants, the Foundation strategically invests the federal funds entrusted to us to achieve measurable success in "moving the needle" on collaborative conservation objectives over the next five to ten-year period.

In FY 2007, the Foundation awarded $12.2 million of our FWS, FS, and BLM appropriations to support 267 projects. FWS, BLM and FS funds were leveraged with $41 million in other Foundation federal funds, corporate contributions, and matching funds. The remaining $1.7 million in appropriated funds will be obligated for our spring 2008 projects. When these projects are approved, the FWS, BLM and FS appropriations of $13.9 million for FY 2007 will have been leveraged into more than $65 million in on-the-ground projects.

**Conserving Fish, Wildlife, Plants and Habitats**

FY 2009 appropriations through FWS, BLM and FS will be focused on mutually agreed upon projects across the country according to our Keystone Initiatives and the objectives of the Foundation's Special Grant Programs, which are specific to a geographic area, group of species, or conservation concern. The Keystone Initiatives represent the new core portfolio of the Foundation's grant making with clearly defined long-term goals, well-articulated strategies, and defined budgets to reach desired outcomes. In 2007 the Foundation continued implementing a new strategic plan and developing targeted Keystone Initiatives, with the goal of achieving sustainable and measurable conservation impacts.

Four Keystone Initiatives were launched by the Foundation in 2007: (1) Birds (2) Wildlife and Habitats (3) Fish and (4) Marine and Coastal Conservation. Each grant approved under a Keystone Initiative will be designed to provide a measurable outcome that brings us one step closer to the final long-term conservation goal of the Initiative. Achieving success through our Keystone Initiatives will also help to fulfill the objectives of the National Fish Habitat Action Plan, North American Waterfowl Management Plan, and Partners in Flight, among others.

With continued support through FWS, BLM, and FS appropriations, the Foundation can accelerate our collaborative efforts to achieve long-term conservation impacts for fish and wildlife through our Keystone Initiatives. Increased funding in FY 2009 will also help to strengthen the Foundation's Special Grant Programs, a few of which are highlighted below:

- **The Washington State Community Salmon Fund** was established in 2000 to award community-based grants to assist rural communities, farmers, ranchers and other private landowners with salmon habitat conservation projects. With continued support from this Subcommittee, the program has expanded to include funding and participation from the Washington Salmon Recovery Funding Board, the Washington Conservation Commission, King County, WA and Pierce County, WA. More than 300 grants have been awarded through the partnership to benefit every major salmon-bearing watershed across Washington. The program helps to implement local salmon recovery projects identified as priorities in federal and state agency approved recovery plans. Projects also provide numerous benefits for other aquatic and riparian wildlife species as well as improved water quality.

- **The Great Lakes Watershed Restoration Fund** is a partnership between FWS, FS, EPA, NOAA and NRCS to promote ecosystem restoration in the Great Lakes watershed. Since 2005, the Foundation has leveraged $1.9 million in federal funds with $3.8 million in partner contributions and matching funds to support 36 projects throughout the watershed. In 2008, the program is anticipated

to award an additional $1.5 million to restore and enhance fish and wildlife habitat in the Great Lakes Basin. In January, the Foundation announced a new corporate partnership with ArcelorMittal, an international steel company, who will provide an additional $2.1 million over the next three years for grants in the watershed and help to implement the habitat objectives of the Great Lakes Regional Collaboration.

- **The International Sea Turtle Conservation Fund** supports projects for the six species of sea turtles found in the Western Hemisphere, all of which are considered endangered or threatened. Since 1998, grants have been awarded for more than 100 projects in over 25 countries, representing a total of $6.2 million in funding from both federal and non-federal sources. Projects focus on key nesting and foraging areas for species survival as well as local capacity building and outreach with fisherman to increase awareness and minimize damage caused by certain fishing techniques to marine turtle populations. This collaborative effort with NOAA and FWS is the leading source of funding for sea turtles in the Western Hemisphere.

Other Special Grant Programs, including Bring Back the Natives, Pulling Together Initiative, Long Island Sound Futures Fund, Delaware Estuary Watershed Grants Program, and Chesapeake Bay Stewardship Fund, continued positive results in 2007 with grantee requests far exceeding available funds. The Foundation strongly supports collaborative efforts that integrate conservation practices on agricultural, ranching, and forestry operations, with the goal of improving the eeological health of working lands. FY 2009 appropriations through FWS, BLM and FS will allow the Foundation to continue our investment in common-sense, innovative, cooperative approaches that directly benefit diverse habitats and a wide range of fish and wildlife species.

**A Tradition of Successful and Accountable Performance**

Since 1984, the Foundation has awarded nearly 9,500 grants to over 3,000 organizations in the United States and abroad and leveraged – with our partners – more than $400 million in federal funds into over $1.3 billion for conservation. NFWF is recognized by Charity Navigator with a 4-star rating for efficiency and effectiveness.

The Foundation has taken important strides to improve our grant review and contracting process to ensure we maximize efficiency while maintaining strict financial and evaluation-based requirements. Interactive tools through our website have improved communication with our stakeholders and helped to streamline our grant-making process. We expect that as of spring 2008, the Foundation will be operating under a paperless application system.

Grant-making through our Keystone Initiatives and Special Grant Programs involves a thorough internal and external review process. Peer reviews involve federal and state agencies, affected industry, non-profit organizations, and academics. Grants are also reviewed by the Foundation's Keystone Initiative staff, as well as evaluation staff, before being recommended to the Board of Directors for approval. In addition, according to our Congressional Charter, the Foundation provides a 30-day notification to the Members of Congress for the congressional district and state in which a grant will be funded, prior to making a funding decision.

Once again, Mr. Chairman, we greatly appreciate your continued support and hope the Subcommittee will approve funding for the Foundation in FY 2009.

Mr. DICKS. Well, no. I just want to say, I have been very impressed. I was somewhat skeptical 10 years ago but since the work that has been done out there, your people are just outstanding. Bill Ruckleshouse, who is head of the shared strategy for recovery of salmon and also now is the chairman of the Puget Sound Partnership Leadership Group and did the Salmon Recovery Fund for the governor, in every context, he has come to me and said, you know, the foundation's work is just first rate and your people do a great job and they are always up there helping on various projects that are important, and they fit a niche that the bigger program simply is unable to address, and the best part of course is the leveraging of private funds. I just think it is a very winning combination and I am glad Congress created the program, and I hope we can recover from these budgets that have been pretty devastating. We can do a better job in support of this because I think it is a good combination and works successfully.

Mr. TRANDAHL. Thank you.

Mr. TIAHRT. Mr. Chairman, I just want to add that I think you said very well how the leveraging is so important, and Jeff has provided great leadership and I hope we can give him some support here. Because of the leveraging, it helps us get more done than we would normally do in other areas. So I am very pleased for his testimony and hope we can help.

Mr. OLVER. Mr. Chairman, may I just——

Mr. DICKS. Yes, Mr. Olver.

Mr. OLVER. You had said you had $13 million last year and with leveraging you were able to do $65 million in work.

Mr. TRANDAHL. I am not sure whether that was $65 million leveraged to add to it. It sounded like it might be a four-to-one match. Is that formally part of the——

Mr. TRANDAHL. Actually, we were able to generate $65 million of private money.

Mr. OLVER. Of private money, so it is actually five to one, virtually five to one, but there is no formal statement of that in these appropriations.

Mr. TRANDAHL. Well, actually, by law when the foundation was first created, there were two provisions that were required. One, for every Federal dollar that we were directly appropriated, we had to raise at least one private dollar in match, and the second was, we do this with no administrative costs. So I also have to raise separately all the administrative expenses to put that money on the ground as well. So every year when I start my fiscal year, I start with a deficit of roughly $2 million to $2.5 million in the red to just pay for putting the Federal money on the ground and then I have to raise the private monies on top of that. It is a very significant challenge but it is a good goal. It is a hard goal, it is a very good goal. And then the other side of it is, we were to work with the agencies and understand what their priorities were, go out and try to identify private sources that would help fund those initiatives, create those partnerships together. We started just as the Fish and Wildlife Service and then we have grown with all the other agencies, and literally now today we are involved with 23 different Federal agencies, and the whole goal there again is to reduce the cost on the Federal side, bring in the private monies that are out there

but also realize that only 2 to 5 percent of all philanthropic money, depending on which survey you look at, goes to environmental work. So it is hard to identify people, and a lot of that goes towards advocacy, not necessarily projects. So just like TPL, we really have to struggle and work hard to get that money.

Mr. OLVER. Thank you very much.

Mr. DICKS. All right. Thank you. Good job, and we appreciate the fact that you are there working on these things.

Terry Dillon, National Utility Contractors Association, welcome.

Mr. DILLON. I also would like to submit for the record, you have our written testimony, and I want to add some pictures that are State by State that will kind of emphasize a little more my verbal testimony today. Pictures speak a thousand words, especially in a business where everything is underground and you guys walk over it every day and do not really think about it.

Mr. DICKS. Go ahead. We are going to give you five minutes, and we will put your statement in the record and you can summarize as you wish.

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THURSDAY, APRIL 3, 2008.

## NATIONAL UTILITY CONTRACTORS ASSOCIATION

### WITNESS

**TERRY DILLON**

Mr. DILLON. Chairman Dicks, Ranking Member Tiahrt and honorable members of the subcommittee, my name is Terry Dillon. I am the owner of Atlas Excavating in West Lafayette, Indiana. We have 150 employees who work on sewer and water construction and highway and road reconstruction projects throughout the State. I am also president of the National Utility Contractors Association, or better known as NUCA. NUCA represents more than 1,750 companies across the Nation that build, repair and maintain underground water, wastewater, gas, electric and telecommunications systems. NUCA also serves as chair of the Clean Water Council, a coalition of 34 national organizations representing underground construction, contractors, design professionals, manufacturers, suppliers, labor representation and others committed to a high quality of life through sound infrastructure.

Utility contractors build and repair America's unglamorous but vital water and wastewater infrastructure, something we depend on, that is walked on and over every day but is out of sight and out of mind until it does not work. It is not a happy day in an American home when the indoor plumbing fails or sewage backs up into their house. When a turn of a knob does not produce water to a faucet or water to the morning shower, living in America does not become so great. I believe one of the greatest assets the United States has is its infrastructure system. It is as important or more important than oil. Dumping of untreated and raw sewage happens over 325 times per day in the United States, which can lead to disease, sickness or even death. It is unsightly, dangerous and it just plain smells bad. Americans have also become accustomed to drinking clean water that does not smell, tastes bad or has debris float-

ing in it. It is just a plain fact that without clean water to drink, you will not live more than a few days.

I am here today with vast knowledge and real-time awareness of how poor shape our infrastructure system is in. Designed and built over 60 years ago with a life expectancy of 50 years, much of our infrastructure is worn out and it is failing. On Monday of this week, I received an early morning call from the city of Columbus, Indiana, which is 60 miles south of Indianapolis. They requested an emergency sewer crew to repair two different sewer breaks at different locations in the city. An old and rotted 24-inch sewer main had broken, causing severe backup. Upon arrival, I found city crews trying to keep up with raw sewage backing up into their lines. The broken sewer line was 20 foot deep and manholes had surcharge and had 18 feet of sewage in them. Sewer crews were barely keeping up with bypass pumping to avoid further sewage spills. However, prior to the bypass pumping, sewage was reported to be 3 feet deep over about an acre area of ground. It was crossing over a local road, filling a local drainage ditch, then was running down through the front yards of people's homes and then it dumped into the local creek. There were millions of gallons of raw sewage on the ground that eventually discharged into that creek. How happy do you suppose the Americans with sewage backed up in their houses and sewage in their yards and running down the creek were for several days? Had this been an oil spill, the media coverage would have made national news. We would have had helicopters flying overhead. We would have been on Fox News, MSNBC. It would have been a very big deal. As of today, it has not even made it to the local papers.

Yet this type of spill happens 118,000 times a year, 118,000 times. This results in 950 billion gallons of raw sewage dumped in our lakes, rivers and streams every year, which supports the contractor's motto, the answer to pollution is delusion. Somebody needs to care. I know that I care, and we need Congress to care also.

Last year the House passed Water Quality Financing Act, H.R. 720, which would authorize $14 billion for the Clean Water SRF over four years. While the Senate has yet to act on its version of a reauthorization bill, immediate resources in fiscal year 2009 appropriations are needed to begin to address what is becoming a crisis situation.

NUCA supports $1.35 billion for EPA Clean Water State Revolving Fund. Not only with these appropriations supply much needed funding sources for infrastructure needs, it also has a direct and indirect impact on our poor economy. One billion dollars invested in infrastructure creates more than 40,000 jobs. These jobs are American jobs who pay taxes and spend their money on goods and products in the United States. Funding construction projects stimulates our growth and the development for the Americans. Americans expect and deserve a high quality of life. You and I are the gatekeepers of our infrastructure system. It is time to take the responsibility head on.

[Statement of Terry Dillon follows:]

*Advancing the water, sewer, gas and telecommunications construction industries*

Written Testimony by

Terry Dillon
President,
National Utility Contractors Association
&
Owner, Atlas Excavating Inc.
(West Lafayette, Indiana)

before the

House Subcommittee on Interior, Environment, and Related Agencies

addressing

Fiscal 2009 Appropriations: Interior and Environment

April 3, 2008

**NATIONAL UTILITY CONTRACTORS ASSOCIATION**

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Chairman Dicks, Ranking Member Tiahrt, and Honorable Members of the Subcommittee, my name is Terry Dillon. I am the owner of Atlas Excavating Inc. in West Lafayette, Indiana. We have 150 employees who work on sewer and water construction and highway and road reconstruction projects throughout the state.

I appreciate the opportunity to participate in this hearing on behalf of the National Utility Contractors Association (NUCA), which supports the inclusion of $1.35 billion for the Environmental Protection Agency's (EPA) Clean Water State Revolving Fund (SRF) program in the FY 2009 Interior/Environment appropriations measure.

NUCA is a family of more than 1,750 companies from across the nation that build, repair and maintain underground water, wastewater, gas, electric, and telecommunications systems. NUCA also serves as chair of the Clean Water Council (CWC), a coalition of some 34 national organizations representing underground construction contractors, design professionals, manufacturers and suppliers, labor representatives and others committed to ensuring a high quality of life through sound environmental infrastructure. These industries work collectively to improve critical underground systems that unquestionably enhance America's quality of life. For your reference, a list of CWC members is attached to this testimony.

**AMERICA'S DECAYING ENVIRONMENTAL INFRASTRUCTURE**

NUCA is grateful the opportunity to appear before the subcommittee to report on the state of America's water and wastewater infrastructure and the financial resources needed to begin addressing the overwhelming needs facing that infrastructure. The association's testimony represents the unique perspective of those who work on our underground infrastructure systems and see firsthand what happens when they fail. What is out of sight and out of mind to most people is clearly visible to NUCA members every day.

In brief, the view from the trenches isn't pretty. We routinely uncover rotting pipes with gaping holes that spill raw sewage into the surrounding ground of residential neighborhoods. This leakage can go undetected for months, even years in some cases. To make matters worse, these conditions are often within yards of waterways where we fish, beaches where we swim, and playgrounds where our children play.

The need for increased funding for water and wastewater infrastructure projects is clear. Existing water and wastewater infrastructure continues to age and the number of incidents of water and sewer system failures continues to rise. Federal capital investment is being sustained, but is grossly inadequate to meet the growing needs. This financial gap will only get worse unless a firm commitment is made and increased federal resources are provided to needy communities. Moreover, the current lack of adequate funding unintentionally widens the investment gap by sending the implicit message that our nation's environmental infrastructure is not a national priority.

Let's look at some statistics.

In 2002, the EPA's *Clean Water and Drinking Water Infrastructure Gap Analysis* forecasted a $534 billion gap between current investment and projected needs over 20 years for water and wastewater infrastructure if federal funding was not increased. To someone like me, who works in the industry, that distressing report forecasted environmental disaster if action wasn't taken... and that was six years ago.

The EPA's 2004 *Clean Watersheds Needs Survey* painted another bleak picture of America's wastewater infrastructure, documenting nationwide needs at $202.5 billion for publicly-owned wastewater collections, treatment facilities and eligible activities to control pollution from storm water and nonpoint sources. It is important to note that this was not a projection over time or dependent on future funding levels. The $202.5 billion reflected documented wastewater needs in 2004.

The American Society of Civil Engineers (ASCE), an active member of the CWC, evaluates the nation's infrastructure and reports on the status of it every few years. For the past several years, America's wastewater infrastructure has been graded a "D minus" in the ASCE's *Report Card for America's Infrastructure*. Clearly, there is a consensus among both government and industry professionals that the state of this infrastructure is quickly going from bad to worse. Meanwhile, the federal resources needed to fix it are plummeting every year.

As representatives of NUCA before me have testified, aging wastewater infrastructure is failing in every state. Each year, sewers back up in basements 400,000 times and municipal sanitary sewers overflow 75,000 times, dumping up to 10 billion gallons of sewage (and with it potentially deadly pathogens) into the nation's streets, waterways, and beaches. Water and sewer systems built generations ago that had projected use periods of 30, 50, and even 100 years are all reaching their useful life concurrently. Scores of American cities are under consent decrees with the EPA to fix their combined sewer overflow problems or face millions of dollars in fines.

Public awareness of the water infrastructure crisis is deplorable. While the media jumps at the chance to cover any oil or other hazardous liquid pipeline spill, even large sewer overflows or other sources of sewer discharges do not make the national news. However, when comparing the amount of hazardous liquid releases with the amount of untreated wastewater that is dumped into America's waters, there really is no comparison.

For example, the Pipeline and Hazardous Materials Safety Administration indicates that the annual average of hazardous liquid pipeline spills is 117 accidents for a release of approximately 57,000 barrels, or about 2,394,000 gallons of hazardous liquid released. Those statistics reflect *all* spills, not just those that have an impact on America's waters. Oil pipeline industry data shows that between 1999 and 2006 there were 485 oil pipeline spills that had at least some water impact. Those numbers pale in comparison with an annual average of 118,000 incidents of combined sewer and sanitary sewer overflows that dump as much of 950 billion gallons of raw sewage into our lakes, rivers and streams.

As troubling as those numbers are, they do not include the substantial amounts of raw sewage that is legally discharged by American municipalities because their facilities cannot sustain the wastewater that must be treated—in large part because of the lack of financial resources to build and rebuild the infrastructure to do the job.

All this, and the concerns seem to be with the oil and other hazardous liquids? We respectfully suggest that such concerns are misplaced. We are knowingly failing to refurbish and install vital water and wastewater infrastructure in a meaningful way that maintains public safety, despite the fact that we have the resources to fix the problem and public opinion on our side. It's time for Congress to act before our water supply is irreversibly contaminated, before sewer moratoriums shut down our communities, and before your constituents' sewer rates go through the roof.

NUCA and the CWC have taken the lead for years in advancing a host of legislative efforts to begin to address the skyrocketing water/wastewater infrastructure needs facing our nation. Our focus in recent

years has been on increasing annual appropriations for the SRF programs and on reauthorizing them at significantly higher funding levels.

Last year, the House passed the Water Quality Financing Act (HR 720), which would authorize $14 billion for the Clean Water SRF over four years. While the Senate has yet to act on its version of a reauthorization bill, immediate resources in FY09 appropriations are needed to begin to address the looming environmental crisis. Traditional annual funding of $1.35 billion for the Clean Water SRF has been significantly cut in recent years, and the program is facing a $555 million appropriation level in FY2009, reflecting more than a 50 percent cut at a time when the nation simply cannot afford it.

**BACKGROUND OF THE SRF FINANCING PROGRAM**

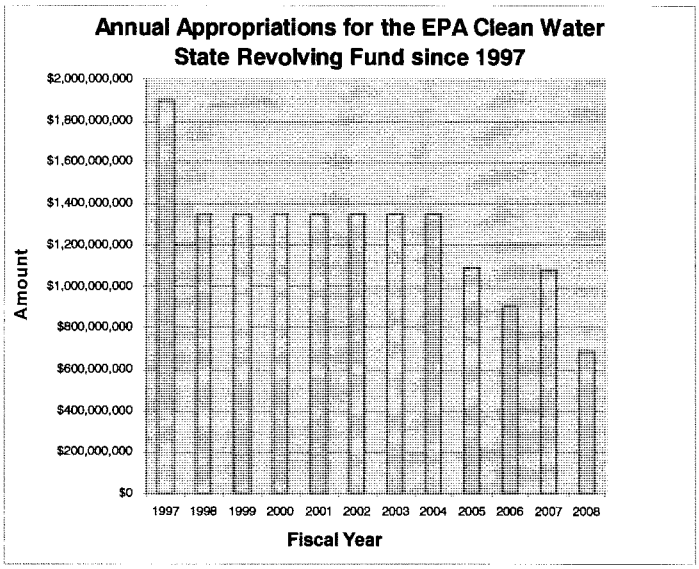
The 1987 amendments to the Clean Water Act (CWA) fundamentally changed the way the federal government provides financial assistance for water pollution control facilities by replacing the construction grants program with the Clean Water State Revolving Fund (SRF) program. Controlled and operated by the states, the SRF program provides loans and other financial assistance for water pollution control projects. The Drinking Water SRF was subsequently implemented for similar projects relating to infrastructure improvements for drinking water systems.

In general, SRF loans work in perpetuity over time, providing necessary resources for public projects that promote public health, protect the environment, create scores of high-paying American jobs, expand the local tax base and enhance our overall quality of life. The revolving nature of the program has made it an extremely successful federal financing program, and has been the primary reason for its continued funding through annual appropriations, despite the fact that SRF authorization expired in 1994. Nationally, interest rates for SRF loans average at approximately 2.5 percent compared with substantially higher market rates, and provide flexible repayment terms up to 20 years.

Revolving fund programs work in perpetuity. The Clean Water SRF, for example, has leveraged approximately $28.3 billion in federal grants into more than $63 billion in revolving loans to communities. These loans are then repaid at low interest and redistributed for other priority wastewater projects within the state. The Drinking Water SRF has provided more than $11 billion to communities for drinking water projects and state and local activities. These projects are needed to maintain compliance with health-based standards, such as installation and replacement of failing treatment and distribution systems. The SRF programs have been hailed as the most successful federally sponsored infrastructure financing program ever.

The Clean Water SRF provides a perpetual source of funding to build and improve wastewater treatment plants; control agricultural, rural, and urban runoff; improve estuaries; control wet weather overflows; and restore Brownfield sites. Recognizing its remarkable success in turning federal capitalization grants into revolving loans, the SRF program is by all accounts an efficient, fiscally sound, and environmentally successful partnership that enhances public health, creates thousands of jobs, and improves the quality of life for communities across America.

Although the Clean Water SRF program originated in 1987, its authorization lapsed in 1994. Congress is to be commended for recognizing the effectiveness of the SRF by continuing to appropriate funding to the program. However, Congress must reverse the harmful direction that annual funding has taken in recent years. When authorization expired in 1994, appropriations were just over $2 billion. That funding level dropped in 1998 to $1.35 billion, where it remained until 2004 when cuts in appropriations began in earnest. At this point, immediate funding increases must be provided to begin to close the funding gap.




The above illustration shows the direction federal funding has taken in recent years. To make matters worse, the Bush Administration's plan for addressing a $202.5 billion problem is to cut the federal resources to address it until 2011, at which time the administration's budget plan proposes to terminate all federal water infrastructure funding. While the current White House has been a major source of the problem, Congress can and must take action to resolve it, and the time is now.

**OVERLOOKED ECONOMIC BENEFITS OF INFRASTRUCTURE REHABILITATION PROJECTS**

Although SRF projects are recognized for their success in enhancing public health and environmental protection, the *economic* benefits that result from this work is often overlooked. Clean water projects help maintain a strong economic foundation by creating jobs, expanding the local tax base and ensuring that safe, clean lakes, streams and shorelines will be available for our children, grandchildren and generations to come.

Clean water goes hand-in-hand with a healthy economy. According to the American Public Works Association, more than 40,000 jobs are created with every $1 billion invested in funding for this infrastructure. These are quality, high-paying jobs in both the short and long term. Importantly, the job creation and increased economic activity that comes with it enhances local economies and opportunities for disadvantaged communities to revitalize and empower themselves.

It is important to highlight three important types of economic impacts that are associated with water and wastewater infrastructure projects. There are:

- direct impacts through job creation and the purchase of materials and supplies related to the operation of the project;

- indirect impacts through jobs and the purchase of materials and supplies by vendors indirectly related to the operation of the project; and

- induced impacts, which are supported by the spending and re-spending of the income earned by workers. (Induced economic impact is often referred to as the "multiplier effect.")

Another essential point is that the jobs offered in this industry are good, high-paying jobs that are provided right here in America. These are not jobs that can be shipped overseas.

One need look no further than the stakeholders represented in the Clean Water Council to see the direct and indirect jobs that are created with SRF funding. Contractors and subcontractors, engineers, suppliers and manufacturers, as well as countless construction laborers, all benefit from work that impacts virtually all sectors of our society. And, the economic benefits resulting from these projects don't stop with the construction industry. Clean water enhances individual productivity through reduced sickness and missed work opportunities, as well as increases community productivity through the influx of new residents and businesses resulting from revitalized neighborhoods.

In times of economic difficulty, the funding of construction projects provides effective ways to stimulate growth and development. Economic benefits ripple through local economies from manufacturers to distributors to construction laborers. Infrastructure spending is a sound federal investment.

**CONCLUSION**

Insightful lawmakers have referred to utility contractors as "true environmentalists" because we are the ones getting our boots dirty installing and repairing the infrastructure that helps make our lakes and rivers safe for public use. And while I understand that your committee is under tremendous pressure to keep federal spending in check, I urge you to boost the federal capitalization of this program for the reasons I have described above.

As bad as the water infrastructure problems are across America, this subcommittee is uniquely positioned to make a change for the better. The fate of America's water quality is in your hands. The successful Clean Water SRF program plays a key role in enhancing public health and safety, protecting the environment, and maintaining a strong economic base. When considering the "big picture," it protects the overall quality of life. Whether preparing a meal, taking a shower, or simply taking a drink of water on a hot day, all Americans benefit from the SRF.

There is no shortage of opinions regarding what long-term solutions should be evaluated to address the staggering needs facing our environmental infrastructure. NUCA believes that any and all viable funding sources should be on the table for consideration. However, the first order of business should be to up the federal ante in terms of SRF appropriations.

Thank you for the opportunity to submit testimony for the record.

Mr. DICKS. Well, let me ask you this. The Administration says that we do not need any more money, that there is enough money out to the State Revolving Funds so that they can revolve and they get the money back and it goes back into the fund. I mean, they have testified up here repeatedly that they do not need additional funds. What is the answer to that?

Mr. DILLON. Well, my best example would be the city of Indianapolis is mandated to spend $2 billion to bring their system up to snuff over the next 20 years. When I was in the city of Columbus this week, the complaint within the city was that all the SRF money allotted for Indiana, which is only $20 million to cover a $2 billion project, the city of Columbus has no money that they can go get to help with their sewer needs within their own city.

Mr. DICKS. They cannot borrow from the State. The State has the revolving fund.

Mr. DILLON. Right, but the money is gone. Indianapolis has taken almost all of it and Indianapolis does not have near enough money to even do what they are planning on doing. Even if you took the $20 million that we get and you multiplied that out over the 20 years to do $2 billion worth of work, it is only $400 million of money, and that is just the city of Indianapolis. So in the case of Columbus, they have $5 million in a reserve fund in their sewer infrastructure system that they cannot spend, but my understanding is that they are going to go leverage that somehow and get the money to get some upgrading on some of the sewer breaks and decaying system that they have.

Mr. DICKS. Well, we are very sympathetic about what you are talking about. It is just that the Administration has cut these budgets and put us in a very difficult spot. Where do we get the money when the budget for this year is $1 billion below last year's level? And then the President threatens us with a veto if we put a nickel more than he requested and he has support up here on that position, which I think is not good either. But we are in a tough spot.

Mr. DILLON. I would agree, you are in a tough spot, but I heard you guys talking earlier about how great it is to run through the park and how pretty it is, and the only thing I can tell you is, I guess when the President runs through there one day and there is raw sewage running across the grounds and he has to tramp through it, maybe he is going to wake up. This country is absolutely falling apart.

Mr. DICKS. It may be a little too late for this round, but maybe the next one.

Mr. DILLON. Okay, maybe the next one. I will be more than happy to drive him around and show him exactly what he needs to see.

Mr. TIAHRT. You know, we have been talking about larger communities but small communities are facing challenges just like this as well, and part of the problem is that we keep presenting new standards that are more and more difficult to achieve, and we cannot meet our basic infrastructure needs. I know in some cases in Kansas, we just complete a waste treatment facility and new EPA standards are released that already put it out of date. So we have to have I think a little more commonsense approach in some of the

things on our new construction so we can take care of the old infrastructure that is failing, and it is startling to have raw sewage pumping. It is not acceptable.

Mr. DILLON. I would agree. You know, when I first got into this business, I am just a guy trying to make a living and survive, and 28 years later, I mean, I am sitting here today because I truly believe that I am one of the gatekeepers of this infrastructure in this country. It is the greatest asset we have. It is why this country is so great. And I every day see sewage. I will tell you right now, when it rains, sewage is going down a river somewhere, every time it rains.

Mr. DICKS. Right, storm water in the Puget Sound or in the Chesapeake Bay or in the Great Lakes.

Mr. DILLON. Absolutely, and you know, it washes down the banks and usually where a sewage overflow is, it is hidden by trees and nobody can see it but I am telling you, you go take a boat when you walk down that bank and you see sewage debris between toilet paper and condoms and the things we do not really talk about that are just laying there on the bank. It scares you to death, much less to think about the disease and hazardous things that are in the water anyway.

Mr. DICKS. Thank you very much.

Mr. Olver.

Mr. OLVER. In your example, the one that you went through in some detail, you spoke about rotting pipe.

Mr. DILLON. Yes.

Mr. OLVER. Did you mean you were using wooden pipes?

Mr. DILLON. No, this was concrete pipe.

Mr. OLVER. In my area, I have older communities that still have either oak or chestnut. Do you know how long the chestnut has been there?

Mr. DILLON. And I dig on plenty of the wooden water lines and sewers up like that.

Mr. DICKS. We have them out in the State of Washington too.

Mr. DILLON. And, you know, while I gave you an example of 950 billion gallons of raw sewage that is dumped into rivers, there is no account. Nobody can guess how much is just going into the ground because of bad old wood pipes. I mean, basically if you think about it, you got a sewage system that was designed 60 years ago and there was never a program to keep it maintenanced so it is time to pay the piper because it is absolutely falling apart. My most scary one of these has been a sewer break that happened through a playground, and when I got to the sewage spill, there were two kids 100 feet away playing on a swing set and it was over a 42-inch concrete pipe that was running 15 million gallons of sewage down it. I mean, it was so fast, if one of those kids would have slipped in there, his next stop in about 15 minutes at about 5 miles would have been the grinder pumps at the treatment plant. I mean, we have a serious, serious problem and a lot of it is from the old, decaying systems that have just not been repaired.

Mr. DICKS. Well, thank you for your testimony. Again, the EPA comes up here and swears up and down that they do not need any more money, that there is enough money out there to go into the State revolving funds and they will revolve, the money will come

back in, there is money for everybody. I mean, you might want to take some time and go over there and explain to them the realities.

Mr. DILLON. My next stop, Chairman.

Mr. DICKS. Thank you.

Tracey Hunter, assistant executive director of Evergreen Rural Water of Washington State. Welcome, Tracey.

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THURSDAY, APRIL 3, 2008.

## EVERGREEN RURAL WATER OF WASHINGTON

### WITNESS

**TRACEY HUNTER**

Ms. HUNTER. Mr. Chairman, thank you for the opportunity to testify before you and your committee today. I am here representing the more than 700 small and rural water systems in our association and the more than 4,000 water systems in Washington State. I am here to speak to you about the training and technical assistance available to the over 50,000 small and rural water systems in the United States through the EPA training and technical assistance source water and groundwater protection programs administered by the National Rural Water Association.

Thirty years ago, the Congress determined that compliance with the Safe Drinking Water Act would be almost impossible in our rural areas without on-site hands-on assistance to guide the many part-time operators, local water system board members and local elected officials and the increasingly difficult regulatory requirements set forth in the new law. The Congress set-aside specific funding within the EPA budget to assure that this in-the-field help would be there consistently every year and has funded the program in this same manner each year since. This need continues with over 31,000 in-the-field visits being made last year, resulting in a compliance rate for small systems that is comparable to that of the more sophisticated larger systems.

This program works because it is operated by the water systems themselves in each State. The Dear Colleague letters in support of this funding received each year by this committee show the broad-based support of these programs. These letters, with the support of your colleagues, indicate the depth and breadth of the effectiveness of the program throughout this country. The groundwater/source water protection program is often the only specific watershed protection effort going on in your communities. In our report to Congress, we provide the specific systems visited, over 27,000 last year, and water protection plans completed in every State in the country. There is no other program funded by the government, much less the EPA, that can provide you this type of public health and environmental protection success and accountability.

These programs often create unique partnerships between State agencies and State rural water associations, providing each with the expertise they would otherwise be without. A recent example of that in my home State of Washington came during devastating floods that we experienced last December. At a recently completed annual conference, the opening session speaker, Washington State

Drinking Water Director Denise Clifford, talked about how important partnerships are and how effective they can be during a crisis. She went on to thank Evergreen Rural Water of Washington for the on-the-ground assistance provided by our Circuit Riders in re-establishing potable drinking water to systems that had been affected by the floods.

Mr. Chairman, our request is straightforward and simple. We are asking that you continue the program as a specific Congressional set-aside in the EPA budget and at a level of $16.8 million. That will allow for at least three full-time field people working onsite in systems in your Congressional districts and each State. Without the assurance of the Congressionally directed funding for this program, the small system technical assistance and training programs will sink into the bureaucracy with little or no guidance from the small and rural water systems themselves.

There are no other programs within EPA or funded by EPA that have the support of the overwhelming number or rural and small systems in your States that this program receives. We urge you to keep the existing program in place as our rural areas go through the increasing pressure to meet new and expanding Federal drinking water standards.

[Statement of Tracey Hunter follows:]

# WRITTEN TESTIMONY OF MS. TRACEY HUNTER TO THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES ON BEHALF OF EVERGREEN RURAL WATER ASSOCIATION

P.O. BOX 2300, SHELTON, WA 98584
800-272-5981

APRIL 3, 2008

Mr. Chairman, thank you for the opportunity to testify before you and your Committee today. My name is Tracey Hunter and I am the Assistant Executive Director of the Evergreen Rural Water Association. I am here representing the more than 700 small and rural water systems in our association and the more than 4000 water systems in Washington State. I am here to speak to you about the training and technical assistance available to the over 50,000 small and rural water systems in the U.S. through the EPA training and technical assistance, source water and groundwater protection programs administered by the National Rural Water Association.

Thirty years ago, the Congress determined that compliance with the Safe Drinking Water Act would be almost impossible in our rural areas without on-site hands-on assistance to guide the many part-time operators, local water system Board Members and local elected officials in the increasingly difficult regulatory requirements set forth in the new law. The Congress set aside specific funding within the EPA budget to assure that this in-the-field help would be there consistently every year and has funded the program in this same manner each year since. This need continues with over 31,000 in-the-field visits being made last year resulting in a compliance rate for small systems that is comparable to that of the more sophisticated larger systems. Each Member of this Committee has been provided, by your own state rural water associations, with a list of the water systems and the type of on-site assistance carried out within your Congressional District.

This program works because it is operated by the water systems themselves in each state. It is fully accountable to you and your staffs and does not depend on any governmental bureaucracy or educational institution to create programs that often miss the smallest and most vulnerable of your systems. The Dear Colleague letters in support of this funding received each year by this

committee show the broad-based support of these programs. These letters, with the support of your colleagues, indicate the depth and breadth of the effectiveness of the program throughout this country. The groundwater/source water protection program is often the only specific watershed protection effort going on in your communities. In our Report to Congress, we provide the specific systems visited (over 27,000 last year) and water protection plans completed in every state in the country. There is no other program funded by the government, much less EPA, that can provide you this type of public health and environmental protection success and accountability.

These programs often create unique partnerships between state agencies and state rural water associations, providing each with expertise they would otherwise be without. A recent example of that in my home state of Washington came during devastating floods that we experienced last December. At our recently completed Annual Conference, the Opening Session speaker, the Washington State Drinking Water Director Denise Clifford, talked about how important partnerships are and how effective they can be during a crisis. She went on to thank Evergreen Rural Water of Washington for the on-the-ground assistance provided by our Circuit Riders in re-establishing potable drinking water to systems that had been affected by the floods.

We received a letter from the Mayor of Pe Ell, Washington thanking us for our help and support during the flooding. Mayor Nichols stated that the flooding destroyed both their main and backup water supplies. The Mayor discussed the severe damage done to water lines servicing homes in the community along the Chehalis River. With the help of the Evergreen Rural Water, that water line was replaced and water service was restored to those families within three days.

Mr. Chairman, our request is straightforward and simple. We are asking that you continue the program as a specific Congressional set aside in the EPA budget and at a level of $16.8 million that will allow for at least three full-time field people working on-site in systems in your Congressional Districts and each state. Without the assurance of the Congressionally-directed funding for this program, the small system technical assistance and training programs will sink into the bureaucracy with little or no guidance from the small and rural water systems themselves.

There are no other programs within EPA, or funded by EPA, that have the support of the overwhelming number or rural and small systems in your states that this program receives. We urge you to keep the existing program in place as our rural areas go through the increasing pressure to meet new and expanding federal drinking water standards.

Thank you for your attention and consideration.

Mr. DICKS. What was in the budget for 2008?

Ms. HUNTER. I think we got seven.

Mr. DICKS. See, I want to make a point here to my colleagues and the people here. This is a Congressional directed funding project and these are being criticized by a lot of people, but as suggested here, there are no EPA programs to fund this, and if it was not for this particular amendment that has been added by Members of Congress for many years, these rural systems simply would not be funded except by the local level. Is that not correct?

Ms. HUNTER. Correct.

Mr. DICKS. And try as we have, and we have had meetings, brought the people over from EPA again and asked them to put money in the budget for this, it just does not happen. So we appreciate your being here today and your testimony, and the support you have in the House is—I hear from a lot of Members about this and they are concerned. They care about this particular program.

Mr. Tiahrt.

Mr. TIAHRT. Thank you, Mr. Chairman.

I think that a lot of us care about this program because we see the need in rural areas, and again I want to emphasize that we keep releasing higher and higher standards out of EPA with no funding for these new mandated goals we have to achieve as far as water quality, and I do not know about the science behind it but I do know it puts pressure on communities to upgrade their systems with no apparent benefit to the people that receive the water. It is very costly, and the only way we can try and keep up is through member-directed funding because local communities cannot fund it. We have a lot of requests in Kansas. I met with our folks that supply rural water to their rural water districts and it is a real challenge. So I think if we look at the total cost of these infrastructure costs in the United States, it is very expensive and we cannot rely solely on member-directed initiatives. We are going to have to have some additional help somewhere, and I think——

Mr. DICKS. Has there ever been an attempt to try to get a program authorized by Congress for this particular——

Ms. HUNTER. It is authorized.

Mr. TIAHRT. It was just never funded adequately.

Mr. DICKS. Can you show us the authorization? We would like to see the authorization.

Ms. HUNTER. We will get that for you.

Mr. TIAHRT. I think the point I would like to make is that we inflict some of this cost on ourselves because EPA continues to press standards that I do not think are justified by science as far as the cost that is incurred to the benefits received.

Mr. DICKS. Well, that may be debated in other forums.

Mr. Olver, do you have anything?

Mr. OLVER. No.

Mr. DICKS. Thank you.

Ms. HUNTER. Thank you. Thank you for your support.

Mr. DICKS. We appreciate you coming in.

Kyle Hoagland, President, Nebraska Water Resources Center.

THURSDAY, APRIL 3, 2008.

## NEBRASKA WATER RESOURCES CENTER

### WITNESS

**KYLE HOAGLAND**

Mr. HOAGLAND. I would like to start on a personal note, if I could. I was diagnosed about 18 months ago with Parkinson's disease. I bring that up for two reasons. Number one, National Parkinson's Awareness Month is April, and secondly, because it may affect my ability to speak, so bear with me.

Mr. DICKS. No, we will. We appreciate that, and we hope that your medical treatments are successful.

Mr. HOAGLAND. Mr. Chairman, thank you for this opportunity to testify in support of funding for programs authorized under provisions of the Water Resources Research Act. The Act authorizes a program of grants to States for water resources research institutes and for research focused on water problems of a regional or interstate nature through fiscal year 2011.

Through your ongoing support, you have recognized the importance of university cooperation with local, State and Federal government agencies to produce new knowledge and to ensure the education and training of professionals who design and manage our water systems, both now and in the future.

The National Institutes for Water Resources respectfully recommends an appropriation of $8.8 million in the fiscal year 2009 USGS budget for the Water Resources Research Act Program.

In 2001 and 2004, two seminal National Research Council Reports thoroughly examined the urgency and complexity of water resource issues facing the United States, and many of these have been talked about today already. Among others, several water resources challenges were cited as motivation for these studies. First, there is abundant evidence that the condition of water resources in many parts of the United States is deteriorating, both quality and quantity. In some regions of the country, the availability of sufficient water to service growing domestic uses is in doubt, as is the future sufficiency of water for agriculture and domestic uses is increasingly depleted. The frequency and magnitude of damages attributable to droughts and floods are increasing, providing evidence of increasing vulnerability to extreme climate and weather events.

There are many critical areas where knowledge and information need improvement for better water resource management. Cited NRC reports developed a comprehensive list of 43 areas needing further scientific inquiry. A few of these examples are improving existing supply enhancing technologies such as wastewater treatment, desalinization and groundwater banking, understand the impact of land use changes and best management practices on pollutant loading to waters, ecosystem services and biodiversity, understand and predict the frequency and cause of severe weather—floods and droughts—and in particular, understand global change and the associated hydrologic impacts, and finally, develop adaptive management as a better approach to water resources management.

Why should the Federal government lay the funding cornerstone for water research? In the first place, water resources are defined by physical geography and not by State boundaries. The vast majority of water problems are of regional or national character. Even those of limited scope are usually very similar in most States. Hence, research funding at the Federal level, with results transferred nationwide, is the only truly comprehensive and effective approach in dealing with these water resources issues. Second, water research epitomizes the economic concept of a public good. As such, State and local governments and private entities cannot produce as much of it as is justified by the overall value of the results.

The 54 water institutes are particularly well situated to contribute to the priority setting and research coordination processes. Institutes are based in land grant institutions like the University of Nebraska and have direct access to expertise in many disciplines of water resources. As part of their legislative charge, they provide independent, objective and scientifically credible communication of research needs and results from States and localities to Federal agencies and to stakeholders. So we are that link between the Federal government, State government and local stakeholders.

The water research institutes are uniquely positioned to address the interdisciplinary challenges and sustaining the reliability of water supplies in the face of new challenges and uncertainties. For more than 40 years, the institutes have conducted applied research that links science to innovative and cost-effective policies to increase the preparedness of water supply systems to withstand hazards.

The grants that support this water research as well as information transfer and training of research scientists and engineers must be matched by legislative mandate with non-Federal dollars two to one. Thus, the Federal appropriation results in a larger pool of research funding. In Nebraska, for example, the Federal dollars are matched with State dollars allocated to the university. The combination of State and Federal dollars further generates additional funding. This Federal/State/university effort would most likely not exist without the modest seed funding from the Water Resources Research Act. Indeed, approximately one-third of all water institutes would disappear within a year if this funding is not restored.

A second component of the Act provides competitive Federal grants focusing on regional and interstate water resources problems beyond those affecting a single State and must be matched on a dollar-for-dollar basis.

We believe the activities authorized under provision of the Water Resources Research Act are relevant to today's need, are of high quality, are efficiently managed and meet the needs of the Nation.

In 2007, the Institutes supported more than 1,000 student researchers at an average cost of less than $10,000 each. By comparison, student stipends funded by the National Science Foundation average more than $20,000 per student.

The President's budget recommends the water institution program for elimination in fiscal year 2009 as has typically been the case in the past. This would seem to contradict the objectives of the water initiatives set forth in the President's budget request and the objectives outlined in the OSTP publication, "A Strategy for Fed-

eral Science and Technology to Support Water Availability and Quality in the United States."

Mr. DICKS. Well, you know, they take this out every year and we put it back in.

Mr. HOAGLAND. One final thing. The investments the subcommittee makes in the USGS and its programs underpin responsible natural resource stewardship and contribute to the long-term health, security and prosperity of the Nation. Together, the Survey and the water resources institutes meet important public needs and are a reasonable priority within a reasonable appropriations bill.

[Statement of Kyle Hoagland follows:]

**Appropriations Subcommittee on Interior, Environment and Related Agencies Funding Recommendation for FY 2009 Submitted by Professor Kyle Hoagland, President, National Institutes for Water Resources and Director, Nebraska Water Center, University of Nebraska – Lincoln, April 3, 2009**

Mr. Chairman, thank you for this opportunity to testify in support for funding for programs authorized under provisions of the Water Resources Research Act, which Congress unanimously enacted into Public Law 109-471. The Act authorizes a program of grants to states for water resources research institutes and for research focused on water problems of a regional or interstate nature through FY 2011.

Through your ongoing support you have recognized the importance of university cooperation with local, state and federal government agencies to produce new knowledge, and to ensure the education and training of the professionals who design and manage our water systems, both now and in the future.

The National Institutes for Water Resources respectfully recommends an appropriation of $8,800,000 in the FY 2009 USGS budget for the Water Resources Research Act Program. These funds will be allocated as follows:

- $7,000,000 in base grants for the water institutes, as authorized by Section 104(b) of the Act, for competitive research seed grants and outreach efforts;
- $1,500,000 to support activities authorized by section 104(g) of the Act, the national competitive grants program; and
- $300,000 for USGS program administration.

In 2001 and 2004 two seminal National Research Council Reports ("Envisioning the Agenda for Water Resources Research in the Twenty-First Century" and "Confronting the Nation's Water Problems: The Role of Research") thoroughly examined the urgency and complexity of water resources issues facing the US. Among others, the following water resources challenges were cited as motivation for these studies:

- There is abundant evidence that the condition of water resources in many parts of the US and the world is deteriorating;
- Our institutions appear to have limited capacity to manage water-based habitats to maintain and improve species diversity and provide ecosystem services, while concurrently supplying human needs;
- In some regions of the country, the availability of sufficient water to service growing domestic uses is in doubt, as is the future sufficiency of water to support agriculture in an increasingly competitive and globalizing agricultural economy;

- Demands for water resources to support population and economic growth continue to increase, although water supplies to support this growth are fixed and already fully allocated in most areas;
- Renewal and repair of the aging water supply infrastructure will require time and hundreds of billions of dollars;
- The frequency and magnitude of damages attributable to droughts and floods are increasing, providing evidence of increasing vulnerability to extreme climate and weather events;
- The threat of waterborne disease is constantly present, as exemplified by recent outbreaks of cryptosporidium, as well as chronic exposure to agricultural contaminants such as nitrates and pesticides

There are many critical areas where knowledge and information need improvement for better water resources management. The cited NRC reports developed a comprehensive list of 43 areas needing further scientific inquiry. Selected (unranked) examples are:

- Improve existing supply enhancing technologies such as wastewater treatment, desalinization, and groundwater banking;
- Understand the impact of land use changes and best management practices on pollutant loading to waters, ecosystem services, and biodiversity;
- Understand regional and national hydrologic measurement needs and develop a program that will provide these measurements;
- Understand and predict the frequency and cause of severe weather (floods and droughts);
- Understand global change and the associated hydrologic impacts;
- In all sectors develop more efficient water use strategies and optimize the economic return for the water used;
- Develop legal regimes that promote groundwater management and conjunctive use of surface water and groundwater;
- Develop adaptive management as a better approach to water resources management;
- Understand the role of the private sector in achieving efficient water and wastewater services; and
- Develop different processes for obtaining stakeholder input in forming water policies and plans.

These areas are examples of the need to improve our current understanding on the interdependence of water quantity and quality; the balance between human and ecological water uses; and the legal, institutional, and social factors that contribute to sustainable water resources management.

Why should the Federal government lay the funding cornerstone for water research? In the first place, water resources are defined by physical geography and not by state boundaries. The vast majority of water problems are of regional or national character. Even those of limited scope are usually very similar between states. Hence research funding at the Federal level, with results transferred nationwide, is the only truly comprehensive and efficient approach. In the second place, water research epitomizes the economic concept of a *public good*. As such, state and local governments and private entities cannot produce as much of it as is justified by the overall value of the results.

For several reasons, the 54 water institutes are particularly well-situated to contribute to the priority-setting and research coordination processes. Institutes are based in land grant universities and have direct access to expertise in the many disciplines of water resources, and their manifestations in each

state. They operate competitive research programs that are organized through a single computerized research management system. As part of their legislative charge, they provide independent, objective and scientifically-credible communication of research needs and results from states and localities to Federal agencies, and outward to users of research results. There is no comparable avenue for this multidirectional communication. Each institute relies on technical advisory committees with representation from virtually all state and regional government agencies, private and public water managers, consultants and non-governmental organizations within the state. The institutes have a long history of systematically gathering information about emerging issues and identifying research priorities accordingly.

The water research institutes are uniquely positioned to address the interdisciplinary challenges of sustaining the reliability of water supplies in the face of new challenges and uncertainties. For more than 40 years, the Institutes have conducted applied research that links science to innovative and cost-effective policies to increase the preparedness of water supply systems to withstand hazards.

In administering the Water Resources Research Act program the USGS, distributes appropriated funds equally among the institutes. The institutes, in turn, award research funds through a competitive, peer review process. Each institute maintains one or more advisory panels comprised of local, state, and federal water officials, representatives from water user groups, and other interested parties. Annually, these groups develop research priorities for their states and review the allocation of funds among various competing projects. In this way, each institute is able to focus grants on the most pressing water problems and issues affecting their state.

The grants that support this water resources research, as well as information transfer and the training of research scientists, engineers and technicians must be matched with two non-federal dollars for each federal dollar. Thus, the federal appropriation results in a larger pool of research funding. In Nebraska, for example, the federal dollars are matched with state dollars allocated to the University System to address water resources issues. These federal dollars in turn attract additional funding from a variety of sources, such as the Nebraska Department of Environmental Quality. This federal/state/university effort would most likely not exist without the modest seed funding from the Water Resources Research Act, indeed approximately one-third of all water institutes would disappear within a year if this funding is not restored.

A second component of the Act provides competitive federal grants focusing on regional and interstate water resources problems beyond those affecting a single state and must be matched on a dollar-for-dollar basis. By continuing and enhancing these collaborative efforts, the Institutes can better address critical issues on long-term water planning and supply that may exceed the resources of any one state.

We believe the activities authorized under provision of the Water Resources Research Act are **relevant** to today's needs, are of **high quality**, are efficiently managed, and **meet the needs of the nation.**

***Relevance:*** Congress was quite deliberate in originally directing the establishment of water institutes at land grant universities. These are the schools that specialize in identifying problems within their states, developing solutions, and conducting technology transfer. The institutes' research and outreach are further tuned to state needs, because the institutes are required by the Act to consult with panels of external advisors representing the water interests in their states. Regional and national

priorities are addressed when the institutes collaborate on larger projects. Examples of past and present activities at different scales include:

- Assessment of seasonal, pumping-induced water quality changes in the Ozark Plateaus Aquifer System, Southeast Kansas and Southwest Missouri;
- Groundwater study of the Spokane Valley-Rathdrum Prairie Aquifer; and
- Investigations of the causes of changes in groundwater recharge rates in southeast Wisconsin.

Institute-sponsored research is not limited to the natural sciences; in recent years several national research projects have concerned the economics and sociology of water management.

***Quality:*** In both the state and national research programs, projects are selected for funding on a competitive basis, relying on the reviews of peer scientists, economists or engineers. The performance of each institute is evaluated every five years by an independent, USGS-appointed panel. The most recent USGS evaluation report (2004) stated "The vast majority of institutes are strong and thriving and a significant subset is very strong and distinguished *...the institute program, with its federal-state matching requirement, is an important and significant part of the nation's water resources research infrastructure.*"

***Efficiency:*** The water institutes must match each federal dollar from their base grants with two non-federal dollars. *This is the highest match requirement of any federal research program.* The national competitive grants program requires a 1:1 match. The overall leveraging ratio for all of the institutes, counting funding from all sources, is more than 16:1. In 2007 the institutes supported more than 1000 student researchers, at an average cost of less than $10,000 each. By comparison, student stipends funded by the National Science Foundation average more than $20,000 per year.

***Need:*** The President's budget recommends the water institute program for elimination in FY 2009. This would to seem to contradict the objectives of the water initiatives set forth in the President's budget request and the objectives outlined in the Office of Science and Technology Policy's publication "A Strategy for Federal Science and Technology to Support Water Availability and Quality in the United States."

It is the Congressional designation as a focal point of water investigation and outreach as well as the ongoing federal support, that enable the institutes to exist and to augment their base grants from other funding sources. It is very likely that 30% of the institutes would cease to exist without the federal base grant. Others would greatly curtail their activities. In many states, it is doubtful that the university system would be such a strong contributor to the water resources knowledge base without this "seed money" provided by Congress.

The investments the Subcommittee makes in the USGS and its programs underpin responsible natural resource stewardship and contribute to the long-term health, security and prosperity of the nation. Together, the Survey and the water resources research institutes meet important public needs and are a reasonable priority within a responsible appropriations bill. We urge you to provide $8,800,000 for the Water Resources Research Act program.

I thank you for your past support, and hope that the institutes have earned your continued confidence.

Mr. DICKS. We appreciate you coming in, we agree with you, and we will do the best we can with the budgetary circumstances.

Mr. TIAHRT. Mr. Chairman.

Mr. DICKS. Yes, Mr. Tiahrt.

Mr. TIAHRT. With the research that similar funding has provided, we were able to move forward with new ideas in recharging Equus Beds in Kansas, and one of the problems we are having is that there is saltwater down there in the aquifer, and by knowing where the saltwater is, we can force water down, hold it back and keep freshwater available for our cities and municipalities, so I think your research has been very helpful, at least in Kansas.

Mr. DICKS. Thank you very much.

Mr. Olver.

Mr. OLVER. A quick comment. If you look at this budget closely, there are hundreds of places where the public/private partnerships would bring in a substantial amount of money in match for what is relatively small Federal involvement. The Administration has proposed to cut those down or eliminate them. That happens time and time and time again. That is one of the features in this year's budget.

Mr. DICKS. Thank you very much.

Mr. HOAGLAND. Thank you.

Mr. DICKS. This part of the hearing will be adjourned.

The following statements were provided for the record by witnesses who did not present oral testimony at the public witness hearing:

Written Statement of
Theatre Communications Group
Submitted March 12, 2008 to
The House Interior Appropriations Subcommittee
On the Importance of Increased Federal Funding for the National Endowment for the Arts (NEA)

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Mr. Chairman and distinguished members of the subcommittee, Theatre Communications Group - the national service organization for the American theatre - is grateful for this opportunity to submit testimony on behalf of our 467 not-for-profit member theatres across the country and the 30.5 million audience members that the theatre community serves. **We urge you to support an increased appropriation of $176 million for the National Endowment for the Arts.**

Indeed, the entire not-for-profit arts industry stimulates the economy, creates jobs and attracts tourism dollars. The not-for-profit arts generate $166.2 billion annually in economic activity, support 5.7 million jobs and return $12.6 billion in federal income taxes. Art museums, exhibits and festivals combine with performances of theatre, dance, opera and music to draw tourists and their consumer dollars to communities nationwide. Federal funding of the arts creates a significant return, generating many more dollars in matching funds for each federal dollar awarded, and is clearly an investment in the economic health of America. In an uncertain economy where corporate donations and foundation grants to the arts are diminished, and increased ticket prices would undermine efforts to broaden and diversify audiences, these federal funds simply cannot be replaced. Maintaining the strength of the not-for-profit sector, along with the commercial sector, will be vital to supporting the economic health of our nation.

Our country's not-for-profit theatres develop innovative educational activities and outreach programs, providing millions of young people, including "at-risk" youth, with important skills for the future by expanding their creativity and developing

problem-solving, reasoning and communication abilities -- preparing today's students to become tomorrow's citizens. Our theatres present new works and serve as catalysts for economic growth in their local communities. These theatres also nurture - and provide artistic homes for the development of - the current generation of acclaimed writers, actors, directors and designers working in regional theatre, on Broadway and in the film and television industries. At the same time, theatres have become increasingly responsive to their communities, serving as healing forces in difficult times, and producing work that reflects and celebrates the strength of our nation's diversity.

**Here are some examples of NEA funding impact:**

***From the NEA's Learning in the Arts for Children and Youth Program:***

**Seattle Repertory Theatre** in Seattle, WA received $75,000 to partner with The Seattle Children's Theatre, The Seattle Shakespeare Company and Book-It Repertory Theatre in support of Bringing Theater Into the Classroom, BTiC. Presented as a five-day intensive summer workshop, BTiC creates an engaging and fun learning community, as Classroom Teachers and Teaching Artists work together to integrate drama into all curriculum areas. During the following school year, BTiC faculty members visit each participant's classroom to provide an additional week of support and consultation. BTiC also welcomes a growing and enthusiastic alumni contingent to each summer workshop.

***From the NEA's Access to Artistic Excellence Program:***

**Double Edge Theatre Productions, Inc**. in Ashfield, MA received $10,000 to support Stacy Klein and the Double Edge Ensemble to co-create *The Disappearance* with Mexican-Jewish author Ilan Stavans, with a premiere in October 2008 at the Skirball Cultural Center in Los Angeles. The performance, based on Stavans' short story about the Belgian actor Maarten Soetendrop, addresses anti-Semitism, collective guilt, and identity. *The Disappearance* is a milestone in the theatre's 25-year history, a unique exchange between writer and ensemble, and incorporates puppetry, film, and an original score by the legendary Latin jazz composer Paquito D'Rivera.

**Arizona Theatre Company** in Tuscan, AZ received $25,000 to present Harper Lee's Pulitzer Prize-winning literary masterpiece – *To Kill a Mockingbird.* This powerful drama adapted for the stage by Christopher Sergel will kick off *America Plays! Celebrating Great American Stories* – ATC's multi-year programming initiative bringing classic American works to Arizona stages. Designed to

emphasize the diversity of the American experience and remind us of the strength that often accompanies challenging times, the project includes expanded education programming and strengthens community partnerships, reaching an audience of 30,000 in one year, including students from under-served rural communities throughout Arizona.

**Contemporary American Theater Festival** in Shepherdstown, WV, received $15,000 to present a newly developed production of *Stick Fly* by African American playwright, Lydia Diamond. In a play about class, family and race relations, audiences will identify with the difficulty of keeping the family unit together while dealing with the pressures of diversity today. Contemporary American Theater Festival's target population is primarily from the Eastern Panhandle of West Virginia, the Washington, DC/Baltimore area, with patrons attending from 32 different states. Educational outreach opportunities include an Under the Tent Humanities lecture series with the playwright and a guest lecturer, as well as talk-backs following performances.

**The Seattle Children's Theatre** in Seattle, WA received $30,000 to fund the world-premiere production of the adaptation of Richard Scarry's book, *What Do People Do All Day?* adapted by Kevin Kling with music and lyrics by Kling and Michael Koerner. With a nod to vaudeville, the Pickle Family Circus/Cirque de Soleil, and the slapstick comedy of Charlie Chaplin, Seattle Children's Theatre's production will use puppetry, original costumes, lively music and non-linear elements to bring Richard Scarry's polite, observant, anthropomorphic characters to life on the stage. The world of Busytown is complete with jobs, vehicles, and places to go. The characters' adventures and problems will unfold on the stage to the delight of audiences young and old.

***From the NEA's Shakespeare for a New Generation Program*:**

**Kentucky Shakespeare Festival** in Louisville, KY received $25,000 to tour a production of *Julius Caesar* that will explore our human ability to make a choice and act upon it, and the more difficult task of confronting the consequences. The production will tour at twenty middle and high schools throughout Kentucky and Indiana, reaching an estimated 7,000 students and 350 teachers. Education activities explore the ideas of affirmation, communication and cooperation in the students' daily lives, while helping them to discover not only how conflicts arise, but how to resolve them. Using text from *Julius Caesar*, students will act out a conflict and discuss how the outcome might have been different if the characters were able to communicate or cooperate.

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These are only a few examples of the kinds of extraordinary programs supported by the National Endowment for the Arts. Indeed, the Endowment's Theater Program is able to fund only half of the applications it receives, so the other 50% of the theatres are turned away because there aren't sufficient funds. Theatre Communications Group urges you to support increased funding for FY09 for the NEA, so that more not-for-profit professional arts organizations can continue to educate and entertain audiences, train the next generation of artists, and generate local revenue nationwide.

The American public favors spending federal tax dollars in support of the arts. Today, federal arts funding enjoys solid bipartisan support in the House and Senate. The NEA is funded at $144.7 million in the current fiscal year (FY08); it has never recovered from a 40% budget cut in FY96 and its programs are still under-funded. It has had small incremental increases in the past seven years and a more substantial increase for FY08. A total appropriation of $176 million for FY09 would represent an increase of $31.3 million, restoring the agency to its 1992 level of $176 million, which was then equal to 69 cents per capita. In 2008, sixteen years later, the federal government spends only 51 cents per capita. If adjusted for inflation, this per capita spending cut would be even deeper.

Thank you for considering this request.

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Written Statement of

Andrea Snyder Chair, American Arts Alliance

**Subcommittee on Interior, Environment, and Related Agencies**
Committee on Appropriations | United States House of Representatives

**The Importance of Funding for the National Endowment for the Arts (NEA)**
**March 13, 2008**

Mr. Chairman and distinguished members of the subcommittee, I am grateful for this opportunity to submit testimony on behalf of the American Arts Alliance and its member organizations –Association of Performing Arts Presenters, Dance/USA, League of American Orchestras, and National Alliance for Musical Theatre, OPERA America and Theatre Communications Group. The American Arts Alliance is a national network of more than 4,100 members comprising the professional, nonprofit performing arts and presenting fields. For more than 31 years, the American Arts Alliance has advocated for national policies that recognize, enhance and foster the contributions the performing arts make to America.

We urge the Committee to designate a total of $176 million to the National Endowment for the Arts (NEA). **This testimony is intended to highlight the importance of the federal investment in the arts to sustaining a vibrant cultural community.** With more funding, the NEA's core programs could better bring the best in the arts to all Americans:

- Additional funds would allow the size of individual grants to increase, after having declined steadily since the NEA's budget was cut by 40 percent in FY96.
- Inadequate funding has caused many high-quality grant applications to go unfunded.

**The NEA increases opportunities for the American public to enjoy and benefit from the performing arts.**
Since the establishment of the NEA in 1965, access to the performing arts has improved in communities large and small across the country. The NEA has helped to foster the development of the many regional theatres, opera companies, dance companies, orchestras, and performing arts centers that Americans now enjoy. Despite diminished resources, the NEA awards more than 1,700 grants annually to nonprofit arts organizations for projects that encourage artistic creativity, provide lifelong learning opportunities, and engage audiences in the best the arts have to offer. This modest public investment in the nation's cultural life has resulted in both new and classic works of art reaching all fifty states.

**With more funding, the NEA could do more.**
The NEA has never recovered from a 40% budget cut in FY 1996 and all of its programs are seriously underfunded. We are sincerely appreciative of the increased support this Subcommittee provided for the NEA last year – and already are seeing the benefits of increased access to public performing art organizations and artists across the country. The live arts bring communities together, encourage dialogue and provide innovation and education opportunities to so many different generations of Americans.

**The Nonprofit Performing Arts Community**

The following profiles of the current state of the arts presenting, orchestra, dance, musical theatre, opera and theatre fields exemplify the economic, educational and quality of life benefits that performing arts organizations bring to American communities.

**Arts Presenters**

Performing arts presenters bring professional performing artists from all over the world into the communities they serve. They include organizations such as performing arts centers, academic institutions, local arts agencies, festivals and fairs, which facilitate the interaction between artists and audiences, support the creation and touring of new works and are civically engaged in their communities. The number of nonprofit presenting organizations in the United States has grown from fewer than 400 in 1965 to more than 7,000, collectively serving 6 million audience-goers each week constituting more than a $5 billion industry. This is in large part due to support from the NEA. Presenters' value arts education and give back to the communities they serve. The Association of Performing Arts Presenters, a national service and advocacy organization with more than 2,100 members worldwide, commissioned an Urban Institute survey revealing that:

- 77% of presenting organizations develop programs and offer performances for students K-12.
- 75% of presenting organizations offer free tickets through programs serving the poor, elderly and youth groups.
- 50% of presenting organizations facilitate programs for adult education and outreach.
- 54% of presenting organizations offer special services for persons with hearing, sight or mobility impairments.

**Dance**

In 1965, there were approximately 35 nonprofit professional dance companies. Today, there are more than 600. America's dance companies perform a wide range of styles and genres. These include both classical and contemporary ballet, both classical and contemporary modern, as well as jazz, tap, cross-disciplinary fusions and traditional to modern work rooted in other cultures. When the NEA instituted its Dance on Tour program in the 1970's, great dance became accessible to every community in America. NEA programs today, like the National College Choreography Initiative, continue to ensure that the best of American dance is for all of America, and a showpiece for the rest of the world as well.

Based on a 2006 survey, Dance/USA estimates that the 819 largest and most visible non-profit dance companies in the United States do the following:

- Employed over 6,000 people;
- Performed for total home audiences of nearly 2.9 million people;
- Paid approximately $237.5 million in wages and benefits;
- Had over 24,300 volunteers, including over 2,700 members of Boards of Trustees;
- Received $16.7 million, from state, local and government contributions.

**Musical Theatre**

National Alliance for Musical Theatre (NAMT) is the national service organization dedicated exclusively to musical theatre and serving some of the leading musical theatre producers in the world. Last season, NAMT members cumulatively staged over 27,000 performances attended by 16 million people, and had revenues totaling over $500 million. NAMT has presented its Festival of New Musicals annually since 1989, bringing together theatre producers and writers, with the goal of furthering the development and production of new musicals. NAMT's Festival has showcased over 300 writers and 200 new musicals, which have had thousands of subsequent productions worldwide. Past Festival shows include *Children of Eden* (over 1,000 productions), *The Drowsy Chaperone* (five Tony Awards in 2006 and named "Best Musical" by the Drama Desk Awards, New York Drama Critics Circle, and L.A. Ovation awards), *I Love You Because* (Off-Broadway in 2006), *Meet John Doe* (world premiere at Ford's Theatre in 2007), *Songs for a New World* (over 400 productions), and *Thoroughly Modern Millie* (2002 Tony Award for Best Musical).

**Opera**

OPERA America members are found in communities all across the country - a total of 114 companies in 43 states. American opera companies are well known for their innovative and exemplary education and outreach programs, many of which are funded in part with NEA grants. Virtually all U.S. opera companies run such programs in their communities. Opera companies help fill the void left by discontinued arts education in many public school systems and can help young people communicate the realities of their lives via disciplined artistic expression. The audience for education and community programs served by US and Canadian companies during the 2005-06 season totaled over 2 million people.

All together, the opera companies of America contribute more than one and half billion dollars to the U.S. economy each year and provide more than 20,000 jobs each year.

**Orchestras**

In its more than 40-year history, the NEA has provided invaluable leadership and support for musicians, orchestras, and the communities they serve through direct grants; support to state arts agencies, and national leadership initiatives. Supported by a network of musicians, volunteers, administrators, and community leaders, America's adult, youth, and college orchestras total more than 1,800 and exist in every state and territory, in cities and rural areas alike. They engage more than 150,000 instrumentalists, employ (with and without pay) more than 8,000 administrative staff, and attract more than 400,000 volunteers and trustees.

In 2005-06, orchestras perform more than 38,000 concerts to just over 29 million attendees nationwide. In addition to concerts, orchestras offer more than 40 different kinds of programs for their communities, including:

- in-depth, multi-year residencies
- long-term partnerships with schools
- after-school and summer camps
- programs in hospitals and libraries
- instrumental instruction

- educational classes for seniors

The NEA's FY07 grants to organizations included 127 grants to orchestras and the communities they serve, supporting arts education for children and adults, expanding public access to performances, preserving great classical works, and fostering the creative endeavors of contemporary classical musicians, composers, and conductors.

**Theatre**

In 1961, nonprofit theatre in America consisted of only 16 theatre companies. Today, thanks in large part to the pivotal role played by the NEA; the number of theatre companies is estimated to be nearly 1,900. Almost every Pulitzer Prize winning play since 1976 has originated at a NEA-funded theatre.

Theatre Communications Group (TCG), the national organization for the American non-profit theatre, based on its FY07 Fiscal Survey, reports that the estimated 1,892 theatres in the U.S. employ more than 113,000 workers – actors, directors, playwrights, designers, administrators and technicians – and constitute a more than $1.6 billion industry. Collectively, these theatres are estimated to have offered 172,000 performances that attracted over 30 million patrons.

Based on recent surveys of 201 non-profit theatres, TCG reports the following:

- Over 1,253 outreach and educational programs are in existence today.
- Over 3.2 million people – including a large number of at-risk children – are served by these programs. This network of educational and outreach programs all across the country, ensures access to all Americans and helps develop new generations of audiences.
- These programs include touring productions, artists-in-the-schools, teacher training, workshops and lectures in local community centers and libraries, programs for at-risk youth, and lifelong learning opportunities.

**Conclusion**

Performing arts organizations are a vital component of community life, allowing citizens to appreciate our nation's culture and heritage through excellent artistic programming. The arts illuminate the human condition, our history, contemporary issues and our future. The NEA is an investment that realizes significant returns on the federal dollars invested, both measurable and intangible. We urge you to designate no less than $176 million to the NEA. Thank you for your consideration of our request.

**American Arts Alliance**
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Written Statement of
**Andrea Snyder, executive director, Dance/USA**

**Subcommittee on Interior, Environment, and Related Agencies**
Committee on Appropriations United States House of Representatives

**The Importance of Funding for the National Endowment for the Arts (NEA)**
March 13, 2008

Mr. Chairman and distinguished members of the subcommittee, Dance/USA is grateful for this opportunity to submit testimony on behalf of our members across the United States. **We urge the Committee to designate a total of $176 million to the National Endowment for the Arts (NEA) for FY09.** This testimony is intended to highlight the importance of the federal investment in the arts to sustaining a vibrant cultural community and to our national character.

Dance/USA, the national service organization for not-for-profit professional dance, believes that dance is essential to a healthy society, demonstrating the infinite possibilities for human expression and potential, and facilitating communication within and across cultures. Dance/USA sustains and advances professional dance by addressing the needs, concerns, and interests of artists, administrators, and organizations. By providing services and national leadership, Dance/USA enhances the infrastructure for dance creation, education and dissemination. To fulfill its mission, Dance/USA offers a variety of programs, including data research and regional professional development, and works with organizations within and outside the arts field with whom common goals are shared. Dance/USA's membership currently consists of over 350 ballet, modern, ethnic, jazz, culturally specific, traditional and tap companies, dance service and presenting organizations, artist managers, individuals, and other organizations nationally and internationally. Dance/USA's member companies range in size from operating budgets of under $100,000 to over $50 million.

The NEA makes it possible for everyone to enjoy and benefit from the performing arts. Before the establishment of the NEA in 1965, the arts were limited mostly to a few big cities. The Arts Endowment has helped strengthen regional theater, opera, ballet and other artistic disciplines that Americans now enjoy. NEA funding provides access to the arts in regions with histories of inaccessibility due to economic or geographical limitations. The Endowment embodies the ideal that no one should be deprived of the opportunity to have art in their lives. The Arts Endowment has helped the arts become accessible to more Americans, which in turn has increased public participation in the arts.

Despite diminished resources, the NEA awards more than 1,000 grants annually, to nonprofit arts organizations for projects that encourage artistic creativity. These grants help nurture the growth and artistic excellence of thousands of arts organizations and artists in every corner of the country. NEA grants also preserve and enhance our nation's diverse cultural heritage. The modest public investment in the nation's cultural life results in both new and classic works of art reaching all 50 states.

NEA grants are instrumental in leveraging private funding. On average, each NEA grant generates at least eight dollars from other sources. Government cultural funding plays a catalytic leadership role that is essential in generating private support for the arts.

**The NEA is a great investment in the economic growth of every community.**
The return of the federal government's small investment in the arts is striking.
The nonprofit arts industry generates $166.2 billion annually in economic activity, supports 5.7 million full-time equivalent jobs, and returns $12.6 billion to the federal government in income taxes. Measured against direct federal cultural spending of about $1.4 billion, that's a return of nearly nine to one. Few other federal investments realize such economic benefits, not to mention the intangible benefits that only the arts make possible. Even in the face of tremendous cutbacks in recent years, the NEA continues to be a beacon for arts organizations across the country.

**NEA Grants at Work**
NEA grants are awarded to dance organizations through its core programs: Access to Artistic Excellence; Challenge America: Reaching Every Community; Federal/State Partnerships; and Learning in the Arts, as well as through initiatives such as American Masterpieces: Dance. The following are some examples of the impact of NEA funding on dance programs in 2008 from the NEA's 2008 Access to Artistic Excellence Program:

**Headlong Dance Theater**
Philadelphia, PA
$10,000
To support a choreographic lab with choreographer Tere O'Connor and the creation of a new work by Headlong Dance Theater's co-artistic directors. O'Connor will teach Headlong Dance Theater his strategies and language for composition, dance dramaturgy, and movement invention.

**Jacob's Pillow Dance Festival, Inc.**
Becket, MA
$70,000
To support residencies and performances of dance companies. The project will include a Creative Development Residency, presentation of national and international dance companies, and audience engagement and educational programs.

**NewArt New Mexico, Inc.**
Albuquerque, NM
$10,000
To support the Global DanceFest 2009, an annual festival of national and international contemporary dance. The 2009 festival, titled 60 North, will celebrate contemporary dance and dance theater from Scandinavia, Russia, and Canada.

**Pacific Northwest Ballet Association**
Seattle, WA
$30,000
To support the presentation of comedic works by established and emerging choreographers during the Comedy Festival. There will be a variety of outreach events including lectures, demonstrations, and question-and-answer sessions with dancers and artistic staff.

**The Non-Profit Professional Dance Community**
America's dance companies perform a wide range of styles and genres. These include both classical and contemporary ballet, classical and contemporary modern, as well as jazz, tap, cross-disciplinary fusions and traditional to modern work rooted in other cultures. Over two-thirds of America's professional dance companies are less than 45 years old; as an established art form with national identity and presence, dance has burst onto the scene almost entirely within living memory. And, yet, America can boast some of the greatest dance companies of the world and can take credit for birthing two indigenous dance styles – tap and modern dance.

One key to this spectacular achievement has been the creation of a national marketplace for dance. When the National Endowment for the Arts instituted its Dance Touring Program in the 1970's, great dance became accessible to every community in America. What used to be a handful of professional companies and a scattering of "regional" dance has become a national treasure spread across cities and through communities, schools and theaters in all 50 states. NEA programs today, like the National College Choreography Initiative, continue to ensure that the best of American dance is for all of America and a showpiece for the rest of the world as well. In 2005, the State Department collaborated with Dance/USA to replicate on a smaller, targeted scale the National College Choreography Initiative in five Middle Eastern countries. It was a great success. There are now over 600 professional dance companies in America as well as over 1,000 pre-professional and semi-professional groups. Based on recent surveys, Dance/USA estimates that the 81 largest and most visible non-profit dance companies in the United States do the following:

- Employed over 6,000 people in a mix of full-time and part-time positions;
- Performed for total home audiences of nearly 2.9 million people;
- Paid approximately $237.5 million in wages and benefits;
- Had operating expense budgets totaling $452.2 million;
- Earned $156.7 million, or 38% of their income, from performances;
- Earned $76.2 million from sales, tuitions and activities other than performances;
- Received $16.7 million, from state, local and government contributions;
- Received $21.6 million from corporate contributions;
- Received $46.2 million from private foundations;
- Received $98.7 million from individual contributions through donations, benefit events, guilds, and United Arts drives;
- Had over 24,300 volunteers, including over 2,700 members of Boards of Trustees.

**Conclusion**

Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40% budget cut in the mid-nineties, and its programs are seriously underfunded. Dance/USA and other performing arts service organizations work hard each year to strengthen support for the NEA in Congress. As the NEA banner underscores, "a great nation deserves great art." Last year, Congress began to lay the foundation for full restoration of the agency with a $20.3 million increase for the NEA. However, in order for there to be great art, organizations need stronger infrastructure and stability. **Therefore, we urge you to increase the FY09 NEA funding allocation to $176 million.**

On behalf of Dance/USA, thank you for considering this request.

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# Testimony in Support of FY2009 Funding for the National Endowment for the Arts Submitted to the House Interior, Environment, and Related Agencies Appropriations Subcommittee

**Henry Fogel**
**President and CEO**
**League of American Orchestras**
**March 13, 2008**

The League of American Orchestras urges the subcommittee to approve Fiscal Year 2009 funding for the National Endowment for the Arts (NEA) at a level of $176 million. Congressional support for the NEA has strengthened in recent years, evidenced by meaningful funding increases, particularly in FY08 when Congress approved a $20.3 million restoration of NEA funds. Still, the NEA has never fully recovered from a 40 percent budget cut in FY96 and the current level of funding for the NEA is still well below the 1992 appropriation of $176 million.

Founded in 1942, the League of American Orchestras is the national service organization for symphony, chamber, youth, and collegiate orchestras. Orchestras exist in all 50 states, in virtually every community. We estimate that there are approximately 1,800 orchestras in the United States, with annual budgets ranging from less than $12,000 to more than $77 million. Orchestras in this country are supported by a network of citizens that support the presence of music in their communities - instrumentalists, conductors, managers, board members, volunteers, staff members, and business partners.

The arts are essential to life in American communities nationwide. From small towns to urban centers, communities look to the arts to generate economic activity and educate our nation's citizenry. Most significantly, as a nation we also turn to the arts for their unique capacity to offer comfort in times of distress, provide meaning amidst uncertainty, spark unity during conflict, and to mark many of our most historically significant moments. More than 40 years of support from the National Endowment for the Arts has fostered the development of many orchestras and has increased the capacity of the arts to serve and strengthen communities across our country.

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A significant increase in funding will expand the NEA's ability to serve the American public through grants supporting and promoting the creation, preservation, and presentation of the arts in America through the NEA's core programs – Access to Artistic Excellence, Challenge America: Reaching Every Community, Learning in the Arts for Children and Youth, and Federal/State partnerships – and through important national initiatives.

In the most recently completed grant year, Fiscal Year 2007, the NEA's Grants to Organizations included 127 grants to orchestras and the communities they serve, supporting arts education for children and adults, preserving great classical works, fostering the creative endeavors of contemporary classical musicians, composers, and conductors, and expanding public access to performances.

**NEA Funding Leads to Increased Public Access to the Arts**

The NEA, together with the arts organizations that receive federal support, is committed to improving public access to the arts. NEA grants reach every Congressional district in the country. Grants awarded to orchestras through the Access to Artistic Excellence program support educational activities, concerts, festivals, professional development, and residencies in communities across the country. With federal support, orchestras are extending the reach of their activities beyond their home cities, bringing music to communities in surrounding towns and regions.

- The Wheeling Symphony, aided by an NEA grant, is bringing its 2008 Young People's Concert Tour to approximately 8,800 elementary students at six venues throughout the state of West Virginia. NEA support helped garner additional funding, including a new grant from the Pennsylvania Performing Arts on Tour. Through this program, the Wheeling Symphony is able to reach new audiences in its primary service region and throughout the entire state of West Virginia, some of whom, especially those from rural southern counties, have never experienced live symphonic music.

- The Lexington Philharmonic presented multiple concerts in the eastern portion of the state through the LexPhil On Tour program in 2007. Thanks to support from the NEA, the orchestra was able to take many guest artists along with the full orchestra to rural Kentucky communities, such as Spanish guitarist Pablo Villegas, who performed for schools in southeastern Kentucky. The Philharmonic has since established a relationship with the Center for Rural Development in Somerset, Kentucky that enables the presentation of additional educational concerts to hundreds of children from eastern Kentucky each season. Additionally, a new partnership with the Lexington Hispanic Association has provided increased opportunities for the orchestra to reach the growing

Hispanic population in the state through ensemble concerts and a performance at the Latino Festival.

**NEA-Funded Arts Programs Nurture the Creative Potential of Young Learners**

Arts education is proven to boost the capacity of young people to succeed in school, work, and life. Children gain the "arts advantage" through NEA-funded projects that engage them in the creative process, spark their skills of imagination, and develop their capacity for self-discipline, perseverance, and teamwork. Orchestras are essential and active partners in increasing access to lifelong music education, improving the quality of life in their communities by collaborating with school systems and other local partners to deliver a wide array of education and community programs. Young people also benefit from participating in the vibrant network of youth orchestras in America. The youth orchestra field is growing – among reporting orchestras, the average number of students participating in conducted ensembles increased by 25.9% between the 1989-1990 and the 2004-2005 seasons.

We look to youth orchestras as a place where young people come together from a wide variety of backgrounds – from countries all over the world, and from a variety of economic, social, religious and ethnic backgrounds. Music is a positive force for teaching people to work creatively together. Among America's orchestras our youth orchestras are the most diverse.

- The Youth Orchestra of the Americas received NEA funding to support a ten-day residency for young musicians under the artistic direction of Lorin Maazel in 2007. The Youth Orchestra of the Americas is a multicultural, world-class symphony orchestra of 100 young musicians, aged between 18 and 26, from over 20 countries of the Western Hemisphere. The program fosters young artists' careers and offers educational programs to local children. By collaborating with the Starfish Mentoring Program & Aspect Foundation, 150 local public high school students, family members, and international exchange students were able to enjoy a full dress rehearsal at Theatre House on the grounds of Castleton Farms. The grant also enabled the orchestra to attract funding from The McGraw-Hill Companies and The Morris & Gwendolyn Cafritz Foundation.

- The Dubuque Symphony Orchestra received its first NEA grant to support a series of concerts featuring Gareth Johnson, a winner of the International Sphinx Competition that recognizes young, ethnically diverse string instrumentalists. This support from the NEA enabled the orchestra to recognize young talent and promote artistic diversity as part of a city-wide Multicultural Festival organized by the Dubuque Symphony Orchestra to commemorate Black History Month. Furthermore, the orchestra was able to engage underserved groups in the

community while inspiring and educating audiences, many of whom experienced classical music for the very first time.

**NEA Grants Uniquely Support Creativity in Communities Nationwide**

The NEA identifies and supports projects that connect the arts – and artists – to their broader communities, encouraging creative collaboration and building artistic strength. Projects supported by the NEA must demonstrate artistic excellence and a strong capacity to reach new audiences. Audiences across the country are currently experiencing an NEA-funded project that exhibits the hallmarks of the agency: reaching new audiences, attracting additional financial support, and providing access to the arts to communities nationwide.

- An NEA grant to the Reno Chamber Orchestra supports the second round of the "Ford Made in America" project, a collaborative commissioning, performance, and outreach project that involves 60 smaller-budget orchestras, including at least one from each of the 50 states, providing an opportunity to achieve together what no one of them could afford to do on their own. For orchestras with smaller budgets, commissioning and presenting a major new work by a nationally recognized composer can be difficult, due to budget constraints and limited staff resources. The largest consortium commission ever planned by American orchestras, Ford Made in America gives ensembles in smaller communities the capacity to premiere a new work by Joseph Schwantner, one of the most frequently performed composers in the United States. Alongside the NEA, the Ford Motor Company Fund has again contributed major funding, and the program is a partnership of the League of American Orchestras and Meet the Composer. On the local level, Ford Made in America has opened up new potential funding streams for participating orchestras.

Thank you for this opportunity to illustrate the value of NEA support for orchestras and communities across the nation. The Endowment's unique ability to provide a national forum to promote excellence, both through high standards for artistic products and the highest expectation of accessibility, remains one of the strongest arguments for a federal role in support of the arts. We urge you to support creativity and access to the arts by approving $176 million in funding for the National Endowment for the Arts.

Written Statement of
**Marc Scorca, President and CEO, OPERA America**

**Subcommittee on Interior, Environment, and Related Agencies**
Committee on Appropriations United States House of Representatives

**The Importance of Funding for the National Endowment for the Arts (NEA)**
**March 13, 2008**

Mr. Chairman and distinguished members of the subcommittee, I am grateful for the opportunity to submit testimony on behalf of OPERA America, its Board of Directors, and its 114 American member companies. **We strongly urge you to support an increased appropriation of $176 million for the National Endowment for the Arts.** This testimony and the funding examples described below are intended to highlight the importance of federal investment in the arts so critical to sustaining a vibrant cultural community throughout the country.

Opera is a continuously growing art form that can address the diverse needs and backgrounds of our communities. New opera companies are being established in communities that have never before had access to live performances. 70 percent of the opera companies in existence today have been established since 1960. The growth of the field corresponds to the establishment and growth of the NEA. Over the last 20 years, a rich repertoire of American operas has been created by composers who communicate the American experience in contemporary musical and dramatic terms. The growth in the number and quality of American operas corresponds directly to the investment of the NEA in the New American Works program of the former Opera-Music Theater Program.

Past NEA funding has directly supported projects in which arts organizations, artists, schools, and teachers collaborated to provide opportunities for adults and children to create, perform, and respond to artistic works. NEA funding has also made the art form more widely available in all states, including isolated rural areas and inner cities; indeed, NEA funded projects cross all racial, geographic, and socioeconomic lines.

The following are some examples of the impact of NEA funding on opera programs in 2008 from the NEA's 2008 Access to Artistic Excellence Program:

**Amarillo Opera, Inc.**
Amarillo, TX
$7,500
To support a production of Carlisle Floyd's Cold Sassy Tree. The work will be conducted by James Lowe who worked with the composer on the original production.

**Cedar Rapids Opera Theatre**
Cedar Rapids, IA
$10,000
To support a production of Verdi's Aida. An admission-free performance will be presented for youth and adult participants of three nonprofit organizations that support

underserved communities; Big Brothers Big Sisters, Osada, and the McAuley Center for Women.

**Central City Opera House Association**
Denver, CO
$17,500
To support a new production of Britten's The Rape of Lucretia. The opera will take place during the National Performing Arts Convention, a convening of the national service organizations and their memberships of arts professional from across the performing arts, including opera, music, dance, and theater.

**Intermountain Opera Association of Bozeman**
Bozeman, MT
$10,000
To support performances of Bizet's Carmen and related educational activities. Three performances will take place at Willson Auditorium utilizing a core group of professional singers, augmented by

**Michigan Opera Theatre**
Detroit, MI
$35,000
To support a revival of Margaret Garner by composer Richard Danielpour and librettist Toni Morrison. The three-act opera is based on the true story of a slave woman's quest for freedom.

**Opera Company of Philadelphia**
Philadelphia, PA
$25,000
To support the East Coast premiere of Cyrano by composer David DiChiera and French librettist Bernard Uzan. The project is a collaboration among the Opera Company of Philadelphia, Michigan Opera Theatre, and Florida Grand Opera.

**Opera Omaha, Inc.**
Omaha, NE
$12,500
To support a new production of Verdi's Aida. As part of the company's 50th anniversary season, the production will be designed by local sculptor and installation artist Catherine Ferguson.

**Pensacola Opera, Inc.**
Pensacola, FL
$18,000
To support the commissioning and premiere of The Widow's Lantern by composer and librettist David Ott and based on Florida history. Collaborations with West Florida History Preservation, the University of West Florida, and Okaloosa-Walton College will provide performance venues and production support.

**Pittsburgh Opera, Inc. (Consortium)**
Pittsburgh, PA
$25,000
To support the creation of a new production of Saint-Saens' Samson and Delilah. Co-produced with Minnesota Opera, the project will draw upon the shared expertise of both companies and will provide a creative opportunity that will strengthen both organizations.

**Portland Opera Association Inc.**
Portland, OR
$10,000
To support the Portland Opera Studio Artists (POSA) and the POSA Chamber Opera. The training program provides education and performance opportunities for young artists while the chamber ensemble presents more intimate chamber operas.

**San Francisco Opera Association**
San Francisco, CA
$100,000
To support the world premiere of The Bonesetter's Daughter by composer Stewart Wallace and librettist Amy Tan. Education and outreach programs will include a panel discussion with members of the cast and the creative team, preview lectures at Bay Area locations, pre-performance lectures,

**Seattle Opera**
Seattle, WA
$45,000
To support a production of Bellini's I Puritani. Performances of the opera will be accompanied by preview talks, lectures, and radio broadcasts.

**Tacoma Opera Association**
Tacoma, WA
$10,000
To support performances of Rossini's Il Barbiere di Siviglia (The Barber of Seville). Educational outreach to the community includes teacher workshops and Student Night at the Opera.

**Union Avenue Opera Theatre**
St. Louis, MO
$7,500
To support productions of Donizetti's L'Elisir d'Amore, Massenet's Werther, Puccini's Il Tabarro, and Gilbert and Sullivan's The Sorcerer. The first two works will be fully staged and orchestrated operas, and the latter two works will be minimally staged with piano accompaniment.

**Virginia Opera Association, Inc.**
Norfolk, VA
$12,500
To support a new production of Tchaikovsky's Eugene Onegin to be part of Virginia Celebrates Russia, an initiative to encourage collaborative programming state-wide during an event celebrating the 200th anniversary of the establishment of U.S.-Russia relations.

Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40% budget cut in the mid-nineties, and its programs are seriously underfunded. With a $20.3 million increase for the NEA in FY08, Congress began to lay the foundation for full restoration of the agency. **We urge you to continue towards restoration and increase the NEA funding allocation to $176 million for FY09.**

On behalf of OPERA America, thank you for considering this request.

OPERA America
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COUNCIL ON LIBRARY AND INFORMATION RESOURCES

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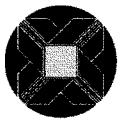

ASSOCIATION OF RESEARCH LIBRARIES

March 10, 2008

The Honorable Norman D. Dicks
Chairman
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
B-309 Rayburn House Office Building
Washington, D.C. 20510-6023

Dear Chairman Dicks:

This letter is submitted to the Subcommittee on Interior, Environment, and Related Agencies on behalf of the Council on Library and Information Resources (CLIR) and the Association of Research Libraries (ARL) concerning the Fiscal Year 2009 budget request for the National Endowment for the Humanities (NEH). ARL and CLIR respectfully request that the Subcommittee on Interior, Environment, and Related Agencies support a budget of $177 million for NEH in FY 2009, an increase of approximately $32 million above the President's request. The NEH plays a vital leadership role in the cultural life of the Nation. The agency's support for preservation of and access to key scholarly resources is critical to research and scholarship, to education at the elementary, secondary, college and graduate levels, to continuing professional training and development through workshops and seminars, and to lifelong learning. Importantly, we encourage the Subcommittee to consider full funding for the Division of Preservation and Access which leads this important work at NEH.

In FY 2007, the agency made awards in support of preservation and access programs and activities in more than 40 states. These awards cover the full spectrum of activities from developing basic reference tools, to advancing research, to providing assistance for small institutions and for rare and special collections, to funding professional education and training in preservation and access techniques and methods. NEH's role is vital as it calls attention to this critical need while also providing direct support for these activities. A few examples illustrate the range of NEH's impact. The agency:

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- supports seven regional field offices and four academic programs in conservation as well as providing individual awards that support basic preservation activities in libraries, archives, museums and historical organizations in 33 states. These include preservation training programs that reach about 4200 people, of which approximately 40 percent went to first-time NEH grantees. NEH support of workforce development and training efforts is critically important as librarians, archivists and museum professionals cope with the implications of new information technologies while sustaining and building upon their traditional roles.

- provides awards to support the creation of a wide range of research tools and reference works such as ancient language dictionaries, catalogs of rare materials, and online encyclopedias. Such support democratizes access to important scholarly and educational reference works and creates new analytical capabilities affording broader participation in scholarly research by students and teachers.

- supports the use of software tools such as Geographic Information Systems or GIS in several educational resource projects. This results in Internet-based spatial and historical reference tools that enable ongoing development and enhanced utility of these educational resources. Such projects and authoritative reference tools build the foundation for research, and in digital form, enable wider and effective access to key reference works.

CLIR and ARL endorse the NEH's long term commitment to digitizing the Nation's nineteenth century newspapers in partnership with the Library of Congress as well as the agency's commitment to the "We the People" initiative. We are very concerned however, about the impact of the National Digital Newspaper Program will have on the budget of the Division of Preservation and Access. ARL and CLIR applaud the agency's international efforts, such as its work with the New York Public Library to identify, catalog, and aggregate materials on Afghanistan, published in the United States between 1870 and 1930 and held in public and private collections in the U.S., Europe and Afghanistan. Finally, NEH is to be commended for its partnerships with other federal agencies, including its program in documenting endangered languages conducted jointly with the National Science Foundation.

The Internet specifically and the digital technologies more generally have transformed access to rare and important resources and have revolutionized aspects of scholarly research. The NEH recognized this ongoing transformation of scholarship with the creation in FY 2007 of the Digital Humanities Initiative. The Initiative made 33 awards last year including projects that advance bilingual support for access tools; develop best practices and standards documents; sponsor workshops in use of Geographical Information Systems (GIS), which is a basic tool for analysis across multiple disciplines; and create online, multimedia tools in the history of music for broad use by teachers and students. This program is synergistic with the programs of the Division of Preservation and Access. Moreover, as the research progresses, it creates the

need for management of the fruits of the digital research for future scholars, hence the need for systematic preservation programs such as the Division now houses.

Preserving the cultural heritage of the Nation is the work of many parties, not the least of them the academic libraries in higher education and research institutions. The role of NEH in setting a standard, leading by example, and demonstrating commitment, particularly to the new forms of expression enabled by new information technologies, is foundational. Not only is the NEH the largest single sponsor of basic research in the humanities but its priorities, particularly its investments in digital preservation and digital humanities, collectively serve as a beacon to others, so that concomitant resources may be usefully aligned on behalf of the public good.

We recognize that there are many demands on the Nation's limited funds in support of federal agency programs but ARL and CLIR believe that the NEH programs, particularly its support for digital preservation and access, warrant full support and respectively request the Subcommittee to consider funding this vital program at FY 2008 funding levels or $ 18.380 million. In FY 2007, the Endowment received 417 preservation and access applications and awarded 183 grants. In FY 2008, NEH expects to receive approximately 544 applications with 183 awards. Clearly the need across the country far outstrips the already limited resources in the Preservation and Access Division. Restoring $4.519 million to the Preservation and Access Division will ease some but not all of the pressures on the Division. CLIR and ARL greatly appreciate the Subcommittee's continuing support of the National Endowment for the Humanities and this request in support of FY 2009 funding for the Endowment.

Sincerely,

Charles Henry
President
Council on Library and Information Resources

Duane E. Webster
Executive Director
Association of Research Libraries

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ALLIANCE TO
**SAVE ENERGY**
*Creating an Energy-Efficient World*

March 13, 2008

The Honorable Norman Dicks
Chair, House Interior Appropriations Subcommittee
Room B-308
Rayburn House Office Building
Washington DC 20515

Dear Chairman Dicks:

As you take up the FY 2009 Interior Appropriations bill, I strongly urge your Subcommittee to reject the Administration's recommended $8M cut in funding for the EPA Energy Star program. The Energy Star Program is one of the most effective federal consumer information programs and it is one of the most successful programs anywhere to promote marketplace solutions for greater energy efficiency. Energy Star is an entirely voluntary program which enables consumers to find and purchase energy-efficient products, buildings, and services by awarding the well-known Energy Start label and providing important consumer information.

Increased investment by the federal government in the Energy Star Program will translate to increased energy savings. The EPA has estimated that every federal dollar spent on the Energy Star Program results in an average savings of $75 or more in consumer energy bills, the reduction of about 3.7 tons of carbon dioxide emissions, an investment of $15 in private sector capital and the contribution of over $60 to the economy. That's an impressive return on investment for every $1 dollar in federal spending.

Energy Star's voluntary partnership program – which includes Energy Star Buildings, Energy Star Homes, Energy Star Small Businesses, and Energy Star Labeled Products – works by removing marketplace barriers to existing and emerging technologies, providing information on technology opportunities, generating awareness of energy-efficient products and services, and educating consumers about life-cycle energy and cost-savings. The program helps consumers understand the benefits through lower energy bills of paying a modest additional cost for purchasing more efficient, smarter technologies.

1850 M Street, NW, Suite 600 :: Washington, DC 20036 :: www.ase.org :: info@ase.org :: phone 202.857.0666 :: fax 202.331.9588

Although Energy Star has made a significant contribution to reducing consumer energy use, a wide array of important, additional opportunities to use the program to promote energy efficiency remain unfulfilled. Considering the rapidly escalating energy prices and concerns about electricity reliability, natural gas supplies, and air pollution and global warming, it makes little sense to decrease funding for a successful program that makes a significant down payment every year in reducing the carbon footprint. In the past the Alliance has advocated doubling the funding for Energy Star over a five year period, to enable the program to label additional products, update its criteria, increase consumer education campaigns, and address energy efficient home improvements nationwide. We would like to see the funding level for EPA Energy Star increased in FY 2009, and I urge the Subcommittee to reject the recommended cut in funding for EPA Energy Star, fund this shining example of a successful voluntary program at a robust level in FY 2009, however, at the very least, fund the program at the FY 2008 appropriated level of $52M. By adequately funding this cost-effective initiative, you will enable the EPA Energy Star Program to achieve continued pollution reduction, economic stimulation, energy security, and consumer savings.

With best personal regards,

Kateri Callahan

Prepared on behalf of American Chemical Society by:
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## House Appropriations Subcommittee on Interior, Environment, and Related Agencies

## Testimony on the Environmental Protection Agency's Fiscal Year 2009 Appropriations

## Submitted by The American Chemical Society

The American Chemical Society (ACS) encourages Congress to make science and technology (S&T) a higher priority within the Environmental Protection Agency's (EPA) budget and return the Office of Research and Development (ORD) to a funding level of $646 million. We also encourage Congress to fund EPA's Science to Achieve Results (STAR) extramural research and fellowship programs at $110 million (124 percent increase over FY 2008).

In a modern technological society, fair, rational laws and regulations must be based on science that is presented in a clear, transparent, and open manner. A sense of certainty about national expectations should be firmly ingrained in the regulatory process through the objective application of peer-reviewed scientific inquiry. To make effective, regulatory decisions and to increase our understanding of environmental, health, and safety issues, EPA must make substantial investments in R&D and must work to attract well-trained scientists and engineers throughout the agency.

ACS is concerned about the EPA Science and Technology (S&T) account, which is critical to advancing scientific knowledge and discoveries in areas fundamental to environmental progress and sound regulatory decisions. The S&T account is virtually flat funded at $764 million, a half-percent increase from FY 2008.

Within the S&T account, continued cuts to the budget of ORD, which is down over 16 percent from the FY 2004 peak of $646 million, threaten ORD's mission and its ability to carry out world-class, environmental research. Currently, ORD is slated to receive $541 million in FY 2009, a reduction of 1.3 percent from FY 2008. This undermines EPA's ability to effectively regulate health and the environment and decreases the Agency's ability to effectively pursue non-regulatory programs that depend on new science and technology development.

Increased investment in EPA's S&T account would support research, environmental monitoring, and laboratories that are essential to achieving multiple goals across the Agency. ACS encourages Congress to make S&T a higher priority within EPA's budget and return the ORD to its FY 2004 level of $646 million. If America is to guarantee access to the best available environmental science, returning the S&T account and ORD to a robust growth pattern is essential. Specifically, the Agency would be able to

- Strengthen extramural research funded through EPA's STAR programs, which support high-quality, peer-reviewed research grants and related fellowships. STAR plays a key role in supporting the agency mission through advancing environmental research and training scientific talent.
- Fully support the Science and Technology for Sustainability program, which includes the STAR Technology for Sustainable Environment program, the P3 program, and other extramural funding programs that support the governmental interest to work closely with industry and others to maintain the long-term health of our planet.

- Restore internal and extramural programs for research in environmental sustainability, including green chemistry and engineering as well as global climate change.
- Invest in EPA's ability to recruit, develop, and retain an effective scientific workforce. Frequent changes in priorities, practices, structure, or funding can disrupt any organization. They are especially damaging to a research organization that has special requirements for continuity in the development and maintenance of scientific and engineering talent, experience, and infrastructure to be productive. For example, cuts made to EPA research libraries that support the Agency's staff have been disruptive to ongoing work. EPA's scientific workforce also should be supported to stay active in the broader scientific community and to better serve the public in protecting public health and the environment.

The American Chemical Society is a nonprofit scientific and educational organization, chartered by Congress, with more than 160,000 chemical scientists and engineers as members. The world's largest scientific society, ACS advances the chemical enterprise, increases public understanding of chemistry, and brings its expertise to bear on state and national matters.

American Dental Association
www.ada.org

The American Dental Association (ADA), which represents 155,000 dentists in this country, appreciates the opportunity to comment on the proposed FY 2009 budget for the Indian Health Service (IHS). The ADA is seeking an additional $7.25 million for FY 2009 for the Indian Health Service dental program for a total appropriation of $143,194,000, plus an additional $1 million in facilities for modular dental units.

The ADA is very appreciative of the support that the Committee gave to addressing the disparity of health care and disease in Indian country in its bill last year. Additional funding for loan repayment and disease prevention are crucial for closing the gap in oral health care for American Indians/Alaska Natives (AI/ANs). Regrettably, the Administration's proposal for FY 2009 threatens to reverse that progress. We hope that the Committee will take a strong position in opposition to the proposed budget.

Late last year, the ADA convened a summit of over 100 IHS dentists, tribal leaders, dental education experts and ADA leadership to develop a strategic plan to address the urgent need for improved oral health care in Indian country. A predominant concern of the group was to address the epidemic of tooth decay, known as "early childhood caries" (ECC), among children in Indian country. There is a vast ECC disparity between AI/AN children and non-AI/AN children. Approximately 79 percent of Indian children between 2–5 years of age have dental decay, compared to 19 percent for non-Hispanic white children, 29 percent for non-Hispanic black children, and 41 percent for Hispanic children of the same age. Worse still, the *severity* of decay is substantially higher in Indian children compared to the general U.S. population. Preschool Indian children average more than 5 teeth with decay compared to 1 decayed tooth among U.S. preschool children of all races. In many AI/AN communities, between 25–50 percent of preschool children have such extensive ECC that they require full mouth restoration under general anesthesia, compared to less than 1 percent for non-AI/AN children. Thus, in the first decade of the 21st Century, AI/AN children experience rampant early childhood caries at a rate approximately 50–100 times higher than non-AI/AN children. This may represent the largest health disparity in the U.S. today. Two goals of the summit attendees were to eradicate ECC and that within 5 years every AI/AN child entering school will be caries-free. Accompanying that goal would be to establish a dental home for all AI/AN children so that they have the ability to access regular oral health care. To accomplish these goals we need the Committee's support especially to address an inadequate workforce.

**Inadequate Workforce**

The annual utilization of dental services by Indian people is 24 percent, down 1 percent from 2004 levels and down 9 percent from 1996 levels. Dentist vacancy rates combined with increased population growth, medical inflation and flat budgets are at the heart of this problem. At this time, the IHS dental program has a 33-34 percent vacancy rate and needs to hire 144 dentists. The biggest concern is the loss of the most experienced IHS dental specialists; dentists who have residencies in pediatrics, oral surgery and other dental specialties needed to provide advanced oral health care to AI/ANs. With childhood caries (decay) and periodontal disease among diabetics being rampant, these dentists are in high demand. According to the 2007 IHS Diabetes Care and Outcome Audit, only 36.79 percent of diabetes patients had at least 1 dental visit within the past year, and 63.21 percent didn't have any documented dental care. Diabetics

with severe periodontal disease can impair glucose metabolism making it more difficult for patients with diabetes to maintain good glycemic control.

The ADA has highlighted the need for dental specialists in previous testimony but the situation is approaching a severe crisis. By 2009, 65 percent of the dental specialists in the IHS will be eligible for retirement. Therefore, we propose that the Committee increase the dental line by $1 million for dental residencies and indicate that it is to continue as part of the base in future budgets of the IHS dental program.

Loan repayment is the best recruiting tool for graduating dentists who want to serve in the IHS. The Association is very pleased that the Committee has provided increased funding for loan repayment for dentists. The additional $3.4 million has allowed the dental program to establish a solid floor and retain over 85 dentists each year that otherwise would have left. However, to fully fund the more than 144 vacancies in Alaska and throughout the IHS, it would take an additional $6 million. The Association understands the pressures on the Committee and therefore proposes that this amount be spread over two budget years and that it be included in the program's base each year with specified language.

**Use of Volunteers**

There is no doubt that fully staffing all IHS and tribal dental clinics with dentists is the best way to meet the oral health concerns of AI/ANs. However, the ADA also recognizes that using volunteers can help to fill the gaps until that day comes. Since 2006, the ADA through its membership has recruited dentists to serve in Indian Country. Dentists who have volunteered have served for at least 2 weeks at a time and found the experience fulfilling and rewarding. This is an excellent opportunity to improve access to care for AI/AN communities and increase awareness among the dental profession about the tremendous oral health disparities among Native people. In addition, the volunteer program acts as a "pipeline" to introduce career opportunities to dentists, dental students and other oral health care providers. Quite often, volunteers at IHS dental clinics become "ambassadors" for the dental program, which helps in recruitment.

Several years ago, the ADA appealed to the committee for additional funding for an IHS-run volunteer program. Since 2004, over 427 volunteer dentists and dental students have participated in the IHS program, providing over 297,653 additional patient visits and an equal amount of dental services. Comments from the volunteers have consistently recognized how rewarding they found their experiences:

- "I really like focusing on how we can help an entire community of patients."
- "The IHS experience has given me an increased satisfaction with dentistry and the knowledge that I'm actually making a difference."
- "In public health, we're able to effect more systemic changes, and provide the high-quality dentistry for our patients that I'd be proud for my family to get."

Initially, the IHS opened this program to dental students entering their final year of schooling. However, as the severe dental workforce issues have plagued the IHS, they have also incorporated second-year dental students to participate in the program as dental assistants. This has proved so successful that the IHS could use an additional $250,000 to expand the program.

The cost for this program per dentist is slightly more than $2,000, which demonstrates the program's cost effectiveness.

**Continue Congressional Program to Upgrade Dental Facilities**
In 1995, the Association testified regarding the urgent need to replace and upgrade dental facilities throughout Indian country. The Committee recognized that it was impossible to build new dental facilities but acknowledged the need for modern clinics by setting aside at least $1 million each year to replace modular dental units. This approach has been highly successful. On our site visits, we have had a chance to see the outdated units and their replacements. Delivering care in state-of-the-art surroundings is greatly appreciated by the dentists, their staffs and their patients. There are still at least 27 on the waiting list. Unfortunately, the Administration has eliminated this funding for FY 2009.

To address this situation last year, the Committee provided $2 million for modular dental units. While the funding was appreciated, because the dental workforce shortage is paramount, we would request that the Committee provide only $1 million for this account and redirect any additional funding to the dental residency program.

**Electronic Dental Records**
The Association is most grateful for the Committee's support in recognizing that the Department had not included funding for the IHS Division of Oral Health (DOH) to procure an Electronic Dental Record (EDR) product that will be integrated with the IHS Electronic Health Record (EHR) and Resource Patient and Management System (RPMS). The Committee's actions resulted in a major breakthrough and we are pleased to report that the DOH has signed a contract to initiate the system. The EDR will also be used to support the program planning, evaluation, and reporting needs for the DOH. The EDR will provide automated patient dental records and capture dental data from patient encounters and oral examination records to support quality assurance, utilization reviews, resource allocation, clinical measures, and research.

However, sufficient funding to implement this program is still lacking. It is estimated that a total of $15 million is needed in order for the IHS Division of Oral Health to purchase the software and technical support to utilize an electronic dental record at all Indian Health Service dental clinics. The IHS Division of Oral Health plans on obligating $1 million per year, from program funding, for the procurement and support of the software. Therefore, we propose that the Committee increase the dental line by $2 million each year over the next five fiscal years and indicate the funding is to be used specifically for the procurement of an EDR by the IHS's DOH. The requested funding will expedite the procurement and installation/utilization of the electronic dental record, thus maximizing the benefit to the patients served.

**Expand Dental Clinical and Preventive Support Centers**
As stated in our opening comments, there is an epidemic of dental disease in Indian country. The ADA and the IHS have long recognized that with appropriate prevention methods, oral disease can be practically eradicated. However, since 1997, the ADA has noticed through site visits that there has been a decrease in oral health prevention services. The Association found that because federal funding did not keep up with the growing AI/AN populations it caused the IHS to sacrifice resources for oral health promotion programs in order to maintain acute and urgent care services. Consequently, less time and resources were available to build and maintain a sorely needed health

promotion/disease prevention infrastructure. For underserved populations that do not have a sufficient supply of dentists, preventing dental disease is imperative. To address this situation the IHS has established seven dental clinical and preventive support centers to serve eight areas. Support Center staff in this program is trained to assist in establishing and maintaining community-based programs to prevent dental disease. Their training includes:

- School-based sealant programs,
- Community water fluoridation,
- School-based fluoride mouth rinse programs,
- Community-based dental education programs,
- Programs to prevent early childhood caries (tooth decay),
- Programs to prevent periodontal disease, and
- Head Start based prevention programs

The current funding is $1.75 million. In order to fully address the needs of the support centers and not allow prevention efforts to fall behind, we recommend that the Committee increase the funding by $1 million to $2.75 million and designate it as such within the IHS dental line. This amount of funding would allow for a support center in each IHS geographic area.

**Conclusion**

The ADA believes that this request represents a relatively "bare bones" approach to rebuilding the IHS dental public health infrastructure and is essential to accomplishing increased access to care throughout Indian country. The ADA recommends that an additional $7.25 million above the President's request be appropriated and designated in the IHS FY 2009 dental line to support the initiatives listed above and an additional $1 million in the facility line for modular dental units.

From the Association's experience of working with the IHS dental program for over 35 years, we know that adequately funding dental care can make a difference. The 1991 Oral Health Survey shows that in areas where dental care was accessible there was a:

- 14% increase in the number of children 5-19 years with no decay,
- 12% decrease in the number of children 5-19 years with high decay rates (7 or more cavities), and
- 9% decrease in the number of adults 35-44 years with periodontal disease.

However, the Association wants to see even better trends in these areas because it is well documented that AI/AN people have some of the highest oral disease rates reported in the world. The 1999 IHS survey of Oral Health Status and Treatment Needs indicates the following:

- 79% of children aged 2-4 years had a history of dental decay,
- 68% of adults and 61% of elders had untreated dental decay, and
- 59% of adults 35-44 years and 61% of elders have periodontal (gum) disease.

The ADA recognizes the multitude of funding priorities this Committee must reconcile. However, the overall IHS budget as proposed by the Administration represents only a modest commitment to improving oral health care for Indian people. It does not allow for any necessary growth in access, prevention and treatment of oral health disease. The Association respectfully requests that this Committee support the ADA's program enhancements discussed above, as they offer an efficient and effective means of restoring access to dental services.

**Statement of the American Society for Microbiology**
**Submitted to the**
**House Appropriations Subcommittee**
**on Interior, Environment, and Related Agencies**
**on Fiscal Year 2009 Funding for the Environmental Protection Agency**

The American Society for Microbiology (ASM) is pleased to submit the following statement on the Fiscal Year (FY) 2009 appropriation for the U.S. Environmental Protection Agency (EPA) research and education programs. The ASM is the largest single life science organization with more than 42,000 members. The ASM mission is to enhance the science of microbiology, to gain a better understanding of life processes, and to promote the application of this knowledge for improved health and environmental well-being.

The EPA relies on sound science to safeguard both human health and the environment. The EPA Office of Research and Development (ORD) sponsors innovative research that provides the solid underpinning of science and technology for EPA regulatory and public outreach activities. ORD conducts research on ways to prevent pollution, protect human health, and reduce risks from a variety of hazardous chemicals and microbes. The work at ORD laboratories, research centers, and offices across the country helps improve the quality of air, water, soil, and the way we utilize resources. ORD's mission is to: 1) Perform research and development to identify, understand, and solve current and future environmental problems; 2) Provide responsive technical support to EPA's mission; 3) Integrate the work of ORD's scientific partners (other agencies, nations, private sector organizations, and academia); and 4) Provide leadership in addressing emerging environmental issues and in advancing the science and technology of risk assessment and risk management.

The ASM is very concerned with the diminishing budget for EPA's research and development programs. Optimal EPA oversight clearly depends upon the Agency's access to scientific expertise and its ability to respond quickly to our changing environment. Investments in research and development programs support both access to expertise and development of the best responses to environmental demands. The FY 2009 budget request for the ORD is $541 million, a 1.3 percent, or a $7 million, decrease from FY 2008, and a 3 percent decrease from FY 2007. These decreases are part of a longer term pattern of erosion that is deteriorating the scientific foundation that is essential for EPA to make decisions on and formulate regulations designed to protect human health and the environment. The ASM urges Congress to provide at least $595 million for the ORD in FY 2008, the same as the funding level provided in FY 2006.

**STAR Grants and Fellowships**

The proposed budget decreases for ORD include a reduced level of spending for the Science to Achieve Results (STAR) program. The ORD budget proposes only $61 million for STAR, a 2 percent reduction from FY 2008, which is substantially less than the FY 2002 level of $102 million, even without correcting for inflation. The proposed decreases would continue seven consecutive years of cutting this important program. The funding request for STAR includes $55 million for the STAR Grants, and $6 million for the STAR Fellowships. The ASM urges Congress to increase funding for the STAR grants program to at least the FY 2002 level of $102 million.

The STAR Grants fund research in numerous environmental science and engineering disciplines through a competitive solicitation process and independent peer review. The program engages the nation's best scientists and engineers in targeted research that complements EPA's laboratory research and research conducted by our partners in other federal agencies.

Reductions in the STAR program will severely limit the ability of EPA to draw upon critically needed scientific expertise from the academic community, a valuable source of research insights and personnel for EPA programs. Reductions will also limit US competitiveness in the areas of environmental research, training, and development of new technologies for solving environmental problems.

The STAR program revitalizes all areas of EPA research and fosters workforce development in environmental science and technology through fellowships. In December 2006, EPA reported results from several STAR funded studies on biomarkers, which are substances or processes that can be measured in biological samples, such as blood, that indicate toxic exposure or predict disease. Extramural researchers confirmed that easy to collect saliva can be used to assay pesticide exposure in children and adults; other grantees used biomarkers to demonstrate that specific insect management techniques effectively reduce prenatal pesticide exposure. STAR recently supported a grant that will potentially provide managers with both an enhanced forecast of harmful algal blooms and information needed to formulate bloom management and prevention strategies. Such forecasts are important because the frequency and intensity of toxic cyanobacteria blooms has increased in recent decades, causing a plethora of acute, chronic, and fatal illnesses in animals and humans.

**Clean and Safe Water**

Congress has mandated that the EPA ensure the safety of our drinking and recreational waters, an enormous regulatory and assessment task that relies on sufficient EPA funding and personnel resources. The ASM is concerned with the proposed 2.8 percent cut to the Drinking Water and Water Quality programs at ORD. The Drinking Water Program suffers the greatest, with an 8 percent proposed decrease from FY 2008. Cutting the research program for safe drinking water is unacceptable at a time when more than 10 percent of the US population served by community drinking water systems does not receive drinking water that meets all applicable health-based standards.

The potential for health problems from microbial contaminated drinking water is demonstrated by localized outbreaks of waterborne disease. Many of these outbreaks have been linked to contamination by bacteria or viruses, probably from human or animal wastes. For example, in 1999 and 2000, there were 39 reported disease outbreaks associated with drinking water, some of which were linked to public drinking water supplies.

The ASM supports the following priority research areas included in the FY 2009 budget request for drinking water and water quality: 1) Studies on aquifer storage and recovery on the safety of drinking water and the impacts of subsurface carbon dioxide ($CO_2$) storage on drinking water quality; 2) Revising aquatic life guidelines, recreational water criteria, the effects of emerging contaminants, nutrients, biocriteria, and multiple stressor effects on stream biota; 3) Watershed management work that supports diagnoses of impairment, mitigations, and pollutant load reduction from headwater streams and isolated wetlands; and 4) Improving the control of microbial releases from publicly owned treatment works (POTWs) during periods of significant wet weather events. It is also imperative that the EPA continue to develop analytical methods

for accurately measuring contaminant levels in drinking water and surface water; ensure proper certification and assessment of laboratories that analyze drinking-water samples; and conduct research that strengthens the scientific basis for standards that limit public exposure to contaminants. Topics of growing concern include, among others, the dissemination into the environment through water and wastewater treatment systems of diverse anthropogenic compounds, such as pharmaceuticals and estrogens or estrogen-like compounds. These compounds are now ubiquitous, but their fates in the environment and impacts on humans and other organisms are inadequately known.

The ASM supports the proposed $1 million increase for the Water Quality program. Continued investment in this area can build upon the successful outcomes already obtained. Increased research is needed to protect the nation from waterborne illnesses. According to the Centers for Disease Control and Prevention (CDC), *Cryptosporidium*, a protozoan parasite causing gastroenteritis in humans, has become the leading cause of recreational water associated outbreaks of gastrointestinal illness. In 2003-2004, this parasite accounted for 61.1 percent of gastrointestinal outbreaks associated with disinfected swimming venues such as swimming pools and water parks. This is likely due to its high resistance to free chlorine, the main barrier to infectious disease transmission in pools. Since 2005, cryptosporidiosis reporting has increased substantially.

EPA researchers have aggressively sought improved techniques for water quality assessment, building "toolkits" of assays and computational models that can be used by local and state public health officials. Recent examples include a new rapid DNA analysis test to quantify *Enterococci* and *Bacterioides* bacteria in water. This new test reduces the time for detecting these sewage contaminants from 24 hours to just two hours and makes possible same day decisions on beach warnings or closings. Other current ORD research efforts include developing laboratory cell lines and assays to measure chemical interactions with human hormone receptors and using new genomics technologies to assess risks from widely used conazole fungicides.

**Renewable Energy and Wastewater Infrastructure**

The EPA is a stakeholder in ensuring a sustainable environment, meeting the needs of the present without compromising the ability of future generations to meet their own needs. Renewable energy research is essential to ensuring sustainability. The ASM encourages EPA to pursue collaborative efforts with the National Science Foundation (NSF), Department of Energy (DOE), and the US Department of Agriculture (USDA).

In order to provide safe and secure drinking water for its citizens, the nation must improve the sustainability and energy efficiency of its water distribution systems from sources to end users. Energy efficiency is an important but often overlooked consideration. At present, the nation's water distribution infrastructure consumes approximately 5 percent of total electricity use. The development of non-fossil fuel energy sources to work water distribution systems cannot only contribute to a more secure water supply, but can also contribute to the nation's energy security. Coupling microbial activity during wastewater treatment to electricity generation provides one example for increasing energy efficiency.

Researchers, supported by the NSF and the USDA, have made great strides in advancing the technology of microbial fuel cells to benefit wastewater treatment plants. Microbial fuel cells work through the action of bacteria, which can produce electricity in fuel cells. In the process, the bacteria consume organic matter in the wastewater and improve water quality. This approach

uses the bacteria that naturally occur in wastewater, requiring no special bacterial strains or unusual environmental demands. The benefit of microbial fuel cell applications is that while they generate electricity, they purify wastewater, a goal of wastewater treatment facilities that usually requires the consumption of energy.

The ASM urges Congress to support a collaborative relationship between the EPA, DOE, NSF, and USDA to explore energy production from waste treatment, and to develop mechanisms for improving energy efficiency in water distribution.

**Climate Change**

Climate change affects all of earth's life, including microbes that often dominate the living mass of many ecosystems. Extreme temperatures can lead directly to loss of life, while climate-related disturbances in ecological systems, such as changes in the range of infective parasites, can indirectly affect the incidence of serious infectious diseases. In addition, warm temperatures can increase air and water pollution, which in turn harm human health. The impact of these changes on microbial activities is often unpredictable, but microbes play major roles in water quality, environmental integrity and human health, it is essential that the EPA retain and expand its ability to support research on climate change and subsequent impact on both beneficial and pathogenic microorganisms.

The ASM is concerned with the proposed 15 percent cut to the Global Change research program at ORD because it is clear that certain diseases and pathogens are sensitive to climate changes. The Intergovernmental Panel on Climate Change released a report in 2007 that noted that the global population at risk from vector-borne malaria would increase by between 220 million and 400 million in the next century. Other "vector-borne" diseases, such as dengue fever, yellow fever, and encephalitis, carried by mosquitoes and other insects serving as biological reservoirs and vectors are also projected to spread into new areas due to global warming. While most of the increase is predicted to occur in Africa, some increased risk is projected in Britain, Australia, India, and Portugal. Climate change may increase the risk of other infectious diseases, particularly those diseases that appear in warm areas and are spread by pathogens having a water habitat. Warming of US costal waters in recent years has caused shellfish-borne outbreaks of gastroenteritis caused by the aquatic bacterium *Vibrio parahaemolyticus* to become an increased risk to humans by consuming these infected shellfish. In addition, algal blooms could occur more frequently as temperatures warm, particularly in areas with polluted waters, potentially causing diseases such as cholera that tend to accompany algal blooms to become more frequent.

**Conclusion**

Sound science is necessary for the protection of human health and the environment. The ORD is an integral component for conducting research needed to answer many of the challenges we face, such as climate change, renewable energy, and clean and safe water. The ASM urges Congress to provide at least $595 million for the ORD and $102 million for the STAR program in FY 2008.

The ASM appreciates the opportunity to provide written testimony and would be pleased to assist the Subcommittee as it considers the FY 2009 appropriation for the EPA.

*Association of State Drinking Water Administrators*

**Testimony to the House Committee on Appropriations;**
**Subcommittee on Interior, Environment, & Related Agencies**
**March 6, 2008**

**Who We Are:** James D. Taft, Executive Director, on behalf of the Association of State Drinking Water Administrators (ASDWA), is pleased to provide testimony to the Interior and Related Agencies Subcommittee on FY 09 Appropriations for the U.S. Environmental Protection Agency. ASDWA represents the state drinking water programs in each of the fifty states and territories and the Navajo Nation in their efforts to ensure the provision of safe drinking water to more than 275 million consumers nationwide. ASDWA's primary mission is the protection of public health through the effective management of state drinking water programs that implement the Safe Drinking Water Act (SDWA).

*Summary of Request:*

**ASDWA respectfully requests that, for FY 09, the Subcommittee appropriate funding for three state drinking water programs at levels commensurate with Federal expectations for performance and at levels that continue to ensure appropriate public health protection. Specifically, ASDWA requests an appropriation of $124 million for the Public Water System Supervision (PWSS) program; $1 billion for the Drinking Water State Revolving Loan Fund (DWSRF) program; and $7 million for state drinking water program security initiatives. A more complete explanation of the needs represented by these requested amounts and a further explanation of these particular requested levels follows.**

*How States Use Federal Funds:*

**States Need Increased Federal Support to Maintain Overall Public Health Protection**: State drinking water programs strive to meet their public health protection goals through two principal funding programs: the Public Water System Supervision Program (PWSS) and the Drinking Water State Revolving Loan Fund (DWSRF) Program. These two programs, with their attendant state match requirements, provide the means for states to work with drinking water systems to ensure that American citizens can turn on their taps with confidence that the water is both safe to drink and that the supply is adequate. In recent years, state drinking water programs have accepted additional responsibilities to work with all public water systems to ensure that critical drinking water infrastructure is protected and that plans are in place to respond to both natural and manmade disasters.

**The PWSS Program**: To meet the requirements of the SDWA, states have accepted primary enforcement responsibility for oversight of regulatory compliance and technical assistance efforts for 160,000 public water systems to ensure that potential health-based violations do not occur or are remedied in a timely manner. Going beyond these longstanding core responsibilities, since 1996, state drinking water programs have participated in the development and implementation of over 25 new Federal regulations and strategic initiatives designed to enhance the protection of public health. States are also implementing an array of proactive initiatives to protect public health from "source to tap." These include source water assessments and controls; technical assistance with water treatment and

distribution; and enhancement of overall water system performance capabilities. State activities go well beyond simply ensuring compliance at the tap.

**The DWSRF Program**: In a little over 10 years, states have leveraged Federal and state funding for the DWSRF program into more than $11 billion in loans to thousands of communities as a means to help them improve the quality and quantity of the water they drink. State drinking water programs have also used DWSRF funds to support the technical assistance and training needs of small drinking water systems and to help these water systems obtain the technical, managerial, and financial proficiency needed to meet the requirements of the SDWA.

**State Drinking Water Security Responsibilities**: Since the events of September 2001, as well as the more recent experience of Hurricane Katrina, states have taken extraordinary measures to meet the security and emergency response-related needs of the drinking water community. State drinking water programs have responded to a significant number of requests for assistance, training, information, and financial support from the water systems under their purview as well as supported utility-based "mutual aid" networks. States have also been instrumental in providing support and assistance to systems in assessing whether a contamination event has occurred and, if so, evaluating the magnitude of the public health implications as well as the steps needed to recover. States have devised training and technical assistance programs, initiated new communications structures, and begun the work of integrating the concepts of enhanced security concerns throughout all aspects of the drinking water program.

***Why Increased Funding is Urgently Needed:***

**State Drinking Water Programs are Hard Pressed:** States must accomplish all of the above-described activities and take on new responsibilities while responding to escalating pressures to further cut their budgets, streamline their workforces, and operate with less state-provided financial support. State drinking water programs have always been expected to do more with less and states have always responded with commitment and ingenuity. However, state drinking water programs are now in crisis. Congress and the Executive Branch, through EPA, have implemented national program guidance calling for both states and water systems to continually improve their contaminant rule compliance rates. However, many states are now experiencing declining compliance rates in the face of declining or stagnant financial resources. Decreases in available Federal dollars increase the likelihood of a contamination event that puts public health at risk.

**State Funding Gap Continues to Grow; States Cannot Keep Up**: Although the 1996 SDWA Amendments authorized the PWSS Program at $100 million per year, appropriated amounts have only recently reached or come close to that originally-authorized level. ($97.55 million [after rescissions] was appropriated for the PWSS program in FY 08.) Since August 1996 (the date of reauthorization of the SDWA), states have been denied over $250 million in funds for the PWSS grant program that were called for by the authorized levels. However, even the fully authorized level of $100 million annually is now, 11 years after enactment, woefully inadequate for the enormity of the task faced by state drinking water programs. In FY 06, State drinking water program administrators identified an annual shortfall nationally of approximately *$360 million* between available funds and those needed to administer their programs. That gap only continues to grow and has consequences. Many states are simply unable conduct complete the timely implementation of major provisions of the newer regulations, leaving the work undone or ceding the responsibility back to EPA where it is likely to languish because of their own resource constraints and lack of "on the ground" expertise. This situation could create a significant

implementation crisis in several regions of the country and ultimately delay implementation of several critically needed public health protections. Similarly, for the DWSRF, the authorized level of $1 billion per year has never been appropriated. States have received less than 80% of the $12 billion authorized for the DWSRF program since 1996. The underfunding of these programs, coupled with the decline in the spending power of these dollars due to inflation and cost of living increases, has severely hampered state drinking water programs' ability to fulfill their mission and provide critically needed support to drinking water systems.

***FY 09 Request Levels and SDWA Program Obligations:***

**The PWSS Program**: The State PWSS program request level in the Administration's FY 09 budget is $99.1 million. This reflects an alarming downward trend from prior year Administration requests and the enacted budget high point of $101.9 million appropriated just five years ago -- in FY 04. The eroding effects of inflation have further eaten away at these inadequate funding levels. State drinking water programs are hard pressed to understand a justification for the decreased funding since this is the year when they must begin critical phases of implementation of the LT 2/Stage 2 Rule cluster – two very sophisticated and complex initiatives as well as prepare to implement the recently promulgated Ground Water Rule and changes to the Lead and Copper Rule. States want to offer the flexibilities allowed under these and other rules; however, fewer dollars mean less opportunities to work one-on-one with water systems to meet their needs. Looking ahead, states expect that new rules for contaminants on EPA's Contaminant Candidate List will be forthcoming. Revisions to the Total Coliform Rule and possibly, a new distribution system rule are planned over the next few years. The number of regulations requiring state implementation and oversight as well as performance expectations continue to grow while, at the same time, Federal funding support necessary to maintain compliance levels and meet expectations is in decline.

**ASDWA, therefore, respectfully requests that the FY 09 funding for the PWSS program be appropriated at $124 million. This figure represents a baseline of $101.9 million, as appropriated in FY 04, plus an additional 3.5% increase over the past five fiscal years and into FY 09 to adjust for inflation.**

**The DWSRF Program**: The FY 09 DWSRF program request in the President's budget is "flat-lined" at $842 million, reflecting no change from the FY 08 request and continues the downward funding trend of the three previous years – an $8 million decrease. The primary purpose of the DWSRF is to improve public health protection by facilitating water system compliance with national primary drinking water regulations through the provision of loans to improve drinking water infrastructure. Water infrastructure is needed for public health protection as well as a sustainable economy. For instance, industries have opted not to move to locations with inadequate electricity, water, and/or wastewater capacity to meet their needs. States have very effectively and efficiently leveraged Federal dollars with state contributions by turning over $11 billion from the DWSRF into well over $13 billion in water infrastructure loans since 1997. In so doing, states have provided assistance to almost 5,000 projects improving health protection for over 100 million Americans. Nearly 72 percent of projects and 39 percent of assistance has been provided to small communities (serving less than 10,000 people). However, EPA's most recent National Drinking Water Infrastructure Needs Survey (2003) indicated that water system needs total $276.8 billion over the next 20 years to comply with SDWA mandates. Despite these indicators of success and documented needs, the maximum amount requested by the Administration for the DWSRF has been $850 million and Congress has always appropriated less than

those requested levels. Without reasonable increases, the DWSRF will never be able to meet the SDWA compliance and public health protection goals for which it was designed.

**ASDWA, therefore, respectfully requests that the FY 09 funding for the DWSRF program be appropriated at authorized level of $1 billion.**

**Security Responsibilities:** The Administration's FY 09 budget request includes $4.9 million for state drinking water programs to continue to expand their security activities, particularly for small and medium water systems and support utility-based mutual aid networks for all drinking water systems. While states are appreciative of the funding, once again it is difficult to understand why the request level is decreased from previous years. Given the realities exemplified by ongoing Homeland Security initiatives, the anticipation of metrics under the National Infrastructure Protection Plan, and the lessons learned from Hurricanes Katrina and Rita, state drinking water programs are working more closely than ever with their water utilities to evaluate, assist, and support drinking water systems' preparedness and response capabilities. Beyond the mandates of the Bioterrorism Act of 2002, states are being directed to expand their efforts to reflect an "all hazards" approach to water security and to focus their efforts toward smaller water systems not covered by the Act. These systems are much less likely to have the organizational or financial wherewithal to better secure either their physical or cyber infrastructures and rely on the states to help them meet their needs and identify potential funding sources (DWSRF). There is no dedicated fund to support or assist these smaller systems.

**ASDWA therefore respectfully requests that the FY 09 funding for the state security initiatives program be appropriated at $7 million. This figure represents a very modest increase over the security grant received over the past few years (i.e., on average, this would represent an increase of less than $40,000 per state). This increase is more commensurate with the security tasks state drinking water programs must take on and would help address the eroding effects of inflation since the originally appropriated level of $5 million in FY 02.**

*Conclusion*

In conclusion, ASDWA respectfully recommends that both state and Federal FY 09 budget needs for the provision of safe drinking water be adequately funded by Congress. The Subcommittee can meet those needs through relatively modest increases in funding over the Administration's requested FY 09 budget or by a "budget-neutral" reallocation of funding within the overall budget of the U.S. Environmental Protection Agency. ASDWA calls the Subcommittee's attention to the state-recommended FY 09 budget developed by the Environmental Council of the States (ECOS) as a constructive starting point for these discussions.

A strong drinking water program supported by the Federal-state partnership will ensure that the quality of drinking water in this country will not deteriorate and, in fact, will continue to improve – so that the public can be assured that a glass of water is safe to drink no matter where they travel or live. States are willing and committed partners. However, additional Federal financial assistance is needed to meet ongoing and ever growing regulatory and security needs. In 1996, Congress provided the authority to ensure that the burden would not go unsupported. For Fiscal Year 2009, ASDWA asks that the promise of that support be realized.

# BEFORE THE
# THE HOUSE COMMITTEE ON APPROPRIATIONS

# SUBCOMMITTEE
# ON INTERIOR & ENVIRONMENT

## HEARINGS ON FISCAL YEAR 2009 BUDGET FOR THE ENVIRONMENTAL PROTECTION AGENCY

## *THE NEED FOR INCREASED FUNDING FOR THE DIESEL EMISSION REDUCTION ACT OF 2005*

**TESTIMONY OF**
**CONRAD G. SCHNEIDER**
**ADVOCACY DIRECTOR, CLEAN AIR TASK FORCE**

CLEAN AIR **TASK FORCE**

**March 13, 2008**

1. Introduction

Mr. Chairman. Members of the Subcommittee. I am Conrad Schneider, Advocacy Director of the Clean Air Task Force. CATF is a national environmental advocacy organization dedicated to restoring clean air and healthy environments through scientific research, public education, and legal advocacy. I am also testifying on behalf of the National Partnership to Reduce Diesel Pollution, a coalition of public health and environmental groups in 12 states working to cut the pollution from the 11 million diesel vehicles in use today.

We appreciate the opportunity to present testimony in support of Fiscal Year 2009 funding for the Diesel Emissions Reductions Act of 2005. In 2005, DERA was authorized at $200 million dollars per year for five years (FY2007 through FY2011). Last year, DERA was funded for the first time increasing total federal funding for diesel retrofits to nearly $50 million. That constituted a 40 percent increase over the Administration's request. I want to commend the Subcommittee for its leadership on this issue. Let's keep the momentum going on this effort and increase funding by an equal percentage over the Administration's request this year – to $70 million – because funding of this bill will do so much good for air quality and public health in this country.

2. Why We Need to Clean Up Existing Diesel Engines

A. Diesel PM2.5 Health Effects

U.S. EPA, as part of its regulatory impact analyses (RIAs) for the new highway and non-road diesel engine rules found that together the rules would avoid approximately 20,000 premature deaths in the year 2030. Using EPA's Science Advisory Board-approved methodology, that also has been reviewed and affirmed by the National Academy of Sciences (NAS), CATF contracted with EPA's own air quality consulting firm, Abt Associates, to determine the toll, in terms of adverse health effects, from diesel particles today. Abt Associates found that fine particle ($PM_{2.5}$) pollution from diesels shortens the lives of 21,000 people each year. This includes 3,000 early deaths from lung cancer. Tens of thousands of Americans suffer each year from asthma attacks (over 400,000), heart attacks (27,000), and respiratory problems associated with fine particles from diesel vehicles, equipment and vessels. These illnesses result in thousands of emergency room visits, hospitalizations, and lost work days.

Based on CATF's analysis, nationally, diesel exhaust poses a cancer risk that is 7.5 times higher than the total cancer risk from all other air toxics ***combined***. In the U.S. the average lifetime nationwide cancer risk due to diesel exhaust is over 350 times greater than the level U.S. EPA considers to be "acceptable" (i.e., one cancer per million persons over 70 years of exposure.)

B. Diesel Emission Reductions will be Critical to Attainment of the $PM_{2.5}$ Standard in Many Areas.

Currently, EPA has designated as nonattainment for the $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) 225 counties where nearly one hundred million people live as failing to meet the annual federal air quality standards for fine particles. By 2010, these areas will have had to implement mandatory measures to reduce $PM_{2.5}$ as part of their State Implementation Plans (SIPs) and have measured three years of air that meets these standards. In 2006, EPA strengthened its daily standard for PM2.5. Although designations have not yet been finalized, it is expected that this strengthened standard could add dozens of additional counties to the nonattainment rolls. SIPs setting forth how states will attain the daily PM2.5 standard are due by 2010. EPA's new

engine rules will have just begun to result in their first emission reductions by that time – too late to provide much assistance to states and municipalities needing to find faster reductions for their plans. Reductions from existing diesel engines through retrofits, rebuilds, and repowerings can provide cost-effective tons of $PM_{2.5}$ removed and help these areas achieve timely attainment.

C. Climate Impacts

Soot from diesels also has an impact on the climate. Black carbon absorbs heat in the atmosphere and is a major contributor—and potential solution —to Global Warming. Reducing diesel black carbon could provide an immediate climate benefit.

3. Diesel Clean-Up Initiatives – The Need for Funding

CATF knows that EPA's rules governing emissions from new diesel engines slated to go into effect starting in 2007 will mean significant reductions in diesel emissions eventually. However, other than providing for cleaner fuel, these rules do nothing to reduce emissions from diesel engines in service today. Because of the durability of the diesel fleet, today's engines will be running for years and even decades to come. CATF's policy goal is to accelerate the benefits of EPA's new engine rules by finding ways to cut emissions from the existing diesel fleet. CATF is working with the National Partnership to Reduce Diesel Pollution in over a dozen states seeking state and local solutions to reduce diesel emissions. The state lead organizations and their coalition partners are pursuing reductions from the whole suite of diesel engines depending on the greatest contributors to their local air quality problems: trucks, buses, ports, trains, etc. DERA funding provides crucial support for these efforts.

Unfortunately, the resources available to fund diesel retrofits far exceeds the demand. The best example of this is what has happened with the Clean School Bus USA program. During the first three years of the program, 292 grant applications for a total of $106 million were submitted to EPA. Because of funding constraints, only 72 awards were made from the 292 applications i.e., 75 percent had to be denied. In terms of funding, only $17.3 million was awarded from the $106 million requested i.e., 84 percent had to be denied.

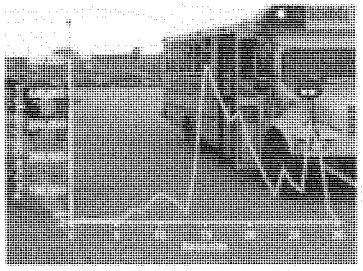
4. Need to Restore STAG funding for State Air Agencies

We would also like to endorse the request for increased funding to support State and local air quality grants that is being requested by the National Association of Clean Air Agencies ("NACAA") in their testimony before the Subcommittee. State and local governments hold primary responsibility for preventing and controlling air pollution. They rely on grants to carry out their core obligations under the Clean Air Act, including monitoring air quality, assessing emissions impacts, permitting and inspecting sources, and enforcing environmental regulations.

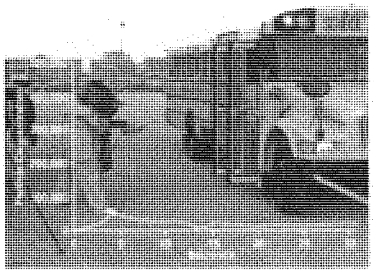
Unfortunately, the State and air quality agencies grants have been on the decline. Last year, the grants were funded at $220 million and the President has proposed reducing funding further in FY2009. We urge the Subcommittee to increase funding for these grants to $270 million, the level being proposed by NACAA. As explained in NACAA's testimony, this level funding is essential to carry out the critical mission of the State and local agencies.

5. DERA Funds will Buy Cost-Effective Technology Proven to Virtually Eliminate Fine Particles Emissions from Diesel Engines

The funds awarded under DERA will go to a variety of diesel clean up projects determined through a competitive process. Any solution that proves its worth can qualify for funding. One excellent solution is the installation of a diesel particulate filter (DPF). Over the past few years, CATF has engaged in testing the effectiveness of DPFs on a variety vehicles including school buses, transit buses, waster haulers, and box trucks. See e.g., www.catf.us/projects/diesel/noescape/; and www.catf.us/publications/view/82 . We have consistently found that when appropriately installed DPFs virtually eliminate fine particle emissions from these vehicles. This makes diesel retrofits the most cost-effective solution to mobile source PM2.5 pollution.



Emissions spike from a conventional school bus running on conventional fuel without a retrofit device



Installation of a Diesel Particulate Filter (in conjunction with Ultra Low Sulfur fuel) virtually eliminates these emissions

6. Conclusion

In conclusion, CATF urges you to fund DERA at $70 million for FY2009 because it consistent with the proportional increase adopted by the Subcommittee last year and will result in the most cost-effective use of Federal funds to achieve emission reductions from the transportation sector.

Thank you.

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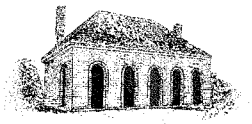

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**House Appropriations Committee**
**Subcommittee on Interior and the Environment**

**Public Witness Testimony**
**Thursday, March 13, 2008**

**Submitted by Robert R. Setliff**
**Hanover County Board of Supervisors**
**Hanover County, Virginia**

On behalf of the Hanover County, Virginia Board of Supervisors, I thank you Chairman Dicks and Ranking Member Tiahrt for the opportunity to submit testimony regarding Hanover County's efforts to protect the Chesapeake Bay. To further our efforts to protect the Bay, Hanover County respectfully requests $1.884 million through the Environmental Protection Agency (EPA), State and Tribal Assistance Grants (STAG) for the Sharon Park Septic Tank Elimination and Public Sewer Extension Project. Failing septic systems have been shown to be a contributor to the current impaired status of the Bay. Completion of this project will not only protect the health of Hanover County residents, but will also further Hanover County's efforts to protect the Chesapeake Bay.

Hanover County, located in the east-central Piedmont and Coastal Plain areas of Virginia between the Chickahominy and Pamunkey Rivers, is part of the greater Richmond metropolitan area. The County land area is 471 square miles bordered by the Counties of Caroline, King William, New Kent, Henrico, Goochland, Spotsylvania and Louisa. Hanover County is a vibrant rural and suburban locality. The County has two interstate highways, I-95 and I-295, which are among the busiest in the eastern United States. The County has a population of approximately 100,000, and is an excellent environment in which to live, for it offers a taste of rural America (it is the home of the internationally renowned Hanover Tomato) in the greater Richmond area. Hanover County is great horse country and boasts some of the finest livestock farms in central Virginia. The County, one of the fastest growing in the state, continues to be an exciting community where history is preserved for the future.

Hanover County is dedicated to protecting the Chesapeake Bay. The County was the first jurisdiction in the metro Richmond region to adopt the revised Chesapeake Bay Regulations, and voluntarily included Biological Nutrient Removal in the design of the new wastewater treatment plant. The County also implemented a growth management program (Smart Growth) well before such programs became popular. Under Hanover's Smart Growth program, 78% of the County's 471 square miles will remain rural in nature (agricultural, forestall and low density residential). The remaining 22% will be suburban style development. Hanover is managing its SmartGrowth program through funding incentives and the construction of public water and wastewater facilities. Hanover's water and sewer rates are among the highest in the region due in part to the investment in infrastructure to support the growth management program.

**House Appropriations Committee**
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Hanover County requests federal assistance in order to complete another important step in the County's plan to protect the Chesapeake Bay watershed by extending public sewer to the Sharon Park subdivision which currently relies on a septic system. The Sharon Park subdivision is located in the Chesapeake Bay watershed. Point source discharges such as industrial and wastewater treatment plan discharges are currently regulated, and managers of these entities are working to reduce pollutant discharges. However, septic systems are unregulated. To fully achieve the goals of the Chesapeake Bay 2000 Agreement, programs to eliminate failing septic systems, like Sharon Park, are necessary. The Sharon Park project provides an approach to advance the goals of the 2000 agreement by eliminating failing septic systems.

Sharon Park is a mature subdivision dating back to 1950. Approximately 85 of the subdivision's 120 lots, which range in size from half an acre to one acre, are developed. Under normal conditions the life expectancy for a septic system is between 20 and 30 years and the older septic systems in Sharon Park are now failing -- creating both health and environmental hazards. Because of the lot sizes, the Sharon Park residents are precluded from rectifying the problem through replacement of the septic systems. Because many in Sharon Park rely on individual wells for drinking water, the septic tank failures and their impact on the surrounding soil present a significant public health threat.

Providing wastewater service to Sharon Park Subdivision involves the construction of approximately 10,500 linear feet of 8-inch gravity sewer, a new pump station, and an approximately 3,300 foot long force main. The estimated cost to retrofit Sharon Park is approximately $3.425 million or $28,500 per household (approximately $119 per month for 20 years assuming 0% interest loan - total sewer bill would be approximately 2.1% of median household income). Hanover County is requesting $1,884,000 in federal funding, 55 percent of the project cost.

The Chesapeake Bay Program has determined that nitrogen and phosphorous are the major contributors to the impaired status of the Chesapeake Bay, and septic systems are significant contributors to the nitrogen load. According to the 1990 Bureau of the Census data, 24.7% of housing units in the Chesapeake Bay watershed rely on septic tanks or cesspools to treat their household wastewater. Population is expected to increase by 18% between 1997 and the year 2020 (from 15.1 million to nearly 17.8 million). Nitrogen loads from septic systems are expected to increase as population increases. Because increase in nitrogen loads from septic systems is generally attributed to growth, the increase in load due to the failing systems may be even greater. The York River Tributary Strategy data shows nitrogen discharges from septic systems into the York River Basin will increase by 38% between 1985 and 2010 due to growth. This assumes all other septic systems are in good working order and being maintained properly.

Hanover County proposes to support reduced nitrogen loads by eliminating the failing septic systems in the Sharon Park subdivision. A resident hooked to an advanced wastewater treatment plant sends about two pounds of nitrogen into the Chesapeake Bay waterways annually, whereas a septic tank produces about nine pounds annually. With previous support from this subcommittee, Hanover County has nearly completed a similar project in the Atlee Manor subdivision, a neighborhood very similar to Sharon Park that also lies in the Chesapeake Bay watershed. The completion of these projects will have a profound and recognizable impact on the health of the Chesapeake Bay.

On behalf of Hanover County, I would like to thank the Subcommittee for its commitment to protecting the Chesapeake Bay. Hanover County requests that this subcommittee again support the County's efforts to protect the bay by providing additional support to eliminate the septic tanks in the Sharon Park subdivision. Thank you again for the opportunity to submit testimony on behalf of Hanover County. We look forward to continuing to work with the Subcommittee to achieve our mutual goal of enhancing and protecting the health and beauty of the complex ecosystem of the Chesapeake Bay.

Testimony of the Environmental Council of the States (ECOS)
Subcommittee on Interior, Environment and Related Agencies
Regarding U.S. Environmental Protection Agency 2009 Budget

In this document, the States respectfully submit their budget proposal for the portion of the U.S. Environmental Protection Agency's budget that supports states, tribes, and local governments, the State and Tribal Assistance Grants (STAG). States request $3.867 billion for these purposes. These funds are used for categorical grants and infrastructure support.

The States request $1.219 billion for 24 categorical program grants for State and tribal governments.

We request $2.648 billion for infrastructure support to be spent on wastewater, drinking water, Brownfields, and other environmental infrastructure needed to meet the goals of the core environmental statutes.

The States are integral partners and co-regulators with the U.S. Environmental Protection Agency (EPA) in the implementation of the nation's environmental laws. States in fact conduct most of the permitting, enforcement, inspections, monitoring, and data collection required by those laws on EPA's behalf. To assist the States, Congress provides a portion of the States' costs through EPA's budget in STAG.

Additionally, Congress provides federal funding to capitalize vital water and wastewater infrastructure needs.

Unfortunately, EPA has once again proposed cuts for support of the States' work on its behalf. These cuts reduce STAG to the levels received in 1998 – over 10 years ago. During the period 2000 – 2009 EPA has asked (or is asking) the States to implement about 400 new rules with a "state or local impact." These are significant rules that are discussed in hearings before Congress, written about by the press, and for which the public is counting on States to do the job entrusted to them by Congress.

EPA has asked States to participate in its budget development for the last three years, and ECOS did so in the development of the Administration's budget as it was being worked on in 2007. Unfortunately, our recommendations, such as those presented herein, were not heeded.

The proposed cuts threaten to undermine the States' ability to provide the environmental protection mandated by Congress. We ask Congress, on behalf of the citizens of our States, not to accept the President's recommendations for STAG, but instead to give consideration to this proposal.

This year, we also ask Congress to prohibit EPA from the pernicious practice seen in recent EPA budget proposals in which the agency interferes with the States' ability to exercise its obligations by stipulating that funds must be spent on specific activities. Examples of this include the so-called "Permit Fees Rule," the 106 set-asides for "probabilistic monitoring" and the proposal to prohibit States from using the "state bond match" for the revolving loan funds. Most of these

EPA requests have been restricted by Congress in report language, which the agency then interprets to its liking and, in our opinion, thwarts the clear will of Congress in the process.

**The States' budget proposal is based on three primary principles:**

1. In times of fiscal crisis, when resources are in short supply, the core mandated environmental programs funded through STAG, including infrastructure capitalization, must be funded first;
2. Reductions in EPA's budget, if they must occur, should be shared proportionately by EPA and the States after STAG levels are returned to their 2004 levels; and
3. States should be afforded the flexibility to run their core programs in a manner that will obtain the highest level of attainment with the standards set by Congress and EPA without undue hindrance from EPA, but within its oversight responsibilities.

**ECOS' budget does not propose cuts for the non-STAG portions of EPA's budget.**

1. EPA staffing can remain intact as presented in the President's 2009 budget proposal.
2. No non-STAG programs need be eliminated beyond those described in the President's 2009 budget proposal.
3. No decrease in protection of human health or the environment will result – in fact, it will be improved.

ECOS is prepared to present additional details and suggestions as requested, including in testimony on any hearings as might be held on the President's budget proposal.

Contact:

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***About The Environmental Council of the States (ECOS)***

The Environmental Council of the States (ECOS) is the national non-profit, non-partisan association of state and territorial environmental agency leaders.

The purpose of ECOS is to improve the capability of state environmental agencies and their leaders to protect and improve human health and the environment of the United States of America.

*A Budget to Support Core Environmental Programs*
*This is a budget proposal prepared by ECOS for the STAG Portion of EPA's 2009 Budget.*
**State and Tribal Assistance Grants (all figures in thousands of dollars)**

Categorical Grants

| Programs | FY 2004 Enacted | FY 2008 Enacted | ECOS' PROPOSAL 2009 | Brief Rationale | % Change (08 enacted to 09 proposal) | % Change (04 enacted to 09 proposal) |
|---|---|---|---|---|---|---|
| **Highest Priority** | | | | | | |
| State and Local Air Quality Management | $237,297 | $216,825 | $270,300 | increase for new requirements and inflation | 24.7% | 13.9% |
| Public Water System Supervision (PWSS) | $101,904 | $97,554 | $124,404 | increase for new requirements and inflation | 27.5% | 22.1% |
| Brownfields CG | $50,000 | $48,723 | $50,000 | increase for inflation | 2.6% | 0.0% |
| Hazardous Waste Financial Assistance | $103,689 | $101,734 | $103,768 | increase to meet requirements and inflation | 2.0% | 0.1% |
| Underground Storage Tanks (Note 1) | $11,725 | $2,461 | $2,510 | increase for inflation | 2.0% | -78.6% |
| Nonpoint Source (Sec. 319) | $241,542 | $200,857 | $204,874 | increase for inflation | 2.0% | -15.2% |
| Pollution Control (Sec. 106) | $202,937 | $218,206 | $270,300 | increase for new requirements and inflation | 23.9% | 33.2% |
| **Moderate Priority** | | | | | | |
| Environmental Information | $19,474 | $9,844 | $10,000 | increase to meet requirements and inflation | 1.6% | -48.7% |
| Beaches Protection | $8,826 | $9,746 | $9,746 | same as previous year | 0.0% | 10.4% |
| Homeland Security | $4,051 | $4,873 | $7,000 | assists states in dealing with "all hazards" approach, as opposed to past practice of "biohazards" only, and new directives and EPA requirements | 43.7% | 72.8% |
| Lead | $14,100 | $13,352 | $13,352 | same as previous year | 0.0% | -5.3% |
| Pesticides Enforcement | $19,776 | $18,419 | $18,419 | same as previous year | 0.0% | -6.9% |
| Toxics Substances Compliance | $5,036 | $5,019 | $5,019 | same as previous year | 0.0% | -0.3% |
| Pesticides Program Implementation | $13,225 | $12,768 | $12,768 | same as previous year | 0.0% | -3.5% |
| Pollution Prevention | $6,150 | $4,863 | $4,863 | same as previous year | 0.0% | -20.9% |
| Radon | $8,062 | $7,948 | $7,948 | same as previous year | 0.0% | -1.4% |
| Tribal Air Quality Management | $12,385 | $10,769 | $10,769 | same as previous year | 0.0% | -13.0% |
| Tribal General Assistance Program | $62,196 | $56,037 | $56,037 | same as previous year | 0.0% | -9.9% |

| Programs | FY 2004 Enacted | FY 2008 Enacted | ECOS' Proposal 2009 | Brief Rational | % Change (08 enacted to 08 proposal) | % Change (04 enacted to 09 proposal) |
|---|---|---|---|---|---|---|
| Underground Injection Control (UIC) | $10,800 | $10,721 | $10,721 | same as previous year | 0.0% | -0.7% |
| Water Quality Cooperative Agreements | $16,608 | $0 | $9,844 | for program as described in statute | n/a | -40.7% |
| Wetlands Program Development | $17,110 | $16,567 | $16,567 | same as previous year | 0.0% | -3.2% |
| **Low Priority** | | | | | | |
| Wastewater Operator Training | $0 | $0 | $0 | Eliminated | 0.0% | 0.0% |
| Sector Program | $1,838 | $1,209 | $0 | Eliminated | -100.0% | -100.0% |
| Targeted Watersheds | $7,472 | $9,844 | $0 | elim. in favor of WQCA above | -100.0% | -100.0% |
| Subtotal, Categorical Grants | $1,176,203 | $1,078,339 | $1,219,211 | | 13.1% | 3.7% |
| **Highest Priority** | | | | | | |
| Clean Water SRF | $1,397,785 | $689,080 | $1,500,000 | increase to address gap issues | 117.7% | 7.3% |
| Drinking Water SRF | $881,524 | $829,029 | $1,000,000 | increase to address gap issues | 20.6% | 13.4% |
| **Moderate Priority** | | | | | | |
| Brownfields Projects | $87,380 | $93,518 | $93,518 | same as last yr | 0.0% | 7.0% |
| Diesel Emissions Reduction Grant Program | $0 | $49,220 | $0 | ECOS suggests this cost item be moved to the EPM account, as EPA controls the majority of these funds, not States. ECOS supports full funding of this program as part of the EPM budget. | -100.0% | 0.0% |
| Congressional Priorities (STAG Infrastructure Grants) (Note 2) | $263,524 | $132,894 | $0 | Note 2. | -100.0% | -100.0% |
| Infrastructure Assistance: Alaska Native Villages | $37,434 | $24,610 | $24,610 | Previous year; no recommendation | 0.0% | -34.3% |
| Infrastructure Assistance: Mexico Border | $64,846 | $19,688 | $19,688 | Previous year; no recommendation | 0.0% | -69.6% |
| CA Reduction Project Grants | $0 | $9,844 | $9,844 | Previous year; no recommendation | 0.0% | n/a |
| Subtotal, Infrastructure | $2,732,493 | $1,847,883 | $2,647,660 | | 43.3% | -3.1% |
| TOTAL, ALL ITEMS | $3,908,696 | $2,926,223 | $3,866,871 | | 32.1% | -1.1% |

Note 1. In the 2008 budget, a substantial amount of the funding for this program was shifted to the LUST Trust Fund. We recommend retaining that approach with the same $31 million in the UST fund for UST Grants as last year.
Note 2. These are included here as part of the CW SRF funds. ECOS follows EPA's practice of not budgeting these, but we do not oppose the use of Congressional Priorities.
2004 data is presented as a comparison because it was the most recent peak year of funding.
All figures are post-rescission, including 2008.
These are actual-year dollars, not adjusted.

**TESTIMONY OF WILLIAM ("DUB") TAYLOR, CHAIR
NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS
BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED
AGENCIES APPROPRIATIONS SUBCOMMITTEE IN SUPPORT
OF FY=09 U.S. ENVIRONMENTAL PROTECTION AGENCY FUNDING**

Mr. Chairman and members of the Subcommittee, I am Dub Taylor of Texas, and Chair of the National Association of State Energy Officials (NASEO). NASEO represents the energy offices in the states, territories and the District of Columbia. NASEO is submitting this testimony in support of funding for the Energy Star program (within the Climate Protection Division of the Office of Air and Radiation) at the U.S. Environmental Protection Agency (EPA). **NASEO supports funding of at least $90 million, including specific report language directing that the funds be utilized only for the Energy Star program.** We were extremely disappointed with the $44.2 million FY'09 request and the $48.2 million funding level established in FY'08. At the present time, Congress is seriously considering climate legislation. The Energy Star programs are successful and cost-effective. They should be expanded, not reduced. With oil prices at $110/barrel, gasoline prices nearing $4/gallon, large spikes in natural gas, heating oil and propane, Energy Star can help consumers quickly.

The Energy Star program is focused on voluntary efforts that reduce the use of energy, promotes energy efficiency and renewable energy, and works with states, local governments and business to achieve these goals in a cooperative manner. NASEO has worked very closely with EPA and over 40 states are Energy Star Partners. In 2005, EPA and NASEO announced a new Clean Energy and Environment State Partnership program, which already has fifteen state members, including California, Massachusetts, New Mexico, New York, Pennsylvania and Virginia. We are working closely with EPA on the new National Action Plan for Energy Efficiency, the Energy Star Challenge, Home Performance with Energy Star, etc. We worked with EPA to have over half the states declare "Change a Light" Day. With very limited funding, EPA=s Energy Star program works closely with the state energy offices to give consumers and businesses the opportunity to make better energy decisions, without regulation or mandates.

Energy Star focuses on energy efficient products as well as buildings. In 2006, 300 million Energy Star products were purchased. The Energy Star label is recognized across the United States. It makes the work of the state energy offices much easier, by working with the public on easily recognized products, services and targets. In order to obtain the Energy Star label a product has to meet established guidelines. Energy Star=s voluntary partnership programs include Energy Star Buildings, Energy Star Homes, Energy Star Small Business and Energy Star Labeled Products. The program operates by encouraging consumers, working closely with state and local governments, to purchase these products and services. Marketplace barriers are also eradicated through education.

In addition to the state partners, the program has more than 9,000 company partners. More than 750,000 families now live in Energy Star homes, saving $170 million annually. The AHome Performance@ with Energy Star activity allows us to focus on whole-

house improvements, not simply a single product or service. This will be extremely beneficial to homeowners. Pilots have already been undertaken in New York, Illinois, Maryland, Texas and Wisconsin. We are also working closely with EPA in the implementation of the Energy Star Challenge, which is encouraging businesses and institutions to reduce energy use by 10% or more, usually through very simple actions. We are working with the building owners to identify the level of energy use and compare that to a national metric, establish goals and work with them to make the specified improvements. Again, this is being done without mandates.

The state energy offices are very encouraged with progress made at EPA and in our states to promote programs to make schools more energy efficient, in addition to an expanding Energy Star business partners program. This expansion will continue. EPA has been expanding the technical assistance work with the state energy offices in such areas as benchmark training (how to rate the performance of buildings), setting an energy target and training in such areas as financing options for building improvements and building upgrade strategies.

The state energy offices are working cooperatively with our peers in the state environmental agencies and state public utilities commissions to ensure that programs, regulations, projects and policies are developed recognizing both energy and environmental concerns. We have worked closely with this program at EPA to address these issues. The level of cooperation from the agency has been extraordinary and we encourage these continued efforts.

**State Examples**

In Washington State more than 320 companies and public entities are participating in Energy Star, with significant small business participation. The state energy office, working with the Northwest Energy Efficiency Alliance, businesses and utilities throughout the region, has been promoting market transformation activities focused on Energy Star. Energy Star investments in Washington will prevent the emissions of 5 million metric tons of greenhouse gases. Washington has approximately 5,600 homes that earned the Energy Star and more than 680 buildings with over 100 million square feet have been rated for energy efficiency, with 52 buildings earning the Energy Star for superior efficiency. In 2002 alone, the savings attributed to improved residential lighting was 45 megawatts.

In Massachusetts, businesses and residences will save $3 billion in Energy Star investments that have already been made, which will also reduce emissions by 9 million metric tons. Energy Star products are sold at 870 locations within the state, 12,000 homes have earned Energy Star and 260 companies and public entities directly participate in the program. Massachusetts has 86 buildings that have earned the Energy Star for superior efficiency and all state agencies are required to purchase Energy Star qualified office equipment. The Renewable Energy Trust, part of the Massachusetts Technology Collaborative, partnered with Massachusetts Energy Star to provide rebates for eligible renewable energy installations in Energy Star homes.

In New Mexico, businesses and residents will save more than $500 million through Energy Star investments that have already been made. This will reduce emissions by 1 million metric tons. Thirty-nine companies participate in Energy Star and over 3,300 homes are

Energy Star compliant. New Mexico has 63 buildings with over 9 million square feet that have been rated for energy efficiency, with 6 buildings earning the Energy Star for superior efficiency. Public Service Company of New Mexico offers cash rebates for water heater wraps and Energy Star programmable thermostats.

New York has been one of the most aggressive states in implementing Energy Star, tailored to the unique needs of the state. Residents and businesses in the state will save more than $9 billion through Energy Star investments that have already been made. These investments will prevent the emissions of 24 million metric tons of greenhouse gases (equivalent to eliminating 16 million vehicles). Within the state, 9,000 homes have earned Energy Star ratings, and 670 companies and public entities participate in Energy Star. The New York State Energy Research and Development Authority (NYSERDA), the state energy office, has contributed more than $12 million to promote Energy Star within the state. NYSERDA=s unique air-conditioning bounty and buy-back program in New York City, utilizing Energy Star air-conditioners, resulted in a complete market transformation. Approximately 200,000 high efficiency air-conditioners were sold, with the disposal of older, inefficient units. This produced a measurable drop in peak demand. NYSERDA offers home builders a cash incentive of $3,000 per home for building a home that meets or exceeds Energy Star guidelines. Companies with extremely active Energy Star programs in the state include Canon U.S.A., Eastman Kodak, Starwood Hotels and Verizon Communications.

Pennsylvania will save more than $4 billion through investments made by Energy Star which will reduce emissions by 15 million metric tons of greenhouse gases. More than 310 companies and public entities participate in Energy Star and consumers can purchase Energy Star products at 900 locations in the Commonwealth. Pennsylvania has 1200 buildings with over 200 million square feet rated for energy efficiency with 80 buildings earning the Energy Star for superior efficiency. AFC First Financial Corporation has made low-interest loans to finance $1 million in Energy Star heating and cooling systems. Over 60 manufacturers of Energy Star products are located in Pennsylvania. The state and EPA have been focusing efforts on improving the energy performance of schools. Over 900 retail locations throughout the state carry Energy Star qualified products. Recent developments have included evaluation of the energy performance of almost 800 buildings in order to facilitate the implementation of energy improvements.

We can provide a myriad of other state examples at your request.

**Conclusion**

Increases in funding for the Energy Star programs are justified. NASEO endorses these activities and the state energy offices are working very closely with EPA to cooperatively implement a variety of critical national programs.

**Testimony on the Environmental Protection Agency's Energy Star Programs**

Jared O. Blum
President
Polyisocyanurate Insulation Manufacturers Association

Submitted to:
U.S. House of Representatives
Subcommittee on Interior, Environment & Related Agencies
Committee on Appropriations

March 13, 2008

The Polyisocyanurate Insulation Manufacturers Association (PIMA) is pleased to comment on EPA's fiscal year 2009 appropriations for the Energy Star programs. These programs have proven to be highly successful in preventing pollution caused by energy production and generation. PIMA urges Congress to continue its strong bipartisan support for these programs and to reject the administration's proposed funding cut. PIMA believes that a small increase or level funding would be a more appropriate level of support for such an effective program. The FY 2008 appropriations for Energy Star was $52 million.

This is a relatively small investment compared to the large returns: $14 billion in energy savings or almost a 5% reduction in total U.S. electricity demand in 2006 alone. According to EPA, every federal dollar spent on the Climate Protection Partnership programs (which includes Energy Star) through 2006 means: reductions in greenhouse gas emissions of 1.0 metric ton of carbon equivalent; savings for partners and consumers of more than $75 on their energy bills; private sector investment of more than $15; and a net savings of more than $60.

PIMA is the trade association for manufacturers of rigid polyiso foam insulation, a product that is used in over 60 percent of new commercial roof construction, in 30 percent of new residential construction that uses insulated sheathing, and in most re-insulation of existing commercial building roofs. PIMA members have a nationwide presence with 31 polyiso manufacturing facilities in 16 states and Canada. PIMA and its members are strong supporters of federal programs and policies that promote cost-effective improvements in the energy efficiency of buildings, both residential and commercial.

The voluntary Energy Star programs are innovative and effective policies that have been established to address critical environmental problems. Instead of burdening taxpayers with expensive subsidies or burdening industry with cumbersome regulatory mandates, the Energy Star programs remove market barriers to early acceptance of energy efficient technology. EPA is the necessary catalyst in this ongoing market transformation process that allows our economy to work efficiently while becoming less energy intense. We believe that EPA should be applauded for its creative and economically sound thinking in finding solutions to environmental problems.

This testimony focuses on the individual Energy Star programs that PIMA members participate in: Energy Star Homes; Energy Star Home Sealing; Energy Star Buildings; and Energy Star Roofs.

**Energy Star Homes Program**

As part of the country's efforts to prevent air pollution and reduce the emissions of global warming gases, EPA launched the Energy Star Homes program in 1995. Household energy use is a major source of carbon dioxide ($CO_2$) emissions in the U.S., accounting for about 20 percent of total emissions. Home energy use is a significant cause of other air pollutants as well, such as sulfur dioxide, nitrogen oxides, and particulate matter. The Energy Star Homes program reduces energy use and prevents pollution by encouraging builders and developers to construct energy-efficient homes through the use of improved insulation, tighter ducts, high efficiency heating and air conditioning equipment, and high performance windows.

In general, Energy Star homes are new homes that are at least 15 to 20 percent more energy-efficient, depending on climate zone, than a comparable home built to the 2004 International Residential Code (IRC). Although the value of these homes is greater than those that are less energy efficient (*i.e.,* a higher sticker price), Energy Star homes actually cost less to own and operate on a monthly basis than comparable homes that are not as energy efficient. This is because the savings from lower monthly energy bills is greater than the small increase to a person's monthly mortgage payment due to the extra energy saving features. In addition, some banks provide favorable mortgages for energy-efficient homes, lowering monthly payments even more. The average annual net savings for a person owning an energy star home is $300.

As of the end of 2006, more than 700,000 new homes have earned the Energy Star designation (approximately 174,000 new homes in 2006 alone), "locking in" financial savings for homeowners of more than $170 million annually. In 2006, Energy Star homes achieved market penetrations as high as 60 percent in some key areas of the country and 12 percent nationally. Also, more than 3,500 homebuilders have joined the program, including 60% of the top 100 U.S. builders, according to the EPA. The long-term goal of the program is a 60% market penetration nationwide by 2012 (*i.e.,* 860,000 new energy star homes). This would result in a cumulative carbon emission reduction of 9 million metric tons and energy savings to homeowners of over $4 billion.



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**Energy Star Label for Buildings**

The Energy Star Label for Buildings program is designed to facilitate comparisons of commercial building energy performance and recognize the most efficient and cost effective buildings in the country. This program considers and hopes to influence the design, construction, and energy efficient operation of buildings. It is essentially a benchmarking tool, with the Energy Star label being awarded to the top performers. According to EPA, these building use about 35% less energy than average buildings. Moreover, approximately 400 of the top performing energy star buildings use 50% less energy. Through January of 2007, 3,200 buildings have earned the Energy Star designation, saving $600 million annually in energy costs and reducing greenhouse gas emissions equal to the emissions from almost 900,000 vehicles.

**Energy Star Home Sealing Program**

The Energy Star Home Sealing program is aimed at energy use in the existing housing stock. Manufacturers of insulation, windows and other products work together to educate contractors, retail sales people and consumers about R-values and the proper use of home envelope components. This program had its start in 1996 as the Energy Star Insulation program, but in 2002 evolved into a program that adopted more of a systems approach that considers the entire building envelope and a broader range of products.

**Energy Star Roofs Program**

Another Energy Star program that I would like to highlight is the Energy Star Roofs program, which awards the Energy Star label for roof products based on their solar reflectance. This is an evolving program that is well positioned to help transform the market for energy-efficient roofs that have lower detrimental impacts or even a positive impact on the environment. Today's building designer or architect should be considering not only well insulated cool roofs, but also green or vegetated roofs to control storm water runoff and to create avian habitat, roofs with photovoltaic systems to help supplement the grid's peak load demands, and the sustainability of the materials used in the construction of roofs. With the commercial roofing industry actively working on issues of sustainability and environmental impacts, this promises to be an exciting period in the development of buildings, especially if EPA is able to leverage this interest and activity through its programs.

**The Importance of a Well Funded Energy Star Program**

Unfortunately, the market for energy efficient products and services does not always work as well as it should. Even though in most areas of the country it costs less to own and operate a home that is more energy efficient, this is rarely a determining criterion in designing and building homes. We believe that if it were not for building energy codes, there would be little incentive for builders to construct even minimally energy-efficient homes. The



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construction and marketing of new homes, which is largely controlled by the builder, is dominated by concerns over construction costs, with little thought given to energy costs. Also, the typical consumer assumes his or her new home uses the latest in building technologies, including energy-efficient technologies. Without an independent, widely accepted labeling system, such as EPA's Energy Star labels, it is too difficult for the average consumer to evaluate the energy efficiency of a new home.

Those builders with an interest in building and marketing energy-efficient homes, like most builders, are small businesses that do not have the resources to obtain unbiased information on the latest energy-efficient products and construction methods and to package an effective marking strategy for selling energy-efficient homes. Without the information and marketing tools that are made available through the Energy Star program it might be too risky for a homebuilder to make the types of investments needed to change old habits and to build and sell energy-efficient homes.

To create the market for energy-efficient homes there has to be an organized effort to educate consumers and to teach builders how to change their old ways of approaching consumers. Because of the critical importance of reducing air pollution and greenhouse gas emissions (including energy-related $CO_2$ emissions), it is clearly an appropriate role for the federal government to plant the seeds of a new, more sustainable, market.

Written Statement
Submitted to the Subcommittee on Interior, Environment, and Related Agencies
House Committee on Appropriations
March 13, 2008

Richard A. Bajura, Executive Director
National Environmental Services Center
West Virginia University, Morgantown, WV

Chairman Dicks, Ranking Member Tiahrt and Members of the Subcommittee:

We request an appropriation of $2 million in FY 2009 to assist small communities in meeting their wastewater treatment needs under the programs of the National Small Flows Clearinghouse and the National Environmental Training Center for Small Communities. Both programs are administered by the U.S. Environmental Protection Agency (EPA) under the Environmental Programs and Management (EPM) account.

Introduction

My name is Richard Bajura and I serve as Executive Director of the National Environmental Services Center. Our center is home to both EPA and USDA funded programs that provide comprehensive environmental services to small communities and rural areas. Our work is focused mainly on drinking water, wastewater, and municipal solid waste. Two of our major programs, the National Small Flows Clearinghouse (Clearinghouse) and the National Environmental Training Center for Small Communities (Training Center) are the subjects of this testimony. These first two pages outline the need and justification for our request; the last two pages of our testimony provide background information about the Clearinghouse and Training Center programs.

Need

According to EPA's Clean Watersheds Needs Survey 2004 Report to Congress, small communities in the U.S. (populations less than 10,000) need $17 billion for wastewater services. However, state and federal funds available to help meet these needs have decreased, and competition among the communities for these monies has intensified. Small and rural communities require assistance in developing, maintaining, and managing infrastructure for municipal wastewater treatment facilities that protect public health and meet environmental regulations. These communities are most often characterized as being rural, having few financial resources, and as being overseen by elected officials who have limited time and support personnel to make decisions in these matters. The congressionally directed funding requested in our testimony will enable us to help these communities with services they will not otherwise obtain.

EPA is charged with developing implementation and management strategies and technical assistance services for decentralized wastewater treatment systems for small and rural communities. However, EPA has an insufficient number of staff to carry out this responsibility. EPA has relied on the Clearinghouse and the Training Center to provide information services, technical assistance, and training for these communities and for service providers. While Congress has charged the EPA with these responsibilities, the Administration routinely does not provide financial support for such programs and congressional action is required each year to support Clearinghouse and Training Center services.

Request

Congressional support to continue the work of the Clearinghouse and Training Center is imperative because the State agencies and communities these programs assist cannot pay on a fee-for-service basis. Neither can State allocations for water and wastewater infrastructures pay for these programs' services. By virtue of the congressional appropriation, we are able to offer most of our services free of charge.

Without congressional support, the Clearinghouse and Training Center programs will be unable to attain sufficient funding to continue in the near term. In the longer term, the Clearinghouse can be supported under the funding formula provided for the Clearinghouse through renewal of the State Revolving Loan Fund (SRF) financing section of the Clean Water Act [H.R. 720] that was passed by the House in March of 2007. While EPA has a mandate to protect drinking water and manage wastewater discharges, the Administration budget request typically does not include funding for water programs that serve small and rural communities. Given the absence of funding in the President's budget, Congress regularly adds funds each year to the EPA budget to continue service provider programs to meet the goals established by EPA. In the past, funding for the Clearinghouse and Training Center has been included among the congressional priorities for water-related programs such as the National Rural Water Association, Rural Community Assistance Partnership, Groundwater Protection Council, and similar organizations.

We request reinstated funding support at a total of $2.0 million for the National Small Flows Clearinghouse and the National Environmental Training Center for Small Communities programs to support our work until the Clean Water SRF legislation is reauthorized and enacted. Thank you for considering our request.

BACKGROUND INFORMATION ABOUT CLEARINGHOUSE AND TRANING CENTER

About The National Small Flows Clearinghouse

The Clearinghouse provides information and technical assistance about small wastewater facilities serving the needs of residents located in rural areas and small communities. We assist agencies, organizations, and industries that advance decentralized wastewater treatment as part of the nation's wastewater infrastructure. These technologies are referred to as "decentralized" because they do not require the large infrastructure investment common to centralized municipal collection and treatment systems. Decentralized systems, such as onsite septic systems and small cluster systems, serve 40 percent of the total U.S. population, especially in small communities and in newer residential developments.

Through its congressionally mandated information collection and dissemination mission [1977 Clean Water Act section 104 (q) (1)], the Clearinghouse serves as the national archive for onsite and decentralized wastewater treatment technology information and research. The Clearinghouse was created under the clean water act legislation to provide information and assistance to small and rural communities on proper technology selection and management of onsite and small wastewater systems. As such, the Clearinghouse offers a comprehensive body of information and technical assistance services unique to the wastewater industry. Users of these services include individual homeowners, small town officials who do

not have staff support to address regulatory requirements, developers, state regulators, and professionals who install and service alternative treatment systems.

Since its inception and through subsequent Clean Water Act reauthorizations, the Clearinghouse has provided small and rural communities contemporary, objective and comprehensive technical consulting, site-specific technical assistance, information about wastewater systems, and a suite of regular and special topic publications targeted to small and rural community needs for wastewater. Now in its 31st year, the Clearinghouse is a long-standing national information resource on wastewater collection and treatment technologies that are appropriate for use in small communities, rural areas and in subdivisions where the cost to provide central sewage services is a significant portion of most municipal budgets.

The Clearinghouse is a highly-regarded national source of information about onsite wastewater treatment and management. For example, as part of its holdings, the Clearinghouse has the only comprehensive literature database in the nation on decentralized technologies, offering accurate, relevant operation, maintenance and management information to stakeholders. Additionally, the Clearinghouse initiated and hosted for the past 10 years the annual SORA-COI conference that brings together state wastewater regulators (SORA) and associated equipment manufacturers (COI) and EPA regional managers to facilitate the implementation of state and national programs to meet requirements for maintaining water quality standards.

About The National Environmental Training Center for Small Communities (NETCSC)

The Training Center was established by Congress in 1991 as an adjunct to the Clearinghouse to meet the training needs of multiple constituent groups on a variety of environmental topics. The Training Center develops and delivers training for community officials, circuit riders, water and wastewater professionals, and other groups on wastewater, drinking water, and municipal solid waste disposal and security. In a unique approach, the Training Center develops, disseminates and delivers training customized for small community environmental management. Environmental trainers and technical assistance providers who attend our classes then in turn train environmental professionals who serve small communities. The Training Center has developed more than 40 model training packages for drinking water and wastewater system design, operation, finance, management, emergency response, and system security. These training packages are delivered and available coast-to-coast to thousands of participants, often in co-sponsorship with other training and/or service providing organizations.

The Training Center has held more than 250 training events. Hundreds of environmental trainers across the nation subsequently use our materials to train thousands of local officials, operators, installers, regulators, engineers, and homeowners. Training on environmental management and security and emergency response has been customized for and delivered to tribal audiences. More than 7,000 environmental trainers, technical assistance providers, and small community professionals receive the Training Center's environmental training newsletter to obtain relevant information and updates on environmental infrastructure, training, security, and emergency preparedness issues and opportunities.

The Training Center sponsors an annual National Environmental Training Institute, drawing a wide-ranging audience of water and wastewater and environmental professionals interested in small community infrastructure. More than 95% of the attendees recommend our courses to their colleagues; more than three quarters of the attendees rate the instruction and course materials as being Excellent or Very Good. More than 95% plan to use what they have learned through the training courses to help small communities.

Regional offerings of the Institute that focus on water infrastructure sustainability are scheduled to be delivered in 2008.

Support for EPA National Priorities

As part of a Memorandum of Understanding (MOU) initiated by EPA, the National Environmental Services Center, which houses both programs, joined with 7 other national organizations to assist the Agency in meeting its strategic goals under its Decentralized Treatment Program. Services provided by both programs are the underpinning for the activities of many of the MOU partners in achieving their respective goals in the MOU partnership. Continued support for the Clearinghouse and the Training Center is important to EPA in meeting its national goals under its water programs.

Accomplishments

Highlights of Clearinghouse and Training Center accomplishments, many of which are provided to the user community free of charge thanks to congressional support, include:

- Toll-free phone service providing technical assistance from our staff of engineers and information experts to operators, engineers, scientists, regulators, manufacturers, and homeowners;
- Magazines and newsletters, including Small Flows, Pipeline, and E-Train, that provide information on drinking water and wastewater for small communities, with a combined mailing list of 70,000 individuals or organizations nationwide;
- More than 1000 information products such as pamphlets, how-to guides and handbooks, design manuals, videos, checklists, equipment manufacturers catalogs and an outreach resource guide, directories of various water and wastewater experts nationwide, informational posters, case studies, and related information;
- Comprehensive web site and searchable online databases featuring water, wastewater, security, and emergency preparedness resources for communities of 10,000 or fewer residents;
- Demonstration projects at more than 100 sites in 27 states showing the latest onsite sewage treatment technologies and management strategies at work;
- The intensive annual State Onsite Regulators Conference (SORA): a one-of-a-kind event for wastewater regulators and industry professionals.
- An annual week long national environmental training institute for small communities and service providers.
- The nation's only Wastewater Vulnerability Assessment Guide for small communities.
- A "Top Ten" list of security and emergency preparedness actions for small wastewater systems.

With the support of Congress and in conjunction with EPA, both programs have expanded their capabilities and level of service over time to meet national needs and to address the ever increasing complexity of infrastructure issues as they pertain to smaller systems.

Name: Jessica H. Bridges
Title: Executive Director
Institution: U.S. Clean Heat & Power Association
Agency: Environmental Protection Agency
Program: Waste Energy Registry (EISA 2007 Authorization)
FY 2009 Funding Request: $1 million

March 19, 2008

The Honorable Norman D. Dicks
Chairman
Interior and Environment Subcommittee
B-308 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Todd Tiahrt
Ranking Member
Interior and Environment Subcommittee
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

The members of the U.S. Clean Heat and Power Association encourage you to support the industrial energy efficiency programs within Section 451 of the Energy Independence and Security Act (EISA) of 2007. Specifically, we ask for your support to fully fund ($1 million) for fiscal year 2009 the Environmental Protection Agency's Waste Energy Registry, as authorized by the act.

EISA authorized the EPA Waste Energy Registry at $1 million for FY 2009. This waste energy inventory will survey major combustion sources for quantity and quality of waste heat, and assist industrial site owners or operators in determining the feasibility of waste energy recovery and combined heat and power (CHP) projects. Deployment of clean, local energy generation technologies, made possible by this registry, will reduce industrial demands upon the national power grid while increasing manufacturing productivity.

*US Clean Heat & Power Association • 6436 Quincy Place, Falls Church, VA 22042 • USA*
*Phone: 703.231.4443 • Fax: 703.241.2234*
*www.uschpa.org*

The Environmental Protection Agency and Department of Energy project 200,000 megawatts of clean power available from efficient combined heat and power and waste energy recovery projects. Full appropriations for the waste energy registry would spark tremendous private-sector investment that would cut energy costs to U.S. manufacturers, reduce greenhouse-gas emissions, and provide clean base-load electricity throughout the United States.

Thank you for your consideration.

Sincerely,

Recycled Energy Development
Westmont, IL

Ormat Technologies
Reno, NV

Endurant Energy
Oakbrook Terrace, IL

Elliott Energy Systems
Stuart, FL

Avalon Consulting
Naperville, IL

Austin Energy/City of Austin
Austin, TX

Cummins Power Generation
Minneapolis, MN

Enercon Engineering
East Peoria, IL

Integrated CHP Systems
Fair Lawn, NJ

Midwest CHP Application Center
Chicago, IL

Energy Resources Center
Chicago, IL

American Council For An Energy-Efficient Economy
Washington, DC

Testimony of David C. Raskin, President
Friends of Alaska National Wildlife Refuges
Submitted to
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Concerning Fiscal Year 2009 National Wildlife Refuge System Appropriations
March 13, 2008

Chairman Dicks and Members of the Subcommittee:

On behalf of the Friends of Alaska National Wildlife Refuges, I wish to express our appreciation for the opportunity to provide this statement concerning the FY 2009 appropriations for the National Wildlife Refuge System. We urge adoption of a funding level of $514 million for FY09 for the National Wildlife Refuge System, the amount advocated by the Cooperative Alliance for Refuge Enhancement (CARE) and the Congressional Wildlife Refuge Caucus. This funding level will help to stabilize losses of staffing and programs vital to ensuring the Refuge System's wildlife and habitat conservation mission and will put the System on the path to reach adequate baseline funding of $765 annually by FY2013.

The Alaska Friends is a 501 (c)(3) nonprofit organization is composed of individuals who reside throughout the State of Alaska and several Lower 48 States. We work on a volunteer basis to assist the U.S. Fish and Wildlife Service (FWS) to accomplish their Congressionally-mandated mission for the 16 Alaska National Wildlife Refuges. The Alaska Refuges encompass 77 million acres and comprise 83% of the National Wildlife Refuge System, but they receive only 12% of the total budget for the Refuge System.

We appreciate the foresight of your Committee in spearheading a $39 million increase for FY08. However, a funding level of $514 million for FY09 is needed to avert the damaging reductions in personnel and operations that will be necessary if the President's budget is adopted. Every year, the FWS needs at least a $15 million increase just to maintain current personnel and operations, and that is likely to increase as energy costs skyrocket and inflation rises. In response to anticipated budget shortfalls, FWS has already announced a drastic downsizing plan for the Refuge System that would eliminate 20% of staff, resulting in completely destaffing scores of refuges and requiring: remote management of many refuges; major reductions in visitor services, wildlife and habitat management, conservation, and restoration; diminished hunting and fishing opportunities; limited ability to control damaging invasive species; curtailment of environmental education programs; and reductions in law enforcement.

**A partial list of the impacts of the President's Budget on the 16 Alaska National Wildlife Refuges is:**

- There will be a shortfall of over $300,000 to cover inflation for the Alaska Refuges. The amount described as "Fixed Costs & Related Changes" in the President's FY09 Budget is only $5,285,000, which is $1,515,000 less than what is considered full funding for this item (based on the accepted formulas). These are the principal funds required to cover inflation increases every year.

- 3 to 4 positions would be eliminated in Alaska Refuges just to cover the costs of inflation.

- 2 to 3 Visitor Services positions would be eliminated because funding would be cut by $1,733,000 nationally, translating into more than a $250,000 reduction for Alaska Refuges.

- It will be impossible to complete the updating of Comprehensive Conservation Plans (CCPs) for Alaska refuges in time to meet the Congressional deadline of 2012. Funding for completion of CCPs is slated to be cut by $984,000 nationally, adding to the cut of $1,833,000 in FY08. This translates to a FY09 reduction of approximately $90,000 for Alaska Refuges. This shortfall creates major concerns because CCPs remain to be accomplished for the Arctic, Yukon Delta, Yukon Flats, and Alaska Maritime Refuges, four of the largest and most complex Refuges in the Nation.

- Annual Maintenance funds are to be cut by $2,185,000, which translates to a cut of about $75,000 for Alaska Refuges. Inadequate annual maintenance funding has already contributed to a deferred maintenance backlog of over $120,000,000 for Alaska Refuges. These facilities are critical for the safety and security of FWS staff in may remote and environmentally hostile locations. In addition, rapidly-rising costs for transportation of materials and workers to remote locations creates a steady increase in the cost of maintenance and repairs.

Alaska's wildlife refuges have special management and budgetary needs because they occupy a unique place within the Refuge System. This is clearly illustrated by the Alaska Maritime Refuge, which is headquartered in my home town of Homer. Spread out along most of Alaska's 47,000 miles of coastlines, the Maritime Refuge includes some 2,500 islands, islets, pinnacles, active volcanoes, and headlands that are home to 40 million seabirds, 80% of all seabirds in North America, and significant populations of marine mammals, including fur seals, otters, whales, and Stellar sea lions. The Maritime Refuge stretches from Forrester Island in the southeastern corner of Alaska north to Point Barrow on the Arctic Ocean and west to Attu Island at the end of the Aleutian Chain in the Eastern Hemisphere. The distances are daunting; traveling east to west across the Refuge is approximately the same distance as a trip from the Atlantic Coast of Georgia to the Pacific Coast of California, and logistically much more complex and expensive.

Management and monitoring of the far-flung Maritime Refuge is a prodigious and costly task. This requires long-term scientific studies and monitoring of populations, habitat, and trends in the ocean environment; eradication of destructive invasive species, such as farmed foxes, rats, and invasive plants; restoration of habitat damaged by cattle, horses, and the increasing threat of oil spills; and restoration of native species exemplified by the successful 20-year effort that brought the Aleutian cackling goose back from the brink of extinction. The Maritime Refuge's 120-foot research vessel *Tiglax* travels up to 22,000 nautical miles in a single year to support such activities. These types of activities on Alaska's refuges require substantial resources in terms of personnel, equipment, travel, fuel, supplies, and maintenance. Thus, any direct or

indirect reductions in budgets can have severe effects on the management capability of Alaska's refuges and long-lasting impacts on the wildlife and habitat that play a central role in the biological health of the entire continent.

To effectively manage the Alaska Refuges, the Alaska Region has adopted a goal of devoting 30% of its budget to Management Capability (MC) and 70% to personnel, as compared to a national target of 20% and 80% respectively. This greater allocation to MC is necessitated by the inherently higher costs of equipment, such as boats and airplanes rather than trucks, higher fuel and other utility costs for the more remote offices and stations located in Alaska Refuges, and higher costs of repairs and maintenance of equipment and buildings in the many remote areas. For example, in 2006 the *Tiglax* required $98,000 in fuel with an expected 20% increase in 2007, refuge aircraft required $506,000 in fuel with an additional $100,000 expected from a 20% increase in costs, and remote refuge offices pay a premium to operate in rural Alaska. Since fuel prices have skyrocketed in the last year, far greater increases are anticipated for FY09. At current prices, the *Tiglax* alone will require another $30,000 just for fuel!

In recent years, budget reductions and lack of funding to meet increased costs of operations and maintenance caused by inflation have placed a great strain on these resources. This has led to continuing staff reductions to maintain the MC level that is necessary to implement the basic programs of the 16 Alaska Refuges. For nine years, the Alaska Region has been actively working to maintain its MC at 30%. Since 1999, it has made "full inflation offsets" a top priority. When the Refuge Operating Needs System (RONS) increases began to dwindle in 2003, the Alaska Region began the process of abolishing positions and using the savings to fund inflation offsets. During FY 2005 through 2007, downsizing resulted in the elimination of 29 positions, including assistant managers, education specialists, and biologists, and the salary savings were rolled into inflation offsets for all 16 Alaska Refuges.

The 16 Alaska Refuges provide a myriad of opportunities to 1.3 million visitors each year. There are summer science camps and local environmental education school programs; outstanding recreational opportunities, such as fishing, hunting, hiking, boating, wildlife viewing, and photography; important subsistence activities that support the traditional lifestyles of Alaska Natives and other rural residents; lectures and other educational programs that make a significant contribution to community life, especially in smaller communities located near Refuges; partnering with Native corporations and local governments that provides valuable experiences and job opportunities, such as Refuge Information Technicians; and cooperative programs and matching grants with the Alaska Friends to conduct rural outreach and environmental education programs and to remove invasive species that threaten the health and integrity of refuge ecosystems. The contribution of refuges to local economies is illustrated by the Kenai Refuge where every $1 spent by the Refuge produces almost $15 in local recreational expenditures and over $12 million in local tax revenues.

Invasive plant species are advancing northward and threatening the habitats of Alaska Refuges. With 50% cost-share funding for the two years, Alaska Friends volunteers removed invasive species affecting six Alaska refuges. In conjunction with these activities, we organized public meetings to inform the local populace about their refuges and the opportunities and challenges they provide. This year, we have several similar projects underway. Without continued

matching funding, these volunteer programs would not be available to protect our valuable wildlife habitats from destructive invasives, and the entire Refuge System would eventually be impacted by this loss of habitat and the attendant reduction of nesting and feeding opportunities for migratory species.

In addition to the traditional refuge programs and activities, the Alaska Refuges are uniquely situated to contribute information and expertise to major national and worldwide problems. The mounting scientific evidence of global warming has shown that Northern Alaska is experiencing far greater impacts than other regions. The rate of temperature increase in Alaska is twice that of the Lower 48 States. Coastlines, nesting areas, and villages are being severely damaged by the decreasing size of polar icepacks and the longer ice-free periods, which increase the severity and destructiveness of coastal storms. Homes, offices, and other structures are being destroyed by the melting of permafrost, and plant and animal species are advancing northward to areas where they have been unknown in human history. These changes not only interfere with the subsistence lifestyle of rural Alaskans, but they impede and increase the costs of refuge research and management programs. Given adequate budgetary support, the Alaska Refuges can provide extremely valuable biological and climatological studies and monitoring to increase our understanding of the processes and hopefully reduce the impacts of global climate change.

The Alaska Refuges are also on the frontlines of potential transmission of avian influenza by migratory birds from Asia. Since a major portion of these populations depends on refuge habitats during migration and breeding, early detection can be improved by monitoring programs conducted within the refuges. There is presently some funding available to support such monitoring programs, but continued or increased funding may be necessary to provide adequate early warning capability.

**Failure to increase the budget of the Alaska National Wildlife Refuge System will result in:**

- reduced subsistence and recreational opportunities
- fewer visitor services
- loss of important environmental education and science camps for children and youth
- increased maintenance backlogs
- reduction of important scientific studies, wildlife population and habitat monitoring and enhancements that assist in understanding global climate change and avian flu
- overall degradation and decay of the refuge system and public enjoyment of the resources

Adoption of the recommended $514 million appropriation for the National Wildlife Refuge System will allow necessary biological and public programs to be maintained and enhanced in important ways that will benefit habitat, fish and wildlife, and public use and enjoyment of our magnificent Wildlife Refuges. We have an obligation to provide future generations the same opportunities to learn and benefit from our National Wildlife Refuge System that all of us enjoy today.

Written Testimony for the Congress of the United States,
House of Representatives, Committee on Appropriations Washington, D.C.

February 26, 2008

TO: Subcommittee on Interior and Related Agencies Appropriations

RE: U.S. Fish and Wildlife Service
Back Bay National Wildlife Refuge
Appropriations Request for FY 2009 $1.5 million

Witness: Molly P. Brown, President, Friends of Back Bay
2232 Sandpiper Road
Virginia Beach, Virginia 23456
(757) 721-5011

I am Molly Brown from Virginia Beach, Virginia. I am the President of Friends of Back Bay, a group of over 400 dedicated volunteers who are committed to the protection of the Back Bay National Wildlife Refuge. Located in southeastern Virginia Beach, Back Bay National Wildlife Refuge (Refuge) was established on February 29, 1938, as a 4589-acre refuge and breeding ground for migratory birds. We thank Congress for their continued support of this project. The Director of the U.S. Fish and Wildlife Service approved a Refuge boundary expansion on May 7, 1990. The expansion area includes 6340 acres of important wildlife habitat. To date the Fish and Wildlife Service has been able to acquire 4980 acres.

In order to continue the Back Bay Refuge expansion project, we respectfully request $1.5 million for FY '09. This money will help to fill in the mosaic pattern of small land parcels from willing sellers who have been waiting patiently to sell their land to the Refuge.

The enclosed map gives a visual description of the Acquisitions through 2007 and the remaining parcels by priority to be purchased from willing sellers within the Back Bay National Wildlife Refuge proposed acquisition boundary. Here is a brief description of each parcel.

Priority 1- Sanford:
**26 acres, much of which is valuable riparian/wetland habitat on the northern bank of Nanney's Creek** This Creek has been identified as one of Virginia Beach's "impaired waterways" by the State DEQ. Cooperative efforts by private landowners (mostly farmers), the City of Virginia Beach, the State of Virginia and Back Bay NWR are ongoing to restore the water quality of this tributary of Back Bay. Existing Refuge property is immediately adjacent to this tract on its east and west boundaries.

Priority 2 - Griffith:
**105 acres of emergent marsh habitat on the east side of Back Bay** This property already supports a wide variety of nesting and wintering migratory birds, especially waterfowl.
Because this parcel is located on the bay side of the highly developed Sandbridge area of Virginia Beach, failure to acquire this piece could result in increased private recreational boating facilities

by individuals who own lots/houses adjacent to this property.

Priority 3 - Van Nostrand:
**15 acres of timbered wetlands on the west side of Back Bay** This property has been cleared, and is ready for farming and/or development. Although the current habitat has little wildlife value, reforestation of this parcel, as Back Bay NWR has done with so many other parcels, will serve as quality habitat for a variety migratory birds, especially neotropical migrants. This property has an approved appraisal, and the landowner has been presented with an option to buy.

Priority 4 - Rice:
**8 acres, much of which is valuable riparian/wetland habitat on the southern bank of Nanney's Creek** This Creek has been identified as one of Virginia Beach's "impaired waterways" by the State DEQ. Cooperative efforts by private landowners (mostly farmers), the City of Virginia Beach, the State of Virginia and Back Bay NWR are ongoing to restore the water quality of this tributary of Back Bay. This property is adjacent to existing Refuge property on its north and east boundaries.

Good things continue to happen at Back Bay! A new educational project to enhance the wildlife viewing opportunities of the public is the "windows on wildlife." This one-way glass will allow the public to watch migratory birds without being seen by and thus disturbing the waterfowl. This project opened this winter. On a recent January day, the pond featured a visual smorgasbord of tundra swans, Canada geese, black sucks, snow geese, mallards and pied-billed grebes. A red-tail hawk flew close to the building and landed on the branch of a near by tree.

This March the Back Bay Restoration Foundation is conducting "Back Bay Forum 2008". There will be presentations on research and data collected within the Back Bay watershed, followed by an opportunity for participants to identify future research and action needed for the health of the bay system.

I wish to extend my appreciation for the funding that you appropriated through FY '08. The $505,000 that was appropriated in FY'08 has purchased 47 acres of a key parcel along Nanney's Creek. To date we have purchased 4980-acres of the proposed 6340-acre expansion. This means that this project is over 78% completed in seventeen years. Thank you for the opportunity to comment on this important project. Bravo to Back Bay!

Respectfully submitted,

*Molly P. Brown*

Molly P. Brown
President

Testimony of Martin F. O'Connor, President, FRIENDS OF BLACKWATER NATIONAL WILDLIFE REFUGE ASSOCIATION, INC., before the House Appropriations Subcommittee on Interior, Environment and Related Agencies concerning Fiscal Year 2009 National Wildlife Refuge System Appropriations

February 8, 2008

On behalf of the FRIENDS OF BLACKWATER NATIONAL WILDLIFE REFUGE located near Cambridge, Maryland, I am submitting testimony for the House Appropriations Subcommittee on Interior, Environment and Related Agencies. We support a funding level of $514 million in FY 2009 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account; adequate funding for Visitor Services; $1 million for the Volunteer Invasive Monitoring Program and grants for invasive species work with Friends.

It is necessary that the National Wildlife Refuge System budget by $15 to $20 million each year in order to maintain services and programs from the previous year. The $15 to $20 million increase accounts for cost-of-living increases for FWS personnel, growing rent and real estate costs and other cost increases, while sustaining current levels of visitor services and wildlife management. Funding the O&M account at $514 million would allow the Refuge System to avoid employee layoffs and reductions in services that are important at the Blackwater NWR, and the over 150,000 who visit the Blackwater NWR each year, while also preventing the approximately $3.5 billion National Wildlife Refuge System O&M backlog from growing larger. While refuges received a $39 million increase for FY2008, the National Wildlife Refuge System is still not funded at the level it was in FY2003 when adjusted for inflation. Because of this, refuges such as ours, the Blackwater NWR, struggle to meet their most basic wildlife conservation objectives.

Refuges are also vital economic engines in the local economy, fueling hotel stays, restaurant patronage and much, much more. According to Banking on Nature, a 2007 report by the U.S. Fish and Wildlife Service, recreational visits to national wildlife refuges generate substantial economic activity. Nearly 35 million people visited national wildlife refuges in 2006, generated over $1.7 billion for local economies – including 27,000 jobs and $185 million in tax revenues. Eighty-seven percent of all economic activity generated by refuges is from non-resident visitation. These visitors contribute to the local economy through patronage of local hotels, restaurants, outfitters and gas stations to name just a few examples. We simply cannot afford to lose these local economic engines. Supporting our refuges with adequate funding is an effective method of resisting the possible recession with which the nation is currently struggling.

The House Interior Appropriations Subcommittee should provide strong funding for Refuge System Visitor Services programs and Visitor Facility Enhancement Projects. Visitor Services funding pays for many Friends and volunteer programs. We depend on this funding for programs that allow us to remain effective stewards of our refuge.

Recognizing invasive species as a top threat to our refuge lands, we also ask the Committee to

continue their support by again providing $1 million "for cooperative projects with Friends groups and volunteers on invasive species control". This funding supports worthy programs like competitive grants for Friends groups and the Volunteer Invasives Monitoring Program. Utilizing the energy and enthusiasm of Friends and volunteers is a proven, effective and economical partnership for the National Wildlife Refuge System and U.S. Fish and Wildlife Service.

Again, on behalf of the FRIENDS OF BLACKWATER NATIONAL WILDLIFE REFUGE ASSOCIATION, INC., we thank you for your consideration of our requests. If you have any questions, we would certainly be happy to help in any way.

*The Friends of the Bosque del Apache National Wildlife Refuge*
*P.O. Box 340, San Antonio, New Mexico 87832*

Leigh Ann Vradenburg
Executive Director

March 13, 2008

Chairman Norman Dicks & Ranking Member Todd Tiahrt
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
Room B-308 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Dicks, Ranking Member Tiahrt and Members of the Subcommittee:

The Friends of the Bosque wish to express our sincere thanks for your efforts to increase funding for the National Wildlife Refuge System. We also wish to thank you for again holding a Public Witness Hearing, allowing citizens to describe our individual refuges and the challenges we face. I, Leigh Ann Vradenburg, Executive Director for the Friends of the Bosque del Apache National Wildlife Refuge, hereby submit on their behalf these written comments on the fiscal year 2009 (FY09) Interior Appropriations Bill. Specifically, we would like to request a funding level of $514 million for the National Wildlife Refuge System in FY09, with a $2.8 million appropriation for program upgrades at the Bosque del Apache National Wildlife Refuge (NWR) in San Antonio, New Mexico. This funding level is necessary to help the Refuge System keep pace with rising maintenance and operational costs, e.g., fuels and utilities, and to maintain the staffing required to address increasing habitat and other wildlife challenges.

As you know, the National Wildlife Refuge System has, for a number of years, faced flat or declining budgets until the one-time $39 million increase approved by Congress for fiscal year 2008; however, while this increase was indeed substantial and badly needed, refuges nationwide continue to struggle with the impact of inadequate budgets. In the last three years, the Bosque del Apache NWR has lost staff and program support required to achieve basic operational objectives for habitat management, invasive species control, and public use programs.

In the same timeframe, the Friends of the Bosque contributed more than $750,000 to Refuge programs, and volunteers donated $1.3 million in work hours to ensure that these programs have not faltered, but it has not been enough. Much of the fiscal contribution by the Friends organization was for wilderness land acquisition and construction of an education center. Volunteer organizations provide laudable and needed supplements to the Refuge System, but

should not be looked to as substitutes for the Refuge programmatic and operational support that is proper Federal responsibility.

Economically, the role of the Bosque del Apache NWR in central/south-central New Mexico is substantial and undeniable, as recreational visits to the Refuge generated $4.3 million in tax revenue for Socorro, Bernalillo, and Sierra counties in 2004. For every dollar of the Refuge budget, there was a local economic effect of $7.54. Ecologically the Refuge is one of the most intensively managed wildlife areas in the country, benefiting hundreds of thousands of migratory birds annually and serving as a pioneer in invasive salt cedar research and control. Salt cedar is a plague throughout waterways of New Mexico, depleting water resources, crowding out native vegetation, and greatly increasing fire danger. As one of only a handful of active Land Management and Research Demonstration (LMRD) sites for the National Wildlife Refuge System, the Bosque del Apache NWR staff has experience, knowledge, and skills that, throughout the U.S. and Mexico, are recognized and sought out by private citizens, tribes, universities, and the spectrum of government agencies.

To maintain the Bosque del Apache NWR as a consistent economic engine and ecological keystone, we must upgrade program efforts in education/interpretation, invasive species control, and habitat restoration through 1) equipment acquisition/replacement and 2) program and facilities enhancement.

Program Development to Necessary Levels - $2,800,000

- **One Time Costs for Equipment Acquisition ($1,045,000)**

  - Excavator: $260,000- required to allow the full time utilization of a recently acquired Slashbuster (vegetation masticator) which is a key component of the salt cedar control program and the fuels reduction program as it relates to wildland and urban interface issues and wildfire prevention. This excavator will allow for improved firebreak establishment and maintenance, thereby improving the security of adjacent private landowners and the community of San Antonio.

  - Road Grader: $220,000- required for the maintenance of a 12-mile auto tour route (wildlife observation drive) which is used by almost 200,000 visitors annually and is a key component of the public use program.

  - Tour Bus (60-passenger, ADA Accessible): $75,000- needed to replace the dilapidated, 40-passenger, non-ADA compliant bus currently used for interpretive refuge tours and special events.

  - D8 Dozer with attachments (root rake and root plow): $490,000- required to expand salt cedar control efforts on the "active floodplain" of the Rio Grande.

- **Program and Facilities Enhancement ($1,755,000)**

- Visitor Services- Interpretive Plan Development and Implementation: $800,000- provides for the development of an interpretive media plan and its implementation through 1) complete renovation of the 30-year old Visitor Center exhibits, 2) installation of interpretive signage/facilities at 18 sites throughout the public use area, and 3) production of updated audio, video, and written materials for outreach and education.

- Biology- Water Control Improvements: $655,000- provides for upgrades, new structures, and other improvements for the 30+ miles of ditches and canals necessary for efficient and regulated water delivery for habitat management.

- Facilities- Solar Conversion: $300,000- The refuge has recently initiated an effort to become as "energy independent" as possible through the development of solar power. Phase 1 included the installation of three solar water heaters and a 6kw photovoltaic array. Subsequent phases will include one 12kw and three 6kw photovoltaic arrays along with public education and interpretation of the benefits of utilizing solar power.

The commitment of the Friends organization to the Bosque del Apache National Wildlife Refuge has allowed us to supplement the economic and educational opportunities for our region; however, we can scarcely maintain, much less grow the Refuge's capabilities without increased Federal financial support. The Bosque del Apache NWR has often been described as the "Jewel of New Mexico", but that not only applies to the amazing natural resource. Its role in our community, in our economy, and in the broader mission of restoring and preserving our natural heritage is why we must do what we can to help it thrive. As our cities grow and water demands increase, future generations will need the Bosque del Apache NWR to understand the Rio Grande and the delicate ecological balance that exists in the Southwest. We can never underestimate the importance of National Wildlife Refuges to our children's futures, to the environment, and to our economics, and we encourage you to help us make a difference on the national level by funding the National Wildlife Refuge System at $514 million in FY09 with an appropriation of $2.8 million for Bosque del Apache NWR.

Thank you for your time and consideration, and please contact me if you have any further questions.

Sincerely,
*Leigh Ann Vradenburg* (via email)
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**Testimony of Friends of the Boundary Waters Wilderness**
**Ron Meador, Executive Director**
**In Support of Land Acquisition Funding for**
**Superior National Forest, Minnesota**
**Land and Water Conservation Fund, U.S. Forest Service**
**House Appropriations Subcommittee**
**on Interior, Environment and Related Agencies**
**The Honorable Norman D. Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking**
**March 13, 2008**

Mr. Chairman and Honorable Members of the Committee:

I appreciate the opportunity to present this testimony in support of a $2.25 million appropriation from the Land and Water Conservation Fund for the acquisition of two parcels in the Superior National Forest in northeastern Minnesota. The tracts are the 30-acre Chainsaw Sisters property and the 60-acre Wolf Island property.

As you know, Mr. Chairman, this is one among many worthy proposals nationwide for land acquisition funded from the LWCF. Unfortunately, funding of the LWCF has diminished by about 75 percent since FY 2002, and the FY 2009 Budget proposes further cuts. These reductions have left the agencies responsible for our national parks, forests and wildlife refuges unable to acquire – from willing sellers – key parcels, within and adjoining public lands, that have been identified as critical to protecting these national treasures and enhancing their recreational, historic and conservation values. So I also urge the subcommittee to increase overall funding for the LWCF .

Friends of the Boundary Waters Wilderness is devoted to protecting, preserving and restoring the wilderness character of the Boundary Waters Canoe Area Wilderness and the surrounding Quetico-Superior ecosystem. We are a nonprofit, membership organization formed in 1976 to advocate for full wilderness protection of the Boundary Waters, which the Congress enacted in 1978. We have more than 2,500 members and a large cohort of additional supporters and allies nationwide.

The Superior National Forest spans 150 miles along the US-Canadian border in northeastern Minnesota and features pine forests, lakes, streams, bogs and rocky outcrops that constitute the only sizeable, thriving boreal forest in the continental United States. Within the national forest lies the Boundary Waters Canoe Area Wilderness (BWCAW), a million-acre

maze of unrivaled opportunity for seekers after solitude in a wild place. It is the nation's only large lake-land wilderness outside Alaska.

Outdoor enthusiasts can enjoy camping, canoeing, fishing, hiking, cross-country skiing and dog-sledding in the wilderness. The deep foliage and plentiful water also make homes for a wide variety of wildlife, including bald eagles, loons, moose, timber wolves, black bears, lynx and myriad migratory birds. The BWCAW draws some 250,000 overnight visitors annually, making it the most visited of the wilderness areas established by Congress.

Through the U.S. Forest Service's Minnesota Wilderness acquisition program, two properties are available for acquisition in FY 2009 in the Superior National Forest. Both are important to the future of the wilderness.

The 30-acre Chainsaw Sisters property is on Picket Lake and Mudro Creek, within the Superior National Forest and at an entry point into the BWCAW. Such properties are in high demand for second homes and recreational properties; in this case, development could threaten public access at an especially popular entrance to the wilderness.

Since 1988, the Chainsaw Sisters Saloon – so named for its owners, two sisters who had worked on a Forest Service crew – has been a pilgrimage site for canoeists, snowmobilers, hunters and others. The Chainsaw Sisters property, where the saloon sits, has long been a priority acquisition for the Superior National Forest and the Friends of the Boundary Waters Wilderness. Maintaining public access at this BWCAW entryway will ensure access for up to 72 overnight campers and canoeists each day and an unlimited number of day-use visitors.

The 60-acre Wolf Island property is located in Lake Vermilion, and is also a high priority for protection this year by the U.S. Forest Service. Twenty-four miles long, Lake Vermilion is one of Minnesota's largest vacation destination lakes. It is home to healthy populations of walleye, northern pike, muskie, bass and bluegill, and was once named by National Geographic as one of the nation's ten most scenic lakes.

Wolf Island's location affords beautiful views of the beloved lake as well as the national forest. Its 60 acres are mostly high, rolling land that is densely forested with mature aspen, pine and maple. Its rich history was well documented by John Jaeger, a prominent Minneapolis architect who homesteaded the island after first visiting in 1906. Jaeger's drawings identified cultural resources, including burial mounds and a canoe-building workshop plaza.

The Bois Forte Band of Chippewa and the Superior National Forest plan to conduct a formal cultural resource inventory of the island. The acquisition of the island by the Superior National Forest will bring into public ownership an outstanding scenic resource and access for paddlers, boaters and other recreational users that who follow in the footprints of both Native Americans and the fur-trading French voyageurs of years gone by.

Public acquisition of the Chainsaw Sisters property and Wolf Island will ensure that the attributes of the northwoods region so treasured by its many visitors -- the solitary sound of the common loon, the serenity of an evening paddle, the call of the wolf -- will be better protected in

perpetuity. It will also maintain key access for thousands of visitors each month to the waterways of the BWCAW.

Thank you, Mr. Chairman, for the opportunity to present this testimony.

Ron Meador
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**Testimony of Dr. John Grego, President, Friends of Congaree Swamp**

**On behalf of:**

**American Rivers**
**Archaeological Society of South Carolina**
**Audubon South Carolina**
**Columbia Audubon Society**
**Congaree Land Trust**
**Friends of Congaree Swamp**
**National Audubon Society**
**National Parks Conservation Association**
**Palmetto Conservation Foundation**
**Palmetto Paddlers, Inc.**
**Richland County Conservation Commission**
**Sierra Club – John Bachman Group**
**South Carolina Coastal Conservation League**
**South Carolina Native Plant Society**
**South Carolina Nature-Based Tourism Association**
**South Carolina Wildlife Federation**
**The Sierra Club of South Carolina**
**The Trust for Public Land**
**The Wilderness Society**

**In Support of LWCF Appropriation of $5.38 Million for**
**Congaree National Park, South Carolina**
**National Park Service**

**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

**March 13, 2008**

Mr. Chairman and Honorable Members of the Subcommittee:

We appreciate this opportunity to present testimony in support of an appropriation of $5.38 million from the Land and Water Conservation Fund – to enable the National Park Service to purchase the 1,840-acre Riverstone tract for Congaree National Park in South Carolina.

Congaree Swamp National Monument was authorized as a National Park Service unit in 1976. In 2003, Public Law 108-108 elevated Congaree to a National Park – South Carolina's first and only National Park – and authorized a boundary expansion of 4,576 acres.

Congaree National Park – on the floodplains of the Congaree and Wateree rivers – is recognized as an International Biosphere Reserve, a National Natural Landmark, a Wilderness Area, and a Globally Important Bird Area. All waters within the park's pre-2003 boundary have been designated Outstanding Resource Waters, and much of Cedar Creek within the park is designated Outstanding National Resource Waters.

With more than 75 species of trees, Congaree hosts the nation's largest tract of old-growth bottomland hardwood forest. The trees growing in this floodplain forest are some of the tallest in the eastern U.S., forming one of the tallest temperate deciduous forest canopies in the world – taller than old-growth forests found in Japan, the Himalayas, southern South America, and eastern Europe.

More than 195 species of birds have been observed within the park. Following rediscovery of the Ivory-billed Woodpecker in Arkansas, Congaree National Park is considered prime habitat for recovery of this species. The South Carolina Ivory-billed Woodpecker Working Group coordinates research within Congaree National Park.

Congaree National Park also offers excellent opportunities for recreation. A 2.5-mile boardwalk loop provides easy access into Congaree's forest, and more than 20 miles of trails are available for hiking. Visitors enjoy canoeing and kayaking on Cedar Creek, the only Outstanding National Resource Waters in South Carolina. Outdoors enthusiasts can also enjoy fishing, camping, birding, and picnicking.

In FY 2005, Congress appropriated $6 million from the Land and Water Conservation Fund to purchase the 2,395-acre Bates Fork tract – at the confluence of the Congaree and Wateree rivers. This is the largest tract within the Congaree park boundary expansion authorized in 2003. The National Park Service completed this acquisition in November 2005.

FY 2009 presents the opportunity to purchase the 1,840-acre Riverstone tract – the second-largest tract within the park boundary expansion authorized in 2003. The Riverstone tract will connect the previously-acquired 21,786 acres of Congaree National Park with the recently-acquired 2,395-acre Bates Fork tract. The Bates Fork tract, in turn, adjoins the 16,700-acre Upper Santee Swamp Natural Area, owned by the South Carolina Public Service Authority. So, the Riverstone tract is the link to connect a conservation corridor of more than 42,000 acres along the Congaree, Wateree, and upper Santee rivers.

In addition to its biological resources, the Riverstone tract has significant geological and hydrological resources, including Running Lake, Little Lake, Big Lake, Running Creek, and Bates Old River. Bates Old River is a 4-mile-long oxbow lake, the former channel of the Congaree River. This oxbow is flanked by the best-defined ridge and swale topography in the Congaree floodplain. No other oxbow lake in the Congaree floodplain can compare to Bates Old River in size, hydrological dynamics, accessibility, or as a recreational resource.

The Riverstone tract also has significant cultural and historical resources, including a prehistoric mound from the Woodland Period (1000 B.C. to A.D. 1000). The history of

McCord's Ferry (established before 1750 as Joyner's Ferry) is intertwined with the Riverstone tract. Patriot and British forces used McCord's Ferry during the American Revolution.

Accordingly, acquisition of the Riverstone tract will add to Congaree National Park's opportunities for visitor access, education, recreation, and research.

The Trust for Public Land (TPL) has committed to acquire Phase I of the Riverstone tract this spring 2008, and has signed an option agreement with the private landowner to secure the remainder of the tract until March 31, 2009 for Park Service acquisition. The price of the Riverstone property is $5.88 million, based on a federally-approved appraisal. Recognizing this tract as a key priority for acquisition, the Park Service has identified and dedicated $500,000 in existing funds toward Phase I.

For the first time ever, the Park Service has the authorization and the opportunity – and the urgent necessity – to acquire the entire Riverstone tract from a single willing seller. Prompt funding is the key. If this opportunity is missed, the Riverstone tract would be sold to another buyer, or subdivided and sold to multiple buyers. The Park Service would have to acquire multiple parcels, thereby increasing total purchase cost and reducing the probability of acquiring all parcels.

The 19 organizations which join in this testimony urge you to provide full funding this year to protect this critical tract at Congaree National Park. A Fiscal Year 2009 appropriation of $5.38 million from the Land and Water Conservation Fund will enable the Park Service to complete acquisition of the Riverstone tract, thereby ensuring permanent protection of its outstanding natural and cultural resources, and connecting the 22,000 acres upriver with the 19,000 acres downriver.

We have attached a Richland County Council resolution, unanimously adopted in September 2007, supporting congressional allocation of funding to purchase the Riverstone tract for Congaree National Park.

Thank you, Mr. Chairman, for the opportunity to present this testimony and for your consideration of our request.

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STATE OF SOUTH CAROLINA )
) A RESOLUTION
COUNTY OF RICHLAND )

**A RESOLUTION SUPPORTING FUNDING TO PURCHASE LAND FOR CONGAREE NATIONAL PARK**

**WHEREAS,** Richland County Council enthusiastically supported the federal legislation, enacted into law in 2003, whereby Congaree Swamp National Monument became Congaree National Park-South Carolina's only national park; and

**WHEREAS,** nationally and internationally significant Congaree National Park is one of the attractions in the newly established Lower Richland Heritage Corridor; and

**WHEREAS,** the federal legislation in 2003 authorized a boundary expansion of 4,576 acres, encompassing three tracts at the east end of Congaree National Park; and

**WHEREAS,** the 2,395-acre Bates Fork tract-the largest of these tracts, was purchased for Congaree National in 2005, utilizing funds allocated by the US Congress; and

**WHEREAS,** the 1,840-acre Riverstone tract-the second-largest of these three tracts, also possesses important biological, hydrological, cultural, historical, and recreational resources, which will add to the interpretive, educational and recreational opportunities for park visitors; and

**WHEREAS,**funding-$5.6million-is needed to purchase the 1,840-acre Riverstone tract from a willing seller, thereby closing the gap between the eastern and western sections of Congaree National Park where US Highway 601 crosses the Congaree River floodplain; and

**WHEREAS,** the South Carolina Conservation Bank cannot allocate state funding to purchase land for federal ownership; and

**NOW THEREFORE BE IT RESOLVED** that Richland County Council urges the South Carolina Congressional Delegation to allocate funding to purchase the 1,840-acre Riverstone tract for Congaree National Park- South Carolina's only national park.

**ADOPTED** this 18th day of September 2007

Joseph McEachern, Chair
Richland County Government

ATTEST this 25th day of September 2007

Michelle R. Cannon-Finch
Clerk of Council

Julie Straight
Member, Friends of Deer Flat National Wildlife Refuge
740 W Clark Ave
Nampa, ID 83686
March 13, 2008

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
Washington, DC 20515

Dear Subcommittee Members:

I am writing to ask that the House Appropriations Subcommittee on Interior, Environment and Related Agencies to continue supporting the National Wildlife Refuge System at its current level by increasing funding in fiscal year 2009 to $514 million to cover the actual increases in its operating costs.

The flat budget, which in effect is a cut, would adversely affect quality of life for families living here in the greater Boise area. Rapid, largely unregulated growth in southwest Idaho has made it increasingly difficult for citizens to gain access to natural spaces and wildlife in an ordinary work week. We treasure our local refuge, Deer Flat National Wildlife Refuge, which lies only 3 miles away from my home in Nampa and a similar distance from the city of Caldwell. Last summer my children attended a wildlife day camp at the refuge for a week. They dissected owl castings, charted our household water use, and learned about desert ecosystems. As teaching of science is currently minimal in the public elementary schools, such camps fill a real gap in our children's education. And as more and more people move to our high desert ecosystem, we also need channels for teaching people sustainable water use patterns. Yet according to refuge director Elaine Johnson, the position for the Americorps volunteer who organized this camp probably will not be here next year if funding is left flat.

The flat budget would also prevent biological projects from going forward. For example, Deer Flat National Wildlife Refuge staff want to pursue habitat improvement projects such as replacing cheatgrass, an invasive species, with native plants and shrubs. Currently cheatgrass causes multiple problems; it not only endangers animal and plant life, but burns more easily than native species, contributing to the significant wildfires we suffered last summer.

The population of this area has exploded, growing by 34.5 percent from 1995 to 2005, compared with a 21.4 percent increase for the state of Idaho and a 11.4 percent increase for the U.S. as a whole (Carver and Caudill 2007). Therefore the refuge also needs increased law enforcement to ensure that all visitors may enjoy the wildlife safely.

Furthermore, our Deer Flat National Wildlife Refuge contributes significantly to the economy of our area. As Erin Carver and James Caudill, Ph.D. of the Division of Economics, U.S. Fish and Wildlife Service, stated in their report *Banking on Nature 2006: The Economic Benefits to Local Communities of National Wildlife Refuge Visitation* (September 2007), our Refuge had 118,131

visits in 2006. They state that "Final demand totaled $2.0 million with associated employment of 33 jobs, $852,500 in employment income and $277,500 in total tax revenue." Furthermore, "for every $1 of budget expenditures, $10.29 of total economic effects are associated with these budget expenditures" (Carver and Caudill p 24). This does not take into account the quality of life factor that the Refuge offers us: it makes our area a more attractive one for potential residents and thus businesses.

As a member of the Friends of Deer Flat National Wildlife Refuge, as a parent, and as a citizen who uses our Refuge regularly, I ask you to urge the Interior Appropriations Subcommittee to increase funding for the National Wildlife Refuge System in FY 2009.

Sincerely yours,

Julie Straight
Member, Friends of Deer Flat National Wildlife Refuge

**Written testimony** for the FY 2009 appropriations hearing on National Wildlife Refuges
**From** Jay R. Bushnell, President of the Friends of the Lower Suwannee and Cedar Keys National Wildlife Refuges
**Request**: $514 million for the National Wildlife Refuge system, and $250,000 specifically for the Lower Suwannee and Cedar Keys NWFs. The LSCKNWF still does not have a designated position for a biologist. Clearly, this is not consistent with conservation mission of the Refuge system.
**Honorable Dicks**, I would like to request this increased appropriation for the National Wildlife Refuge system. With 96 million + acres, 549 Refuges, the system has to be considered as a major part of our National efforts to mediate some of the dramatic negative changes to our environment. Last years increased funding has helped overcome some of our past decreased funding of the system. Yet we still have past operations and maintenance backlogs to overcome. Increases in energy costs and normal increases in salaries also need to be addressed.

As president of the Friends of the Lower Suwannee and Cedar Keys National Wildlife Refuges, I represent over 170 members. The mission of the Friends of Lower Suwannee and Cedar Keys NWF "...is to provide active advocacy and physical support for the successful stewardship of the refuges."

The **Lower Suwannee NWR** comprises over 50,000 acres that is split by the historic Suwannee River for the last 20-25 miles where the river empties into the Gulf of Mexico. With the exception of a small community, Fowler's Bluff, there are no homes on this stretch of the river until one reaches the Gulf. The **Cedar Keys NWR** is comprised of some 727 acres on 13 islands in the Gulf of Mexico.

The **Lower Suwannee NWR** is special and unique in the following ways:

- The pristine natural condition of the refuge helps protect the environmental health of the Suwannee River and the surrounding area.
- The Suwannee River is home to a wide variety of plant and animal life. The river is the most important spawning ground for the protected Gulf sturgeon. The river is also an important habitat for the endangered manatee.
- The refuge contains a unique combination of upland hardwood, wetland/swamp, and saltwater marsh habitats. Of particular interest, one can find both temperate and tropical types of vegetation in the refuge.
- The refuge provides habitat for a wide variety of birds including 15 endangered or threatened species like the Bald Eagle. The refuge is an important nesting site for the short-tailed hawks of which there are only an estimated 200 mating pairs in the wild. The swallowtail kite once widespread, now is restricted to just the Southeastern portion of the United States with the refuge being a very important nesting site.
- Combined with surrounding State Parks, the refuge will become an even more important conservation area as Florida's population increases.
- With constructed bat houses, the refuge has successfully established a viable bat population that serves as a model for future bat projects.
- Many important cultural heritage sites are also to be found in the refuge.

The **Cedar Keys NWR** is special and unique in the following ways:

- The 727 acre refuge composed of 13 islands is a major rookery for pelicans and a wide variety of shore birds.
- As studied by the University of Florida's Florida Marine Center, of particular interest is the symbiotic relationship of cottonmouth moccasins and nesting birds on Seahorse Key. The moccasins provide protection from predators like raccoons and rats for the nesting birds. In return, the birds provide a steady diet of fish for the moccasins. According to

Dr. Harvey Lillywhite, Director of the Center, this is the only place on earth that such a relationship between snakes and birds exists.

- Historically, the refuge contains important historical structures including the Seahorse Key Lighthouse designed in the 1850s by Lieutenant George Meade, later to become General Meade of Gettysburg fame. It is also of interest that the lighthouse sits on a natural dune that is some 50+ feet above sea level. This makes it one of the highest points in the Big Bend area of Florida.
- This refuge also provides a vital barrier island system.

The biggest impact on the budget shortfall with the present proposed budget is that there has not been sufficient funding to maintain adequate staffing for the Lower Suwannee and Cedar Keys NWRs. The lack of staffing presents the following difficulties:

- Not having a designated position for a biologist makes it problematic to achieve the NWR mission of wildlife conservation.
- Presently, there is only one law enforcement position with the refuges. The Suwannee River splits the Lower Suwannee NWR. To police both the Levy County and the Dixie County side of the refuge requires at least a 50-mile trip to go from one side of the refuge to the other. Last year, marijuana was discovered growing on the refuge, but clearly, it is problematic to patrol the entire refuge. Because the Cedar Key NWR is scattered over 13 islands in the Gulf of Mexico, it is equally problematic to be patrolled by one law enforcement officer.
- There are not enough personnel to adequately monitor such things as invasive species and generally monitor the conservational health of the refuges.
- The cut back in staffing has made it increasingly difficult to provide adequate services for the 170,000 visitors to the refuges each year.
- The Cedar Keys Refuge is a satellite refuge monitored by the staff at the Lower Suwannee NWR. Even with the University of Florida Marine Center on Seahorse Key, there is a real concern about adequately monitoring the refuge with so few personnel.

With adequate staffing and operational funding, the refuge staff, with the help of the Friends of the Lower Suwannee and Cedar Keys NWR, would be able to:

- Provide better monitoring of the health of the refuges' habitat,
- Consistently police the proper utilization of the resources of the refuges and to protect the habitat and its wildlife,
- Conduct more programs for school children to learn about conservation,
- Expand the conservation efforts across other public agencies as well as private stakeholders to deal with common problems like invasive species eradication and the protection of endangered species,
- Upgrade and maintain public facilities like roads, docks, boardwalks, observation stations and signage,
- Expand public access and use of the refuges, and
- Monitor, manage, and protect the floral and fauna in the refuges.

Thank you for your strong support,

Jay R. Bushnell
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352-493-1807

Annette Baker-Toole and Joan Patterson, Co-Presidents
Friends of the Potomac River Refuges
c/o U. S. Fish and Wildlife Service
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**Testimony**
**For the House Appropriations Subcommittee on Interior, Environment and Related Agencies**
**Concerning Fiscal Year 2009 National Wildlife Refuge System Appropriations**
**March 13, 2008**

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of the Potomac River Refuges, we are submitting testimony for the House Appropriations Subcommittee on Interior, Environment and Related Agencies. We support a funding level of $514 million in FY 2009 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account and an add to FWS' construction budget of $750,000 for the design and engineering of an administrative/visitor contact building at Occoquan Bay National Wildlife Refuge (NWR).

Currently, the National Wildlife Refuge System suffers from a $3.5 billion operations and maintenance stewardship funding backlog, which will only grow larger if current funding levels continue. While refuges received a substantial $39 million increase for FY08, the National Wildlife Refuge System is still NOT funded at the level it was in 2003, adjusted for inflation. Because of this, refuges such as ours, the Potomac River Complex of which Occoquan is a part, struggle to meet even their most basic wildlife conservation objectives. In fact, funding shortfalls have led to the decline of refuge habitats and wildlife populations, aging facilities and infrastructure, the cancellation of many refuge public use programs and even increased crime on our public lands.

The National Wildlife Refuge System budget must increase by $15 million each year just to maintain the same level of services and programs as in the previous year. The $15 million increase accounts for cost-of-living increases for FWS personnel, growing rent and real estate costs and other cost increases, while sustaining current levels of visitor services and wildlife management. Funding the O&M account at $514 million would allow the Refuge System to avoid additional employee layoffs and reductions in services that are important to our refuge, our members and the over 40,000 people who visit the refuges that make up the Potomac Complex each year, while also preventing the current $3.5 billion O&M backlog from growing larger.

Budget reductions over the last three years have severely impacted the Potomac River Refuges in Northern Virginia. The complex is comprised of Elizabeth Hartwell Mason Neck NWR, Occoquan Bay NWR, and Featherstone NWR. This complex is approximately 20 miles from

Capitol Hill. Each refuge was established through strong public support and effort in recognition of their importance as representative pieces of this region's distinctive, but fast disappearing, natural environment. Mason Neck's woodlands and Potomac shoreline has been instrumental in the recovery of the bald eagle; Featherstone provides sanctuary for native flora and fauna dependent on tidal wetlands; and Occoquan Bay includes unique habitats of great importance to migratory waterfowl and songbirds and other wildlife. Each refuge and the complex plays an indispensable role in preserving the natural character of Northern Virginia.

As part of FWS Region 5's workforce plan the 71 national wildlife refuges in the Northeast region have been classified as "stay strong", targeted, or de-staffed. The region has chosen to direct resources to "stay strong" refuges to avoid "across-the-board mediocrity that would result from proportionately equal budget cuts at each refuge." To our dismay the Potomac River NWR Complex is classified as a targeted reduction refuge.

The Potomac River Complex was de-staffed in FY06. The Complex lost its only biologist and one of the two maintenance workers. Staff cuts resulted in program elimination therefore impacting FWS' ability to manage wildlife and their habitat. Wildlife surveys, research and investigations, biological monitoring, and invasive species control have been curtailed or eliminated. The lack of a biological program leave invasive species unchecked adversely impacting native plant and animal species. In addition, maintenance and support of public use facilities/activities including trails, roads, and programs have been reduced. At this point, even if additional maintenance funds were made available the current staffing level impedes the completion of additional work projects.

Our local refuges are also threaten by illegal activities occurring on them. Documented activities are: trespass, gangs including MS-13, drugs, felonies, and undocumented aliens establishing camps. We believe some of these activities can be curtailed if refuge staff had an increased presence on the refuges. As mothers we are concerned about the safety of children and other visitors. Currently, the staff is housed miles away from any of the refuges in a strip mall along Route 1 in Woodbridge. Vehicles and other equipment are stored at a rented garage a mile away from the office. Response to habitat, wildlife or visitor needs can take hours given the notorious Northern Virginia traffic. This situation creates numerous inefficiencies and safety issues.

USFWS Region 5 has acknowledged the need for an administrative/visitor contact station at Occoquan Bay NWR by listing it as their number one priority for building construction funds. However, even with this acknowledgment there is no funding in the President's FY09 budget for construction of this facility. We are urging this subcommittee to provide $750,000 for the design and engineering of this facility. Locating an administrative/visitor facility on the Occoquan NWR is estimated to improve the efficiency of daily refuge operations by twenty percent. For preservation of the habitat and wildlife, safety of the visitors and enhancing the efficiencies of the staff; planning of this facility needs to occur now.

According to Banking on Nature, a 2007 report by the USFWS, recreational visits to national wildlife refuges generate substantial economic activity. Nearly 35 million people visited national wildlife refuges in 2006, generated over $1.7 billion for local economies – including 27,000 jobs

and $185 million in tax revenues. Eighty-seven percent of all economic activity generated by refuges is from non-resident visitation. These visitors contribute to the local economy through patronage of local hotels, restaurants, outfitters and gas stations to name just a few examples. We simply cannot afford to lose these local economic engines.

In conclusion, the Potomac River Refuges provide a wonder environment for plants and animals that we must treat with care and vigilance. The flora and fauna utilizing these refuges and the entire Refuge System are fundamental to our nation. When Teddy Roosevelt established the Refuge System in 1903, he recognized these lands and the creatures dependent upon them were essential to our nation's development and would continue to be a vital part of our children's futures. The Friends of the Potomac River Refuges ask you to provide adequate funding for this refuge complex and the entire Refuge System to conserve our children's natural heritage.

Friends of the Potomac River Refuges respectfully request the Interior Appropriations Subcommittee to add $750,000 to USFWS's construction budget for the design and engineering of an administration/visitor facility on Occoquan River NRW and increase funding for the National Wildlife Refuge System in FY 2009 to $514 million. We hope you will support the Potomac River Refuges and others across the country by securing strong funding for the National Wildlife Refuge System. On behalf of the Friends of the Potomac River Refuges we thank you for your consideration of our requests. If you have any questions, we would certainly be happy to help in any way. If you have any questions regarding this request please call Joan Patterson at 703-791-3458 or send an email to joan@thepattersonfamily.us.

Sincerely,

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**Testimony of Bill Durkin**
**Friends of Rachel Carson NWR**
**In Support of Funding for Timber Point Acquisition Project**
**Rachel Carson National Wildlife Refuge, Maine**
**Land and Water Conservation Fund, U.S. Fish and Wildlife Service**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

March 13, 2008

Mr. Chairman and Honorable Members of the Subcommittee:

I thank you for the opportunity to present to the subcommittee written testimony in support of the acquisition of the 110-acre Timber Point property at the Rachel Carson National Wildlife Refuge in Kennebunkport, Maine. An appropriation of $3.5 million from the Land and Water Conservation Fund, to be matched by an equal amount of private funds, is needed to protect this exceptional coastal property.

As you know, Mr. Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

The Rachel Carson National Wildlife Refuge is named in honor of one of the nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitat, leading her to write the international best-seller The Sea Around Us. This landmark study, in combination with her other writings, *The Edge of the Sea* and *Silent Spring*, led Rachel Carson to become an advocate on behalf of this nation's vast coastal habitat and the wildlife that depends on it. With the celebration of the 100th anniversary of Rachel Carson's birth in 2007, her legacy lives on today at the refuge that bears her name and is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast.

Consisting of meandering tidal creeks, coastal upland, sandy dunes, salt ponds, marsh, and productive wetlands, the Rachel Carson NWR provides critical nesting and feeding habitat for the threatened piping plover and a variety of migratory waterfowl, and serves as a nursery for many shellfish and finfish. The salt marsh habitat found at Rachel Carson NWR is relatively rare in Maine, which is better known for its dramatic, rocky coastline. Upland portions of the landscape in and around the refuge host a unique,

unusually dense concentration of vernal pools that provide habitat for several rare plant and animal species. Located along the Atlantic flyway, the refuge serves as an important stopover point for migratory birds, highlighted by shorebird migration in the spring and summer, waterfowl concentrations in the winter and early spring, and raptor migrations in the early fall. In fact, southern Maine contains a greater diversity of terrestrial vertebrates, threatened and endangered species, and woody plants than any other part of the state.

Previous years' appropriations have allowed the USFWS to conserve several properties within the refuge at Biddeford Pool and Parson's Beach, providing an important buffer between the intense development pressure along the southern Maine coast and its fragile coastal estuaries. With towns in the area growing rapidly – at rates ranging between 11 percent and 32 percent over the next ten years – development pressures continue to spiral upwards and additional coastal properties are under threat.

This year, an opportunity exists to significantly enhance the mission of the Rachel Carson NWR and its role in protecting coastal natural resources. Available for immediate acquisition from a single willing landowner in FY 2009 is the 110-acre Timber Point property, one of the last large undeveloped properties along the 50 miles of coastline from Kittery to Cape Elizabeth and a longstanding priority for the refuge. It is being offered to the USFWS at a significant discount through the generosity of the landowner and the support of the local community.

Located in the Little River Division of the refuge near Kennebunkport, Timber Point is comprised of a large peninsula and a small island that is effectively connected to the peninsula at low tide. All told, the property includes over 2.25 miles of undeveloped coastline, an enormous amount for southern Maine. Unlike much of the state's southern coastal areas, Timber Point' coastline is mostly rocky, making it an ideal location for eider nesting and wintering purple sandpipers. The Timber Point peninsula hugs the mainland, offering both rocky oceanfront shoreline and a sheltered, sandy cove. Wintering black ducks, assorted sea ducks, and migratory shorebirds feed and roost along the shoreline while sanderlings frequent the sandy cove during migration. In addition, the rocky offshore habitat serves as a productive lobster nursery.

In addition to the abundant wildlife which benefits from this virtually undeveloped coastline, upland habitats harbor many species of conservation concern as well. Habitats represented on Timber Point are diverse and include shrubby wetlands, early successional thickets and grassy openings, forested wetlands, and mature white pine forests. Early successional habitats are home to breeding American woodcock, willow flycatcher, eastern towhee, chestnut-sided warblers, gray catbirds, and bobolink. Upland forests and forested wetland habitats are likely to be used by breeding scarlet tanagers, northern flickers, and Baltimore orioles.

Refuge-owned lands already protect the headwaters of the Little River, which empties into the Atlantic at Goose Rocks Beach—a popular public swimming area adjacent to Timber Point. Once acquired, the Timber Point parcel will enhance the refuge's ability to protect water quality in the estuary and important wildlife habitat by

linking it to already conserved refuge lands in the Little River Division of the refuge. Currently, the USFWS holds an easement on just 35 of the 110 acres at Timber Point; this proposed acquisition would recombine the easement with full fee ownership and permanently protect the entire property – save 11 acres, which members of the family would retain with a conservation easement preventing any further development of the parcel. Located in a rapidly developing part of Maine, this acquisition offers the refuge an outstanding opportunity to conserve southern Maine's coastal landscape and further consolidate the fragile habitat that exists on the marshes, uplands, creeks, and the estuaries of the coast.

Given the development pressures in this part of the state, the opportunity to permanently protect this unique coastal property exists only for a limited time. An appropriation of $3.5 million for the Rachel Carson NWR in FY 2009 will be matched by an equal amount of private philanthropy, offering a once-in-a-lifetime opportunity that will yield enormous public benefits for generations to come.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of this important project.

**Friends of Shiawassee National Wildlife Refuge**
**PO Box 20129**
**Saginaw MI 48602**

March 10, 2008

Chairman Norman Dicks & Ranking Member Todd Tiahrt
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
Room B-308 Rayburn House Office Building
Washington, D.C. 20515:

Dear Chairman Dicks, Ranking Member Tiahrt and members of Subcommittee

The Friends of the Shiawassee National Wildlife Refuge in Saginaw, Mi., thank you for your efforts in increasing funding in 2008 for the National Wildlife Refuge system -- one of our nation's greatest legacies and natural treasures. Now we are appealing to you again regarding fiscal year 2009.

We may only have 9,501 acres on our refuge, but they are labor intensive and high maintenance because we are primarily a wetlands habitat serving as a vital oasis for thousands of birds during migration as well as permanent residents. This past December, we counted in one day 91 bald eagles in trees and on the grounds of our refuge.

Under our management are 30 miles of dikes, 20 miles of roads, 13 miles of hiking trails, seven buildings and a boat launch on a refuge where four rivers in the Saginaw Bay Watershed converge.

Room does not permit us to list the many vital studies being done on our refuge, ones that impact both animal and human life. Nor can we tell you the many positive reports we receive from the 59,000 enthusiastic visitors we have each year.

What we are concerned about is that since 2003, the federal government has provided for either small increases or kept the finding flat for the national refuges, despite the fact expenses rise $15 million annually.

Because of that lag, Shiawassee is down three staff members -- 30 percent of our

staff. And those losses of a biological technician, a refuge officer and engineering equipment operator have severely impaired our ability to conduct basic operations and wildlife inventories and studies, to protect wildlife resources and visitors,. and to maintain the infrastructure.

We understand the critical budget issues facing our nation and your own struggles in managing it. But we also urge you to consider that when it comes to the refuge system, lack of appropriate funding is impacting our environment and natural world in ways that are reaching the point of no return. Before his departure, our refuge officer dealt with more than 700 law enforcement incidents in one year.

We are urging you to fund the refuge system at $514 million for fiscal year 2009. Thank you for your consideration.

Sincerely,

Charles Hoover, President
Susan Scott, Vice President
Wil Hufton, Treasurer
Janet I. Martineau, Secretary
Friends of the Shiawassee National Wildlife Refuge
PO Box 20129
Saginaw, Mi. 48602
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**Testimony of the Friends of Silvio O. Conte National Fish and Wildlife Refuge**
**Submitted by Jad Daley, Chair**
**To the**
**House Appropriations Subcommittee on Interior, Environment, and Related Agencies**
**Honorable Norman Dicks, Chairman**
**March 13, 2008**

On behalf of the Friends of Silvio O. Conte National Fish and Wildlife Refuge ("Friends of Conte") and our 17 member groups representing citizens from Connecticut, Massachusetts, New Hampshire, and Vermont, I would like to offer testimony concerning FY09 appropriations for the Department of the Interior—specifically the Land and Water Conservation Fund, Public Lands Highway Program, and Partners for Fish and Wildlife Program. Most urgently, we are seeking a total of $6.57 million for the Silvio O. Conte National Fish and Wildlife Refuge ("Conte refuge") from the Land and Water Conservation Fund and Public Lands Highway Program in the FY09 Interior, Environment and Related Agencies Appropriations Bill. Further, we see great potential to enhance complementary public-private partnerships between the Conte refuge and local communities were the committee able to enhance funding for the Partners for Fish and Wildlife Program to $55 million dollars. We have local communities and private landowners who are eager to enhance stewardship in ways that will help the Conte refuge achieve its legislated purposes.

**Connecticut River Watershed: Forests on the Edge**

Over the past fifteen years, federal agencies have been studying our eastern forests and the unique value of these lands as "green infrastructure" for the American people. In particular, forested watersheds play an essential role in the crowded eastern states providing clean drinking water supplies for rural communities and distant cities alike. U.S. Forest Service studies over recent years have highlighted the acute threats to some of the most important forested water supply areas across the East, including the 7.2 million-acre Connecticut River watershed of Connecticut, Massachusetts, New Hampshire, and Vermont.

The release of the *Forests on the Edge* report in 2005 and the subsequent release of *National Forests on the Edge* confirmed what residents of the Connecticut River watershed already knew from experience: the pace of development and projected future development will likely compromise watersheds, water quality, and other important natural resources, such as timber supply areas, wildlife habitat, and public recreation like hunting and fishing. Specifically, the reports found that the Connecticut River watershed ranks among the top twenty in the Nation for projected development through 2030 and that more than 500,000 acres of land adjacent to the Green Mountain National Forest, including headwaters for major tributaries of the Connecticut River, will likely be developed over the same period

**The Silvio O. Conte National Fish and Wildlife Refuge: A True Watershed Project**

In anticipation of exactly this kind of development pressure, Congress established the Silvio O. Conte National Fish and Wildlife Refuge in 1991 as a "borderless refuge" covering the entire 7.2 million acre watershed. The mission of the refuge is to conserve trust species and other priority resources through traditional refuge ownership and management as well as through innovative partnerships with landowners and communities. In less than twenty years, the refuge has established an important base of lands in three of the four states and has begun to have an impact

beyond its boundaries. Despite this success, there is much more that the refuge can do to help meet the serious conservation needs now emerging as the watershed faces unprecedented development pressure. The refuge can also help meet other management challenges including invasive species and climate change.

To help the Conte refuge conserve priority conservation lands in the watershed through traditional refuge ownership, the Friends of Conte urge the committee to fund the following Land and Water Conservation Fund projects in FY09 that total $5.065 million.

**Connecticut**
**Division: Salmon River Division Size: 289 acres Cost: $2,000,000**
**Conservation Partner: The Nature Conservancy**
**Description:** The Salmon River Division includes a range of important natural features, including free-flowing rivers, thriving freshwater tidal marshes, forested watersheds, floodplain forests, and rare plants and animals. The Elm Camp/Johnson property is the first acquisition in this division and is a keystone property containing 3,360 feet of frontage on Pine Brook, a high-quality stream that provides remarkable cold-water fish habitat; and 1,440 feet on the west bank of the Salmon River, site of extensive state and federal efforts to restore anadromous fish runs, including the Atlantic salmon. Pine Brook is the only major Salmon tributary free of artificial barriers to migratory fish.

**Massachusetts**
**Division: Fort River Division Size: 66 acres Cost: $2,500,000**
**Conservation Partner: The Trust for Public Land**
Description: This parcel is adjacent to critical land being acquired by the Refuge with FY08 funds, prized as habitat for grassland bird species such as the grasshopper sparrow, bobolink, and upland sandpiper, and for nearly a mile of frontage on the Fort River. The Fort River is the longest free-flowing tributary of the Connecticut River in Massachusetts, home to the federally endangered dwarf wedge mussel and other rare mussels, fish, dragonflies, and turtles. At the center of a mosaic that includes over 600 acres of protected farmland and new Refuge holdings, this parcel is the subject of a development proposal that would drastically reduce the tremendous habitat potential of this rural landscape.

**New Hampshire**
**Division: Pondicherry Division Size: 103 acres Cost: $250,000**
**Conservation Partner: The Nature Conservancy**
**Description:** Pondicherry was designated as a National Natural Landmark in 1974, and was recently designated as the first Important Bird Area in New Hampshire. The area has long been known to offer exceptional avian habitat supporting approximately 230 species of birds of which 125 species have been confirmed as breeding. Species of particular conservation interest include common loon, northern harrier, sore, rusty blackbird, whippoorwill, and American black duck. 20 species of reptiles and amphibians, 41 species of mammals, and 17 species of fish have also been documented to use the Pondicherry Refuge site. Recent ecological surveys have identified and documented a variety of exemplary natural communities including peat bogs, fens, deep emergent marshes, and threatened lowland coniferous forests.

**Vermont**
**Division: Nulhegan Division Size: 60 acres Cost: $315,000**
**Conservation Partner: The Nature Conservancy**
**Description:** The Nulhegan Basin includes a complex of bogs, freshwater wetlands and spruce forest. These habitats provide nesting areas for loon, hooded mergansers, black, ring-necked and wood ducks. The Nulhegan Basin supports the only viable population of spruce grouse in the Connecticut River Watershed. More than a dozen rare plants and animals are also known to occur in this area.

We also request $1.505 million from the Public Lands Highway Program to enhance public education about the Conte refuge and the watershed, as well as to enhance the visitor experience at the refuge.

**Connecticut, Massachusetts, New Hampshire, and Vermont**
**Requested Amount: $250,000**
**Description:** Twenty-five computer based, independent, and interactive Watershed Education Terminals (WET) to be located in airports, environmental centers, museums, and other appropriate locations in all four Refuge states where people may be allowed to linger and learn about the Silvio O. Conte Refuge, National Wildlife Refuge System, its partnership approach from the source to the sea, opportunities to contribute or seek assistance, and destinations under the stewardship of our partners that are available for public enjoyment.

**New Hampshire**
**Requested Amount: $150,000**
**Description:** Rehabilitation and construction of public access facilities such as wheelchair accessible trails, elevated overlooks, photo blinds, information kiosks, interpretive literature, and parking on the Pondicherry Division of the Silvio O. Conte Refuge.

**Vermont**
**Requested Amount: $535,000**
**Description:** To enhance existing public access to the Nulhegan Division of the Conte Refuge by enhancing foot trails, improving signage, and establishing an interpretive auto-tour route as a means of facilitating a more informative, educational, and enjoyable experience for the visiting public.

**Massachusetts**
**Requested Amount: $570,000**
**Description:** To improve public access to the Great Falls Discovery Center and the Richard Cronin National Salmon Station in Turners Falls, enhance public use facilities, and increase visitor contact, capacity, and capability. The existing public access network of roads and trails will be upgraded to enhance safety and accessibility, and include information kiosks, overlooks, elevated boardwalks, outdoor exhibits, an outdoor classroom, permanent outdoor accessible restrooms and upgrades to existing indoor restroom facilities, and improved road access, parking, and landscaping, and signage.

Finally, we would like to encourage the increase of funding to the Partners for Fish and Wildlife Program to $55 million in FY09. We have local partners eager to work with the Conte refuge on "Beyond the Boundaries" projects that will synergistically combine refuge-led conservation with efforts to steward and conserve private land. We feel that this is exactly the unique role for the refuge envisioned by its authorizing legislation, and would be grateful for the Partners Program necessary funding to carry it out.

Thank you very much for your consideration of this testimony!

For more information, please contact me:

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Testimony of Denis Mudderman, Board Member and Volunteer
Tamarac Interpretive Association (Friends of the Tamarac National Wildlife Refuge)
Before the House Appropriations Subcommittee on
Interior, Environment and Related Agencies
Concerning Fiscal Year 2009 National Wildlife Refuge System Appropriations

March 13, 2008

Mr. Chairman and Members of the Subcommittee:

On behalf of the Tamarac Interpretive Association, the friend's organization of the Tamarac National Wildlife Refuge in Minnesota, I am submitting testimony for the House Appropriations Subcommittee on Interior, Environment and Related Agencies. We support a funding level of $514 million in FY 2009 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account and adequate funding for Visitor Services.

Last year the Appropriations Committee responded to years of inadequate funding with an increase of $39 million, bringing funding to the National Wildlife Refuge System to $434 million. The Presidents proposed budget for FY09 of 434.1 million represents the same level of funding as the current fiscal year. In order to maintain services and programs from the previous year, the National Wildlife Refuge System budget must increase by $15 million each year. The $15 million amount is derived from increases for cost-of-living for FWS personnel, growing rent and real estate costs, increasing energy prices, and other cost increases, while sustaining current levels of visitor services and wildlife management. The crisis that the Refuge System faces is that multiple years of stagnant budgets prior to FY07 have resulted in a $3.5 billion Operations and Maintenance backlog. Backlogs, and what amounted to budget cuts prior to FY07, have forced plans for a 20% downsizing of the workforce. Across the Refuge System, refuge visitors often show up to find roads and visitor centers closed, observation platforms and hiking trails in disrepair, and habitat restoration and school education programs eliminated. Invasive plant species are taking over and with a deficiency of more than 500 law enforcement officers, illegal activities such as poaching and trespass are on the rise. The $514 million target includes the required annual $15 million increase plus begins to address the backlog crisis so that the Refuge System can fulfill its responsibility to administer nearly 100 million acres, nature programs, habitat restoration projects, and more.

Focusing on the challenges in the Midwest region, a year ago, the 20% workforce reductions required 71 positions to be cut, including 27 in Minnesota. These Minnesota lost positions included 9 managers/resource specialists, 6 park rangers, 6 biologists/biology technicians, 3 maintenance workers, and 3 administrative staff. In addition to position cuts in the field, reductions also included Region Office management divisions. Minnesota's 15 refuges alone have 441 unfunded, yet essential projects, totaling $51.5 million. In the maintenance area of operations for Minnesota overall, the backlog exceeds $64.0 million, which severely impedes refuge staff from protecting wildlife habitat and providing for recreational opportunities.

The impact of this budgetary operations and maintenance backlog is also felt at Tamarac National Wildlife Refuge. The loss of one of the station's maintenance positions (that has yet to be refilled), has resulted in creating a backlog of repairs and regular maintenance of facilities, vehicles, refuge roads, parking areas, and hiking trails. Since the remaining maintenance position is seasonal, there has been reduced snow removal on refuge roads, parking areas, and at the Refuge Headquarters/Visitor Center. With public lake accesses not being plowed on a regular bases, ice fishermen have had a more difficult time getting out on the ice to fish. During the muzzleloader deer season some hunters were unable to access portions of the refuge because of snow-blocked roads where no one was available to plow. Deer hunting on the refuge is not just a recreational opportunity, but it is critical for management of the deer population and conserving a healthy habitat. Maintenance backlogs include the need to repave our Visitor Center parking lot and our Chippewa picnic area restrooms need to be updated. At our Visitor Center/Refuge Headquarters, continuing water leakage has caused an assortment of damage and problems, including the lost productivity from moping up water after each heavy rain.

Our wider community, with Detroit Lakes, Minnesota, as its commercial and population center, is also host to Hamden Slough National Wildlife Refuge and the Detroit Lakes Wetland Management District. The budget crisis has resulted in the lost of one staff position at the nearby Detroit Lakes Wetland Management District causing the elimination of biological surveys used to influence wildlife habitat restoration and land protection activities. Local partnerships have been strained due to lack of staff. In addition, the entire staff of Hamden Slough National Wildlife Refuge was reassigned to Detroit Lakes Wetland Management District along with the elimination of the Hamden Slough's refuge manager position. This transfer of refuge staff has resulted in a diminished capacity to intensively manage Hamden Slough habitats. These staff reductions and reorganizations have also impacted Tamarac National Wildlife Refuge. Not only must Tamarac refuge staff deal with backlog and reduced operational funding, but their duties frequently now included those of Hamden Slough and the Detroit Lakes Wetland Management District, further decreasing wildlife management at Tamarac.

Tamarac National Wildlife Refuge was established in 1938 to serve as a breeding ground and sanctuary for migratory birds and other wildlife. Tamarac Refuge's 42,724 acres lies in the heart of one of the most diverse vegetative transition zones in North America, where tall grass prairie, northern hardwood and boreal forests converge. These transitional habitats provide a haven for a diversity of wildlife species and some, such as the timber wolf, are at the extreme edge of their range in Minnesota. While the needs of wildlife are the first priority, Tamarac Refuge also provides many opportunities for visitors to enjoy and learn about our natural world through wildlife-compatible activities. These six priority public uses, set by legislation, include hunting, fishing, wildlife observation and photography, environmental education and interpretation.

*Banking on Nature 2006: The Economic Benefits to Local Communities of National Wildlife Refuge Visitation,* found that national wildlife refuges are major economic engines for their communities. Tamarac National Wildlife Refuge generated final demand totaling nearly $1.6 million with associated employment of 24 jobs, $491,200 in employment income and $235,600 in total tax revenue. Put another way, for every $1 of budget expenditure there was a $2.5 economic effect.

Public visitation at Tamarac National Wildlife Refuge continues to rise, going from 58,500 in FY 2006 to 63,000 visitors in FY 2007. Our Visitor Center received 6,950 visitors in FY 2007. While the number of 'visitors' are the actual count of people, the number of 'visits' indicates the number of times people participate in an activity. The total estimated visits for the refuge in FY 2007 were 87,146. Available data from FY2006, show 3,800 people visited the refuge for big game hunting, 1,300 for small game, 1,525 for migratory bird hunting, 4,000 for fishing, 31,700 for wildlife observation, 15,000 for birding, and 6,000 for hiking nature trails. The *Banking on Nature 2006* study determined that this visitation resulted in $1,211,700 of recreation expenditures, of which $1,045,700 were from non-residents.

The lakes area in Northwestern Minnesota, like the areas around other refuges near populated areas, has been rapidly developing with lakeside and rural seasonal and year-round homes. With diminishing habitat, Tamarac's 42,724 acres are a key "refuge" for migratory bird and other wildlife production. Due to the same developmental pressures, the Tamarac NWR is also increasingly an island of relatively natural forests, lakes, marshes, and prairie. Development and "No trespassing or hunting" signs proliferating across the landscape also make Tamarac NWR an important remaining public hunting area. Several lakes on the refuge are open to fishing, providing a fishing experience on a more pristine lake. Tamarac NWR also has an active visitor services and education program, with interpretive trails, observation decks, guided tours, special weekend interpretive opportunities, and a visitor center. Last year, Tamarac staff provided programs for over 4,000 students and adults. With the refuge's primary purpose of migratory bird and wildlife production, these additional and sometimes competing uses are managed well. Tamarac NWR, as all refuges, is completing a Refuge Comprehensive Conservation Plan with input from public hearings, to better balance public use while maintaining its first priority of the protection of wildlife and habitat. Increasing visitation makes the job of balancing wildlife and people evermore important; a critical time for needing staff and resources.

Tamarac National Wildlife Refuge is also a key resource for area schools and science education. In FY07, 4,100 school children participated in environmental education programs at Tamarac and 2,795 off-site. Other educational programs for families in 2007, accounted for 2,636 additional participants. For example, first graders from Frazee, Minnesota, come each May to plant trees, finding the funding themselves for the seedlings. Aida wrote back to the refuge the following: *I learned about planting pine trees. I heard the male frogs singing a song to the lady frogs in the pond. I learned about ant hills. I learned how trees grow. I also learned about deer scat. I saw ducks in the pond.* Last year, third graders visited Tamarac NWR from Moorhead, Minnesota, saw Eagles and Osprey for the first time, and marveled at a giant nine foot high beaver dam. The most creative were teachers and students from Detroit Lakes (Minnesota) Middle School that combined multiple subjects in completing several global positioning system exercises at the refuge. In addition to math, science, and technology, their work included writing, two examples follow: **Tamarac**, By Levi Johnson: *As I stepped off the bus. To my wonder. Bright red and golden leaves hanging from the trees. Sun so bright. Crisp fall air. Crisp, crunchy leaves under my feet. Friends laughing as they walk. Back to the bus we go.* **Tamarac**, By Rheanna Lind. *I slowly strolled through the tall grasses; Hoping not to trip and fall, Listening to the leaves crack under my feet, watching a mouse, my heart skips a beat. I gaze around watching the grass sway; My director yells it's time to go away; I look around one last time; goodbye wildlife, goodbye Tamarac.* Without needed refuge funding that deals with the

operational deficit and maintenance backlog, for school groups, it could be a more permanent goodbye.

The Tamarac Interpretive Association, the friends group of the Tamarac National Wildlife Refuge, was founded in 1992. Our mission is to facilitate activities and programs that interpret, protect and restore the natural and cultural resources of the refuge. We work to support the refuge in any way we can and that is requested. We have been involved in assisting with interpretive and educational programs, improving of visitor center exhibits, assisting with special events, developing a library of educational materials, and we support the refuge's volunteer program. We operate a gift shop of wildlife and nature themed books, clothing, and other items. All proceeds, along with friends' group dues and other contributions, go to help us in our refuge supporting mission. With the mounting pressure on refuge budgets and staff, our friends group wrote and received a grant that helped to equip our friend's office with needed technology and upgraded our gift shop cash register and inventory system, all with the goal of enabling to do more.

Our friends group has no paid employees; all our time is volunteer time. In FY07, 109 volunteers at the Tamarac National Wildlife Refuge donated 4,584 hours, up from 3,860 the year before. Forty-eight people volunteered regularly. Individuals assist the refuge with biological field studies, environmental education, facility maintenance, visitor center hosts, leading tours, and many other functions. In 2006, a FWS funded observation deck was totally constructed with volunteer labor. With the savings, binoculars and spotting scopes were purchased for the visitor services program. Last fiscal year, I was able to provide 1,376 volunteer hours and this fiscal year I have 675 to date. I've only been volunteering a few years, but then there are others who have been volunteering for many years. Ruth Dienst, for example, has volunteered leading refuge tours since 1992, and organized refuge tours from area resorts starting 16 years earlier. Health almost stopped her volunteering, but last summer she was driven to the refuge for each week's refuge tour. She delights visitors with her knowledge of plants and wild edibles, and she always brings her wild jams and teas for visitors to sample. There are many individual stories of commitment from dozens of hours a year to hundreds a year. Across the refuge system in 2006, 36,169 volunteers contributed 1,447,421 hours with a value of $26,111,475.

We as volunteers and we as refuge friends groups can only do so much. Refuge system funding that amounts to annual cuts have not only eliminated any slack, but has produced maintenance and program backlogs. The refuge system faces a crippling budget backlog of more than $3.5 billion. Funding pressures on our nation's wildlife refuge system are no longer a matter for refuge staff doing more with less, simply, less will be accomplished. As volunteers and members of friends groups, this situation severely stresses us. Our role is not to fill in staff and budget shortfalls. Yet, we try and do what we can.

We are exceedingly grateful for the subcommittee's support of $451 million for FY08. As dedicated friends groups and volunteers, there is no greater affirmation of our work and our shared commitment to our nation's refuges. We urge funding our refuge system in FY09 at the $514 level.

Testimony of Claire Goad, President
Friends of Wertheim National Wildlife Refuge
Before the House Appropriations Subcommittee on Interior, Environment and Related Agencies
Concerning Fiscal Year 2009 National Wildlife Refuge System Appropriations

March 12, 2009

On behalf of the Friends of Wertheim NWR, I am submitting testimony for the House Appropriations Subcommittee on Interior, Environment and Related Agencies. **We support a funding level of $514 million in FY 2009 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account, adequate funding for Visitor Services and 7.9 million for the Long Island NWR Complex's Visitor Learning Center/Administrative Headquarters to be located at its headquarters, Wertheim NWR.** The $514 million accounts for cost-of-living increases for FWS personnel, growing rent and real estate costs and other cost increases, while maintaining current levels of visitor services and wildlife management. Funding the O&M account at $514 million would allow the Refuge System to do its job of protecting habitat and wildlife in a much more responsible way. **It is of the utmost importance that our nation protects and enhances our National Wildlife Refuge System for future generations.**

The House Interior Appropriations Subcommittee should provide strong funding for Refuge System Visitor Services programs and Visitor Facility Enhancement Projects. Visitor Services funding pays for many Friends and volunteer programs. We depend on this funding for programs that allow us to remain effective stewards of our refuge.

Recognizing invasive species as a top threat to our refuge lands, we also ask the Committee to continue their support "for cooperative projects with Friends groups on invasive species control." This funding supports worthy programs like competitive grants for Friends groups and the Volunteer Invasive Monitoring Program. Utilizing the energy and enthusiasm of Friends and volunteers is a proven, effective and economical partnership for the National Wildlife Refuge System and U.S. Fish and Wildlife Service.

**The 7.9 million dollars for a Visitor Learning Center/Administrative Headquarters for the Long Island National Wildlife Refuge (LINWR) Complex to be located at Wertheim NWR is a key focal point of LINWR Complex's 15 year Comprehensive Conservation Plan. It is important to note that $1,135,300 for Phase I: Planning and Design would enable us to start this project. Phase I includes: Site work, A/E Services and Regional Engineering Services. The Visitor Learning Center would serve as a catalyst for educational opportunities, wildlife conservation partnerships and collaborative efforts.** In an effort to reduce cost, time and energy consumption, the Service has developed a standard conceptual design for the Administrative/Visitor Center. Designed with "green technology" (the plans are consistent with LEED certification requirements) the Center will be a state-of-the-art energy efficient model. The 7.9 million dollars will include all phases of the project: planning, site design, construction, and interpretive exhibits.

**Friends of Wertheim feels this project deserves federal funding because United States Fish and Wildlife is THE federal agency charged with conserving, protecting and**

**enhancing the nation's fish, wildlife and plants for the continuing benefit of the American people. Another top priority of the Service is connecting people with nature: ensuring the future of conservation. Therefore a priority of federal funding must be to take action. While there is no doubt that our public lands need to be managed through community partnerships/community resources, the federal government should be the catalyst on federal lands to make this happen.**

**Additionally, we anticipate this Center will be one of the best locations in the Country for the U.S. Fish and Wildlife Service to achieve one of its highest priorities: Connecting People with Nature: Ensuring the Future of Conservation. The Long Island National Wildlife Refuge Complex has the opportunity to reach more neighbors and attract more visitors than any other national wildlife refuge in the country. This building will allow the refuge to accommodate the volume of visitors we anticipate both now and in the future.**

When the funding for the National Wildlife Refuge System is compared to the entire national spending it is not even a "blip on the radar screen". **The National Wildlife Refuge System is one of our "National Treasures" and the dedicated Refuge staff, Friends and volunteers do so much with so little. It is our hope that in 2009 and beyond there is increased funding that will allow the Refuge System to do more than maintain what we have and will enable the refuge staff to address the O&M backlog. Only by being "faithful stewards" of the National Wildlife Refuge System will we ensure that all of the refuges will be here for our children and our children's children.**

**The refuges in the Long Island Complex may be small compared to others; but they are so important!!** As a fifth grade science teacher in the local school district I took 4 science classes on field trips to Wertheim NWR each year. One year one of the boys was standing on the trail just looking up and he stayed this way for some time. Since the rest of the students were eager to move on I went over to him and asked what he was doing. He replied, "Look – the trees make a tunnel – I can't see the sky!" What a beautiful discovery!! This is the reason why we must give our Refuge System adequate funding and why the Long Island NWR Complex needs a Visitor Learning Center/Administrative Headquarters.

Again, on behalf of the friends of Wertheim NWR we thank you for your consideration of our requests. If you have any questions, we would certainly be happy to help in any way.

Thank you
Claire Goad
President – Friends of Wertheim

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**Testimony of Thomas R. Baptist**
**Executive Director**
**Audubon Connecticut**
**In Support of Land and Water Conservation Funding for**
**Additions to Stewart B. McKinney National Wildlife Refuge and Silvio O. Conte**
**National Fish and Wildlife Refuge**
**U.S. Fish and Wildlife Service**
**House Appropriations Subcommittee on Interior and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking**
**March 12, 2008**

Mr. Chairman and Honorable Members of the Committee:

Audubon Connecticut appreciates the opportunity to testify on behalf of funding through the Land and Water Conservation Fund to support the addition of three significant habitat areas to the National Wildlife Refuge (NWR) system in Connecticut. A total $6 million is being requested for additions to the Stewart B. McKinney National Wildlife Refuge and $5.065 million for additions to the Silvio O. Conte National Fish and Wildlife Refuge.

Audubon Connecticut, the state organization of the National Audubon Society with more than 12,000 members statewide, works to protect birds, other wildlife and their habitats using science and conservation, education, and legislative advocacy for the benefit of people and the earth's biological diversity. The NWR system in our state protects key habitat areas for birds, wildlife and plants, and provides opportunities for scientific research, environmental education, and fish and wildlife-oriented recreation. These refuges, the Stewart B. McKinney National Wildlife Refuge along the coast of Long Island Sound and the Silvio O. Conte National Fish and Wildlife Refuge covering the watershed of the Connecticut River, represent two of our nation's most unusual and important Refuges located in a densely populated and highly developed four-state region including Connecticut, Massachusetts, New Hampshire and Vermont.

The Stewart B. McKinney National Wildlife Refuge is dedicated to protecting migratory bird habitat along sixty miles of Long Island Sound shoreline in Connecticut. The Refuge is used by more than 300 species of birds including raptors, waterfowl, shorebirds and Neotropical migratory landbirds. Several individual units are recognized as Audubon Important Bird Areas, part of a global network of sites that are essential to birds at some

point in their life cycle. The Stewart B. McKinney NWR provides critical habitat for federally endangered Roseate Terns, federally threatened Piping Plovers, and a globally significant nesting population of Salt Marsh Sharp-tailed Sparrows, listed by the State of Connecticut as a Species of Special Concern and as Globally 'Vulnerable' by BirdLife International.

The Silvio O. Conte National Fish and Wildlife Refuge - the nation's only Fish and Wildlife Refuge - consists of approximately 180,000 acres in 48 identified "special focus areas" within the 7.2 million acre watershed of the Connecticut River in Connecticut, Massachusetts, New Hampshire and Vermont. These areas contribute substantially and in unique ways to supporting natural diversity in the watershed and provide habitat for numerous species of birds including our nation's symbol, the Bald Eagle. Two individual units in Connecticut are recognized as Audubon Important Bird Areas. The areas currently proposed for acquisition would constitute only the second acquisition of property in the State of Connecticut by the Conte Refuge.

Audubon Connecticut ***strongly supports*** the following 2008 Land and Water Conservation Fund requests:

- **$6 million** for phase I of a multi-year effort to acquire the Long Beach/Pleasure Beach project in Stratford and Bridgeport, Connecticut that would conserve a 70-acre barrier beach adjacent to the state's largest city, a distressed and targeted community. This will be first of several phases for this project. The beach shelters the 700-acre estuarine system of the Stratford-Great Meadows Unit of the Stewart B. McKinney National Wildlife Refuge, and represents the most important remaining block of nesting habitat for the federally threatened Piping Plover and state threatened Least Tern in Connecticut. Long Beach and Pleasure Beach represent 20% of Connecticut's remaining undeveloped coastline. More than 270 bird species utilize this area, and the addition of the Long Beach/Pleasure Beach property to the Refuge would create one of the premier birding areas in all of New England. Acquisition of this area by the USFWS will simultaneously improve public access, improve resource management for federally listed species and provide a new amenity to Connecticut's largest city, Bridgeport. With both municipalities willing to sell their sites to USFWS, this is a unique opportunity to conserve critical bird habitat while also providing high quality wildlife-oriented recreation opportunities in an urban environment.

- **$2 million** for acquisition of the Elm Camp/Johnson property, three (3) parcels that would add a total of 389 acres along the pristine Salmon River, a tributary to the Connecticut River, to the Salmon River Division of the Silvio O. Conte National Fish and Wildlife Refuge, as well as $3.065 million (**a total request of $5.065 million**) for additional properties in Massachusetts, New Hampshire and Vermont as part of a four-state coalition effort to permanently protect key areas in this unique Refuge that runs through the four-state region and spans the watershed of New England's longest river. The Salmon River Division in Connecticut

represents critical wintering habitat for Bald Eagles and nesting habitat for American Black Ducks, Wood Ducks, and Mallards, along with critical wetland, forest and shrubland habitat for many other species of conservation concern. The Elm Camp/Johnson property would represent only the second unit of the Refuge in Connecticut and the first addition to the Salmon River Division. The propert y contains 3,360 feet of frontage on Pine Brook, a high-quality stream that provides outstanding cold-water fish habitat, as well as 1,440 feet on the west bank of the Salmon River where there have been extensive state and federal efforts to restore anadromous fish runs, including the Atlantic salmon. Pine Brook is the only major Salmon tributary free of artificial barriers to migratory fish.

The acquisition of these parcels by the US Fish and Wildlife Service will continue efforts to protect bird habitat along the highly developed coastline of Long Island Sound and watershed of the Connecticut River. If funding is not made available in FY 09, there is a strong possibility that these parcels could be developed and Connecticut would lose more of the already-rare salt marsh and riverine habitats found on the subject properties. On behalf of Audubon Connecticut, I respectfully request your support in the FY 09 Interior Appropriations bill to ensure the success of these important conservation projects that will benefit the people of our state and our nation for generations to come.

Thank you for your consideration of these requests.

*Audubon Connecticut, the state organization of the National Audubon Society with more than 12,000 members statewide, works to protect birds, other wildlife and their habitats using science and conservation, education, and legislative advocacy for the benefit of people and the earth's biological diversity. Through our network of nature centers, protected wildlife sanctuaries, and local volunteer Chapters, we seek to connect people with nature and inspire the next generation of conservationists.*

**STATEMENT OF THE ENEWETAK/UJELANG LOCAL GOVERNMENT BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

March 12, 2008

Submitted by the Honorable Jackson Ading, Mayor of Enewetak Atoll; and
The Honorable Jack Ading, Senator, Nitijela of the Marshall Islands

Mr. Chairman and distinguished members of this Subcommittee:

Thank you for providing this opportunity to the people of Enewetak to describe issues that relate to our ability to live on our homeland of Enewetak Atoll which was used as a nuclear test site by the United States.

As the only people ever resettled on a nuclear test site, we face many challenges. Life on Enewetak Atoll is made possible through support provided by the congressionally funded Enewetak Food and Agriculture Program. That program provides funding for imported food, an agriculture rehabilitation program, and the operation of a vessel. We request that funding for that program for FY 2009 be increased by the amount of $500,000, the same amount of increase as provided by Congress in FY 2008. Also, we hope that you and members of this subcommittee are inclined to support our request for a one-time funding of an additional amount of $550,000 for the purchase of a replacement vessel for the KAWEWA which is now so old that replacement parts are difficult if not impossible to find. Lastly, we hope that this committee will support continued funding of the health program for the four nuclear affected atolls of which we are one, and funding for the environmental monitoring by the Department of Energy of the Runit Island nuclear waste site which is on our atoll.

Before I discuss the particulars of this request, I would first like to thank you, Mr. Chairman, and members of this committee, on behalf of the Enewetak people, for your support in funding the food and agriculture program for my people in the Compact of Free Association. I also thank you for your past support in assuring that the Enewetak Food and Agriculture Program is adequately funded, particularly your support for the $500,000 increase for FY 2008.

As you know, Enewetak Atoll was the site of 43 of the 67 nuclear tests the U.S. conducted in the Marshall Islands. We were removed from our land by the U.S. government to make that testing possible. We were exiled from our land for a period of over 33 years – a period in which we suffered near starvation, poor health, and lack of education.

In 1980, after a significant cleanup, soil rehabilitation, and resettlement effort undertaken by the U.S., we were able to return and live on only a part of our land. A large part of our land and environment remain contaminated making it impossible for us to rely on our natural food resources and preventing us from developing a fishing or tourist economy.

We now live on a former nuclear test site. In fact, we are the only people ever resettled on a nuclear test site. The Enewetak Food and Agriculture Program makes life

on Enewetak possible. And that is why we are so thankful to you for assuring funding in the minimum amount of $1.3 million for the program in the Compact.

However, the program was funded at a level of $1.8 million in FY 2008 and close to that amount for the past several years. That funding level needs to continue to maintain the minimum components of the program which include a soil and agriculture rehabilitation program, the importation of food, and the operation of a vessel. Therefore, we request your support for the additional $500,000 for the program for FY 2009 so that the components of the program will be funded in the total amount of $1.8 million as has been the case these past several years.

We now face a new challenge and that challenge has to do with transportation of food, material, equipment, supplies, and transport of people to and from our atoll. Our atoll is the most distant atoll from Majuro Atoll, the capital of the Marshall Islands. In fact, the distance between Majuro and Enewetak is 600 miles one way. All of our food, material, supplies, and equipment is sent to Majuro for further transshipment to Enewetak. Consequently, a reliable vessel is a lifeline for us. Unfortunately, our current vessel is so old that parts are difficult if not impossible to find. Therefore, we have been in the market for a replacement vessel and have located a vessel that would be even more suitable for voyages between Enewetak and Majuro. That vessel is known as the ALASKAN LADY, is currently in Seattle, is 154 feet in length, and is in good condition. The cost to purchase the vessel, minor upgrades, and transportation expenses to Majuro is $550,000. We hope that this committee provides funding for the purchase of the vessel as a one-time additional add-on to the Enewetak Food and Agriculture Program FY 2009 funding.

A final comment on the Enewetak Food and Agriculture Program: This program is a true success story. It allows us to live on our homeland while providing the resources which allow us to attempt to accomplish some of the rehabilitation required to transform part of the atoll from a severely damaged nuclear test site to a place that more resembles home. The additional $500,000 to maintain current funding levels for the components of the program, and an additional one-time $550,000 for the purchase of a replacement vessel will ensure the continued success of this program.

Now we would like to briefly address the four atoll health care program. Funding for FY 2009 is necessary to continue the program. We appreciate the funding for such program provided by the Congress in the amount of $1 million for FY 2008. However, continued funding is required to maintain the key elements of the program which provide for an on-site physician for each of the four atolls, necessary medicines and supplies, funding for a health aide for each atoll, and funding for care of the people of the four atolls at the hospitals in the Marshall Islands when required.

Lastly, I need to mention the nuclear waste site on Runit Island. That site was built by the U.S. and contains over 110,000 cubic yards of material including plutonium and other radioactive debris. This site needs to be monitored to assure the integrity of the structure and to assure that no health risks from the radioactive waste site are suffered by us. To effect the foregoing, a long-term stewardship program of Runit Island needs to be implemented by the U.S.

Again, Mr. Chairman, we thank you and members of this subcommittee for your support which makes life possible for us on our home atoll of Enewetak.

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**Margaret Geist, Executive Director**
**Association to Preserve Cape Cod**
**Testimony in Support of Land Acquisition Funding for**
**Cape Cod National Seashore, Massachusetts**
**Land and Water Conservation Fund, National Park Service**
**House Appropriations Subcommittee on**
**Interior, Environment, and Related Agencies**
**The Honorable Norman D. Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking**

March 13, 2008

Mr. Chairman and Honorable Members of the Committee:

I appreciate the opportunity to present testimony in support of an appropriation of $2 million from the Land and Water Conservation Fund for the Cape Cod National Seashore in Massachusetts.

As you know, Mr. Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

The Association to Preserve Cape Cod (APCC) is the largest and most prestigious environmental advocacy organization on Cape Cod, with more than 5,200 families comprising its membership. APCC's mission is to promote programs and policies that protect the natural resources of Cape Cod. As such, APCC has been in the forefront of all of the most important efforts to protect Cape Cod's rich natural heritage for four decades.

APCC is particularly interested in the Cape Cod National Seashore, which we consider to be the shining star of Cape Cod and emblematic of all that our organization seeks to safeguard. Cape Cod has a simple geography—it is a land of sand and of water. Nowhere is this simplicity and grace more apparent than at the Cape Cod National Seashore. Thus, when APCC learned that the National Park Service (NPS), which manages the Seashore, has the opportunity to acquire the 57-acre North of Highland Campground, a family-run private campground within the Seashore's congressionally authorized boundary in Truro, we began working with The Trust for Public Lands and our U.S. congressional delegation, Senators Kennedy and Kerry and Congressman Delahunt, to advocate for purchase of this land by the NPS.

Recycled Paper

The Cape Cod National Seashore, designated by Congress in 1961 to preserve its precious resources for future generations, includes 40 miles of coastline and boasts some of the world's most beautiful white sand beaches. With over four million visitors a year, the Cape Cod National Seashore is one of the most heavily visited places in the National Park system, with peak visitation occurring during the summer months.

There are many recreational opportunities at the Seashore, including six swimming beaches – including the popular Head of the Meadow Beach that provides some of the most exciting body-surfing available in the area. The Seashore has more than 11 miles of self-guided nature trails, a variety of picnic areas, scenic overlooks, historic building tours and many fishing opportunities. The Seashore also maintains three bicycle trails that wind through forests and past sand dunes, marshes and kettle ponds.

Nestled in the pines with trail access to the nearby Head of the Meadow Beach, the 57-acre North of Highland Campground, is a Seashore in-holding completely surrounded by National Park Service lands. It has been owned and managed since 1954 as a family-oriented campground. The campground operates from mid-May through mid-September and includes four bathhouses, a camp store, two dwellings and 237 sites for camping. The property also contains seven acres of wetland habitat. Preferring not to sell the land to a developer who would likely build houses, the owners of the campground have been working with the NPS to place the campground in NPS ownership to ensure that it is not developed and remains open to the public.

In FY 2009, an appropriation of $2 million from the Land and Water Conservation Fund will provide the final funding needed to protect this property, helping to ensure that the campground remains open to the public, thereby maintaining affordable recreational opportunities for the public in one of most heavily visited national parks in the country. Thanks to your efforts, Congress has already provided nearly $4 million for this public acquisition in FY 2007 and FY 2008.

Thank you, Mr. Chairman, for the opportunity to present this testimony in support of the appropriation of $2 million for Cape Cod National Seashore.

Sincerely,

Margaret Geist

Margaret Geist
Executive Director

**Testimony of George A. Hart, Co-Chair of Friends of Hyde Farm**
**In Support of Hyde Farm project**
**Chattahoochee River National Recreation Area, Georgia**
**Land and Water Conservation Fund, National Park Service**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman D. Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking**
**March 13, 2008**

Mr. Chairman and Honorable Members of the Committee:

I appreciate the opportunity to provide testimony on behalf of a request for a $3.031 million Land and Water Conservation Fund appropriation in FY 2009 to permit the National Park Service to acquire the 95-acre Hyde Farm property at the Chattahoochee River National Recreation Area in Georgia.

Flowing in a southwesterly direction from the Appalachian Mountains in northeastern Georgia, the Chattahoochee River is a significant recreational and ecological corridor in the Atlanta metropolitan area. Between Atlanta and Chattanooga a series of mountain ridges separated by river valleys cross the landscape. The Chattahoochee River valley is the southernmost in this chain. The river's length and breadth provides an excellent corridor for river recreation and open space for wildlife habitat. With substantial headwaters in the forested mountains of northern Georgia, the protection of the river's water quality for drinking water and recreation is an important regional and national objective.

The Chattahoochee River National Recreation Area provides much needed recreational opportunities in the Atlanta metropolitan area for all Georgians. The park was created in 1978 to protect the watershed, provide opportunities for river and land recreation, and to conserve important tracts in the river's floodplain. The park extends along the river for nearly fifty miles from Buford Dam at Lake Sidney Lanier to the entrance of Peachtree Creek tributary by Marietta Boulevard in Atlanta. Annually the park averages about 2.75 million visitors; many are from the burgeoning Atlanta metropolitan area. In recent years, the population in the state of Georgia has grown rapidly to about nine million residents and half of these residents live in the Atlanta area. The population growth has placed tremendous pressure on lands important to the region's water quality, recreation, and historical and agricultural heritage. In 1999 Congress passed Public Law 106-154 expanding the boundaries of the park to protect additional lands in this "nationally significant" river corridor.

In FY 2009 the National Park Service has the opportunity to acquire the 95-acre Hyde Farm property in Cobb County. The farm has been in agricultural use since the 1830s when a log cabin was built on the site downstream from a Cherokee village. As the

Chattahoochee River is the last natural barrier to entering Atlanta from the northwest, the Confederate army established its last defensive line in front of the Atlanta fortifications along the river southwest of the farm before the advancing Union armies of General Sherman in 1864. The Hyde Family first became involved in the farm in the 1870s and has owned the property since 1919. Until his death in 2004 in his early nineties, the farm was cultivated for family use by J.C. Hyde and his older brother, Buck. J.C. Hyde had a deep attachment to his land and its cultivation, and he wished to see the farmland forever protected. In 1993 the Hyde family sold approximately 35 acres of the property directly on the banks of the Chattahoochee River to the National Park Service for inclusion into the park. The entire Hyde Farm property is within the authorized boundaries of the park and is located between the Gold Branch and Johnson Ferry units.

If acquired for the national recreation area, Hyde Farm would provide visitors with a window into the traditional farming culture that has largely disappeared in Cobb County and the Atlanta area. The property is adjacent to the northern end of the Johnson Ferry unit, which hosts seasonal visitor services, 2.5 miles of trails, and a boat launching site. In the 1999 legislation, Congress stated its intention to "increase the level of protection of the open spaces...along the Chattahoochee River." The acquisition of the Hyde Farm represents one of the "dwindling opportunities to protect the scenic, recreational, natural, and historic values" of the Chattahoochee River corridor referred to by Congress in the act.

Private contributions will enable the National Park Service to acquire Hyde Farm for less than half of its estimated fair market value. Already, the National Park Service has $900,000 available from previous fiscal years and just under $2 million from a FY 2008 appropriation. Thank you for your support last year to secure this initial funding; it was critical to the project. In FY 2009, the final appropriation needed from the Land and Water Conservation Fund is $3.031 million.

As you know, Mr. Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

Mr. Chairman, thank you for this opportunity to provide testimony on this important land acquisition opportunity in Georgia.

Respectfully Submitted,

George A. Hart
Co-Chair, Friends of Hyde Farm

**Testimony of**
**the**
**American Museum of Natural History**
**presented to the**
**House Appropriations Subcommittee on Interior**

**March 13, 2008**

Overview

Recognizing its potential to support the Department of Interior in its goals to protect and provide access to our Nation's natural and cultural heritage and, through the *Save America's Treasures* effort, to protect America's cultural treasures that document and illuminate the history and culture of the United States, the American Museum of Natural History (AMNH) seeks $1.5 million to undertake critical restoration and preservation activities on one of New York City's most monumental interior spaces, the Hall of Northwest Coast Indians. Support for this project will ensure that this national resource for teaching the earliest American history and the history of the American Northwest Coast will be safeguarded for generations to come.

About the American Museum of Natural History

The AMNH is listed on the National Register of Historic Places and is one of the nation's preeminent institutions for scientific research and public education. Since its founding in 1869, the Museum has pursued its mission to "discover, interpret, and disseminate—through scientific research and education—knowledge about human cultures, the natural world, and the universe." It is renowned for its exhibitions and collections, and with nearly four million annual visitors—approximately half of them children—its audience is one of the largest, fastest growing, and most diverse of any museum in the country. More than 200 Museum scientists conduct groundbreaking research in fields ranging from all branches of zoology and paleontology to earth, space, and environmental sciences and anthropology. Their work forms the basis for all the Museum's activities that seek to explain complex issues and help people to understand the events and processes that created and continue to shape the Earth, life and civilization on this planet, and the universe beyond.

Support for Department of Interior Mission and Goals

The Department of Interior is dedicated to protecting and providing access to the Nation's cultural resources. To that end, it established the Save America's Treasures national effort, which in turn is dedicated to the preservation and celebration of America's priceless historic legacy and works to recognize and rescue the enduring symbols of American tradition that define us as a nation.

The American Museum of Natural History, home to one of the world's largest natural history collections, is equally committed to the preservation of our historic and

cultural heritage, to ensure that future generations will have the opportunity to experience our past and understand our identity as a nation. With its holdings of over 32 million specimens and artifacts, the American Museum's collections are a priceless national treasure, constituting an irreplaceable record of life on Earth, and a precious legacy held in trust for the use of present and future generations. Visitors from throughout New York State, across the nation, and around the world view the AMNH as a critically important institution for teaching and learning about science, culture, and the natural world.

The Hall of Northwest Coast Indians, which opened to great acclaim in 1899, is the oldest and first exhibition hall of the historic American Museum of Natural History, which is listed on the National Register of Historic Places. It is also the first and still grandest monument to the birth of American anthropology (under Franz Boaz, former AMNH curator and the most influential American cultural thinker of the 20th century), and arguably the most important historic hall of cultural display in the world—teaching visitors to view people in the context of their own cultures rather than judging them by one's own. Moreover, the Hall houses the most important—and truly irreplaceable—collection of 19th and early 20th century Northwest Coast cultures, including art, in the world. The Hall is also a New York City landmark in its own right—drawing a cosmopolitan audience of millions each year from around the globe.

This magnificent hall, which stands as a testament to AMNH's commitment to public access to anthropological research and education, is unfortunately being endangered because of its heavy use and accessibility. It is critical that this hall be restored and its collections be stabilized without delay, beginning with the signature totem poles and over-sized carvings, which are not protected by cases. Further restoration and conservation plans call for making necessary modifications to the Hall to improve environmental conditions such as insulation, windows, lighting, and relative humidity and cleaning and restoring exposed objects. The Northwest Coast Hall restoration project will protect this important legacy for future generations, ensuring that it continues to instill in visitors a strong sense of how culture shapes individual and collective human life while teaching them about the earliest American history and the rich cultural heritage of America's Northwest Coast.

The Museum seeks support of $1.5 million, which it will leverage with funds from nonfederal as well as federal sources, to undertake critical restoration and preservation so as to ensure that this priceless national resource will be safeguarded for generations of New Yorkers and of all Americans to come.

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Statement of Mary L. Klein
President and CEO of NatureServe

Before the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies,

March 13, 2008

NatureServe is a non-profit organization dedicated to providing the scientific basis for improved decisions regarding conservation and natural resources management. NatureServe represents a network of state agency-based natural heritage programs that operate in all 50 U.S. states. Together, NatureServe and its natural heritage program members are the leading source for reliable and objective scientific information about the nation's rare and endangered species and declining ecosystems. Many federal agencies, including several under the jurisdiction of this subcommittee—**U.S. Fish and Wildlife Service, Bureau of Land Management, National Park Service, U.S. Geological Survey, USDA Forest Service, and Environmental Protection Agency**—rely extensively on scientific information provided by NatureServe and its state natural heritage program members.

Responsible management and use of our nation's natural resources depends on a sound scientific understanding of these resources. The States have an important role to play in managing these resources, and in assisting the federal government in carrying out their responsibilities. The NatureServe network of state natural heritage programs represents one of the most important sources for objective and reliable scientific information on the nation's wildlife species and habitats.

The President's U.S. Geological Survey budget request includes **$1 million to ensure the quality and consistency of the national data resources maintained by NatureServe.** This funding is designed to enable NatureServe to continue providing the high quality scientific information that supports Interior bureaus and other federal agencies in the management of the nation's natural resources. The federal government has a clear and compelling interest in and need for the continued maintenance and quality assurance of this scientific resource, as evidenced by inclusion of this funding in the Department of the Interior's FY07 operating budget, and in the FY08 appropriations bill. We encourage the committee to appropriate the funds for this purpose included in the President's FY09 budget.

## Other Recommendations

NatureServe is pleased to offer the following additional recommendations for FY2009 appropriations for consideration by the Subcommittee.

### I. U.S. Fish & Wildlife Service

***State and Tribal Wildlife Grants***

NatureServe strongly supports this important program, which is designed to keep wildlife healthy and off the endangered species list, and joins the Teaming with Wildlife Coalition in recommending funding of **$85 million** in FY09, an increase of $11 million over the President's budget request. State wildlife agencies and their many partners are now working to protect the wildlife habitat by implementing the State Wildlife Action Plans.

***Endangered Species Programs***

NatureServe is concerned about proposed decreases in the budget for the Fish and Wildlife Service's ESA implementation programs. The proposed $3.7 million decrease below 2008 levels would only exacerbate existing staffing shortage, and hamper the Service's ability to address the more than 280 candidate species awaiting proposal for protection. Rather than decreasing the funds available to this crucial program, we urge the subcommittee to increase funding over FY08 enacted levels. Specifically, we would suggest increasing **overall funding to the Endangered Species program to $185.2 million** as follows: $12 million for Candidate Conservation; $25.2 million for Listing; $63.2 million for Consultation; and $84.8 million for Recovery.

### II. U.S. Geological Survey

We are very supportive of the Survey's efforts to carry out interdisciplinary work addressing key societal challenges such as climate change, invasive species management, and endangered species protection, and which provide the basis for adaptive management and monitoring on public lands.

***National Biological Information Infrastructure***

The National Biological Information Infrastructure (NBII) is an important program that focuses on improving public access to biological data and supporting the information needs of natural resource managers in other federal agencies. NatureServe strongly supports NBII and we are extremely concerned about the proposed decrease of $2.9 million for this program. Indeed, the proposed FY09 budget for this program represents a 70% reduction from FY06 levels, and would dramatically impact the capability of the program to maintain and disseminate critical biological data sets as well as to integrate with related federal, state, and international initiatives. We would recommend an overall budget for this important program of **$8 million**.

***Gap Analysis Program***

Improving conservation and protection of the nation's biological resources relies on having a current and accurate picture of the scope and condition of our ecosystems. The Gap Analysis Program is developing important land cover data sets that are of value for land use planning and analysis, land acquisition, and resource planning. These map products are relied on extensively for conservation and natural resource planning and for land protection activities. We support the Administration's request for the **Gap Analysis Program**, and

would urge the committee to consider an **increase of $1 million** for this important program, which would help speed up the development and delivery of key regional mapping products.

***Biological Status and Trends Program***

The Status and Trends Program provides important information to federal land and resource managers regarding the distribution and condition of the living resources in their care. The Natural Resources Monitoring Partnership is a particularly important effort designed to better coordinate across the many inventory and monitoring initiatives underway across the state, federal, and private sectors. **We support the President's request for $26.3 million** for this program, which represents an increase of nearly $5 million from FY08 enacted levels.

## III. Bureau of Land Management

***Native Plant Materials Development***

The Native Plant Materials Development program is used to provide native seeds and seedlings for restoration projects after wild fires and other disturbances, and is vital to controlling the spread of invasive species. Historically, this program has received approximately $4 million through the Burned Area Rehabilitation account. We recommend **an additional $5 million** for Native Plant Materials Development to increase the capacity of BLM for placing botanists and plant ecologists in BLM state offices to meet these needs.

***Threatened and Endangered Species***

The Bureau of Land Management manages more land, and more wildlife and fish habitat than any other federal agency. These lands support more than 300 federally proposed or listed species and more than 800 special status plant species. At this time, funding within BLM's Threatened and Endangered Species Management Program is used primarily for the conservation of wild animal species, even though well over half of the endangered species known to occur on BLM lands are plants. We are concerned about proposed decrease of $2 million to this program, and recommend an increase of **$10 million** over the FY09 proposed budget, for a total of **$28 million,** with the increase dedicated specifically to a sub-project for the conservation of Threatened and Endangered Plants.

## IV. National Park Service

We applaud the recent budget increase proposed for the National Park Service as part of the lead up to the Service's centennial celebration. In particular, we support the $20 million increase proposed in FY09 for Natural Resource Management, which includes operation of the Inventory and Monitoring program and Parks Vital Signs effort.

***Vegetation Mapping***

The Vegetation Mapping program creates an important foundation for effective, long-term management of natural resources throughout the National Park Service. NatureServe strongly supports the proposed FY09 budget of **$4 million** for this important program to allow for completion of the project across the entire park system by 2020.

**V. U.S. Forest Service**

***Forest Inventory and Analysis (FIA)***

Continued development of the Forest Inventory and Analysis database is essential to informed forest stewardship in the United States, and we support the move toward annual online survey data, and movement towards covering all 50 states and trust territories. We support the proposed **FY09 budget of $62.3**, which represents a nearly $2 million increase over FY 2008 enacted levels. This funding level would allow FIA to achieve full coverage of the nation's forests as required by Congress and would allow the program to expand in the interior west to support forest ecosystem restoration projects aimed at managing fire risk.

NatureServe appreciates the opportunity to provide the Subcommittee with our recommendations on the FY08 budget.

**Statement to the Interior Appropriations Subcommittee, U.S. House of Representatives**
**by Bernie Marczyk**
**Governmental Affairs Representative, Ducks Unlimited**
**March 13, 2008**

Ducks Unlimited (DU) is pleased to submit this testimony to the Interior Appropriations Subcommittee in support of funding for several programs important for wetlands, waterfowl and partnership-based habitat conservation efforts. We support a variety of conservation programs within your jurisdiction, but because of space and time limits will only comment on a few.

For decades, DU has leveraged our private dollars with partner dollars to conserve nearly 12 million acres of habitat in North America. We pride ourselves on our cooperative conservation work with federal and state agencies, cities and local communities, tribes, other conservation organizations, and thousands of private landowners throughout North America in the interest of wetland conservation. We appreciate the Subcommittee's continued support of private-landowner friendly programs, the Refuge System, and migratory bird conservation; and we respectfully seek your endorsement of funding for the following programs in the upcoming fiscal year.

**North American Wetlands Conservation Act**

The North American Wetlands Conservation Act (NAWCA) plays an invaluable role in wetlands conservation in North America by helping to stimulate local partnerships aimed exclusively at habitat conservation for wetland-dependent species. We commend Congress for its foresight in creating NAWCA in 1989 and repeatedly taking action to ensure the long-term success of this important program. In 2006 Congress unanimously reauthorized NAWCA through 2012 and authorized an annual appropriation of up to $75 million per year.

Since its enactment, NAWCA has consistently attracted strong, bipartisan support in Congress. Last year, 170 of your House colleagues sent a letter to your Subcommittee in support of funding for NAWCA in FY 2008. In the Senate, 52 Senators signed a similar letter of support. This level of interest and enthusiasm in Congress is a testament to the program's unique ability to foster public-private partnerships in a cost-effective and results-oriented manner.

With the help of NAWCA partnerships, more than 1,600 on-the-ground, voluntary conservation projects have been delivered in North America to conserve over 20 million acres of habitat with multiple benefits for wetlands, wildlife and people. The outstanding success of NAWCA is exemplified by the growing list of project partners, which is now well above 3,000. The multi-sector list includes all 50 state fish and wildlife agencies, hundreds of farmers and private landowners, a diversity of conservation organizations, corporations, tribes, and local governments. NAWCA is one of the federal government's most effective conservation programs and provides an excellent return on a relatively modest federal investment. The law requires every federal dollar put into the program to be matched by at least $1 in non-federal money. On average, partner match has been $3 for every $1 in federal funds. The partner investment in NAWCA totals more than $2 billion during the life of the program.

In Washington state, for example, NAWCA partners including the Washington Department of Fish and Wildlife, the Yakima Nation, DU, the Cascade Land Conservancy, numerous private landowners, local governments, and various other state and federal agencies that have leveraged

$22.5 million in NAWCA funds to invest a total of over $119 million in habitat projects across the state since the program began.

NAWCA facilitates efforts by resource managers and multi-sector partners to use a variety of strategies to restore and enhance degraded habitat along with protecting the quality habitat that remains. The habitat work that is completed on both public and private lands improves recreational opportunities and often provides additional economic benefits for landowners and their communities. As intended by Congress, the criteria for NAWCA projects include waterfowl as well as other wetland-associated migratory birds, threatened and endangered species, and other wildlife. Under this guidance, NAWCA projects have proven to benefit a diverse array of species, including fish.

What began as a small funding mechanism to accelerate implementation of the North American Waterfowl Management Plan and conserve wetlands in the late 1980's has grown into a highly successful program with widespread success and support. NAWCA serves as a vital tool for cooperative efforts to address landscape-level habitat challenges in vital areas for waterfowl, including the Prairie Pothole Region of the Great Plains, the Upper Pacific Coast, Lower Mississippi River Valley, Chesapeake Bay, and the Great Lakes. It also is the primary funding source for habitat conservation for other wetland-associated birds under several national and international plans.

In summary, NAWCA has stimulated hundreds of conservation partnerships that would not exist otherwise. The result is millions of acres of habitat conserved that provide a myriad of benefits for wetlands, wildlife, and the public. The President's FY 2009 budget request for NAWCA is $42.6 million, which is slightly above the enacted levels in recent years. We greatly appreciate the Subcommittee's ongoing support of NAWCA and hope this very popular and effective program will receive priority consideration for funding in FY 2009.

**National Wildlife Refuge System**

The National Wildlife Refuges and Waterfowl Production Areas are the federal government's primary land base for providing habitat for waterfowl and other wildlife. These lands also offer diverse recreational opportunities and a variety of other public benefits. A healthy Refuge System is a principal responsibility of the Service and plays an important role in the long-term conservation of migratory bird populations. DU has partnered with many refuges in their comprehensive conservation planning process and to acquire, restore and enhance habitat. Unfortunately, the costs of covering fixed obligations for the System, while absolutely necessary, now threaten the System's ability to improve and manage habitat for fish and wildlife.

Ducks Unlimited is a member of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters. A comprehensive analysis by CARE determined that the Refuge System needs $765 million in annual operations and maintenance funding by 2013 to properly administer its nearly 100 million acres, educational nature programs, habitat restoration projects, and much more. We are concerned about the dramatic cuts in services in the President's Budget and their impact on the long-term sustainability of the System. We encourage the Subcommittee to increase funding for O&M within the Refuge System in FY 2009.

Many years of stagnant budgets have rapidly ballooned the Operations and Maintenance backlog to $3.5 billion, and forced plans for a dramatic 20% downsizing of the workforce. Refuge visitors often show up to find roads and visitor centers closed, observation platforms and hiking trails in disrepair, and habitat restoration and school education programs eliminated. Invasive plant species are taking over and with a deficiency of more than 500 law enforcement officers, illegal activities such as poaching and trespass are on the rise. Since CARE was formed in 1995, DU has worked cooperatively with Congress and the Administration to highlight the rather dramatic needs of the Refuge System and secure strong investments in this remarkable network of lands and waters. We are grateful for the much-needed budget increase that Congress provided the Refuge System for the current fiscal year, and we urge the Congress to build upon this important step toward restoring the Refuge System by carefully considering our request in the FY 09 budget.

**Migratory Bird Management**

As the lead federal agency for migratory bird conservation, the Fish and Wildlife Service (FWS) works with DU, state fish and wildlife agencies and other partners to fulfill the service's U.S. treaty and trust responsibilities. The Division of Migratory Bird Management (Division) is essential to the implementation of the North American Waterfowl Management Plan (NAWMP). Sufficient funding to support the Division's annual surveys, monitoring, and assessments of waterfowl populations is critical to ensure habitat conservation efforts are focused appropriately.

NAWCA is helping to successfully implement the habitat objectives of the NAWMP and other national and international conservation plans for wetland-associated migratory birds. Regional Joint Ventures (JVs), established to support the NAWMP, play a substantial role by fostering partnerships to successfully deliver NAWCA projects. DU is actively involved with many of the JVs and, while funding habitat conservation programs like NAWCA should come first, we support future funding to continue the work of the existing JVs to help facilitate on-the-ground conservation.

**Neotropical Migratory Bird Act**

The Neotropical Migratory Bird Conservation Act is another important partnership program for the FWS and their efforts to foster international conservation of migratory birds and their habitats. Most migratory birds in which Americans share an interest, whether aesthetic or economic, travel between Canada and Latin America. Since enactment in 2000, partners in 42 U.S. states and 30 countries have been involved in nearly 200 conservation projects through this program. To date, more than $17 million in grants have leveraged nearly $90 million in partner contributions to conserve millions of acres of habitat for and a broad array of migratory bird species.

The Act was unanimously reauthorized by Congress in 2006 and is authorized to receive $5 million in FY 2009. Recognizing its role in the life cycle of migratory birds the program was expanded to include Canada and, accompanied by a modest increase in funding. We believe the program will help to accelerate habitat conservation along the entire migratory route of hundreds of bird species including waterfowl.

**Great Lakes Fish and Wildlife Restoration Act**

The Great Lakes play a critical role for North America's waterfowl, serving as productive nesting and breeding grounds, essential spring and fall migration rest areas, and vital wintering areas. Approximately 8 million waterfowl rely on the Great Lakes for some portion of their annual life cycle. In 2006, Congress recognized the importance of Great Lakes restoration by unanimously reauthorizing the Great Lakes Fish and Wildlife Restoration Act (GLFWRA). The funding authorization was doubled from $8 million to $16 million annually, and important guidance was added to the law to better address the full scope of fish and wildlife habitat challenges in the Great Lakes region.

We believe there is significant potential to restore and conserve wetlands in the eight Great Lakes states (WI, NY, PA, OH, MI, IL, IN, MN) and there is also potential to effectively restore areas of grasslands, riparian zones and forested habitats on both private and public lands in the region. Increased funding for GLFWRA will bolster the work of ensuring the Great Lakes continue to be a national treasure for generations to come by helping to stimulate larger scale restoration efforts while generating economic activity for the region. The Congressional Great Lakes Task Force recently asked the Subcommittee to provide full funding for the program in FY 2009. We recognize the fiscal constraints this year, but hope the Subcommittee will consider a funding increase for this small, but critical program specifically targeted toward habitat restoration in the Great Lakes region.

Karl Glasener
Director of Science Policy
American Society of Agronomy
Crop Science Society of America
Soil Science Society of America

March 13, 2008 —BY E-mail to in.approp@mail.house.gov

Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
B-308 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515
Attention: Jamie Swafford

**RE: FY09Appropriations—Support for U.S. Forest Service and U.S. Geological Survey**

Dear Chairwoman Dicks, Ranking Member Tiahrt and Members of the Subcommittee:

On behalf of the **American Society of Agronomy, Crop Science Society of America, Soil Science Society of America (ASA-CSSA-SSSA)**, we are pleased to submit comments in ***strong support of enhanced public investment in the U.S. Forest Service and U.S. Geological Survey*** as critical components of federal appropriations for FY09 and beyond. With more than 25,000 members and practicing professionals, ASA-CSSA-SSSA are the largest life science professional societies in the United States dedicated to the agronomic, crop and soil sciences. ASA-CSSA-SSSA play a major role in promoting progress in these sciences through the publication of quality journals and books, convening meetings and workshops, developing educational, training, and public information programs, providing scientific advice to inform public policy, and promoting ethical conduct among practitioners of agronomy and crop and soil sciences.

**Summary**
ASA-CSSA-SSSA understand the challenges the House Interior and Environment Appropriations Subcommittee faces with the tight budget for FY 2009. We also recognize that the Interior and Environment Appropriations bill has many valuable and necessary components, and we applaud the efforts of the Subcommittee to fund the U.S. Forest Service and U.S. Geological Survey.

The ***U.S. Forest Service*** sustains the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. Soils are a vital component of forest management, and their understanding is essential to achieve the agencies strategic goals. The Societies are concerned with the overall 8% decrease in the FY 2009 President's budget for USFS. Vital programs that are essential for improved soil quality have been consistently under-funded. We urge the Subcommittee to increase discretionary funding for the ***U.S. Forest Service*** budget to $4,800,000,000, about a 7%

increase over the FY 2008 enacted levels ($4,448,428,000), thus putting the agency back on track towards properly managing the 749 million acres of forests in the U.S. for the services they provide: clean water and air; recreational opportunities; hunting; fishing; forest products; and, scenic values.

The ***U.S. Geological Survey*** is an essential agency for the U.S., providing reliable scientific information to describe and understand the Earth; minimize loss of life and property from natural disasters; manage water, biological energy, and mineral resources; and enhance and protect our quality of life. For FY 2009, we urge the Subcommittee to fund the ***U.S. Geological Survey*** at $1.3 billion, about an 8 percent increase over the recommended funding level in FY 2008 ($1.2 billion). This growth rate is similar to the annual growth rate the President originally proposed for science agencies in the American Competitiveness Initiative order to double their budgets in 10 years.

***U.S Forest Service***

**Forest and Rangeland Research**

The ***Forest Service Research (FSR)*** soils program examines key environmental issues: nutrient cycling, impact of acid rain on soil function, management impacts on soil productivity, plant nutrition, soil moisture, plant growth relationships, soil microbial functions and soil quality concepts. Past investments in soils research have yielded great benefits to the nation, e.g. Research soil scientists described the environment-plant-soil carbon relations in the very carbon-rich black spruce forests needed to assist forest managers in understanding how to manage the soil carbon pool after fire disturbance, which is predicted to increase in a warming climate. ASA-CSSA-SSSA recommend increasing funding for ***Forest and Rangeland Research*** by 7 percent to $306,000,000 in FY 2009. Within ***Forest and Rangeland Research***, we urge the Subcommittee to fund ***Resource Management and Use*** at $91,759,990 for FY 2009, a 7 percent increase above FY 2008 enacted budget. If these funding increases do not occur, the Forest Service will be unable to replace recently retired research soil scientists, and there will also be a loss of capability to maintain measurements on the national Long Term Site Productivity study that guides Forest Service sustainability requirements.

**National Forest System**

Fresh water is a critical resource that is becoming scarce in many regions. It is essential that we continue to manage our forests to promote healthy watersheds, through effective monitoring. ASA-CSSA-SSSA are concerned with the President's proposed steep cuts to ***Inventory and Monitoring*** (-11%), ***Vegetation and Watershed Management*** (-5%), ***Establish Forest Vegetation*** (-6%), ***Maintain and Improve Watershed Conditions*** (-7%) and ***Minerals and Geology Management*** (-15%) programs within NFS for FY 2009. ASA-CSSA-SSSA recommend 7 percent increases for each of these programs for FY 2009 as follows: ***Inventory and Monitoring*** ($178,240,600), ***Vegetation and Watershed Management*** ($189,857,590), ***Establish Forest Vegetation*** ($41,942,930), ***Maintain and Improve Watershed Conditions*** ($55,676,380) and ***Minerals and Geology Management*** ($90,033,000). Within ***Minerals and Geology Management***, we urge a funding level of $10,374,720 for the ***Manage Environmental Risk program***. Soil is the natural filter,

often overlooked, vital for healthy watersheds. Past investments in NFS have yielded enormous benefits to society including: Soil scientists annually provide critical soil resource information to Burned Area Emergency Response teams evaluating the environmental effects and developing rapid management responses for of hundreds of wildfires. Unless funding is restored to NFS, USFS will be unable to start a resource inventory of the remaining 59.7 million acres of National Forest land currently scheduled; adequately continue monitoring the effects of land management activities on forest and range sustainability as required by the National Forest Management Act of 1976; and maintain a viable scientific knowledge base when retiring soil scientists are not replaced.

**U.S. Geological Survey**

**Water Resources Investigations**

Water is a limiting resource for many regions of the United States; certain regions have been in a sustained drought for several years. The additional $9,500,000 proposed by the Bush Administration will help the ***Water for America Program*** map future water availability. The president's FY 2009 proposed -$10,645,000 cut for the ***National Water-Quality Water Assessment (NAWQA)*** program will seriously affect ground water monitoring capacity in USGS. Aquifers are the leading source of fresh water across the country and it is essential we monitor and maintain this ecosystem service. Nutrient loading of the Mississippi River has been linked to the hypoxia zone in the Gulf of Mexico. January 2008, NSF released a press release (08-010) that concluded agriculture is changing the chemistry of the Mississippi River due to increased carbon and water loading. As more farm acreage is converted to biofuels, there is increasing potential for these systems to load major river systems. The Societies recommend an increase of $6,080,000 (9.5%) over FY 2008 enacted ($63,912,000) for ***National Water-Quality Water Assessment*** program which will allow for annual monitoring at the 113 active sites, demonstrating the government's commitment to providing clean available water under increasing demands. ASA-CSSA-SSSA request a funding level of $8.8 million for the ***Water resources research institutes*** which assist federal and state agencies in promoting and facilitating the research and technology transfer they need to carry out their missions to protect human health, environmental resources, and economic sustainability.

**Climate Change**

Climate change is a major focus for many agencies in FY 2009, as well as an important focus for the Societies. With increasing attention focused on climate change, ASA-CSSA-SSSA are interested in the role agriculture can play to mitigate climate change. The Societies applaud the reorganization of the separate areas focused on climate change into a single program; however are concerned that some programs may not be transferred over. The new budget activity for USGS Global Climate change activities shifts focus from research to data collection and assessments. While data collection and assessments are essential for land management decisions, potential improvements in management will remain undiscovered without adequate funding for research. The continual proposed decline in research regarding climate change will severely inhibit the United State's

ability to create new innovative management systems. Funding for ***Biological Research*** in FY 2009 should be increased ($6,000,000) from 2008 enacted ($5,007,000), not cut by $5,007,000 (100% reduction) as the President proposes. The $1,071,000 proposed reduction in funding for the ***Geographic research program*** will adversely affect the United States' ability to affectively reduce domestic greenhouse gas emissions in agriculture. The ***Geographic research program*** contributes to the ***Carbon Research Program***, carried out by USGS, USDA, and other international partnerships. We recommend increasing funding levels for terrestrial carbon to $2,000,000 rather than reducing them. There are many factors that affect terrestrial carbon sequestration and continual US support of these programs will enhance our knowledge of these factors, as well as develop potential new management practices.

**Geographic Research, Investigations, and Remote Sensing**

Land use and change are major issues of concern for the nation. Satellite imagery is used by a variety of stakeholders: government agencies such as USGS, EPA, NSF, and USDA; Universities-land grants and private; as well as the private sector environmental mangers and planners. These images have become essential tools for land managers to assess land change, as well as, more effectively develop management plans. Precision agriculture utilizes remote sensing, in combination with GIS and GPS, to develop farm-specific management maps reducing over-application of nutrients and loss in sensitive areas. ASA-CSSA-SSSA feel that a 35% cut in funding for ***Geographic Analysis and Monitoring (GAM)*** would cause huge setbacks to many important programs. Within GAM, the Societies do commend the president's budget proposal that increases funding for the ***Remote Sensing Missions and Data Acquisition program***, which funds Landsat. The $2.1 million increase will continue to fund this vital program, encouraging further utilization of these data by land managers to help increase their ability to manage lands more effectively. However, ASA-CSSA-SSSA do not support the proposed $984,400 cut to the ***educational support for remote sensing*** which would eliminate affordable access to remotely sensed data at the State level to educational institutions. Of great concern to ASA-CSSA-SSSA is the proposed $1,013,000 cut to the ***Geographic Research program*** under ***Geographic Analysis and Monitoring*** which would effectively eliminate funds for continuing partnerships with other Department bureaus and the USDA for identifying the amount of carbon currently stored in ecosystems of the US and select ecosystems around the world.

Thank you for your thoughtful consideration of our requests. For additional information or to learn more about the American Society of Agronomy, Crop Science Society of America and Soil Science Society of America (ASA-CSSA-SSSA), please visit www.agronomy.org, www.crops.org or www.soils.org or contact ASA-CSSA-SSSA Director of Science Policy Karl Glasener (kglasener@agronomy.org, kglasener@crops.org, or kglasener@soils.org).

House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Testimony of the Humane Society of the United States, Humane Society Legislative Fund, and Doris Day Animal League on the FY 2009 Budget
March 13, 2008

Thank you for the opportunity to offer testimony to the Interior, Environment, and Related Agencies Subcommittee on items of importance to our organizations with a combined membership of more than 10 million supporters nationwide. We urge the Subcommittee to address these priority issues in the FY 2009 budget.

**Bureau of Land Management - Wild Horse and Burro Program**

The BLM is charged with the management of approximately 32,000 wild horses in 10 Western States, but the current program is grossly under-funded. While we support a reduction in the number of annual roundups, depending on rounding up horses without implementing any active program for preventative herd growth is an unsupportable wild horse management approach because it leads to a continual cycle of roundups and removals rather than the use of long-term, cost-efficient and humane management strategies.

The BLM should focus on three mechanisms for managing wild horses and burros; 1) preserving free-roaming wild horse and burro populations through the use of humane birth control, 2) continuing long-term, humane pasturing for equines that must be removed from the range utilizing birth control on these captive animals, and 2) promoting adoption for captured equines. The BLM's current focus on roundup and adoption tools has resulted in an increasing number of wild horses being permanently warehoused in BLM sponsored holding centers, at a cost of $21 million annually (representing over half of the BLM's wild horse management budget). USGS reported in 2004 that over $7.7 million dollars would be saved annually if PZP immuno-contraception was used as an alternative to roundups and adoptions. Peer reviewed studies have shown that costs to manage the herd could decrease significantly by treating more mares with the immunocontraceptive PZP (porcine zona pellucida) and returning them to the range, rather than detaining them indefinitely in holding centers, and through the wide-scale marketing of the BLM's Adopt-a-Horse program (Bartholow, J. 2007. Economic benefit of fertility control in wild horse populations. J. Wildl. Mgmt. 71(8):2811-2819.). This study demonstrates conclusively that the use of immunocontraception could easily result in a reduction in the continuing long-term expenses associated with the BLM's current wild horse management program.

In October 2006, The Humane Society of the United States (HSUS) and the BLM signed a Memorandum of Understanding to facilitate the use of contraceptive vaccines as a key component for managing wild horses on public lands. And this year, the Annenburg Foundation pledged 1.6 million dollars to a project launched by The HSUS and the BLM to promote the use and application of contraceptives to manage wild horses throughout the west. The BLM and The HSUS have an opportunity to revolutionize the course of wild horse population control from a standard that is often inefficient, costly, and cruel to one which is technologically advanced, cost effective and humane. We urge the Subcommittee to take advantage of the demonstrated cost savings associated with the use of immunocontraceptives by directing BLM and EPA to take

action to facilitate the implementation of The HSUS/BLM Research Project, and by increasing BLM's budget for PZP research and development programs by 1.5 million dollars.

The Subcommittee's support would encourage greater cooperation between the BLM, the EPA and The HSUS in the implementation of a program that we believe will be of great benefit not only to our nation's beloved wild horse populations, but also to the American taxpayer.

**Polar Bear Protection**

We urge the Subcommittee to restrict the use of funds by U.S. Fish and Wildlife Service for the issuance of import permits for sport-hunted polar bear trophy hides and heads. Throughout their range, polar bears currently face unprecedented threats from climate change, environmental degradation, and hunting for subsistence and sport. The IUCN (World Conservation Union) Polar Bear Specialist Group announced that polar bear populations could drop 30% in the coming 35–50 years and that they may disappear from most of their range within 100 years.

While long-term action is required to address the significant environmental factors negatively affecting polar bear survival, immediate action should be taken to minimize all human-caused mortalities, especially from trophy hunting. Following 1994 amendments to the Marine Mammal Protection Act, the importation of polar bear trophies including bear pelts and parts (excluding organs) into the US from Canada was allowed. This is a precarious time for polar bear populations. The U.S. should take a leadership role in protecting polar bears and stop allowing the importation of these magnificent animals killed for sport and entertainment.

**Law Enforcement Division of the Fish and Wildlife Service**

After illegal drugs and arms, trade in wildlife parts is the third most lucrative smuggling enterprise in this country. The U.S. remains one of the world's largest markets for legal and illegal trade in wildlife and wildlife products. New technology and a full complement of Special Agents are essential if law enforcement is to have any hope of effectively enforcing the nation's endangered species trade laws. We are disappointed with the Administration's $2.2 million decrease for the Law Enforcement Division in FY 09 and encourage the Subcommittee to fully fund the Law Enforcement Division.

The Captive Wildlife Safety Act was signed into law in December of 2003, as P.L.108-191. It passed unanimously in both the House and Senate and takes aim at the problem of private ownership of big cats as pets. We are pleased that the Service has now proposed regulations and urge USFWS to implement these regulations and enforce the Captive Wildlife Safety Act.

**Environmental Protection Agency - Office of Research and Development**

In 2000, the Interagency Coordinating Committee on the Validation of Alternative Methods, ICCVAM Authorization Act (P.L. 106-545), created a new paradigm for regulatory toxicology, by promoting chemical testing methods that are often faster and more economical than existing methods. The new paradigm requires federal agencies to ensure that new and revised animal and

alternative test methods be scientifically validated prior to recommending or requiring use by industry. All 15 federal regulatory and research agencies that compose the ICCVAM agree on a common definition of validation as "the process by which the reliability and relevance of a procedure are established for a specific use."

Several years ago, thanks to the leadership of Representatives James Walsh and David Price, Congress has provided specific funding for research, development and validation of non-animal and other alternative test methods that replace, reduce, or refine the use of animals in toxicity testing. However, EPA has under-funded validation studies of non-animal and other alternatives. We urge the Subcommittee to consider the following report language:

*"The Committee recognizes the EPA's commitment to developing a Computational Toxicology Program to reduce the use of animal testing and the cost of such testing. It is the Committee's expectation that, commensurate with Committee support for funding of the Computational Toxicology Program for the last several years, EPA demonstrate real progress not only in development of computational toxicology methods, but importantly, in validation of new and revised test methods, non-animal methods, and alternative methods so that these can be utilized in regulatory program activities. The Committee encourages EPA to develop, integrate, and implement specific plans for validation studies of new and revised, non-animal and alternative methods for chemical screening and priority setting within the Agency's Computational Toxicology Program. The Committee requests that EPA submit an annual report, due by March 31 of the following fiscal year, detailing results of its Computational Toxicology program, to include a section on EPA's overall activities and itemized expenditures in a manner where both specific activities and specific expenditures devoted to validation of new, revised test methods, non-animal methods, and alternative methods are broken out from expenditures on research and development.*

Additionally, finalization of the MOU between the EPA and the FDA, under which the EPA will assume the primary authority to review and register therapeutic and other products geared toward humane methods of population control, should be expedited in order to allow PZP to be utilized in a management capacity, rather than an investigational one.

**Multinational Species Conservation Fund**

The HSUS joins a broad coalition of organizations in requesting an increase over the Administration's request for the Multinational Species Conservation Fund (MNSCF) and Wildlife Without Borders. The MNSCF was established by Congress to benefit African and Asian elephants, rhinos, tigers, great apes, neotropical migratory birds and marine turtles. Congress has been very supportive of these programs in the past. Unfortunately in the past couple years, the funding has been consistently considerably less than the amounts necessary to carry out these valuable missions. We ask that you continue to support these highly threatened mammals and birds in FY 2009 by appropriating $2.25 million each for the Asian Elephant, African Elephant, Marine Turtle, and Great Ape Conservation Funds, $3 million for the combined Rhinoceros and Tiger Conservation Fund, and $6 million for the Neotropical

Migratory Bird Conservation Fund. We also ask for a $1 million increase for the Wildlife Without Borders regional program.

While we wholeheartedly support increased funding for the MNSCF, we are concerned about past incidents and future opportunities for funds from these *conservation* programs to be allocated to promote trophy hunting, trade in animal parts, and other consumptive uses—including live capture for trade, captive breeding, and entertainment for public display industry—under the guise of conservation for these animals. Grants made to projects under the MNSCF must be consistent with the spirit of the law.

**Protection for Walruses**

We urge this subcommittee to appropriate $500,000 in FY 09 to fund the continuation of much-needed research on the Pacific walrus. New promising methodologies for surveying walrus populations have been developed and require sustained funding support. A comprehensive walrus survey was begun in 2005 – the effort must receive continued support to maximize the utility of its results. Walruses are targeted by Native hunters for subsistence, despite a paucity of data regarding their current population status or population structure. Hundreds of walruses are killed annually; in some years this number has climbed to as many as 7,000. Moreover, in some hunting villages, females and their calves are preferentially killed, against the recommendation of the USFWS and standard management practice. A portion of the research funds could also be used to improve the Walrus Harvest Monitor Project, which collects basic management data.

Georgia
River
Network

10th Anniversary - 2008
A Decade of Working
Together for Healthy Rivers

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STAFF
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MISSION:
Georgia River Network is working to ensure a clean water legacy by engaging and empowering Georgians to protect and restore our rivers from the mountains to the coast.

GOALS:
Increase the number of people involved in the protection and management of Georgia's waters.

Improve awareness of the issues that threaten the health of our waters.

Establish infrastructure for the exchange of resources among parties working to improve the protection of Georgia's waters.

Provide necessary means to advocate for the physical, chemical, and biological integrity of our waters.

**Testimony presented by April Ingle, Executive Director, Georgia River Network**

**Testimony in support of**
**Chattahoochee/Oconee Riparian Project**
**Chattahoochee and Oconee National Forests, Georgia**
**Land and Water Conservation Fund, U.S. Forest Service**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

**March 13, 2008**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need in the Oconee National Forest in Georgia. I am supporting an appropriation of $4 million from the Land and Water Conservation Fund (LWCF) in Fiscal Year 2009 for the Chattahoochee/Oconee Riparian Project.

Georgia River Network is a statewide organization working to protect and restore rivers across Georgia. We represent over 500 Georgia citizens and 30+ river protection organizations. Land conservation is vital to our watershed conservation efforts. One of the organizations we work with, the Central Georgia Rivers Partnership, places middle Georgia land conservation as its cornerstone. A University of Georgia study found an area of middle Georgia encompassing Oconee National Forest areas to be the third wildest place in Georgia, behind the Okefenokee Swamp and the Chattahoochee National Forest. The area is also under unprecedented development pressures. Conserving Central Georgia rural and natural areas are important to our quality of life, our cultural and historic heritage and community economic wellbeing. From the headwaters to where they join to form the Altamaha, the Ocmulgee and Oconee river corridors possess natural, historic and prehistoric treasures and has many citizens, agency personnel, and businesses interested in conserving land throughout the area. A variety of management plans and conservation areas already exist in Central Georgia, and the CGRP strives to connect these areas and plans together in order to conserve this special place.

As you know, Mr. Chairman, the projects included in the program are some of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

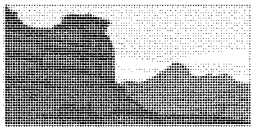
The Chattahoochee-Oconee National Forests encompass the ridges and valleys of the southern Appalachians in north Georgia as well as significant recreational, historical, and natural resources in the Georgia Piedmont. These forests provide important habitat for over 500 wildlife species, including many unique mountain species of plants, and contain over 1000 miles of primary trout and warm-water streams.

The watersheds within the Chattahoochee and Oconee National Forests supply the drinking water for the largest urban areas in the State of Georgia. These watersheds not only provide recreational opportunities, but also critical habitat for dozens of threatened, endangered, and sensitive aquatic species. The Chattachoochee-Oconee National Forests are featured in the 2007 Forest Service publication, National Forests on the Edge, a report that examines the challenges faced by the national forest system due to the high growth in housing density projected to occur on adjacent private land between 2000 and 2030. This area in Georgia is at very high risk for development due to its close location to Atlanta, Athens, and Macon. Already, the building of second homes threatens the forests by fragmenting wildlife habitat, complicating wildfire management, and increasing the amount of nonpoint source pollution in the area.

Within the Oconee National Forest, the Ocmulgee River watershed is threatened by such growth. The Ocmulgee is one of the most productive and diverse fisheries in the Georgia Piedmont. There are a variety of microhabitats throughout its wide channel, including shoals, riffles, and pools. This riparian corridor provides many water-based recreational opportunities, which include some of the best shoal bass fishing in the state as well as excellent canoeing, camping, hiking, hunting, swimming, and horseback riding.

Among the priorities of the Chattahoochee/Oconee Riparian Project is the Cedar Creek parcel. Its acquisition will further the consolidation of Oconee National Forest lands and protect the water quality of Cedar Creek and the Ocmulgee River. The Forest Service designated Cedar Creek as an "outstandingly remarkable stream" within the Chattahoochee-Oconee NF. Preventing the development of this land will also protect more habitat for wildlife such as the red-cockaded woodpecker, wood stork, and gray bat – all federally listed endangered species. The current owner of the Cedar Creek property is a timber company seeking to sell off its inholdings. Unless the Forest Service is able to acquire and protect this land, it will very likely be developed in the near future. In FY 2009, $4 million is required from the Forest Service through the Land and Water Conservation Fund to acquire and conserve the Cedar Creek property, as well as other worthy land acquisition projects within the Chattahoochee and Oconee national forests. This acquisition will protect important cultural, recreational and wildlife areas, protect clean drinking water, and facilitate improved management of national forest lands in Georgia.

Thank you, Mr. Chairman, for the opportunity to present testimony in support of these important acquisition projects.



THE CONSERVATION SYSTEM ALLIANCE

**Statement of The Conservation System Alliance***
**For the House Appropriations Committee, Subcommittee on Interior**
**On the Fiscal Year 2009 Interior and Related Agencies Appropriations Bill**
***March 13, 2008***

** The Conservation System Alliance is a coalition of over seventy conservation, historic preservation, faith-based, recreation, business and place-based friends groups representing millions of Americans nationwide. The Alliance aims to protect, restore and expand the National Landscape Conservation System by making it permanent, well-funded, well-managed, and inclusive of the best natural and cultural resources under the care of the Bureau of Land Management (BLM).. This testimony is submitted by John Garder, Legislative Associate at The Wilderness Society, on behalf of the Alliance.*

Mr. Chairman, the Conservation System Alliance would like to thank you for the opportunity to provide recommendations and comments on the Fiscal Year 2009 Department of the Interior and Related Agencies Appropriations bill. On behalf of our millions of members, we provide below our FY 2009 funding recommendation for $70 million, and increased budget clarity and accountability, for the Bureau of Land Management's National Landscape Conservation System.

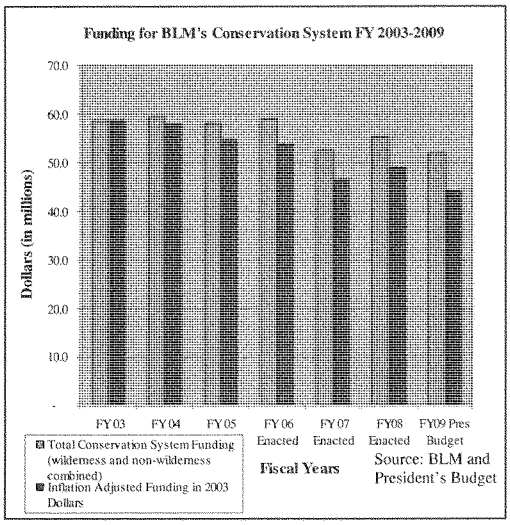
The Conservation System is comprised of the most spectacular lands and waters under the stewardship of the BLM, like National Monuments, Wild and Scenic Rivers, and National Scenic and Historic Trails, that have been designated for protection by Congress or the President. Created in 2000, the System provides economic benefits to neighboring communities across the West through unparalleled opportunities for solitude, adventure and recreation such as hunting, fishing, and wildlife watching. These lands and waters offer opportunities for science, education, economic growth and recreation, and uses as diverse as hunting and archaeological research. Yet with bare-bones funding for management and land stewardship, the BLM is unable to keep its most extraordinary 26 million acres healthy, wild, and open.

Adequate funding for the Conservation System is vital to protect BLM landscapes that are vital components of America's natural and cultural heritage. These lands and waters are a network of the last places where visitors can still experience the history and wild beauty of the American West. These areas provide a uniquely American visitor experience; they are places where people can bring their families to escape the crowds and create their own adventure. Furthermore, they are a living classroom for academic researchers and outdoor educators. Congress can ensure that Conservation System lands and waters will remain valuable resources for present and future generations of recreators, ecologists, archaeologists, educators, and others by protecting these intact landscapes for public enjoyment, scientific research and outdoor education.

However, Conservation System lands will not remain resource-rich without active stewardship. These extraordinary places are being ruined by vandalism, reckless off-road vehicle use, irresponsible resource extraction, and neglect. With an average of less than one ranger for every 200,000 acres, BLM lacks sufficient staff to adequately protect these lands. As a result, the agency spends more to repair damage than it would to provide the necessary staff and other resources to protect and restore invaluable cultural sites, riparian habitat, and other culturally and naturally significant places. Continuing damage to System lands and waters poses considerable threats to the integrity of these historically and biologically extraordinary landscapes.

**FY09 Operations, Maintenance and Planning Budget Needs for the System**

If enacted, the President's FY09 budget would be the lowest level of funding ever for the Conservation System: $51.8 million, or less than $3 an acre. This constitutes a destructive cut of over $8 million from the final FY08 enacted budget, after one-time additions (source: BLM). The System warrants funding of at least $70 million in FY09—a modest increase over historic funding levels when accounting for the growth of the System, growth in visitation, inflation and significant uncontrollable costs, such as insurance increases. The administration's total proposed budget of just $51.8 million would leave critical BLM responsibilities and needs unmet, including law enforcement, management of illegal off-road vehicle traffic, archaeological site protection, control of invasive species, and the implementation of new Resource Management Plans.




We respectfully request that the Committee provide $70 million as permanent base funding for operations and management of the Conservation System. Priority needs include additional rangers and field staff, investments in monitoring and restoration to sustain the System's unique resources, cultural and historical site protection, and volunteer program support.

This funding level would enable the BLM to restore needed services lost to recent funding cuts, while providing additional capacity to address areas of acute need, including:

- Law enforcement and visitor management: A 2005 survey of fifteen Monuments and Conservation Areas in the System found that only one-third has more than one full-time law enforcement ranger. On average, one ranger patrols 200,000 acres. Enforcement staff

capacity needs to keep pace with growth in use; in some areas, visitor numbers have quadrupled in the past five years.

- Science and natural resource monitoring: The BLM cannot meet its responsibility to obtain adequate information on the health of flora and fauna, riparian condition, water quality, and other resources—a problem recently highlighted by the Heinz Center and the Government Accountability Office.

- Cultural Resource Management: BLM does not have the personnel to meet its congressionally mandated responsibility to identify, evaluate, and nominate historic properties to the National Register of Historic Places, and to protect cultural sites. The Conservation System contains hundreds of thousands of significant cultural and historic resources, yet the agency has comprehensively inventoried just six to seven percent of the area encompassed by Conservation System Monuments and Conservation Areas.

- Support for Volunteer Programs and Conservation Partnerships: The Conservation System relies heavily on volunteers to help educate visitors, restore areas damaged by illegal off-road vehicle use, monitor cultural sites, and more. While volunteers provide free work, BLM still needs at least modest resources to create, run, and expand volunteer programs; "partner" groups need support for their work as well. Few areas have adequate resources to capitalize on the good will and free labor that volunteers supply.

The System offers innumerable examples where currently bare-bones funding is leading to irreparable resource damage. For example, Arizona's Grand Canyon-Parashant National Monument, spanning over a million acres, needs $1.2 million for stabilization of twelve of its historic and cultural sites, including old ranches and homesteads. Colorado's McInnis Canyons National Conservation Area, where visitor use has increased nearly 90% in the last five years, needs $150,000 to hire a full time law enforcement officer and two seasonal rangers to protect resources and ensure visitor safety.

We also respectfully ask the Committee to give serious consideration to any member requests for increasing programmatic funding or land acquisition funding for Conservation System units in the FY09 appropriations bill. These increases should be allocated in addition to, not in lieu of, funding already budgeted for each System unit in the BLM's FY09 budget.

**Conservation System Land and Water Conservation Fund Priorities**

The President's FY09 budget would provide less than $4.5 million for BLM land acquisition via LWCF, which would be the lowest level ever and far below historic levels. We support the projects proposed for funding from the Land and Water Conservation Fund in the President's request, but they are insufficient. We strongly recommend at least an additional $9 million for projects in Santa Rosa and San Jacinto Mountains National Monument and California Desert Wilderness (CA), Las Cienegas National Conservation Area (AZ), Kasha-Katuwe Tent Rocks National Monument (NM), Cascade Siskiyou National Monument and the Crooked Wild and Scenic River (OR). These projects offer willing sellers, local support, and opportunities to resolve inholder/access issues and protect recreational opportunities and biological integrity.

**Support the Protection of Cultural Resources on Land Managed by the BLM**

The FY09 Budget proposes only $13.5 million for BLM's 1050 account for cultural resource management and protection. This is a 16% reduction from the FY08 enacted level and a 19% decline from 2007. In fact, the $13.5 million request would be below FY91 funding levels after adjusting for inflation. The Administration's request for cultural resource management fails to keep pace with increased energy development and recreational uses that have the potential to damage or destroy significant archaeological sites on BLM lands. We encourage the Interior Appropriations Subcommittee to increase funding for the BLM's cultural resource program by at least a modest $3 million for a total of at least $16.5 million. Funds from the 1050 account pay for archaeologists in BLM Field Offices but have never been sufficient to pay for proactive surveys and the protection of significant cultural resources. A reduction in funds only exacerbates this problem and insures there will be costly conflicts between energy development and recreational use and the protection of cultural sites on BLM land.

**Restore Needed Funding for the National Trails System and Recreation Management**

BLM created a 10-year Strategy to ensure safe public access to its thirteen National Scenic and Historic Trails while preserving their critical natural, historic, and cultural resources. Funding is needed to implement this Plan, including actions to administer the Iditarod, El Camino Real de Tierra Adentro, and Old Spanish National Historic Trails, to continue progress toward completing the Continental Divide National Scenic Trail, and to protect the Pacific Crest National Scenic Trail. To implement the Trail Plan, we urge Congress to allocate at least $6 million as permanent base funding for the National Scenic and Historic Trails, an increase of $3.5 million over the permanent base shown in the President's request. This funding should be established in a new National Scenic and Historic Trails Subactivity account. Alternatively the funding should be allocated within the Recreation Management 1220, Cultural Resources 1050, Annual Maintenance 1652, and Challenge Cost Share 1770 Subactivities. We urge the Conservation System office to prioritize Recreation Management Subactivity funding for planning, establishment, and maintenance of hiking trails on the ground throughout the Conservation System.

**Conservation System Budget Accountability and Transparency**

The Alliance commends BLM for providing new Subactivities for Monuments and National Conservation Areas in the FY09 budget, and for giving this spectacular System increased attention in budget documents, important first steps towards giving the System needed budgetary attention and clarity. However, we are disappointed that BLM failed to provide line item program elements for the Conservation System's Wild and Scenic Rivers and National Scenic and Historic Trails, though directed to do so in the FY08 Omnibus Appropriations Committee Report. Budget clarity for all System units is needed to ensure that all System managers can adequately plan and accurately track expenditures and to ensure accountability to Congress and the American public. We ask the Appropriations Committee to direct the Bureau to provide Subactivities for the Conservation System's Trails and Rivers and provide greater clarity for the Conservation System in future budget documents.

**Testimony of Joan L. Pellegrino, President**
**Biomass Energy Research Association**
**ON BIOENERGY (BIOFUELS, BIOPRODUCTS, BIOPOWER) RESEARCH**

**USDA Fiscal Year 2009 Budget Appropriation**
**U.S. Forest Service and**
**Research, Education and Economics**

**Submitted to the House Committee on Appropriations**
**Subcommittee on Interior and Related Agencies**

**March 13, 2008**

This testimony pertains to the Biomass Energy Research Association's (BERA) recommendations for fiscal year 2009 (FY09) in support of appropriations for the US Department of Agriculture (USDA) that are related to bioenergy. This includes support for the USDA Forest Service (USDAFS) for bioenergy-related programs under the **President's Healthy Forest Initiative** and through the **USDAFS Forest Products Laboratory.** Both activities are conducted under the auspices of the Natural Resources and Environment program of the USDA. This testimony also supports the conduct of bioenergy-related research by the **Agricultural Research Service (ARS)** and the **Cooperative State Research, Education, and Extension Service (CSREES)** under Research, Education and Economics programs of the USDA. **In total, BERA recommends that $258,000,000 be appropriated for these efforts in FY08.**

A separate statement has been prepared for submission on other bioenergy RD&D performed by the Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy (EERE) Biomass Program, and basic energy science within DOE, under the Energy and Water Development Bill. Specific line items are as follows:

- **$203,000,000 under the President's Healthy Forest Initiative** for the reduction of hazardous fuels via removal of forest thinnings, waste and underbrush, including infrastructure development. Includes development of new markets for woody biomass culled from the nation's forests, in conjunction with demonstration facilities for producing bioenergy.
- **$25,000,000 to support renewable energy research by the Agricultural Research Service (ARS)** to maximize production, harvesting and storage of plants for bioenergy purposes. This would include $10 million for collaborative efforts with the US Department of Energy on harvesting and other production equipment research, with the remainder going to bioenergy plant R&D. The current budget proposes $6 million for bioenergy plant R&D, with too little on high yield energy crop development.
- **$25,000,000 increase to support research under the National Research Initiative** on energy crops and crop residues with the specific purpose of creating viable energy resources. This includes advanced research on renewable energy resources. Research will focus on modification of the plant cell wall of energy crops and crop residues to increase the efficiency of conversion to biofuels. Increased emphasis should be put on high yields in dry

tons/acre/year. The 2009 budget proposes $257 million for the NRI. Included in this amount is an increase of $19 million for the Department's bioenergy and biobased fuels research initiative, which BERA supports and would like to see increased to $25 million.

- **$5,000,000 to support collection of data by the Economic Research Service (ERS) and the National Agricultural Statistics Service (NASS)**, specifically related to bioenergy crop production and use.

**BACKGROUND**

On behalf of BERA's members, we would like to thank you, Mr. Chairman, for the opportunity to present the recommendations of BERA's Board of Directors for the high-priority programs that we strongly urge be continued or started. BERA is a non-profit association based in the Washington, DC area. It was founded in 1982 by researchers and private organizations conducting biomass research. Our objectives are to promote education and research, development and demonstration (RD&D) of the economic production of energy and fuels from freshly harvested and waste biomass, and to serve as a source of information on biomass RD&D policies and programs. BERA does not solicit or accept federal funding for its efforts.

There is a growing realization in our country that we need to diversify our energy resources and reduce reliance on foreign oil. Economic growth is fueling increasing energy demand and placing considerable pressure on our already burdened energy supplies (except for coal) and the environment. The import of oil and other fuels into the United States is growing steadily and shows no sign of abating. Industry and consumers both are being faced with rapidly rising costs for petroleum and natural gas, which are vital to our economy. A diversified energy supply will be critical to meeting the energy challenges of the future and maintaining a healthy economy with a competitive edge in global markets. The DOE provides funding to support the use of cellulosic biomass as a feedstock for ethanol, including wood and forestry resources, with the potential to replace as much as 30% of domestic gasoline demand in 2030. We support these activities and believe they are complemented by USDA efforts. We also support the Administration's target for supplanting 20% of our gasoline consumption in 10 years (by 2017) through biofuels and efficiency, and the new Renewable Fuels Standards presented in the Energy Independence and Security Act of 2007 which mandate the future use of cellulosic ethanol.

Biomass energy plantations that provide feedstocks for forest biorefineries producing paper products as well as fuels and biopower could make an important contribution to our energy supply while providing a boost for rural economies Also, the added forest biomass fuel from targeted thinning and clearing to reduce wildland forest fires will be an attractive addition to this energy supply. Wood also can be used instead of petroleum and natural gas to produce many high-value products such as plastics and chemicals. However, targeted research is needed to make this a reality. Other cellulosic feedstocks, such as agricultural residues and dedicated energy crops (short rotation poplar, switchgrass) are expected to be a primary resource for bioenergy in the future. However, research will be needed to overcome issues of recalcitrance, low yields, cost effective harvesting and storage, and other challenges to ensure these resources are viable as future bioenergy feedstocks. Some of this research is ongoing at the US Department of Energy; however, there is a role for R&D in this area at USDA as well, particularly in harvesting and storage, and basic plant science and breeding. Without additional

targeted research with significant Federal investment, the ambitious goals set by this Administration will not likely be met, nor will the real promise of a bioindustry be realized.

**We believe that funding from USDA as well as DOE should support: 1) targeted R&D for the effective production and conversion of biomass to bioenergy; and 2) cost-share and other incentives for industry to develop, construct and operate demonstration facilities (from biomass production to conversion of the biomass).** This will ensure not only that R&D advances are made, but that the economic viability of bioenergy is demonstrated at a scale that reduces technical and economic risk for investors.

**BERA RECOMMENDATIONS FOR USDA BIOENERGY R&D**

BERA's recommendations support key areas that will contribute to sustainable forestry and agriculture, as well as the creation of viable renewable resources as part of a diversified energy supply. Specific recommendations are:

**Support the President's Healthy Forest Initiative: Reduction in Hazardous Fuels via Forest Waste Recovery for Fuel and Feedstocks:** Large, repetitive, wide-spread losses have occurred in the Nation's forests over the last several years because of wild fires. Such fires are supported by the accumulation of dense undergrowth and brush coupled with poor forest management practices, insect infestation and disease that increase the number of dead trees, and other factors. As a result, loss and injury to fire fighters and others, large property, financial, and esthetic losses, and environmental harm have occurred in commercial as well as private and federally owned forests. BERA believes that this problem can be optimally addressed by conducting a targeted RD&D program to develop economic, practical methods for collection and removal of forest wastes, underbrush, and small-diameter tree thinnings, for the purpose of using them as energy resources. Forest wastes could be combined with large-scale forest biomass energy plantations to provide fuel and feedstocks for forest biorefineries producing fuels and high-valued products. **We support the current funding levels and hope that a significant portion will be allotted to an RD&D program in this area. Funding should also support cost-shared projects with industry to incentivize the construction and operation of biomass conversion demonstration facilities (fuels, power, or products) close to the woody biomass collection site. These are essential to demonstrate the economic and technical viability of using these woody resources to create bioenergy that can be marketed cost-effectively.**

**Support and Expand Renewable Energy Research by the Agricultural Research Service (ARS):** This important research is needed to maximize production, harvesting and storage of plants for bioenergy purposes. While the focus is on R&D to effectively use energy crops and residues and maximize their conversion to biofuels and bioenergy, there is also the need to develop the production equipment and practices needed to ensure a viable supply infrastructure at the large volumes necessary for an expanded bioindustry. In addition to the existing program, we are recommending research be initiated, in collaboration with programs at the US Department of Energy, on harvesting and other production equipment as well as storage and transportation. This research should include demonstration and validation of systems at the appropriate scale needed to support the large volumes of biomass feedstock needed meet the new RFS. **The current level of funding (about $6 million) is not sufficient to make the needed progress, and little to no funding is allocated to infrastructure issues.**

**Support Sustainable Bioenergy Research under the National Research Initiative:** This includes considerable expansion of R&D to enhance the sustainable use of energy crops and crop residues as viable energy resources. We recommend that the major thrust be on increased energy crop yields per acre, for both woody and herbaceous crops. This effort should include research, development and some large-scale (~500-acre units) plantings of species/genomes selected through R&D and assessment. In addition to current activities that cover genomics, crop yields, and other areas, we recommend activities with a specific focus on the ecological and environmental sustainability of using energy crops and residues for bioenergy, including impacts to water, soil and the carbon balance. Definitive and long term research is needed, and should be initiated now, to understand the true impacts of removing agricultural residues from the soil, increased burdens on the water use and aquifers, and the potential environmental issues of increasing use of fertilizers, pesticides and other agricultural chemicals that may result from residue removal. This research should go beyond models and simulations to real world testing and monitoring of soil and water conditions under residue removal scenarios. **Current funding levels (increase of $19 million) need to be higher to ensure progress is made; additional recommended funding of $6 million should emphasize sustainable production practices at the scales needed to support the predicted increased volumes of hiofuels.**

**ERS and NASS Bioenergy Data Collection:** BERA requests that USDA increase its support for new data collection activities related to bioenergy crop production by the Economic Research Service (ERS) and the National Agricultural Research Service (NASS). Creating a baseline now will be critical to understanding our progress in using bioenergy, the impacts on soil and water, and the impacts on rural economies. It will also help us to more accurately predict the future potential of biomass as an energy resource, and the related impacts on crops for food and feed production. It will also enable farmers to judge the feasibility of energy crops and have data available to select crops and operations based on experience. Current funding levels for both efforts are proposed at $1.8 million and $0.4 million for NASS and ERS, respectively. These should be increased to $3.5 million (NASS) and $1.5 (ERS) to ensure that the startup effort is adequate in scope. Funding in later years can be decreased as the effort becomes standardized.

**Conclusions**

Expansion of the USDA programs as recommended by BERA enables a considerably higher probability of significantly increasing the contribution of biomass to primary U.S. energy demand through energy crops, use of forestry residues while eliminating a national fire hazard, encouraging sustainable energy crop production, improving the cost effectiveness and diversity of biomass resources for bioenergy, and providing opportunities for rural development.
BERA recommends that all aspects of the feedstock infrastructure – from sustainable production of high yield crops to cost-effective delivery of those crops to the bioenergy customer – be developed with support from USDA, as outlined above. While grain crops are a viable solution for the near term for bioenergy, they do provide a sustainable solution at the volumes needed to really impact our energy use. Thus, BERA includes R&D recommendations to ensure the availability of a wide diversity of non-food cellulosic feedstocks for bioenergy, such as dedicated energy crops and agricultural residues, while considering the challenges of environmental and societal sustainability and maintaining the economic vitality of America's farmers.

**Testimony Of**
**TIMOTHY S. DAVIS**
**PRESIDENT AND CEO**
**CLOSE UP FOUNDATION**
**Before the**
**HOUSE APPROPRIATIONS**
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND REALTED AGENCIES**

**March 13, 2008**

I am Timothy S. Davis, President and CEO of the Close Up Foundation and I submit this testimony in support our $1.4 million appropriations request for the Close Up Insular Areas Program that is funded through a grant from the Department of Interior, Office of Insular Affairs Technical Assistance account.

Close Up Foundation is a nonprofit, nonpartisan educational organization dedicated to the idea that, within a democracy, informed, active citizens are essential to a responsive government. Close Up works to include students from underserved communities to motivate them to become active citizens through experiential learning activities.

The Close Up Insular Areas Program allows students and educators from American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the United States Virgin Islands to participate in Close Up Washington civic education programs. Additionally, the program provides for Close Up staff to work with these communities in funding local civic education programs, providing educational materials, conducting workshops and attending educational conferences on the Islands.

For over two decades, Close Up Foundation has worked with the Department of Interior – Office of Insular Affairs to address the civic education needs of insular area communities. Close Up is proud of the work that has been accomplished in the Pacific and the U.S. Virgin Islands where the name "Close Up" is synonymous with civic education and government studies.

The goals of the Close Up's Insular Areas Program for students and teachers are to:

- demonstrate how the United States' model of democracy functions and to foster the interest, knowledge, and skills needed to effectively participate in a democracy;
- address the academic needs of the insular areas and to provide training and materials to improve teacher civic education skills; and

- increase mutual understanding between the United States' diverse citizenry with a special emphasis on public policy concerns and culture.

The principal components of the Close Up Insular Areas Program are:

- participation of students from the Pacific entities and United States Virgin Islands in Close Up Washington High School Programs;
- participation of teachers from the Pacific entities and United States Virgin Island in a parallel Close Up Washington Program for Educators;
- participation of students and teachers in local-based civic education programs; and,
- conducting a Close Up Student Civic Education Forum at the annual Pacific Resources for Education and Learning's Pacific Education Conference.

The program has had a significant effect on the education and world experience of its thousands of participants and has had a significant multiplier effect on the islands' education systems and populaces. These areas suffer from geographic isolation and a depressed economy. Close Up's civic education programs, in Washington and in the Island communities, have helped thousands gain knowledge of governmental processes and become active in improving the lives of their families and their communities.

Each year since FY88 Congress has appropriated funds for the Close Up Insular Areas Program. During those two decades Close Up Foundation has worked with the Department of Interior, Office of Insular Affairs to bring almost 4,000 students and teachers to Washington as well as reaching countless thousands through our local efforts.

Close Up Foundation respectfully requests an appropriation of $1.4 million for the FY09 Close Up Insular Areas Program. This would represent an increase of $600,000 over the funding levels provided by the Department of Interior in FY07 and FY08.

Unfortunately, the costs of conducting this valuable program have skyrocketed as exponentially rising energy prices have dramatically raised the cost of providing airfare, local transportation and food to our participants. At the same time, the hospitality market in the Washington area has heated up and the government per diem has increased causing rising costs of providing accommodations to our visiting participants. In recent years Close Up was able to conduct a Fall Washington program that provided an addition and an alternative to our traditional spring Insular Areas programs. However, rising costs have made it impossible for Close Up to conduct a Fall Program this year within the budget of the FY08 grant. Simply put, Close Up cannot serve the same number of students without an increase in funding.

The requested increase will be used to offset the skyrocketing costs of conducting the program – especially in the areas of airfare, food, accommodations and local transportation – and to expand the program to meet the tremendous demand in the insular areas for greater participation levels.

Close Up also seeks to place all or part of the program on a forward-funded basis. Unfortunately, the lengthened federal budget process of recent years and the accompanying later grant award dates has made it increasingly difficult for the Foundation to secure airline seats and hotel accommodations on a timely basis. Additionally, as Close Up delays in announcing program dates to the islands communities it makes it impossible for those communities to organize and raise funds – leveraging the federal grant – that would otherwise increase the level of participation of students and their teachers.

Finally, Close Up asks that Congress be explicit in the amount of funding to be provided for the program from the Office of Insular Affairs Technical Assistance Account. Close Up has provided the Office of Insular Affairs with a proposal and budget detail as to how the requested amount would be spent to increase participation of students and teachers.

Close Up is very proud of our long-standing involvement with the Insular Areas and the impact that our two decades of work has made on the civic life of these communities. Close Up is grateful to Congress for its continued support of these programs and look forward to continuing this program into the future.

**Testimony of Carol R. Foss, Ph.D.,**
**Director of Conservation, Audubon Society of New Hampshire,**
**In Support of Land Acquisition Funding for Mollidgewock Brook Project**
**Lake Umbagog National Wildlife Refuge, New Hampshire**
**Land and Water Conservation Fund, U.S. Fish and Wildlife Service**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

**March 13, 2008**

Mr. Chairman and Honorable Members of the Subcommittee:

Thank you for the opportunity to provide testimony on behalf of the Audubon Society of New Hampshire in support of an appropriation of $1 million from the federal Land and Water Conservation Fund to acquire a 2,450-acre tract known as the Mollidgewock Brook Project (Phase II) for the Lake Umbagog National Wildlife Refuge (Lake Umbagog NWR) in Errol, New Hampshire. The Audubon Society of New Hampshire is a nonprofit statewide membership organization whose mission is to protect New Hampshire's natural environment for wildlife and for people. Our organization has offered programs in wildlife conservation, land protection, environmental policy, and environmental education since 1914.

My name is Carol R. Foss, Director of Conservation for the Audubon Society of New Hampshire, where I have worked in various professional capacities for more than 30 years. I hold a Bachelor's degree in Biology from Colby College in Waterville, Maine, a Master's Degree in Zoology from the University of Connecticut in Storrs, and a Ph.D. in Wildlife Ecology from the University of Maine in Orono. I have more than 25 years of field experience in northern New Hampshire and western Maine, including considerable time in the vicinity of the Lake Umbagog NWR. I have participated in a number of collaborative efforts to ensure the long-term conservation of our state's northern forest landscape, serving on numerous advisory committees and expert panels focused on land conservation and management around Umbagog Lake and elsewhere in the region. In my current position I administer a staff of six additional scientists, several of whom have also conducted field research in the forests and wetlands of northern New Hampshire.

Set in the foothills of the rugged Mahoosuc Mountains and straddling the state border between northern New Hampshire and western Maine, Umbagog Lake is the westernmost link in the chain of Rangeley Lakes, famed for their excellent recreational opportunities as well as for possessing some of the finest wildlife habitat to be found in the two states. The 20,513-acre Lake Umbagog NWR, which encircles Umbagog Lake, includes 8,700 acres of open water, dozens of miles of shoreline, numerous sheltered coves and hidden backwaters, and extensive and diverse wetlands. These wetland

features are surrounded by a variety of upland and lowland forest types in a broad array of successional age classes.

Umbagog Lake offers scenic wilderness opportunities for recreationists throughout the year. In the warmer months, kayakers, canoeists, and boaters explore the lake's coves and the rapids and backwaters of the Magalloway, Rapid, and Dead Cambridge rivers, the lake's major tributaries, as well as the Androscoggin River which flows out of the lake. Primitive shoreline campsites offer rustic canoe camping in a magnificent northwoods setting. Hunters, hikers, nature photographers, and wildlife watchers find nearly unlimited opportunities for exploration. The watershed is a well-known and sought-after fishing destination that offers anglers the opportunity to fish for both cold water and warm water species. Winter recreational activities include snowmobiling, ice fishing, snowshoeing, cross-country skiing, and dog-sledding.

Lake Umbagog NWR protects exemplary habitats for many types of northern forest wildlife, especially for wetland-dependent, migratory, and state-listed threatened or endangered bird species. Wetland areas on the Refuge are particularly notable for the diversity and abundance of migrating and nesting waterbirds. The Refuge supports the highest concentrations of nesting American black ducks, ring-necked ducks, and common loons in New Hampshire. Significant numbers of several birds of prey of state conservation concern in New Hampshire or Maine are found in and around the Refuge, including breeding populations of bald eagles, ospreys, peregrine falcons, and northern harriers. Many neotropical migrant songbirds associated with northern forest habitat types are plentiful on the Refuge, including several declining species such as Canada warbler, bay-breasted warbler, and rusty blackbird.

Critical ecological values protected by the Lake Umbagog NWR have been recognized by a long list of interagency, academic, and non-governmental organizations, working groups, and committees. In the New Hampshire Wildlife Action Plan, sections of the Refuge are rated as "Tier 1" habitat, a classification used by conservation planners to designate habitat areas with the highest condition ranking in the state. The North American Waterfowl Management Plan's Atlantic Coast Joint Venture recognizes portions of the Refuge in both Maine and New Hampshire as high priority sites. The Refuge is located at the center of the Nulhegan-Rangeley Complex, one of only five waterbird focus areas designated in New England. Within the North American Bird Conservation Initiative, the Lake Umbagog NWR falls within the Atlantic Northern Forest Bird Conservation Region (BCR-14); many of the Priority Species identified by BCR-14 occur on the Refuge. The National Park Service has specifically designated one unique 850-acre tract of boreal bog habitat within the Refuge as the Floating Island National Natural Landmark.

Available for acquisition in FY 2009 is the 2,450-acre Mollidgewock Brook Project (Phase II) located in the town of Errol, New Hampshire. Conservation of this parcel is a top priority for the Lake Umbagog NWR and the support of a variety of local and statewide conservation groups and natural resource agencies, including the Appalachian Mountain Club, the New Hampshire Fish and Game Department, and other

conservation groups and natural resource agencies. The entire 5,016-acre Mollidgewock Brook Project (Phases I, II, and III) encompasses the majority of the Mollidgewock Brook wetlands -- an extensive complex of low-gradient stream, boreal forest swamp, alder swamp and emergent marsh. A large block of lowland spruce-fir forest surrounds the wetlands, and early successional northern hardwood and mixed forest covers the property's gently rolling uplands.

Specifically, Phase II of the Mollidgewock Brook Project encompasses 276 acres of wetlands as mapped by the National Wetlands Inventory, including at least 10 different wetland types. These extensive and varied wetlands provide ideal habitat for waterfowl, such as hooded merganser, common goldeneye, and the regionally declining American black duck. Field data obtained by the U.S. Fish and Wildlife Service document that this property also supports a variety of forest types, including lowland mixed hardwood-spruce forest, tamarack and spruce bogs, and regenerating stands of spruce-fir and northern hardwoods. Conifer stands on the property have historically provided a large wintering area for white-tailed deer, the state's most important game species. These forests also provide ideal habitat for lynx and American marten, both species of regional conservation concern. The forests support breeding populations of many neotropical migrant songbirds, including more than 20 species of warblers. Ospreys and northern harriers breed on the property, and bald eagles utilize it as foraging habitat throughout the year.

Conservation of this property will provide critically important ecological connectivity between the recently conserved 5,300-acre Errol Community Forest and the existing 20,513-acre Lake Umbagog NWR. This will benefit many types of wildlife by creating and preserving extensive wildlife travel corridors that extend from Umbagog Lake to the nearby Androscoggin River and to adjacent upland forests. This connection will help facilitate long-term conservation of important wetland and upland wildlife species, including migratory birds, large mammals, and endangered species. Addition of this 2,450-acre property to the Lake Umbagog National Wildlife Refuge will further accomplish the original purposes for the establishment of the Refuge in 1992, including protecting wetlands, wetland-associated wildlife, and migratory birds. Permanent protection of the Mollidgewock Brook and wetland complex will assist the Refuge in achieving these goals, as well as complement and enhance conservation efforts of several partner organizations elsewhere in the region. Additionally, acquisition of this property will support efforts to preserve outdoor recreational opportunities in the upper Androscoggin Valley.

An appropriation of $1 million from the Land and Water Conservation Fund is needed to complete the acquisition of Phase II of the Mollidgewock Brook Project. This investment will be leveraged by over $900,000 in state and private money that will support Phase I and Phase III in order to complete the entire 5,000-acre project. Timely action on this request is needed to complete conservation of the Phase II parcel, which had been at risk of subdivision for second homes by virtue of its proximity to Umbagog Lake, the Androscoggin River, and other desirable recreational amenities of the region. With your support of this appropriation, we have an opportunity to conserve threatened

acreage and add it to the Lake Umbagog NWR. Acquisition of this parcel will support the Refuge in its efforts to protect important wildlife habitat and link it to other conservation lands which are already protected by various federal, state, and municipal agencies.

The Mollidgewock Brook Project is one of many worthy acquisition proposals nationwide seeking LWCF funding. Unfortunately since FY 2002, LWCF funding has diminished by about 75%, and the FY 2009 Federal Budget proposes even further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers many in-holdings and adjacent lands which have been identified as critical to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. If we fail to act in a timely manner to conserve treasured natural and cultural resources while we have an opportunity, many may soon be lost or severely degraded. I urge the subcommittee to increase overall funding available for LWCF in FY 2009.

Thank you again for the opportunity to provide testimony in support of this important conservation initiative in northern New Hampshire.

Carol R. Foss, Ph.D.
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Written Public Testimony of the
National Association of State Foresters

Submitted to the
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

March 13, 2008

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the Committee regarding our appropriations recommendations for fiscal year 2009. Our priorities center entirely on the US Forest Service agency appropriation for State and Private Forestry (S&PF) Programs, with a particular emphasis on State Fire Assistance (SFA), Cooperative Forest Health, Forest Stewardship, and Urban and Community Forestry (U&CF). The total NASF recommendation for those four programs for FY2009 is $292 million, representing a reasonable increase over FY2008 enacted levels of $192 million for the same programs.

State and private forests make up more than two thirds of our nation's forests, and provide a host of important benefits, including clean air and water, fish and wildlife habitat, recreational opportunities, carbon sequestration and storage, and a variety of forest products. Managed forests mean jobs and vibrant communities, and S&PF Programs are aimed at ensuring state and private forests continue to play a role in the environmental and economic health of our nation. However, the FY09 Administration request for NASF priority line-items is a paltry $85 million. At this minuscule level of funding, many S&PF programs would essentially be put out of business, leaving the forest resource in grave danger. NASF encourages Congress to once again restore reasonable levels of funding to these important programs.

**State Fire Assistance (SFA)**

SFA funds are a critical tool in the fight against catastrophic wildfire. SFA funds have been used to train 200,000 wildland firefighters since 2002, strengthening the first line of defense against wildfire regardless of agency jurisdiction or land ownership. State Fire Assistance monies are also the only federal dollars committed to hazardous fuel reduction treatments on private lands, treatments that are often prioritized by Community Wildfire Protection Plans (CWPPs). These plans, which also derive funding from State Fire Assistance, allow communities to prioritize fire-related activities in a way that considers local concerns and permits local leadership, all the while ensuring high levels of community buy-in. While 4,762 communities have created plans with SFA money, that is only a fraction of the communities that could benefit from having such a plan. State Fire Assistance dollars also pay for the FireWise program, which provides much-needed education and outreach about the dangers of wildfire.

State Fire Assistance is the premier forest protection program in State and Private Forestry. The program is aimed at proactive planning and preparedness to ensure that

private forests across the country can count on a level of protection that would otherwise be impossible, and the program deliverables will also help drive down the cost of fire suppression over time. State Fire Assistance is crucial to healthy forests, but also to safe communities. NASF recommends $50 million for Cooperative Fire Protection SFA and $95 million for Wildland Fire Management SFA.

**Cooperative Forest Health**

The Cooperative Forest Health program is aimed at addressing forest health issues on non-federal forestland, with a specific focus on prevention, detection, and suppression of damaging insects, disease and invasive plants. Every year, the American public loses billions of dollars in benefits from trees and forests to damage by invasive pests. Cooperative Forest Health dollars support the development and application of new technologies that mitigate these forest health concerns that know no land ownership boundaries.

With many invasive pests already making their dangerous presence known, like Emerald Ash Borer and Sudden Oak Death, and even more threats looming on the horizon, the time to fully fund the Cooperative Forest Health program is now. These pests leave a trail of dead and dying trees in their wake, and provide substantial fuel for catastrophic wildfire. NASF recommends funding Cooperative Forest Health at the $53 million level in State and Private Forestry and at the $13 million level in Wildland Fire Management.

**Urban and Community Forestry**

Connecting children to nature is one of Forest Service Chief Gail Kimbell's top goals, and the best way to do that is to foster the natural areas nearest to them. Urban forests serve the needs of diverse communities that would otherwise not be exposed to nature, and would bring awareness to those groups underrepresented in natural resource fields. Urban forests are associated with a number of health and social benefits that provide an overall improved quality of life for community residents. Trees improve city air quality, and serve to reduce the carbon footprint to our human population centers. Urban Forests also improve real-estate markets and community livability.

The urban and Community Forestry (U&CF) program assists local efforts that help urban areas and rural communities manage, maintain, and improve their tree cover and green spaces. The assistance is conveyed largely through State forestry agencies working with local community groups. U&CF relies greatly on interagency cooperation, communication, and partnership. These partnerships maximize both public and private resources and are estimated to return nearly $10 in non-federal contributions for every federal $1 invested in U&CF.

Eighty percent of Americans live in urban centers and in the past three years, nearly eight thousand communities have participated in stewardship of our urban natural resources. Neighborhood trees and forest may seem like a small sampling of nature in the concrete jungle, but when they are lost the whole community looses. The National Association of

State Foresters recognizes the desperate need for human-environment interactions and proposes an increase in Urban and Community forestry funding to $36 million.

**Forest Stewardship Program**

The Forest Stewardship Program is the primary program for promoting sustainable forest management on family forestlands. The program helps keep forestland forested – one of the most significant ways of combating global warming. Keeping forests forested provides a full array of public benefits and ecosystem services from clean air and water, recreation, and wildlife habitat.

A recent study predicts that if current forest trends continue, forests in the United States will decrease by 23 million acres by the year 2050. This will be a devastating loss to our nation's forests and the ecosystems they support. In order to combat deforestation and land use change private landowners need programs like Forest Stewardship to assist them in managing their land properly. These programs deliver expert advice and financial assistance to landowners and communities for the protection, management, and sustainability of their forests. Many Forest Stewardship Program projects work in company with nurseries providing technical advice to grow seedlings that will become our nation's forests. Better forest management means healthier forests that are less susceptible to insects, disease and wildfire, and in most cases healthier forests sequester more carbon - combating global warming.

Forest stewardship is also vital to supplying locally produced energy feedstock that reduce our reliance on foreign oil and create jobs. Since its inception in 1991, the Forest Stewardship Program has completed over 240,000 Stewardship Plans covering over 30 million acres. NASF wants to increase the number of sustainably managed acres and recommends increasing Forest Stewardship Program funding to $45 million in the FY 2009 budget. If appropriate funding levels are not restored, forestland owners across the United States will seek alternative income from their lands – many often being sold for development, thus altering the land forever.

**Fire Suppression**

Of course, it has become increasingly difficult to provide these much-needed programs with appropriate funding levels as fire suppression costs continue to grow. In fiscal year 2009, 48 percent of the US Forest Service budget will be spent suppressing wildland fire, an expenditure that is necessary and unavoidable, but which also inhibits the agency's ability to deliver on other priorities, including State and Private Forestry. NASF has been a leader in working with Congress to resolve this issue, trying to find a solution that funds emergency wildfire costs, but not at the expense of State and Private Forestry programs.

The NASF solution, which has been incorporated to some degree by legislation currently before the US House of Representatives, espouses a two-fold solution for dealing with this serious problem. The first part of the solution is the creation of a partitioned fund

expressly designed to cover the costs of emergency wildfire suppression. This fund should have clearly outlined definitions for what precisely constitutes an 'emergency fire' and should boast strong incentives for cost containment and robust accountability measures. The second part of the solution is the reformulation of the Forest Service budget that would set realistic funding levels (reflective of programmatic needs) for non emergency wildfire programs, like normal fire suppression activity, as well as State and Private Forestry programs. This dual-part solution will ensure that both emergency fire suppression and other mission-centric Forest Service priorities receive adequate funding.

NASF has circulated this proposal widely among members of Congress and partner stakeholders. We have testified on this very topic before the Appropriations Subcommittee on Interior, Environment and Related Agencies in the past, and we are pleased that some progress has recently been made to remedy this persistent problem. We look forward to working with leaders in Congress to improve the forest resource nationwide, and to further all of our collective priorities.

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**STATEMENT OF KERN COUNTY**

**VALLEY FLOOR HABITAT CONSERVATION PLAN**

**INDUSTRY AND GOVERNMENT COALITION**

**SUBMITTED TO THE**

**APPROPRIATIONS SUBCOMMITTEE ON**
**INTERIOR AND RELATED AGENCIES**

**UNITED STATE HOUSE OF REPRESENTATIVES**

BY:

TED JAMES - PLANNING DIRECTOR
KERN COUNTY PLANNING DEPARTMENT

SUZANNE NOBLE - ENVIRONMENTAL MANAGER, SAN JOAQUIN VALLEY
WESTERN STATES PETROLEUM ASSOCIATION

LES CLARK - EXECUTIVE VICE PRESIDENT
INDEPENDENT OIL PRODUCERS ASSOCIATION

GEORGE GOUGH - ENVIRONMENTAL TEAM LEADER
OCCIDENTAL OF ELK HILLS, INC.

DAN BARTEL, ASSISTANT-ENGINEER MANAGER
BUENA VISTA WATER STORAGE DISTRICT

March, 2008

Mr. Chairman and Members of the Subcommittee:

On behalf of the California Industry and Government Coalition for the Kern County Valley Floor Habitat Conservation Plan (KCVFHCP), we are pleased to submit this statement for the record in support of our funding request for the Interior Appropriations Bill for fiscal year 2009.

First, the Coalition supports the President's budget request for the Department of Interior's Cooperative Endangered Species Conservation Fund, especially funding for HCP land acquisition.

Second, the Coalition urges the Subcommittee to appropriate additional funding for land acquisition above the funding requested by the President. The additional funding requested by the Coalition anticipates that $1 million will be needed by the Kern County program to be used for purposes of acquiring and maintaining habitat preserves.

The Coalition's request is supported by the timely need to implement the KCVFHCP. The County's local oil and gas production industry and Water Districts have contributed over $500,000 to the development of this program. In 1997, the U.S. Fish and Wildlife Service allocated $500,000 of federal Endangered Species Act Section 6 funds to assist in program implementation. The California State Government has authorized $1 million to augment the federal funds. In order to secure the $3 million total necessary to assist in the implementation of the plan, we will require $1 million for fiscal year 2009 and $500,000 for fiscal year 2010.

The Coalition requests that the Subcommittee appropriate the maximum possible amount for this program, so that the funding pool can accommodate our request and need. We are confident that the plan's merits and urgency support this request.

Kern County's program is unique from other regions in the nation in that it contains some of the highest concentrations of plant and animal species protected by the Endangered Species Act (ESA) within the continental United States. The region is occupied by 11 wildlife species and 14 plant species covered as threatened or endangered under the program. The potential for conflict with the federal ESA is great in Kern County because of the extensive oil and gas production activities, water conveyance efforts and the urbanization that is occurring. Since Kern County is the top oil producing county in the nation and experiencing rapid urban growth, potential conflicts with the ESA and their resolution through a proactive conservation program has significant national importance.

In recognition of the conflicts posed to economic growth by federal and state endangered species laws, a joint agency Memorandum of Understanding was entered into by the U.S. Fish and Wildlife Service, Bureau of Land Management, California Energy Commission, California Division of Oil and Gas and Geothermal Resources, California Department of Fish and Game and Kern County. The participating agencies agreed to develop a unified conservation strategy with the goal of providing a streamlined and consistent process of complying with State and

federal endangered species laws, yet at the same time allow important industry activities such as oil and gas, water conveyance and other industry activities to continue.

Preparation of the KCVFHCP began in 1989 and involved a number of federal, State and local government agencies, as well as the oil and gas industry, agricultural interests, utilities and environmental groups.

Kern County's Valley Floor Habitat Conservation Plan is one of the largest and most diverse endangered species conservation programs under development in the nation encompassing over 3,110 square miles. The program represents a departure from traditional endangered species conservation programs which utilize prohibitory controls to assure conservation of species habitat. Instead, it is based on an **incentive-based system of selling or trading habitat credits in an open market**. This innovative approach, for the first time, provides landowners with real incentives and more importantly, the ability to choose how best to manage their own private property. The KCVFHCP is in the final stages of preparation. The HCP document is completed. An environmental impact statement is being prepared for public review in the near future. Final approval will occur in 2008.

Numerous agencies, in concert with the State of California and local government entities, as well as the private oil and gas industry have contributed funding, time and other resources toward developing the KCVFHCP. The KCVFHCP program will be completed in 2009, provided there is the necessary federal funding for the acquisition of habitat to mitigate for oil and gas operations and development. Additional funding is critical to completing the HCP. This is one of the final steps necessary to implement the conservation strategy. Because of the extensive private, local and state government financial support that went into the development of this program, federal participation in program implementation will demonstrate that the burden of ESA compliance is not being placed exclusively on private property owners. Program funding will also contribute to eventual species recovery.

**PROGRAM FUNDING NEEDS**

In order for the KCVFHCP to be implemented, the program requires funding in the amount of $1.5 million (augments the $1.5 million in state and federal funding received in 1997) that could be funded in increments over the first two years of the program. The purpose of this funding is described as follows:

**Oil Development Issue:**

A mitigation strategy has been devised that is intended to acknowledge existing oil field activities within Kern County. The strategy proposes to acquire 3,000 acres of endangered species habitat to mitigate for species loss resulting from oil field development outside of established oil field production areas, but within proximity of those areas. This is to allow for reasonable expansion of oil field activities over the life of the HCP program. The program strategy allocates $3.0 million for acquisition and perpetual maintenance of species reserve areas. With this type of strategy, oil field expansion activities would be provided for in the program.

This strategy would be of great benefit to the small independent oil and gas companies within the program area.

**Urban Development/County Infrastructure Issue:**

The conservation program includes an Urban Development/County Infrastructure mitigation strategy that mitigates for species habitat loss through the use of an incentive-based system of selling or trading habitat credits in an open market. This innovative program will add market value to land that is needed by project proponents to comply with endangered species laws which will encourage the owners of such properties to offer lands for the benefit of species conservation. Protected species of plants and animals will benefit from a program that promotes private property owners to conserve permanent habitat preserves consistent with the objectives of the ESA.

**Water District Activity Issue**

A Water District Strategy is included in the program to address Covered Species protection due to the construction of new facilities and the operation and maintenance of existing water management and conveyance facilities. The Covered Species will benefit from reduced and less intrusive operation and maintenance measures than have been conducted historically due to concerns for conflicts with endangered species laws.

**Federal Funding Support will Augment Local Government and Private Industry Efforts to Comply with the Endangered Species Act**

The $1.5 million required for the oil field strategy would help contribute to satisfying the program's endangered species conservation goals, while also providing for continued economic growth of Kern County's oil and urban development activities. Protected species would benefit from a comprehensive long-term program that promotes the creation of permanent habitat preserves.

Numerous private businesses, in concert with the State of California and local government entities, are attempting to do their part, and we come to the appropriations process to request assistance in obtaining a fair federal share of financial support for this important effort. This unique cooperative partnership involving state and local government, as well as private industry, has contributed substantial funds to date, to assist in the development of this program.

The California Industry and Government Coalition appreciates the Subcommittee's consideration of this request for a fiscal year 2009 appropriation to support implementation of this significant program.

**Testimony of the Appalachian Mountain Club**
**Submitted by Susan Arnold, Director of Conservation**
**to the**
**Subcommittee on Interior, Environment, and Related Agencies**
**Committee on Appropriations**
**The Honorable Norman D. Dicks, Chairman**
**March 13, 2006**

Mr. Chairman and Honorable Members of the Committee:

On behalf of our almost 90,000 members, the Appalachian Mountain Club (AMC) is honored to present this testimony in support of much needed funding for conservation programs in the FY2009 Interior, Environment, and Related Agencies Appropriations Bill, including:

- $120 million for the USDA Forest Service Forest Legacy Program,
- $403 million for the Department of the Interior Land and Water Conservation Fund (including $278 million for federal-side and $125 million for state-side programs),
- $11 million for the Department of the Interior Highlands Conservation Act ,
- $12 million for the National Parks Service Rivers, Trails, and Conservation Assistance program (RTCA).

These programs provide tremendous economic, ecological and recreational benefits across the country. Land conservation and recreational program support are vital to maintaining the health and well being of the nation's lands and our citizens. As you know the demands on these programs are great and funding in recent years has diminished alarmingly. There are a number of extremely important projects in the Northeast and Mid-Atlantic alone.

The AMC is the nation's oldest recreation and conservation organization. Founded in 1876, our mission is to promote the protection, enjoyment, and wise use of the mountains, rivers and trails of the Appalachian region. With 12 chapters from Maine to Washington, DC, AMC is proud of our long tradition of stewardship and engagement in the outdoors.

Open space conservation in the East is a vital investment that ensures clean air and water, a sustainable supply of timber products produced from private and public forests, local food and farm products for millions of people, and diverse recreational opportunities including hiking, cross-country skiing, wildlife viewing, and paddling. Conservation of these resources is needed now more than ever. According to the recent **Forests on the Edge** report published by the U.S.D.A. Forest Service, over 44 million acres of private forests will be developed in the next 30 years.

**Priority FY09 Forest Legacy Program Needs in the Northeast**

For fiscal year 2009, we have assembled a list of exemplary Forest Legacy projects in the Northeast. Some of these projects, like the Katahdin Forest Expansion in Maine, Southern Monadnock Plateau II in Massachusetts, and Crotched Mountain in New Hampshire, need this funding to be completed. Others, such as the Metacoment-Monadnock Forest and Westfield

Heritage Woodlands projects in Massachusetts, Lake Waubeeka in Connecticut, and Tree Farm #1- Mount Hope Tract in Pennsylvania, are new priorities that would protect unique and critical forests in the eastern U.S.

Congress should fund the Forest Legacy program at no less than $120 million in FY09. The Forest Legacy Program has protected over 1.5 million acres of forestland since 1990. However, despite this Subcommittee's best efforts, funding for this program has decreased in recent years. While we are grateful for the inclusion of the Katahdin Forest Expansion project in the administration's FY09 budget, we are disappointed that the budget recommends only $12.5 million for 3 projects nationwide. These projects **total** only 300 acres. For FY 2009, 82 conservation projects were submitted (by 41 states and three territories) for Forest Service considerations, representing a total of $202 million in Forest Legacy Program need to protect 400,000 acres of forestlands valued at almost $400 million.

For FY 2009, the AMC supports funding requests for the following Forest Legacy projects:

| State | Project |
|---|---|
| ME | Katahdin Forest Expansion |
| ME | Machias River Phase III |
| NH | Crotched Mountain |
| MA | Metacoment-Monadnock |
| MA | Westfield Heritage Woodlands |
| MA | Southern Monadnock Plateau II |
| CT | Lake Waubeeka |
| NY | Fishkill Ridge- Hudson Highlands State Park |
| NY | Route 28 Corridor |
| NJ | Passaic Ramapo Watershed II |
| PA | Tree Farm #1- Mount Hope Tract |

**Priority FY09 Land and Water Conservation Fund Program Needs in the Northeast**

While the AMC believes strongly that the Land & Water Conservation Fund (LWCF) program should be funded fully as authorized by Congress, we recognize the budget pressures you face this year, and so we request that the Federal program be funded at $278 million with an additional $125 million for the LWCF state-side grants. These figures obviously fall far below LWCF's $900 million annual authorization, but they represent the minimum required to secure crucial in-holdings that might otherwise be lost to private sale and development this year.

The LWCF will provide critical protection to the Appalachian Trail Corridor –Mahoosucs Range in New Hampshire and Maine; the Lake Umbagog Wildlife Refuge in New Hampshire and Maine; the Silvio O. Conte National Wildlife Refuge for projects in its four-state region of New Hampshire, Vermont, Massachusetts, and Connecticut; two projects in the Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey, and the Wallkill National Wildlife Refuge in New Jersey.

In FY 2009, the AMC supports the following LWCF projects in our region:

| State | Federal Land Unit |
|---|---|
| NH/VT/MA/CT | Silvio O. Conte NWR |
| NH/ME | Lake Umbagog NWR |
| NH/ME | Appalachian Trail Corridor – Mahoosucs Range |
| PA/NJ | Delaware Water Gap National Recreation Area |
| NJ | Wallkill NWR |

**FY09 Highlands Conservation Act Needs**

The Highlands Conservation Act (HCA), passed in 2004, is landmark legislation authorizing land conservation partnership projects and open space purchases from willing sellers in the four-state Highlands region of Pennsylvania, New Jersey, New York, and Connecticut. The Act includes authorization of $10 million in annual grants to the Highlands states and nonprofit conservancies from the Department of the Interior for land acquisition and easements. It also includes $1 million annually in technical assistance from the USDA Forest Service to work with Highlands states and local municipalities to implement the conservation strategies outlined in the three comprehensive Forest Service studies of the region completed in 1992, 2002, and 2008.

Unfortunately, this program has received only $3.75 million since it was initiated four years ago. While we greatly appreciate the Subcommittee's efforts to support this program, we are in dire need of additional funds so that the purposes of the HCA can be fulfilled. According to a study by the USDA Forest Service, open space in New York and New Jersey alone is disappearing at a rate of five- to six-thousand acres a year. The 4-state Highlands Region is the backyard for the more than 25 million people living in or around the large cities of the Mid-Atlantic States, and provides critical drinking water, wildlife habitat, and abundant and accessible recreation opportunities. We strongly urge the Subcommittee to fund this program at its authorized level of $10 million in FY09 for land protection projects, and an additional $1 million per year to support research and technical assistance in the Highlands by the USDA Forest Service. Current projects in Pennsylvania, New Jersey, New York, and Connecticut share strong local support, commitments from State and private sources to provide matching funding, and will protect important water supplies, forests, farmland, recreational opportunities and wildlife habitat.

In FY 2009, the AMC supports funding for the following HCA projects:

| State | Project |
|---|---|
| CT | Ethel Walker II |
| NY | Great Swamp |
| NY | Greater Sterling Forest |
| NJ | Wyanokie and Farny Highlands |
| NJ | Ramapo Mountains |
| PA | Cooks Creek Watershed |
| PA | South Mountain |

**Priority FY09 Recreational Programs Needs**

In addition to the important land conservation projects from the Machias River in Maine to the Cooks Creek Watershed in Pennsylvania, the AMC respectfully urges the Subcommittee to ensure the viability of programs that support outdoor recreation in America. The AMC echoes the testimony of the American Hiking Society in support of diverse and strong funding levels for important recreational priorities.

One of the most effective programs supporting human-powered recreation and community-based conservation planning is the National Park Service (NPS) Rivers, Trails, and Conservation Assistance (RTCA) program. AMC is currently receiving technical assistance from this program as we work to create a network of trails throughout the thirteen-county Pennsylvania Highlands. This trail project will create recreational opportunities for the millions of rural, suburban and urban families living throughout the Pennsylvania Highlands. The AMC endorses the testimony of the Rivers and Trails Coalition, of which we are a member, and supports funding of $12 million for the NPS RTCA program in FY09.

Thank you for the opportunity to submit this testimony for your consideration.

**Testimony of the Fort River Partnership**
**Judith Eiseman, Acting Chair**
**In Support of Land Acquisition Funding for Fort River III (Zuckerman) project**
**Silvio Conte National Fish and Wildlife Refuge, Massachusetts**
**Land and Water Conservation Fund, U.S. Fish and Wildlife Service**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

**March 13, 2009**

Mr. Chairman, Congressman Olver, and Honorable Members of the Subcommittee:

Thank you for the opportunity to present this testimony in support of an appropriation of $2.5 million from the Land and Water Conservation Fund to acquire the 66-acre Zuckerman property at Silvio Conte National Fish and Wildlife Refuge in Massachusetts.

The Fort River Partnership coordinates the work of federal, state, and nonprofit partners to protect wildlife habitat, working farms, and water quality in the Fort River region of the Connecticut River valley in Massachusetts. As President of The Kestrel Trust, I strongly support the efforts of the US Fish and Wildlife Service to expand the Fort River Division of the Conte NFWR through land acquisitions that protect grassland bird habitat along and near the Fort River.

This project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

Silvio O. Conte was a conservationist, fisherman, and champion of the Connecticut River. From 1959 until his death in 1991, he served as a U.S. Representative for Massachusetts' 1st District. Just before he died, Congressman Conte introduced legislation to establish a unique national wildlife refuge in the Connecticut River watershed, and his congressional colleagues paid tribute to his conservation legacy by authorizing the U.S. Fish and Wildlife Service (USFWS) to establish the Silvio O. Conte National Fish and Wildlife Refuge in 1991.

The refuge protects native and endangered fish, wildlife, and plant species and their habitats throughout the 7.2 million-acre Connecticut River watershed, providing opportunities for scientific research, environmental education, recreation, and access. In

its 1995 Refuge Action Plan, the USFWS identified 48 special focus areas in Massachusetts, Connecticut, Vermont, and New Hampshire. Nearly 80,000 acres were targeted for protection through refuge acquisition and partnership, including over 16,000 acres in Massachusetts. Thus far, over 32,000 acres have been acquired, but fewer than 400 acres are in Massachusetts. There is a concerted effort underway to enhance refuge protection efforts in critical parts of western Massachusetts.

Available for acquisition in Massachusetts in FY 2009 is the 66-acre Zuckerman tract in Hadley, Massachusetts. This parcel is part of the Grasslands Complex Special Focus Area in Hadley, now established as the Fort River Division. The focus area is prized for its habitat potential for grassland bird species such as the grasshopper sparrow, bobolink, and upland sandpiper and its frontage on the Fort River. The Fort River is the longest free-flowing tributary of the Connecticut River in Massachusetts, and is one of the top seven rivers in the entire four-state watershed for freshwater mussel diversity, a key indicator of river habitat value. A viable population of the federally endangered dwarf wedgemussel was identified in the Fort River system in 2007, making conservation efforts all the more compelling. In addition to mussels, the Fort River and its riparian zone are home to many other rare species, including the bridle shiner dragonfly and several species of state-protected turtles.

The FWS conserved 82 acres adjacent to the Zuckerman property this month, with funds made available by Congress in FY 2008. Members of the Fort River Partnership are extremely grateful for this critical investment, as well as for an earlier purchase of 22 acres in 2005. Unfortunately, many other properties in the area remain threatened by conversion to non-conservation purposes and additional funds are needed to ensure the success of the Fort River Division of the Refuge. The Zuckerman parcel has been identified by our partnership as the most urgent acquisition to pursue. The addition of this parcel to the refuge's Fort River Division will contribute strongly to the creation of a viable land base for grassland bird species and to the health of other critical Fort River species. Failure to protect it will inevitably lead to housing developments in this sensitive area thereby diminishing both the historic and natural resource values of the region. There have been active efforts to permit construction of 44 homes on this parcel.

Hadley, a traditional farming town rich in prime soils, is increasingly facing the challenge of losing its rural character to residential development. The USFWS and its partners are working closely with local land trusts to ensure that the refuge addition is leveraged through local, state, and federal investments in farmland protection, creating a conservation mosaic in the focus area that preserves its rural, historic, and scenic character and protects the quality of the town's drinking water aquifer. The Hadley Board of Selectmen has stated its support for refuge acquisitions in this focus area.

The estimated value of the Zuckerman tract is $2.5 million, and is part of a larger FY 2009 need for the entire four-state refuge. Acquisition of this parcel will allow the Conte NFWR to continue to provide valuable resource protection within the Connecticut River Valley in Massachusetts. This amount is part of a larger $5.065 million request to fund other conservation opportunities throughout the four Conte NFWR states in FY

2009, including the Salmon River in Connecticut, the Pondicherry Division in New Hampshire, and the Nulhegan Division in Vermont.

I respectfully request that you include an appropriation of $2.5 million for the Silvio O. Conte NFWR in Massachusetts in the FY 2009 Interior and Related Agencies Appropriations bill. I also support the request of the Friends of the Silvio O. Conte National Fish and Wildlife Refuge for a total of at least $5.065 million for the entire four-state refuge. This amount will help fund the current high-priority Conte NFWR projects that are at risk of being lost in the Connecticut River watershed, a region comprising one sixth of New England's land mass and providing over 70 percent of the freshwater inflow to Long Island Sound. With roughly 2.3 million people in the Connecticut River watershed and ongoing exurbanization of the landscape, the threat from development poses a challenge to the mission of the refuge and the protection of the valley's resources.

Thank you again for the opportunity to present this testimony in support of this important conservation project at Silvio Conte National Fish and Wildlife Refuge.

COUNCIL OF WESTERN STATE FORESTERS
Statement for the Record
U.S. House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
***Fiscal Year 2009 Appropriations Recommendation***
***State Fire Assistance Program***

March 13, 2008

The Council of Western State Foresters (CWSF) is pleased to submit the following testimony on the proposed Fiscal Year 2009 U.S. Forest Service Budget related to the funding of the State Fire Assistance program. The State Fire Assistance Program is funded through both State and Private Forestry and Wildland Fire Management under the U.S. Forest Service. ***The CWSF and the National Association of State Foresters (NASF) recommend that the Fiscal Year 2009 budget for the State Fire Assistance Program be funded at a combined $145 million.***

The Council of Western State Foresters supports NASF's Fiscal Year 2009 Appropriations Recommendation Testimony that has been submitted to the U.S. House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies. The State Fire Assistance program is of primary importance to the West. For this reason, the CWSF submits the below letter sent to Congress on March 13, 2008 that highlights the SFA program and the broad and diverse support that has rallied around this USDA Forest Service program. A complete list of the organizations that support increased funding for the SFA program is at the bottom of the letter. Organizations are continuing to show their support for SFA and the below list will continue to be updated as new organizations sign-on.

The Honorable David Obey, Chairman
The Honorable Jerry Lewis, Ranking Member
United States House of Representatives Appropriations Committee
Washington, DC 20515

The Honorable Norman Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Interior, Environment and Related Agencies Appropriations Committee
Washington, DC 20515

Dear Chairman Obey, Ranking Member Lewis, Chairman Dicks and Ranking Member Tiahrt:

The respective organizations identified in this letter represent a coalition with the shared goal of improved state and community wildfire protection. This coalition was formed in early 2007 to advocate on behalf of the State Fire Assistance Program (SFA). The SFA budget is funded through the USDA Forest Service's State and Private Forestry (S&PF) and Wildland Fire Management budget areas. The program provides critical cost-share grants to state forestry agencies to facilitate wildland fire preparedness, by integrating state and private lands into landscape-scale fuel mitigation and planning.

In recent years SFA has been the subject of recurring reductions proposed by the Administration. The Administration proposed a 30 percent reduction in SFA for FY 2007, a 14 percent reduction for FY 2008 and a 25.5 percent reduction for FY 2009. We appreciate that your Committee has consistently provided stable appropriations in response to on-the-ground needs. This coalition again requests your leadership to restore and enhance SFA funding. The National Association of State Foresters has estimated SFA funding needs at $145 million for FY 2009 to reflect current and emerging community wildland fire preparedness and protection needs. Although the diverse undersigned groups individually support varying levels of funding for SFA, all agree that the SFA program is a vital component of effective community wildland fire preparedness and mitigation.

The State Fire Assistance Program is the fundamental federal assistance program that States use to develop preparedness and response capabilities for wildland fire. Improved response efficiency provided through State Fire Assistance funding is critical to reducing suppression costs, which have continued to skyrocket, reaching over $1 billion in five of the last seven years. In FY 2007, 12,080 communities increased their capacity through local fire department training, upgrades of equipment and formation of new departments. This training and capacity building has enhanced interagency coordination for wildland fire management on state, federal and private lands. Moreover, wildland-urban interface hazardous fuel reduction is a major component of the SFA program and funds have been used by communities to mitigate high-priority hazard fuel loads on over 470,000 acres within the Wildland Urban Interface (WUI).

Lastly, SFA is an essential funding source for the development of Community Wildfire Protection Plans (CWPPs). As of 2007, thanks to significant SFA funding, over 4,700 communities at risk have developed CWPPs, a 46% increase over 2006. This enables communities to prioritize their preparedness and mitigation efforts on both private and federal

lands, as shown by the 3,814 communities that reduced risk through fuel mitigation and firewise activities.

However, current analyses such as the SFA-funded *Southern Wildfire Risk Assessment* and the NASF report on SFA and Volunteer Fire Assistance (VFA) estimate that more than 51,612 communities are still at risk. At current funding levels, that would mean each of these communities would receive only about $1,560. In addition, Western State Fire Managers were only able to fund 47 of the 171 applications for mitigation assistance in FY 2008. These examples clearly indicate a need for enhanced SFA funding.

As you know, in 2001 the Secretaries of Agriculture and the Interior, western governors, counties, state foresters and diverse stakeholders developed a ten-year collaborative strategy for reducing wildfire risk and improving forest health nationwide. The Strategy was updated by these partners in December, 2006 and calls for increasing collaboration between all levels of government and interest groups, improving fire prevention and suppression, reducing hazardous fuels, restoring ecosystems and promoting community assistance. These important goals are only achievable through substantial and sustained levels of funding for the State Fire Assistance program.

In these fiscally constrained times, effective wildland fire management requires partnerships between agencies and communities. Funding hazardous fuels reduction on federal lands is critical, especially when these lands are in the WUI. However, an exclusive focus on federal lands is an incomplete solution and will ultimately undermine success. State and private lands must be considered through a landscape-scale approach to reduce hazardous fuels if we are to effectively meet the highest priority of federal fire policy – protecting lives and communities threatened by wildland fire.

The President's FY 2009 budget proposes cutting the USFS' budget by eight percent overall and includes a drastic 58% cut to the S&PF programs. Due to the reduced capability, effectiveness and size of the USDA Forest Service, a viable State Fire Assistance program is crucial to providing funding for necessary state and community wildfire protection. The very programs proposed for virtual elimination are the programs that can help reduce the wildland fire suppression costs straining the USFS' declining budget. Ever increasing emergency wildland fire suppression costs consume a larger portion of the USFS budget every year, and reduce investment in key S&PF programs, such as SFA. The USFS emergency wildland fire suppression budget problem needs to be solved in order to eliminate the drain on the S&PF programs, but a commitment to increased financial investment must also be part of the solution.

We appreciate your continued leadership and support for the State Fire Assistance Program and respectfully request that you consider increased funding for State Fire Assistance in FY 2009 in line with the needs outlined in the 10-Year Strategy.

Sincerely,

American Forests

California Fire Safe Council

Colorado Firecamp

Conservation Northwest

Denver Water

Environmental Protection Information Center

Framing Our Community

Idaho Conservation League

Klamath-Siskiyou Wildlands Center

National Association of Forest Service Retirees

National Association of State Foresters

New Mexico Forest Industry Association

Republicans for Environmental Protection

Siskiyou Project

Society of American Foresters

Sustainable Northwest

Swan Ecosystem Center

The Forest Guild

The Lands Council

The Nature Conservancy

The Wilderness Society

Watershed Research and Training Center

Western Governors' Association

**Testimony of Michael S. Clark, 1429 S. Grand Ave. Bozeman, Montana**
**In Support of Funding for Cooke City Mining Claims Project**
**Gallatin and Custer National Forests, Montana**
**Land and Water Conservation Fund, U.S. Forest Service**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**
**March 13, 2008**

Mr. Chairman and Honorable Members of the Subcommittee:

Thank you, Mr. Chairman, for the opportunity to present this testimony in support of an appropriation of $4 million from the Land and Water Conservation Fund (LWCF) to acquire the first of two phases of 1,470 acres of patented mining claims on Montana forestlands near the boundaries of Yellowstone National Park. These funds would protect roughly half of the claims, which lie on the headwaters of three major tributaries of the Yellowstone River, immediately adjacent to Yellowstone National Park and the Absaroka-Beartooth Wilderness Area.

As you know, Mr. Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately, since FY 2002, funding for LWCF has diminished by about 75% and the FY 2009 Budget proposes further cuts despite a rising need for funds to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources and other important features. I urge the subcommittee to increase overall LWCF funding to at least $278 million for this important program in FY 2009.

My testimony today is directed toward acquisition of land lying within the New World Mining District, an area that lies within the Custer and Gallatin Forests, immediately adjacent to our nation's first national park and one of our largest wilderness areas in the Lower 48 states. The District lies at the very heart of the Greater Yellowstone Ecosystem, an 18-million acre region in Montana, Idaho and Wyoming that includes Yellowstone and Grand Teton national parks and portions of seven different national forests and three national wildlife refuges.

The Greater Yellowstone Ecosystem contains some of the best wildlife habitat in the country. Living within its boundaries are grizzlies, lynx, moose, mountain lions, wolverines, big horn sheep, black bears and the largest elk herds in North America. With the successful reintroduction of the gray wolf, the region now contains the full range of mammals that lived in the region during the time of Lewis and Clark.

The lands we wish to acquire with this appropriation are old mining claims that form the core of the New World Mining District near Cooke City, a historic mining town

and now a center of recreational tourism near the northeast entrance to Yellowstone National Park.

The New World Mining District was created in recognition of the historic concentration of gold, silver and copper mines that operated around Cooke City beginning in the 1870s. Over time, the New World Mining District became the second largest producer of gold in Montana and remained an active producing area until the mid-1950s. Industrial-scale mining ceased in the area around 1958 and did not appear to be viable until new exploration technologies revealed that up to 2 million ounces of recoverable ore still remained in the ground.

In 1989, Crown Butte Mines, a subsidiary of Canadian mining giant Noranda, Inc, proposed a massive gold mine in this location, in the midst of the headwaters of three major tributaries that flow through either Yellowstone Park or the Absaroka Beartooth Wilderness Area or into the Clarks Fork River that flows from Montana into Wyoming. The proposal sparked an international controversy because of the threat the mine posed to Yellowstone National Park and the surrounding wild lands.

In 1996, after years of controversy, law suits, international media attention, and scientific debate, the mining company reached an agreement with the Clinton Administration and a coalition of environmental groups to cease development of the mine. As part of the settlement, the company would receive $65 million to stop the mine development. In return, the company would set aside $22.5 million to clean up past contamination of the mine sites.

One of the company's key partners in the mining venture was a retired schoolteacher named Margaret Reeb, who had acquired a range of mining claims including some that she had inherited from her father who was a gold prospector for many years in the Cooke City area. Ms. Reeb was an outspoken advocate for mining in the area, and the mining company was unable to convince her that she should sell her claims as part of the original settlement agreement between the company, the federal government and the various environmental organizations, who had banded together to stop the mine. In the wake of the agreement to stop the mine, Ms. Reeb continued to hold on to her land, although she did agree to stop her efforts to mine gold there. The lands owned by the Canadian mining company were turned over to the Forest Service. And, in a key follow-up move, Congress also passed legislation, formally withdrawing all of the land that the federal government owned in the district (including all of the claims that it had acquired from the mining company) from federal mineral location and entry, effectively wiping out the threat of other mining companies trying to patent the land again. At her death two years ago, Ms. Reeb's lands passed into the hands of her nephews who have now agreed that their aunt's mining claims should be put into public ownership as was originally proposed by the agreement in 1996 to stop development of the New World Mine.

In the years since the agreement was signed, the Forest Service has carried out an excellent reclamation effort to clean up the historic mine waste sites, which had

contaminated the land and water in the area. Using the $22.5 million, which had been set aside under the agreement, the reclamation project has turned the area into what is perhaps the finest high-altitude hard rock mine reclamation effort in the western United States.

Now, with this opportunity to acquire the Reeb lands, the final chapter in this dramatic story can be brought to a successful conclusion. With the Reeb lands passing into public ownership, the threat of an industrial mining operation next to Yellowstone Park and the Absaroka-Bearthooth Wilderness area will completely disappear. In addition, the threat of these lands succumbing to second-home developments in the middle of very wild country above 8,000 feet in elevation will also be erased.

Over the past 136 years since the creation of Yellowstone National Park, our government has wisely invested enormous resources in the management and protection of the park and the surrounding national forest lands. Today, this concentration of public wild lands contains one of the most diverse and intact ecosystems on the face of the earth. As our people continue to use our national public lands for recreation and as our scientists continue to expand their knowledge of the genetic and natural diversity of these lands, the need to ensure their comprehensive and permanent protection becomes ever more important.

LWCF monies are critical to achieving public ownership of these lands and ensuring that these high-altitude resources are forever protected and preserved.

As the lead negotiator for the conservation groups who fought against Crown Butte Mines' plans and who has subsequently watched the amazing transformation of these lands over the past decade as they have been cleaned up and restored, I respectfully urge the committee to approve the $4 million appropriation that is needed to complete the first phase of this two-year project We owe it to ourselves and to future generations.

Thank you, Mr. Chairman, for the opportunity to present this testimony.

**NEHRP Coalition**

*National Earthquake Hazards Reduction Program Coalition*

American Council of Engineering Companies ♦ American Geological Institute ♦ American Geophysical Union ♦ American Institute of Architects ♦ American Public Works Association ♦ American Society of Civil Engineers ♦ Earthquake Engineering Research Institute ♦ International Code Council ♦ Manufactured Housing Association for Regulatory Reform ♦ National Fire Protection Association ♦ Portland Cement Association ♦ Seismological Society of America

**For More Information:**
**202/789-7850 (ASCE)**
**510/451-0905 (EERI)**
**www.nehrp.org**

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*The NEHRP Coalition encourages realistic, comprehensive, and affordable measures to reduce the harmful effects of earthquakes nationwide. The Coalition represents the views of over 250,000 scientists, engineers, architects, and emergency response leaders of the earthquake community.*

National Earthquake Hazards Reduction Program
(NEHRP) Coalition
Before the Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriation
U.S. House of Representatives
On the Budget for
United States Geological Survey
For the Fiscal Year 2009

In October 2004, the President signed Public Law 108-360, reauthorizing the National Earthquake Hazards Reduction Program (NEHRP) for five years. As the representatives of the professions most responsible for mitigating the impact of earthquakes, we know full well the benefits this program holds for the nation.

The NEHRP Coalition would like to express our concern over the President's FY 2009 budget request for NEHRP functions at the U.S. Geological Survey. The request of $53.1 million, which is a $5 million cut from FY 2008 and would reduce the USGS's NEHRP funding to $2.3 million below the FY 2007 level. The USGS component of NEHRP is authorized for FY 2009 at $88.9 million.

**The NEHRP Coalition urges Congress to reject the President's proposed cuts and to fund the USGS functions of NEHRP at the full authorized level of $88.9 million.**

## The Coalition

The NEHRP Coalition encourages comprehensive, realistic, and affordable measures for reducing the harmful effects of earthquakes to acceptable levels nationwide. The Coalition represents the views of over 250,000 earthquake professionals - scientists, engineers, architects, and emergency management leaders of the earthquake community.

## The National Earthquake Hazards Reduction Program

For the past 30 years NEHRP has provided the resources and leadership that have led to significant advances in understanding the risk earthquakes pose and the best ways mitigate them. As passed by Congress and signed by the President, the reauthorization will not only allow this important work to continue, but represents an opportunity to make greater improvements in the nation's efforts to mitigate the effects of earthquakes.

Under NEHRP, there has been a constant source of funding for seismic monitoring, mapping, research, testing, engineering, and related reference materials for code development, mitigation and emergency preparedness. It has served as the backbone for protecting U.S. citizens, their property and the national economy from the devastating effects of large earthquakes. Although NEHRP is well known for its research programs, it is also the source for hundreds of new technologies, maps, design techniques and standards that are used by design professionals every day to mitigate hazards risks that will save lives, protect property, and reduce adverse economic impacts.

In spite of all the good activities that have been stimulated and supported by NEHRP, the United States continues to face an earthquake risk that is high and growing. FEMA estimates that 45 states and territories are destined to experience earthquake damage. This exposure has been estimated to equal an annualized loss of over $6 billion per year, with a single event loss potential of $100 to $200 billion and tens of thousands of casualties (FEMA 2001, adjusted to 2004 dollars). NEHRP's ability to address the problem is limited by the funds that have been appropriated and actually spent on earthquake mitigation. At the present rate of funding, the Earthquake Engineering Research Institute estimates that it will take well over 100 years to reduce the risk to an acceptable level (EERI, 2003). The NEHRP program needs to be tripled in size and brought under high level, proactive leadership if the nation is to be secured from unacceptable risk within the next 20 years - a reasonable amount of time. The current situation on the Gulf Coast caused by Hurricane Katrina stands as a reminder of the penalties we pay for inaction.

A recent study and report by the Multihazard Mitigation Council entitled *"Natural Hazard Mitigation Saves: An Independent Study to Assess the Future Savings from Mitigation Activities,"*, has concluded the money spent on reducing the risk of natural hazards is a sound investment. On average, a dollar spent by FEMA on hazard mitigation provides the nation about $4 in future benefits. The type of research to be conducted under this program has the potential to greatly increase the benefit.

**Members of the NEHRP Coalition worked closely with members and staff in both the House and Senate in crafting H.R. 2608, which became P.L. 108-360. We strongly support the results and believe that, if fully carried out, the changes made and funding levels set under the new law will result in reduced vulnerability to earthquake hazards and a real and significant reduction in the loss of life and property. It will also result in the savings of hundreds of millions of dollars in Federal disaster relief spending.**

Overall, the authorization calls for $191.8 million in funding for NEHRP in FY 2009, the final year of the current authorization. The money is divided among four federal agencies. In addition to USGS, the authorization calls for $23.6 million for the Federal Emergency Management Agency, $14.6 million for the National Institute of Standards and Technology at the Department of Commerce, and $64.7 million for the National Science Foundation. The NEHRP Coalition will be working with the Appropriations Committee in seeking full NEHRP funding at all agencies.

U.S. Geological Survey

The USGS has the responsibility to monitor earthquakes, assess the seismic hazard for the Nation and research the basic earth science processes controlling earthquake occurrence and effect. The Advanced National Seismic Research and Monitoring System (ANSS), authorized by Congress in 2000, is intended to expand the current monitoring system and provide the needed information to maximize our understanding of how specific buildings performed during earthquakes. Strong motion information is critical to making the next quantum leap in understanding how to economically arrest the growth of earthquake risk.

A recently published report by the National Research Council assessed the economic benefits of improved seismic monitoring proposed under the Advanced National Seismic System (ANSS) program of the U.S. Geological Survey. The report concluded that full deployment of the ANSS would reduced the annualized losses in earthquakes of $5.6 billion "by providing critical information for land-use planning, building design, insurance, warnings, and emergency preparedness and response". The report also noted that the annual cost of a fully deployed ANSS is substantially less than the estimated annual benefits of more than $140 million derived just from design and construction savings enabled by reduced uncertainty in earthquake motions.

Much of the seismographic equipment currently being used today is over 30 years old, and cannot reach the level of precision and scope of modern equipment. The ANSS provides an equipment upgrade, and harnesses modern telecommunications and robust centralized computer processing to provide a nationwide uniform minimum standard for earthquake monitoring.

As planned, ANSS is to consist of 6,000 new instruments concentrated in high-risk urban areas deployed to monitor ground shaking and the response of buildings and structures. When fully deployed, ANSS will provide immediate information on the characteristics and intensity of ground shaking that will aid the immediate emergency response, assist engineers with the damage assessment and repair process, and further the engineering community's understanding of the response of buildings to earthquakes. ANSS has been fully authorized, but only appropriated at a minimal level. Capturing the strong ground shaking characteristics is a once in a lifetime opportunity for a community or region to better understand its vulnerability to earthquakes, an opportunity that has already been missed many times over the past 50 years. Seismic monitoring holds the key to understanding earthquakes, their effects on the built environment, and the development of cost effective and affordable solutions for mitigating their effects.

With modern equipment, the USGS can develop detailed "shakemaps," which provide an estimate of shaking intensities in specific areas right after an earthquake. The shakemaps will provide important information to emergency management officials in the moments following an earthquake to determine where to dispatch first responders. The ANSS and shakemaps will also yield important data to help engineers design buildings to prevent the future loss of life in earthquakes, as well as important information on fundamental earthquake processes to earth scientists trying to better understand why and how earthquakes occur.

The President's Request

The President's request includes $53.1 million for the earthquake hazards office. Roughly a quarter of the earthquake program's budget is sent externally to support grants and cooperative agreements for research ($6.4 million) along with cooperative agreements for seismic and geodetic monitoring ($6.6 million). These external activities support the goals of USGS in its role as the applied geoscience research component of the four-agency NEHRP. The proposed $3 million cut would nearly halve the program's support of external research activities.

In FY 2008, USGS funded 76 new grants, which represented 36% of the 212 proposals received from universities, State geological surveys, and geotechnical consultants. Because grants are already at the minimum size capable of supporting graduate students, fieldwork and modeling, the percentage of funded proposals would drop below 20%.

Conclusion

**If the full potential in terms of lives saved and property damaged minimized is to be realized, the USGS functions of NEHRP must be fully funded at the authorized level of $88.9 million in the USGS base budget, including $36 million for ANSS.**

The Coalition is ready to work with the Appropriations Committee and the full Congress to support this reorganized and expanded National Earthquake Hazards Reduction Program. For a relatively modest investment, great savings, both in lives and economic loss, can be realized.

Please do not hesitate to contact Martin Hight at 202-789-7843 or mhight@asce.org if we can be of assistance.

**Partnership for the National Trails System**
**122 West Washington Ave., Suite 830, Madison, WI 53703 * (608) 249-7870**

**GARY WERNER, EXECUTIVE DIRECTOR** **March 13, 2008**
**STATEMENT TO THE**
**U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS**
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT & RELATED AGENCIES**

Mr. Chairman and members of the subcommittee:

The Partnership for the National Trails System appreciates your support over the past 14 years, through operations funding and dedicated Challenge Cost Share funds, for the national scenic and historic trails administered by the National Park Service. We also appreciate your increased allocation of funds to support the trails administered and managed by the Forest Service and your support for the trails in the Bureau of Land Management's National Landscape Conservation System. To continue the progress that you have fostered, the Partnership requests that you provide **annual operations funding for each of the 25 national scenic and historic trails** for Fiscal Year 2009 through these appropriations:

- **National Park Service: $14.546 million** for **administration** of **20 trails** and for coordination of the long-distance trails program by the Washington office. **Construction: $2.095 million** for the **Appalachian, Ice Age, Overmountain Victory, Continental Divide** and **Pacific Crest Trails. Feasibility Studies & Plans: $1.061 million** for the **Lewis & Clark, Overmountain Victory,** and **North Country Trails.**
- **USDA Forest Service: $4.49 million** to **administer 4 trails** and **$1 million** to manage parts of **16 trails** administered by the NPS or BLM; **Construction: $2.505 million** for the **Continental Divide Trail, $1.35 million** for the **Florida Trail,** and **$1 million** for the **Iditarod Trail.**
- **Bureau of Land Management:** to **coordinate its National Trails System Program: $250,000**; to **administer** the **Iditarod National Historic Trail: $648,000**, the **Camino Real de Tierra Adentro National Historic Trail: $230,000,** the **Old Spanish National Historic Trail: $331,000** and **$2.379 million** to **manage** portions of **10 trails** administered by the Park Service or the Forest Service; **$1,640,000** for operating five National Historic Trail interpretive centers; **Construction: $300,000** for the **Continental Divide** and **$200,000** for the **Pacific Crest Trails.**

- We ask that you **appropriate $4.5 million** for the **National Park Service Challenge Cost Share Program** and continue to **direct one-third** ($1,500,000) for **national scenic and historic trails or create a separate $1.5 million National Trails System Challenge Cost Share Program.**
- We ask that you add **$500,000** to the **Bureau of Land Management's Challenge Cost Share Program** and **allocate it for the national scenic and historic trails it administers or manages.**

- We ask that you appropriate **$1.253 million** to the **National Park Service Conservation and Outdoor Recreation office** to support the second year of a five-year interagency project to develop a consistent system-wide National Trails System Geographic Information System (GIS).

We ask that you appropriate from the **Land and Water Conservation Fund** for land acquisition:

- to the **Forest Service: $16.25 million** for the **Pacific Crest Trail, $7 million** for the **Florida Trail; $10.645 million** for the **Appalachian Trail; $8.25 million** for three **National Forests** for the **North Country Trail;**
- to the **Bureau of Land Management: $5 million** for the **Oregon Trail** in Oregon and **$2 million** for the **Nez Perce Trail** in Montana;
- to the **Park Service: $4.75 million** to grant to the **State of Wisconsin** to match state funds for the **Ice Age Trail** and **$2 million** to grant to 7 states for the **North Country Trail; $4.275 million** for the **Appalachian Trail; $1 million** for the **Overmountain Victory Trail.**

**National Park Service**

We request **$1.253 million** to fund the second year of a 5-year interagency effort to develop a consistent **GIS** for all 25 national scenic and historic trails as described in the August 2001 report (requested by Congress in the FY01 appropriation) *"GIS For The National Trails System."* This builds upon work underway on the Ice Age, Appalachian, Florida, Oregon, California, Mormon Pioneer and Pony Express Trails to develop consistent information gathering and mapping that can be applied across the National Trails System. This funding will be shared with the Bureau of Land Management and the Forest Service.

We support the Administration's proposed **$837,000** for the **Connect Trails to Parks** project to enhance the public's understanding of the National Trails System and its relationship to the National Park System.

The **$14.546 million** we request for Park Service operations includes increases for some of the trails to continue the progress and new initiatives made possible by the $975,000 funding increase provided for nine of the trails in FY01, the $500,000 increases provided in FY04, FY05, and FY06, and the $2,421,000 increase in FY08 -- **all provided by Congress.**

We request an increase of **$727,000** to continue and expand Park Service efforts to protect cultural landscapes at more than 200 sites along the **Santa Fe Trail,** to develop GIS mapping, and to fund public educational outreach programs of the Santa Fe Trail Association. An increase of **$826,000** for the **Trail of Tears** will enable the Park Service to work with the Trail of Tears Association to develop a GIS to map the Trail's historical and cultural heritage sites to protect them and to develop interpretation of them for visitors. Our requested increase of **$298,000** for the **Ala Kahakai Trail** will enable the Park Service to work with E Mau Na Ala Hele and other community organizations to care for resources on the land and with the University of Hawaii to conduct archaeological and cultural landscape studies along the trail.

The **$921,000** we request for the **4,200 mile North Country Trail** will enable the Park Service and Forest Service to collaborate more effectively while also providing greater support for the regional GIS mapping, trail building, trail management, and training of volunteers led by the North Country Trail Association, hastening the day when our nation's longest national scenic trail will be fully opened for use.

The **$898,000** we request includes an $110,000 increase to enable the Park Service to develop and begin to implement an Interpretive Plan for the **Ice Age Trail.** The other ongoing funding will help further development of the Trail GIS and continue to assist the Ice Age Park & Trail Foundation to better equip, train and support the volunteers who build and maintain the Trail and manage its resources.

**Feasibility and Planning Studies:** We request **$250,000** to study the feasibility of an eastern extension of the **Lewis & Clark Trail** and **$200,000** for a feasibility study of the location for a headquarters and visitor contact site for the **Overmountain Victory Trail.** We also request **$611,000** for route planning, NEPA compliance work, a natural and cultural resource inventory, and community economic impact studies for the **North Country Trail.**

**Construction:** We request that you appropriate for construction and land stewardship projects **$1.39 million** for the **Appalachian Trail**, **$250,000** for the **Ice Age Trail**, **$100,000** for the **Overmountain Victory Trail**, **$155,000** for the **Continental Divide Trail**, and **$200,000** for the **Pacific Crest Trail.**

**Challenge Cost Share** programs are one of the most effective and efficient ways for Federal agencies to accomplish a wide array of projects for public benefit while also sustaining partnerships involving countless private citizens in doing public service work. The Partnership requests that you appropriate **$4.5 million in Challenge Cost Share** funding to the **Park Service** for FY09 as a wise investment of public money that will generate public benefits many times greater than its sum. We ask you to **continue to direct one-third of the $4.5 million** for the **national scenic and historic trails** to continue the steady progress toward making these trails fully available for public enjoyment. We suggest, as an alternative to the annual allocating of funds from the Regular Challenge Cost Share program, that you establish a separate **National Trails System Challenge Cost Share** program with **$1.5 million** funding.

**USDA - Forest Service**

As you have done for several years, we ask that you provide additional operations funding to the **Forest Service** for administering three national scenic trails and one national historic trail, and managing parts of 16 other trails. We ask you to appropriate **$4.49 million** as a separate budgetary item specifically for the **Continental Divide, Florida and Pacific Crest National Scenic Trails and the Nez Perce National Historic Trail.** Full-time managers have been assigned for each of these trails by the Forest Service. Recognizing the on-the-ground management responsibility the Forest Service has for **838 miles** of the Appalachian Trail, more than **650 miles** of the North Country Trail, and sections of the Ice Age, Anza, Caminos Real de Tierra Adentro and de Tejas, Lewis & Clark, California, Iditarod, Mormon Pioneer, Old Spanish, Oregon, Overmountain Victory, Pony Express, Trail of Tears and Santa Fe Trails, we ask you to appropriate **$1 million** specifically for these trails. We also request **$1 million** for the Chugach National Forest to begin to develop the Southern Trek of the **Iditarod National Historic Trail.**

Work is underway, supported by funds you provided over the past seven years, to close several major gaps in the **Florida National Scenic Trail**. The Florida Trail Association has built **100 miles** of new Trail across Eglin Air Force Base, in the Ocala National Forest, Big Cypress National Preserve and along Lake Kissimmee and the Choctawahatchee River. FTA volunteers helped clear trees and other debris scattered across 850 miles of trail by four hurricanes in 2004. The Partnership requests an additional **$1.35 million** for trail construction in FY2009 to enable the Forest Service and FTA to build **21 more miles** and to manage **3,418 acres** of new Florida Trail land.

The Continental Divide Trail Alliance, with Forest Service assistance and funding from the outdoor recreation industry, surveyed the entire **3200 mile** route of the **Continental Divide Trail** documenting **$10.3 million** of construction needed to complete the Trail. To continue new **CDT** construction, begun with FY98 funding, we ask you to appropriate **$2.505 million** to build or reconstruct **220 more miles.**

**Bureau of Land Management**

While the **Bureau of Land Management** has administrative authority only for the **Iditarod, El Camino Real de Tierra Adentro, and the Old Spanish National Historic Trails**, it has on-the-ground management responsibility for **641 miles** of three scenic trails and **3,115 miles** of seven historic trails administered by the National Park Service and U.S. Forest Service. The significance of these trails was recognized by their inclusion in the **National Landscape Conservation System** and, for the first time, in FY02, by provision of specific funding for each of them. The Partnership applauds the decision of the Bureau of Land Management to include the national scenic and historic trails in the NLCS and to budget specific funding for each of them. We request that you provide funding for the Bureau to begin to implement its 10 Year "***National Scenic & Historic Trails Strategy and Work Plan.***"

We ask that you increase funding by $18.2 million to provide **$70 million** as **new permanent base funding** for the **National Landscape Conservation System** and that you appropriate as **new permanent base funding $250,000 for National Trails System Program Coordination, $648,000** for the **Iditarod Trail**, **$230,000** for **El Camino Real de Tierra Adentro Trail, $331,000** for the **Old Spanish Trail,** and **$2,379,000** for management of the portions of the ten other trails under the care of the Bureau of Land Management. We request **$300,000** for construction of new sections of the **Continental Divide Trail, $200,000** for maintenance of the **Pacific Crest Trail; $1,640,000** to operate **five historic trails interpretive centers** and **$1,500,000** for exhibits for the new **California Trail Center** in Elko, Nevada.

We ask you to add **$500,000** to the **Challenge Cost Share** program and direct the money for the National Trails System as you have done for many years with the Park Service's Challenge Cost Share program.

To promote greater management transparency and accountability for the National Trails and the whole **National Landscape Conservation System**, we urge you to request expenditure and accomplishment reports for each of the NLCS Units for FY08 and to direct the Bureau to include unit-level allocations by **major sub-activities** for each of the scenic and historic trails, and wild and scenic rivers -- as the Bureau is proposing to do for the monuments and conservation areas -- within a new activity account for the

National Landscape Conservation System in FY09. Existing accounts for Wilderness Areas and Wilderness Study Areas should also be included in this new National Landscape Conservation System activity account. The Bureau's lack of a unified budget account for National Trails prevents the agency from efficiently planning, implementing, reporting, and taking advantage of cost-saving and leveraging partnerships and volunteer contributions for every activity related to these national resources.

**Land and Water Conservation Fund**

The Partnership requests that you fully appropriate the **$900 million annual authorized appropriation from the Land and Water Conservation Fund** and that you make the specific appropriations for national scenic and historic trails detailed at the beginning of this statement, below, and in Attachment #2.

**FOREST SERVICE:** The **$16.25** million we request for the **Pacific Crest Trail** will continue to support the work and acquisition underway by the **Forest Service** Lands Team and the **Park Service** National Trail Land Resources Program Center, protecting 12 miles of PCT in Washington and taking 34 miles off of roads in southern California. The **$7 million** requested for the **Florida Trail** will continue another successful collaboration between these two agencies to protect another 13 miles of Trail and the **$10.645 million** requested will protect sections of the **Appalachian Trail** in three national forests in two states. The **$8.25 million** requested for the Ottawa, Superior, and Chequamegon-Nicolet National Forests will protect areas adjoining the **North Country Trail** in Michigan, Minnesota, and Wisconsin.

**BUREAU of LAND MANAGEMENT:** The **$5 million** requested for the Sandy River project will also preserve a section of the **Oregon National Historic Trail** in Oregon and the **$2 million** requested for the Upper Missouri River Breaks National Monument in Montana will preserve a significant site along the **Nez Perce National Historic Trail**.

**PARK SERVICE:** The National Trails System Act encourages states to assist in the conservation of the resources and development of the national scenic and historic trails. **Wisconsin** has matched $12.3 million of FY00 – 06 and FY08 LWCF funding with $18 million to help conserve the resources of the **Ice Age National Scenic Trail** by purchasing 35 parcels totaling 6539 acres. Another 40 parcels are under negotiation, appraisal or option to purchase. All of the LWCF funds appropriated for the Ice Age Trail have been spent. The requested **$4.75 Million** Land and Water Conservation Fund grant to **Wisconsin** will continue this very successful Federal/State/local partnership for protecting land for the **Ice Age Trail**. We also request **$2 million** to provide similar grants to the seven states along its route to close gaps in the **North Country Trail** and **$4.275 million** for the **Park Service** to acquire one parcel in New Hampshire and two in Virginia for the **Appalachian Trail**. The **$1 million** requested for the **Overmountain Victory Trail** will protect key links and sites in North Carolina, Tennessee, and Virginia.

**The essential funding requests to support the trails are detailed in Attachment #2.**

**Private Sector Support for the National Trails System**

**Public-spirited partnerships between private citizens and public agencies have been a hallmark of the National Trails System since its inception.** These partnerships create the enduring strength of the Trails System and the trail communities that sustain it by combining the local, grass-roots energy and responsiveness of volunteers with the responsible continuity of public agencies. **They also provide a way to enlist private financial support for public projects, usually resulting in a greater than equal match of funds.**

The private trail organizations' commitment to the success of these trail-sustaining partnerships grows even as Congress' support for the trails has grown. In **2007 the trail organizations fostered 720,935 hours** – an **increase of 5%** over 2006 - of documented volunteer labor valued at **$13,540,396** to help sustain the national scenic and historic trails. The organizations also raised **private sector contributions of $8,064,293** to benefit the trails. These contributions are documented in **Attachment #1**

**Testimony of Bud Stone**
**President, Grand Rapids Area Chamber of Commerce**
**In Support of the Koochiching Forest Legacy project, Minnesota**
**Forest Legacy Program**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking**

**March 13, 2008**

Dear Mr. Chairman and Members of the Subcommittee,

I thank you for the opportunity to present this testimony in support of an appropriation of $3.5 million from the Forest Legacy Program to protect more than 38,000 acres of forestlands in Koochiching County, Minnesota.

I also urge your support for a significant increase in funding for the Forest Legacy Program in FY 2009 to enable the protection of more forest resource projects than are identified in the President's Budget. The Budget for this year proposes a cut of 75% and sets aside funds for only three Forest Legacy projects nationwide out of 82 submitted by the states. Without additional funds, the program will not be able to continue its successful partnerships with states, local communities, and landowners to protect valuable forestlands, while retaining, in many cases, private ownership.

Minnesota's forests are facing great challenges from fragmentation of ownership and the conversion of land to nonforest uses. The extensive recreational opportunities and the scenic serenity of the northern woods crisscrossed by clear streams and dotted by fishable lakes and ponds attract visitors who enjoy the natural resources present in the forests as well as development that threatens them. In order to protect these forestlands and resources, multiple efforts and partnerships at different levels are underway, including the Forest Legacy Program.

A 38,300-acre portion of a larger 127,000-acre block of forestland in Koochiching County in northern Minnesota is now available for protection through the Forest Legacy Program. The purchase of the block has been separated into three phases. The first phase, protecting over 51,000 acres, was completed with funding from state and private sources in 2007. The second and third phases, each including approximately 38,300 mostly consolidated acres, will use state funds as well as federal Forest Legacy appropriations of $3.5 million for each phase. In total $7 million of federal funds will be leveraged with $24 million from state and private sources for a conservation easement on the entire property, which is owned by a timber investment company. An appropriation of $3.5 million was secured in FY 2008.

The conservation of these forestlands will have significant local and regional benefit. The various tracts are adjacent to the Superior National Forest, lands conserved

on the Bois Forte Indian Reservation, and the largest complex of state forests in Minnesota. Connecting these conserved tracts protects vast wildlife habitat, ensures public access for recreation, and maintains the practice of sustainable forestry that supports the local economy.

The northern forests of Minnesota provide exceptional habitat for a variety of species. The Koochiching forests include habitat for two federally listed threatened species: bald eagles and Canada lynx, and also include habitat for 17 state-listed threatened or endangered species. Additionally, black bears, moose, martens, and fishers are found on the Koochiching property. Portions of the property contain peatland ecosystems, a resource that the state has recognized for protection. Minnesota is second only to Alaska in the acreage of peatlands in the United States. Miles of streams and rivers on the property flow into Rainy River and Rainy Lake on the Canadian border and support fish habitat. The area is located on a principal route of the Mississippi flyway for migrating waterfowl.

The diversity of wildlife in the Koochiching forests also provides hunters with exceptional opportunities. The area is well known for the availability of hunting grouse, woodcock, and white tail deer. In addition to hunting, these forestlands provide opportunities for camping, hiking, biking, fishing, skiing, snowmobiling, and ATV use. The outdoor recreation industry in Minnesota contributes $4.2 billion annually to the state's economy and provides 70,000 jobs to Minnesotans.

The Koochiching forests themselves are a significant socio-economic engine in the region. The 127,000 acres protected in the conservation easement will remain available as permanent working forests using sustainable timber management. The timber harvested from the forest is transported to mills in International Falls, Bemidji, Duluth, and Grand Rapids. Industries associated with timber and forestry in Koochiching County provide 75% of the working population with jobs. Additionally the Bois Forte Indian Tribe produces over 4 million pounds of organically certified wild rice from Nett Lake annually using traditional tribal methods of agriculture developed over centuries. Sections of the Koochiching forestlands are in the Nett Lake watershed. The conservation of forests associated with Nett Lake will ensure the continued rice growing practices of the tribe, sustaining their culture and economy.

The Koochiching property's forest ecosystem thrives on the high water quality of the streams, creeks, rivers, and lakes in the broader Rainy River watershed. Portions of the property drain south into Nett Lake; other rivers and lakes on the property flow north through western Ontario and Manitoba into Hudson Bay, more than 600 miles north of Koochiching County. Clean water from these streams not only benefits wildlife and the peatlands ecosystem, but also residents of the watershed, notably in International Falls, who use it for drinking water, and recreational users at Voyageurs National Park and the several state forests and parks in the region. The Koochiching property also includes Beaver Brook Falls, a 20-foot waterfall that is a unique natural feature in the watershed that was left level by glaciers.

Because of the exceptional natural, economic, and recreational resources on the Koochiching property, the purchase of the conservation easement has a broad coalition of support. Partners include the Minnesota Department of Natural Resources, The Nature Conservancy, the Minnesota Forest Resources Council, Koochiching County, business and timber groups, sportsmen and recreational associations, and conservation organizations.

An appropriation of $3.5 million in FY 2009 from the Forest Legacy Program for the third phase of this project will protect over 38,000 acres of northern Minnesota forest and complement 51,000 acres already protected and 38,000 acres from the second phase pending protection.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of the Koochiching Forest Legacy project.

**Written Public Testimony**
**On Select Departments of Interior and Agriculture Conservation Programs**

**Submitted by**
**Jim Lyon**
**Senior Vice President for Conservation**
**National Wildlife Federation**

**Before the**
**U.S. House of Representatives Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chair**
**March 13, 2009**

Mr. Chairman, members of the Subcommittee: On behalf of the National Wildlife Federation (NWF), our nation's largest conservation advocacy and education organization, and our more than four million members and supporters, I thank you for the opportunity to provide funding recommendations for Department of the Interior and USDA programs for FY 2009. The purpose of this testimony is to recommend levels of funding for specific programs we believe are vital to NWF's mission to inspire Americans to protect wildlife for our children's future.

## I. U.S. FISH AND WILDLIFE SERVICE

### State and Tribal Wildlife Grants

The State and Tribal Wildlife Grants program is the nation's core program for preventing wildlife from becoming endangered in every state. It is a mission-critical element of the Interior Department's budget as no other federal program is focused solely on this goal. It provides state wildlife agencies and their partners a broad suite of proactive conservation tools to allow for meaningful, proactive and cost-effective species conservation. When Congress created the program in FY 2001, every state wildlife agency was asked to complete a state wildlife action plan. In the six years since, this program has yielded detailed strategies for protecting wildlife in each state and territory across the country, called Wildlife Action Plans. With the creation and recent final approval of State Wildlife Action Plans, we now have a national conservation blue-print in place for wildlife for the first time in history. This is truly a landmark for wildlife conservation. The National Wildlife Federation supports these plans and is actively working in several states as a partner to state wildlife agencies to promote these plans as foundations for state wide conservation agendas. We urge Congress to honor its commitment to this effort and to protect its own investment in the State Wildlife Grants Program by providing the federal share of support as the program enters this new phase of implementation. The Administration's request for $69.5 million in the FY 09 budget is insufficient to meet the large and growing needs of this program. **We respectfully request that the subcommittee restore State Wildlife Grants funding to $85 million,** or the FY 2002 level, which represents the highest level of funding for this program to date.

### National Wildlife Refuge System

America's Refuge System faces a massive multi-billion dollar backlog of operations and maintenance needs that is widely recognized as a handicap to Fish and Wildlife Service efforts to conserve and protect the System's more than 94 million acres of prime habitat for more than 2,000 bird and wildlife species. Increased funding is needed to provide adequate services for the millions of birdwatchers, sportsmen, and others who enjoy the outdoors at their local wildlife refuges. We call

on the Committee to increase funding for the National Wildlife Refuge System to $514 million, an increase of $80 million over the FY 08 enacted level of $434 million.

Endangered Species Program

The Endangered Species Act (ESA) is a safety net for wildlife, plants and fish that are on the brink of extinction. The ESA has been almost 100 percent effective in preventing the extinction of plants and animals. However, the U.S. Fish and Wildlife Service (FWS) needs more funding in order to implement the ESA effectively and get more species on the road to recovery. The Service has lost over 600 staff members in recent years. Each of the programs responsible for implementing the Act is missing at least thirty percent of the staff it once contained. In order to recover more species, Congress must provide the Service with the funds it needs to do its job. **We urge the subcommittee to appropriate at least $185.2 million toward the Endangered Species Program** in order for FWS to meet its ESA implementation responsibilities through the following critical activities:

- **Listing Program** – This program will require **$25.2 million** for 2009 (the President's budget request is less than 18.2 million) in order to allow the FWS to address both new species and the backlog of species awaiting action on proposed listings and critical habitat designations.
- **Recovery Program** – Despite the fact that Congress repeatedly states that recovery is the most important element of the ESA, recovery funding has remained almost stagnant in recent years. For an effective recovery program, FWS needs **$84.8 million**. This is $16.4 million more than the President's request.
- **Consultation Program** – Under provisions of section 7 of the ESA, a federal agency that permits, licenses, funds, or otherwise authorizes activities must consult with the FWS as appropriate to ensure that its actions will not jeopardize the continued existence of any listed species. In 1999, FWS participated in 40,000 consultations and received $36 million in funding. In 2006, FWS participated in approximately 77,000 consultations – with only $48 million. While the amount of work almost doubled for FWS staff, funding to ensure consultations are done accurately and efficiently has not. To ensure an accurate and efficient consultation program, FWS needs **$63.2 million**. The President's request is only $51.6 million.
- **Candidate Conservation** - Candidate species are plants and animals for which the Service has sufficient information on their biological status and threats to propose them for listing as endangered or threatened under the Endangered Species Act, but for which listing is precluded due to a lack of resources and other higher priority listing activities. To allow species to gain the full protections of the ESA – and start moving towards recovery – FWS needs **$12 million** in 2009. This is a $3.3 million increase over the President's request.

In addition to the core endangered species programs, **FWS needs $127.2 million to increase incentives for cooperative conservation in order to protect endangered wildlife**. The Bush Administration recently zeroed out funding for two successful land owner incentive grant programs. NWF would like to see the programs adequately funded. The Private Stewardship Program provides grants and other assistance on a competitive basis to individuals and groups engaged in local, private and voluntary conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species. We would like to see this program receive **$7.3 million** in 2009.

The Landowner Incentive Program (LIP) provides states with grants for incentive programs. These grants are designed to establish or supplement landowner incentive programs that protect and restore habitats on private lands to benefit federally listed, proposed or candidate species or other species determined to be at-risk. NWF would like to see it funded at **$23.7 million** (the President's request is $0).

The Cooperative Endangered Species Conservation Fund (authorized under section 6 of the ESA) offers grants to states for participation in a wide array of voluntary conservation projects for candidate, proposed, and listed species. These funds may in turn be awarded to private landowners and groups for conservation projects. Section 6 grants include: Recovery Land Acquisition Grants; Habitat Conservation Plan (HCP) Land Acquisition Grants; HCP Planning Assistance Grants; and Grants to States. We would like to see this program receive **$96.2 million**. This would be a $20.7 million increase over the President's budget.

## II. BUREAU OF LAND MANAGMENT

National Landscape Conservation System (NLCS)

The National Landscape Conservation System is an American treasure that consists of 26 million acres of some of the last best places where one can experience the history and wild beauty of the American West. Since its creation in June 2000, however, the System has been chronically under-funded and starved for adequate resources to meet its core responsibilities and manage the growing number of visitors. If enacted, the President's FY09 budget would be the lowest level of funding ever for the Conservation System: $51.8 million, or less than $3 an acre. This constitutes a destructive cut of over $8 million from the final FY08 enacted budget, after one-time additions. The System warrants funding of at least $70 million in FY09—a modest increase over historic funding levels when accounting for the growth of the System and growth in visitation, and when adjusting for inflation and significant uncontrollable costs, such as insurance increases. The administration's total proposed budget of just $51.8 million would leave critical BLM responsibilities and needs unmet, including law enforcement, management of illegal off-road vehicle traffic, archaeological site protection, control of invasive species, and the implementation of new Resource Management Plans.

We respectfully request that the Committee provide $70 million as permanent base funding for operations and management of the Conservation System. Priority needs include additional rangers and field staff, investments in monitoring and restoration to sustain the System's unique resources, cultural and historical site protection, and volunteer program support.

Roan Plateau: Last September, the BLM approved energy development on 74,000 acres on top of and around the Roan Plateau in western Colorado. This area is home to mule deer, elk, sage grouse, cutthroat trout and hundreds of other native species. The BLM plan, which has prompted opposition from sportsmen's groups, local cities and counties, business owners and recreation groups, allows drilling in areas too sensitive to withstand the intense energy development that is planned. **The National Wildlife Federation asks that Congress legislate a funding limitation that will prevent the BLM from initiating the proposed Roan Plateau energy development until September 30, 2009** in order to allow additional time for further study and analysis.

III. US FOREST SERVICE : Forest Legacy Program

NWF is concerned by the President's extremely low request of $12.5 million for the Forest Legacy Program. The needs of this program are much larger and growing, so **we ask the subcommittee to appropriate $125 million** for the program. Forest Legacy protects environmentally important forests that are threatened with conversion to non-forest uses, while protecting local communities and their way of life. The program has been especially important in states where there are few federal land holdings and timber companies are in the process of consolidating and selling their lands.

IV. Land and Water Conservation Fund (LWCF)

LWCF provides funding for the acquisition of valuable wildlife habitat by federal land management agencies. The LWCF is an invaluable tool to help enhance wildlife habitat, preserve natural, cultural, and historic sites, restore declining native species, and halt the destruction and fragmentation of millions of acres of habitat occurring annually across the U.S. LWCF has been cut by more than 75% since 2001. **We urge the subcommittee to provide $278 million for federal LWCF.**

NLCS LWCF projects: We would like to see enhanced funding for several specific projects including: El Malpais, Upper Snake/South Fork Snake river Area of Critical Environmental Concern, Las Cienegas National Conservation Area, Arizona, Canyons of the Ancients National Monument, Colorado, Carrizo Plain National Monument, California, Sandy River/Oregon National Historic Trail, and Oregon National Wild & Scenic Rivers (Rogue National Wild & Scenic River).

We are extremely disappointed to see that the Administration's budget cuts all funding for stateside LWCF. State-side LWCF provides matching funds for state and local recreation and conservation programs. Eliminating this fund would seriously impact locally sponsored recreation projects that provide opportunities for youth, seniors and the physically challenged. **We ask the subcommittee to restore $125 million for Stateside LWCF.**

Thank you again for the opportunity to testify. I welcome the opportunity to answer any questions the subcommittee may have.

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The National Steering Committee

American Fisheries Society - National Wildlife Federation - American Zoo and Aquarium Association - The Nature Conservancy
Congressional Sportsmen's Foundation - National Wild Turkey Federation - Association of Fish and Wildlife Agencies - Izaak Walton League of America
Theodore Roosevelt Conservation Partnership - The Wildlife Society - National Audubon Society - Wildlife Conservation Society - Wildlife Management Institute

Written Testimony for the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Regarding the State Wildlife Grants Program of the U. S. Fish and Wildlife Service

Submitted by Noel Holcomb
Chair of the Teaming with Wildlife National Steering Committee
Commissioner of the Georgia Department of Natural Resources

March 13, 2008

On behalf of the Teaming with Wildlife National Steering Committee, we urge you to support funding in the amount of $85 million for the State Wildlife Grants Program in the Fiscal Year 2009 Interior, Environment, and Related Agencies Appropriations Act.

Teaming with Wildlife is a coalition of more than 5,500 organizations, agencies and businesses who support increased funding for state-level wildlife programs of conservation, education, and recreation aimed at keeping wildlife from becoming endangered. The Teaming with Wildlife Coalition includes wildlife biologists, hunters and anglers, birdwatchers, hikers, visitors' bureaus, nature-based businesses and other conservationists who believe that working together to advance proactive wildlife conservation will save both wildlife and tax dollars over the long term.

The State Wildlife Grants Program supports proactive on-the-ground conservation projects aimed at declining fish and wildlife species and their habitats. State Wildlife Grants is not just a grants program. It is the nation's core program for preventing wildlife from becoming endangered in every state. As a coalition of conservation organizations, wildlife management professionals, outdoor enthusiasts, and other supporters of wildlife conservation we have seen the tangible benefits of these projects in the communities where we live and work. Now, in response to a charge from Congress, the state fish and wildlife agencies and their many conservation partners have worked together to complete wildlife action plans for every state and territory. These plans were all officially approved by the U.S. Fish and Wildlife Service in January 2007. The state wildlife agencies and their partners are eager to take the next step and begin implementation, but they are counting on funding from the State Wildlife Grants Program to help us put these plans into action. It is the only funding nationwide that is dedicated for this purpose.

We understand the difficult decisions you have to make during this time of tight budgets. Now more than ever, Congress should be focusing limited resources on this kind of smart, proactive conservation investment. Experience shows that efforts to restore imperiled wildlife are difficult and costly. State Wildlife Grants enable states to be proactive and avert such conservation

catastrophes, concurrently saving wildlife and taxpayer dollars, and improving our quality of life by conserving wildlife for the benefit of millions of Americans. The program also leverages significant funding from private, state, and local sources to magnify the impact of federal dollars.

Since the beginning of the State Wildlife Grants Program, almost $500 million has flowed to the states for the development of their wildlife action plans and for on-the-ground projects to benefit native wildlife and their habitats. Projects providing benefits for both wildlife and people are underway in every state across the nation. This work could not be done without support from the State Wildlife Grant program.

- The inner and outer marine waters of Washington state are host to key winter and summer concentrations of highly diverse populations of marine birds and sea ducks. Significant declines, ranging as high as 80 to 95 percent in the last 20 years, have been documented in at least 13 of the 18 marine bird species that are monitored. State Wildlife Grants are funding winter monitoring that will identify management actions to help stabilize and recover these marine birds. By gathering important information on these bird populations, biologists will be able to make informed decisions that will ultimately benefit both wildlife and people.

- Grassland birds are declining faster than any other bird type in North America. Prescribing best management practices towards their conservation relies on good data. A State Wildlife Grant funded project provides the critically-needed baseline information on bird populations in the short-grass prairie region of Kansas. As our communities grow, State Wildlife Grant projects like this can help us fulfill our responsibility to conserve wildlife and the places they live for future generations by funding the research needed to make good pro-active and cost-effective decisions.

- California is home to 99 percent of the world's population of tricolored blackbirds, which are a species of special concern in the state wildlife action plan. The tricolored blackbird population has dropped drastically in the last 60 years, along with the decline of native wetlands in California's Central Valley. In the absence of these wetlands, the birds commonly nest in silage fields, ditches, and other areas around dairy farms. This is a serious risk when fields are ready for harvest and young birds cannot yet fly. An alliance of 16 partners have come together to conserve habitat and restore tricolored blackbird populations without listing the species as threatened or endangered.

- Thanks to State Wildlife Grants, a stretch of Wisconsin's Pecatonica River now looks more like it did when settlers first started farming in the area. Years of sedimentation had degraded water quality and harmed the native fishery, covered wet prairie, and smothered habitat for rare and endangered species. It took the removal of 37,000 yards of soil along with willow, box elder and silver maple trees, but now the conditions are again suitable for a balanced cool water fish community, and improved habitat for grassland birds and rare species like Smooth-sheath sedge, Blanchard's cricket frog, and Blanding's turtle.

We are very pleased that the President has recognized the significance of this program and supported $73.8 million for State Wildlife Grants, which matches the level of funding provided

in the final budget for fiscal year 2008. A funding level of $85 million would help bring this program back up to the highest level of funding it has ever received, in FY 2002, and would send an important message about Congress's commitment to following through on providing the support needed to implement the state wildlife action plans. By restoring funding to this program at this critical juncture, Congress would help protect the foundation of the investment it has made in this program to date.

We are very grateful for your leadership in funding this program over the last several years. You have helped make this program and its emphasis on preventive conservation a priority for the U.S. Fish and Wildlife Service. Although the budget is tight, we look forward to the U.S. Congress continuing to provide reliable and adequate funding to ensure the continued success of the State Wildlife Grants Program.

**Written Testimony Submitted by**
**Linda Rowan, Director of Government Affairs**
**American Geological Institute**
**to the United States House of Representatives**
**Subcommittee on Interior, Environment and Related Agencies Appropriations**
**March 13, 2008**

Thank you for this opportunity to provide the American Geological Institute's perspective on fiscal year (FY) 2009 appropriations for geoscience programs within the Subcommittee's jurisdiction. We ask the Subcommittee to support conservative and fiscally responsible increases relative to proposed cuts by the Administration for the United States Geological Survey (USGS), and the National Park Service within the Department of the Interior (DOI) as well as the Environmental Protection Agency (EPA) and the Smithsonian Institution. **Specifically we ask for a total USGS budget of $1.3 billion, restoration of $318 million for EPA programs and restoration of $11 million for Smithsonian Institution programs.**

If the President's request were enacted, the USGS would receive a total budget of about $969 million, a nearly 4% decrease compared to last year's funding. Regrettably, the request proposes significant cuts to mineral resources, water programs and hazards investigations. The Mineral Resources Program would be cut by more than $24 million, Earthquake Hazards would be cut by $5 million and water programs would be cut by more than $17 million. If enacted, these reductions would hamper the Survey's ability to carry out its important objectives to monitor environmental conditions and provide resource assessments for economic development and national security. **Specifically, we ask the Subcommittee to restore funds to the Mineral Resources Program as well as several hazards and water programs and to support a $1.3 billion overall budget for USGS.** Such a moderate budget increase of almost $300 million would allow essential, but consistently under funded, programs throughout the agency to fulfill their basic mission. Such a request is robustly supported by the 70 organizations of the USGS Coalition as well as other stakeholders. AGI is a charter member of the USGS Coalition.

**We also seek support for fiscally responsible increases relative to proposed cuts for water programs at the Environmental Protection Agency (EPA) and research at the Smithsonian Institution as well as support for the Geologic Resources Division of the National Park Service.** For the Environmental Protection Agency (EPA), the proposed FY 2009 is $7.1 billion, continuing a steady decline from a budget of $8.4 billion in FY 2004. The budget would cut more than $318 million for the clean water programs, brownfields programs, healthy ecosystems and watershed grants. The proposed budget would also cut more than $11 million from the Smithsonian Institution's budget for public programs, exhibitions and research.

AGI is a nonprofit federation of 44 geoscientific and professional associations that represent more than 100,000 geologists, geophysicists, and other earth scientists who work in industry, academia and government. The institute serves as a voice for shared interests in our profession, plays a major role in strengthening geoscience education, and strives to increase public awareness of the vital role that the geosciences play in society's use of resources and interaction with the environment.

**U.S. Geological Survey**
For the sixth year in a row, the USGS faces cuts in the Administration's request. AGI thanks the Subcommittee for its record of restoring critical funds and recognizing the Survey's essential value to the nation. The USGS is a critical federal science agency and it should receive increased funding like the proposed increases in the America COMPETES Act for the National Science Foundation and the Office of Science within the Department of Energy. The USGS performs complementary research, analysis and education and should be part of competitiveness initiatives to advance innovation in energy, climate change, water resources and hazards mitigation, assess natural resource needs, which are the foundation of a strong economy, and ensure American competitiveness in science and technology through basic geologic and geographic research.

Virtually every American citizen and every federal, state, and local agency benefits either directly or indirectly from USGS products and services. As was made clear by the National Research Council report *Future Roles and Opportunities for the U.S. Geological Survey*, the USGS's value to the nation goes well beyond the Department of the Interior's stewardship mission for public lands. USGS information and expertise address a wide range of important problems facing this nation: earthquakes and floods, global environmental change, water availability, waste disposal, and availability of energy and mineral resources. At the same time, the Survey has a responsibility to provide scientific support for its sister land management agencies at Interior; an important mission that needs to be well executed if land management decisions are to be made with the best available scientific information. It is imperative that these missions be recognized and valued within the Department and by the Administration. AGI asks the Subcommittee to continue its efforts to help the Administration better understand the Survey's value to the nation as a whole

***Mineral Resources Program.*** The value of domestically processed nonfuel mineral resources is estimated to be about $542 billion in 2006 and growing. The USGS Mineral Resources Program is the only entity, public or private, that provides an analysis and assessment of the raw materials and processed minerals accessible from domestic and global markets. This highly regarded research program is the nation's premier credible source for regional, national and global mineral resource and mineral environmental assessments, statistics and research critical for sound economic, mineral-supply, land-use and environmental analysis, planning and decision-making. AGI urges the Subcommittee to reject the Administration's requested cuts to this program and to fund it at the FY 2005 appropriated level of $54 million. The proposed cut, leaving the program with less than $30 million in FY 2009 would decimate the program. It would result in the loss of about 200 of 380 current full time positions and would eliminate or reduce global mineral resource assessments of mineral commodities, research on industrial minerals, research on inorganic toxins, materials flow analyses, and the Minerals Resources External Research program. The essence of the program would be jeopardized at a time when mineral products account for a rapidly growing and valuable commodity of the U.S. economy.

The data and analyses of the MRP are used by the Department of the Interior, Department of Defense, the Central Intelligence Agency, the Department of State, the Federal Reserve, other federal, state and local government entities, foreign governments, private companies and the general public. Analyses based on the MRP data are essential for guiding economic and environmental policy and for providing options for land use decisions posed by industry,

government and private land owners. **We urge the Subcommittee to restore the Mineral Resources Program to its FY 2005 level of $54 million so that it may perform its core missions effectively and efficiently.**

***National Cooperative Geologic Mapping Program.*** AGI is encouraged by the Administration's continued requests for small annual increases for the National Cooperative Geologic Mapping Program and values Congress' past support for much larger increases. This important partnership between the USGS, state geological surveys, and universities provides the nation with fundamental data for addressing natural hazard mitigation, water resource management, environmental remediation, land-use planning, and raw material resource development. The program was authorized (P.L. 106-148) to grow from a starting level of $28 million in FY 1999 to $64 million in FY 2005, but did not receive even 10 % of the annual funding level in any given year. **AGI strongly supports re-authorization of the National Cooperative Geologic Mapping Program at $64 million per year over the next 5 years.**

***Natural Hazards.*** A key role for the USGS is providing the research, monitoring, and assessment that are critically needed to better prepare for and respond to natural hazards. The tragic earthquake/tsunami in the Indian Ocean, hurricanes Katrina and Rita striking the Gulf Coast and the massive earthquake in Pakistan, remind us of the need for preparation, education, mitigation and rapid response to natural hazards. A 2006 National Academies report, *Improved Seismic Monitoring,* estimates that increased seismic monitoring leads to increased future savings from the damaging effects of potential earthquakes. With great forethought, the Earthquake Hazards Reduction Authorization Act of 2000 (P.L. 106-503) called for a significant federal investment in expansion and modernization of existing seismic networks and for the development of the Advanced National Seismic System (ANSS) -- a nationwide network of shaking measurement systems focused on urban areas. ANSS can provide real-time earthquake information to emergency responders as well as building and ground shaking data for engineers and scientists seeking to understand earthquake processes and mitigate damage. ANSS has been allocated about 10% of its authorized funding level per year, which is not nearly enough to deploy the 7,000 instruments called for in the law.

We would like to commend the Subcommittee for your leadership in securing previous increases for ANSS and ask for full funding in FY 2009. The National Earthquake Hazards Reduction Program (NEHRP) was reauthorized in 2004 (P.L. 108-360) and **AGI supports the appropriation of full funding of $88.9 million for the USGS component of NEHRP in FY 2009 with not less than $36 million of these funds for the continued development of ANSS.**

***Water Programs.*** AGI applauds the proposed increases for a National Water Census to be conducted by the USGS as part of the Water for America Initiative. Increases for the National Streamflow Information and Ground-Water Resources programs as part of the census and to meet core mission objectives is excellent. We do request that the proposed termination of the State Water Resources Research projects and cuts to the National Water Quality Assessment (NAWQA) and the Hydrologic Research and Development programs be opposed by the Subcommittee.

**Environmental Protection Agency**

The President's budget proposal would cut more than $274 million from the Clean and Safe Water Goal and more than $36 million from the Healthy Communities and Ecosystems Goal at the Environmental Protection Agency. AGI opposes these proposed cuts and instead asks for modest increases for these programs to deal with rising costs and help the EPA carry out its mission of monitoring water quality, assuring safe drinking water, cleaning up contaminated waters, protecting and maintaining water infrastructure, monitoring and protecting watersheds and cleaning up superfund and brownfield sites.

**Smithsonian Institution**

The Smithsonian's National Museum of Natural History plays a dual role in communicating the excitement of the geosciences and enhancing knowledge through research and preservation of geoscience collections. AGI asks the Subcommittee to build up Smithsonian research with steady increases that are a tiny fraction of the overall budget, but would dramatically improve the facilities and their benefit to the country. **We support increased funding for Smithsonian research in FY 2009 and request that proposed cuts of more than $11 million (with a loss of more than 100 full time employees) for research, public programs and exhibitions be removed from consideration.**

**National Park Service**

The national parks are very important to the geoscience community as unique national treasures that showcase the geologic splendor of our country and offer unparalleled opportunities for both research and education of our fellow citizens. The National Park Services' Geologic Resources Division was established in 1995 to provide park managers with geologic expertise. Working in conjunction with USGS and other partners, the division helps ensure that geoscientists are becoming part of an integrated approach to science-based resource management in parks. **AGI would like to see additional support for geological staff positions to adequately address the treasured geologic resources in the national parks, especially as the National Parks approach their 100th anniversary.** AGI supports funding for the National Parks Centennial Initiative, but is disappointed by the overall decrease of about 2% for the National Park Service in the President's request. The Service needs steady increases in order to keep pace with rising costs, to hire new staff and to carry out their core missions.

Thank you for the opportunity to present this testimony to the Subcommittee. If you would like any additional information for the record, please contact me at 703-379-2480, ext. 228 voice, 703-379-7563 fax, rowan@agiweb.org, or 4220 King Street, Alexandria VA 22302-1502.

**Testimony of Oscar Simpson**
**Conservation Policy Chair, New Mexico Wildlife Federation**
**In Support of Funding for Canyon River Ranch project**
**La Cienega ACEC, New Mexico**
**Land and Water Conservation Fund, Bureau of Land Management**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

**March 13, 2008**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present public testimony in support of an appropriation of $3 million for the Bureau of Land Management to protect the 75-acre Canyon River Ranch property in the La Cienga Area of Critical Environmental Concern (ACEC) in New Mexico.

Mr. Chairman, this project is one of many nationwide acquisition projects worthy of LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, forests, and public lands unable to acquire critical inholdings and adjacent lands from willing sellers. Acquisition of these lands, protect or enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

The La Cienega Area of Critical Environmental Concern (ACEC) is made up of over 4,500 acres of ecologically and historically significant lands just eight miles from the city of Santa Fe. In an arid region with little rainfall and few perennial streams, the Santa Fe River, which flows through the ACEC, sustains a thick canopy of cottonwoods and coyote willows, habitat to nesting songbirds such as the southwestern willow flycatcher and numerous species of other wildlife. Ancient rock art can be found etched into the canyon walls, most likely produced in the 14th through the 17th centuries by the inhabitants of La Cieneguilla Pueblo, a prehistoric Native American site with remnants of adobe rooms and stone and pottery artifacts.

The 75-acre Canyon River Ranch property (a portion of the former Gallegos Ranch) is available for acquisition in FY 2009. It is located at the confluence of the Santa Fe River and La Cienega Creek just ten miles southwest of Sánta Fe. Another stream, Alamo Creek, also flows through this property. The property's western mesa includes petroglyphs and pit houses, erected by ancient Pueblo Indians. It has more than one-half mile frontage on the Santa Fe River, meandering hundreds of feet below the deep canyon walls.

This property lies within the boundaries of the La Cienega ACEC and the acquisition, would connect the ACEC lands, creating a nearly unbroken reach of culturally significant public land. The nearby village of La Cieneguilla itself is historic, having been settled as one of the earliest land grants in New Mexico.

The location of this property and its important historical themes and unique environmental conditions make the protection of Canyon River Ranch extremely important to the future management of the ACEC. The El Camino Real de Tierra Adentro National Historic Trail, the main road that led from colonial New Mexico to Chihuahua and Mexico City, runs near the property. The road dates back to 1598 when the Spanish made their way to northern New Mexico and established the first capital city near San Juan Pueblo. La Cieneguilla Pueblo lies along this historic route, as does a nearby 17th century Spanish hacienda that was burned in the Pueblo Revolt of 1680.

Support for this acquisition has come from the community, local and state governments, archaeological groups, conservation groups, and local pueblos to protect this property. The ACEC and surrounding lands contain important historical and ecological resources that need to be protected as growth from the city of Santa Fe puts additional development pressure on outlying areas.

In summary, $3 million is needed through the Land and Water Conservation Fund for FY 2009 to ensure that the historical, cultural and environmental attributes of the Canyon River Ranch property are preserved for present and future generations.

Thank you again, Mr. Chairman, for the opportunity to present this testimony.

**Fiscal Year 2009 Interior, Environment, and Related Agencies Budget**
***Testimony by Tom Thompson, President***
***Society of American Foresters***
**House Committee on Appropriations**
**Subcommittee on Interior and related Agencies**
**March 13, 2008**

The Society of American Foresters (SAF), with over 14,000 forestry professional located across the country in all segments of the profession, believes in sound and scientifically-based management and stewardship of the nation's public and private forests. Funding for the Department of the Interior (DOI) and the USDA Forest Service (USFS), both contained within the Interior, Environment, and Related Agencies Appropriations bill, play particularly important roles in maintaining, conserving, and improving the nation's forests.

The 755 million acres of forests in the U.S. are undergoing constant pressures from wildfires, insect infestations, and other catastrophic disturbances, conversion to competing non-forest land uses, and the effects of climate change on forest types and health, as well as on wildlife habitat. Simultaneously, our nation's forests are expected to provide recreational opportunities (more than 137 million annual visits to national forests alone), as well as supply the economic services and goods demanded by society. However, the direction in which federal budgets are moving makes resisting these pressures and delivering these forest goods all the more difficult—in large part due to the increasing percentage of the agencies' budgets consumed by wildfire preparation and suppression.

The SAF remains concerned and committed to the sustainability of our nation's forests. Such sustainability implies and demands a balance of the social, environmental and economic values realized from forests— a balance that is presently at risk of being upset. To help resist these pressures, to ensure the sustainable delivery of forest-related goods and services, and to ensure the future of this critical natural resource, the SAF urges a focus in three funding areas and the range of programs within the DOI and USFS budgets that address these key areas (as outlined below). The SAF's key priorities are:

1. **Forest health on both public and private forests**
2. **Forest research and inventory**
3. **Private forest conservation**

**Forest Health**

Today, more than 190 million acres of federal forests and over 90 million acres of non-federal forests are threatened by a potent combination of wildfire, insects, diseases, invasive species, and other factors. To address these ongoing threats, sufficient resources must be allocated to management programs capable of preparing and mitigating for their effects. **To adequately address these issues, the SAF urges increased funding over the FY 2009 proposed budgets for the forest health programs and wildland fire**

**accounts in both the Forest Service and the Department of the Interior as outlined in detail below.**

*Wildfire Suppression:* The SAF remains deeply concerned over the rising costs of wildfire suppression efforts, and more importantly, the increasing percentage of the agencies' budgets devoted to that activity.

The borrowing of funds from non-wildfire accounts during the course of each fire season presents severe challenges to the agencies' other programs. This leads directly to the inability to deliver the goods and services demanded by society, and that are crucial to the agencies' missions. This is no more apparent than in the case of the Forest Service: the percentage of the agency's budget dedicated to wildland fire suppression has risen to 43 percent for FY 09. Suppression costs in the Forest Service alone are nearly $1 billion, up from less that $600 million only 7 years ago. This trend is forcing the agency to retreat to what it considers its "core" missions—which will force undesirable effects on a large portion of the agency's programs, and on the forests that depend on those programs. **Congress must, therefore, address both the consumption of critical agency programs by the ever-expanding wildfire budget, as well as continuing to urge the agencies to adopt cost-containment measures and increased accountability for wildfire suppression activities.**

*Reducing hazardous fuels:* Any effort to address wildfire threats mandates addressing the accumulation of hazardous fuels on the forested landscape. The USFS and the DOI programs to do so are critical components to ensuring forest health and reducing suppression costs over the long-term. Efforts by the agencies to treat such fuels should be prioritized to focus on Condition Class 3 lands, on restoring natural fires regimes, on mitigating and adapting to the anticipated effects of climate change on fire hazards, and on protecting at-risk communities where appropriate. The agencies should also be encouraged to better coordinate the expanded use of wildland fire to meet fuel reduction goals where suitable. **The SAF supports the fiscal year 2008 enacted levels for hazardous fuels accounts for both the USFS and DOI, and suggests FY 09 funding at or above those levels.**

**Forest research and inventory**

With 58 million acres of forest at significant risk for insect or disease mortality and with the available dollars for forest-related research falling nationwide, it is imperative that the funding for research provided to both the USFS and DOI not likewise diminish. Investments in forestry research are investments in the future health and suitability of both public and private forests nationwide. The nations' forestry research is conducted by a number of entities, including federal agencies, universities and private industry, with the majority of the federal funding focused within the USDA Forest Research and Development Program. USFS R&D conducts essential research on pressing topics such as climate change, insect infestations and pathogen treatments, renewable energy development and woody biomass conversion technology, forest products research to maintain the competitiveness of the U.S. industry, and in areas such as social science to better understand how to improve the agencies relationship with the public and to better

meet the public's needs. **SAF urges a moderate elevation in funding to a level of $290 Million for the USFS Research and Development program.**

*Forest Inventory and Analysis*: Though now included within the broader Inventory and Monitoring R&D, the USFS Forest Inventory and Analysis (FIA) program is the backbone of forestry knowledge in the U.S., providing the only national census of forests across all forest ownerships. The program forms the foundation of much of the analysis that is occurring on national trends affecting forest lands, including forest fragmentation, forest health, and climate change effects. Through FIA, the USFS partners with state forestry agencies and the private sector in a unique data sharing relationship whereby the nation as a whole truly benefits from this research. **We strongly urge Congress to fully to support the Administration's proposed increase of $1.9 million and fully fund the FIA program at $62.3 million in FY 2009.**

**Private forest conservation**

Private forests comprise some 427 million acres in the U.S. All of these forests face the same suite of challenges: forest health concerns, pressures to convert to non-forest uses as land values rise, and changing markets for forest products and overseas competition.. Forty-four million acres of these forests are at substantial risk of increases in housing density in the next 30 years. In many ways these private forest are some of the nation's most important, as they can be managed for the broadest array of outputs—they are the source of the majority of the nation's wood supply, and provide recreational opportunities, wildlife habitat, and are a source of clean air and water, as well as an important aesthetic component to urban, suburban, and exurban regions. Programs within the USFS State and Private Forestry help encourage private forest landowners to continue to mange their lands as forests, and in a sustainable fashion. Maintaining these forests is becoming even more critical in light of the role of forests in carbon sequestration, and the resultant carbon emissions when those forests are lost. **We are deeply concerned that the Administration's proposes such a drastic cut in the programs critical to private landowners within the State and Private area. The SAF strongly urges restoring the State and Private forest program to $207.5 million.**

**US Department of the Interior**

| Program (in millions of dollars) | FY 2008 Enacted | FY 2009 Proposes | FY 2009 SAF Recommendation |
|---|---|---|---|
| **DOI Wildland Fire Management Total** | **808.0** | **850.1** | **941.1** |
| Preparedness | 276.5 | 277.7 | 300.7 |
| Suppression | 289.8 | 335.2 | 350.2 |
| Hazardous Fuels | 199.6 | 202.8 | 250.8 |
| Joint Fire Science | 5.9 | 0 | 5.0 |
| **BLM Public Domain Forest Management** | **10.6** | **9.5** | **10.6** |
| **BLM OR and CA Grant Lands Total** | **108.5** | **108.3** | **109.0** |

**USDA Forest Service**

| Discretionary Appropriations (in million of dollars) | FY 2008 Enacted | FY 2009 Proposed | FY 2009 SAF Recommendation |
|---|---|---|---|
| **Forest and Rangeland Research (R&D)** | **285.9** | **263.0** | **290.9** |
| **State and Private Forestry** | **262.8** | **109.5** | **207.5** |
| Forest Health Management -Fed | 54.1 | 45.0 | 50.0 |
| Forest Health Management-Coop | 44.5 | 10.0 | 40.0 |
| State Fire Assistance | 32.6 | 25.0 | 30.0 |
| Volunteer Fire Assistance | 5.9 | 5.0 | 5.0 |
| Forest Stewardship | 29.5 | 5.0 | 20.0 |
| Forest Legacy | 52.3 | 12.5 | 45.0 |
| Urban and Community Forestry | 27.7 | 5.0 | 15.0 |
| Economic Action Programs | 4.2 | 0 | 0 |
| International Forestry | 7.4 | 2.0 | 2.0 |
| **National Forest System Total** | **1,469.6** | **1,344.5** | **1,403.5** |
| Land Management Planning | 48.8 | 52.6 | 52.6 |
| Inventory and Monitoring | 166.6 | 146.5 | 165.5 |
| Recreation, Wilderness & Heritage | 262.6 | 237.0 | 257.0 |
| Forest Products | 322.5 | 322.7 | 332.7 |
| Vegetation and Watershed Management | 177.4 | 165.3 | 175.3 |
| **Wildland Fire Management Total** | **1,943.5** | **1,976.6** | **2,107.6** |
| Preparedness | 665.8 | 588.4 | 675.4 |
| Suppression | 845.6 | 993.9 | 993.9 |
| Hazardous Fuels | 310.1 | 297.0 | 325.0 |
| Rehab & Restoration | 10.8 | 0 | 10.0 |
| Fire Research and Development | 23.5 | 22.0 | 23.0 |
| Joint Fire Sciences Program | 7.9 | 8.0 | 8.0 |
| NFP Forest Health-Fed | 14.0 | 14.3 | 14.3 |
| NFP Forest Health- Coop Lands | 9.9 | 10.0 | 10.0 |
| NFP State Fire Assistance | 50.0 | 35.0 | 40.0 |
| NFP Volunteer Fire Assistance | 7.9 | 8.0 | 8.0 |
| **Capital Improvement & Maintenance** | **488.8** | **405.8** | **410.8** |
| Facilities | 121.8 | 119.6 | 119.6 |
| Roads | 227.9 | 227.0 | 227.0 |
| Trails | 76.4 | 50.0 | 55.0 |
| Deferred Maintenance | 9.0 | 9.1 | 9.1 |

**By: Richard Levine, President NFFE Local 1957**
**U.S. Geological Survey, Reston, VA**
**Re: FY 2009 Interior Appropriations Bill**
**Department of the Interior: U.S. Geological Survey**
**Action: Restore $ 5.1 million to Minerals Information Team (MIT), and increase MIT budget to $23 million**

To: U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies

As officers of the National Federation of Federal Employees (NFFE) Local 1957, we are once again writing on behalf of the bargaining unit for the Minerals Information Team (MIT), Geologic Division, U.S. Geological Survey (USGS), Reston,VA. We are concerned that the President's proposed Fiscal Year 2009 budget for the USGS includes a $5.1 million cut (33%) to the MIT's current funding level of $15.4 million, and $25.5 million (48%) from the entire Mineral Resource Program (MRP), of which we are a part.

NFFE is concerned that the proposed MRP budget cut would irrevocably harm MIT through a Reduction in Force and elimination of valuable information for analysis of global mineral supply. This is a 50% slash from FY06 levels. The USGS could not fulfill its mandate by Congress to assure there is an adequate and reliable supply of mineral materials for national defense, as established by The Defense Production Act of 1950, as amended (1980 & 1992).

MIT is relied upon as an objective source of minerals information and expertise by Federal, State, and Local Governments, as well as by private, academic, and nongovernmental organizations. (See attachment 1 for some examples of MIT collaboration with other Federal agencies.) MIT produces more than 500 publications per year covering most nonfuel minerals, including Mineral Commodity Summaries for the Congressional Offices. Our web site provides approximately 1.4 million publication downloads per year and nearly double the number of hits.

The proposed FY 2009 budget would decimate MIT and MRP by eliminating at least 210 of 334 occupied scientific positions from across the country, about 43 of which would be from MIT. MIT would have to severely reduce its core function—the collection and dissemination of data on domestic and international production and consumption of mineral commodities—and cease research on mineral and material life cycles, flows, and future demand and uses.

MIT is already laboring under a severely constrained budget that has declined by about 27% in real dollars to $11.6 million since 1996, the year the group was moved to the USGS (figure 1). The proposed FY 2009 budget would reduce MIT funding 51% from that of FY 1996 to $7.8 million (real dollars). Compounding the problem, MIT has had to absorb mandated increases in salaries and cost of living adjustments. Not surprisingly, filled FTE positions have fallen by about 27% (47) as seen on figure 2. Quite frankly, MIT is now at the point that even flat levels of funding will prevent the group from fully accomplishing its mission.

All this is occurring at a time of increasing globalization and materials competition from developing countries such as China and India that has led to global supply constraints, record-high metals prices, and increasing concern over the adequacy of mineral materials necessary to fuel technological innovation. **Currently, the U.S. import dependence for most strategic and critical nonfuel minerals exceeds 75%, which is greater than the country's dependence on foreign oil.** Information and analysis of domestic and international markets is increasingly

important to assure an adequate supply of minerals for the nation's economic and defense needs. In 2006, MIT found that the Nation relied more than 50% on imports to meet their needs for 45 of 81 nonfuel mineral commodities essential to the economy, and of those, was 100% import reliant for 17 and 80% for another 13; this was up from 29 and 10, respectively, in 1995.

The Administration's continuous lack of support is summed up by the Office of Management Budget's (OMB) position "...if the work of the MRP is truly of great value another non-Federal entity will pick up the work. The expertise does exist within state geological surveys and universities to conduct this work, however the funding does not. OMB believes that other entities can find the money to conduct the research through partnerships with private industry. Some say that this may call the impartiality of the research into question."

We are puzzled by OMB's reasoning. Like other Federal agencies that collect and analyze statistical information, MIT provides a fundamental service to the Nation that cannot be duplicated in the private sector or by other levels of government. It takes a Federal organization to coordinate and analyze mineral surveys data on a national level, including that from foreign sources. Mineral companies and foreign governments would understandably be reluctant to report proprietary or business sensitive data to private sector organizations.

MIT's mission is similar to that of the Energy Information Administration (EIA) under the Department of Energy (DOE). EIA was, in fact, part of MIT prior to its creation in 1972. Like MIT, the EIA has become a recognized provider of data and value-added analysis on the Country's and the world's supply of energy minerals. Unlike MIT, however, EIA has had increased funding from $78 million in FY 2001 to $95.5 million in FY 2008 (22.4%).

**The National Academies of Sciences** (NAS) in an October 2007 report "Minerals, Critical Minerals, and the U.S. Economy" recommended that **"the federal government should enhance the types of data and information it collects, disseminates, and analyzes on minerals and mineral product, especially as these data and information relate to minerals or mineral products that are or may become critical....**Decision makers in both the public and private sectors need continuous, unbiased, and thorough information on the uses and possible supply restrictions of nonfuel minerals. The U.S. Geological Survey's Minerals Information Team is the most comprehensive source for this sort of information." The NAS further recommended "that the federal government give the necessary authority and funding to USGS or whichever agency will ultimately be responsible to collect minerals information."

In 2006, Congress rejected a similar reduction proposed by the Administration. In rejecting that proposed cut, the Congressional joint committee wrote "[we] strongly disagree with the Administration's proposed reductions to the mineral assessment program and believe it irresponsible for the Administration to decrease or eliminate funding for what is inherently a Federal responsibility." NFFE now urges Congress to do the same in FY 2009, and restore the group's ability to function effectively by further increasing MIT's budget to $23 million

We thank you for your consideration of these issues that affect both our Union's and the Nation's interests.

Respectfully yours,

For NFFE Local 1957

Richard M. Levine, President 240-413-2825
Lisa A. Corathers, Vice President 202-409-3267

**Attachment 1**

**USGS Mineral Information Team (MIT)**
**Support to Other Federal Agencies**

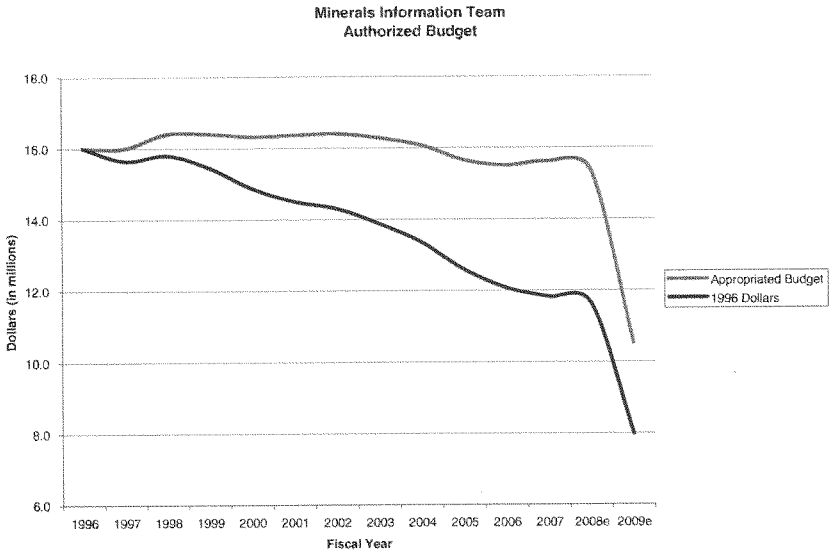
The U.S. Departments of Commerce, Defense, Treasury, and State, as well as the Central Intelligence Agency, the Environmental Protection Agency, the Federal Reserve Board, the Overseas Private Investment Corporation, the International Trade Commission, and the Office of the U.S. Trade Representative are among the Government organizations that have increasingly relied on the USGS-MIT specialists for global minerals-related policy analysis, as have domestic agencies, including the U.S. Bureau of Land Management, the Minerals Management Service, the National Park Service, and the U.S. Forest Service. MIT data are cited in Securities and Exchange Commission filings by mining companies requiring an authoritative, impartial source for statements of world resources, capacities, production and consumption. Some of the many examples of Federal agency collaboration are noted below.

**Selected MIT-Federal Agency Collaboration**

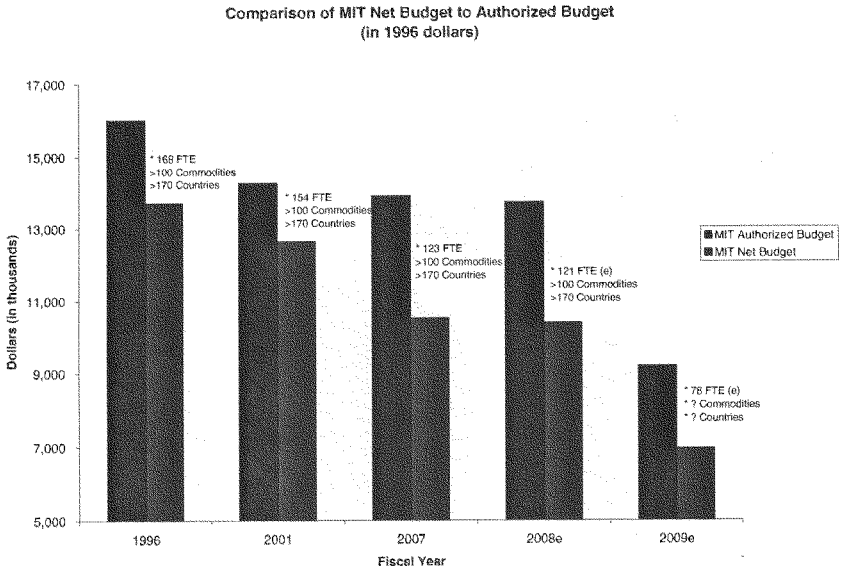
- **monitoring trade in "blood" diamonds for the U.S. Department of State**
- **providing data to the U.S. Department of State for evaluation of a ban on Burmese ruby imports**
- **providing data to the U.S. Federal Reserve Board for the calculation of leading economic indicators**
- **assisting the U.S. International Trade Commission to resolve international trade disputes**
- **providing data to the U.S. Department of Defense for national mineral stockpile and military procurement analyses**
- **furnishing information to the U.S. Environmental Protection Agency on the flow of mineral materials through the environment**
- **evaluating the adequacy of future global supplies of elements, such as gallium, lithium, platinum, and tellurium, that could be used to produce new energy-saving technologies (for numerous agencies)**

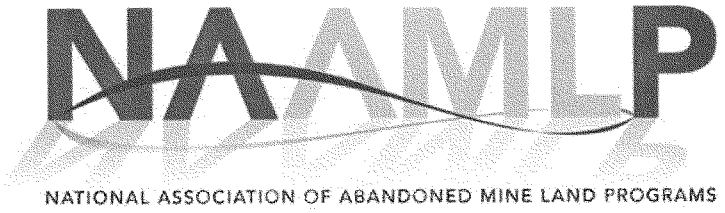
*MIT was transferred to the USGS in 1996 under a Joint House-Senate Conference Amendment that provided for the minerals information activities, formerly conducted by the U.S. Bureau of Mines, to continue within the USGS. The Defense Production Act of 1950, as amended (1980 & 1992), delegates significant authority to the Secretary of the Interior relating to the assurance of an adequate supply of mineral materials necessary for the national defense, with the specific responsibility for analyses of domestic and foreign supplies.*

## Figure 1




## Figure 2






**Statement of Loretta Pineda**
**National Association of Abandoned Mined Land Programs**
**Concerning the Proposed FY 09 Budget for the Office of Surface Mining**
**March 13, 2008**

As the president of the National Association of Abandoned Mine Land Programs I submit this statement on the proposed FY09 Office of Surface Mining budget.

The NAAMLP is a tax-exempt organization consisting of 31 states and Indian tribes with a history of coal mining and coal mine related hazards. These states and tribes are responsible for 99.5% of the Nation's coal production. A majority of the states and tribes within the NAAMLP administer abandoned mine land (AML) reclamation programs funded and overseen by the Office of Surface Mining (OSM) pursuant to Title IV of the Surface Mining Control and Reclamation Act (SMCRA, P.L. 95-87). Since the enactment of the SMCRA by Congress in 1977, the AML program has reclaimed thousands of dangerous sites left by abandoned coal mines, resulting in increased safety for millions of Americans. Specifically, more than 285,000 acres of abandoned coal mine sites have been reclaimed through $3.5 billion in grants to states and tribes under the AML program. This means hazards associated with more than 27,000 open mine portals and shafts, 2.9 million feet of dangerous highwalls, and 16,000 acres of dangerous piles and embankments have been eliminated and the land reclaimed. Despite these impressive accomplishments, $3 billion priority 1 and 2 problems threaten public health and safety and remain unreclaimed. These hazardous sites require safeguarding by state and tribal AML programs.

The 2006 Amendments to Title IV of the (SMCRA extended the Interior Department's authority to collect Abandoned Mine Land (AML) fees through September 30, 2021 and made the majority of the funding available to States and Tribes mandatory and without further appropriation by Congress. The 15-year extension coupled with increased funding will provide the states and tribes with the ability to carryout the remaining AML reclamation work. It is the intention of the states and tribes to continue to focus on the protection of the public health and safety to ensure restoration of abandoned mines.

Beginning with FY 2008, state Title IV grants are funded primarily by permanent appropriations. States will receive mandatory funding in FY 2009 of $298.4 million for AML reclamation work. With the funding off-budget, this will finally allow the states and tribes to make staffing decisions and in turn begin planning for long range design and reclamation activities.

However, several issues remain unresolved and these items from the OSM proposed budget are of a concern to the NAAMLP.

**Minimum Program Funding**

OSM proposes an amount of $30.8 million for discretionary funding related to OSM operations under the Title IV program, which includes funding needed for minimum program states. Under the new funding formula, all of the states and tribes will receive funding increases except for minimum program states. Under the 2006 Amendments to SMCRA all states and tribes will receive increases in AML funding beginning in FY 2008 (29% to 269% increases), while Minimum Program states will receive limited funding for FY 2008 and FY 2009. The Minimum Program States are Alaska, Arkansas, Iowa, Kansas, Maryland, Missouri, and Oklahoma. For the last 14 years, Minimum Program States have been critically under funded in respect to the number of Priority 1 and Priority 2 AML hazards that need to be reclaimed. For three years (FY1992, FY 1993, and FY 1994) the Minimum Program States received $2 million annually, the amount mandated by SMCRA. Since that time the Minimum Program States have been limited to an annual allocation of only $1.5 million, except for a very small increase of $60,000 to $345,00, depending on the state. The 2006 Amendments increased the Minimum Program distribution to $3 million annually, a move supported by the NAAMLP. OSM has interpreted the 2006 Amendments in a manner that holds the Minimum Program distribution to the previous level of $1.5 million per year. We urge Congress to fund these states at the statutorily authorized level of $3 million in FY 2009 and allow these states to get on with the critical AML projects awaiting funding.

**Emergency Program Funding**

Continuation of the OSM Emergency program fulfills the promise to ensure the highest response from federal and state AML programs for protecting the public against the most serious and hazardous problems associated with abandoned mines. Many states and tribes continue to have AML emergencies that annually cost millions of dollars; between 2003-2007, $92.4 million was spent on funding for emergency projects in19 states. OSM's 2009 budget would eliminate funding for state-run emergency programs and also for federal emergency projects (in those states that do not administer their own emergency programs). The AML program is first and foremost designed to protect public health and safety. The majority of state and tribal AML projects specifically correct AML features that threaten someone's personal safety or welfare. While state and tribal AML programs do complete significant projects that benefit the environment, the primary focus has been on eliminating health and safety hazards. Acting as an unfunded federal mandate, the elimination of federal funding for the AML emergency program would require state and tribal AML programs to fund emergencies from non-emergency and waterline project grant funding. Because of the 2006 Amendments, states will be receiving significant funding increases that would allow the states to address long overdue reclamation problems including landslides, contaminated drinking water, refuse piles, dangerous highwalls, mine fires, and exposed mine portals. Coupled with the prior loss of funding for the Appalachian Clean Streams Initiative, diverting these monies to the emergency program, as suggested by OSM's budget, would impede the progress the

states are about to make in addressing AML problems that have been awaiting funding for years. This diversion of funding will have a significant and disproportionately harmful effect on minimum program states that are currently being funded at a lower level.

Prior to the proposed federal FY 2009 budget, the federal Office of Surface Mining has complied with Section 410 and funded all AML emergency program reclamation since the inception of SMCRA. Section 410 of SMCRA establishes emergency reclamation procedures for AML sites that pose a high risk of physical harm to the public health and safety and recognizes the difference between an AML problem and an AML Emergency. Also, the funding for the emergency program is separate from the state and tribal non-emergency AML grant funding since it comes from the Secretary's "discretionary share". Funding for emergencies is provided for in Section 402(g) (3) of SMCRA. It is unclear whether non-emergency funds received by the states can be used to fund emergency projects due to funding stipulations found in Section 402(g). Furthermore, the 2006 SMCRA Amendments (P. L. 109-432) did not include any language that would mandate or authorize the states and tribes to fund and/or take sole responsibility for the AML Emergency Program. And finally, the 2006 SMCRA Amendments (P. L. 109-432) mandate the continued collection of sufficient revenue by OSM to cover necessary expenditures under Section 402 (g) (3), including emergencies. So, at the same time OSM proposes to eliminate emergency funding it continues to collect sufficient revenue to fund the emergency program. If OSM is not going to distribute the collected revenue to the states to fund the emergency program, it should discontinue collecting the revenue.

The NAAMLP urges Congress to once again include at least $21 million for the AML Emergency Program in OSM's FY 2009 budget and to direct the agency to continue this funding into the future in order to address the AML emergencies that require immediate action to abate the threat to the public health and safety. (Attached is a Resolution passed by the NAAMLP in support of this funding)

**Technology and Training**

The NAAMLP continues to support funding for OSM's National Technical Training Program (NTTP) and the Technical Innovation Professional Services Program (TIPS). The NTTP has been very successful in pooling resources from OSM, states and tribes to provide the necessary technical expertise and training needed to enhance the skills of state and tribal abandoned mine reclamation program staffs. TIPS is another successful partnership between OSM, states and tribes that provides the needed upgrades to computer software and hardware along with training and expertise in the computer technology field. Both of these programs need continued funding. The states and tribes also need funding in order to travel to training and to technology transfer events.

Thank you for the opportunity to present the NAAMLP perspective. Please contact me if the NAAMLP can provide more information in any way.

*Loretta Pineda*
*President, NAAMLP*
1313 Sherman Street, Rm 215, Denver, CO 80203
303-866-3819 loretta.pineda@state.co.us

NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

A Resolution Concerning Restoration of Funding for the AML Emergency Program

WHEREAS, The passage of the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87 (Title IV - Section 410) provided the Secretary of the U.S. Department of the Interior the authorization to expend moneys from the Abandoned Mine Land (AML) Reclamation fund for AML emergencies; and

WHEREAS, many states and tribes continue to have AML emergencies that annually cost millions of dollars; and

WHEREAS, prior to the proposed federal FY 2009 budget, the federal Office of Surface Mining has complied with Section 410 and funded all AML emergency program reclamation since the inception of SMCRA; and

WHEREAS, the President's proposed FY 2009 budget eliminates all funding for the AML Emergency Program and anticipates the elimination of AML Emergency Program funding in the future; and

WHEREAS, the elimination of federal funding for the AML emergency program would necessitate that state and tribal AML programs divert funding from non-emergency reclamation and AML waterline projects to fund emergencies; and

WHEREAS, the passage of the 2006 SMCRA Amendments (P. L. 109-432) did not include any language that would mandate or authorize the states and tribes to fund and/or take sole responsibility for the AML Emergency Program; and

WHEREAS, the 2006 SMCRA Amendments (P. L. 109-432) mandate the continued collection of sufficient revenue to cover necessary expenditures under Section 402 (g) (3), including emergencies;

NOW THEREFORE BE IT RESOLVED, that the National Association of Abandoned Mine Land Programs urges Congress to restore at least $21 million for the AML Emergency Program in OSM's FY 2009 budget and to direct the agency to continue this funding into the future in order to address the AML emergencies that require immediate action to abate the threat to the public health and safety.

Signed this 28th day of February, 2008

Loretta Pineda

LORETTA PINEDA, President

# State Engineer's Office

DAVE FREUDENTHAL
GOVERNOR

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PATRICK T. TYRRELL
STATE ENGINEER


March 13, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Attention: Outside Witness Testimony

Re: Support for Funding of $5,900,000 in fiscal year 2008 within the Bureau of Land Management's Soil, Water and Air Account Management Program for implementing Colorado River Salinity Control Program measures; Requesting the Specific Designation of $1,500,000 be spent on identified salinity control and salinity control-related projects and studies

Dear Chairman Dicks and Ranking Member Tiahrt:

This letter is sent in support of fiscal year 2009 funding for the Bureau of Land Management (BLM) for activities directly benefiting the Colorado River Salinity Control Program. The activities needed to control salts reaching the Colorado River system from lands managed by the BLM fall within that agency's Land Resources Subactivity – Soil Water and Air Management Program. We request $5,900,000 be directed to enhancing Colorado River water quality and to engage in land management activities that will accomplish salt loading reduction in the Basin.

Wyoming is a member state of the seven-state Colorado River Basin Salinity Control Forum, established in 1973 to coordinate with the Federal Government to assure maintenance of basin-wide Water Quality Standards for Salinity that have been in place for more than three decades. The Forum is composed of gubernatorial representatives who interact with the involved Federal agencies on the joint federal/state efforts to control the salinity of the Colorado River. The Forum annually makes funding recommendations, including the amount believed necessary to be expended by the Bureau of Land Management for its Colorado River Basin Salinity Control Program. Overall, the combined efforts of the Basin States, the Bureau of Reclamation, the Bureau of Land Management and the Department of Agriculture have resulted in one of the nation's most successful non-point source control programs.

The basin-wide water quality standards for salinity consist of numeric water quality criteria established and maintained at three Lower Colorado River points (Below Hoover Dam, Below Parker Dam and At Imperial Dam) and a plan of implementation describing the Program's components, including specific salinity control projects to remove salt from the River system. Pursuant to the Clean Water Act, the water quality standards for salinity are reviewed at least once each three years. At those intervals, the plan of implementation is jointly revised by the States and involved Federal agencies, including representatives of the Bureau of Land Management, to ensure that the planned actions are sufficient to maintain continuing compliance with the basin-wide Water Quality Standards for Salinity's numeric criteria.

Successful implementation of land management practices by the Bureau of Land Management to control soil erosion and the resultant salt contributions to the Colorado River system is essential to the continued success of the Colorado River Basin Salinity Control Program. The BLM's FY2009 Budget Justification document reports that the agency continues to implement on-the-ground projects, evaluate progress in cooperation with the Bureau of Reclamation and the Department of Agriculture and report salt-retaining measures in furtherance of implementing the plan of implementation. As noted in the testimony of the Colorado River Basin Salinity Control Forum (as submitted by Jack A. Barnett, the Forum's Executive Director), the Forum's member States, including the State of Wyoming, believe that fiscal year 2009 Soil, Water and Air Management Program funds should be used, in part, to continue efforts that will directly reduce salt contributions from BLM-managed lands within the Colorado River Basin, consistent with BLM's FY2009 Budget Justification document. At its recent October 2007 meeting, the Forum, in consultation with BLM officials, recommended that the U.S. Bureau of Land Management should expend $5,900,000 in fiscal year 2009 for salinity control. Accordingly, we request that the BLM be directed to expend from Soil, Water and Air Management Program funds not less than $5,900,000 for activities to reduce salt loading from BLM-managed lands in the Colorado River Basin in fiscal year 2009.

As one of the five principal Soil, Water and Air Program priorities identified by the BLM, projects directly accomplishing Colorado River salinity loading reductions should be funded. In the past, the BLM has used Soil, Water and Air Program funding for specific salinity control project proposals submitted to BLM's salinity control coordinator by BLM staff in the seven Colorado River Basin States. Through this competitive proposal consideration process, funds have been awarded to those projects having the greatest merit (as measured by their salt loading reduction and ability to quantify the salinity reduction that would be accomplished). The Colorado River Basin Salinity Control Forum's testimony to this Subcommittee requests designation of $1,500,000 for this purpose. As Wyoming's Forum members, we wish to advise that the State of Wyoming concurs in that request.

Through studying hundreds of watersheds in the States of Utah, Colorado and Wyoming, the collaborative efforts of the collective state/federal agencies and organizations working through the auspices of the Colorado River Basin Salinity Control Forum have selected several watersheds where very cost-effective salinity control efforts can be implemented without additional delay or study. In keeping with the Congressional mandate to maximize the cost-

effectiveness of salinity control, the State of Wyoming joins with the Forum in requesting that the Congress appropriate and the Administration allocate adequate funds to support the BLM's portion of the Colorado River Salinity Control Program as described in the adopted Plan of Implementation.

The State of Wyoming appreciates the Subcommittee's funding support of the Bureau of Land Management's statutorial responsibility to participate in the basin wide Colorado River Salinity Control Program in past years. We continue to believe this important basin-wide water quality improvement program merits funding and support by your Subcommittee.

Respectfully submitted,

| /s/ | /s/ |
|---|---|
| Patrick T. Tyrrell<br>Wyoming State Engineer<br>Member, Colorado River Basin<br>Salinity Control Forum | Dan S. Budd<br>Interstate Stream Commissioner<br>Member, Colorado River Basin<br>Salinity Control Forum |

PTT:js

cc: Representative Barbara Cubin
John Wagner, Wyoming Member, Colorado River Basin Salinity Control Forum
Jack A. Barnett, Executive Director, Colorado River Basin Salinity Control Forum

# USGS Coalition

**Testimony of the USGS Coalition**
Craig Schiffries and Robert Gropp, Co-Chairs

**Regarding the U.S. Geological Survey**
FY 2009 Budget Request

**To the U.S. House of Representatives**
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
March 13, 2008

**Summary**

The USGS Coalition appreciates the opportunity to submit testimony in support of increased appropriations for the United States Geological Survey (USGS) for fiscal year (FY) 2009. We continue to believe that the USGS budget request is below the amount required to ensure the long-term vitality of the agency. The USGS Coalition urges Congress to increase the budget of the U.S. Geological Survey to $1.3 billion in FY 2009.

*The USGS Coalition is an alliance of 70 organizations united by a commitment to the continued vitality of the unique combination of biological, geographical, geological, and hydrological programs of the United States Geological Survey. The Coalition supports increased federal investment in USGS programs that underpin responsible natural resource stewardship, improve resilience to natural and human-induced hazards, and contribute to the long-term health, security and prosperity of the nation.*

The USGS plays a crucial role in protecting the public from natural hazards sueh as floods and earthquakes, assessing water quality, providing emergency responders with geospatial data to improve homeland security, analyzing the strategic and economic implications of mineral supply and demand, and providing the science needed to manage our natural resources and combat invasive species that can threaten agriculture and public health. The USGS is working in every state and has nearly 400 offices across the country. To aid in its interdisciplinary investigations, the USGS works with over 2,000 federal, state, local, tribal and private organizations.

**Funding Shortfall**

The President's FY 2009 budget request for the USGS is $969 million, which is $38 million or 4 percent below the FY 2008 enacted budget. The USGS budget has declined in real dollars for seven consecutive years and it would decline for an eighth year if the FY 2009 budget request were enacted (Figure 1).

In real terms, funding for the USGS is currently at its lowest level since FY 1996, when the National Biological Service was integrated into the USGS (Figure 1). The decline in funding for the USGS during this time period would have been greater if Congress had not repeatedly restored proposed budget cuts. By contrast, overall federal funding for research and development has increased significantly in real terms since FY 1996.

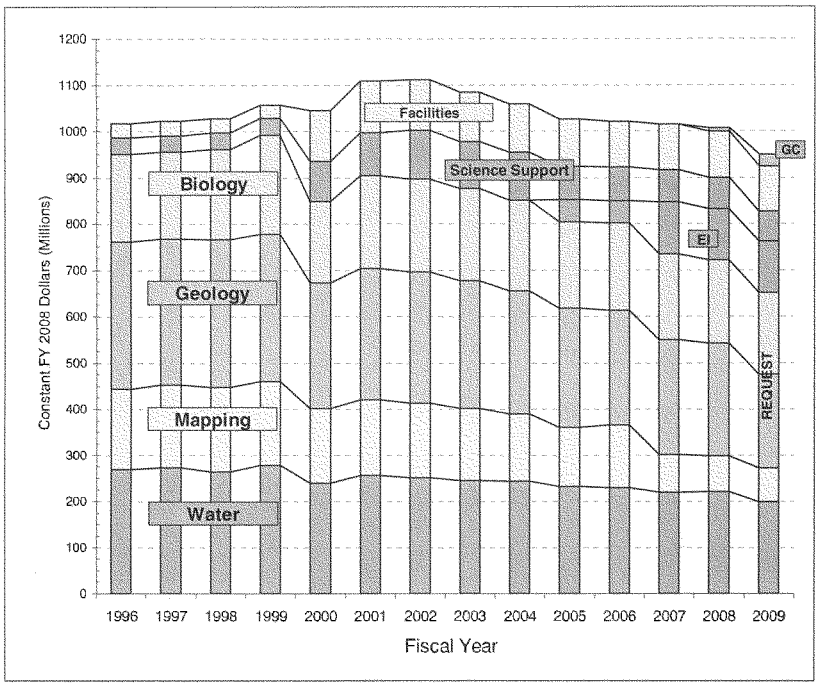


Figure 1. USGS funding in constant dollars, FY 1996 – FY 2009. EI is Enterprise Information and GC is Global Change. Source: USGS Budget Office.

Over the past several years, natural hazards have negatively affected communities across the country, including flash floods and forest fires in California, and hurricanes in Florida and the Gulf Coast region. Forest fires burned a total of 9,321,326 acres of land in the United States in 2007. These fires are not limited to western states. Virginia experienced a 16 percent rise in wildfires. Since an earthquake generated a tsunami that caused approximately 230,000 fatalities near the Indian Ocean in 2004, people around the globe have a greater awareness and appreciation of the need to improve environmental monitoring, forecasting, and warning systems that can prevent natural hazards from becoming natural disasters

Providing the information necessary to mitigate the impacts of natural disasters is a core function of the USGS. It operates seismic networks and conducts seismic hazard analyses that are used to formulate earthquake probabilities and to establish building codes across the nation. The USGS monitors volcanoes and provides warnings about impending eruptions. Data from the USGS network of stream gages enables the National Weather Service to issue flood warnings. The USGS and its Federal partners monitor seasonal wildfires, provide maps of current fire locations and the potential spread of fires. Research on ecosystem structure and function assists forest and

rangeland managers with forecasting fire risk and managing natural systems following fires. The USGS plays a pivotal role in reducing risks from floods, wildfires, earthquakes, tsunamis, volcanic eruptions, landslides and other natural hazards that jeopardize human lives and cost billions of dollars in damages every year.

Equally important, the USGS plays a critical role in bioinformatics and managing natural resources, essential to our economy, security, and environment. Baseline data about our nation's biology and how it is changing is needed to understand and address climate change. The USGS provides fundamental scientific data that informs management of natural resources (*e.g.*, data for Fish and Wildlife Service on polar bear populations), control of invasive species (*e.g.*, snakehead fish, zebra mussels, and tamarisk) and monitoring of wildlife diseases (*e.g.*, Highly Pathogenic Avian Flu, Chronic Wasting Disease) that can cause billions of dollars in agricultural losses.

The USGS is uniquely positioned to address many of the nation's environmental and security challenges, including energy independence, climate change, water quality, and conservation of biological diversity. Efforts to make the nation more energy-independent requires recurring USGS assessments of previously unexploited mineral and emerging energy resources, including geothermal resources, and renewable energy sources such as biofuels.

USGS research that spans the biological, geological, geographical, and hydrological sciences are essential for understanding potential impacts that could result from global climate change or from land management practices. These studies provide critical information for resource managers as they develop adaptive management strategies for restoration and long-term use of the nation's natural resources.

Greater investment in the USGS is required. This investment could be used to strengthen USGS partnerships, improve monitoring networks, produce high-quality digital geospatial data and deliver the best possible science to address societal problems and inform decision-makers.

**USGS Budget Request**

The USGS Coalition urges Congress to increase the budget of the U.S. Geological Survey to $1.3 billion in FY 2009, which is necessary for the agency to continue providing critical information to the public and to decision-makers at all levels of government. The budget increase recommended by the Coalition would enable the USGS to restore the science cuts proposed in the budget request (*e.g.,* substantial reductions in the Mineral Resources program, Water Resources Research Institutes, National Water-Quality Assessment Program, earthquake hazards research grants, Toxic Substances Hydrology program, and National Biological Information Infrastructure), accelerate the timetable for deployment of critical projects (*e.g.,* the National Streamflow Information Program and the multi-hazards initiative), and launch science initiatives that address new challenges.

The President's FY 2009 budget request would cut funding for the USGS by approximately $38 million or 4 percent to $969 million compared with the FY 2008 enacted budget of $1.006 billion. The USGS budget request would provide funding for several initiatives, including Water

for America, Ocean and Coastal Frontiers, Healthy Lands, and Birds Forever. These initiatives deserve the support of Congress.

The USGS budget request would cut $24.6 million from the Mineral Resources program, a decrease of 48 percent that would decimate the program and necessitate buyouts of hundreds of federal workers. The budget request would also eliminate all funding ($6.3 million) for the Water Resources Research Institutes, which are located in all 50 states. Congress has repeatedly rejected similar proposed cuts to these programs in recent years and we urge Congress to reject these proposed cuts again this year.

The President's budget request for FY 2009 also proposes large cuts in other programs, including a $9.8 million reduction in the National Water-Quality Assessment Program, a $3 million cut in extramural research grants on earthquake hazards, a $3 million reduction in the Toxic Substances Hydrology program, and a $2.9 million cut in the National Biological Information Infrastructure (NBII). The proposed cut in the NBII would result in a 70 percent reduction over three years, significantly impairing the agency's core capacity to provide access to high quality, integrated biological data that informs resource management decisions. The budget request also includes many smaller budget cuts. We encourage Congress to restore these cuts, but this funding should not come at the expense of other high priority programs elsewhere in the USGS budget.

The USGS Mineral Resources program is an essential source of unbiased research on the nation's mineral resources. This guidance is important to reduce the environmental impacts of mining and to maintain the growing value of processed materials from mineral resources that account for approximately $500 billion in the U.S. economy. The proposed cuts would terminate multidisciplinary research that has important implications for public health (such as studies on mercury, arsenic and other inorganic toxins), environmental protection, infrastructure, economic development, and national security.

In addition to restoring proposed program cuts, we encourage Congress to consider additional increases that would enable the USGS to meet the tremendous need for science in support of public policy decision-making. More investment is needed to strengthen USGS partnerships, improve monitoring networks, implement important bioinformatics programs, produce high-quality digital geospatial data, and deliver the best possible science to address societally important problems. The USGS has a national mission that directly affects all citizens through natural hazards monitoring, water resource studies, biological and geological resource assessments, and other activities.

The USGS Coalition is grateful to Congress for its leadership in restoring past budget cuts and strengthening the U.S. Geological Survey. Thank you for your thoughtful consideration of our request. For additional information or to learn more about the USGS Coalition, please visit www.USGScoalition.org or contact co-chairs Robert Gropp of the American Institute of Biological Sciences (rgropp@aibs.org) or Craig Schiffries of the Geological Society of America (cschiffries@geosociety.org).

**TESTIMONY**
**House Appropriations Subcommittee on Interior and Related Agencies**
**Fiscal Year 2009**
**Submitted by Cathy Liss, President**
**March 13, 2008**

The Animal Welfare Institute (AWI) respectfully requests that the House Appropriations Subcommittee on Interior, Environment and Related Agencies appropriate **a total of $82.1 million to the U.S. Fish and Wildlife Service (FWS) including an additional $45 million to increase and expand activities of the Office of Law Enforcement, $26 million for special agents, $3.1 million for ports of entry, $4 million for the Clark R. Bavin National Fish and Wildlife Forensics Laboratory and $4 million for the Multinational Species Conservation Fund**. The President's FY09 proposed budget falls far short of providing the funds needed by agencies within the Department of the Interior to protect, preserve, recover and manage America's wildlife, including threatened and endangered species, as required by law and by their public trust obligations to the American people. AWI also asks Congress to reign in the Bureau of Land Management (BLM) by including language preventing funds to be used for the implementation of the BLM's wild horse program's sales authority language.

**Office of Law Enforcement**: A seeming increase for this function in the President's budget is actually a decrease when higher uncontrollable and fixed costs are taken into account. AWI requests that an additional $45 million dollars be allocated to the FWS to increase and expand the activities of its Office of Law Enforcement (OLE) in its critical role of combating wildlife crime. The OLE investigates both domestic and international wildlife crimes that involve the transgression of over a dozen federal wildlife and conservation laws. Though it is well known that the illegal trade in wildlife and wildlife products is second only to the trade in narcotics in terms of revenue generated globally, and despite the fact that the U.S. remains a source of or destination for much of this contraband, the OLE has consistently been underfunded and understaffed and, thus, shortchanged in its efforts to combat this illegal trade.

The FWS has cut its covert wildlife crimes investigation unit in half. Yet, given the severity of the illegal wildlife trade problem and the inherent underground nature of the trade, covert investigations are essential for enforcing wildlife laws and identifying, capturing, and prosecuting those responsible for wildlife crimes. The OLE and its employees cannot effectively enforce federal wildlife laws without a covert investigations unit. Congress must direct the Secretary of the Interior to reinvigorate the OLE, including its covert investigations unit and provide the funding necessary to restore the OLE as the preeminent wildlife law enforcement organization in the world.

**FWS Special Agents:** Wildlife law enforcement agents perform what is consistently ranked as one of the most dangerous jobs as they attempt to fulfill their mandate to protect our wildlife heritage. In FY07, FWS agents pursued over 12,000 investigations resulting in over $14 million in fines, 32 years of jail time for the perpetrators, and 557 years of probation. FWS cases documented illegal trafficking in U.S. leopard sharks, coral reef organisms, live reptiles, and paddlefish. On the global front, agents broke up smuggling rings dealing in sea turtle skins and products from Mexico and sea turtle shell from China. They snared smugglers dealing in over

$540,000 worth of sperm whale teeth and sent individuals trafficking in endangered live eagle owls eggs to prison.

Despite these impressive statistics, the illegal trade in wildlife and wildlife products continues to imperil wildlife species in the U.S. and around the world. The ability of the OLE to expand its efforts to combat this trade requires far greater funding than what has been proposed in the FY08 budget.

Currently, there are only 191 FWS agents responsible for the enforcement of federal wildlife laws throughout the entire U.S. This number is 11 fewer than in FY07, which was 16 fewer than existed in 2006. ***There are 70 agent vacancies.*** Filling these vacancies is essential to protecting wildlife and stemming the increasing threat of illegal trade. AWI respectfully requests an additional $14 million ($200,000 each) to fill these 70 agent vacancies and an additional $12 million to ensure sufficient operational funds for the existing agents and for those hired in the future.

**Port Inspectors:** Given the events of September 11, 2001, and the recent scrutiny applied by Congress on the security of U.S. ports, the value of FWS inspectors should be indisputable. In addition to being the first and only line of defense against the illegal import of protected wildlife and wildlife products into this country, FWS inspectors along with their colleagues from the U.S. Coast Guard, Department of Homeland Security, and other agencies involved in port inspections, represent America's best hope of intercepting bioterrorism agents or items that may represent a security threat to America. Often contraband is hidden in the body cavities of wildlife or in their transport containers; who except FWS wants to look inside the box of a poisonous snake or other dangerous animal?

Though it may be hard to see that thwarting an illegal shipment of wildlife is as important as thwarting an illegal shipment of weapons, wildlife pose much greater risks to America due to the potential for the wildlife to be vectors for non-native diseases or insects that could pose a threat to public health (e.g. avian flu), domestic wildlife health, domestic livestock health (e.g. Newcastle's disease, foot and mouth disease), or to our native flora. A recent news report noted that "five of the six diseases the [CDC] regards as top threats to national security are zoonotic…." Because legal shipments, which amounted to 650 million animals in the last three years, are not screened properly, Americans are left "vulnerable to a virulent disease outbreak that could rival a terrorist act." [1] Couple the threats from the legal trade with those from the illegal trade, including the surge in the amount of bushmeat entering the country, and the potential for catastrophe is mind boggling.

The North American Free Trade Agreement has exacerbated the problem through increased movement of wildlife and wildlife products across the U.S. border with Mexico. Such contraband includes highly endangered neotropical parrots, cacti, reptiles, and exotic wildlife leather products. The U.S. border with Canada is a conduit for the illegal import of a variety of international species including the Asian arowana fish, the rare Madagascar radiated tortoise, and protected corals and domestic species including black bear gall bladders, bald eagle parts, and other wildlife products. The current lack of sufficient operational funds for the FWS port inspection program weakens FWS efforts to promote the conservation of species of international concern, to protect all natural resources, and to sustain biological processes. The virtually unregulated smuggling of parrots not only has put new pressure on Western hemisphere parrot species, 30 percent of which are already on the brink of extinction, but also presents a disease

[1] ("Imports of exotic animals mean health risks," AP, Nov. 27, 2006).

transmission risk to the U.S. poultry industry and native U.S. birds. The illegal import of parrots into California has been linked to an outbreak of Newcastle's disease in that state. Moreover, smugglers are dealing in both illegal wildlife and illegal aliens. For example, a cooperative investigation by FWS, Immigration and Customs Enforcement (ICE), and the U.S. Coast Guard documented the smuggling of illegal aliens and live Clarion angelfish from Mexico. A Los Angeles man was sentenced to 46 months in federal prison and ordered to pay a $60,000 fine.

In FY07, Service wildlife inspectors processed over 179,000 wildlife shipments entering or leaving the United States. An example of how understaffed the FWS port inspection staff may be can be found at the U.S./Canada border crossing at Blaine, Washington, where a single inspector is responsible for inspecting all imports even though that point of entry has experienced a 45 percent increase in the number of wildlife shipments in the past decade. Clearly, then, to protect domestic and international wildlife and to secure our borders, Congress must provide the funding to hire and train a sufficient number of FWS inspectors to ensure round-the-clock coverage at each designated U.S. port of entry. $3.1 million is requested for the ports of entry.

**The Clark R. Bavin National Fish and Wildlife Forensics Laboratory:** The FWS forensic laboratory is a key resource used by FWS investigators and inspectors for prosecuting wildlife crimes. It uses complex tests and tools to identify wildlife products as to species, determine cause of death, and make other findings critical to a successful legal case. All such findings must adhere to exacting evidentiary standards to be used in court, thus increasing the cost of testing each sample. Due to an increasing backlog of samples, the lab is running several months behind in its casework, causing FWS investigators, inspectors, and federal prosecutors to wait longer to continue their investigations or initiate prosecutions. The new protocols that will be needed in the crackdown on shark finning will only worsen this problem. This lab is the only such facility in the world and it has historically aided the fish and game departments of all 50 states and the 162 CITES countries. But the backlog jeopardizes this cooperation and has forced it to stop accepting samples from state and international wildlife investigators, weakening the longstanding partnerships supporting cooperative conservation efforts in this country and around the world. The backlog is largely a product of staffing shortages. These shortages, combined with a loss of expertise when seasoned veteran forensics experts retire before new experts are trained, threaten our ability to help solve wildlife crimes. To reduce both these staffing shortages and existing analytical workload and backlog, $4 million is requested for the lab. Such funds would allow for the construction of a new 8,000 square feet building to house the lab's critical comparison standards collection ($1.1 million), the hiring of six forensic scientists (forensics branch chief, senior plant morphologist, and four forensic examiners in the areas of birds, reptiles, plants, and analytical chemistry), four new technicians, and much needed spending on training, travel, equipment and supplies.

**Wild Horse and Burro Act:** With more wild horses and burros now in captivity than on the range, the BLM continues to use virtually its entire budget simply to remove and warehouse wild horses and burros without the scientific data to justify its actions. This, despite the fact that numerous herds have already been eliminated and many others are currently managed at population targets that seriously jeopardize their genetic health and viability.

To make matters worse, the BLM has embraced the devastating "Burns" amendment, which altered the Wild Free-Roaming Horse and Burro Act of 1971 to require the sale of certain wild horses and burros without restriction. With no legal authority to protect these horses once

sold under the changed law, they can be re-sold for slaughter -- the very thing that prompted Congress to act to protect wild horses over 30 years ago.

AWI therefore respectfully requests that Congress instruct the BLM that, until such time as the agency either finds qualified adopters for those animals now being held and/or returns significant numbers of animals to suitable herd areas (particularly those from which all wild horses and burros have been removed or whose populations are not self-sustaining), that no funds be used to conduct further round-ups, particularly in the absence of sound census data to support such actions.

In addition, we request that Congress instruct the BLM to use its statutory authority to explore the potential for further designating and maintaining specific ranges on public lands as sanctuaries for the protection and preservation of wild horses and burros as provided in the Wild Free-Roaming Horse and Burro Act of 1971.

Finally, we urge Congress to insert into the FY08 House Interior Appropriations bill the following language:

> *"None of these funds shall be used to implement or carry out Sec. 1333(e) – Sale of excess animals – of the Wild Free-Roaming Horse and Burro Act of 1971".*

**Yellowstone Bison:** The National Park Service/Yellowstone National Park (NPS/YNP) is the lead agency in a failed cooperative state/federal bison management plan that, since 2000, has resulted in the unnecessary killing of nearly 3,000 park bison. Yellowstone bison represent the last continuously free-roaming herd of bison in the United States. They are of immense scientific, aesthetic, and spiritual value to millions of people from around the world. The current bison management plan has cost the American taxpayer up to $3 million per year since it was implemented in 2000 yet the three-step plan has failed to progress beyond step 1. In addition, though based on the concept of adaptive management, the plan has not been substantively adapted despite compelling new evidence documenting the existence of at least two genetically distinct bison subpopulations in the park. By ignoring this new evidence, the agencies, led by the NPS, may be permanently and adversely impacting the genetic health and viability of park bison as a result of their relentless lethal management efforts. During the current winter, nearly 1,300 bison have been killed or are awaiting slaughter. Of this total, nearly 940 have been captured inside YNP by the NPS. To prevent the ongoing misuse of federal taxpayers' dollars and to protect park bison from the very agency that is mandated to conserve and protect park wildlife, AWI respectfully requests that Congress include language in the FY09 Interior Appropriations bill to specify that **no federal funds are to be used by the NPS for the purpose of killing or participating in the killing of YNP bison.**

**Multinational Species Conservation Fund:** Since 1988, the U.S. Congress has made clear its commitment to global conservation efforts through the passage of a number of funds to benefit specific species. These funds include the African Elephant Conservation Fund, the Asian Elephant Conservation Fund, the Rhinoceros and Tiger Conservation Fund, and the Great Ape Conservation Fund. To address these problems, AWI respectfully requests that Congress appropriate an additional $4 million above the President's request for each of these funds.

**Testimony of Joanna Wolaver, Government Relations Director,**
**Regarding the National Wildlife Refuge System**
**To the House Appropriations Subcommittee on Interior, Environment,**
**and Related Agencies**
**March 13, 2008**

My name is Joanna Wolaver, Government Relations Director of New Jersey Audubon Society. On behalf of NJAS and its over 23,000 members from across the state of New Jersey, thank you for the opportunity to provide testimony on this issue of great concern, the vital need to expand funding to operate and maintain the National Wildlife Refuge System.

New Jersey Audubon Society is an independent, non-profit organization, whose mission is to foster environmental awareness and a conservation ethic; protect New Jersey's animals and plants, especially endangered and threatened species; and promote preservation of valuable natural habitats. To this end, we maintain 34 sanctuaries and conduct programs at ten staffed facilities across the state.

New Jersey's National Wildlife Refuges – Cape May, Supawna Meadows, Edwin B. Forsythe, Great Swamp and Wallkill River – play a critical role in protecting our state's rich biodiversity, safeguarding our natural resources and providing recreational opportunities for our residents. However, New Jersey's refuges are increasingly vulnerable to threats as spreading invasive species crowd out native species, and encroaching development degrades water and habitat quality. Off road vehicle use and other illegal activities also harm wildlife and their habitat. As the conservation needs grow, so do the operational expenditures related to rising salary and benefit costs, fuel and electricity, as well as greater public use and recreation. New Jersey refuges can no longer keep pace.

Sustained budget cuts threaten New Jersey's ability to provide habitat for millions of migratory birds and hundreds of animals, including endangered and threatened species, in our rapidly developing state. They also threaten the many quality of life and economic benefits the refuges provide to New Jersey's residents.

As the most densely populated state in the union, preservation of open space is a critical and on-going issue in New Jersey. Currently, New Jersey has only 3 percent federal landownership, including the five national wildlife refuges, totaling 72,500 acres. Three refuges are located in Southern New Jersey -- Cape May, Supawna Meadows and Edwin B. Forsythe. And two are located in Northern New Jersey -- Great Swamp and Wallkill River.

Due to recent funding cuts, New Jersey refuges are being forced to take drastic steps to meet their budgets. Supawna Meadows and the Barnegat division of Forsythe are now unstaffed; and Wallkill has lost all but one staff person. These staffing losses not only impact these particular refuges, but also surrounding refuges, whose staff are spread even thinner in an effort to cover minimum security and management needs at the unstaffed refuges.

My goal is provide you with specific examples of the impacts of these funding cuts and staff losses on these refuges and the over 600,000 citizens that visit them each year. The National Wildlife Refuge's mandate to protect and enhance our most valued wildlife and habitats has already been compromised. Ensuring healthy populations of fish, wildlife and plants requires active management. Without sufficient biological staff, refuges will be unable to sustain, restore and enhance these populations, many of which are listed as endangered and threatened.

Invasive species already pose a direct threat to refuges in New Jersey and across the county; and this threat will only worsen as refuges are forced to end or sharply reduce existing removal programs. Invasive species, such as Tree of Heaven (China sumac), purple loosestrife and Phragmites (common reed), if uncontrolled, regularly displace native plants and animals, often leading to the complete degradation of native habitat that supports wildlife.

The management of healthy habitats at our refuges is particularly vital to the survival of rare species as these areas safeguard some of the last remaining critical habitat in our densely developed state. The refuges must take leadership role in protecting these areas from the threat of invasives in order to ensure the survival of these species – this work, of course, cannot be done without sufficient funds and staff.

To provide a specific example, at Supawna Meadows, a refuge that has been destaffed under the current proposal, a significant investment has been made over the past five years to address the spread of Phragmites and encourage a greater diversity of plant species to attract native wildlife. This effort has involved mechanical removal, aerial and ground spraying, and prescribed burning to the tune of tens of thousands of dollars a year. However, due to loss of staff, this effort will be severely limited just as biologists are beginning to see positive results. This not only means a loss of benefits to native wildlife, but also the loss of a significant investment by the federal government. In essence, the federal government will have incurred most of the costs and will receive none of the benefits of the invasive species eradication program.

In addition, funding cuts will limit Wallkill's ability to control purple loosestrife and Phragmites, which have taken over many refuge wetlands, resulting in the degradation of habitat of the threatened bog turtle and migratory waterfowl.

It is particularly important to note that by destroying native ecosystems, the uncontrolled spread of invasives limits opportunities for wildlife-dependent recreation. Unable to provide healthy wildlife populations, refuges will see a loss of visitors whose activities depend on the presence of these species, such as wildlife-watchers, hunters, fishermen and others.

Here are a few examples of what visitors to New Jersey's destaffed and underfunded refuges may encounter:

- Visitors will face the closure of welcome centers and a sharp reduction, if not entire elimination, of educational programs at Wallkill and Forsythe refuges.
- Fewer funds will also lead to a decline in the number and quality of viewing platforms and other infrastructure necessary for enjoying the wildlife at our refuges.
- Outreach materials, such as brochures and maps, will become outdated.
- Due to the loss of maintenance staff, Supawna Meadows will reply on volunteers to maintain public use trails. If they are unable to properly maintain them to ensure safety, trails will be closed and public access to certain areas will be lost.
- At Wallkill, trails will be mowed only half the time leading to overgrowth of plants; the river will no longer be patrolled, and trees will not be cleared to allow for canoe passage.
- Hunting opportunities will also decline in quality. Forsythe will move towards a less controlled hunt with fewer law enforcement officers, and Wallkill will double its hunting fees.
- The shortage of law-enforcement officers will make it difficult to enforce safety regulations and protect refuge visitors, leading to a dramatic increase in illegal activities, including ATV use, vandalism, illegal trash dumping and unregulated hunting.

In short, as a result of funding cuts, the over 600,000 hunters, fishermen, wildlife-watchers, parents and children that visit New Jersey's refuges each year will notice a decline and even complete loss of opportunities to experience wildlife-dependent recreation.

A reduction in the quality and quantity of opportunities for these activities at our refuges will harm state and local economies that depend on dollars spent by refuge visitors at local shops and restaurants. Wildlife-related recreation is a $4 billion industry in New Jersey. Each year, over 2.4 million residents and visitors participate in fishing, hunting and wildlife-watching activities at our refuges and other destinations across the state. These activities create 37,000 jobs, generate $2.5 billion in retail sales and nearly $170 million in sales tax revenue annually. The proposed budget cuts threaten this significant and vital part of New Jersey's economy.

In addition to hurting local and state economies, destaffing and insufficiently funding our national refuges is an irresponsible management of federal investments. As I mentioned earlier, significant investments have been made in invasive species and other management programs. These investments will be lost as programs are reduced and in some places ended – representing a waste of hundreds of thousands of previously invested dollars.

To provide another specific example, a two-year old office closed its door to the public at Supawna Meadows and concern exists as to whether or not there are sufficient funds to provide minimal security and maintenance at the facility in the coming years. This building sitting empty and unmaintained not only represents a lost opportunity for our citizens, but also a poor use of tax payer dollars.

Lastly, due to funding cuts, the System is not only unable to maintain existing refuge land and allow citizens to enjoy it, but is severely limited in its ability to expand our refuge system. For example,

Cape May National Wildlife Refuge, which is under extreme pressure from encroaching development, will be unable to expand and protect surrounding wildlife and habitat. As our state continues to develop at a rapid rate, expansion of our currently limited natural areas will be critical to protecting open space, safeguarding habitat for the wildlife they are intended to protect, and providing opportunities for public recreation.

In conclusion, I would like to point out that New Jersey residents have long championed the critical role our refuges play in the future of conservation in our state. No other lands – private, local, state, or other federal lands – can fulfill the same purpose. To leave our children the legacy of abundant opportunities to engage in wildlife-related recreation, we must act now to meet the threats to native wildlife and plant species and the habitats on which they depend.

On behalf of New Jersey Audubon Society and its members as well as the over 600,000 annual visitors to our state's refuges, I appreciate your consideration and thank you for the opportunity to provide testimony.

Please contact me at 609-392-1181 or joanna.wolaver@njaudubon.org with any questions or for more information.

**Written Testimony of Nancy Menasco, President**
**Red River Refuge Alliance, Inc.**
**On Behalf of the Red River National Wildlife Refuge, Louisiana**
**House Appropriations Subcommittee on Interior, Environment, and Related Agencies**
**March 13, 2008**

Chairman Dicks and Members of the Subcommittee:

I wish to thank you for providing the opportunity to testify regarding the FY09 appropriations for the National Wildlife Refuge System. On behalf of the over 100 members of the Red River Refuge Alliance, the friends organization that supports the Red River National Wildlife Refuge in northwestern Louisiana, we request that the Subcommittee support an overall funding level of $514 million for the operations and maintenance budget of the National Wildlife Refuge System.

The National Wildlife Refuge System (NWRS) is vitally important to our nation's wildlife and provides unparalleled opportunities to hunt, fish, watch wildlife, and educate children about the environment. Our 548 refuges encompass almost 100 million acres; without increased funding, wildlife conservation and public recreation opportunities will be jeopardized. The NWRS suffers from a $3.5 billion operations and maintenance funding backlog. This backlog will only grow larger if current funding levels continue. While refuges received a substantial $39 million increase for FY08, this funding level when adjusted for inflation still does not equal that of the refuge system centennial year of 2003. Because of this, refuges such as Red River struggle to meet basic wildlife conservation objectives. Funding shortfalls have led to downsizing of the refuge system workforce, the decline of refuge habitats and wildlife populations, aging facilities and infrastructure, the cancellation of many of the refuge system's public use programs, and increased crime on our public lands. Some refuges have been forced to close their doors to the public. Others have lost their onsite refuge managers. In many cases, one refuge manager has the responsibility for managing the operations and maintenance of multiple, often far-flung, refuges.

According to the U.S. Fish and Wildlife Service's 2007 *Banking on Nature* report, nearly 35 million people visited national wildlife refuges in the lower 48 states in FY 2006, generating over $1.7 billion of sales in regional economies and $185 million in tax revenues and supporting over 27,000 private sector jobs and almost $543 million in employment income. This economic benefit is almost four times the amount appropriated to the Refuge System in FY 2006. Eighty-seven percent of all refuge visitors travel from outside the local area. These visitors contribute to the local economy through patronage of local hotels, restaurants, outfitters, and gas stations, to name just a few examples. Refuges as local economic engines are especially important in Louisiana, the sixth poorest state in the nation, according to the most recent information from the U.S. Census Bureau.

Our refuges are much more than economic engines and their value can't be measured in purely economic terms. In a world where development continues to encroach on what remains of our wild places, refuges provide havens for wildlife and places of peace and beauty where people can go to renew their spirits.

Our own refuge, the Red River National Wildlife Refuge, was created by Congress at the request of local citizens and the Act creating it was signed into law on October 13, 2000. The refuge was established on August 22, 2002. According to the legislation, the refuge shall consist of approximately 50,000 acres of Federal lands and waters. To date, only one fifth of the total area authorized, or approximately 10,000 acres, has been acquired. These lands were made unprofitable for agriculture due to the construction of the Locks and Dams on the Red River which raised the water table in low-lying adjacent farms. Continuation of the land acquisition process seems the fair thing to do for the land owners who are willing sellers to the refuge system. Tax increases were imposed on land owners adjacent to the waterway to fund many waterway improvement projects, due to the increased value of the land. The longer funding is delayed for the remaining authorized acreage, the more costly these acquisitions will be.

Situated at the confluence of the Central and Mississippi Flyways, Red River NWR is the only refuge located in northwestern Louisiana, serving an area with a population of over 500,000 people. The Congressionally mandated purpose of the Red River NWR is to provide for the restoration and conservation of native plant and animal communities on suitable sites in the Red River basin; provide habitat for migratory birds; and provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife.

Currently, the refuge consists of four management units: Headquarters in Bossier Parish, Bayou Pierre in Red River Parish, and Spanish Lake Lowlands and Lower Cane River in widely separated corners of Natchitoches Parish. These four separate noncontiguous units are spread out along 100 miles of the Red River. The North Louisiana Refuges Complex that provides additional support for our refuge is 100 miles from the closest refuge unit of the Red River NWR and 200 miles from the farthest unit. All this presents major logistical and maintenance challenges for Red River's refuge manager, challenges that have been magnified by the lack of funding for any additional personnel for the refuge. Recently, our refuge manager took a position in the FWS Southeast Regional Office and Red River Refuge currently has no staff at all until a new manager is selected. This situation, coupled with the limited resources of the Complex, which must provide support for four other refuges in the northeastern part of Louisiana, means that needed wildlife habitat maintenance and restoration, infrastructure maintenance, and visitor services projects are suffering.

The Red River Refuge Alliance, which I am honored to serve as President, is one of more than 230 refuge Friends groups, representing over 40,000 individuals throughout the United States who provide volunteer support for the U.S. Fish and Wildlife Service (FWS) and the National Wildlife Refuge System. The Alliance's members are dedicated wholeheartedly to the Red River National Wildlife Refuge and its mission. Our former refuge manager often worked many hours above and beyond what was required of him, including working weekends and on his day off, to carry out the mission of the refuge. We supported him in his efforts in any way we could as we will continue to do with his successor. To that end, we have contributed major financial support and manpower for the complete renovation of a building on the refuge for use as a temporary office and visitor center at the Headquarters unit of the refuge. We have contributed significant volunteer hours cleaning and landscaping a farm house on the Bayou Pierre unit of the refuge. We conduct bird surveys on the refuge; conduct outreach and environmental education in the local community on behalf of the refuge, and sponsor and staff public events on

the refuge. One of our members spent many hours last year repairing and maintaining the irrigation system, water control structures, and refuge moist-soil impoundments that provide resting areas for waterfowl and wading birds.

Friends groups can only do so much; the refuge cannot operate efficiently if it is too dependent on volunteer labor and outside funding. In order to provide the support and management needed to provide visitor services and wildlife protection at Red River, there is currently a need to secure sufficient, permanently assigned personnel. The personnel needs of the refuge include an administrative assistant, an assistant refuge manager, an outdoor recreation specialist, a wildlife biologist, a refuge law enforcement officer, an engineering equipment operator, and a maintenance worker. In contrast with its needs, Red River has been operating with a staff of one, the refuge manager, who has had the sole responsibility for caring for the refuge's widely distributed 10,000 acres.

Because of this, many programs necessary to carry out the mandates of the refuge have not been possible or have not been able to be implemented on a timely basis. For example, active moist-soil management for the benefit of wintering waterfowl and other birds that utilize this type of habitat has not been attainable to date. Currently, grain production is used to address the shortages to effectively manage moist-soil habitat on the Lower Cane River unit. Under current funding/staffing limitations, cooperative farming is the only option available to the refuge to produce crops. Cooperative farmers for the Spanish Lake Unit and the Bayou Pierre Unit have not been located. These units both have moist-soil impoundments and the refuge does not have the funding to plant without assistance from local farmers. .

The earliest explorers of the Red River Valley characterized the area as a floodplain forest rich in biological diversity. Over a period beginning in the late 1700's and early 1800's, some of this forest was gradually cleared. Then, in the 1960's and 1970's, mass clearing of marginal bottomlands took place to make way for agriculture, mostly soybeans. Most of the land that is now part of the Red River NWR consists of these degraded former agricultural lands, some of which have already been replanted in bottomland hardwood trees through carbon sequestration partnerships. This renewed forest on refuge lands will remove carbon from the atmosphere, providing cleaner air, in addition to providing shelter and food for refuge wildlife. New funding is necessary to continue the reforestation where appropriate and to restore other types of natural habitat on refuge land, including native prairies, which once grew in lush abundance. .

Invasive species control has been instituted but without personnel and funding for adequate and consistent control, invasive species, such as Chinese tallow trees and kudzu, will continue to crowd out native vegetation, resulting in habitat degradation. Ongoing biological monitoring is needed to protect and preserve native species of flora and fauna on the refuge and the FWS has partnered with local universities to conduct biological studies on the refuge.

The Red River National Wildlife Refuge is located at the confluence of the Central and Mississippi Flyways and, as such, is part of a corridor of public and private lands and waters throughout Louisiana that provides critical stopover habitat for migrating birds. It is estimated that as many as half of all land birds that breed in eastern North America pass through Louisiana during migration. Habitat loss is the primary factor in the decline of both migratory and resident

birds. Without funding for native plant community restoration and preservation and control of invasive species, the refuge might fail in its mission to provide habitat for these birds.

Refuge roads and the area around buildings must be mowed regularly and hundreds of acres of moist-soil impoundments must be mowed and/or bush hogged annually so that willows will not grow up in the impoundments; in 2007 this was able to be accomplished only with the major assistance of a volunteer and the impoundments had to be flooded for the fall influx of wintering waterfowl area with an incomplete job. This will make the 2008 maintenance work more difficult because the willows are capable of surviving flooding and will be a year older.

There are currently no facilities open for public use on Red River NWR; however, funding has been secured to build an education and visitor center at the Headquarters unit. This facility will be located within the Shreveport-Bossier metropolitan area with an estimated population of almost 400,000 people, and has the ability to attract thousands more annually because of its convenient location near the convergence of two interstate highways. The center is planned to be an educational resource for all visitors and especially school children to learn about, experience, and appreciate the unique Red River Valley and the natural world. The center with associated nature trails and other visitor amenities is expected to be completed by late 2010. Without increased funding for operations and personnel, including educational and outdoor recreation staff, there will be no way to serve the thousands of visitors expected when the center opens.

Additional staff, equipment, and funding is also needed to adequately maintain existing needs and develop future infrastructure for public use activities and habitat management, including maintenance and construction of new roads and trails, construction of observation platforms, maintenance of water control structures, levees and refuge facilities, and maintenance of equipment and vehicles. Some refuge boundaries remain unmarked, which has created a law enforcement problem. At a minimum, roads must be maintained for access for FWS personnel for habitat maintenance and law enforcement. Although additional funding and personnel have been allocated by the North Louisiana Refuges Complex in years past for very minimal maintenance, a total of $20,000 a year, it is far from what is needed to meet FWS management goals. Routine maintenance jobs go undone for the simple lack of anyone to oversee them.

The Red River National Wildlife Refuge although unique in several ways among refuges is not unique in its struggle to survive and thrive with insufficient staff and funding. On behalf of the Alliance, the Red River National Wildlife Refuge, and the entire National Wildlife Refuge System, I respectfully request that members of the Subcommittee will agree with us and increase funding for the NWRS in FY 2009 to $514 million. This funding is so very vital for conserving and maintaining America's beautiful wildlife and natural resources not only for our generation to enjoy, but for future generations as well. Thank you for all that you do to ensure this.

Sincerely,
Nancy Menasco, President
Red River Refuge Alliance, Inc.
P.O. Box 52506
Shreveport, LA 71135
318/868-3255

**Statement of Jonathan Meade, Executive Director**
***Highlands Coalition, 520 Long Street, Bethlehem, PA 18018***

**To the House Committee on Appropriations**
**Subcommittee on Interior, Environment and Related Agencies**
**March 13, 2008**

On behalf of the regional Board of the Highlands Coalition, which includes over 180 organizations working together to conserve nationally important natural resources in the Highlands region of Connecticut, New York, New Jersey, and Pennsylvania, we would like to thank you for the opportunity to comment on the *Fiscal Year 2009 Department of the Interior, Environment and Related Agencies Appropriations bill.*

Our top priorities for Fiscal Year 2009 include:

- $11 million for the Highlands Conservation Act, including $10 million for land conservation partnership projects through the US Fish & Wildlife Service, and $1 million for USDA Forest Service technical assistance and research programs in the Highlands
- $120 million in land acquisition funding for the Forest Legacy program
- $403 million for the Land and Water Conservation Fund Act federal and stateside land acquisition program.

**Highlands Conservation Act**
*Priority Land Acquisition*
Just over three years ago, Congress enacted and President Bush signed the Highlands Conservation Act, recognizing the national significance of the 3.5 million acre Highlands region as a source of drinking water, productive forests and working farms, wildlife habitat and recreational opportunities for the 25 million people who live within an hour of its resources. The Highlands shadows the major metropolitan areas of the east coast from Harrisburg, Philadelphia, Allentown, New York City and Hartford. The Act authorized $100 million over 10 years to assist the Highlands states in conserving priority lands from willing landowners, and $10 million over 10 years to continue vital USDA Forest Service research and assistance to private landowners in the Highlands. Under the Act, the 4 states acquire the lands with federal assistance and are required to match those federal funds for land conservation partnership projects on an equal basis to greater leverage these funds. These lands are evaluated and identified in three separate Forest Service studies of the Highlands in 1992, 2002, and 2008.

As happened in the President's budget for FY08, *no funding* has been provided for the Highlands Conservation Act (HCA) in the FY09 budget. This means that none of the analytically selected and prioritized land conservation partnership projects in the four Highland states can be accomplished in FY09 without action by Congress. We strongly urge the Committee to provide full funding for the

HCA at a total of $11 million with $10 million in land acquisition funding for the US Fish and Wildlife Service, and $1 million for the USDA Forest Service's technical assistance program in the Highlands. The USDA Forest Service has been a valuable partner and catalyst in the region and $1 million is needed to allow the Forest Service to provide increased technical assistance to state agencies, private landowners and local communities to advance sound stewardship and management of important resources in the region.

The Governors of the four Highlands States have jointly submitted land conservation projects totaling $10 million to the Department of the Interior for funding in FY 2009, including:

***Cooks Creek Watershed & South Mountain (PA)***
Funding for the Highlands Conservation Act program in FY 2009 would fund land acquisition efforts on 567 acres in the Cooks Creek area of Pennsylvania (Durham Township, Bucks County). Cooks Creek originates in the diabase and quartzite hills of Springfield Township and flows through the limestone valley at Springtown to empty into the Delaware River. The area's steep forested hills, unique to Bucks County, are due to this geology. Cooks Creek Watershed has a long colonial history, dating to 1698, when British settlers sought the area's iron deposits. Pioneer families settled by the 1730's and many of their historic structures along Cooks Creek, including mills, bridges, homes, churches and schools, still stand. Durham Mine, now abandoned, is the state's second largest bat hibernaculum, an Important Mammal Area home to six bat species. The surrounding forest is important bat and rare bird habitat. Cooks Creek is Bucks County's only viable coldwater fishery, supports naturally reproducing trout and is a PA DEP Exceptional Value waterway. The watershed's rural valley has working prime farmland and numerous rare and endangered species. The 1999 Bucks County Natural Areas Inventory rates the area Priority 1, Heritage Conservancy includes Cooks Creek Watershed as part of its Lasting Landscapes Program, and the Highlands Coalition has designated it an area of special concern.

Wildlands Conservancy, the City of Allentown, the County of Lehigh, Salisbury Township and Emmaus established Lehigh County's South Mountain-Robert Rodale Reserve, comprised mostly of Allentown's South Mountain Park and Wildland Conservancy's South Mountain Preserve, to protect the Lehigh Valley's scenic viewshed and important wildlife habitat, and to provide residents with nearby recreational opportunities. The reserve contains maturing second-growth forest, rare and threatened species, including two plant species of special concern, and nesting habitat for more than 59 bird species. Vernal pools here are thought to be the state's most active for salamanders, and are surrounded by intact forest, which is critical for amphibians. Lehigh County has designated the Robert Rodale Reserve site a top-priority natural area, and South Mountain preservation efforts have been ongoing for more than a decade. South Mountain is a prominent landscape within the Highlands of Lehigh and Northampton counties.

***Wyanokie/Farny Highlands & Ramapo Mountains (NJ)***
The Wyanokie and Farny Highlands were identified as a *Conservation Focal Area* in the USDA Forest Service *NY-NJ Highlands Regional Study: 2002 Update.* The Wyanokie and Farny Highlands contain critical watersheds that protect New Jersey's most significant and most threatened water supply – the Wanaque Reservoir – on which nearly two million people rely. The Wyanokies contain the headwaters of Burnt Meadow and West Brooks, waterways of exceptional ecological significance, which flow directly into the Wanaque Reservoir. Acquisition will provide essential protection for this critical water supply, which the U.S. Forest Service identified as highly threatened by development. In addition, preservation will help complete a missing greenway link between Norvin

Green State Forest and Long Pond Ironworks State Park, and extend a direct connection to New York's Sterling Forest State Park along the route of the Highlands Millennium Trail, which travels 150 miles between the Hudson and Delaware Rivers. The Wyanokie Highlands boast an extensive network of historic hiking trails and dramatic scenic overlooks, as well as significant ecological values. The Wyanokie Highlands Project consists of 855 acres in Passaic County in three parcels: 400 acres on Saddle Mountain in Ringwood Borough and West Milford Township, 155 acres on Westbrook Mountain and 300 acres on Buck Mountain, both in West Milford.

The Ramapo Mountains were identified as a Conservation Focal Area in the USDA Forest Service *NY-NJ Highlands Regional Study: 2002 Update.* Located in Bergen and Passaic counties, the Ramapo Mountains contain important watersheds and outstanding parklands that protect the easternmost ridge of the Highlands, with its breathtaking views of Manhattan, for significant public recreational use Acquisition of the Camp Yaw Paw property will finally close a critical gap in existing protected lands and assure the preservation of significant unfragmented forest that is home to threatened and endangered species including barred owl, Cooper's hawk, northern goshawk, red-shouldered hawk, timber rattlesnake and wood turtle. Preservation of 209-acre camp Yaw Paw in Mahwah Township, Bergen County and Ringwood Borough, Passaic County will enlarge Ramapo Mountain State Forest and adjoining Ringwood State Park, which total 8,300+ acres, by acquiring an inholding which also connects to over 2,000 acres of County parklands.

***Ethel Walker (CT)***

The State of Connecticut requests Highlands Conservation Act funds to protect Phase II of the Ethel Walker Property–91 acres of ecologically rich forest, streams, meadows and floodplains. Phase I, 336 acres, is expected to close soon in a fee and conservation easement deal with the Town of Simsbury, which will make a $1 million non-refundable deposit on an option to purchase the remaining 91 acres. Ethel Walker contains Class I watershed land and the primary recharge area for the Stratton Brook Aquifer which provides 10,000+ residents with drinking water. The property lies within Simsbury's Aquifer Protection Zone (APZ) and CT DEP's Preliminary APZ. There are extensive pubic hiking and equestrian trails here. Large stands of mature conifers support more than 60 forest nesting and migratory bird species, including a high density of northerly or higher elevation bird species. The American Bittern, a CT endangered species, has been documented here by the Hartford Audubon Society. Stratton Brook supports native Eastern Brook Trout, in decline throughout CT. Ethel Walker is contiguous with several preserved properties; if all 427 acres here are preserved, the property would form the core of 1,400 acres of open space. CT's 2003 Regional Plan of Development identifies Ethel Walker as high conservation value and a key piece to protect.

***Great Swamp and Greater Sterling Forest Areas (NY)***

The Great Swamp is one of NY's most important wetland complexes and one of NY's largest and highest quality red maple hardwood swamps. This project consists of a 647-acre parcel in Putnam County's Harlem Valley, in the East Branch Reservoir Watershed of the NYC Croton Reservoir System. An Audubon Society-designated "Important Birding Area," the Great Swamp constitutes a 63,000-acre watershed and is breeding habitat for more than 90 bird species and migratory habitat for more than 180 species of waterfowl and other birds. Great blue heron, red-tailed hawk, marsh wren, osprey, wood duck, thrushes, vireos, warblers, and scarlet tanager make their home here. Located less than 70 miles from New York City, this vast and fragile wetland provides numerous benefits to residents of New York and Connecticut, including drinking water, flood control, recreation, open space, and wildlife habitat. The Great Swamp contains a south-flowing section of the East Branch Croton River, a critical part of New York City's water supply system, and a north-

flowing section of the Swamp River which flows into the Housatonic and, ultimately, to Long Island Sound. This project is a New York State Open Space Conservation Plan (2006) priority site.

The Sterling Forest Fairgrounds, the Sterling Forest Ski Center, the Torsoe property, Arrow Park, the former Kings College property, Tuxedo Reserve and the Shirazi property are inholdings and adjacent to Sterling Forest. These lands buffer the park, which citizens have worked tirelessly to preserve. In close proximity to the Appalachian National Scenic Trail, these 1630 acres contain scenic lakes, woodlands, and wetlands, as well as frontage on Orange Turnpike. The properties may be developed if not protected. Sterling Forest State Park is a great accomplishment of public-private land conservation between the federal government, the states of New York and New Jersey, and private organizations. Preservation of private inholdings and adjacent properties, such as these, will safeguard this $78-million investment while protecting drinking water, wildlife habitat, and recreational, historic, cultural, and scenic resources. This project is a New York State Open Space Conservation Plan (2006) priority site.

**Forest Legacy Program and Projects**
In order to ensure that there is adequate program funding for these critical projects in the Highlands, we urge your support for funding Forest Legacy at $120 million in FY 2009. We support this funding as it will serve to provide support for important Forest Legacy projects in the Highlands region including four exemplary projects: Lake Waubeeka (CT), Fishkill Ridge (NY), Passaic Ramapo Watershed (NJ) and Tree Farm #1- Mount Hope Tract (PA). These two represent very high priorities for conservation that would protect unique and critical forests in the eastern U.S.

The Forest Legacy Program is an outstanding example of prioritized, strategic federal conservation program, and a hallmark for how the federal government can help accomplish sound partnership conservation projects with states, municipalities, and nonprofits. Unfortunately, funding for this program has decreased significantly over the past decade. The FY09 President's budget includes just $12.5 million – representing just three projects nationwide, which would protect only 300 acres. Clearly there is a much larger demand as evidenced by the states' submissions for the program, totaling over $200 million in demonstrated need.

**Land and Water Conservation Fund**
The proposed cuts to the Land & Water Conservation Fund for FY 09, which continue the trend of gravely declining budget for this critically important program. The program is the core federal conservation program enabling both the Federal and State governments to target and protect vitally important natural resources. While LWCF ought to be fully funded at its authorized amount - $900 million – we are requesting that this subcommittee and Congress fund LWCF at $403 million, including $278 for federal acquisition programs and $125 for state programs. This funding would include support for the critical acquisitions at the Wallkill National Wildlife Refuge in New Jersey.

Without adequate funding to the **Highlands Conservation Act**, **Forest Legacy Program** and **Land & Water Conservation Fund**, precious natural treasures of the Highlands may be developed and lost to conservation forever.

Thank you for the opportunity to submit this testimony on the *FY 2009 Interior Environment and Related Agencies Appropriations Bill.*

New Jersey Conservation
F O U N D A T I O N
Bamboo Brook, 170 Longview Road
Far Hills, NJ 07931
908.234.1225 fax 908.234.1189

**Outside Witness Testimony of New Jersey Conservation Foundation**
**Michele S. Byers, Executive Director,**
**Chris Jage, Assistant Director - South Jersey, and**
**Wilma E. Frey, Project Manager - Highlands**
**To the House Committee on Appropriations,**
**Subcommittee on Interior, Environment and Related Agencies**
**March 13, 2008**

The New Jersey Conservation Foundation thanks you for the opportunity to comment on the Fiscal Year 2009 Department of the Interior, Environment and Related Agencies Appropriations bill. NJCF's supports much-needed funding for conservation programs including:

- **U.S. Department of Agriculture/Forest Service: $120 million for the Forest Legacy Program, including $7.0 million for the NJ Green Acres Program protection of the Passaic Ramapo Watershed II Project (NJ);**

- **U.S. Department of the Interior: $11 million for the Highlands Conservation Act, including $2.5 million for the NJ Green Acres Program acquisition in the Wyanokie & Farny Highlands Project and the Ramapo Mountains Project (NJ); and**

- **U.S. Department of the Interior: $403 million for the Land and Water Conservation Fund ($278 million for federal-side and $125 million for state-side programs), including $2 million for the Pinelands Acquisition Program (NJ).**

New Jersey Conservation Foundation (**NJCF**) is a member-supported, non-profit 501.c.3 statewide organization whose mission is to preserve New Jersey's land and natural resources for the benefit of all. Since 1960, NJCF has worked to protect the State's forests, farmland, urban parks, wetlands, wildlife habitat, water quality and special places, through acquisition of land and easements, land stewardship, appropriate planning and public policy measures.

**The Forest Legacy Program and Highlands Conservation Act focus on the Highlands.**

The New Jersey Highlands, part of a multi-state region recognized as a "landscape of national significance" in the 1992 USDA/Forest Service Study, is an 880,000- acre region located in seven counties in northwest New Jersey. Although it contains only 13% of the State's land area,

more than 4.5 million people in 16 of New Jersey's 21 counties – well over half the State's population – including some 800,000 Highlands residents, rely on the Highlands for all, most or some of their water. Maintaining the forests of the New Jersey Highlands provides the best and least expensive protection for the State's water supply and water quality. However, the USDA/Forest Service ***NY-NJ Highlands Regional Study: 2002 Update*** found that Highlands forests lost over 3000 acres per year between 1995 and 2000. The Forest Legacy Program was created by Congress and developed by the Forest Service specifically to prevent the conversion of environmentally important forest land to non-forest uses.

The 2004 federal Highlands Conservation Act, as well as the 2004 NJ Highlands Water Protection and Planning Act, recognized the Region's multiple outstanding resource values. The Highlands' scenic ridges and diverse streams, rivers, lakes, ponds, wetlands and reservoirs provide exceptional recreation opportunities for residents of not only NJ, but the adjacent New York City and Philadelphia metropolitan areas. Hundreds of threatened, endangered and rare plant and animal species, including 72 species of wildlife – four federally listed – make their home in the New Jersey Highlands. Highlands' open space, farmland, historic, archaeological, cultural and scenic values are all recognized as significant. Protecting Highlands resources preserves New Jerseyans' quality of life, as well as maintaining a foundation for farming, eco-tourism and agri-tourism, and the many industries in the State that are water-dependent. Both the Forest Legacy Program and Highlands Conservation Act funding are sought for New Jersey Green Acres Program projects in the New Jersey Highlands.

**Forest Legacy Program**

**Passaic Ramapo Watershed II – FY '09 Forest Legacy Program Project: $7.0 million** is sought to acquire seven tracts of prime contiguous forest lands totaling 1,428 acres located in the Passaic and Ramapo watersheds. The tracts drain into and protect water quality of the Wanaque Reservoir, which provides drinking water to nearly 2 million people, approximately one-fourth of New Jersey's population. All of the tracts will have full public recreational access close to densely populated Northeastern New Jersey, offering hiking with highly scenic views, cross-country skiing, nature study, hunting and fishing through fee-simple and easement purchases. In addition to protecting water supply, preservation of these parcels will help complete a critical greenway and wildlife corridor, linking Norvin Green State Forest and Long Pond Ironworks State Park in New Jersey to Sterling Forest State Park in New York, and will enlarge Ramapo Mountain State Forest and Ringwood State Park and connect them to Bergen County parklands. The project will have positive impacts on state and local ecotourism and allow for expansion of the Highlands Millennium Trail, a 150-mile long nearly completed trail that extends from the Hudson River to the Delaware River, and connects with the Appalachian National Scenic Trail. The forested tracts contain mixed hardwoods and hemlock stands with Core Habitat supporting State threatened and endangered species.

The seven tracts lie in West Milford Township and Ringwood Borough in Passaic County, Kinnelon Borough in Morris County, and Mahwah Township and Oakland Borough in Bergen County. All the tracts are located in a federally-designated "Conservation Focal Area" identified in the 2002 USDA/Forest Service ***NY-NJ Highlands Regional Study 2002 Update.*** The NJDEP

Green Acres Program and its partners are prepared to provide a funding match greater than 1:1, with a non-federal cost share of $9,543,000.

**Highlands Conservation Act**

In the fall of 2004, Congress enacted and President Bush signed the Highlands Conservation Act, recognizing the national significance of the more than three-million acre, four-state Highlands region as a source of drinking water, productive forests and farms, wildlife habitat and recreation within an hour of major metropolitan areas including Philadelphia, New York City and Hartford. The Act authorized $10 million annually to assist the Highlands states in conserving priority lands from willing landowners, and $1 million annually to continue USDA Forest Service technical assistance, which would help to implement the conservation strategies outlined in the three comprehensive Forest Service Highlands studies completed in 1992, 2002 and 2008. We seek the full funding of $11 million, including $2.5 million for two New Jersey Green Acres Program projects, described below, both located in the Highlands Preservation Area established by New Jersey's Highlands Water Protection and Planning Act. The total cost of the two projects is $7.7 million, the balance of which will be met by Green Acres and its partners.

**Wyanokie and Farny Highlands (NJ), FY '09 Highlands Conservation Act Project:**

The Wyanokie and Farny Highlands were identified as a *Conservation Focal Area* in the USDA Forest Service ***NY-NJ Highlands Regional Study: 2002 Update.*** The Wyanokie and Farny Highlands contain critical watersheds that protect New Jersey's most significant and most threatened water supply – the Wanaque Reservoir – on which nearly two million people rely. The Wyanokies contain the headwaters of Burnt Meadow and West Brooks, waterways of exceptional ecological significance, which flow directly into the Wanaque Reservoir. Acquisition will provide essential protection for this critical water supply, which the U.S. Forest Service identified as highly threatened by development.

In addition, preservation will help complete a missing greenway link between Norvin Green State Forest and Long Pond Ironworks State Park, and extend a direct connection to New York's Sterling Forest State Park along the route of the Highlands Millennium Trail, which travels 150 miles between the Hudson and Delaware Rivers. The Wyanokie Highlands boast an extensive network of historic hiking trails and dramatic scenic overlooks, as well as significant ecological values.

The Wyanokie Highlands Project consists of 855 acres in Passaic County in three parcels: 400 acres on Saddle Mountain in Ringwood Borough and West Milford Township, 155 acres on Westbrook Mountain and 300 acres on Buck Mountain, both in West Milford.

**Ramapo Mountains (NJ), FY'09 Highlands Conservation Act Project:**

The Ramapo Mountains were identified as a Conservation Focal Area in the USDA Forest Service ***NY-NJ Highlands Regional Study: 2002 Update.*** Located in Bergen and Passaic counties, the Ramapo Mountains contain important watersheds and outstanding parklands that protect the easternmost ridge of the Highlands, with its breathtaking views of Manhattan, for significant public recreational use Acquisition of the Camp Yaw Paw property will finally close a critical gap in existing protected lands and assure the preservation of significant unfragmented forest that is home to threatened and endangered species including barred owl, Cooper's hawk,

northern goshawk, red-shouldered hawk, timber rattlesnake and wood turtle. Preservation of 209-acre camp Yaw Paw in Mahwah Township, Bergen County and Ringwood Borough, Passaic County will enlarge Ramapo Mountain State Forest and adjoining Ringwood State Park, which total 8,300+ acres, by acquiring an inholding which also connects to over 2,000 acres of County parklands.

**Land and Water Conservation Fund**

**Pinelands Acquisition Program FY'09:**
The Pinelands National Reserve is an internationally important ecological region. Some 1.1 million acres in size, it occupies 22% of New Jersey's total land area and is home to over 700,000 people. It is the largest body of open space on the Mid-Atlantic seaboard between Richmond and Boston and is underlain by the 17 trillion gallon Kirkwood/Cohansey Aquifer, a significant provider of public drinking water in the region.

Section 502 of the 1978 National Parks and Recreation Act and the New Jersey Pinelands Protection Act of 1979 directed the Pinelands Commission to identify management techniques aimed at protecting Pinelands' resources, among them land acquisition targets. The major objectives of the Pinelands Acquisition Program are to protect ecologically and culturally critical areas and to provide a broad spectrum of recreational opportunities for the public. Section 502 authorized $23 million for property acquisition, and subsequent Congressional authorizations increased this to $40.5 million. To date, however, $32.25 million has been appropriated.

NJCF supports critical funding for the Pinelands Acquisition Program to complete several high priority land preservation projects currently in progress. In New Jersey, where we are desperately fighting to protect the last green spaces available to us, this funding is vital and will be dedicated to protecting some of the most environmentally sensitive lands in the Pinelands National Reserve. Federal funding will be matched by State and local funding to maximize the effectiveness of the appropriation.

Funds will be used to purchase lands for permanent preservation and low-intensity public use in pre-approved target areas. Specific purchases include the 486-acre Boy Scout Association property within the Forked River Mountains in Ocean County and the 284-acre Winzinger tract in Burlington County. Both tracts are of particular significance to the ecology of the Pine Barrens. Preservation of the Boy Scout tract began in 1979 with an 89-acre easement acquired by New Jersey Conservation Foundation. Appropriations funding would permit completion of this important project, whose conservation value has increased due to its proximity to the recently expanded Wells Mills County Park through the protection of the 877-acre Horner tract. The Winzinger tract, a large inholding in Brendan T. Byrne State Forest/Greenwood Forest Wildlife Management Area, is under threat of being developed into a sand and gravel mine if the State is unable to raise sufficient funds for acquisition. This commercial development would have an extremely detrimental impact on the existing preserves and forest surrounding the parcel.

Thank you again for the opportunity to submit this testimony for your consideration.

Testimony of Marie Springer
On Behalf of United States Geological Survey
Biological Information Management and Delivery
Patuxent Research laboratory
Patuxent, Maryland

House Appropriations Committees
Subcommittee on the Interior, Environment and Related Agencies
the Honorable Norman Dicks, Chairman
The Honorable Todd Tiahrt, Ranking
March 13, 2008

Mr. Chairman and Honorable Members of the Committee:

Thank you for once again taking the time to hold public hearings on Department of Interior Agencies. I write to you in support of $1,006,500,000.00 last year's level and $38 million more than the $968,500,000.00 of the Presidents budget for the United States Geological Survey, FY09. Their focus is on research as a priority for FY09. I would like to see the Biological Information Management and Delivery Department be funded at $22, 596,000 at last years level with a staff of 72, this department is suffering staffing cuts as every other department in the USGS is. The information these people produce is essential to the overall well being of the citizens of this country, just as the Center for Disease Control is essential to the health an well being of the American public. The USGS is the one Federal Agency that conducts and maintains data in a uniform consistent system available for all agencies and the general public.

I am a Beekeeper. By now, I am sure you have all heard of Colony Collapse Disorder, of the Honey Bee. There have been many hearings on this issue and some funds have been awarded for research on this matter. The Honey Bee is only one pollinator of many in our country. Many researchers feel they are all in decline.

Bees and wasps are a linchpin species in the ecological system, meaning the rest of the food chain depends on them for their food sources. Seventy five percent of all human food sources are pollinated by bees or wasps. Honey bees are just one of about two dozen introduced species of bees to this continent. Besides the honey bees there are about 800 native bees on the Eastern side of the United States and more than 2,000 on the West coast of t our country. Wasps are another family that also pollinate and serve a beneficial purpose in the food chain. We need accurate counts on all these pollinators.

The United States Geological Survey, with many partners, is conducting a Native Bee Survey, nationwide. This research sampling collecting and compiling is being done by the USGS, the United States fish and Wildlife Service, national Parks Service Army Scientists, Smithsonian, the American Museum of Natural History many Universities and their Graduate and Doctoral students, Interns as well as average Joe-citizen volunteers, like me.

This research requires individuals going out into the field every few weeks to trap and collect bee specimens. After cleaning drying and pinning the specimens there are hours of identification under a microscope. The USGS, with its partners, have held and continue to hold Bee Identification courses for free in order to have enough researchers with the skills to identify the many bee species.

The research is not only significant to the over all environment but also specifically to agriculture industry. Honey Bees will always be vulnerable to pathogens and parasites because they are not native and their immune systems are more vulnerable than native species. CCD has made it clear we must ready our selves with alternative sources for pollinating crops. The USGS is conducting that research in coordination with other agencies. We must perform more research on the types of bees and

the quantities of native bee species. We need accurate numbers to determine if we have lost species since the last studies were performed forty years ago. With this information we can begin to chart what bees pollinate what plants. There are plant species that are also diminishing, we can begin to look at whether or not those plant species are loosing their pollinators. We also need this data to determine what invasive plant species are being pollinated by which bee species.

The USGS is charged with performing Surveys and data collection that are used by other Federal Agencies such as United States Fish and Wildlife, Department of Agriculture, Department of Forestry, National Parks, Army Corp of Engineers, Department of Defense, the Bureau of Land management, Department of Commerce, NASA,Water Resources, many non-governmental environmental organizations as well as state and local governments and private industry. Just as the bees are a linchpin species in the environment, the USGS is a linchpin in Federal Agencies and the source for scientific data. The USGS data collection is the basis for much of the scientific and environmental priorities in our nation. This country is completely dependent on the research and data collection of the USGS. Please take this into consideration in your funding priorities.

Thank you for taking the time and consideration.

Marie Springer

**Testimony of Jason M. Patlis,**
**Vice President and Managing Director**
**World Wildlife Fund**
**Before the Subcommittee on Interior, Environment and Related Agencies**
**of the House Committee on Appropriations**

**March 13, 2008**

On behalf of the world Wildlife Fund's 1.2 million members, thank you for the opportunity to submit testimony before this Subcommittee on the Fiscal Year 2009 Appropriations for Interior, Environment and Related Agencies. World Wildlife Fund (WWF) is dedicated to protecting the world's wildlife and the rich biological diversity on which our survival and prosperity depend. WWF has been the leading privately supported conservation organization for over 45 years and is the largest multinational conservation organization in the world, sponsoring more than 2000 projects in over 100 countries. WWF appreciates this Subcommittee's support in the current fiscal year (FY 2008) for funding for many important environmental programs critical to the success of WWF's work. For purposes of this testimony, I would like to highlight several programs of strategic interest for WWF and request your continued support for these programs in FY 2009, including: (1) Fish and Wildlife Service's (FWS) International Affairs ($20.4 million); (2) FWS Law Enforcement programs ($69.5 million); (3) FWS Multinational Species Conservation Fund and Neotropical Migratory Bird Conservation Act ($18 million); (4) FWS Endangered Species program accounts ($185.2 million); (5) FWS Cooperative Endangered Species Fund ($96.2 million); (6) U.S. Forest Service (USFS) International Programs ($12 million); (7) EPA's Clean Water State Revolving Fund ($ 1.1 billion) and Drinking Water State Revolving Fund ($866 million). Also, given that the U.S. Department of the Interior has begun to analyze, and prepare for, the threat of climate change and its effects on resources under its jurisdiction, WWF asks that this review be accompanied by a formal public comment process and that this Subcommittee consider specific funding for such a process.

**FWS – International Affairs**

FWS's International Affairs program enables the United States to meet wildlife and habitat conservation needs beyond its borders by meeting international treaty obligations, including under the Convention on International Trade in Endangered Species (CITES), and by protecting wildlife populations through its International Wildlife Trade and International Conservation programs. Through support of law enforcement efforts to control poaching and smuggling, scientific monitoring, habitat preservation, disease prevention, and public education, these efforts have achieved impressive conservation results while creating sustainable livelihoods and regional stability. FWS International Affairs also administers the Wildlife Without Borders (WWB) regional programs, which provide grants to develop local capacity for wildlife management and allow FWS the flexibility to work in areas not specifically targeted by its species-based programs. Since 1995, WWB programs have awarded a total of $18 million and

leveraged more than $54 million in partner contributions. In partnership with FWS, WWF has helped to encourage communities in Cambodia and Thailand to conserve local tigers by decreasing hunting and habitat destruction and helped to train field staff in India to protect elephants and elephant habitat. WWF requests that funding for FWS International Affairs be increased by $8.8 million over the FY 08 level of $11.6 million, to a total of $20.4 million for FY 09, including a $1 million increase for Wildlife Without Borders regional programs.

**FWS - Law Enforcement**

The FWS Law Enforcement program investigates wildlife crimes, regulates wildlife trade, helps citizens comply with the law, and works with other international and U.S. government entities, including CITES. WWF's partner, the TRAFFIC North America program, has been combating illegal trade in timber, plants, fish and wildlife for the last 10 years, working closely with US federal agencies such as FWS. Illegal trade in wildlife and wildlife products is an enormous black market industry, estimated at $10 billion or more globally, with confirmed ties to organized crime. FWS is the lead federal agency tasked with preventing illegal import/export and interstate commerce of foreign wildlife and plants and protecting the Nation's wildlife and plants from unlawful exploitation. It carries out this mission through inspection activities, investigations, and international liaison and capacity building. Despite important successes in recent years, the Law Enforcement program is severely underfunded and understaffed. The number of special law enforcement agents has declined from 238 in 2002 to under 200 today, with another 20 to 25 agents expected to retire in the coming year. In order to hire and train the number of special agents, port inspectors and forensic scientists that the agency needs to fulfill its mission, WWF requests that funding for FWS Law Enforcement be increased from $59.6 million in FY 2008 to $69.5 million in FY 2009.

**FWS - Multinational Species Conservation Funds**

The Multinational Species Conservation Fund (MSCF) and the Neotropical Migratory Bird Act (NMBCA) provide seed money for public-private efforts to protect elephants, tigers, rhinos, great apes and marine turtles in the wild and to conserve neotropical migratory birds and their habitat in the U.S., Latin America and the Caribbean. As noted by the Congressional Research Service, "the MSCF is a relatively small program that has generated enormous constituent interest, chiefly concerning its funding levels." Using their modest resources, these programs have been highly effective at leveraging funding through private and non-governmental partnerships (three dollars to every one invested by the U.S. government). Since 1990, the programs have given over $71 million in conservation assistance for programs in Africa, Asia and Latin America while leveraging over $225 million in partner contributions. These programs have provided WWF and USFWS with many successes: setting up anti-poaching units in Bukit Barisan Selatan National Park in Sumatra to combat the illegal killing of elephants, rhinos, tigers and tapirs; strengthening great ape protection in Gabon; and reducing illegal wildlife trade in the Democratic Republic of Congo. Many species continue to decline, however. This past year, India's government announced that its wild tiger population has plummeted to 1400 animals from a total of 3600 just 5 years ago. MSCF programs can help to halt such declines, but modest funding has limited their scope and effectiveness. In FY 2008, Congress increased support for these programs to $12.4 million – up from $10.5 million in FY 2007. The President's FY 2009 budget reduces funding to $8.3 million – a 33% cut. WWF encourages the committee to reject

this proposed decrease. Given the pressing needs that these programs address and the high number of meritorious grant proposals that must be turned away, we request that this Subcommittee instead increase funding for these programs to a total of $18 million in FY 2009 – $12 million for mammal and turtle conservation and $6 million for neotropical migratory birds.

**FWS - Endangered Species Act and Cooperative Endangered Species Fund**

Among WWF's 19 priority ecoregions throughout the world, four of those are located within the United States – Bering Sea, Northern Great Plains, Chihuahuan Desert, and Southeast Rivers and Streams. These ecoregions are home to a number of threatened and endangered species, such as black-footed ferrets, endangered mussels and darters, and polar bears in Alaska. FWS fulfills its mission under the Endangered Species Act (ESA) through four main accounts – Candidate Conservation, Listing, Consultation and Recovery – all of which are currently experiencing 30% staffing shortages or more due to underfunding. WWF is particularly concerned that more than 90% of the funding for the Recovery program is currently spent on salaries, leaving little money for species recovery actions. The President's budget request continues to underfund Endangered Species programs, cutting them by $3.7 million. We request that this Subcommittee provide the FWS with the funds it needs to carry out its mission under the ESA by increasing funding from $146.8 million in FY 2008 to $185.2 million in FY 2009, of which $84.8 million should go towards the Recovery program. WWF also requests that this Subcommittee provide additional funds to Section 6 – the Cooperative Endangered Species Fund – which provides grants to states to protect listed and candidate species on non-federal lands. We ask that funding for these important programs be increased to $96.2 million in FY 2009 from $73.8 million in FY 2008.

**USFS – International Programs**

Through its International Programs, the United States Forest Service (USFS) is uniquely positioned to promote forest conservation around the world, helping to prevent illegal logging and promoting sustainable forestry practices in developing countries. Forests in the developing world sequester billions of tons of carbon annually, making these efforts all the more essential in the face of climate change. USFS draws on a diverse workforce of scientists, resource managers, international specialists, conservation biologists and other experts to respond to natural disasters and humanitarian crises, advance U.S. forestry interests in the international policy arena, and provide technical assistance to on-the-ground partners. WWF engaged with USFS in several joint conservation efforts, such as community use management planning in the Democratic Republic of Congo as part of the Central African Regional Program for the Environment. Technical expertise provided by USFS will contribute greatly to the implementation of the Peru Free Trade Agreement Annex on Forest Sector Governance, which will set important precedents for future FTAs. The President's budget request of $2 million puts these important programs in jeopardy, slashing funding for USFS/IP by over 70%. WWF requests that these cuts be reversed and asks that this Subcommittee increase funding for USFS International Programs to $12 million in FY 2009, up from $7.4 million in FY 2008.

**EPA – State Revolving Funds**

The Tennessee/ Cumberland and Mobile Basins support the most diverse fish mollusk populations in the temperate world – and also some of the most threatened. WWF's Southeast

Rivers and Streams program works to conserve these watersheds, which hold about 90 percent of U.S. mussel species and 73 percent of aquatic snail species. The region's growing water needs, inadequate infrastructure, and poor planning pose risks to both the health and sustainability of local communities and the rich biodiversity of its aquatic environments. EPA programs such as the Clean Water State Revolving Loan Fund (CWSRF) and the Drinking Water State Revolving Loan Fund (DWSRF) offer municipalities grants and low-interest revolving loans to construct drinking water and wastewater treatment systems and protect surface water and groundwater supply areas. States have used these grants in innovative ways to protect biodiversity, provide cleaner drinking water, help recharge groundwater and insure flows downstream in dry spells, and reduce flooding. Federal funding for these programs has been cut drastically over the past seven years - a negative trend that continues in the President's FY 09 budget request, which cuts the CWSRF by $134.1 million and provides only minimal increases for the DWSRF. Studies estimate that communities will need between $300 million and $1 billion over the next 20 years to repair, replace or upgrade aging drinking water and wastewater facilities. The EPA's Clean Water and Drinking Water Infrastructure Gap Analysis found a $535 billion gap between current spending and projected water infrastructure needs over the same period. To address the severe shortfall in water infrastructure investment and provide funding for communities to make sustainable development decisions, WWF supports increasing funding for the CWSRF to $1.1 billion for FY 2009 (an increase of $411 million over FY 2008) and increasing the DWSRF to $866 million (an increase of $37 million over FY 2008).

**Outer Continental Shelf and North Aleutian Basin**

WWF requests that this Subcommittee continue to support the longstanding bipartisan legislative moratorium on new mineral leasing activity on submerged lands of the Outer Continental Shelf (OCS) by including the OCS moratorium language in the fiscal year 2009 Interior and Environment Appropriations legislation. With respect to proposed oil and gas leasing in the North Aleutian Basin, WWF asks that current and comprehensive analyses based on new field studies be conducted on the status and habitat of all listed, candidate or protected species in the proposed lease area and the functional importance to commercial fish stocks of the proposed lease area. The National Academy of Sciences should be empowered and funded to independently review all science assembled by the Minerals Management Service that is required under applicable federal laws, including NEPA and ESA. We ask that no funds be appropriated for activities related to lease sales in the North Aleutian Basin prior to the satisfactory completion of the above research and review.

James A. Leveille
President, Big Oaks Conservation Society

I am writing to request funding for the Big Oaks National Wildlife Refuge (BONWR). The three specific needs are an office/visitor center at a cost of approximately $3.6 million; funding for bridge, road, and culvert upgrades at a cost of $900,000; and additional staff (4 full-time and 1 part-time) at a cost of $200,000 per year.

BONWR is a 50,000 acre refuge located in southeastern Indiana, which was established in 2000 as an overlay refuge on the site of the former U.S. Army Jefferson Proving Ground. Its acquisition cost was free, and it operates under a renewable 25-year lease. The refuge was formed because this parcel was unique in regards to its habitat and biodiversity and because it was the largest continuous undeveloped plot remaining in the central portion of the U.S. east of the Mississippi River. Unfortunately, there has been virtually no funding for the refuge within the FWS since its founding. Originally planned with a staff of 12, it has instead seen a decline to its present state of five. Additionally, there has never been any infrastructure spending on the basic needs of the staff or for visitors of the refuge. A small office space owned by the Army and loaned on an interim basis to the original FWS site evaluation team in 1996 has remained as the only space available to the refuge staff. In these two small rooms and the unheated garage space as many as 400 day-use hunters and fisherman have received their mandatory safety briefing and processing year-round, sometimes in below-freezing temperatures. What the refuge needs first and foremost is an office complex/visitor contact station of its own. Other infrastructure concerns include a lack of adequate funding for road maintenance within the refuge. The Army budget for maintaining these same roads exceeds $1,000,000 per year. The FWS budget for the same task is $10,000. Time is starting to take its toll, and while the refuge road budget need not be as high as the Army's, without additional funding, the roads may well become impassable for public use. We feel Big Oaks NWR has been neglected. What's worse, if the neglect continues, its viability as a place of learning and recreation for its citizens is in danger. The need for adequate staff, adequate facilities for that staff, and basic road maintenance can no longer be ignored. The members of the Big Oaks Conservation Society (BOCS) respectfully request these issues be addressed now.

Sincerely,
James Leveille, President, Big Oaks Conservation Society
PO Box 935, Madison, IN 47250

Station

## Big Oaks NWR

### Staff Space Details

| Space Decription | Occupancy | SF / Person | Square Feet |
|---|---|---|---|
| | | | |
| Entry | 20 | 8 | 160 |
| Offices Space - Staff and Volunteers | 12 | 150 | 1,800 |
| GIS Workstations/Plotters/Map Files | 2 | 150 | 300 |
| Lunch Room | 12 | 15 | 180 |
| Library / Research Area | 2 | 50 | 100 |
| Conference Room | 25 | 15 | 375 |
| Staff Restrooms | 4 | 50 | 200 |
| Storage | 12 | 30 | 360 |
| | | | |
| Square Foot Totals include 25% for circulation and mechanical areas. | | | 4,344 |

Project

## Office / Visitor Center

### Public Use Space Details

| Space Decription | Occupancy | SF / Person | Square Feet |
|---|---|---|---|
| | | | |
| Entry / Lobby | 20 | 10 | 200 |
| Offices | 1 | 150 | 150 |
| Information Center | 10 | 50 | 500 |
| Exhibit Space | 75 | 20 | 1,500 |
| Multi-purpose Room | 100 | 15 | 1,500 |
| Auditorium | 0 | 15 | 0 |
| Storage | 20 | 30 | 600 |
| Public Restrooms | 6 | 60 | 360 |
| Sales Area | 10 | 20 | 200 |
| Square Foot Totals include 25% for circulation and mechanical areas. | | | 6,263 |

### Cost Details

| Description | Quantity | Unit | Unit Cost | Item Total |
|---|---|---|---|---|
| Site Work | 4 | Acre | $10,000 | $40,000 |
| Electrical Service | 1,000 | LF | $10 | $10,000 |
| Well, Supply Line, and Treatment | 1 | LS | $50,000 | $50,000 |
| Sewage Treatment | 1 | LS | $75,000 | $75,000 |
| Asphalt Roads | 1,000 | LF | $125 | $125,000 |
| Asphalt Parking Lot w/ curb and gutter | 21,000 | SF | $10 | $210,000 |
| Office | 4,400 | SF | $150 | $660,000 |
| Visitor Center | 6,263 | SF | $175 | $1,096,025 |
| | | | | |
| | | | | |
| | | | | |
| Exhibits | 1,500 | SF | $300 | $450,000 |

### Parking Details

| Description | Occupancy | SF / Space | Square Feet |
|---|---|---|---|
| Employee Parking | 18 | 300 | 5,400 |
| Public Parking | 50 | 300 | 15,000 |

| | |
|---|---|
| **Total Building SF:** | 10,606 |
| Cost Sub Total: | $2,716,025 |
| Engineering & A/E Services 25%: | $679,006 |
| **Project Total:** | $3,560,000 |
| | (Rounded + 5% Admin) |

**Testimony on Behalf of the Town of Ophir, Colorado**
**In Support of Ophir Valley Land Acquisition Funding**

**Uncompaghre National Forest, Colorado**
**Land and Water Conservation Fund, U.S. Forest Service**

**House Committee on Appropriations**
**Subcommittee on Interior, Environment and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

**March 13, 2008**

Mr. Chairman and Honorable Members of the Committee:

Thank you Mr. Chairman for the opportunity to present public testimony in support of continued funding for the Ophir Valley Project and protection of important federal lands. As the Mayor of the Town of Ophir, I am respectfully requesting the allocation of $2.5 million to the U.S. Forest Service's FY 2009 budget from the Land and Water Conservation Fund for the Ophir Valley Project. These funds will be used for the third phase of public acquisition of 1,200 acres of privately owned forest service in-holdings in the Ophir Valley.

The Ophir Valley Project represents an enthusiastic partnership of private land owners, regional communities, not-for-profit organizations, state and federal agencies, and most importantly, the general public. Located on the San Juan Skyway Scenic Byway, Ophir Valley offers pristine alpine scenery, abundant recreational opportunities, and valuable habitat for threatened and endangered species. Easy public access is currently available for hiking, biking, rock climbing, hunting, camping, skiing, jeep touring, motorized recreation, and wildlife viewing. Due to the checkerboard pattern of privately owned patented mining claims, the Ophir Valley Project seeks to acquire these private in-holdings and consolidate U.S. Forest Service lands to insure permanent public access to federal lands.

The Town of Ophir has actively pursued a comprehensive, valley-wide land conservation program since 1992. Besides acquiring over 230 acres of mining claims and investing over $500,000.00 locally, the Town of Ophir has nurtured important relationships with private land owners and state and federal agencies. The Pauls family has proven to be an invaluable resource and visionary partner with the Town of Ophir by supporting Ophir's land conservation goals and working with the Trust for Public Land. Now, after 16 years of dedicated land conservation efforts, the Pauls family is offering the last significant private land holdings in Ophir Valley for U.S. Forest Service acquisition.

The Ophir Valley Project protection effort is the natural extension of the successful Red Mountain project, located just to the north and east of Ophir Valley. Federal funding for the Ophir Valley Project is complementing many regional projects along the 236 mile San Juan

Skyway Scenic Byway (one of only 27 All American Roads in the National Scenic Byway program). The state's Great Outdoors Colorado Legacy Project program has pledged $5.7 million in grant funding to match local efforts to improve recreational opportunities and protect important lands along the San Juan Skyway.

The requested funding for the Ophir Valley Project will produce the following benefits:

1. Protect public access to many thousands of acres of U.S. Forest Service lands for diverse recreational opportunities;
2. protect habitat for the Canadian Lynx, a federally listed threatened species; the endangered Uncompahgre Fritillary butterfly; and headwaters protection for the San Miguel River, which sustains native cutthroat trout;
3. improve U.S. Forest Service land management by consolidating ownership;
4. leverage federal funding support with over $10 million in state and local funding for regional recreation and land protection projects along the San Juan Scenic Byway;
5. protect the historic character of this 1881 mining camp-town; and,
6. protect the rugged alpine scenery of this pristine mountain valley.

Thank you for your support and leadership in conserving Colorado's land and water resources. Land and Water Conservation Funding for the Ophir Valley Project will ensure future generations can enjoy this very special place in Colorado.

Thank you for your consideration of this request.

Sincerely,

Randy Barnes, Mayor
Town of Ophir

JIM GIBBONS, *Governor*
JAY D. BINGHAM, *Chairman*
ACE I. ROBISON, *Vice Chairman*
GEORGE M. CAAN, *Executive Director*

STATE OF NEVADA

ANDREA ANDERSON, *Commissioner*
MARYBEL BATJER, *Commissioner*
CHIP MAXFIELD, *Commissioner*
GEORGE F. OGILVIE III, *Commissioner*
LOIS TARKANIAN, *Commissioner*

**COLORADO RIVER COMMISSION**
**OF NEVADA**

March 10, 2008

VIA ELECTRONIC MAIL

Honorable Norman Dicks, Chairman
Subcommittee on Interior, Environment,
and Related Agencies
House Committee on Appropriations
Room B-308 Rayburn House Office Building
Washington, D.C. 20515-6023

Subject: Support for FY 2009 Appropriations for the Bureau of Land Management

Dear Chairman Dicks:

As a Nevada representative of the Colorado River Basin Salinity Control Forum and Advisory Council, the Colorado River Commission of Nevada (CRC) supports funding for the Bureau of Land Management (BLM) for the Soil, Water, and Air Management Subactivity that assists the Colorado River Basin Salinity Control Program. As one of the five principal Soil, Water, and Air Program priorities, the CRC believes that the BLM needs to specifically target $5,900,000 to activities that help control salt contributions from BLM managed lands in the Colorado River Basin.

Salinity remains one of the major problems in the Colorado River. Congress has recognized the need to confront this problem with its passage of P.L. 93-320 and P.L. 98-569. Your support of the current funding recommendations that support the Colorado River Basin Salinity Control Program is essential to move the program forward so that the congressionally directed salinity objectives are achieved.

Sincerely,

*/s/ George M. Caan*

George M. Caan
Executive Director

cc: Representative Shelley Berkley, State of Nevada
Representative Jon Porter, State of Nevada
Representative Dean Heller, State of Nevada

AJM:bh

*J:/Environmental/Salinity Support Letters/Dicks-BLM 08.doc*

555 E. Washington Avenue, Suite 3100, Las Vegas, Nevada 89101-1065

Phone: (702) 486-2670
Fax: (702) 486-2697
TDD: (702) 486-2698
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Evan Hirsche, Chair
Cooperative Alliance For Refuge Enhancement
1901 Pennsylvania Ave. N.W. Suite 407
Washington, D.C. 20006

**TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2009 APPROPRIATIONS FOR THE NATIONAL WILDLIFE REFUGE SYSTEM**

**March 13, 2008**

The *Cooperative Alliance for Refuge Enhancement* (CARE) represents over 14 million people that care deeply about America's National Wildlife Refuge System. This testimony is submitted on behalf of CARE's 22 member organizations:

American Birding Association
American Fisheries Society
American Sportfishing Association
Assateague Coastal Trust
Congressional Sportsmen's Foundation
Defenders of Wildlife
Ducks Unlimited
Association of Fish and Wildlife Agencies
Izaak Walton League of America
National Audubon Society
National Rifle Association of America
National Wildlife Federation
National Wildlife Refuge Association
Safari Club International
The Corps Network
The Nature Conservancy
The Wilderness Society
The Wildlife Society
Trout Unlimited
U.S. Sportsmen's Alliance
Wildlife Forever
Wildlife Management Institute

Chairman Dicks, Ranking Member Tiahrt, and Members of the Subcommittee:

Thank you for the opportunity to offer comments on the fiscal year 2009 (FY09) Interior Appropriations bill. The National Wildlife Refuge System stands alone as the *only* land system in the world with a mission that prioritizes wildlife conservation over all other activities. Since 1995, CARE has worked to showcase the needs of the remarkable Refuge System and to secure a strong Congressional commitment for protecting America's shorelines, wetlands, deserts, tundra, and forests. CARE wishes to express our deep gratitude to the Subcommittee for the funding increase in FY 2008 and the dramatic turnaround it represented. To continue enacting the conservation vision that President Theodore Roosevelt first espoused more than a century ago, CARE respectfully requests a funding level of $514 million for the Operations and Maintenance accounts of the National Wildlife Refuge System in FY09.

A recent detailed analysis by CARE found that our National Wildlife Refuge System needs $765 million in annual Operations and Maintenance funding to properly administer its nearly 100 million acres, educational nature programs, habitat restoration projects, and much more. Reaching a level of $514 million in FY09 is the next essential step along the pathway toward $765 million, and will enable wildlife refuges across the country to shelve the downsizing plans

that call for a devastating 20% reduction in staff and return to what refuges do best: protecting America's wildlife and water quality, providing a haven for threatened and endangered species, and guaranteeing a positive experience for 40 million annual visitors, whether hunting, fishing, birding, or learning from educational programs.

When refuges are short-staffed, it doesn't only affect activities *inside* refuge boundaries. Refuges are also unable to dedicate sufficient attention to threats *beyond* refuge boundaries, such as water rights disputes, upstream contamination, adjacent landfill sites, or planned developments. And as in recent years, when staff levels are reduced to only one or a few staff per refuge, opportunities to partner with other interested stakeholders are lost, dramatically and adversely affecting volunteer involvement and the leveraging of additional dollars. For example, consider that the reasonably well-staffed San Luis Refuge Complex in central California is often able to effectively *triple* its annual budget through creative partnerships. With this extra income, more trees are planted, invasive species are being eradicated, hunting programs are thriving, and staff can closely monitor outside threats. This situation demonstrates how much is possible with a critical mass of staff able to capitalize on funding and partnering opportunities, and how much is now being lost at other refuges.

In addition to their integral role in American wildlife conservation, refuges are critically important on local and regional scales, as visitors in 2006 generated more than $1.7 billion in sales to local economies, creating over 27,000 U.S. jobs and $543 million in personal income. While these figures are undeniably significant, it is widely recognized that the Refuge System's potential remains largely untapped. In addition to being local economic engines, America's wildlife refuges also provide innumerable environmental benefits to communities. For example, many refuges in urban or suburban settings filter storm water before it runs downstream to municipal water supplies and, in many areas, reduce flooding by capturing excess rainwater and attenuating coastal storm surges. The native vegetation on many of America's refuges helps absorb pollution and captures carbon from the air, while natural filtration and sound water management promotes healthy fisheries within and beyond refuge boundaries. And importantly, refuges provide a way for children to connect with the natural world.

There is a national wildlife refuge within an hour's drive of every metropolitan area in the U.S. As children spend more and more time inside on computers, watching television or playing video games, the need for a place to bring our youth to experience and explore the outdoors has never been more important. Many refuges work with local volunteer organizations such as "Friends" to provide environmental education programs to local schools; but when budgets are tight, they are often the first programs to be curtailed.

Prior to the generous FY08 appropriation, many years of inadequate budgets rapidly ballooned the Operations and Maintenance backlog to $3.5 billion and forced many refuges to eliminate all staff. Today, over one-third of America's wildlife refuges have no staff; nobody to open the gates, teach the school children, repair the levees, pull the weeds, or even clean the bathrooms. While the increase in FY08 helped immensely, many years of decline and degradation cannot be undone overnight. So refuge visitors still show up to find roads and visitor centers closed, viewing platforms and hiking trails in disrepair, and habitat restoration and school education programs eliminated. Non-native, invasive plants have degraded over 2.3 million acres and

crime is on the rise as only 180 full-time law enforcement officers are asked to do the job of over 840.

Unfortunately, President Bush's FY09 budget proposal for the National Wildlife Refuge System does not improve the situation. The Administration's request does not consider rapidly rising inflationary costs. Each year, just to keep fuel in the trucks, pay for rising utilities and building rent, allow for salary adjustments and other fixed costs, the Refuge System needs a $15 million increase. With the current surge in fuel prices expected to continue through the year, that number is certain to climb dramatically. Therefore, to return the Refuge System to inflation-adjusted FY 2004 levels and ensure a "no net loss" budget, the Refuge System needs a minimum of $466 million in FY09.

In a nation with ever-shrinking natural areas, we must act quickly to safeguard our unique natural heritage for the benefit of wildlife and millions of present and future Americans. It was Teddy Roosevelt who reminded America that "our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations." CARE agrees that 40 million refuge visitors and all future Americans deserve the opportunity to see 100 million acres of the most visually stunning and biologically rich lands and waters in North America. Quite simply, the only way to ensure a future with clean water, thriving wildlife populations, and hunting and fishing opportunities is to increase the Refuge System's FY09 appropriation to $514 million.

On behalf of our over 14 million members and supporters, CARE thanks the Subcommittee for the opportunity to offer comments on the FY09 Interior Appropriations bill and extends our sincere appreciation for the Subcommittee's strong commitment to America's National Wildlife Refuge System.

STATE OF CALIFORNIA - THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

**COLORADO RIVER BOARD OF CALIFORNIA**
770 FAIRMONT AVENUE, SUITE 100
GLENDALE, CA 91203-1035
(818) 500-1625
(818) 543-4685 FAX

March 12, 2008

**Statement of**
**the**
**COLORADO RIVER BOARD OF CALIFORNIA**
**to the**
**HOUSE COMMITTEE ON APPROPRIATIONS**
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,**
**AND**
**RELATED AGENCIES**

**Presented by**
**GERALD R. ZIMMERMAN, EXECUTIVE DIRECTOR**
**March 12, 2008**

**Requesting Appropriations for the**
**COLORADO RIVER BASIN SALINITY CONTROL PROGRAM, TITLE II**

Support for Fiscal Year 2009 Federal Funding
of $5.9 Million for the Department of the Interior - Bureau of Land Management (BLM)
to assist in the Colorado River Basin Salinity Control Program, with $1,500,000
to be designated specifically to identified salinity control efforts

This testimony is in support of Fiscal Year 2009 funding for BLM for the sub-activity that assists Title II of the Colorado River Basin Salinity Control Act (P.L. 92-500). This successful and cost-effective program is carried out pursuant to the Colorado River Basin Salinity Control Act and the Clean Water Act (P.L. 92-500).

The Colorado River Board of California (Colorado River Board) is the state agency charged with protecting California's interests and rights in the water and power resources of the Colorado River system. In this capacity, California and the other six Basin States through the Colorado River Basin Salinity Control Forum (Forum), the interstate organization responsible for coordinating the Basin States' salinity control efforts, established numeric criteria in June 1975, for salinity concentrations in the River. These criteria were established to lessen the future damages in the Lower Basin states, as well as, assist the United States in delivering water of adequate quality to Mexico in accordance with Minute 242 of the International Boundary and Water Commission. California's Colorado River water users are presently suffering economic damages in the hundreds of million of dollars per year due to the River's salinity.

The BLM's Budget Justification document has stated that the BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation (USBR) and the U.S. Department of Agriculture (USDA), and report salt retaining measures in order to further the Plan of Implementation of Federal Salinity Control Program in the Colorado River Basin. The BLM Budget, as proposed by the Administration in the BLM Budget Justification Document, calls for five principal program priorities within the Soil, Water, and Air Management Program. One of the priorities is reducing saline runoff in the Colorado River Basin to meet the interstate, federal and international agreements to control salinity of the Colorado River.

The Colorado River Basin Salinity Control Forum (Forum) is encouraged by the words in the BLM budget document and believes that FY 09 funds appropriated by the Congress for the Soil, Water, and Air Management Program should be used, in part, for reducing saline runoff in the Colorado River Basin.

As you are aware, BLM is the largest landowner in the Colorado River Basin. Due to geological conditions, much of the lands that are controlled and managed by the BLM are heavily laden with salt. Past management practices have led to human-induced and accelerated erosion processes from which soil and rocks, heavily laden with salt have been deposited in various stream beds or flood plains. As a result, salts are dissolved into the Colorado River system causing water quality problems downstream.

Congress has charged federal agencies, including the BLM, to proceed with programs to control the salinity of the Colorado River. BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. These measures significantly complement programs and activities being considered for implementation by the Bureau of Reclamation (Reclamation) through its Basin-wide Program and by the U.S. Department of Agriculture through its on-farm Environmental Quality Incentives Program.

In keeping with the Congressional mandate to maximize the cost-effectiveness of the salinity control program, the Forum at its meeting in October 2007 in Santa Fe, New Mexico, recommended that Congress appropriate $5,900,000 to BLM in FY-2009 for activities that help control salt contributions from BLM managed lands in the Colorado River Basin. In the past, BLM has used $800,000 of this funding for proposals submitted by BLM staff to the BLM's salinity control coordinator for projects that focus on salinity control. The Colorado River Basin Salinity Control Advisory Council report states that the BLM has now identified projects that in FY-2009 could use $1.5 million. The Colorado River Board requests that Congress appropriate $5,900,000 to BLM in FY-2009. The Colorado River Board supports Forum's recommendation and urges the Subcommittee to specifically designate $1,500,000 for the Colorado River Basin Salinity Control Program as has been the direction to BLM from the Subcommittee in past years.

Since the Congressional mandates of over two decades ago, much has been learned about the impact of salts in the Colorado River system. Reclamation estimates that the quantified economic impacts and damages to water users in the United States alone is about $376 million per year. However significant un-quantified damages also occur. For example, damages can be incurred related to the following activities:

- A reduction in the yield of salt-sensitive crops and increased water use for leaching in the agricultural sector;
- A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector;
- An increase in the use of water for cooling, and the cost of water softening, and a decrease in equipment service life in the commercial sector;
- An increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector;
- A decrease in the life of treatment facilities and pipelines in the utility sector;
- Difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and fewer opportunities for recycling and reuse of the water due to groundwater quality deterioration;
- Increased use of imported water for leaching and the cost of desalination and brine disposal for recycled water.

For every 30 milligram per liter increase in salinity concentrations, there are an additional $75 million damages within the United States. In addition, the federal government has made significant commitments to the Republic of Mexico and to the seven Colorado River Basin states with regard to the delivery of quality water to Mexico. In order for those commitments to be honored, it is essential that in FY-2009, and in future fiscal years, that the Congress provides adequate funds to BLM for its activities related to salinity control in the Colorado River Basin.

The Colorado River is, and will continue to be, a major and vital water resource to the 18 million residents of southern California, including municipal, industrial, and agricultural water users in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties. Preservation and improvement of Colorado River water quality through an effective salinity control program will avoid the additional economic damages to users in California and the other states that rely on Colorado River water resources.

Sincerely,

Gerald R. Zimmerman
Executive Director

TESTIMONY of Professor Christopher Kitting, President of San Francisco Bay Wildlife Society, and Professor of Biological Sciences, California State University, East Bay

Before the House Appropriations Subcommittee on Interior, Environment and Related Agencies, Concerning Fiscal Year 2009 National Wildlife Refuge System Appropriations

March 11, 2008

On behalf of the **San Francisco Bay Wildlife Society, and other environmentally aware citizens,** I am submitting this testimony to the House Appropriations Subcommittee on Interior, Environment and Related Agencies. Thank you for last year's budgetary boost to these environmentally valuable programs.

We support an increased funding level in FY 2009 for the **U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account, adequate funding for Visitor Services, and over the next four years, at least $2,000,000 more to the 30,000-acre urban San Francisco Bay National Wildlife Refuge Complex**. That final item includes a permanent addition to the Refuge Complex's base budget to address staffing, operations, maintenance, and restoration monitoring needs. Support for the San Francisco Bay National Wildlife Refuge Complex is needed to restore vital wetland habitat benefiting threatened and endangered species, and construct a Visitor Contact Station that is ADA compliant since the existing Visitor Center is not easily accessible by mobility-impaired visitors.

The National Wildlife Refuge System budget must increase by at least $15 million each year to maintain its services and programs from the previous year.

In 2004 alone, those visitors to National Wildlife Refuges created almost 24,000 private sector jobs and produced $454 million in employment income. Recreational spending on refuges generated nearly $151 million in tax revenue at the local, county, state and federal level. We simply cannot afford to lose these local economic engines, and associated long-term, truly sustainable natural resources, more valuable than ever.

We in the Refuge friends groups are happy to help support these increasing costs at out valuable refuges, but we cannot do it alone, of course. Utilizing the energy and

enthusiasm of Friends and volunteers is a proven, effective, and economical partnership for the National Wildlife Refuge System and U.S. Fish and Wildlife Service to more effectively accomplish its mission.

Seven National Wildlife Refuges are within our large urban San Francisco Bay National Wildlife Refuge Complex, close to five million citizens live nearby, and it is visited by many travelers from around the world.

At this Refuge System, ENVIRONMENTAL RESTORATION IS OF HGHEST PRIORITY, TO COMPENSATE FOR LOST BENEFITS OF SUCH MARSHES IN FLOOD CONTROL, WATER PURIFICATION, AND BIOLOGICAL RESOURCES. We have begun to be a good model for environmental restoration, in parts of this second largest urban refuge in the country. Yet that model can backfire if our Country cannot afford environmental restoration. Cannot our Nation afford to repair and maintain such natural resources properly? It is an international embarrassment and ecological catastrophe, if we cannot. It will become even MORE expensive if we do not conserve as many of these habitats as possible.

Again, as President of the San Francisco Bay Wildlife Society, Friend, and Donor to the Society, Biology Professor at Cal State University, Eagle Scout, and concerned citizen, my colleagues and I thank you for your consideration of our requests, and for your continued actions that will provide adequate funding for the National Wildlife Refuge System. If you have any questions, we would certainly be happy to help.

Most Sincerely,

Dr. Christopher Kitting,
President of San Francisco Bay Wildlife Society
Professor of Biological Sciences
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**STATEMENT FOR THE RECORD**
**NATIONAL MINING ASSOCIATION (NMA)**
**HOUSE COMMITTEE ON APPROPRIATIONS**
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**
**MARCH 13, 2008**
**FISCAL YEAR (FY) 2009 PROGRAMS**

**NMA Recommendations**

DEPARTMENT OF THE INTERIOR

- U.S. Geological Survey (USGS) – Mineral Resources Program (MRP). Reject the proposed $25.5 million reduction in funding for the MRP, including the $5.1 million proposed cut for the Minerals Information Team (MIT).
- Bureau of Land Management (BLM) – Mining Law Administration. Support the administration's request of $35 million to support administration of the mining law and increase by at least $2 million.
- Office of Surface Mining (OSM). Increase the Surface Mining Control and Reclamation Act (SMCRA) Title V state grants program.

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

- Asia-Pacific Partnership on Clean Development and Climate (APP). Support the $5 million request for EPA's participation in this effort.
- Methane to Markets. Support the $4.5 million request for EPA's coordination of and participation in the Methane to Markets program.

**Background**

**Mineral Resources Program**

The USGS is the source for the majority of the United States' statistical data on mining and minerals commodities. The proposed reduction of $25.5 million in MRP funding would result in the elimination of approximately 210 full time employees (FTEs). The $5.1 million reduction proposed for MIT will result in the discontinuation of more than 50 commodity reports. The reduction will also result in the loss of employees with invaluable expertise in global and domestic production and consumption of mineral commodities. As a result, information on U.S. and international minerals will no longer be available to the: 1) U.S. Department of Commerce's Bureau of Industry and Security, which uses the data and analyses to resolve trade disputes; 2) the Federal Reserve Board, which uses global minerals information in preparation of economic forecasts; and 3) U.S. intelligence agencies that must understand the effect changes in natural resource markets have on economic and political stability of developing countries.

Information provided by USGS is the basis for informed policy decisions and is extensively used by government agencies, members of Congress, state and local governments, as well as industry,

academia and nongovernmental organizations. Mineral resource supply and demand issues are global in nature, and our nation is becoming more dependent upon foreign sources to meet our metals and minerals requirements.

The MRP is the leading source of unbiased research on the nation's mineral resources. The guidance and research the program provides is important in maintaining the growing value of processed materials from mineral resources that accounted for $575 billion in the U.S. economy in 2007, as well as assessing the environmental impacts of mining.

**Mining Law Administration Program**

The National Mining Association (NMA) believes the Bureau of Land Management's (BLM) FY 2009 request of approximately $35 million for the Mining Law Administration Program (MLAP) is inadequate to meet the ever-growing responsibilities faced by the agency. NMA supports an additional funding of at least $2 million. The current budget is insufficient to meet the agency's obligations to process notices and plans of operations necessary for domestic exploration and mining projects. The number of mining claims filed over the past five years has increased by over 600 percent. In 2002, only 15,407 new mining claims were filed as compared to 89,049 in 2006. During the same time frame, the number of full time equivalent (FTE) employees assigned to the program fell from 359 to 286.

Additional staffing and other resources are necessary in order to process the notices and plans of operations required for expanding our domestic mineral supplies. Delays in obtaining permits and other authorizations remains a substantial impediment to the financing and development of mining projects in the United States. The National Academy of Sciences found that the permitting of domestic mining projects entails an inordinate amount of time and resources. According to Behre Dolbear, the U.S. ranks among the lowest of the top 25 mining nations in terms of time and expense for obtaining required permits for mineral exploration and development. The consequence of this state of affairs is substantially longer lead times to get projects up and running so that they begin to generate a return on investment. As a result, permitting delays discourage companies from exploring in the U.S. and impair the ability to attract the capital investment required for mine development. In short, investment capital flows to where investors will experience a quicker return on their investment.

In a 2005 report to Congress, BLM identified insufficient staffing as one cause of permitting delays, noting that many BLM offices were not backfilling positions as they were vacated. BLM recommended that a portion of the increased location and maintenance fees could be used to maintain adequate staffing levels needed to review, analyze and approve plans of operations. NMA agrees that the increased location and maintenance fees should be used to address MLAP budget needs.

To address this regulatory bottleneck which impairs our Nation's economic growth and security, NMA provides the following recommendations:

- Some portion of the location and maintenance fees collected that exceed the MLAP budget should be dedicated to the MLAP instead of being deposited to the General Fund -- in 2006, the amount collected from such fees exceeded the budgeted amount by approximately $19 million. Such funds would allow the hiring by BLM state offices of approximately 100 FTEs to allow either backfilling of currently vacated positions or new hires; and

- Allocation of funds to the state offices should be prioritized based on the number of notices and plans filed in each office and current unfilled openings in MLAP.

**Office of Surface Mining**

NMA strongly supports the increased funding for the SMCRA Title V state grants. The increase is justified due to evidence that states are not always receiving their full 50 percent match in funding to which they are entitled for their Title V regulatory programs under SMCRA. In some cases, this is caused by the federal government not accepting state estimates of operating costs and substituting their own, usually lower, estimates. NMA urges the Congress to ensure that state regulatory programs are provided matching funds at the full 50 percent rate of their actual costs. Failure to address this problem could eventually result in some states returning their regulatory authority back to the federal government, which would then lead to even higher costs for the U.S. Treasury.

**Asia-Pacific Partnership on Clean Development and Climate**

NMA supports the administration's request of $5 million to fund EPA's participation in the APP, and specifically the APP's role in efforts to reduce greenhouse gas emissions. The APP will spur development of cutting edge technologies and practices that support economic growth while reducing emissions, including greenhouse gas emissions. It will result in the expansion of market opportunities for U.S. mining and equipment companies and other U.S. businesses. The APP, involving the United States, Canada, Australia, China, India, Japan and South Korea, is important for a number of reasons:

- *It will result in real emissions reductions*: With the participation by China and India, APP is the <u>only</u> international agreement addressing rapid emissions growth in the developing world, which is forecast to surpass emissions of industrialized nations in 2010. APP is a voluntary, technology-based approach to emissions reduction geared towards future economic growth and energy security and will be more effective than unrealistic mandates or treaties;

- *It builds on Methane-to-Markets and other successful programs that reduce greenhouse gas emissions*: The U.S. coal industry has captured and re-used 308 billion cubic feet of coal mine methane – the equivalent of removing 40 million automobiles per year from the roads. APP, working with the EPA's Methane-to-Markets program will use U.S. experience and expertise to accelerate large-scale capture and recycling of methane in China and India;

- *It helps preserve coal as an important energy source*: The U.S., China and India will be at the center of a significant rise in population, economic activity and energy use in the next 50 years. Coal is essential to sustaining America's competitiveness and vitality in a changing world, as it is in China and India. APP supports improvements in efficiency in both coal mining and use through the acceleration of clean coal technologies, industrial technology strategic planning and energy efficiency best practices; and

- *It creates new markets for U.S. companies* in the emerging economies of China and India.

**Methane to Markets**

NMA supports the administration's request of $4.5 million to fund EPA's coordination of and participation in the Methane to Markets program. Methane to Markets is an international initiative launched in 2004. The private sector and government partnership aims to lower emissions by promoting methane recovery and use, and it targets coal mines, landfills and natural gas facilities. The U.S. provides administrative support to the program, chairs the partnership's Steering Committee and is also co-chair of the programs' Coal Subcommittee.

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*The National Mining Association (NMA) represents producers of over 80 percent of the coal mined in the United States. Coal continues to be the most reliable and affordable domestic fuel used to generate over 50 percent of the nation's electricity. NMA members also include producers of uranium – the basis for 20 percent of U.S. electricity supply. NMA represents producers of metals and minerals that are critical to a modern economy and our national security. Finally, NMA includes manufacturers of processing equipment, mining machinery and supplies, transporters, and engineering, consulting, and financial institutions serving the mining industry.*

**STATEMENT OF**
**JENNIFER JOY WILSON, PRESIDENT & CEO**
**NATIONAL STONE, SAND & GRAVEL ASSOCIATION**
**BEFORE THE**
**INTERIOR AND ENVIRONMENT APPROPRIATIONS SUBCOMMITTEE**

**March 13, 2008**

The members of the National Stone, Sand and Gravel Association appreciate the opportunity to comment in support of the U.S. Geological Survey Minerals Information Team (MIT). In the FY '09 budget request, the Administration has called for a $25.5 million cut to the USGS Mineral Resource Program, which includes the MIT, including elimination of 210 of the 334 occupied scientific and technical positions in the program. NSSGA urges Congress to fully fund the MIT program.

Based near the nation's capital, NSSGA is the world's largest mining association by product volume and number of miners. Its member companies represent more than 92 percent of the crushed stone and 70 percent of the sand and gravel produced annually in the U.S. and approximately 117,000 working men and women in the aggregates industry. During 2007, more than 3 billion tons of crushed stone, sand and gravel, valued at $21 billion, were produced and sold in the United States, contributing nearly $40 billion annually to the GDP of the U.S. and each year it increases. Without these important commodities, the nation's infrastructure could not be built or maintained, and the commerce and quality of life would be severely reduced. In 30 of the 50 states, crushed stone, sand and gravel are the principal nonfuel minerals produced, and in another 10 states, our product is the second most valuable nonfuel mineral produced. With over 11,000 operations nationwide, approximately 70 percent of the nation's counties house an aggregates operation, many with multiple operations.

There are five critical points NSSGA would like you to consider.

1. The proposed cuts would negatively impact the MIT.
2. The mining community relies upon the information provided by the MIT to meet the needs of its customers across the nation.
3. Mineral and mineral products contributed almost one-half a trillion dollars to the U.S. economy in 2006.
4. The MIT information is crucial to many government entities, notably the Department of Defense and the Federal Reserve.
5. The USGS Minerals Information Team (MIT) is an essential government function that if lost, would not be assumed by the private sector.

The MIT's mission is to collect, analyze, and disseminate information on the domestic and international supply of, and demand for, minerals and mineral materials essential to America's economy and national security. This information is critically important to the public and private sectors and is a function only the federal government can fulfill.

Returning to the first point, cutting $25.5 million and 210 FTEs from this Mineral Resource Program will surely impact the Minerals Information Team in a negative way including the loss

of 50 mineral commodity reports. Conveniently, like last year, which reports would be cut is left to be decided at a future date.

The MIT has seen its budget cut over the past 10 years. During that time the workforce is to be commended for doing more with less and still producing quality reports. Prior personnel and budget cuts have already caused MIT to reduce the number of reports it produces, thus endangering the longest running data sets compiled by the federal government. It takes a considerable amount of time to become an expert on a mineral commodity, and longer for multiple commodities. Many in the mining sector believe the MIT would not be able to recoup from the loss of so many commodity experts.

In regard to point number two, the MIT data and reports are economic intelligence for domestic aggregate companies. Considering it takes a long time and a considerable amount of money to expand a quarry and over 10 years to open a new aggregate operation, MIT's projections of mineral commodity usage help the aggregate industry determine where to be to serve the market. The fact that the price of aggregate doubles if transported over 25 miles necessitates operations close to population centers. If we know where and when to be, or can get our product to a growing region via rail or barge, consumers will benefit by having multiple sources of aggregate at a competitive price.

Point number three deals with minerals impact on the economy. In addition to the construction sector, there are many more manufacturers across the nation that frequently uses MIT information. As a matter of fact, the United States is the largest user of mineral commodities in the world. Minerals and processed materials of mineral origin accounted for over $575 billion in the U.S. economy in 2007. This is an increase of 6 percent over 2006. Minerals go into every manufactured product imaginable, from concrete and steel to hybrid vehicles, solar panels and medical devices. Minerals and the products produced with them are the basis of the superior quality of life enjoyed by the nation.

Not all minerals are mined in our backyard, however, which required domestic manufacturers and consumers to import approximately $138 billion worth of minerals in 2006. In 1985, 29 important minerals were imported at various levels to meet the needs of domestic users. In 2006, domestic users were importing 100 percent of 17 crucial minerals, and another 45 minerals saw an import rate of 50 percent or higher. As domestic manufacturers find new and innovative uses for minerals and mineral products, we can reasonably expect this list to grow.

The information on foreign mineral production issued by the MIT helps domestic companies know where, how much, approximate value, demand, accessibility, and more to meet their production needs. The era of U.S. prominence in being served first has ended. Today companies operate in a global marketplace that does not necessarily serve U.S. customers first, which makes the information gleaned from the MIT essential to companies in order to serve their customers today and plan for those of tomorrow.

The fourth point focuses on the fact that MIT information is also important to many U.S. government agencies and departments. To complement coverage of mineral production, information is also collected, analyzed and disseminated on individual country mining,

environmental, investment, and other laws that affect the minerals industry; trade with emphasis on the interactions with the United States; structure and ownership within the industries; types of deposits; labor force; official reserves data; and other pertinent information. The Departments of Commerce, Interior, Defense, and State, the CIA, Federal Reserve, are just a few of MIT's customers. A few examples of how MIT information is used by various governmental departments are:

1. The Federal Reserve Board uses this data to calculate the indexes of industrial production, capacity, and capacity utilization, *which are among the most widely followed monthly indicators of the U.S. economy.*

2. The Defense Logistics Agency manages the National Defense Stockpile and relies on the MIT for guidance on acquisitions and disposal of mineral materials. At the end of FY '06 the stockpile was valued at $1.56 billion.

3. MIT personnel are important to the Kimberly Process. This is an international agreement to help stop the flow of blood diamonds from Africa.

4. The analysis of foreign country mineral supply and demand provides the State Department and intelligence agencies with information on the direction of foreign governments. For example, if a newly installed government starts repossessing foreign owned mines, limiting property rights, or enacting tough new taxes, this would raise red flags within our government. Conversely, if the opposite actions were taking place, it would also draw the attention of the government.

Clearly, the value of foreign mineral reporting transcends the simple market price of a particular commodity.

Moving on to the fifth point, it has been suggested that if the MIT function were to be abolished, the private sector or perhaps a university would assume the responsibility. Nothing could be further from the truth. The information for a number of the reports is derived from proprietary information given by NSSGA members precisely because the government is a trusted third party. Considering the highly competitive environment of the aggregate industry, it is doubtful that enough companies would voluntarily provide valuable information to another company or a university to make the subsequent reports useful. If the MIT function was abolished, it would take a long time, if ever, before any company could develop personnel trained to produce and publish data equal to that currently produced by the MIT.

Despite the Administration's apparent lack of support for the valuable information produced by the MIT, NSSGA appreciates that the Interior and Environment Appropriations Subcommittee has consistently rejected calls to cut the MIT and admonished the Administration for doing so.

We urge the Committee to retain the language included in the Committee Report last year and hopes you will retain, and if possible, strengthen the message. Too wit:

> ...The Committee strongly encourages the Administration to support this vital program and not suggest its elimination again.

In a 2003 report, the National Academy noted that, "The Minerals Information Team (MIT), funded by the Mineral Resources Program (MRP), is among the longest-running, systematic information collection, analysis, and dissemination functions within the federal government." It would be a serious loss if even a portion of this data collection were dissolved.

In conclusion, the MIT is small but very important function of the government that produces widely used data and reports. I again urge you to reject the Administration's proposed cuts and instead fully fund this important program.

Forest Issues Group

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Testimony of Don Rivenes
on behalf of the Forest Issues Group

Supporting LWCF appropriations to purchase lands in the
Tahoe National Forest, California

before the
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
March 13, 2008

The Forest Issues Group (FIG) supports an appropriation of $5 million from the Land and Water Conservation Fund to the U. S. Forest Service to purchase lands in the Tahoe National Forest, California.

Thanks to the foresight of past Congresses, thousands of acres of private land in the exceptional checkerboard areas of the Tahoe National Forest – for example, the Castle Peak area and the North Fork American Wild River – have been acquired by LWCF appropriations. New appropriations will allow purchase of crucial checkerboard parcels along the Middle Yuba River and parcels in the watershed of the North Yuba River. A total area of 3700 acres is available along these rivers for acquisition in FY 2009.

Middle Yuba River lands

These lands lie along 12 miles of the canyon of the Middle Yuba River, a deep rugged canyon that includes three sheer-walled inner box canyons. This twelve-mile stretch is the upstream end of the thirty-nine miles of the Middle Yuba that the Tahoe National Forest has found eligible for designation in the Wild and Scenic River System by virtue of its exceptional scenic qualities. It is also flows through the 13,273 acre Middle Yuba RARE I roadless area. Most of the parcels are on the lower slopes and in the bottom of the canyon.

Bald eagles and Northern goshawks reside in the canyon, which is a critical wildlife corridor. The canyon contains nesting and foraging areas for California spotted owls. Most of the national forest lands in the canyon are included in the Tahoe National Forest's Carnivore Network, lands that are to be managed to benefit habitat for marten and Pacific fisher.

The entire thirty-nine mile stretch of the Middle Yuba is considered to be a good to excellent trout stream. The first four miles downstream from Milton Reservoir are more accessible than the canyons further downstream, and acquisition of lands along this stretch would help ensure public access to almost all of it.

The available lands include a stretch of Macklin Creek, which contains a self-sustaining population of Lahontan cutthroat trout, a federally-listed threatened species. Macklin Creek is eligible for Wild and Scenic river status and is an important contributor to California's Lahontan cutthroat trout recovery program.

East Fork Creek flows into the Middle Yuba river and has been found eligible for Wild & Scenic river status due in part to the outstanding geological waterfall found at the beginning of the creek. It is a critical wildlife corridor and contains native fish assemblages. California spotted owl has a confirmed site near the creek and northern goshawk shares the corridor. There is also potential habitat for marten and Pacific fisher. Erosion and sedimentation resulting from private commercial logging could threaten water quality and sensitive wildlife habitat.

The Middle Yuba canyon offers excellent opportunities for fishermen, hikers, and canyon explorers who enjoy solitude, strenuous adventure, and highly scenic primitive settings. There are several historic trails into the canyon. Some of them are presently usable, and others could be reconstructed to provide additional access.

Acquisition of the available Middle Yuba River lands would significantly increase and consolidate public ownership within the canyon, facilitating coordinated management to preserve the canyon's important wildlife habitat, watershed, and wild river values. If these lands are not acquired, some parcels might be sold to individuals desiring unusually isolated second-home sites. Development of these sites would gravely damage the pristine canyon.

North Yuba River lands

Most of the eleven scattered parcels lie on the middle and upper slopes of the canyon of the North Yuba River, a few miles upstream from the town of Downieville. These parcels offer views of the North Yuba River canyon from the heavily traveled State Highway 49, which is designated as a California Scenic Highway. The North Yuba River canyon is also a very popular recreation area. Protection of the highly scenic views from the canyon and highway is a significant public benefit.

New York Ravine Creek has been found eligible for Wild and Scenic river status and is located just east of the town of Downieville. The stream flows for approximately two miles into the North Yuba River from the East Yuba roadless area.

The aquatic resources in New York Ravine are outstanding due to the presence of three Endangered and Threatened species of Caddisflies (*Goercacea oregona*, *Farula praelongs*, and *Neothremma genella*). The Threatened and Endangered status and location of only one population in one stream makes the level of significance equivalent to national importance. New York Ravine Creek was classified recreational due to the presence of roads, logging activities, and private residences.

Acquisition of the North Yuba River parcels will substantially consolidate public ownership in several drainages tributary to the North Fork and facilitate coordinated management to preserve the scenic, watershed, and wildlife habitat values of these drainages, which are included in Tahoe National Forest's Carnivore Network.

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**Testimony of Ben Rose, Executive Director**
**Green Mountain Club**
**In Support of Eden Forest Project, Vermont**
**Forest Legacy Program**
**House Appropriations Committee**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

March 13, 2008

Mr. Chairman and Honorable Members of the Subcommittee,

Thank you for the opportunity to present this testimony in support of the an appropriation of $4 million from the Forest Legacy Program to protect the 5,727-acre Eden Forest property in Eden, Vermont.

I also urge your support for a significant increase in funding for the Forest Legacy Program in FY 2009 to enable the protection of more forest resources than are included in the President's Budget. The Budget for this year proposes a cut of 75% and sets aside funds for only three Forest Legacy projects nationwide out of 87 submitted by the states. Without additional funds, the program will not be able to continue its successful partnerships with states, local communities, and landowners to protect valuable forestlands, while retaining, in many cases, private ownership.

The Forest Legacy Program in Vermont seeks to achieve significant conservation goals for the state by protecting the following types of land: large contiguous and productive forest blocks, wildlife habitat dependent on large contiguous forest blocks, threatened and endangered species habitat, state fragile areas and undeveloped shoreline, significant wetlands, and important recreation corridors.

The state's top Forest Legacy Program priority for Fiscal Year 2009 is the 5,727-acre Eden Forest. Situated on the spine of the northern Green Mountains in Eden and Johnson, this large contiguous timber tract is truly a high-quality forest, which contains two unique natural communities known as red spruce hardwood swamp and semi-rich northern hardwood forest. The property has been managed for timber for over 50 years and, given the excellent condition of the forest and forest roads, is well positioned to continue providing forest products far into the future.

Eden Forest is adjacent to 24,188 acres of conserved land and shares a common boundary with the Long Trail State Forest and the Long Trail corridor itself for approximately four miles. The Long Trail is the nation's oldest long-distance hiking trail and one of Vermont's most cherished cultural resources. The property also contains portions of both Bowen and Butternut Mountain summits. Its protection would create a 30,000-acre block of protected land, a significant unfragmented "core" forest in Vermont's northern woods.

Eden Forest's close proximity to such ecological hotspots as the Babcock Nature Preserve, the Atlas Timberlands, and Green River Reservoir State Park coupled with the large unfragmented nature of the property will provide a haven for many wildlife species such as black bear, bobcat, gray and red fox, moose, and deer. Over 5,000 acres of the property is considered "core" habitat and has received a high wildlife-linkage-value rating by the Vermont Department of Fish and Wildlife due in part to it being a "black bear production habitat" area. These areas support a relatively high density of cub-producing females. This property also has 120 acres of beaver wetlands that provide habitat for wood ducks, wood turtles, and many species of warblers. A rookery for great blue herons, a rare species in Vermont, was found at one of the property's wetland complexes.

The Eden Forest property also encapsulates almost the entire watersheds of two Gihon River headwater streams, Stony Brook and Wild Brook. It also contains approximately one-half mile of frontage on both sides of the Gihon River itself, which is a tributary of the Lamoille River, and abuts Vermont's scenic Route 100. The property also includes more than 46 miles of streams and rivers that make up part of the Gihon River headwaters. The Lamoille County watershed plan recognizes the importance of protecting the Gihon River headwaters area for its near-pristine natural condition, wildlife and fish habitat value, timber value, and location adjacent to a core of protected land. Numerous wetlands dot the extensive property, including the six-acre Lanpher Meadow.

Historically, the Eden Forest property has also provided numerous recreational activities such as hiking, hunting, and cross-country skiing. Snowmobiling is also allowed, and the property hosts trails that are managed by the Vermont Association of Snow Travelers (VAST). Lamoille County also has the largest connected network of cross-county ski trails in the world, and this project could help expand that network in the future. These activities all make up an important part of the local tourist economy.

Eden Forest is under immediate pressure from development. According to 2000 census data, the town of Eden has the second highest percentage of population growth in Lamoille County, and its projected population growth through 2015 is expected to continue at a higher rate than almost any other town in the county. Eden also had a 25 percent increase in the number of housing units from 1990 to 2000, indicating a high demand for new homes in the area. This type of sprawl is largely to blame for the fragmentation of Vermont's forests and farms. With its first-rate access to Route 100, low-elevation open meadows, well-developed road network, southern exposure, scenic views, and proximity to the major cities in Vermont, Eden Forest is a prime spot for development.

Thank you again, Mr. Chairman for the opportunity to present this testimony in support of an appropriation of $4 million from the Forest Legacy Program in FY 2009 to protect the vast 5,727 acre Eden Forest property.

**Statement of Gregory E. Conrad, Executive Director, Interstate Mining Compact Comm.**

My name is Gregory E. Conrad and I am Executive Director of the Interstate Mining Compact Commission. I appreciate the opportunity to present this statement to the Committee regarding the views of the Compact's member states on the Fiscal Year (FY) 2009 Budget Request for the Office of Surface Mining (OSM) within the U.S. Department of the Interior. In its proposed budget, OSM is requesting $63.7 million to fund Title V grants to states and Indian tribes for the implementation of their regulatory programs and $30.8 million to fund discretionary spending for the Title IV abandoned mine land (AML) program, which includes some state grants. Our statement will address both of these budgeted items.

The Compact is comprised of 24 states that together produce some 95% of the Nation's coal as well as important noncoal minerals. The Compact's purposes are to advance the protection and restoration of land, water and other resources affected by mining through the encouragement of programs in each of the party states that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources and to assist in achieving and maintaining an efficient, productive and economically viable mining industry.

OSM has projected an amount of $62.6 million for Title V grants to states in FY 2009, an amount which is matched by the states each year. [The figures we will use in this statement reflect grants to states only, not Indian tribes. The tribes have recently seen significant increases in their Title V grants due to the tribal primacy provisions contained in the 2006 Amendments to SMCRA.] As you know, these grants support the implementation of state regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA) and as such are essential to the full and effective operation of those programs.

For Fiscal Year 2008, Congress approved an additional $5 million over the President's budget request of $60.5 million for state regulatory programs in OSM's budget, for a total of $65.5 million. The states are greatly encouraged by and are most appreciative of the significant increase in Title V funding approved by Congress in the FY 2008 Omnibus Appropriations bill. Even with the 1.5% rescission and the allocation for tribal primacy programs, the states saw a $6 million increase for our regulatory programs over FY 2007 levels. As we noted in our statement on last year's budget, state Title V grants had been stagnant for over 12 years and the gap between the states' requests and what they received was widening. This debilitating trend was compounding the problems caused by inflation and uncontrollable costs, thus undermining our efforts to realize needed program improvements and enhancements and jeopardizing our efforts to control the impact of coal extraction operations on people and the environment.

In its FY 2009 budget, OSM is reversing the positive trend established by Congress last year. While OSM attempts to paint a picture of increased funding for Title V grants, its argument is disingenuous as the agency refers to FY 2007 numbers in making its case. The fact is, OSM's proposed amount of $62.6 million for state Title V grants is $1 million less than what was allocated in FY 2008 (after the rescission and tribal allocation). Our estimate of actual need for FY 2009 is $68 million, leaving a difference of almost $6 million. This difference would be reduced by $2 million if Congress' approved amount for FY 2008 was used as the base.

This is not the time to reverse course and upset the effort to restore the efficacy of state regulatory programs. The states are finally in a position of seeing some meaningful recognition of their program expenses through the upward adjustments approved by Congress last year. The states are just now beginning to put last year's improved funding to work in their programs through the filling of vacant positions and the purchase of much needed equipment and supplies (including computers and vehicles). As states prepare their budgets for the next few years, there is an expectation that the amount approved by Congress will become the new base on which we will build into the future – otherwise we create a situation where layoffs would occur for those who were just hired. The states continue to face significant cost increases in their programs due to inflation, especially increased fuel and equipment costs. Health insurance premiums and cost of living adjustments are also significant factors in the annual operation of state programs, especially with personnel expenses representing some 80 percent of total program costs. A new challenge has come in the form of retirements, where states are faced with buy-outs, paying for unused annual leave, and replacing an aging work force. These are substantial, often unanticipated, costs that are wreaking havoc on state budgets.

It is essential that we maintain consistent funding from year to year in order to deploy resources for our programs. This is especially true with regard to hiring new staff to fill vacancies or to supplement under-staffed areas of the programs. We cannot afford to invest money in these positions and then face potential layoffs the next year because funding is not maintained. Sending these types of mixed signals to state legislatures and budget officers will undermine their ability to support their respective regulatory programs through matching state funds and may cause them to reexamine their commitment to these programs. A clear message from Congress that reliable, consistent funding will continue will do much to ensure that states can continue to implement these vital programs.

As we have stated before, and as OSM notes in its budget justification document, the state regulation of coal production continues to be a tremendous bargain for the federal government since states are able to issue permits and regulate mines for far less than it would cost for federal permitting and regulation. It must be kept in mind that state coal regulatory program permitting and inspection workloads are in large part related to coal mine production. In general, as coal production increases, the need for additional permitting and operational inspections also increases. State programs must be adequately funded and staffed to insure that permitting and inspection duties are both thorough and timely as states experience the reality of accelerating coal mine production and expansion activities. If program funding shortfalls continue, the Nation risks the possibility of delayed production of a critical energy source and negative impacts to the environment. Stressing existing program resources also results in the delay or elimination of lower priority program functions.

There continues to be no disagreement about the need demonstrated by the states. In fact, in OSM's budget justification document, the agency states that: "the states have the unique capabilities and knowledge to regulate the lands within their borders. Providing a 50 percent match of Federal funds to primacy States in the form of grants results is the highest benefit and the lowest cost to the Federal government. If a state were to relinquish primacy, OSM would

have to hire sufficient numbers and types of Federal employees to implement the program. The cost to the Federal government would be significantly higher." (Page 76 of OSM's Budget Justification) For all the above reasons, we urge Congress to increase funding for state Title V regulatory grants in OSM's FY 2009 budget to $68 million, as fully documented in the states' estimates for actual program operating costs. This represents a $1 million increase over our request for FY 2008 and a $2.5 million increase over the amount approved by Congress last year.

With regard to funding for state Title IV Abandoned Mine Land (AML) program grants, Congressional action in 2006 to reauthorize Title IV of SMCRA has significantly changed the method by which state reclamation grants are funded. Beginning with FY 2008, state Title IV grants are funded primarily by permanent appropriations. As a result, the states will receive mandatory funding in FY 2009 of $298.4 million for AML reclamation work. OSM also proposes to continue its support of the Watershed Cooperative Agreement program in the amount of $1.5 million, a program we strongly endorse.

OSM also proposes an amount of $30.8 million for discretionary funding related to OSM operations under the Title IV program, which includes supplemental funding needed for minimum program states. Under the funding formula contained in the 2006 amendments to SMCRA, all of the states and tribes will receive funding increases except for minimum program states. They remain stagnant for the next fiscal year at $1.5 million, a level of funding that greatly inhibits the ability of these states to accomplish much in the way of substantive AML work. It is unfair and inappropriate for these states to have to wait yet another year to receive funding increases when they are the states most in need of AML moneys. We urge Congress to fund these states at the statutorily authorized level of $ 3 million in FY 2009 so as to level the playing field and allow these states to get on with the critical AML projects awaiting funding.

We also urge Congress to approve continued funding for the emergency program. OSM's budget would eliminate funding for state-run emergency programs and also for federal emergency projects (in those states that do not administer their own emergency programs). Funding the OSM emergency program should be a top priority for OSM's discretionary spending. This funding has allowed the states and OSM to address the unanticipated AML emergencies that inevitably occur each year. In states that have federally-operated emergency programs, the state AML programs are not structured or staffed to move quickly to address these dangers and safeguard the coalfield citizens whose lives and property are threatened by these unforeseen and often debilitating events.

Section 410 of SMCRA establishes an emergency reclamation procedure for AML sites that pose a "sudden danger with a high probability of substantial physical harm to the health, safety or general welfare of people before it can be abated under normal program operation procedures". (OSM Directive AML-4). In a Federal Register notice dated March 6, 1980 (45 Fed. Reg. 14810), OSM noted that "the Secretary of the Interior working through OSM has the **responsibility** for projects administered under these authorities." (emphasis added). Therefore, the authority for the implementation of the emergency program is placed solely on the Secretary. The same Federal Register notice states that emergencies are differentiated from priority one problems in section 403 of SMCRA.

Additionally, the funding for the emergency program is separate from the state and tribal non-emergency AML grant funding since it comes from the Secretary's "discretionary share". Funding for emergencies is provided for in Section 402(g)(3) of SMCRA and is used for the purposes described therein and with monies remaining **after** the distributions required under Sections 402(g)(1), (g)(2) and (g)(5). Section 402(g)(1)(C) specifically requires that the non-emergency state share be used only for annual reclamation project construction and administration costs. The non-emergency federal share allocated to the states in Section 402(g)(5) is used to supplement the state share received under 402(g)(1) until the priorities set forth in Section 403(a)(1) and (2) are met. Emergencies do not fall under Section 403, but are provided for only in Section 410. This matter was spoken to very directly in a report to the Interior Subcommittee of the House Appropriations Committee entitled "Cleaning Up the Damage: An Analysis of the Operation of the AML Program" in 1992. Rep. Carl C. Perkins (D-KY) stated in the report: "The AML emergency program has existed separately and been run differently from normal AML programs for very good reason: it deals with separate types of problems. Indeed, the Congress recognized this distinction when it devoted a special section (410) of SMCRA to the Secretary of the Interior with special powers to cope with AML emergencies. Reversing this division of responsibility cannot be accomplished simply by reallocating funds. There are a number of other hurdles which have to be negotiated."

While there were several significant changes to the AML program under SMCRA as a result of the 2006 Amendments recently passed by Congress, there were absolutely no changes to the emergency program under Section 410 of the Act. In fact, significant funding increases were approved by Congress that would allow the states to address long overdue reclamation problems including landslides, contaminated drinking water, refuse piles, dangerous highwalls, mine fires, and exposed mine portals. Diverting these monies to the emergency program, as suggested by OSM's budget, would impede the progress the states are now making to address AML problems that have been awaiting funding for years. In this regard, new section 402(g)(1)(D)(2) requires that the Secretary ensure "strict compliance" by the states in their use of non-emergency grant funds for the priorities listed in section 403(a). For the states to do otherwise would require at the least a rulemaking by OSM, if not legislative adjustment. It would also reverse 30 years of official guidance and practice by OSM. We therefore request that Congress restore $21 million for the AML emergency program in OSM's FY 2009 budget.

We also urge the Committee to support adequate funding for OSM's training program, including monies for state travel. These programs are central to the effective implementation of state regulatory programs as they provide necessary training and continuing education for state agency personnel. IMCC also urges the Committee to support adequate funding for TIPS, a program that directly benefits the states by providing needed upgrades to computer software and hardware. In this regard, we strongly support the proposed amounts for the training program and TIPS in OSM's FY 2009 budget. Finally, IMCC requests continuing support for the Acid Draining Technology Initiative (ADTI), a nationwide technology development program with a guiding principle of building consensus among Federal and State regulatory agencies, universities and the coal industry to predict and remediate acid drainage from active and inactive coal and metal mines. We support continued funding for this vital initiative.

**Testimony of Scot Faulkner**
**Friends of Harpers Ferry National Historical Park**
**In Support of Acquisition of Heffner Property**
**Harpers Ferry National Historical Park, Virginia**
**Land and Water Conservation Fund, National Park Service**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

March 13, 2008

Mr. Chairman and Honorable Members of the Subcommittee:

Thank you for the opportunity to present my testimony in support of the acquisition by the National Park Service of the 58-acre acre Heffner property at Harpers Ferry National Historical Park in Virginia.

As you know, Mr. Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

Harpers Ferry has often found itself as a confluence of American history. The mingling waters at the junction of the Shenandoah and Potomac rivers at the base of a gorge in the Blue Ridge Mountains, have not just formed the common boundary between Virginia, West Virginia, and Maryland, but also between Atlantic coast and western frontier and the North and the South. Beyond its geographic importance, the scenery at Harpers Ferry is outstanding. Commenting upon a visit made two years earlier, Thomas Jefferson wrote in his *Notes on the State of Virginia* in 1785 that, "the passage of the Patowmac through the Blue Ridge is perhaps one of the most stupendous scenes in Nature." Describing it as simultaneously "placid and delightful" and "wild and tremendous," Jefferson proclaimed the view from Harpers Ferry as "worth a voyage across the Atlantic."

Harpers Ferry has also played a role in our nation's transportation and Civil War history. In the early nineteenth century, the Chesapeake and Ohio Canal was constructed along the banks of the Potomac until Cumberland, Maryland. The canal was then overtaken by the construction of the Baltimore and Ohio Railroad by the middle of the century. The latitudinal transportation connections at Harpers Ferry gained great strategic value as the nation faced longitudinal strife and civil war by the 1860s. George Washington had placed an armory and arsenal in the town during his presidency, and securing their contents was an objective of abolitionist John Brown's 1859 raid. During Robert E. Lee's first invasion of the North in September 1862, a Union Army garrison of 12,500 soldiers was surrounded by and surrendered to Stonewall Jackson two days

before the Battle of Antietam, fought ten miles to the north in Maryland. In the autumn of 1864, Union General Phillip Sheridan used Harpers Ferry as a base of operations in his victorious Shenandoah Valley campaign. In total the town changed hands eight times during the Civil War.

The transportation connections and geographic location of Harpers Ferry continue to spur growth today. The main automobile artery through the gap is U.S. Route 340, which provides access to the Shenandoah Valley and the Interstate 81 corridor to the west and multiple connections to the Baltimore – Washington metropolitan area to the east, home to over 7.5 million people. Residential and commercial development in the tri-state area has benefited portions of the local economy, but threatens the region's significant and defining historic, scenic, natural, and water resources.

Located just above the U.S. 340 bridge on a bluff over the Potomac River on the Virginia side is the 58-acre Heffner property. The tract is available for acquisition by the National Park Service for inclusion into the Harpers Ferry National Historical Park. Highly visible from the bridge, the property is located between the forests on Short Hill Mountain and Blue Ridge Mountain. The valley is drained by Piney Branch Run, which traverses the tract and empties into the Potomac on the property's northern boundary.

The property also has significant recreational, educational, and historic value. With 2,000 feet of frontage on the Potomac River, the property would provide an additional river access point for rafting, canoeing, and kayaking. The Appalachian Trail is accessible from the U.S. 340 bridge, making the property a potential trail access point and a key part of the Trail's viewshed. Upon its bluff, the property has a broad panoramic view of the town and confluence at Harpers Ferry in West Virginia; Maryland Heights, South Mountain, and the Chesapeake and Ohio Canal National Historical Park across the river in Maryland; and Loudoun Heights and Short Hill Mountain in Virginia. Therefore the viewpoint is a potential site for interpretation of the park's geologic, Civil War, and transportation heritage.

A part of that Civil War heritage occurred on the Heffner property. Through much of the war, John Mosby, a Virginian, led a band of Confederate scouts, rangers, and horsemen that ceaselessly harassed Union generals, their armies, and supply lines. In January 1864, Mosby led a lightning raid against a unit of Union cavalry encamped just south of the property. But because the raid was at night, the Confederates attack along the Potomac and up the Piney Branch Run ravine was confused, eliminating the crucial element of surprise and leading to the attack's repulse. Mosby suffered more casualties in this action than in any other attack in the Civil War.

The protection of the property would constitute the largest acquisition needed to connect two existing National Park Service holdings in Virginia. A large federally-owned tract on the western face of Short Hill Mountain and along the Potomac River is generally inaccessible from the center of the park in Harpers Ferry. The property would nearly link park holdings along U.S. 340 and Loudoun Heights to the west and this large tract to the east via an old stone road that runs parallel to the Potomac. This link would keep intact the scenic riverfront viewshed, as well as connect wildlife habitat between the mountain forests for birds, deer, wild turkeys, and black bears. This area also includes colonial era roads, mills, and canals. The Short Hill area has been

remained isolated for nearly two decades. The Heffner property will open these 370 acres for visitors to enjoy.

Recent acquisitions have represented the park's broad historic and natural resource themes. Properties protected at School House Ridge were integral to the September 1862 battlefield, and the Murphy Farm tract protected Civil War earthworks and the site of a civil rights pilgrimage in 1906 led by Niagara Movement leader W.E.B. DuBois. The acquisition of the 58-acre Heffner property from willing sellers continues these important land conservation efforts at Harpers Ferry. Otherwise, its proximity to roads and rural living would make it a prime target for residential development.

In order for the National Park Service to protect the Heffner property, an appropriation of $5 million from the Land and Water Conservation Fund is needed. Its protection will connect existing park lands, provide access to the Potomac River and Appalachian Trail, protect Civil War heritage, and ensure that a critical part of the "stupendous" view that inspired Thomas Jefferson 225 years ago will remain pristine.

This request is also timely. As you may know, the 150th anniversary of the American Civil War will commence in 2009 and run through 2015. Harpers Ferry National Historical Park will host more official sesquicentennial events than any other park in America. Acquiring this key parcel will help the park tell its story to increasing numbers of visitors during this period.

Thank you, Mr. Chairman, for the opportunity to present this testimony in support of this exceptional project at Harpers Ferry.

**Background**

Friends of Harpers Ferry National Historical Park is the official community liaison between Harpers Ferry National Historical Park and the surrounding communities. Scot Faulkner and former Harpers Ferry Mayor Brad Nash co-founded Friends of HFNHP in 1988.

Together, they built a highly successful community-based organization that has preserved over 1,800 acres of historic and scenic land in the Harpers Ferry area and supported numerous park programs. In 1994, Friends of HFNHP received the Partnership Award from the Department of Interior for its role in supporting the 50th Anniversary of the Park.

In 2001, West Virginia Governor Wise recognized the Friends for its role in fostering local economic development in helping found Harpers Ferry Main Street. The group received its second Partnership Award in 2006 for its role in passage of Public Law 108-307, the expansion of the Park's boundary.

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**United States House of Representatives**
**Committee on Appropriations**
**Subcommittee on Interior, Environment and Related Agencies**

**Statement on the**
**Land and Water Conservation Fund (LWCF)**
**and the**
**Urban Park and Recreation Recovery Program (UPARR)**

**March 12, 2008**

**David M. Tyahla**
**Director of Government Relations**
**United States Soccer Foundation**
**Washington, DC**

**Request:**

1) Funding for the Land and Water Conservation Fund's stateside program at no less than $125 million; and

3) Funding for the Urban Park and Recreation Recovery Program at no less than $30 million.

The U.S. Soccer Foundation (Foundation) appreciates the opportunity to share our comments with the House Committee on Appropriations and is writing in support of funding for both the Land and Water Conservations Fund's (LWCF) stateside program at no less than $125 million and the Urban Park and Recreation Recovery Program (UPARR) at no less than $30 million. Both programs are authorized under the Department of the Interior.

The Foundation is a 501( c) (3) non-profit organization incorporated in 1993 for the purpose of utilizing the surplus profits from the 1994 World Cup soccer

tournament hosted by the United States to enhance, assist, and grow the sport in the U.S. The Foundation is the major charitable arm of the sport in the United States, with the goal of enriching lives through soccer.

Foundation partnerships focus on: providing healthy, physical activity for young people; developing public and private sector partnerships that bring new support and resources to the game; promoting participation by the physically and mentally challenged; and supporting gender equity. The Foundation places a special emphasis on urban programming and field development in economically disadvantaged areas.

Since its inception, the Foundation has provided over $48 million to help develop a soccer nation. Our support has impacted all 50 states in the form of over 570 field projects and urban programs. Even with this significant assistance, the expressed need far outweighs the funds the Foundation has available to provide. For example, during the most recent grant-making cycle, the Foundation received well over $10 million in requests, with approximately $1.5 million available to award.

To help meet the need for assistance, especially in urban areas, the Foundation has actively pursued leveraging our support and providing communities with additional opportunities to keep up with the ever-growing need for soccer fields and programs. We've worked with the Environmental Protection Agency (EPA) and the Office of Surface Mining (OSM) to support the construction of soccer fields on remediated Superfund and mining sites (active and abandoned). These partnerships have provided children with new fields at locations as diverse as an abandoned mine on the Navajo Native American reservation near Shiprock, New Mexico and a Superfund site in Front Royal, Virginia.

The Foundation believes that improving the health of our young people depends upon the development of additional urban parks and playing fields. While more playing areas are needed in the suburbs since that is where most of the game's explosive growth is occurring, the renovation or construction of a single field in an urban environment is as valuable to the sport, and the local community, as is a set of fields located just outside of town, but not within access of those most in need of quality recreational facilities.

That is why we entered into partnerships with organizations such as *NikeGo* to provide $1,000,000 in annual grant assistance for those who desire to renovate or enhance their limited playing areas with modern, lighted, synthetic grass surfaces. Our "All Conditions Fields" (ACF) program allows urban communities that have precious little open space to have quality fields that are available for use day or night, in nearly any weather conditions, without the risk of excessive wear.

Our stated goal has been to construct 50 ACF fields in just over five years. As the program now enters its sixth year – attracting new partners and additional resources – we are well within sight of our ambitions with nearly 50 ACF facilities either completed or in progress of construction. Examples of ACF fields which have helped transform their communities include fields at the Metropolitan Oval in Queens, New York, Douglas Park in south Chicago and the Red Shield Salvation Army Center in the Pico-Union neighborhood in Los Angeles, California. The latter project also benefited from a Department of Housing and Urban Development Neighborhood Initiatives Grant which the Foundation was fortunate to receive in 2004.

As previously stated, our support can only scratch the surface of the need for urban parks and playing fields in our country and that is why the U.S. Soccer Foundation strongly supports the Land and Water Conservation Fund (LWCF) and the Urban Park Recreation Recovery Program (UPARR) as the way for communities to further enhance the recreational opportunities for their residents.

We believe that these programs further the Foundation's overall mission and two very important national priorities. They are:

- **Encouraging and promoting healthy lifestyles, an area of growing concern in our country.** According to the Center for Disease Control and U.S. Surgeon General, inactive lifestyles and obesity are an emerging health threat to millions of Americans, rivaling smoking as the country's most preventable unhealthy lifestyle behavior. The Surgeon General's recent report goes on to state that, *"The major barriers most people face when trying to increase physical activity are time, access to convenient facilities, and safe environments in which to be active."* The report advocates the creation of "safe and accessible recreation facilities for residents of all ages" as a major thrust of its call to action. The CDC has even come out stating that Americans of all ages and abilities, but our youth in particular, must increase their daily physical activity in order to prevent chronic health conditions such as diabetes and cardiovascular disease, as well as generally improve mental and physical well-being. If funded at appropriate levels, LWCF and UPARR can continue to be instrumental in helping local communities develop community-based, "close-to-home" recreation opportunities; and,

- **Providing critical recreational infrastructure and resources to local communities.** LWCF has helped communities create nearly 8,000 public soccer fields and over 40,000 additional recreation facilities. UPARR provides recreation opportunities for children in the critical hours between 3:00pm and 6:00pm, creating safe learning environments where children are tutored and have access to mentors.

The Foundation sees the President's budget proposal for FY 2009 as signaling a continued retreat from commitments previously made for these programs on the

campaign trail. The President's budget request has chosen to "zero-out" stateside LWCF completely for FY 2009, far less than the "full funding" levels committed to in public presentations. In addition, we are just as deeply concerned that the President's request does not move to restore funding for UPARR, which is eliminated altogether in this budget for yet another year.

While the recommendations from the Administration continue to disappoint, the passage of Public Law No. 109-432, at the conclusion of the 109th Congress, is an historic act which included dedicated funding for stateside LWCF by committing a portion of lease royalty revenues generated by expanded offshore oil and gas exploration in the Gulf of Mexico to the program. This ensures a dependable funding source for the LWCF in the future.

While very exciting, there will be little or no revenues generated from these activities for at least five years, and the need to maintain a viable LWCF program in the interim is paramount. To this end, the Foundation enthusiastically supports funding stateside LWCF at no less than $125 million – an amount that provides effective funding for state and local recreation and preserves the program until the new revenues come on line – and funding UPARR at no less than $30 million. The Foundation is asking the House Appropriations Subcommittee on the Interior, Environment and Related Agencies to reverse the recent trend of decreased federal support for parks and playgrounds which enable active, healthy lifestyles and show a level of commitment that will ensure the long-term viability and on-going results of these valuable programs.

Without a dependable funding source for LWCF and UPARR, programs such as the U.S. Soccer Foundation's partnerships with urban communities that serve at-risk constituencies, and the resulting increased quality of life for people across America, will continue to be limited, even though everyone agrees that these programs are sorely needed.

We urge you to support long-term viable funding for the LWCF and for UPARR.

**Dennis J. Hardman**
President

March 11, 2008

The Honorable Norman Dicks
Chairman, Subcommittee on Appropriations
Interior, Environment and Related Agencies
2467 Rayburn HOB
Washington, D.C. 20515

Re: Coalition for Advanced Wood Structures at the Forest Products Laboratory

Dear Representative Dicks:

On behalf of APA-The Engineered Wood Association and its members, I respectfully request your support in securing $2 million in fiscal year 2009 for the *Coalition for Advanced Wood Structures* (CAWS). This program is managed by the USDA Forest Service, Forest Products Laboratory in Madison, WI, and has been funded through the Interior, Environment and Related Agencies Appropriations Bill, Forest Service, Forest and Range Land Research budget. Funding for this program has been identified as a Congressional priority on an annual basis since 2003, but because of an oversight, there was no specific language for CAWS in FY 2008. We very much hope that this program will be emphasized in FY 2009 and will become a permanent part of future budget allocations (see attachment).

This very important initiative provides needs-driven research and technology transfer to improve the performance, durability, environmental sustainability, and affordability of our nation's wood-frame housing and other structures. It also helps extend the forest resource by striving to develop new value-added uses for forest thinnings and secondary wood species to economically assist in promoting forest health and reducing the risk of catastrophic wildfire. CAWS is a partnership involving APA – The Engineered Wood Association, the NAHB Research Center, Iowa State University, the University of Idaho, Mississippi State University, and the USDA Forest Service, Forest Products Laboratory. This partnership effort is particularly timely and valuable because a federal government, industry, university partnership offers greater program efficiency and leverages federal funding to maximize public benefit at minimal cost.

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I would appreciate your support for the full $2 million requested to continue funding this Coalition for its far-reaching benefits to our nation's housing and wood products industries. As you are aware, APA is a national not for profit trade association based in Tacoma representing leading companies in the engineered wood products industry. For seventy five years, APA has focused on helping the industry create and achieve market acceptance of structural wood products of exceptional strength, versatility, and reliability. Combining the research efforts of APA and Coalition scientists with the knowledge gained from decades of field work and cooperation with our member manufacturers, APA promotes new solutions and improved processes that benefit the entire industry. It is the continuation of this long history that makes our organization extremely proud to be a proponent and partner in this exciting Coalition.

I would like at your earliest convenience to meet with you at your offices in Washington, DC, to further discuss the importance of research and technology transfer to improve the utilization of our forest resources for the benefit the American public and our industry.

Sincerely,

DENNIS J. HARDMAN
President
APA The Engineered Wood Association

Attachment

cc: Senator Patty Murray
Senator Maria Cantwell
Senator Herb Kohl

## USDA Forest Service, Forest Products Laboratory
## Madison, Wisconsin

A funding request of $2.0 million for fiscal year 2009 is proposed to fund cooperative research with the Coalition for Advanced Wood Structures (CAWS) and rebuild and extend capacity at the USDA Forest Service, Forest Products Laboratory (FPL) in Madison, Wisconsin. CAWS is a university/ industry/government partnership that includes APA – The Engineered Wood Association, the NAHB Research Center, Iowa State University, the University of Idaho, Mississippi State University, and FPL. Prior year funding for CAWS has been identified by Congress in the Interior, Environment and Related Agencies appropriations language, Related Agencies, Department of Agriculture, Forest Service, Forest and Rangeland Research. Language specified that "**The funding provided for advanced wood structure research should be used for merit-based work by the Forest Products Laboratory in cooperation with the members of the Coalition for Advanced Wood Structures**." In prior years, there has been bi-partisan support for this research in both the Senate and the House since FY 2003.

Wood has been used as a structural material for thousands of years. Despite the development of other materials, wood continues as a primary structural material and is widely used because of its excellent performance characteristics and affordability. As we move into the future, research is needed to develop more efficient and durable structures that are adaptable to the changing forest resource typified by plantation-grown trees and small-diameter secondary species. In recognition of this need, academic and industry leaders together with the FPL, formed the Coalition for Advanced Wood Structures. CAWS brings together representatives from universities, industry and government to work together in a cooperative, complementary manner to foster sustainable, efficient use of our forest resources while improving the economy and performance of wood structures. This partnership offers greater program efficiency and leverages federal funding to maximize public benefit at minimal cost. The scope of activities includes all types of wood structures, focusing in three areas:

- Housing including single- and multifamily units using conventional in-place stick built, panelized, modular or manufactured construction.
- Non-Residential Building Structures focusing on low-rise structures such as schools, retail stores, manufacturing/warehouses and office buildings.
- Transportation Structures including vehicle, railroad and pedestrian bridges, noise barriers and marine facilities.

The Coalition effectively functions as an extension of the FPL and cooperatively participates in research and technology transfer to meet National and regional needs. CAWS research maximizes the unique capabilities of the respective members to develop and evaluate technology for both new and existing structures in which wood and/or wood-based products are used as primary or secondary components. Examples of specific research areas include the following:

- Forest resource utilization and sustainability
- Affordability
- Durability
- Design efficiency and optimization
- Fire and disaster resistance
- Energy and resource efficiency
- Construction and quality control
- Environmental conservation and recycling

For additional information, contact Michael Ritter, USDA Forest Service, Forest Products Laboratory, Madison, Wisconsin; mritter@fs.fed.us; (608) 231-9493.

**Alliance for Community Trees**
**American Forest Foundation**
**American Forests**
**American Nursery & Landscape Association**
**The Hardwood Federation**
**Michigan United Conservation Clubs**
**National Association of State Foresters**
**National Plant Board**
**The Ohio State University, Department of Entomology**
**Purdue University, Department of Entomology**
**Society of American Foresters**
**The Nature Conservancy**
**Union of Concerned Scientists**
**University of Georgia, Center for Invasive Species & Ecosystem Health**

March 11, 2008

The Honorable Norman Dicks
Chairman
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Todd Tiahrt
Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

RE: Fiscal Year 2009 Appropriation for the USDA Forest Service

Dear Chairman Dicks and Ranking Member Tiahrt:

We urge the Subcommittee on Interior, Environment, and Related Agencies to appropriate adequate funding for the USDA Forest Service to manage non-native insects and plant diseases that threaten America's forests. We recommend an FY2009 appropriation of $123 million for the USDA Forest Service Forest Health Management Program. This level is about $44 million above the Administration's request and approximately equivalent to the current level of funding. We appreciate your leadership in past years in securing funding for this vital program at levels significantly above the Administration's request.

Our proposed funding level would maintain the program's current level. Under the Administration's request, funding for programs vital to protecting America's forests from such highly damaging introduced insects and diseases as the emerald ash borer, sudden oak death, hemlock woolly adelgid would be reduced by two-thirds or more; funding for the Asian long-horned

beetle would be eliminated altogether. Funding targeting the *Sirex* woodwasp and gypsy moth would be reduced by almost two-thirds. The Forest Health Management program also counters other introduced insects that have attracted less attention, but that still cause significant damage to America's forests. These include Laurel wilt, which is killing redbay and sassafras trees in coastal Georgia and South Carolina; and several insects and pathogens on the islands of Hawaii and Guam.

Maintaining current funding levels would also enable the USDA Forest Service to continue vital support for the pest eradication and containment programs carried out by the USDA Animal and Plant Health Inspection Service. Forest Service expertise in the pests' biology and detection and management methodology is crucial to the success of these programs. Failure to complete eradication of the Asian longhorned beetle will expose to destruction hardwood forests reaching from New England into Minnesota and smaller areas of the West. Particularly threatened are the hardwood timber, maple syrup, and autumn foliage tourism industries of the Northeast, and street trees across the Nation valued at $600 billion.

The threat posed by the emerald ash borer is particularly critical. If its spread from the upper Midwest to the rest of the country is not prevented, it is will cause losses of urban trees worth as much as $60 billion. Losses to the timber industry would be $25 billion in Eastern states. It is vitally important that the Forest Service effort targeting this insect not be reduced.

The USDA Forest Service has the lead responsibility for detecting and responding to any outbreaks of sudden oak death in the hardwood forests of the East. These detection programs must not be halted as the risk of this pathogen being spread by infected nursery plants has not been eliminated. Furthermore, greater vigilance is needed to prevent introductions from Europe or elsewhere of other pathogens threatening to cause similar levels of damage.

Finally, the Forest Health Management Program needs adequate funding to expand its Early Detection project. This program has been responsible for detecting more than a dozen introduced insects, including two which threaten the economically important pine forests of the Southeast: the *Sirex* woodwasp and Mediterranean pine beetle. Steady or increasing funding is necessary to expand this program to cover all states and to develop and deploy methodologies to detect the highly damaging wood-boring beetles.

We recommend an increase of $3 million above the President's request for the "Invasives R&D" line item within the Forest Service Research program. This would permit maintaining at approximately current levels research aimed at improving detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid, sudden oak death (also called the phytophthora leaf and stem blight pathogen), gypsy moth, and other non-native forest pests and diseases. Funding at our recommended level would also allow expanded research on the Sirex woodwasp, which poses a serious threat to pine resources across the continent.

The agency bearing the principal responsibility for eradicating newly introduced forest pests is not the USDA Forest Service, but rather the USDA Animal and Plant Health Inspection Service (APHIS), an agency under the jurisdiction of the Agriculture Appropriations subcommittee. The USDA Forest Service plays a critical support role by providing both management expertise and critical research. Nevertheless, the Subcommittee cannot achieve its goal of protecting the Nation's forests' health as long as funding shortfalls undermine USDA APHIS eradication programs. We encourage the Subcommittee to work with the Agriculture Appropriations Subcommittee to find

ways to increase funding for forest pest line items in the USDA APHIS Emerging Plant Pest account.

Sincerely,

Drue Deberry, Senior Vice President, Conservation, American Forest Foundation
Dr. G. Keith Douce, Co-Director, Center for Invasive Species & Ecosystem Health, and Professor of Entomology, College of Agricultural & Environmental Sciences, University of Georgia
Jay Farrell, Executive Director, National Association of State Foresters
Deborah Gangloff, Executive Director, American Forests
Michael Goergen, Executive Vice-President, Society of American Foresters
Walker Gray Haun, President, National Plant Board
Deb Hawkinson, Executive Director, The Hardwood Federation
Daniel Herms, Associate Professor, Department of Entomology, The Ohio State University
Dr. David Moorhead, Co-Director, Center for Invasive Species & Ecosystem Health, and Professor of Silviculture, Warnell School of Forestry and Natural Resources, University of Georgia
Craig Regelbrugge, Senior Director of Government Relations, American Nursery & Landscape Association
Dr. Clifford S. Sadof, Professor, Department of Entomology, Purdue University
Donna Stine, Deputy Director for Policy, Michigan United Conservation Clubs
Alice Ewen Walker, Executive Director, Alliance for Community Trees
Nat Williams, Acting Director of Government Relations, The Nature Conservancy
Phyllis N. Windle, Director, Invasive Species, Union of Concerned Scientists

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Testimony of John K Moore
on behalf of the Mother Lode Chapter, Sierra Club

Supporting LWCF appropriations to purchase lands in
Tahoe National Forest, California

before the
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
March 13, 2008

The Mother Lode Chapter of the Sierra Club supports an appropriation of $5 million from the Land and Water Conservation Fund to the U. S. Forest Service to purchase lands in Tahoe National Forest, California. Some of these lands are in the canyon of the Middle Yuba River, and the remainder are in the canyon of the North Yuba River.

The Mother Lode Chapter also urges the Subcommittee to recommend total appropriations from the Land and Water Conservation Fund much larger than the miniscule appropriations in the President's budget. Increased appropriations are urgently needed to reduce the enormous nationwide backlog of critical private inholdings that should be acquired.

Land grants to the Central Pacific Railroad created an irrational square-mile checkerboard pattern of public and private lands around the railroad's route across the Sierra Nevada. The checkerboard pattern of ownership makes efficient and effective management of public lands in the checkerboard to enhance forests, water quality, wildlife habitat, and recreation impossible. There are numerous areas in the checkerboard with exceptional wildlife, recreation, and scenic values. Consolidation of public ownership in these exceptional areas will prevent degradation of their values by development on the intervening private lands.

Consolidation of public ownership of areas with exceptional values in the checkerboard has been a high priority of the Mother Lode Chapter for decades.

Thanks to the foresight of past Congresses, thousands of acres of private land in the exceptional checkerboard areas – for example, the Castle Peak area and the North Fork American Wild River – have been acquired by LWCF appropriations. The Chapter urges you to build on these achievements by recommending the requested appropriation for FY 2009.

Checkerboard parcels along the Middle Yuba River and parcels in the watershed of the North Yuba River with a total area of 3700 acres are available for acquisition in FY 2009.

Middle Yuba River lands

These lands lie along 12 miles of the canyon of the Middle Yuba River, a deep rugged canyon that includes three sheer-walled inner box canyons. This twelve-mile stretch is the upstream end of the thirty-nine miles of the Middle Yuba that Tahoe National Forest has found eligible for designation in the Wild and Scenic River System by virtue of its exceptional scenic qualities. Most of the parcels are on the lower slopes and in the bottom of the canyon.

Bald eagles and northern goshawks reside in the canyon, which is a critical wildlife corridor. The canyon contains nesting and foraging areas for California spotted owls. Most of the national forest lands in the canyon are included in Tahoe National Forest's Carnivore Network, lands that are to be managed to benefit habitat for marten and Pacific fisher.

The entire thirty-nine mile stretch of the Middle Yuba is considered to be a good to excellent trout stream. The first four miles downstream from Milton Reservoir are more accessible than the canyons further downstream, and acquisition of lands along this stretch would help ensure public access to almost all of it. The available lands include a stretch of Macklin Creek, which contains a self-sustaining population of Lahontan cutthroat trout, a federally-listed threatened species. Macklin Creek is an important contributor to California's Lahontan cutthroat trout recovery program.

The Middle Yuba canyon offers excellent opportunities for fishermen, hikers, and canyon explorers who enjoy solitude, strenuous adventure, and highly scenic primitive settings. There are several historic trails into the canyon. Some of them are presently usable, and others could be reconstructed to provide additional access.

Acquisition of the available Middle Yuba River lands would significantly increase and consolidate public ownership within the canyon, facilitating coordinated management to preserve the canyon's important wildlife habitat, watershed, and wild river values. If these lands are not acquired, some parcels might be sold to individuals desiring unusually isolated second-home sites. Development of these sites would gravely damage the pristine canyon.

North Yuba River lands

Most of the eleven scattered parcels lie on the middle and upper slopes of the canyon of the North Yuba River, a few miles upstream from the town of Downieville. These parcels are in the middleground and background views from the North Yuba River canyon and heavily traveled State Highway 49, which is designated as a California Scenic Highway. The North Yuba River canyon is also a very popular recreation area. Protection of the highly scenic views from the canyon and highway is a significant public benefit.

Acquisition of the North Yuba River parcels will substantially consolidate public ownership in several drainages tributary to the North Fork and facilitate coordinated management to preserve the scenic, watershed, and wildlife habitat values of these drainages, which are included in Tahoe National Forest's Carnivore Network.

Contacting the submitter of this testimony:
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Sacramento CA 95820-1601

**Testimony of Sue Currier, Executive Director**
**On behalf of the Delaware Highlands Conservancy**
**In Support of Land Acquisition Funding for**
**Delaware Water Gap National Recreation Area, Pennsylvania**
**Land and Water Conservation Fund, National Park Service**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman D. Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking**
**March 13, 2008**

Mr. Chairman and Honorable Members of the Committee:

I appreciate the opportunity to testify on behalf of an important Land and Water Conservation Fund request of $1.4 million to allow National Park Service acquisition of the 96-acre Santos Farm property within the legislated boundary of the Delaware Water Gap National Recreation Area.

As you know, Mr. Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

The Delaware Highlands Conservancy is a non-profit land trust dedicated to working with landowners, other conservation organizations and local and state government to conserve the natural and cultural heritage of the Upper Delaware River region. Specifically the Conservancy serves Pike and Wayne Counties in PA, as well as Sullivan and Delaware Counties NY. We are members of the National Land Trust Alliance and follow their best management standards and practices.

To date the Conservancy has helped landowners protect over 10,000 acres for the benefit of future generations. Located within easy driving distance of the Nation's most populous metropolitan area, New York City, and within a 5-hour drive of one-third of the population of the U.S., the primary industry in this area is tourism.

Protecting our natural areas is of vital economic importance to the region. The Pocono Mountain Visitors Bureau (PMVB), reports that the travel and tourism industry produces $1.073 billion in expenditures to the four primarily rural counties they serve. The Bureau recently completed extensive research with visitors and determined that the top values were: preservation of the natural environment; preservation of the authentic small town charm; and responsible development.

A coalition of diverse groups – including local elected officials, the Pike County Commissioners, local planning commissions, watershed groups, the Conservancy, and like-minded organizations – have identified key parcels in the region that need to be protected to maintain the scenic rural character. The Santos Farm is viewed by all to be a critical component of the landscape and critical for protection.

Please allow me to provide some background on the area. After flowing south to Port Jervis, New York, the Delaware River turns along the long ridge of the Kittatinny Mountain. For 40 miles the River runs southwest in a valley confined by the Kittatinny Mountain in New Jersey and the Pocono Mountains in Pennsylvania. Just east of Stroudsburg, the river breaks through the Kittatinny Mountain creating a dramatic "water gap" in the ridge. The forested and craggy mountains on both sides of the Delaware River tower over it by more than 1,200 feet.

Geologists believe the water gap was created by separate rivers on both sides of the Kittatinny Mountain. For thousands of years the two rivers, assisted by wind and rain, eroded the mountain, carrying away more earthly material at weak spots in the rock than at stronger spots. Several million years ago, the rivers linked at a particularly weak spot in the mountain's geology. This action created both the water gap and the current Delaware River. The creation of the water gap increased erosion by the more powerful single river, which led to the dramatic chasm that is today referred to as the Delaware Water Gap.

In the 1960s the Army Corps of Engineers planned to dam the Delaware River and create the Tocks Island Reservoir. Congress approved the proposal in 1965 and instructed the Corps and the Interior Department to acquire lands around the proposed reservoir for "public outdoor recreation use and enjoyment of the proposed Tocks Island Reservoir...and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters." This 1965 legislation created the present Delaware Water Gap National Recreation Area, covering nearly 70,000 acres in New Jersey and Pennsylvania. However, controversy over the dam blocked its construction for nearly 15 years. Many critics found the two purposes of the authorizing law, damming the River and preserving the land and water, contradictory.

Congress resolved the issue by designating the portion of the Delaware River within the Recreation Area as a National Wild and Scenic River, ending the possibility of building a dam and making the conservation of the natural, recreational, historical, and cultural attributes of the water gap and the River valley the primary mission of the park.

Today the Delaware Water Gap National Recreation Area is a natural and recreational treasure in the mid-Atlantic section of the Appalachians Mountains. It is the largest park unit between Maine and Virginia. Its proximity to the metropolitan areas of northern New Jersey, New York City, and Philadelphia places it within reach of tens of millions of people. Its accessibility to these populations – Interstate 80 runs through the water gap – brings more than five million annual visitors. Attractions include scenic viewpoints in the water gap on I-80 and in the valley along US 209, waterfalls, hiking, biking, rock climbing, horseback riding, hunting, fishing, camping, canoeing, kayaking, rafting, tubing, swimming, wildlife observation, and the opportunity to learn about the many historical and cultural sites in the park. River recreation and

wildlife thrive on the exceptionally clean waters of the Delaware River throughout the valley. Additionally the Recreation Area includes 27 miles of the Appalachian Trail.

Within the legislative boundary, there are a number of privately owned properties that could be potentially sold for development. Acquisition of these inholdings from willing sellers allows the National Park Service to consolidate ownership and improve management of forest, wildlife habitat, and recreational resources. In FY 2009 the National Park Service has the opportunity to acquire the 96-acre Santos Farm property in Milford, Pike County, Pennsylvania.

The Santos Farm property is located along the Delaware River at the northern end of the National Recreation Area. The property is one of the last undeveloped farmland tracts in Pike County and provides significant wildlife habitat. Milford Borough, Township, and county officials have expressed strong support for protecting this property. If developed, the loss of scenic, recreational, and habitat resources would be significant.

The Delaware Highlands Conservancy together with the Pike Conservation Partnership, a coalition of non-profit organizations and local and state agencies, and the Pike County Commissioners have identified the Santos Farm as a high priority property for conservation. And, Pike County voters recently approved the Scenic Rural Character Preservation Bond for the protection of natural areas in the County, with a yes majority of 68.2%. Support for the conservation of this land is high, but there are insufficient funds locally to raise the entire purchase price.

An appropriation of $1.4 million to the National Park Service for the acquisition of the Santos Farm property would consolidate ownership and improve management of forested areas within the park, protect wildlife habitat, enhance local park and trail networks, and protect the watershed of the Delaware River within the National Recreation Area.

Mr. Chairman, and distinguished subcommittee members, I wish to thank you for this opportunity to provide testimony in support of this critical land acquisition funding need at the Delaware Water Gap National Recreation Area.

Sincerely,

Sue Currier
Executive Director
Delaware Highlands Conservancy
P.O. Box 218
Hawley, PA 18428

Testimony in Support of Increased FY 2009 Funding for
United States Geological Survey

March 12, 2008

Submitted by:

Megan Kelhart
Senior Policy Associate

and

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American Institute of Biological Sciences
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Submitted to:

Subcommittee on Interior and Related Agencies
Committee on Appropriations
B-308 RHOB, United States House of Representatives
Washington, DC

The American Institute of Biological Sciences (AIBS) encourages Congress to provide the United States Geological Survey (USGS) with at least $1.3 billion for fiscal year (FY) 2009. Within this amount, we encourage you to provide at least $230 million for the programs of the Biological Resources Discipline.

AIBS is a nonprofit scientific association dedicated to advancing biological research and education for the welfare of society. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950s. AIBS is sustained by a robust membership of some 5,000 biologists and nearly 200 professional societies and scientific organizations; the combined individual membership of the latter exceeds 250,000. AIBS advances its mission through coalition activities in research, education, and public policy; publishing the peer-reviewed journal BioScience and the education website ActionBioscience.org; providing scientific peer review and advisory services to government agencies and other clients; convening meetings; and managing scientific programs.

The USGS provides independent research, data, and assessments needed by public and private sector decision-makers. A unique combination of biological, geographical, geological, and hydrological research programs enables USGS scientists to utilize innovative interdisciplinary research techniques to answer important questions. For instance, USGS data inform our understanding of how species and ecological systems may respond to climate change and how ecological systems might help ameliorate the effects of environmental change. Moreover, the USGS collects data that other federal agencies and nongovernmental scientists do not collect. We cannot afford to sacrifice this information; rather, we should increase our investments in this work.

USGS scientists work collaboratively and are vital members of the research community. Through offices and science centers located in every state and partnerships with more than 2,000 federal, state, local, tribal, and private organizations, the USGS has built the capacity to leverage additional research expertise. For example, through the Cooperative Research Units program USGS scientists are stationed at universities. This proximity to academic researchers heightens the intellectual and technical resources devoted to answering to biological and natural resource questions. Cooperative Research Units are a vital component of our nation's education and training infrastructure, helping to develop the skills that graduate students need to become the natural resource professionals that government agencies require.

Natural resource managers demand reliable, relevant, and timely information. The Biological Informatics Program develops and applies innovative technologies and practices to the management of biological data, information, and knowledge. Increased funding for the USGS would enable the Biological Informatics Program to continue on-going activities and begin to implement initiatives that the resource management and research communities have identified as priorities. For example, the National Biological Information Infrastructure (NBII) program, managed under the Biological Informatics program, provides scientists and managers better access to existing data. NBII connects diverse, high-quality biological databases, information products, and analytical tools maintained by NBII partners and other contributors in government agencies, academic institutions, non-government organizations, and private industry.

In the President's FY 2009 budget request, NBII was cut by $2.9 million. This cut is likely to have significant negative impacts on the program. Full funding for NBII would allow for the establishment of new system nodes and support of existing system nodes, such as the National Framework for Early Detection, Rapid Assessment, and Rapid Response to Invasive Species (EDDR). The EDDR framework assists scientists and resource managers in correctly identifying invasive species, which cost the U.S. $138 billion each year in health care, lost income, and environmental consequences.

The NatureServe program provides the scientific basis for wise natural resources management. Through a network of state Natural Heritage programs, NatureServe provides valuable information about rare species and threatened ecosystems. The NatureServe partnership provides numerous federal and state agencies with the information needed to make informed natural resource management decisions. The

NatureServe and NBII programs are vitally important for resource managers at the federal and state levels and should be fully funded and supported. We encourage Congress to restore cuts to NBII; however, not at the expense of other programs.

Biological science programs within the USGS gather long-term data not available from other sources. This data has contributed fundamentally to our understanding of bird migratory patterns and the status and dynamics of biological populations, and it has improved our understanding of how ecosystems function. This array of research expertise not only serves the core missions of the Department of the Interior, but also contributes to management decisions made by other agencies and private sector organizations. In short, increased investments in these important research activities will yield dividends.

The USGS is uniquely positioned to address many of the nation's biological and environmental challenges, including energy independence, climate change, water quality, and conservation of biological diversity. USGS research in biology and ecosystem science provides data on the potential impacts to ecosystems that could result from global climate change or from land management practices. Additional studies conducted by the USGS in global change indicate that sea-level rise will continue to impact coastal areas. These studies will provide critical data for resource managers as they develop adaptive management strategies for restoration and long-term use of the nation's natural resources.

Funding for the USGS has remained flat for nearly a decade. The situation is even worse when the budget is adjusted for inflation. The President's FY 2009 budget request for the USGS is $969 million, $38 million below the FY 2008 enacted budget and more than $6 million below the FY 2008 operating plan. Despite inadequate budget requests from the present and prior Administrations, Congress has demonstrated its recognition of the importance of USGS science by restoring proposed cuts. In response, the USGS has made every effort to be responsible stewards of public funds and has sought to leverage its limited human and financial resources to the greatest extent possible.

There is growing concern from within the government and outside that funding for the USGS must improve if it is to continue to serve its mission. Without an increased investment in USGS science, core missions and national priorities will suffer. Thus, any effort that Congress can make to fundamentally improve funding for the USGS will be appreciated.

Thank you for your thoughtful consideration of this request.

**Central Great Lakes Geologic Mapping Coalition**

Written testimony to be included in the FY2009 offieial record of the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies

Richard C. Berg, Principal Geologist, Illinois State Geological Survey
John M. Steinmetz, Director and State Geologist, Indiana Geological Survey
Steven E. Wilson, Minerals & Mapping Unit Supervisor, Michigan Geological Survey
Mac Swinford, Assistant Chief, Ohio Division of Geological Survey

The Central Great Lakes Geologic Mapping Coalition was established in 1997 by the Illinois, Indiana, Michigan, and Ohio State Geological Surveys, in partnership with the U.S. Geological Survey (USGS). In January 2008, it added the Minnesota, Wisconsin, Pennsylvania, and New York state geological surveys. The central task of the Coalition is to make three-dimensional (3D) geologic maps that characterize the region's near-surface deposits to depths of several hundred feet for decision-makers. Since FY2000, the Coalition program has been a $500,000 line item in the USGS' Budget, and from 2004 to 2008, the $500,000 was included in the President's Budget. Funds are split amongst the partners and beneficiaries of Coalition products serve a wide cross-section of our States. However, the FY09 budget request proposed the termination of the Mapping Coalition. We urge the committee to recognize the value that geologic mapping provides in addressing issues such as natural resource, water, and sustainability needs and we are requesting a programmatic restoration of the $500,000 that was removed in the President's Budget, and an additional $4,500,000, in the House Interior, Environment, and Related Agencies Appropriations Bill. In addition, we suggest that the funds be placed within the newly formed USGS Global Change Activity. This is the program that incorporated the Earth Surface Dynamics program, which formally housed the Coalition.

The 3D maps produced by the Mapping Coalition not only show the various materials lying at land surface, they also show "what lies beneath". For example, aquifers containing water resources can now be delineated in much greater detail and with much greater understandability than previously possible. A 3D map gives water resource planners the tools to determine potable water supplies, ascertain their sustainable capacity, and ensure a balance between water use and protecting it from potential contamination. It also provides planners with information to avoid areas (and future costly liabilities) where natural hazards might exist at and below the surface, such as loose soils that enhance earthquake shaking, and terrain subject to erosion, flooding, or subsidence. Finally, regional and national concerns addressed by the Mapping Coalition include rapidly increasing water demands of energy facilities, including $CO^2$ sequestration, ethanol plants, and coal-to-liquid/gas facilities. These demands, as well as those for high water-use industries, require information about the extent, continuity, and thickness of the geologic materials that provide their water supplies. Findings also provide critical information related to Global Climate Change (e.g., evaluating water as an impacted resource) and Homeland Security (e.g., water resource assessment, displaced populations and infrastructure support, etc.) both significant Federal issues. Appropriate funding for the Mapping Coalition will help provide all of this information in a timely fashion.

Mapping priority areas in the Coalition states were determined by each State geological survey in cooperation with their federally mandated Mapping Advisory Committee, composed of individuals from the private sector, state universities, county governments, and other State agencies. Priority areas include urban/suburban areas experiencing rapid growth and concurrent water resource shortages, areas of high recreation use, transportation corridors, regions with known energy development, and areas with environmental and homeland security demands.

The Mapping Coalition states are unique within the U.S. because they have (1) thick, complex, multiple layers of sediments deposited by several glaciers, which contain groundwater resources used by a large percentage of their residents, (2) high population (~80 million), (3) a long-standing tradition of light and heavy industry, (4) serious brownfield redevelopment issues, (5) high agricultural productivity (Midwest states), and most recently (6) experienced considerable demands on water resources from the energy sector. Unfortunately, only a small percentage of the surface deposits of these states has been mapped to the standards set by the National Cooperative Geologic Mapping Act to address critical land- and water-use decisions that state and local officials must make to cope with these unique and interrelated regional geological and cultural characteristics.

No single agency among the Coalition partners has the financial, technical, or physical resources to conduct a massive geological mapping effort at the national standard scale of 1:24,000 (1" on the map = 2000' on the ground). Therefore, the Mapping Coalition relies on the combined physical and intellectual resources of all agencies, in concert with increased Federal funding. This combination allows 3D geological mapping to be conducted in the most cost-efficient manner as it provides critical information to county/municipal decision makers, developers, and industrial/commercial concerns.

The Coalition's mapping program commenced in 2000 with 3D mapping of pilot areas in county-sized regions of Illinois, Indiana, Michigan, and Ohio. For several years, Coalition members have dedicated millions of dollars of State funds to this mapping effort. We estimate that it will require ~$40M per year over 15 years to complete mapping in the highest priority areas of the 8 states. This figure is the optimum amount needed to produce new information in a timely fashion. At the existing $500,000-level of Federal funding, the Mapping Coalition estimates that it will take about 150 years to produce 1:24,000-scale, 3D geological maps of the high priority areas. Even with the infusion of millions of state dollars already committed to this task, critical land- and water-use decisions, that may have negative impacts on the region's long-term economic development and environmental security, will be made in ignorance of basic geologic facts. Particularly, it is well known that important economic development opportunities in these states have already been lost because geologic information was lacking and economic development opportunities located elsewhere.

A thorough economic assessment of statewide mapping was conducted for Kentucky, the only state to be completely geologically mapped at the 1:24,000-scale. Based on extensive polling of map users, professional economists concluded that, conservatively, each Federal and State dollar invested in geological mapping generated $25-$39 in

economic benefits. Furthermore, the Kentucky maps, originally intended to boost the State's mineral and energy industries, primarily have been used to address water supply and protection issues, growth and development concerns, environmental problems, and mitigation of a variety of natural hazards.

House and Senate offices last year received about 600 letters from over 100 entities supporting this specific funding request for the Mapping Coalition program, and a similar campaign is being conducted this year. Letters have been from state, county, and municipal agencies, county and regional economic development corporations, regional government entities, universities, consulting companies, soil and water conservation districts, professional associations, environmental groups, state and local political office holders, and private practicing geologists. There is no known opposition to this program.

Finally, although funding constraints necessarily have slowed the pace of mapping, the Mapping Coalition has achieved significant milestones over the last 10 years. It has significantly improved the efficiency of geological mapping and map production, and shown its capacity to perform and produce at appropriate funding levels.

- The long-term Lake County, Illinois land-use plan requires Mapping Coalition information for future development planning because the location of buried aquifers, recharge areas, and vulnerability of aquifers to potential contamination are major issues. Geologists have been working closely with Lake County municipalities to help delineate groundwater resources, model groundwater flow, and ascertain long-range growth and development plans. Lake County government officials have stated that geologic information is as basic to a county's needs as soil information and air photos and have pressed us to speed up our mapping program. Illinois has also initiated mapping within the City of Chicago to address brownfield re-development concerns, Lake Michigan shoreline issues (erosion, shoreline protection, sedimentation, beach replenishment, redevelopment, and near-shore lake bottom paving), construction favorability conditions, contamination hazards, aggregate for construction, development of underground space for drainage control and warehousing, and land suitability for open space and wetlands.
- In northeastern Indiana, 3-D geologic mapping and reconstruction of the glacial sediments have been initiated to develop models of how these materials were deposited. The materials enclose a major aquifer system that has experienced a long-term decline in groundwater levels. The 3-D geologic interpretation is the first step in developing a model for the aquifer system, which will help in understanding groundwater flow and recharge. In addition, the Coalition completed an educational and outreach effort focused on Allen County, where Fort Wayne, Indiana's second largest city is located. A Web site was created to disseminate much-needed geologic information about accessing and protecting groundwater and mineral resources. This Web site, written for the general public and water- and mineral-resource, environmental, planning, and public health professionals, includes an Internet map server where online maps can be constructed that provide educational summaries and discussions of geologic maps. It also offers databases that can be downloaded by any user.

- In Berrien County, Michigan, 3D geologic mapping saved the village of Coloma over $50,000 by using newly available aquifer information when an elementary school discovered contamination in their groundwater supply well. The same map was also used to exclude the location of a "peaker" power plant in an area of inadequate groundwater for cooling water needs. Consultants used the information to help cleanup a Superfund site in Benton Harbor, as well as locate an irrigation well for a planned golf course. Also, real estate developers have recognized that Berrien County geological mapping is important for understanding land use and development potential. Spin-off products have included maps showing directions and rates of groundwater flow in the county, as well as primary areas of groundwater recharge, all essential for assessing water resource availability and ensuring "green" economic development. Preliminary mapping on the border of Manistee and Wexford counties has located a huge reserve of high-quality foundry sand for the automotive industry that was previously unknown.
- In central Erie County, Ohio, the Coalition completed 3D geologic mapping that delineates the area's most important buried aquifer. Advanced groundwater flow modeling performed by Coalition partners at the Indiana Geological Survey, based on the 3D geology, provides information on the aquifer's groundwater flow contributions to Lake Erie, as well as sustainability for public water supplies and vegetable crop irrigation. In addition, this work provides the data needed for assessing aquifer vulnerability, particularly in connection with a county landfill and two SuperFund sites that are in the mapping area. These innovative 3D mapping processes first employed to digitally model the surface deposits of Erie County now have been implemented in Delaware County in central Ohio, thereby increasing the speed at which mapping can be completed. Also, shallow geophysical methods capable of penetrating to depths of 100 feet are now being used for surface/groundwater interaction studies, depth to bedrock investigations, determining seismic risk potential, and determining the thickness of potential sand and gravel deposits for resource studies.

Restoration of the $500,000 from the President's Budget, plus $4,500,000, will allow further implementation of the above and expansion of the Mapping Coalition program to other regions of the four original Coalition States, as well as initiate new programs in the 4 newly added states. Your consideration regarding our request is greatly appreciated.

Testimony in Support of Increased FY 2009 Funding for
United States Geological Survey

March 12, 2008

Submitted by:

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and

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Submitted to:

Subcommittee on Interior and Related Agencies
Committee on Appropriations
B-308 RHOB, United States House of Representatives
Washington, DC

The Natural Science Collections Alliance (NSC Alliance) encourages Congress to provide the United States Geological Survey (USGS) with at least $1.3 billion for fiscal year (FY) 2009. From this amount, we encourage you to provide at least $230 million for the programs and functions of the Biological Resources Discipline (BRD).

The NSC Alliance is a nonprofit association that supports natural science collections, their human resources, the institutions that house them, and their research activities for the benefit of science and society. Our members are part of an international community of museums, botanical gardens, herbariums, universities and other institutions that house natural science collections and utilize them in research, exhibitions, academic and informal science education, public service, service to governmental entities such as public health, agriculture, homeland security, defense, natural resource conservation, and outreach activities for the betterment of society.

The USGS provides independent research, data, and assessments needed by public and private sector decision-makers. A unique combination of biological, geographical,

geological, and hydrological research programs enable USGS scientists to utilize innovative interdisciplinary research techniques to answer important questions. For instance, USGS data are essential to informing our understanding of how species and ecological systems may respond to climate change and how ecological systems may be able to help ameliorate the effects of environmental change. Moreover, the USGS collects data that other federal agencies and nongovernmental scientists do not collect. We cannot afford to sacrifice this information; rather, we should increase our investments in this work for it is vital to scientific, social, and commercial advancement.

Natural resource managers demand reliable, relevant, and timely information. The Biological Informatics Program develops and applies innovative technologies and practices to the management of biological data, information, and knowledge. For instance, the NSC Alliance has worked with USGS personnel to try to identify barriers to the digitization of data associated with the tens of millions of specimens in natural science collections. Such specimens become increasingly valuable each year as new techniques permit the vast storehouse of information locked in these specimens to be accessed for scientific research. These efforts offer the potential for USGS and academic researchers to use these data to improve our understanding of the distribution and habitat requirements of species, thus improving our ability to efficiently and effectively develop conservation and management policies.

Increased funding for the USGS would enable the Biological Informatics Program to continue on-going activities and begin to implement initiatives that the resource management and research communities have identified as priorities. For example, the National Biological Information Infrastructure (NBII) program within the Biological Informatics office provides scientists and managers access to existing data. In the President's FY 2009 budget request, NBII was cut by $2.9 million. This cut will have a significant negative impact on this important program. Full funding for NBII would permit the establishment of a more interconnected and accessible information system and would provide for the continued operation of important efforts, such as the National Framework for Early Detection, Rapid Assessment, and Rapid Response to Invasive Species (EDDR). The National EDDR framework would assist scientists and resource managers in correctly identifying invasive species, which are estimated to cost the United States $138 billion each year in health care, lost income, and environmental consequences.

USGS scientists work collaboratively and are vital members of the research community. Through offices and science centers located in every state and through partnerships with more than 2,000 federal, state, local, tribal, and private organizations, the USGS has built the capacity to leverage additional research expertise. For example, through the Cooperative Research Units program USGS scientists are stationed at many universities. This proximity to academic researchers heightens the intellectual and technical resources devoted to answering biological and natural resource questions. Moreover, Cooperative Research Units are a vital component of our nation's education and training infrastructure, helping to develop the skills that graduate students need to become the natural resource professionals that government agencies require.

Biological science programs within the USGS gather long-term data not available from other sources. Such data have contributed in a fundamental manner to our understanding of bird migratory patterns and the status and dynamics of biological populations, and have improved our understanding of how ecosystems function. This array of research expertise not only serves the core missions of the Department of the Interior, but also contributes to management decisions made by other agencies and private sector organizations. In short, we need to increase our investments in these important research activities.

The USGS is uniquely positioned to address many of the nation's biological and environmental challenges, including energy independence, climate change, water quality, endangered species, introduced pest species, emerging diseases, and conservation of biological diversity. USGS research in biology and ecosystem science provides data on the potential impacts to ecosystems that could result from global climate change or from particular land management practices. Additional studies conducted by the USGS related to global change indicate that sea-level rise will continue to impact coastal areas. These studies will provide critical data for resource managers as they develop adaptive management strategies for restoration and long-term use of the nation's natural resources, including its coastlines.

Funding for the USGS has remained flat for nearly a decade. The situation is even more critical when the budget is adjusted for inflation. The President's FY 2009 budget request for the USGS is $969 million, $38 million below the FY 2008 enacted budget and more than $6 million below the FY 2008 operating plan. Despite inadequate budget requests from the present and prior Administrations, Congress has demonstrated its recognition of the importance of USGS science by restoring proposed cuts. In response, the USGS has made every effort to be responsible stewards of public funds and has sought to leverage its limited human and financial resources to the greatest extent possible.

There is growing concern from within the government and from outside that funding for the USGS must improve if it is to continue to serve its mission. Without an increased investment in USGS science, core missions and national priorities will suffer. Thus, any effort that Congress can make to fundamentally improve funding for the USGS will be appreciated.

Thank you for your thoughtful consideration of this request. If you require additional information, please contact us at 202-628-1500 x 250.

**Testimony of Jay E. Leutze,**
**Trustee, Southern Appalachian Highlands Conservancy**

**On Behalf of**
**Appalachian Trail Conservancy**
**Trust for Public Land**
**Conservation Trust for North Carolina**
**Friends of Roan Mountain**
**Overmountain Victory Trail Association**
**Southern Appalachian Greenways Association**
**Tennessee Eastman Hiking and Canoe Club**

**In support of**
**LWCF Appropriation of $1.875 million for**
**Pisgah National Forest Land Acquisition Project**
**U.S. Forest Service, North Carolina**

**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

**March 13, 2008**

Mr. Chairman and Honorable Members of the Subcommittee:

As a Trustee of the Southern Appalachian Highlands Conservancy I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need in the Pisgah National Forest in North Carolina. I am supporting an appropriation of $1.875 million from the Land and Water Conservation Fund (LWCF) in Fiscal Year 2009 to acquire the 290-acre Roan/Atria parcel in the Roan Highlands.

As you know, Mr. Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

Modern American forestry began in what is now the Pisgah National Forest. This "Cradle of Forestry" came into being when the Biltmore Forest School – the first American school of forestry - was opened in 1898 on property owned by George Vanderbilt. After Vanderbilt's death in 1914, the area was sold to the federal government and became one of the first portions of the Pisgah National Forest. The first forest

supervisor was Gifford Pinchot, who later became the first chief of the U. S. Forest Service.

The Toecane Ranger District of the Pisgah National Forest lies north of Asheville between the Blue Ridge Parkway just and the Tennessee state line. Its name is a combination of the names of the two main rivers in the area, the Toe River and the Cane River. With its spectacular wildflowers, the Toecane Ranger District contains some of the most beautiful mountain scenery in the east. Some of the main identifying features of the district are Roan Mountain, which straddles the North Carolina-Tennessee border, and Mt. Mitchell, the highest point in North Carolina.

The Appalachian National Scenic Trail is the nation's oldest and most revered long-distance trail. Established in 1925, it was designated the nation's first national scenic trail in 1968. The Appalachian Trail crosses six national parks, eight national forests, 14 states, and numerous state and local forests and parks. Recreation opportunities along the trail include hiking, camping, hunting, fishing, observing wildlife, rock climbing, and picnicking. The trail as a whole includes lands containing more than 2,000 rare, threatened, endangered, and sensitive plant and animal species. The Appalachian Trail covers 17 miles over the Roan Highlands, which include Roan Mountain in the Toecane Ranger District of the Pisgah National Forest. This section of the trail over the Roan Highlands contains some of the most scenic views on the entire trail.

The Roan Highlands are home to the best remaining examples of three endangered high-elevation ecosystems: grassy balds, red spruce/Fraser fir forests, and granite outcrops and cliffs. On the Roan massif there are more nationally or regionally ranked rare species then at any other site in the Southern Appalachians. The Roan Highlands also contains the world's largest natural rhododendron garden, covering 600 acres.

The 290-acre Roan/Atria tract on Big Yellow Mountain is located within the Roan Highlands and makes up fifty-percent of the viewshed from the Appalachian Trail's Overmountain Shelter. Additionally, it is within the viewshed – and joins the corridor -- of the Overmountain Victory National Historic Trail, which follows the Revolutionary War route of Patriot militiamen. The tract comprises much of the east slope of Roaring Creek Valley, which was identified as the "Prettiest Valley in America" by Backpacker Magazine in October 2007. The Roan/Atria tract is comprised of northern hardwood forest, old-growth beech and oak groves, and includes portions of the globally imperiled Southern Appalachian Grassy Bald ecosystem. Home to black bear, ruffed grouse, wild turkey, the tract is part of a critical wildlife corridor identified in the State Wildlife Action Plan. It also contains Sandbank Creek, which holds the native Southern Appalchian Brook Trout, and hosts the upper watershed of the North Toe River, a high quality trout stream. The entire tract is identified as an Audubon IBA (Important Bird Area.) The Roan/Atria acquisition would join 17,000 acres of already protected lands, including adjacent Pisgah National Forest lands, the Nature Conservancy's Big Yellow

Mountain Preserve, and preserves owned by the Southern Appalachian Highlands Conservancy.

This subject land is under immediate threat of development into vacation homes. The landowner has already received county approval on plans for 107 home lots. In FY 2009, $1.875 million from the Land and Water Conservation Fund directed to the Pisgah National Forest is needed to permanently acquire and protect the Roan/Atria tract and preserve the Appalachian Trail viewshed for future generations. These funds will be matched by $1.85 million in private donations, significantly reducing the cost of acquisition to the federal agency. In addition, the funds will leverage a 150 acre donated conservation easement from the landowner, bringing to 442 acres the area under protection. The contract agreement, which is currently being reduced to writing, secures the site until December 31, 2008.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of protecting this important property in western North Carolina.

Jay Erskine Leutze
Trustee, Southern Appalachian Highlands Conservancy

**Testimony of**
**EUGENE J. CONLOGUE, TOWN MANAGER, MILLINOCKET, MAINE,**
**In Support of Funding for the Katahdin Forest Expansion Project, Maine Forest Legacy Program**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

**March 12, 2008**

Mr. Chairman and Honorable Members of the Subcommittee:

Thank you for the opportunity, Mr. Chairman, to present this written testimony in support of the appropriation of $5.1 million from the Forest Legacy Program to conserve more than 19,600 acres of forestland in north central Maine.

I also urge your support, Mr. Chairman, for a significant increase in funding for the Forest Legacy Program in FY 2009 to enable the protection of more forest resource projects than are identified in the President's Budget. The Budget for this year proposes a cut of 75% and sets aside funds for only three Forest Legacy projects nationwide out of 82 submitted by the states. Without additional funds, the program will not be able to continue its successful partnerships with states, local communities, and landowners to protect valuable forestlands, while retaining, in many cases, private ownership.

With over 15 million acres of forestland, Maine remains one of this nation's most heavily forested states. The white pine, spruce, fir, and northern hardwoods that characterize the Maine woods are a critical component in two of Maine's largest industries – forestry and tourism. They provide incredible recreational opportunities, including hiking, hunting, snowmobiling, fishing, camping, boating, and numerous other activities. This landscape also sustains valuable fish and wildlife habitat for many different animal species.

One of the greatest challenges facing Maine's forests is the fragmentation of ownership and the conversion of lands to non-forest uses. With most of Maine's woods being privately owned, the State of Maine and its nonprofit partners have been working to protect critical areas using a combination of federal, state, local, and private funding to purchase targeted fee lands and large-scale conservation easements. In the past eight years, these efforts have resulted in the conservation of almost two million acres of forestlands, providing Maine with permanent protection of valuable natural resources, public access to renowned recreation lands, and continued harvesting of timber resources in a sustainable fashion.

Continuing its focus on protecting strategically important lands for recreation, the State of Maine has proposed the 19,647-acre Katahdin Forest Expansion project for Forest Legacy Program funding in FY 2009. The Katahdin Region, which is anchored by

Baxter State Park, contains Maine's largest block of contiguous conservation lands: over 500,000 acres, stretching from the north end of Seboeis Lake, along the 100-Mile Wilderness, across Baxter State Park, and up the Allagash Wilderness Waterway. This project seeks to add five critical parcels to these conservation holdings. All five properties have traditionally been under active commercial forest management and are key contributors to the local wood-products industry, upon which nearby communities, such as Millinocket and Brownville, are heavily dependent. In addition, the properties contain critical wildlife habitat, including nesting areas for 29 loons on Seboeis Lake and a major deer-wintering area west of Northwest Pond. There is also extensive wading bird and waterfowl habitat both along the lakeshore as well as in open wetlands away from the lake. Recreation has always been a focus on these properties, and protection through the Forest Legacy Program would ensure not only recreational opportunities for sportsmen and anglers, but also opportunities for those who enjoy motorized recreation, including snowmobiling. Maine's popular snowmobile trail, ITS 85, runs across the properties and would otherwise be closed if this project falls through. These lands are also critical because they are part of the viewshed from the peak of Mount Katahdin, the northern terminus of the Appalachian Trail, and spectacular views of that iconic mountain can be seen from these properties as well.

The three northern tracts (Millinocket Forest, Lookout Mountain, and Hunt Farm) total over 11,600 acres and are located east of Baxter State Park on or near the East Branch of the Penobscot River. The East Branch has been described as the most spectacular wilderness river in the Northeast, having falls and gorges interspersed with majestic views of the Baxter Park mountains. In addition to protecting uplands along this popular whitewater river, acquisition of the East Branch tracts will secure critical portions of ITS 85.

The landmark 1982 Maine Rivers Study found that the East Branch had high ecological, hydrologic, scenic, and recreational resource values. The Maine Department of Environmental Protection also classified it as AA, its top water-quality rank. The East Branch supports fisheries for brook trout, landlocked salmon, and smallmouth bass, offering many different fishing experiences. The Millinocket Forest property has an expansive wetland with diverse cover types, such as spruce-fir swamp, dwarf shrub bog, mixed fern, alder swamp, and emergent marsh. Additionally, there are two major stream drainages, Sandy Stream and Mud Brook. One-third of the property is inland wading bird and wildlife habitat, home to species like Virginia rails, black ducks, American bitterns, and great blue herons. Lookout Mountain includes uplands that command a spectacular view of Mount Katahdin and offers opportunities for both motorized and non-motorized recreation.

The two other tracts, totaling over 8,000 acres, are on the southern edge of the protected Katahdin Region lands surrounding Seboeis Lake, which is a wilderness lake with outstanding views of Mount Katahdin. The Seboeis tracts, Seboeis South and West, include 19 miles of shore and island frontage and will complete Maine's conservation ownership around Seboeis Lake. Five of the 19 miles of shoreline are wetlands that have been determined to be of "special significance" by the Maine Department of Inland

Fisheries and Wildlife. Maine's "Wildlands Lake Assessment" rated Seboeis Lake to be of "statewide significance", the highest ranking, due to its significant fisheries, wildlife, scenery, and cultural values. In terms of wildlife habitat, there are two known bald eagle nesting sites located just off the Seboeis West tract, and the protection zone around one of the nests extends onto the property.

The Katahdin Forest Expansion project area is under critical threat of development or other conversion to non-forest uses. As recently as five years ago, most land in townships bordering the east side of Baxter State Park was owned by two industrial forest owners, but there have since been more than a half-dozen transactions that have left these lands fragmented and sold to non-forest interests. All the available properties have access to I-95 and Bangor International Airport. They are emblematic of the Maine wilderness experience that is in such high demand in today's market. While Seboeis Lake is still remarkably pristine, Schoodic Lake, immediately to the west of Seboeis, has over 400 camps, illustrating the demand for shorefront in the area. The current owner of the northern properties has indicated that barring acquisition by the state, future management will exclude forestry, hunting, and motorized access (including snowmobiling). This would have a significant negative impact on the local economy, which depends in large degree on forestry and tourism.

In FY 2009, $5.1 million in needed from the Forest Legacy Program to protect the Katahdin Forest Expansion properties from conversion to non-forestry uses. Supporting parties include the Appalachian Mountain Club, the Millinocket Town Council, Katahdin Area Working Group – Connect ME Committee, the Millinocket Town Manager, the Northern Timber Cruisers, The Wilderness Society, the Katahdin Area Chamber of Commerce, and the Natural Resources Council of Maine.

Thank you again, Mr. Chairman, for the opportunity to submit this testimony in support of the Katahdin Forest Expansion project.

TESTIMONY OF DON REDFEARN, PRESIDENT, BLUE GOOSE ALLIANCE
REGARDING
FY 2009 APPROPRIATIONS: NATIONAL WILDLIFE REFUGE SERVICE
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
MARCH 12, 2008

Sent by email to: in.approp@mail.house.gov

Mr. Chairman, members of the committee, I offer the following testimony on behalf of the Blue Goose Alliance regarding the Fiscal Year 2009 appropriations for the National Wildlife Refuge Service. We support a funding increase of $81 million thereby advancing the total funding to $514 Million for Refuge System Operations and Maintenance in the coming year. Further, we ask that the Land and Water Conservation Fund (LWCF) appropriations for FY09 be retained at the 08 level of $19.8 million and that $4.8 million be added to the Acquisition Management Account. These funds are needed to assure continuation of a viable effort to address exchanges, inholdings, emergencies and hardships affecting habitats for endangered species, neotropical migrants and depleted populations of other migratory birds.

The Blue Goose Alliance is a national 501(c)(3) conservation organization. Its mission is to promote the legislative establishment of the National Wildlife Refuge Service as a separate agency within the U.S. Department of the Interior. To assist the accomplishment of that mission, the Alliance informs the interested public and the Congress on needs and benefits of the Refuge System, and works independently or with other organizations to defend individual refuges against threatening projects or proposals.

Summary:

The Alliance thanks you, Mr. Chairman, for your outstanding leadership last year as this Committee worked to achieve sorely needed increased funding for the Refuge System. Your efforts have been particularly noteworthy given the difficult budget climate. We are very hopeful that once again you will move the Refuge System forward by increasing funding in FY09. As you know, a large group of organizations are working to establish adequate core program funding for the Refuge System by Fiscal Year 2012. The level we endorse ($514 million for NWRS O&M) represents a logical and important interim step towards that well-documented goal.

We are very concerned with the Administration's FY 2009 Budget Request for the National Wildlife Refuge Service, which proposes damaging decreases within basic refuge programs. Each year rising costs erode the purchasing power of the funding provided by this committee so that a $15 million increase each year is necessary to maintain refuge programs at the previous year's level. Thus, last year's increase served to overcome some previous year's flat funding levels. The need is to go beyond fixing inflation costs and allow refuges to increase activities to levels of improved output.

It is incomprehensible to us that the FWS is requesting severe program cuts within the overall funding provided by this Committee in Fiscal 08 by diverting some funds, refusing some of the money allocated to it, and attempting to confine several subactivities to the FY07 levels even as they continue to seek refuge workforce reductions. Such tactics are in direct conflict with the Appropriations Act for last year and the directions provided by this committee in its report.

We also respectfully ask the subcommittee for an additional $1 million to fund an independent study of the Refuge System. The National Wildlife Refuge Association in October 2007 first proposed such a study. It should detail how the obscure stature of the Refuge System within the Department of Interior and the consequential lack of leadership attention, weak decisions, forced reductions in essential staff expertise and inadequate funding undermines the biological integrity, diversity, and environmental health of refuges. These factors also impede vital public outreach opportunities, foster lawlessness on refuges and limit the ability of many field stations to mitigate and adapt to habitat changes wrought by global climate changes. This study would be a timely and important gauge of the Refuge System's current status and its efforts to fully implement the 1997 Refuge Improvement Act, as well as enabling a fresh look at the System's placement within the Department.

While the FY 09 President's Budget request for the FWS attempts to look like an effort to reduce government spending, it actually diverts funds from basic refuge system programs originating in the 1997 statute, to help fund new initiatives within the FWS and the Department. This is a chronic problem and all too common occurrence for the System and one of the main reasons the Blue Goose Alliance exists. We believe such diversions of basic refuge funding would cease if the Refuge System had full agency autonomy within the Department of Interior.

Refuge System Program Recommendations:

The FWS has asked for a decrease of $930,000 for subactivities within the *Wildlife and Habitat Management subactivity*. The proposal "eliminates" a congressional add-on in last year's appropriations. We ask that you decline to accept that unwarranted proposal. We support an increase of $25 million in this fundamental program. As Global Climate Change continues to impact coastal areas and especially northern Alaska, refuge wildlife and habitats must have the resources to help mitigate and adjust to the changes. Inland areas such as the prairie pothole region of north central states and the arid southwest are also feeling early effects of the greenhouse phenomenon. America's fish and wildlife require time to adjust to expected habitat changes; refuges can serve as assisting agents for those adjustments. Refuges have need to improve wildlife surveys and monitoring activities, increase the health of all refuge wildlife populations and habitats, and anticipate coming changes.

The FWS has asked for a decrease of $1,733,000 in the *Visitor Services subactivity*, again redirecting resources to "other needs within the Fish and Wildlife Service." - this at a time when National Wildlife Refuges are now more than ever, a destination point for people as well as wildlife. Refuge visitation continues to grow as birdwatching becomes ever more popular and refuges offer premier opportunities found no where else. Birding now has 82 million participants, having grown by 8% since the year 2000. Currently 35.4% of Americans 16 and older take active interest in birding. Altogether, over 8 billion birding days are expended each

year, just another increase in nature observations in general.

Environmental education is an especially important activity on refuges, and has been increasingly popular with schools all across the nation. The refuge system has a well-defined program with many refuges having a quality EE program. Investments in EE are especially important as they reach our young people, the decision-makers of tomorrow. Volunteerism is another notable success story on refuges. Volunteers contribute 20% of the work hours performed on refuges. Rather than reduce this vital subactivity, this is an opportune time to enhance it. In total, the Alliance supports an increase of $20 million for the *Visitor Services subactivity* in FY09.

The FWS proposes a program decrease of $1,027,000 in *Conservation Planning*. The Congressional Mandate for completing Comprehensive Conservation Plans (CCP) for all 554 units of the Refuge System by 2012 draws closer. The larger, more complex refuges are only now beginning to be planned. A decrease in support at this juncture is unwarranted and unwise. An increase of $5 million in this subactivity would best support the necessary data collections and other activities required for quality planning. The recent tendency by the planners to use "boiler-plate language" in the CCPs should be replaced with sounder planning and deeper thinking on upcoming issues to be addressed by the individual refuges. Global Climate Change has not been included in most of the plans completed to date. Because the plans are intended to guide the refuges for the next 15 years, and since early effects from climate changes are being noted, it is crucial to invest in completion of plans appropriate to the times.

We support an even larger increase for the *Law Enforcement subactivity* than is included in the FWS budget request. Certainly, the wildlife refuges along our nation's southern border could use increased capability given the often dangerous situations being encountered. Refuge law enforcement in general is lagging at a time of increased visitation and needs an important boost for visitor and wildlife protection. The overall plans have been developed but funds for equipment, training, and new personnel must be made available. We support an increase in this subactivity of $5 million.

The FWS proposes to reduce the *Refuge Maintenance subactivity* by $2,384,000 while the National Wildlife Refuge Service continues to be crippled by a growing maintenance backlog currently exceeding $3 billion. We propose an increase of $25 million in this vital program area. Refuge headquarters maintains lists of important projects, but often that list has become dated. Equipment, facilities, housing and other buildings, and the features of refuges needed to maintain habitats and protect the wildlife deserve to be maintained in reasonable fashion. The present level of funding is inadequate and should be raised to provide a capacity more responsive to the initial investments and standards of responsible upkeep.

Conclusion:

The 2007 "Banking on Nature" report states that recreational visits to national wildlife refuges generate substantial economic activity. In FY 2006, 34.8 million people visited refuges in the lower 48 states for recreation. Their spending generated almost $1.7 billion of sales in regional economies. As this spending flowed through the economy, nearly 27,000 people were employed

and $452.8 million in employment income was generated. Current visitation projections for the coming year exceed 40 million people. It is time to recognize this economic contribution of the Refuge System by moving a strong step above the FY08 funding for operations and maintenance. Such a move will enable the Service to better protect its fish, wildlife and plants while providing important benefits for the visiting public and other supporters. It is an investment that continues to pay dividends in several ways. We hope that members of this committee agree.

The FWS FY09 Budget proposed for National Wildlife Refuges would reduce the ability of every refuge in the System to successfully conduct important science based, biological programs and to hire vital new staff, while also diminishing opportunities for the public to engage in compatible wildlife-dependent recreation.

The Blue Goose Alliance requests that the Subcommittee provides an increase of $81 million for the National Wildlife Refuge System in FY09, taking the total Operations and Maintenance funding level to $514 million, and to fund an important and much needed independent study. This upward surge in funding will continue the reversal of deteriorating conditions on refuges across the country started by last year's appropriations. It will permit reopening several visitor contact stations and allow new or upgraded environmental education programs, an increase in volunteer programs and output, and improve services to visitors. We also consider it vital that $24.6 be retained at the FY08 level from the LWCF to assure an acquisition program commensurate with the need to save habitats for migratory birds and endangered wildlife.

Thank you Mr. Chairman for this opportunity to comment on the appropriation needs of the National Wildlife Refuge Service.

**Testimony of Anne Dahl, President**
**Swan Ecosystem Center**
**In Support of the Swan Valley Conservation Effort**
**United States Forest Service**
**Forest Legacy Program and**
**Land & Water Conservation Fund**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment and Related Agencies**
**The Honorable Norman D. Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking**
**March 13, 2008**

Mr. Chairman and Honorable Members of the Committee:

Thank you for the opportunity to testify in support of continued federal investment in the Swan Valley, Montana and to specifically urge a FY-2009 appropriation of $1.92 million to the State of Montana from the Forest Legacy Program (FLP) and an $8.0 million appropriation to the U.S. Forest Service from the Land and Water Conservation Fund (LWCF) for the Swan Valley conservation effort. The Swan Valley is unique in Montana because the land is exceptionally good at growing trees, the rich and diverse habitat provides for a diversity of species, and the scenic and recreation amenities are superb. The people in the Swan Valley care deeply about this place and need your help protecting it.

Swan Ecosystem Center formed in 1996 as an inclusive 501(c)(3) nonprofit watershed group in the Swan Valley of northwest Montana. Anyone who lives in the Swan Valley and participates is a member. Swan Ecosystem Center has an office and visitor center in the U.S. Forest Service Condon Work Center through a partnership with the Forest Service. According to surveys, most people in the Swan Valley want to protect forests, wildlife and public access. This request is for funding to fulfill a multi-stakeholder conservation strategy, in keeping with the Swan Ecosystem Center Mission: *We, citizens of the Upper Swan Valley, Montana, have a self-imposed sense of responsibility to maintain a strong, vital community, one involved in setting its own destiny through partnerships that encourage sustainable use and care of public and private land.*

The Swan Valley conservation effort is a cooperative venture among private landowners, public land management agencies, public resource management agencies, the community, and non-governmental organizations. These groups are working to protect the significant ecological and recreational resources of the Swan Valley, while promoting the sustainable management of the valley's forest resources. This process has included a science-based assessment of wildlife and fisheries resources, timber productivity, and recreational activities, as well as considerable input from a broad base of Swan Valley residents. Conservation strategies include:

- Land and Water Conservation Fund program to protect critical habitat and public recreation opportunities through Forest Service acquisitions.
- Forest Legacy Program to protect working timberlands with multiple resource values through conservation easements and limited acquisitions by the State of Montana.
- Residential land conservation easement program through local land trusts.

- Habitat Conservation Plan program and other mitigation programs to protect core habitat for threatened or endangered species.
- Special conservation areas to be managed by a nonprofit community group with a broad representation of interests and backgrounds.
- Private foundation funding and investment capital to further conservation objectives.

This year, three properties totaling 1,222 acres are available for acquisition through the **Land and Water Conservation Fund** to continue the conservation efforts in the Swan Valley. The parcels are located within grizzly bear habitat and are important for species recovery. Some parcels also contain stream reaches important for bull trout habitat and other native species, important habitat for elk and other big game, and/or recreation resources important to Montana residents and visitors alike. These acquisitions will prevent further fragmentation of forestland ownership and land uses, and improve coordinated land management through blocking up of public ownership in areas of checkerboard ownership. This proposal was ranked third priority by the USFS – Northern Region.

**The Swan Forest Legacy Program** conservation easements and acquisitions will promote a sustainable working forest in the Swan Valley in order to maintain the forest-based economy of the Valley by protecting the most productive forestlands from conversion to non-forest uses. This year's proposal helps to protect access to public lands, maintain traditional outdoor recreation activities and conserve important wildlife and fisheries habitats. The proposal includes acquisition of 446 acres of Plum Creek lands within the Swan River State Forest checkerboard area, which would be conveyed to the State of Montana for on-going forest management. This proposal was ranked first by the state of Montana ranking committee and ninth by the USFS national ranking committee.

It should be noted that private investment and commitment to conservation in the Swan Valley plays a significant role alongside the public conservation efforts. There is growing recognition that the conservation resources of the area blanket much of the Swan Valley, regardless of land ownership boundaries and that effective resource protection requires a multi-faceted approach. The efforts of private landowners, the Swan Ecosystem Center, other organizations, and private foundations are all contributing toward successful implementation of the conservation strategy.

The funding this committee has most generously provided for fee and easement acquisitions in the Swan Valley in previous fiscal years has reduced the checkerboard ownership pattern in the area, protected sensitive habitat and recreation lands from development, and protected forestlands from conversion to non-forest uses. We are extremely grateful for those past appropriations, and we ask you for your continued support as the committee considers the FY-2009 Interior and Related Agencies Appropriation bill.

Please support the Swan Valley conservation effort. Thank you for the opportunity to present this request.

Sincerely, Anne Dahl, Swan Ecosystem Center president / secretary

**Outside Witness Testimony**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**

Statement by: David N. Startzell
Executive Director
Appalachian Trail Conservancy

Date: March 12, 2008

Dear Mr. Chairman and Members of the Subcommittee:

In behalf of the Appalachian Trail Conservancy, for reasons described below, I am requesting a **Fiscal Year 2009 appropriation from the Land and Water Conservation Fund** in the amount of **$4.525 million for the National Park Service and $10.645 million for the USDA Forest Service** for the acquisition of lands and interests in lands surrounding or bordering the **Appalachian National Scenic Trail (ANST)** in the states of **Virginia, New Hampshire, Tennessee, and North Carolina**.

**Background**: The Appalachian Trail (A.T.) is America's premier long-distance footpath. Initially established between 1923 and 1937 as a continuous footpath extending from western Maine to northern Georgia, the trail gained federal recognition in 1968 with the passage of the National Trails System Act. Amendments to that act in 1978 expanded the authorization for Federal and state land acquisition to establish a permanent, publicly owned right-of-way as well as a protective corridor or "greenway" along the trail. Since 1978, with the strong support of the Subcommittee and the Congress as a whole, the Appalachian National Scenic Trail land-acquisition program of the National Park Service and USDA Forest Service has become one of the most successful land-conservation efforts in the nation's history with the acquisition of more than 187,000 acres, more than 3,360 parcels, in fourteen states. Today, only approximately seven miles of the 2,176-mile Appalachian Trail remain to be protected through public ownership.

**Resource Characteristics**: The Appalachian Trail is a 2,176-mile footpath extending along the crests and valleys of the Appalachian Mountains through fourteen states from Maine to Georgia. Often characterized as a "string of pearls," the trail, which is considered a unit of the National Park System, connects eight National Forests, six other units of the National Park System, and approximately 60 state parks, forests, and game-management units. With an estimated three to four million visitors per year, it ranks among the most heavily visited units of the National Park System and also ranks among the top ten units from the standpoint of natural diversity. Based on inventories conducted in the 1990s, more than 2,000 occurrences of rare, threatened, and endangered flora and fauna have been identified at more than 500 discrete sites within the trail corridor.

The Appalachian Trail is equally well known as a remarkable public/private partnership. Since the initial construction of the trail in the 1920s and 30s, volunteers affiliated with the Appalachian Trail Conservancy (ATC) have constructed, reconstructed, and maintained the footpath as well as a system of more than 250 shelters and associated facilities such as privies, improved campsites, bridges, signs, and parking lots. In 2007,

for example, more than 6,000 volunteers contributed approximately 200,000 hours of labor along the trail. As an outgrowth of a 1984 agreement between the National Park Service and ATC, the Conservancy has accepted management responsibility for more than 110,000 acres acquired by that agency along the trail. ATC, through its network of 30 club affiliates, is now responsible for virtually all phases of "park" operations, ranging from trail and facility maintenance and construction to land and resources management to visitor education and services. Through other agreements with the USDA Forest Service and most of the fourteen trail states, ATC also provides ongoing, volunteer-based stewardship for other trail lands, totaling more than 250,000 acres.

**Need for Appropriations**: As noted previously, while the Appalachian National Scenic Trail protection program represents one of the most successful land-acquisition programs in the history of the conservation movement in the United States, that program is not yet complete. Although our hope had been to complete the program by the year 2000, escalating land values coupled with diminished administrative capacity in the affected agencies have conspired to delay full program completion. Nowhere are those trends more apparent than in the southeastern region of the trail, in the National Forests of Virginia, Tennessee, and North Carolina. Nevertheless, a number of critical parcels are now "ripe" for land acquisition and we are seeking FY'09 LWCF appropriations to secure those properties. A brief description of each of those critical parcels follows. More detailed descriptions, along with maps and photographs of each of the referenced properties, were provided earlier this year to Subcommittee staff.

**New River, Virginia/Jefferson National Forest**. For more than 30 years ATC and the USDA Forest Service have sought to establish a final alignment for the Appalachian Trail adjacent to the New River in Giles County, Virginia. The current route crosses a property owned by Celanese LLC immediately adjacent to a busy highway (US 460) directly across from a large Celanese industrial facility offering no real scenic or recreational value. After many years of negotiations, Celanese representatives have expressed an interest in selling—potentially at a bargain-sale price—a 400-acre parcel in fee and an additional 25-acre scenic easement that will permit a relocation of the footpath to a much improved location along a more remote and scenic portion of the property. Additional scenic-easement interests also are being sought along the back portions of approximately a dozen private lots bordering the eastern edge of the property. Due to limited land-acquisition capability on the Forest, ATC has requested the National Park Service to acquire this property and an appraisal has been initiated. While total project costs are estimated to be $1.6 million, ATC is requesting an **FY'09 LWCF appropriation of $1.25 million for the National Park Service**.

**Tilson Farm, Virginia/Jefferson National Forest**. This 170-acre property is situated near the northern boundary of Smyth County on the Smyth/Bland county line near the town of Ceres, Virginia. The property is adjacent to a narrow Appalachian Trail corridor that was acquired many years ago. Acquisition of the property will provide an important scenic buffer along the A.T., conserve the headwaters of the North Fork of the Holston River, provide an opportunity to develop a five-mile loop trail, conserve the site of an early settler cemetery on the property, and consolidate Forest ownership. The current

property owner has expressed an interest in the selling the tract at a favorable or bargain-sale price. Due to limited land-acquisition management capability on the Forest, ATC has asked the National Park Service to acquire the property. An appraisal has been ordered. Total project costs are estimated at $400,000. ATC is requesting an **FY'09 LWCF appropriation of $300,000 for the National Park Service**.

**Mahoosucs Gateway/Success Township, New Hampshire**. This project, involving 4,772 acres, is part of a larger conservation and economic-development focus area involving a consortium of conservation organizations as well as several local communities. The Mahoosuc Mountain Range is one of the most remote and rugged areas along the Appalachian Trail. Straddling the border between New Hampshire and Maine, it provides a scenic gateway to both states. In partnership with a timberland owner an opportunity exists to conserve a six-mile corridor along the northern edge of the narrow Appalachian Trail corridor there, including two of the most prominent mountain peaks in the area: Bald Cap and North Bald Cap. Conservation of the property would provide protection for a number of existing side trails in the area as well as the watersheds of numerous streams flowing into the Androscoggin River. The property also includes a number of ecologically significant features and natural communities. While total project costs are estimated to be $4.8 million, ATC and The Conservation Fund are requesting an **FY'09 LWCF appropriation of $2.75 million for the National Park Service**.

**Rocky Fork, Tennessee/Cherokee National Forest**. The Rocky Fork property is a 10,000-acre property in eastern Tennessee situated midway between Johnson City and Asheville, North Carolina. It represents the largest privately owned in-holding within the southern National Forest System and is the number one land acquisition priority of the USDA Forest Service nationwide. Named for the cool waters of one of several prominent streams that pass through the property, it is adjacent to 22,000 acres of designated wilderness or inventoried road-less areas. For many years, the Tennessee Wildlife Resources Agency has leased the property for its game and non-game wildlife values, including 16 miles of "blue-ribbon" trout streams and outstanding black bear, white-tailed deer, and wild turkey habitat. The property also contains a number of Federal species of concern or state-listed species in need of management. The property includes 1.2 miles of the Appalachian National Scenic Trail with no protected right-of-way.

The Rocky Fork property is readily accessible from Interstate 26 and has been marketed for primary- and second-home development. However, in 2007, Timbervest, in behalf of the property owners, entered into a purchase and sales agreement with The Conservation Fund (TCF). ATC is working closely with TCF, the Southern Appalachian Highlands Conservancy, and a number of other conservation and sportsmen organizations to secure the property. Total estimated costs are approximately $43 million. However, ATC and its partners already have secured financial support from the State of Tennessee and through a number of private-sector donations. ATC and The Conservation Fund are requesting an **FY'09 LWCF appropriation of $8 million for the USDA Forest Service**.

**Shook Branch, Tennessee/Cherokee National Forest**. This 20-acre property is situated in eastern Tennessee in the Cherokee National Forest. The Appalachian Trail currently

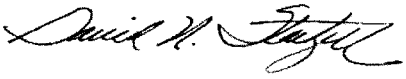
follows a dangerous road-walk and crosses US 321 at a location with limited site distances to on-coming traffic. A proposed new route has been identified and a number of parcels have been acquired by the Forest Service to establish the route. The Shook Branch property is necessary in order to complete the proposed relocation. The current property owner has expressed a willingness to sell the property. ATC is requesting an **FY'09 LWCF appropriation of $500,000 for the USDA Forest Service**.

**Wesser Bald, North Carolina/Nantahala National Forest**. This 82-acre property is situated in western North Carolina in the Nantahala National Forest. The A.T. passes within 100 feet of the property and affords a number of outstanding scenic views at several locations along the northern portion of the property and from a viewing platform atop the Wesser Bald fire tower with 360-degree views encompassing the Great Smoky Mountains skyline, the Nantahala Mountains, and northern Georgia. The upper 35 acres was acquired in fee in 2007 by the Southern Appalachian Highlands Conservancy with the aid of a bridge loan from The Conservation Fund and the requested LWCF appropriation will be used to repurchase that portion of the property at a bargain-sale price with ownership transferred to the Forest Service. SAHC also has secured a conservation easement affecting an additional 41 acres of the property. The total value of the fee and easement interests is $950,000. ATC is requesting an **FY'09 LWCF appropriation in the amount of $270,000 for the USDA Forest Service**.

**Roan Highlands, North Carolina/Pisgah National Forest**. The 442-acre Roan Highlands tract rises to an elevation of 5,200 feet above the Roaring Creek Valley along the North Carolina/Tennessee border within the proclamation boundary of the Pisgah National Forest. Its spectacular open summit is visible for miles along the Appalachian Trail and the property borders The Nature Conservancy's Big Yellow Mountain Preserve. The Trust for Public Lands in partnership with the Southern Appalachian Highlands Conservancy and ATC has obtained a letter of intent from the owner to protect the property through a combination of 290 acres in fee-simple ownership and 150 acres under a conservation easement to be held by SAHC. ATC is requesting an **FY'09 LWCF appropriation in the amount of $1.875 million for the USDA Forest Service**.

With the acquisition of the above-described properties, ATC hopes to complete a substantial portion of the remaining land-acquisition needs in the Appalachian National Scenic Trail program. Again, we respectfully request an **FY'09 Land and Water Conservation Fund appropriation of $4.525 million for the National Park Service and $10.645 million for the USDA Forest Service**.

Thank you for the opportunity to submit this testimony and for your consideration of our request.



David N. Startzell
Executive Director
Appalachian Trail Conservancy

# THE IZAAK WALTON LEAGUE OF AMERICA

**Testimony Submitted by the Izaak Walton League of America**
**Subcommittee on Interior, Environment and Related Agencies**

**March 13, 2008**

The Izaak Walton League of America appreciates the opportunity to submit testimony concerning appropriations for fiscal year 2009 for various agencies and programs under the jurisdiction of the Subcommittee. The League is a national, nonprofit organization founded in 1922. We have more than 36,000 members and nearly 300 community-based chapters nationwide. Our members are committed to advancing common sense policies that safeguard wildlife and habitat, support community-based conservation, and address pressing environmental issues. The following pertains to programs administered primarily by the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency.

**Fish and Wildlife Service, National Wildlife Refuge System**

The League joins the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters, in requesting $514 million for operations and maintenance of the National Wildlife Refuge System in FY 2009. We appreciate the steps the Subcommittee took in FY 2008 to boost Refuge System funding above the Administration's request to $434 million and encourage it to build on this foundation in the coming fiscal year.

National Wildlife Refuges across the country provide some of the most important habitat for fish, wildlife and waterfowl, and offer incredible recreational opportunities for hunters, anglers, birdwatchers and countless others who enjoy the outdoors. In addition, refuges contribute to local and regional economies generating $1.7 billion in sales and supporting 27,000 private-sector jobs. In spite of these and other benefits, funding for essential refuge operations and maintenance has not kept pace with inflation and pressing environmental, conservation and law enforcement challenges. Today, the System has a $3.5 billion backlog in basic operations and maintenance projects. As eroding budgets have forced the Fish and Wildlife Service to cut hundreds of staff, visitor services at many refuges have declined. Moreover, the Service faces a growing number of law enforcement challenges, including poaching and illegal drug trafficking and cultivation, with too few full-time law enforcement personnel.

In 2007, CARE released a comprehensive assessment of the funding needs of the Refuge System. This report documented how stagnant budgets, inflation and growing demands negatively impact the system as a whole. This analysis concluded that the Refuge System needs $765 million in annual operations and maintenance funding by 2013 to properly administer nearly 100 million acres, provide educational and recreational programs and services, and conserve critical fish and wildlife populations. In order to reach this reasonable goal, we urge the Subcommittee to provide $514 million for the Refuge System in FY 2009.

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**Fish and Wildlife Service, State Wildlife Grants**

As a member of the Teaming with Wildlife National Steering Committee, the League urges the Subcommittee to provide $85 million for the State Wildlife Grants Program in FY 2009. The Subcommittee generously appropriated this amount for FY 2008.

The State Wildlife Grants Program supports proactive conservation projects aimed at preventing wildlife from becoming endangered. Experience shows that efforts to restore imperiled wildlife can be particularly contentious and costly when action is taken only after species are formally listed as threatened or endangered pursuant to the Endangered Species Act. State Wildlife Grants support state and community-based efforts to safeguard habitat and wildlife before either reaches the tipping point. This program also provides states with an important source of federal funds to address non-game species. Finally, the federal investment leverages significant funding from private, state and local sources.

When Congress established the program, it required states to develop comprehensive Wildlife Action Plans that evaluate wildlife conservation needs and identify action steps to address those needs. In early 2007, the Fish and Wildlife Service completed the process of reviewing and approving plans for every state. With approved plans in place, state wildlife management agencies and their many partners, including Izaak Walton League chapters, are beginning to implement them. On-going federal support, including $85 million for FY 2009, is critical to effective implementation and to conserving a wide array of non-game species and their habitat.

**Fish and Wildlife Service, National Fish Passage Program**

The League opposes the Administration's proposal to reduce the budget for the National Fish Passage Program by nearly $6 million compared to the FY 2008 appropriation of approximately $11 million. We commend the Subcommittee for its active support for the program and urge it to provide at least level funding in FY 2009.

The National Fish Passage Program represents a highly valuable partnership between the Fish and Wildlife Service, states, localities and community groups. Local citizens and partners identify barriers that block access to historic habitat and, according to the Service, contribute approximately 60 percent of the funding and in-kind support for projects designed to remove or bypass those barriers. The Service provides technical assistance at the project level and helps to prioritize projects for federal financial assistance.

The Administration's proposal to reduce funding by more than 50 percent is clearly at odds with the well-documented need for federal investment in this area. In its FY 2009 Budget Justification, the Service states that: "[M]ore than 2.5 million dams, and millions of other poorly designed culverts and other structures, impede fish passage across the American landscape."(page FAR-30) Within this much larger universe, the Service has identified more than 460 priority passage projects with a total estimated cost of nearly $87.5 million. The Service further indicates in its Budget Justification that addressing these priorities would "remove or bypass 464 barriers and open access to 4,831 miles and 42,143 acres of historical spawning and rearing habitats . . ."(page FAR-30).

The dramatic reduction proposed by the Administration would undermine efforts to return many fish species to their native habitat, limit recreational fishing opportunities and short-circuit community-driven conservation efforts. We applaud the Subcommittee for making an important investment in the program in FY 2008 and urge it to continue this effort in FY 2009.

**Fish and Wildlife Service, National Fish Habitat Action Plan**

The League is a strong proponent of the National Fish Habitat Action Plan and regional Fish Habitat Partnerships. We support the Administration's request for approximately $5.1 million for FY 2009, which is essentially level with the FY 2008 appropriation.

The National Fish Habitat Action Plan provides a national framework for restoring critical habitat. Regional partnerships provide geographic focus and create opportunities for citizens and groups to play active and constructive roles in developing strategies to safeguard resources near where they live. The Fish and Wildlife Service is the lead federal agency working with Fish Habitat Partnerships and the National Fish Habitat Board. The Service uses limited funding very efficiently allocating approximately 60 percent of program dollars to on-the-ground restoration projects and most of the remaining funds to supporting the regional partnerships. The League is pleased to support the request for this important initiative.

**Environmental Protection Agency, Clean Water State Revolving Fund**

The League joins the Healing Our Waters Coalition in urging the Subcommittee to reestablish funding for the Clean Water State Revolving Fund (SRF) at the historic high of $1.35 billion with $490 million allocated for the Great Lakes states. The Great Lakes, which provide drinking water to 40 million people and provide jobs and recreational opportunities for millions more, are at risk from combined sewer overflows and aging wastewater treatment plants. In fact, the EPA estimates that more than 150 municipalities or sewer districts in the U.S. with combined sewer systems operate on the Great Lakes or their tributaries -- all of which are subject to overflows during significant storm events.

The Clean Water SRF is a highly successful program that provides the funds needed to reduce sewage contamination. The Administration's FY 2009 budget includes $555 million for the SRF, which is $134 million below the FY 2008 appropriation, and would target $201 million toward the Great Lakes states, which is approximately $48 million less than current funding. The request is inadequate and would undermine efforts to reduce sewage contamination throughout the Great Lakes region and across the country. The League supports reinvigorated investment in the SRF in FY 2009 and beyond.

**Environmental Protection Agency, Targeted Watershed Grants**

We urge the Subcommittee to reject the Administration's proposal to terminate Targeted Watershed Grants and to provide $35 million in FY 2009 compared to $9 million in FY 2008. We further recommend that $10 million of the total be allocated to support projects in the Chesapeake Bay watershed.

Targeted Watershed Grants fund projects that expand collective knowledge on the most innovative, sustainable and cost-effective strategies to reduce excess nutrient loads to the Chesapeake Bay and other important waterways throughout the country. This program has helped to reduce nutrient, sediment and bacteria pollution, protect drinking water supplies, increase aquatic habitat and enhance recreational opportunities. Terminating this program would directly undermine successful efforts to address long-standing challenges facing the Bay. We encourage the Subcommittee to maintain the program and increase the federal investment.

**Environmental Protection Agency, Chesapeake Bay Program**

The League urges the Subcommittee to increase funding for the Chesapeake Bay Program Office from $22.6 million in FY 2008 to $30 million, including $3 million for Small Watershed grants, in FY 2009.

The Chesapeake Bay is the largest estuary on the Atlantic coast and one of the largest in the world. EPA's Chesapeake Bay Program Office (CBPO) is the primary facilitator of restoration activities by partners throughout the watershed. Although the Chesapeake Bay Program has made significant progress toward pollution reduction, habitat restoration, fisheries management and watershed protection goals, much more work is needed to restore the Bay. For example, habitat restoration efforts are collectively less than half way to Program goals and there is concern about the overall quality of habitats that remain. Achieving these goals will require participation from citizen groups and local governments. The Chesapeake Bay Program supports stakeholder involvement through the Chesapeake Bay Small Watershed Grants. In the past nine years, the Small Watershed Grants Program has provided $17.7 million to support 544 water quality improvement and wildlife habitat restoration projects. These grants have been used by recipients to leverage an additional $50.7 million from other funding sources. The League supports additional investment in the Program Office with particular emphasis on boosting support for Small Watershed grants.

**Environmental Protection Agency, Non-point Source Management Program**

The League opposes the Administration's proposal to reduce funding for Section 319, the Non-point Source Management Program, by $16 million compared to the 2008 funding of $200 million. We strongly urge the Subcommittee to increase funding for this critical program.

This program provides grants to states, territories and tribes for non-point source pollution reduction activities. Non-point source pollution is the leading cause of water quality problems and the primarily reason that approximately 40 percent of surveyed rivers, lakes and estuaries are not clean enough to support fishing or swimming. Through this program, states identify impaired waters and implement non-point source management programs to address these impairments. Since 1990, this program has improved water quality so dramatically that 66 watersheds in 28 states have been removed from the impaired waters list. In light of the importance and success of this program, we join with American Rivers in urging the Subcommittee to appropriate $250 million for Section 319 in FY 2009.

March 4, 2008

The Honorable Norman D. Dicks
Chairman
Subcommittee on Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

We are writing to you to request an appropriation of $900,000 in fiscal year 2009 to continue making benefit payments to the beneficiaries of the Prior Service Program. We wish to thank the Committee for assisting us with funding in prior years and trust that the committee will once again be able to help us with funding in 2009.

The Prior Service Program was established in 1968 by the former Trust Territory of the Pacific Islands (TTPI) Government to provide supplemental retirement, disability and survivor benefits to workers who were employed by the Department of the Navy and the TTPI Government during the period 1944 through July 1968. These workers, some of whom served as Marine Scouts with U.S. Military, worked for extremely low wages without any benefits in less than ideal situations.

The program was funded initially by the U.S. Government as part of the Department of the Interior appropriations earmarked for the operation of the TTPI Government. This funding process continued from 1969 until 1986. At this point in time, the Compacts of Free Association between the Micronesian Countries and the United States went into effect and the U.S. Congress appropriated $8 million to establish a trust fund to continue Prior Service benefit payments. During the appropriation hearings and as part of the hearing record, it was noted that there may be a need for additional funding. The uncertainty concerning the full amount of funding required to meet all of the future program needs was due to the fact that not all of the eligible beneficiaries had been identified and certified for inclusion into the program at the time of the hearing in addition to an actuarial evaluation. Subsequent to the hearing, this certification process and the actuarial evaluation was completed and currently, the program is closed to any new applicants. As of December, 2007, there were approximately 1,750 beneficiaries.

We have and continue to work closely with the Department of the Interior on this matter and while they have been supportive, they have not been able to include funds in their annual budget cycle. Furthermore, the Presidents of the three Freely Associated State Governments have written directly to the Secretary of the Interior, Dirk Kempthorne, about this matter.

We certainly hope that program funding will be included in the 2009 budget to continue making payments to these deserving individuals. We also remain optimistic that a long term funding solution can be developed that would guarantee all future payments.

Thank you for taking the time to review this request. We look forward to your assistance.

Sincerely yours,

Marino Bells
Chairman
Prior Service Trust Fund

**Testimony of Cascade Land Conservancy**
**Submitted by Kent Whitehead, Conservation Director**
**(Phone 206-905-6919, e-mail kentw@cascadeland.org)**
**in support of**
**Mount Rainier National Park Land Acquisition project**
**National Park Service, Washington**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**
**March 13, 2008**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need at Mount Rainier National Park. I am supporting an appropriation of $2.5 million from the Land and Water Conservation Fund (LWCF) in Fiscal Year 2009 to continue the acquisition of important parcels within the recently expanded boundaries of the national park.

As you know, Mr. Chairman, these projects are some of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

Mount Rainier National Park was established on March 2, 1899, the first of three national parks in Washington state. Today it encompasses 235,625 acres, ranging in elevation from 1,610 to 14,410 feet above sea level. Mount Rainier itself is an active volcano, encased in over 35 square miles of snow and ice and surrounded by old-growth forest and stunning wildflower meadows. The park is also rich in cultural resources and was designated a national historic landmark district as an outstanding example of early park planning and national park rustic architecture.

The proximity of the park to large cities like Seattle, Tacoma and Portland makes the park a busy tourist destination. Nearly two million people come to enjoy the grandeur and beauty of Mount Rainier each year – hiking its trails, climbing the summit, snowshoeing or cross-country skiing on its slopes, camping along its glacier-fed rivers, photographing wildflower displays in subalpine meadows, or just admiring the view.

Ensuring access for the park's many visitors has been a particular concern at the northwest entrance. The Carbon River Road has frequently been washed out, preventing visitors from reaching the Ipsut Creek campground and picnic area, as well as day-use

parking for access to the Carbon Glacier and Wonderland Trail. To address this problem, and to eliminate the considerable maintenance costs necessitated by the frequent flooding, Congress passed legislation in 2004 extending the park's northwestern boundary three miles along the Carbon River Valley.

The addition of these new lands will allow the National Park Service to establish a new campground with associated roads and parking, new hiking trails, and riverfront fishing areas. The new roads will permit the current road to be eventually converted to a hiking-and-biking trail, and the Ipsut Creek campground will become a backcountry camping site. The expansion will also afford much needed protection to the beautiful Carbon River Valley, conserving habitat for endangered and threatened species such as the marbled murrelet, northern spotted owl, and Chinook salmon. The valley contains one of the last inland old-growth rainforests in the United States, and connects wildlife corridors from the park to Puget Sound.

There are two principal targeted acquisitions for 2009. Of most importance to our organization is the Carbon River Ranch, formerly owned by the Thompson family. Acquisition of the remaining 100 acres of this parcel is critical to the expansion, as it would form the new entryway to the National Park. The property is along the Carbon River and is prime recreational land. If the Park Service does not acquire this land, it would likely be developed. Also critical to the expansion of the Park is the Carbon River Gateway, a 440-acre parcel now owned by a timber company. Acquisition of this parcel would link current Park Service lands with other previous and planned acquisitions. The Carbon River flows through this parcel, which also contains timber that could be logged if the Park Service does not acquire this land.

An appropriation of $2.5 million in FY 2009 will allow the National Park Service to complete the acquisition of the Carbon River Ranch (the Thompson property) and to acquire the Carbon River Gateway parcel. These acquisitions will be a critical step towards attaining the recreational, management, and environmental goals of the boundary expansion.

Mr. Chairman, and distinguished committee members, I want to thank you for this opportunity to testify on behalf of this important national protection effort in Washington at Mount Rainier National Park.

**Testimony of Cascade Land Conservancy**
**Submitted by Kent Whitehead, Conservation Director**
**(Phone 206-905-6919, e-mail kentw@cascadeland.org)**
**In Support of Land Acquisition Funding for**
**Washington's Central Cascade Ecosystems**
**Land and Water Conservation Fund, U.S. Forest Service**
**House Appropriations Committee**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman D. Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking**
**March 13, 2008**

Mr. Chairman and Honorable Members of the Subcommittee:

Thank you for this opportunity to testify in support of a FY 2009 Land and Water Conservation Fund appropriation that will make possible a big leap forward in protecting a valuable wildlife ecosystem and recreation area in Washington's Central Cascades. This appropriation of $4 million will permit the U.S. Forest Service to acquire three critical properties with multiple public benefits and further consolidate land-protection investments already made in this region. These properties include forestland in the Mt. Baker-Snoqualmie and Wenatchee national forests at Big Creek, Jim Creek, and Sawmill Creek.

The Mount Baker-Snoqualmie and Wenatchee national forests are part of the majestic forests of Washington's Cascade Mountains. The Mt. Baker-Snoqualmie National Forest extends more than 140 miles along the western slopes of the Cascades from the Canadian border to Mt. Rainier National Park. The forest is rich in diversity with glacier-covered peaks, volcanoes, old-growth stands of timber, wild and scenic rivers, wilderness, and a multitude of plant, animal, and fish species. The Wenatchee, situated in the heart of Washington State, encompasses 8,000-foot volcanic peaks of basalt, pumice, and ash. These mountains simultaneously shelter secluded alpine lakes and glacier cirques that resemble giant cathedrals of granite and ice. Its shrub-steppe habitat bridges the lush ecosystem of Puget Sound with the rugged high desert of eastern Washington. Sagebrush at lower elevations surrenders to pine-covered slopes and eventually to the sparse vegetation atop the Cascades' volcanic summits.

The central Cascades are bisected by the Burlington Northern Santa Fé Railroad and by Interstate 90. The original railroad through the Snoqualmie Pass was constructed by the Northern Pacific Railway, which received land grants from the federal government in alternating square miles along the route. The legacy of this 19th century land grant system is the large checkerboard ownership pattern that now threatens this critical area of wildlife connectivity. The Washington Cascade Ecosystem project area is strategically located amid several key landscapes. To the north lie the Alpine Lakes, Glacier Peak, and Pasayten wilderness areas, providing wildlife connectivity as far as Canada. To the south lie the Norse Peak, William O. Douglas, and Goat Rocks wilderness areas alongside Mount Rainier National Park. Because of the checkerboard pattern in the central

Cascades and the relatively limited amount of protected land, this region has acted as a bottleneck for migratory wildlife. A number of threatened or endangered species inhabit the area, including grizzly bear, wolf, spotted owl, marbled murrelet, steelhead, wild salmon, and bull trout. Additionally, the area provides habitat for an abundance of other wildlife—elk, deer, cougar, coyote, bobcat, and an occasional moose.

The rising cost of housing in King County and the increasing traffic congestion caused by a growing population make the Cascades attractive for those seeking less expensive first homes and more extravagant second homes, exacerbating the challenges presented by the pattern of checkerboard ownership. Fragmented forestlands present difficulties for forest managers with respect to fire suppression, containment and eradication of invasive species, limits on public access, and protection of watersheds.

Both the Mount Baker-Snoqualmie and Wenatchee forestland and resource management plans address the need for significant land acquisition for recreation and ecosystem protection. Acquisition of parcels in this area is part of an ongoing program of consolidating lands in the central Cascades, which has long been a Forest Service priority. This program seeks to consolidate federal land management and prevent future fragmentation due to subdivision and other development.

The Cascade Land Conservancy, which includes both King and Kittitas counties within our focus area, has worked for numerous years in partnership with other non-profits and federal and state agencies to protect lands within the central Cascades area. Over the years, our partners have leveraged federal funds with private philanthropic support as well as state funds to protect several important parcels in the area and increase recreational access and wildlife connectivity. However, these efforts will fall short if we cannot continue to acquire critical inholdings within the National Forests that knit this amazing landscape together.

Available for acquisition in FY 2009 are three properties near the crest of the Cascade Mountains. The proposed acquisitions are all within the boundaries of the Mt. Baker-Snoqualmie and Wenatchee national forests, which share a common border that runs north and south along the crest of the range. The Pacific Crest Trail traverses the crest of the Cascades between these two national forests. This is a mountainous area of intermingled ownership, which places citizens and private property at increased risk from catastrophic wildland fire and restricts public access to our national forests and outdoor recreational opportunities.

The Big Creek and Jim Creek parcels are located south and east of the Pacific Crest Trail in the Wenatchee NF. Each is 640 acres, and they are named for the Green River tributaries of Big Creek and Jim Creek, which flow respectively through each parcel. Much of the Big Creek property possesses incredible forest reserves due to its roadless nature. Many trails that feed into the Pacific Crest Trail traverse this property, giving the public greater access to these lands for recreation. The upper slopes are blanketed with old-growth forests, while second growth is found on the lower slopes.

Under Forest Service ownership, these lands will be available to the public for hiking, fishing, camping, and cross-country skiing.

The Sawmill Creek South parcel is named for the primary creek running adjacent to this 190-acre parcel, which contains luxuriant old-growth trees. These trees provide habitat for the threatened northern spotted owl and marbled murrelet. In addition, these forests provide a protective buffer for Sawmill Creek, which hosts a distinct population of trout. Given the strategic location of the Sawmill Creek South parcel, its acquisition will provide additional protection for the City of Tacoma's drinking water.

The acquisitions of the Big Creek, Jim Creek, and Sawmill Creek South properties will improve forest management, enhance recreational activities, protect water quality, and secure vital wildlife migration corridors. An FY 2009 Forest Service appropriation of $4 million from the Land and Water Conservation Fund is needed to acquire and permanently protect these lands as part of the Washington Cascade Ecosystems program.

As you know, Mr. Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

Mr. Chairman, we appreciate your long-standing leadership in supporting federal acquisition and protection efforts for Washington's Central Cascades. Thank you for this opportunity to provide testimony.

WRITTEN TESTIMONY SUBMITTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,AND RELATED AGENCIES

NAME: Walter O. Stieglitz

TITLE AND AFFILIATION: Treasurer, Pelican Island Preservation Society

Agency: U.S. Fish and Wildlife Service
Program: National Wildlife Refuge System
Request: (1) Increase operations and maintenance funding for the National Wildlife Refuge System to $514 million in FY2009
(2)Provide $2 million of LWCF funding for land acquisition at the Pelican Island National Wildlife Refuge in FY2009

I represent the Pelican Island Preservation Society, which is an all volunteer friends group with over 350 members whose mission is to support the Pelican Island National Wildlife Refuge. Our organization is greatly concerned about the major funding deficit for operations and maintenance (O&M) facing the National Wildlife Refuge System(NWRS), and the severe impact this is having on the Pelican Island National Wildlife Refuge and other refuges in the System. Our request is that O&M funding for the NWRS be increased to $514 million in FY2009, an increase of $80 million over the FY2008 funding level.

The Fish and Wildlife Service reacted to the funding crisis by developing workforce management plans last year. That process identified a total of 565 positions within the Refuge System which would either be left vacant or eliminated by 2009. Staff reductions of this magnitude are of special concern since most refuges were already understaffed when the process began. As an example of local impacts, the comprehensive conservation plan for the Pelican Island Refuge calls for a staff of nine permanent full time employees. As part of the build up to the 2003 centennial celebration of the establishment of the NWRS, and the Pelican Island Refuge, the staff was increased to six. Since then two positions have been lost. The workforce plan calls for the elimination of two more positions by 2009. In total, this represents a loss of 66% of the staff positions since 2003, and will leave only two employees to manage two urban refuges (the Pelican Island staff also manages the Archie Carr National Wildlife Refuge). Also, as part of the workforce plan, these refuges have been complexed under the Merritt Island Refuge which is located 50 miles to the north - not an effective management arrangement. No one on the Pelican Island Refuge staff has law enforcement authority.

These kinds of personnel losses, plus the general lack of O&M funding, has resulted in major impacts on the protection and management of our magnificent wildlife refuges. Refuges cannot absorb personnel reductions of the magnitude being experienced and be expected to meet their wildlife objectives and their obligations to the American public. For example, public use programs will be reduced on many refuges, and eliminated on

others. Environmental education programs for our children will be reduced. Habitat management needed to improve conditions for wildlife will be severely diminished. Surveys needed to monitor wildlife populations will be reduced. The control of invasive species will be cut back, resulting in the degradation of wildlife habitat. The ability to enforce regulations concerning trespass, dumping, boundary encroachment, etc., will be diminished.

We are concerned regarding the inequitable distribution of resource management dollars among the four major Federal land management agencies. On a per acre basis, funding to manage national wildlife refuges is significantly lower than that allocated to manage national forests, national parks, and BLM lands. For example, The NWRS receives slightly over $4 per acre while the National Parks are allocated about five times that amount. We are not suggesting that the funding level should be the same, as the missions vary; however, the current disparity is totally unreasonable and the Congress should restore some equity as it contemplates future allocations.

Invasive species are a major continuing problem facing refuge managers. Despite added emphasis on identification and control, valuable wildlife habitat continues to be lost . We urge the Subcommittee to continue its strong support for the control of invasives

There is a critical need for land acquisition at the Pelican Island National Wildlife Refuge. In the late 1990's the integrity of the refuge was threatened by the proposed development of approximately 300 acres of private lands which were surrounded by refuge and other public lands. In response to the emergency, the Congress, beginning in FY1999, appropriated sufficient funds to acquire most of the acreage. Unfortunately, one key tract of 47 acres was purchased by a developer and could not be acquired at that time. Fortunately, the tract has not been developed and is now available. In its comprehensive conservation plan, the refuge ranked the property as its highest priority for land acquisition. Containing 1,500 feet of natural mangrove shoreline along the Indian River Lagoon, the tract will serve as an important wildlife corridor to other refuge and public lands. The property has a high potential for habitat restoration based on work on similar properties. A contribution of Federal and nonfederal sources will be used to protect the 47 acres in its entirety. A $2 million appropriation from the Land and Water Conservation Fund in FY2009 will begin the acquisition of this important property.

In summary, the NWRS is facing a severe funding crisis which must be addressed quickly. We ask that the Subcommittee increase O&M funding for the NWRS to $514 million in FY2009. Further, we ask that the Subcommittee support the goal of reaching an O&M funding level of $765 million in O&M funding by FY2013.

**Testimony of Bruce Thompson**
**Director, New Mexico Department of Game and Fish**
**In Support of Tampico Springs Acquisition**
**Cibola National Forest, New Mexico**
**Land and Water Conservation Fund**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

March 3, 2008

Mr. Chairman and Honorable Members of the Committee:

On behalf of the New Mexico Department of Game and Fish (Department), I appreciate the opportunity to present this testimony in support of a $2.6 million appropriation from the Land and Water Conservation Fund for critical land protection efforts by the Forest Service in the Cibola National Forest near Gallup, New Mexico.

The Department completed the Comprehensive Wildlife Conservation Strategy for New Mexico in 2005, combing input from over 125 public, private, and tribal interests, as a guide to collaborative and coordinated conservation activities in the state. Identified through the planning process were Species of Greatest Conservation Need and key wildlife habitats throughout New Mexico. One of those Species of Greatest Conservation Need is Zuni bluehead sucker, a species listed as endangered by the State of New Mexico and a candidate for federal listing under the Endangered Species Act. Zuni bluehead sucker is found only in about 9 miles of habitat in the headwaters and isolated springs of the upper Zuni River watershed. Preservation of existing habitat and reduction of threats to the population from habitat destruction, fragmentation, and demands on the water supply to the river and springs are critical to keeping this species from extinction.

The Department, under the guidance of the Comprehensive Wildlife Conservation Strategy for New Mexico and the Zuni Bluehead Sucker Recovery Plan, is working closely with state, federal, and tribal agencies and private organizations and individuals to forward our common wildlife conservation initiatives. The partnerships that have formed to protect habitat in the headwaters of the Zuni River are some of the broadest and most diverse in the state, including The Nature Conservancy, U.S. Fish and Wildlife Service, U.S.D.A Forest Service, and the Pueblo of Zuni. Priorities include restoration of the watershed and protecting habitat by purchase to prevent imminent threats of water and housing development. Among ongoing efforts, the Department is working with The Nature Conservancy to acquire 440 acres of land along the Rio Nutria, the major tributary to the Zuni River. This purchase, using the state Natural Lands Protection Act and funded by a special land conservation appropriation and the Duke Foundation, will add to the 1,300-acre Rio Nutria Preserve previously acquired by the State of New Mexico and The Nature Conservancy. Additionally, the Pueblo of Zuni, The Nature Conservancy, and the Department are working to restore and manage habitat for protection of the sucker on both the Preserve and within Zuni tribal lands. This is a unique

opportunity to engage tribal government in support of the state's Comprehensive Wildlife Conservation Strategy.

The proposed Forest Service acquisition will continue the partners' efforts to acquire and preserve habitat for the Zuni bluehead sucker and other important species. The two sections of land that make up the proposed Forest Service acquisition are important tributary drainages in the Zuni River watershed. Tampico Draw bisects the section that would be acquired in the first phase of the acquisition and drains directly into the Rio Nutria. The second section is on the headwaters of Grasshopper Canyon that also drains into Rio Nutria. Protection of these areas will help to protect downstream habitat occupied to by Zuni bluehead sucker.

In FY 2009, $2.6 million is required for the Forest Service from the Land and Water Conservation Fund to acquire and conserve the first 640 acres of the 1,280-acre Tampico Spring property. This will preserve critical wildlife habitat, protect an important watershed, and facilitate improved management of national forest lands in New Mexico.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of this important Land and Water Conservation Fund project in New Mexico.

**TESTIMONY OF JEFF TRANDAHL, EXECUTIVE DIRECTOR
NATIONAL FISH AND WILDLIFE FOUNDATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES REGARDING
FY 2009 BUDGET FOR THE U.S. FISH AND WILDLIFE SERVICE, BUREAU OF LAND MANAGEMENT AND FOREST SERVICE**

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to submit testimony regarding FY 2009 Department of Interior Appropriations and funding for the National Fish and Wildlife Foundation (Foundation). We appreciate the Subcommittee's past support and respectfully request your approval of funding at the following levels:

- $10 million through the U.S. Fish and Wildlife Service's Resource Management General Administration appropriation;
- $3 million through the U.S. Fish and Wildlife Service's Resource Management Endangered Species appropriation to conserve and restore Pacific salmon in Washington State;
- $4 million through the Bureau of Land Management's Management of Lands and Resources appropriation; and
- $4 million through the Forest Service's National Forest System appropriation.

This funding request for FY 2009 is well within the authorized levels and would allow the Foundation to uphold our mission and expand our successful partnerships with the U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and Forest Service (FS). Mr. Chairman, I want to make one very important point: we are asking for your support of well-established conservation programs with national significance. The Foundation is an honest broker for the federal agencies and we have a remarkable track record of bringing private partners together to leverage federal funds and maximize conservation impacts.

Since the Foundation's establishment by Congress in 1984, the Foundation has built strong partnerships with the FWS, BLM and FS by convening cooperative efforts to further the conservation of fish, wildlife and plants. The Foundation continues to excel in grant-making while providing thought leadership, accountability and sustainable conservation outcomes. Our unique ability to organize federal agencies and private partners to work together to achieve mutual conservation goals through on-the-ground and in-the-water grant programs is notable and there is significant potential to advance these efforts in FY 2009 and beyond.

In addition to FWS, BLM and FS, the Foundation works closely with other Department of Interior agencies, the Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration (NOAA), and USDA's Natural Resources Conservation Service (NRCS), among others. On average, every federal dollar is leveraged with three or more matching dollars from the non-federal sector. Therefore, an appropriation of $21 million in FY 2009 would turn into a minimum of $42 million, according to the Foundation's Congressional Charter which requires a minimum of a 1:1 match, and have the potential to turn into $84 million or more for on-the-ground conservation. Funds appropriated by this Subcommittee are exclusively dedicated to grants and are not spent on overhead expenses of the Foundation.

This Subcommittee's funding has been critical to our success in attracting additional funding for conservation through corporate sponsorship, legal settlements, and direct gifts. Through our targeted grants, the Foundation strategically invests the federal funds entrusted to us to achieve measurable success in "moving the needle" on collaborative conservation objectives over the next five to ten-year period.

In FY 2007, the Foundation awarded $12.2 million of our FWS, FS, and BLM appropriations to support 267 projects. FWS, BLM and FS funds were leveraged with $41 million in other Foundation federal funds, corporate contributions, and matching funds. The remaining $1.7 million in appropriated funds will be obligated for our spring 2008 projects. When these projects are approved, the FWS, BLM and FS appropriations of $13.9 million for FY 2007 will have been leveraged into more than $65 million in on-the-ground projects.

**Conserving Fish, Wildlife, Plants and Habitats**

FY 2009 appropriations through FWS, BLM and FS will be focused on mutually agreed upon projects across the country according to our Keystone Initiatives and the objectives of the Foundation's Special Grant Programs, which are specific to a geographic area, group of species, or conservation concern. The Keystone Initiatives represent the new core portfolio of the Foundation's grant making with clearly defined long-term goals, well-articulated strategies, and defined budgets to reach desired outcomes. In 2007 the Foundation continued implementing a new strategic plan and developing targeted Keystone Initiatives, with the goal of achieving sustainable and measurable conservation impacts.

Four Keystone Initiatives were launched by the Foundation in 2007: (1) Birds (2) Wildlife and Habitats (3) Fish and (4) Marine and Coastal Conservation. Each grant approved under a Keystone Initiative will be designed to provide a measurable outcome that brings us one step closer to the final long-term conservation goal of the Initiative. Achieving success through our Keystone Initiatives will also help to fulfill the objectives of the National Fish Habitat Action Plan, North American Waterfowl Management Plan, and Partners in Flight, among others.

With continued support through FWS, BLM, and FS appropriations, the Foundation can accelerate our collaborative efforts to achieve long-term conservation impacts for fish and wildlife through our Keystone Initiatives. Increased funding in FY 2009 will also help to strengthen the Foundation's Special Grant Programs, a few of which are highlighted below:

- **The Washington State Community Salmon Fund** was established in 2000 to award community-based grants to assist rural communities, farmers, ranchers and other private landowners with salmon habitat conservation projects. With continued support from this Subcommittee, the program has expanded to include funding and participation from the Washington Salmon Recovery Funding Board, the Washington Conservation Commission, King County, WA and Pierce County, WA. More than 300 grants have been awarded through the partnership to benefit every major salmon-bearing watershed across Washington. The program helps to implement local salmon recovery projects identified as priorities in federal and state agency approved recovery plans. Projects also provide numerous benefits for other aquatic and riparian wildlife species as well as improved water quality.

- **The Great Lakes Watershed Restoration Fund** is a partnership between FWS, FS, EPA, NOAA and NRCS to promote ecosystem restoration in the Great Lakes watershed. Since 2005, the Foundation has leveraged $1.9 million in federal funds with $3.8 million in partner contributions and matching funds to support 36 projects throughout the watershed. In 2008, the program is anticipated to award an additional $1.5 million to restore and enhance fish and wildlife habitat in the Great Lakes Basin. In January, the Foundation announced a new corporate partnership with ArcelorMittal, an international steel company, who will provide an additional $2.1 million over the next three years for grants in the watershed and help to implement the habitat objectives of the Great Lakes Regional Collaboration.

- **The International Sea Turtle Conservation Fund** supports projects for the six species of sea turtles found in the Western Hemisphere, all of which are considered endangered or threatened. Since 1998, grants have been awarded for more than 100 projects in over 25 countries, representing a total of $6.2 million in funding from both federal and non-federal sources. Projects focus on key nesting and foraging areas for species survival as well as local capacity building and outreach with fisherman to increase awareness and minimize damage caused by certain fishing techniques to marine turtle populations. This collaborative effort with NOAA and FWS is the leading source of funding for sea turtles in the Western Hemisphere.

Other Special Grant Programs, including Bring Back the Natives, Pulling Together Initiative, Long Island Sound Futures Fund, Delaware Estuary Watershed Grants Program, and Chesapeake Bay Stewardship Fund, continued positive results in 2007 with grantee requests far exceeding available funds. The Foundation strongly supports collaborative efforts that integrate conservation practices on agricultural, ranching, and forestry operations, with the goal of improving the ecological health of working lands. FY 2009 appropriations through FWS, BLM and FS will allow the Foundation to continue our investment in common-sense, innovative, cooperative approaches that directly benefit diverse habitats and a wide range of fish and wildlife species.

**A Tradition of Successful and Accountable Performance**

Since 1984, the Foundation has awarded nearly 9,500 grants to over 3,000 organizations in the United States and abroad and leveraged – with our partners – more than $400 million in federal funds into over $1.3 billion for conservation. NFWF is recognized by Charity Navigator with a 4-star rating for efficiency and effectiveness.

The Foundation has taken important strides to improve our grant review and contracting process to ensure we maximize efficiency while maintaining strict financial and evaluation-based requirements. Interactive tools through our website have improved communication with our stakeholders and helped to streamline our grant-making process. We expect that as of spring 2008, the Foundation will be operating under a paperless application system.

Grant-making through our Keystone Initiatives and Special Grant Programs involves a thorough internal and external review process. Peer reviews involve federal and state agencies, affected industry, non-profit organizations, and academics. Grants are also reviewed by the Foundation's Keystone Initiative staff, as well as evaluation staff, before being recommended to the Board of Directors for approval. In addition, according to our Congressional Charter, the Foundation

provides a 30-day notification to the Members of Congress for the congressional district and state in which a grant will be funded, prior to making a funding decision.

Once again, Mr. Chairman, we greatly appreciate your continued support and hope the Subcommittee will approve funding for the Foundation in FY 2009.

**Testimony of**
**Yavapai County Supervisor**
**A. G. "Chip" Davis**
**In support of Packard Ranch Acquisition Project**
**Coconino National Forest, Arizona**
**Land and Water Conservation Fund, U.S. Forest Service**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

**March 13, 2008**

Mr. Chairman and Honorable Members of the Subcommittee:

Thank you, Mr. Chairman, for the opportunity to present this testimony in support of an appropriation from the Land and Water Conservation Fund to enable the Forest Service and the Coconino National Forest to acquire the 139-acre Packard Ranch property in Yavapai County.

As you know, Mr. Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I respectfully request the subcommittee to increase overall funding for this program in FY 2009.

Within the boundaries of the Coconino National Forest is the 56,000-acre Sycamore Canyon Wilderness area. This protected area is noted for the variety of its scenic landscapes—colorful cliffs, pine and fir forests, and a rare desert riparian area. The canyon winds for over 20 miles along Sycamore Creek, stretching seven miles from rim to rim at some places. Carved walls reveal layers of spectacular red sandstone, stark white limestone, and rugged brown lava. The water of the creek allows a rich habitat to flourish, including sycamores, walnuts, and cottonwoods.

Adjacent to the Sycamore Canyon Wilderness and available for acquisition is the 139-acre Packard Ranch property, located upstream from the towns of Clarkdale and Cottonwood. The Verde River and Sycamore Creek are perennial streams that provide habitat for several endangered and threatened fish species and are important sources of drinking water for the Phoenix Metropolitan area. Both flow through the property. Existing nests of breeding bald eagles can be found nearby while other key wildlife (including the yellow-billed cuckoo, common black-hawk, peregrine falcon, and many bat species) are found on the property.

Both Sycamore Creek and a section of the Verde River have been identified as potentially eligible for listing as wild and scenic rivers. The property contains portions of the area's desert riparian ecosystem and provides scenic views of red rock vistas in Sycamore Canyon. The area in which this property is located also has archeological resources of national and international importance.

Packard Ranch includes an important trailhead providing access to the Sycamore Canyon Wilderness. Both the Parson's and Packard hiking trails are entered exclusively from this property. Although the public has traditionally been permitted to use this trailhead, there is no permanent guarantee of access. Properties with riparian frontage in Arizona are at a premium for development, and without permanent protection, it is conceivable that Packard Ranch could be developed. If this were to happen, the character of the landscape could change dramatically, and the public could lose access to the trails and wilderness area.

With its strategic location within the Coconino National Forest, the acquisition of the Packard Ranch property will protect vital habitat, ensure continued public access to trails, and preserve the unique scenic vistas of Sycamore Canyon.

**The Corps Network**

**TESTIMONY PREPARED FOR THE HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES**

**TESTIMONY IN SUPPORT OF FUNDING FOR THE PUBLIC LANDS CORPS (PLC): DEPARTMENT OF INTERIOR AND DEPARTMENT OF AGRICULTURE**

**February 20, 2008**

The Corps Network urges you to fully fund the Public Lands Corps Healthy Forests Restoration Act of 2005 (P.L. 109-154), which was signed into law in 2005. It authorizes $12 million for the Secretaries of Agriculture and Interior to contract with qualified youth and conservation Corps to carry out projects on public lands that are consistent with the goals of the Healthy Forests Act. It authorizes $8 million for priority projects and $4 million for other appropriate conservation projects.

When funded, the Act will enable the Departments of Agriculture and Interior to engage Service and Conservation Corps in projects: "(A) To reduce wildfire risk to a community, municipal water supply, or other at-risk Federal land; (B) To protect a watershed or address a threat to forest and rangeland health, including catastrophic wildfire; (C) To address the impact of insect or disease infestations or other damaging agents on forest and rangeland health" and for other purposes. In addition, to these conservation and protection aims, The Act also seeks to provide opportunities for disadvantaged and the communities in which they reside by creating two preferences; one for projects and the other for Corps.

**The Public Lands Corps provides five important benefits:**

- ***Helps to improve and protect public lands and the environment.*** PLC Corpsmembers join the fight against wildfires, invasive species, other threats to our public lands and other disaster prevention and relief activities.
- ***Helps to reduce the impacts of climate change*** by planting and managing vegetation to restore ecological processes and functions, including the recharging of streams and aquifers.
- ***Engages disadvantaged young adults.*** The PLC engages young people, particularly those who are disadvantaged, in these efforts and connects young people with nature.
- ***Is cost-effective.*** Federal land managers will be able to deploy resources in a more cost-effective manner—to fight the effect of fires and invasive species as well as completing backlogged maintenance projects—because in the PLC, government cannot pay more than 75 percent of the cost of any project. The remaining 25 percent must be provided in cash or in-kind from nonfederal sources.
- ***Creates a new generation of diverse environmental stewards.*** Because the statute contains language providing for non-competitive hiring status for PLC Corpsmembers, the PLC also creates a pipeline of skilled and diverse recruits; the next generation of environmental stewards that the National Park Service can hire non-competitively.

The Public Lands Corps can, and should, play a key role in the implementation of the National Fire Plan, especially with regard to rehabilitation, hazardous fuels reduction, and

community assistance. Corps can help to insure that the necessary resources are available to respond to fires. Across the nation, they participate in emergency stabilization and rehabilitation activities like reforestation, road and trail rehabilitation, fence replacement, fish and wildlife habitat restoration, and replanting and reseeding with native or other desirable vegetation. They have experience reducing hazardous fuels to reduce the risks of fires to people, communities, and natural resources. Corps also have experience in helping communities that have been or are at-risk of fire by educating citizens on the effects of fire and doing community fire protection planning.

According to the Climactic Data Center of the Department of Commerce, in 2007 some 85,583 fires consumed 9.3 million acres; the second worst year for fires since mid 1990s and well above the 10 year average of 7.9 million acres burned. Federal agencies spent more than $2 billion on fire suppression in 2007. One factor that increases the wildfire threat is the growing number of new homes in the wildland/urban interface; about 8.4 million new homes, or 60 percent of new homes, were built in the interface during the 1990s.

In 2004 the National Fire News noted that " After a wildland fire ... land management specialists and volunteers jumpstart the renewal of plant life through seeding and planting with annuals, trees, and native species that help retain soils and fight invasive weeds. It's a long term process that comes alive as the wildland fires die down."

Reducing the impacts of climate change, restoring balance to the ecology, and connecting young people to nature is the kind of work at which Corps excel and can play an even greater role. Corps are an experienced, cost-effective, and valuable resource in the fight against fires and infestation. Corps do fuels reduction work, create firescapes around new communities as cities spread into previously rural areas, provide logistical support to firefighters, and educate homeowners and others about how to prevent fires. They also partner with community-based organizations in disaster preparedness and relief activities. Examples of Corps service include:

- **Reducing Maintenance Backlogs**: The Northwest Youth Corps works with the Washington Trails Association to brush, clear, repair, and extend trails in Mount Rainier National Park and Mount Baker-Snoqualmie National Forest, among other sites. In August 2007, park officials reported that they were still fixing damage caused by storms in October 2003.
- **Restoring the environment:** The Nevada Conservation Corps works with The Nature Conservancy to return the Truckee River and wetlands to a more natural condition.
- **Disaster Relief:** Eleven Corps have sent more than 250 young people and staff to the Gulf Coast. Corps from across the country helped residents rebuild their homes and their lives by clearing debris, repairing roofs in Mississippi, managing a supply warehouse in Louisiana, serving displaced residents aboard ships in Alabama, and installing temporary "hard roofs" on historic buildings in New Orleans.
- **Wildfire Prevention:** In 2004, the Montana Conservation Corps (MCC) completed over 600 acres of wildfire fuels reduction projects in partnership with national parks, state agencies on private lands, and local conservation districts. Its priority has been to create defensible space around historic buildings in the national parks and around campgrounds. In West Yellowstone, MCC partnered with the Chamber of Commerce to remove 300 hazardous trees lining the popular Rendezvous Ski Trails, site of national ski races, and

an important economic asset in a community trying to diversify from the traditional snowmobile-based economy.

- **Emergency Response And Prevention:** The Western Colorado Conservation Corps (WCCC) has done work in the urban interface in the Black Canyon of the Gunnison National Park housing area to insure safe passage for emergency response workers. Corpsmembers have been trained in firescaping around new suburban neighborhoods as cities spread into rural areas. They help to provide both visually aesthetic and fire resistant landscape around structures and along the avenues of emergency response.
- **Fire prevention and community Improvement:** The Coconino Rural Environment Corps located in Flagstaff, Arizona, thins hundreds of acres of federal, state, county, city, and private lands every year. The Corps has created multiple partnerships in local communities to mitigate the hazards of catastrophic wild fires including one to provide local Native American communities with more than 400 cords of firewood.

Invasive species are another large and growing threat to our public lands. Almost half of the plants and animals listed as endangered species by the federal government have been negatively affected by invasive species. Purple loosestrife, for example, diminishes waterfowl habitats, alters wetland structure and function, and chokes out native plants. The Asian long horned beetle destroys valuable city trees and could spread. Invasive plants are estimated to infest 100 million acres in the United States. A Bureau of Land Management study (1996) estimated that 4,600 acres of additional Federal public natural areas in the Western US are negatively affected by invasive plant species every day. According to one study, in 1999 the United States spent an estimated $590 million to prevent and control invasive species.

Corps have also been mobilized in a number of states including Washington, California, Montana, Colorado, New Mexico, and Utah to remove invasive species and to combat agricultural pests and insects. For example:

- The Western Colorado Conservation Corps (WCCC), based in Grand Junction, Colorado, have been actively involved in tamarisk removal for several years. The WCCC has partnered with the Colorado State Parks Department and the state Division of Wildlife, the Audubon Society, and the Tamarisk Coalition to eradicate tamarisk and Russian Olive from a 50 mile stretch of the Colorado River and from the Utah state line to Palisade, Colorado.
- Working under the direction of the California Department of Food and Agriculture, Corpsmembers have fought the Mediterranean fruit fly, gypsy moth, white fly, red imported fire ants and the glassy-winged sharpshooter.
- The Montana Conservation Corps is partnering with the National Forest Foundation, Gallatin National Forest, and Gallatin/Big Sky Weed Management Area Committee to undertake an extensive invasive weed mapping and removal project in the Lee Metcalf Wilderness.

Established in 1985, The Corps Network is the voice of the nation's 116 Service and Conservation Corps. Currently operating in 41 states and the District of Columbia, Corps annually enroll more than 21,000 young men and women who contribute almost 17 million hours of service every year. Corps annually mobilize almost 300,000 community volunteers who contributed millions of additional hours of service.

Our member Corps are direct descendents of the Civilian Conservation Corps (CCC) of the Depression-era that provided work and vocational training for unemployed single young men through conserving and developing the country's natural resources. Between 1933 and 1941 the CCC had employed almost 3.5 million men who planted an estimated 2.5 billion trees, protected 40 million acres of farmland from erosion, drained swamp land, replanted almost a million acres of grazing land, built 125,000 miles of roads, fought fires, and created 800 state parks and 52,000 acres of campgrounds. But the biggest legacy of the CCC may have been the hope it provided both the young men and their families.

Today's Corps are a proven strategy for giving young men and women, many of whom are disadvantaged and out-of-work and/or out-of-school, the chance to change their own lives and those of their families, as well as improve their communities. Of the Corpsmembers enrolled in 2007, 57% had no High School diploma, 53% reported family income below the federal poverty level, 30% had previous court involvement and, at least 5% had been in foster care. Corps provide thousands of young people the opportunity to earn a second chance in life.

In the Corps model, Corpsmembers are organized into crews of 8-12 to carry out these projects while being guided by adult leaders who serve as mentors and role models as well as technical trainers and supervisors. For the past twenty-five years Corps have re-engaged society's most vulnerable young people through a comprehensive approach of full-time service, a minimum-wage based stipend, job training, life skill development, career counseling and education. Most importantly, these young men and women learn to value their personal contribution, learn the importance of teamwork and experience the recognition that comes from making a positive investment in their community.

In return for their efforts to restore and strengthen their communities, Corpsmembers receive: 1) a living allowance, 2) classroom training to improve basic competencies and, if necessary, to secure a GED or high school diploma, 3) experiential and environmental service-learning based education, 4) generic and technical skills training, and 5) a wide range of supportive services. Research has shown that youth who complete Corps programs have higher rates of employment and earn more than their counterparts. Corpsmembers also score higher on measures of personal and social responsibility and are more likely to earn a college degree. Corps generate a positive return for every dollar invested.

The Public Lands Corps will provide work experience to disadvantaged Corpsmembers between the ages of 16-24, giving them the chance to develop the skills and habits they will need to become employed and productive citizens. It offers them a pipeline into federal service, a win-win situation for the Forest Service and for the Corpsmember. This experience will help Corpsmembers help themselves, their families, and their communities. It will also enable federal land managers to cost-effectively complete critical backlogged maintenance projects.

We urge you to provide $12 million to support this program and we appreciate your attention to this request.

**Written testimony submitted to the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies**

March 6, 2008

Name: Susan J. Cassell
Affiliation: President, "Ding" Darling Wildlife Society

Agency: U. S. Fish and Wildlife Service
Program: National Wildlife Refuge System
Request: Increase operations and maintenance budgets for the National Wildlife Refuge System to $514 million for FY 2009

My name is Susan J. Cassell. I have lived full time on Sanibel Island in Florida for more than 13 years. I currently serve as the President of the "Ding" Darling Wildlife Society, the friends organization for the J.N. "Ding" Darling National Wildlife Refuge on Sanibel.

I am writing to discuss the critical budget shortfall in operations and maintenance affecting our National Wildlife Refuge System. I respectfully request an increase in appropriations to $514 million for FY2009.

Last year, Congress approved a budget of $434 million, a substantial increase over the previous year's budget. This was greatly needed by the refuge system and reversed the declining budgets of previous years. But even this increase did not restore the refuge budget to its FY2004 level, when adjusted for inflation. The proposed flat budget for FY2009 has no increase and will result in a funding decline. The refuge system needs an annual budget increase of about $15 million just to keep pace with inflation.

C.A.R.E. – Cooperative Alliance for Refuge Enhancement – has recommended that the refuge system attain a budget of $765 million in 2013. Increasing the FY2009 budget to $514 million is the first step in meeting this important goal.

With funding today below the FY2004 level, refuges all over the country have had to reduce staff. Nationwide, a workforce reduction of 20% is planned. At "Ding" Darling, we have lost 5 positions critical to the operations and maintenance of the refuge. These are

Maintenance position
Biologist
Biology Technician
2 Park Rangers

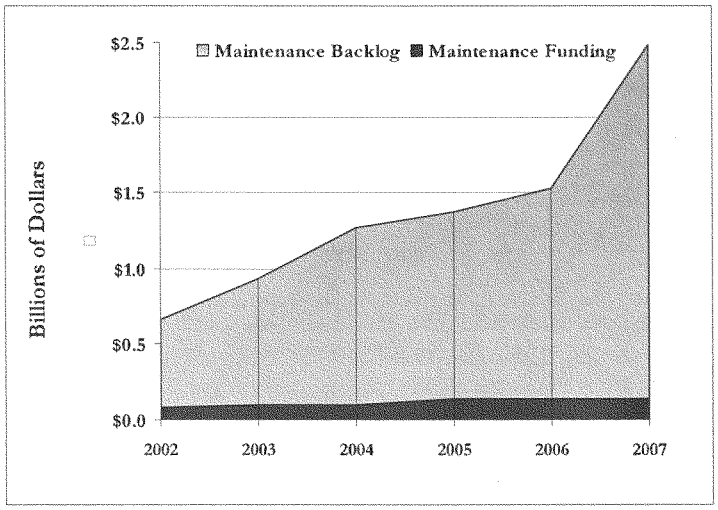
In addition, the Service's workforce plan calls for the elimination of an additional Park Ranger.

Our refuge has 30% fewer professional staff than it did in 2003, and the FY2008 budget increase did not allow for any replacement for these lost positions. The loss of these positions has reduced our ability to conduct education programs, offer visitor services, and perform needed habitat management.

The loss of biology staff has been especially harmful to the refuge. Located in the estuary at the mouth of the Caloosahatchee River, the "Ding" Darling NWR has been damaged by freshwater releases from Lake Okeechobee following the disastrous summer storms of 2004 and 2005. Vital sea grasses have been damaged; harmful invasive algae blooms continue to spoil the waters within the refuge and surrounding estuary. We need continual surveying of the waters by biology staff to monitor the health of the estuary.

The refuge has tried to overcome the lack of adequate biology staff by hiring interns, whose stipends are funded by the "Ding" Darling Wildlife Society. But this is a stop-gap measure that does not meet the long-term needs of the refuge. Internships are temporary assignments and are no replacement for permanent, professional staff.

Refuges across the United States are struggling with a $3.5 billion dollar backlog in maintenance and operations. The graph below shows how maintenance funding has failed to keep pace with the maintenance backlog nationwide.




Source: C.A.R.E.

At our refuge, we have invested 10 years and substantial dollars in eradicating exotic, invasive plant species. Partnering with the City of Sanibel and other local groups such as the Sanibel-Captiva Conservation Foundation, the "Ding" Darling Refuge has come a

long way in removing invasives. But this is an on-going effort that requires continuing maintenance. Every two years, a "maintenance sweep" is needed to ensure that invasives do not reestablish themselves. The Refuge has had increasing difficulty in finding the $100,000 to do these "sweeps" and currently does not have the necessary funds. The "sweeps" done by our partners in their lands will be severely undermined if the refuge cannot find the funding to treat its own land. Invasives that our refuge does not control will inevitably spread to adjacent areas on Sanibel.

National wildlife refuges are a vital economic factor in their nearby communities. The "Ding" Darling NWR is no exception. Our refuge attracts as many as 800,000 visitors in a year and is the second most-visited refuge in the country. People come from all over the world to view and enjoy the roseate spoonbills, wood storks and other species that call our refuge home. The visitors who come here stay at area hotels, eat at local restaurants, and shop at local stores. A report by the Department of the Interior entitled *Banking on Nature 2004: The Economic Benefits to Local Communities of National Wildlife Refuge Visitation* shows that the "Ding" Darling refuge generated more than $47 million in economic activity in southwest Florida.

If we allow our refuge habitat to deteriorate by failing to maintain it properly, or if we are forced to reduce visitor services or access to the refuge from lack of budget dollars, the effect on our local economy – especially on Sanibel – will be devastating.

The "Ding" Darling Wildlife Society was founded in 1982 and is supported by donations and membership dues from more than 1500 people each year. The Society raised the funds to build the multi-million dollar Education Center at the refuge and supports the refuge with a $120,000 in contributions each year. These funds have helped the refuge fill gaps in its own budget, but they do not allow the refuge to meet its needs in hiring professional staff and in performing large maintenance projects. Only federal appropriations can meet these needs.

In summary, let me reiterate my request that the budget for the National Wildlife Refuge System be increased to $514 million for FY2009. This investment in our nation's magnificent wildlife heritage will pay dividends by protecting and preserving one of our country's most precious resources.

**Statement of**
**the**
**COLORADO RIVER BASIN SALINITY CONTROL FORUM**

**to the**
**HOUSE COMMITTEE ON APPROPRIATIONS**
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

**Presented by**
**JACK A. BARNETT, EXECUTIVE DIRECTOR**
**March 7, 2008**

**Requesting Appropriations**
**for the**
**COLORADO RIVER BASIN SALINITY CONTROL PROGRAM**

For the Department of the Interior

Bureau of Land Management – FY 2009 Appropriation

In Support of $5,900,000 to assist in Colorado River Salinity Control, Title II from the Soil, Water and Air Management effort, and with support for the President's request for that activity. Also a request that $1,500,000 be spent on identified salinity control related projects and studies.

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This testimony is in support of funding for the Bureau of Land Management (BLM) for the subactivity that assists the Colorado River Basin Salinity Control Program authorized by the Congress. The BLM budget, as proposed by the Administration in the BLM budget justification document, calls for five principal program priorities within the Soil, Water, and Air Management Program. One of these priorities is reducing saline runoff to meet the interstate, federal and international agreements to control salinity of the Colorado River.

The BLM's Budget Justification documents have stated that the BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation (USBR) and the U.S. Department of Agriculture (USDA), and report salt-retaining measures in order to further the Plan of Implementation of the Federal Salinity Control Program in the Colorado River Basin. The Colorado River Basin Salinity Control Forum (Forum) believes that FY 09 funds appropriated by the Congress for the Soil, Water, and Air Management Program should be used, in part, for reducing saline runoff in the Colorado River Basin.

The seven Colorado River Basin States, through the Forum, have engaged the BLM in a partnership with the Basin states as has been done previously with the two other federal agencies implementing salinity control in the Basin. The Forum has requested and the BLM has selected

a salinity control coordinator for this basinwide effort. This person now serves with the two full-time coordinators in place for the USBR and the USDA efforts. This enhanced working relationship has taken advantage of the availability of Basin states' cost-sharing monies to leverage federal funds. The Forum is encouraged by the words in the BLM budget document. The Forum supports the funding request for the Soil, Water, and Air Management Subactivity. As one of the five principal Soil, Water, and Air Program priorities, the Forum believes that the BLM needs to specifically target $5,900,000 to activities that help control salt contributions from BLM managed lands in the Colorado River Basin. In the past, the BLM has used $800,000 of the Soil, Water and Air Program funding for proposals submitted by BLM staff to the BLM's salinity control coordinator for projects that focus on salinity control. The Colorado River Basin Salinity Control Advisory Council has recognized that the BLM has now identified projects that in FY 2009 could use $1.5 million. For years, Congress has dedicated $800,000 on the effort and now the Forum believes $1.5 million should be so designated.

The success of the BLM in controlling erosion and, hence, salt contributions to the Colorado River and its tributaries is essential to the success of the Colorado River Basin Salinity Control Program, including adherence to the water quality standards adopted by the seven Colorado River Basin states and approved by the U.S. Environmental Protection Agency (USEPA). Inadequate BLM salinity control efforts will result in very significant additional economic damages to water users downstream. The Forum submits this testimony in support of adequate funding so that the BLM program can move ahead at a pace that is needed to sustain these water quality standards.

**OVERVIEW**

This testimony is in support of funding for a portion of the Title II program. The Colorado River Basin Salinity Control Program was authorized by the Congress in 1974. The Title I portion of the Colorado River Basin Salinity Control Act responded to commitments that the United States made, through a minute of the International Boundary & Water Commission, to Mexico specific to the quality of water being delivered to Mexico at the international boundary. Title II of the Act established a program to respond to salinity control needs of Colorado River water users in the United States and to comply with the mandates of the then newly enacted Clean Water Act. Initially, the Secretary of the Interior and the USBR were given the lead federal role by the Congress.

After a decade of investigative and implementation efforts, the Basin states concluded that the Salinity Control Act needed to be amended. In response to the Basin states' requests, the Congress revised the Act in 1984 to give new salinity control responsibilities to the USDA and to the BLM. That revision, while leaving implementation of the salinity control policy with the Secretary of the Interior, gave new salinity control responsibilities to the USDA and to the BLM. The Congress has charged the Administration with implementing the most cost-effective program practicable (measured in dollars per ton of salt removed). The Basin states are strongly supportive of that concept and have proceeded to implement salinity control activities for which they are responsible in the Colorado River Basin.

Since the Congressional mandates of over two decades ago, much has been learned about the impact of salts in the Colorado River system. The USBR estimates that the quantified economic impacts and damages to United States' water users alone is about $330 million per year and there are very significant additional damages yet to be quantified. Damages occur from:

- a reduction in the yield of salt sensitive crops and increased water use for leaching in the agricultural sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector,
- an increase in the use of water for cooling, and the cost of water softening, and a decrease in equipment service life in the commercial sector,
- an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector,
- a decrease in the life of treatment facilities and pipelines in the utility sector,
- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and fewer opportunities for recycling due to groundwater quality deterioration,
- increased use of imported water for leaching and the cost of desalination and brine disposal for recycled water.

For every 30 mg/l increase in salinity concentrations, there is $75 million in additional quantified damages in the United States.

The Forum is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The Forum has become the seven-state coordinating body for interfacing with federal agencies and the Congress in support of the implementation of the Salinity Control Program. In close cooperation with the USEPA and pursuant to requirements of the Clean Water Act, every three years the Forum prepares a formal report analyzing the salinity of the Colorado River, anticipated future salinity, and the program elements necessary to keep the salinities at or below the concentrations in the river system in 1972 at Imperial Dam, and below Parker and Hoover Dams.

In setting water quality standards for the Colorado River system, the salinity concentrations at these three locations have been identified as the numeric criteria. The plan necessary for controlling salinity and reducing downstream damages has been captioned the "Plan of Implementation." The 2005 Review of water quality standards includes an updated Plan of Implementation. The level of appropriation requested in this testimony is in keeping

with the agreed upon plan. If adequate funds are not appropriated, significant damages from the higher salt concentrations in the water will be more widespread in the United States and Mexico.

**JUSTIFICATION**

The BLM is, by far and away, the largest land manager in the Colorado River Basin. Much of the land that is controlled and managed by the BLM is heavily laden with salt. Past management practices, which include the use of lands for recreation; for road building and transportation; and for oil, gas, and mineral exploration have led to man-induced and accelerated erosional processes. When soil and rocks heavily laden with salt erode, the silt is carried along for some distance and ultimately settles in the streambed or flood plain. The salts, however, are dissolved and remain in the river system causing water quality problems downstream.

The Forum believes that the federal government has a major and important responsibility with respect to controlling salt contributions from public lands. The Congress has explicitly directed specific federal agencies, including the BLM, to proceed with measures to control the salinity of the Colorado River, with a strong mandate to seek out the most cost-effective options. It has been determined that rangeland improvements can lead to some of the most cost-effective salinity control measures available. These salinity control measures may be more cost-effective than some now being considered for implementation by the USBR and by the USDA. They are very environmentally acceptable as they will prevent erosion, enhance wildlife habitat, increase dependable stream flows and increase grazing opportunities.

Through studying hundreds of watersheds in the States of Utah, Colorado and Wyoming, consortiums of federal and state agencies, including the BLM, have selected several watersheds where very cost-effective salinity control efforts could be implemented immediately. In keeping with the Congressional mandate to maximize the cost-effectiveness of salinity control, the Forum is requesting that the Congress appropriate and the Administration allocate adequate funds to support the BLM's portion of the Colorado River Salinity Control Program as set forth in the Forum's adopted Plan of Implementation.

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**Testimony of**
**Gathering Waters Conservancy**
**In Support of Land Acquisition Funding for Chequamegon National Forest**
**U.S. Forest Service, Wisconsin**
**Land and Water Conservation Fund, U.S. Forest Service**
**House Committee on Appropriations**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

**March 13, 2008**

Mr. Chairman and Honorable Members of the Subcommittee:

Thank you for the opportunity to present testimony in support of an appropriation of $3.5 million to acquire more than 1,400 acres of forest inholdings within the Chequamegon-Nicolet National Forest in Wisconsin. The Forest Service has prioritized these acquisitions through its Wisconsin Wild Waterways program.

As you know, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since FY 2002, funding for LWCF has diminished by about 75%, and the FY 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in FY 2009.

The Chequamegon-Nicolet National Forest, located in northern Wisconsin, covers more than 1.5 million acres of northern forests and lakes. The variety of forest types is virtually unmatched anywhere else in the United States, and the combination of this feature with the abundance of lakes, rivers, and streams ensures that the forest boasts some of the best recreational opportunities in the country. With its 1,200 lakes, the national forest offers plenty of paddling, prize fishing, canoeing, boating, and swimming, in addition to opportunities afforded by its 800 miles of trails.

The Forest Service has recognized the unique attributes of the Wisconsin forests by undertaking a land protection program that is focused on the protection of undeveloped lakefront properties and consolidation of publicly owned land for the benefit of recreation and natural resources. The Wisconsin Wild Waterways program has been supported through annual funding from the Land and Water Conservation Fund. In the past few years, over 10,000 acres of undeveloped shoreline along several critical lakes and streams have been protected through this program.

This year, there are numerous key inholdings available for acquisition.

First, in Bayfield County, there is an 881-acre assemblage of inholding parcels consisting of nine tracts ranging in size from 33 to 240 acres. These inholdings are nearly surrounded by national forest land and share a 12.25-mile boundary with the forest. They include one quarter mile of creek frontage, a tributary to Trapper Lake, 40 acres of wetland, an entire small lake, and the remaining private ownership on three other small lakes. The tracts also include the territory of a wolf pack and are within the planned habitat range of the released Wisconsin elk herd. The mixture of forest and riparian areas makes these properties a haven for recreation as well as for wildlife, including important habitat for the bald eagle, goshawk, and pine martin.

Ideal for multi season recreation, visitors to this area can enjoy hiking, camping, birding, hunting, fishing, cross-country skiing, and snowshoeing. Two of these inholdings are located in the Big Brook and Marengo semi-primitive non-motorized areas, and their protection will help consolidate these protected lands. Protecting these nine properties are critically important to maintaining the natural character of the area, while insuring long-term elk habitat for Wisconsin's growing elk herd. If these properties are not protected, habitat loss is imminent, as easy road access to these areas makes them particularly susceptible to second home development.

Also available for acquisition are 548 acres of multiple small inholdings throughout the forest. Since many of these inholdings have good quality water frontage, the properties are highly threatened by development. The properties include the last privately owned parcel on Zarling Lake. Completely surrounded by national forest land, this 40-acre property includes one-third mile of frontage on the 38-acre lake. One historic and three prehistoric archeological sites have been identified on adjoining Forest Service land, and it is likely that this parcel will also contain significant archeological resources. Another parcel consists of 31 acres on the western shore of Wabikon Lake and has 1,000 feet of shoreline, important wetland habitat, and numerous springs that feed the lake. Conserving these threatened inholdings within the boundaries of the national forest help meet Forest Service goals to consolidate land for better management, enhance public access to these resources, and protect water quality and recreational values.

There is strong public support for public ownership of these tracts as part of the Chequamegon-Nicolet National Forest. An appropriation of $3.5 million from the Land and Water Conservation Fund in FY 2009 will continue the success of the Wisconsin Wild Waterways program in protecting these important properties from development while enhancing diversity of habitat and recreational opportunities in the Chequamegon-Nicolet National Forest.

Thank you, again, for the opportunity to present this testimony in support of the funding needed to acquire these forest inholdings.

Michael J. Carlson
Policy and Program Coordinator
Gathering Waters Conservancy

# National Cooperators' Coalition
# USGS Cooperative Fish and Wildlife Research Units

University of Arkansas
University of Arizona
Arizona Game and Fish Department
Humboldt State University
Colorado State University
Colorado Division of Wildlife
University of Florida
Florida Fish & Wildlife Conserv. Comm.
University of Georgia
Georgia Dept. of Natural Resources
University of Hawaii
University of Idaho
Idaho Department of Fish and Game
Indiana Department of Natural Resources
Purdue University
Iowa State University
Iowa Department of Natural Resources
Louisiana State University
Maine Dept. Inland Fisheries & Wildlife
University of Maryland Eastern Shore
University of Minnesota
Minnesota Dept. Natural Resources
University of Missouri
Missouri Dept. of Conservation
University of Montana
Montana State University
Montana Fish, Wildlife and Parks
University of Nebraska-Lincoln
Nebraska Game and Parks Commission
University of Nevada, Reno
New Mexico Dept. of Game and Fish
New Mexico State University
North Carolina State University
North Carolina Wildlife Resources Commission
Oklahoma Dept. of Wildlife Conservation
Oklahoma State University
Oregon State University
Pennsylvania Game Commission
Pennsylvania Fish & Boat Commission
Clemson University
South Dakota Game, Fish and Parks
South Dakota State University
Tennessee Wildlife Resources Agency
Texas Parks and Wildlife Department
Texas Tech University
Utah State University
Virginia Tech University
Vermont Fish and Wildlife Department
Wisconsin Dept. Natural Resources
University of Wisconsin--Madison
Wyoming Game & Fish Department
University of Wyoming
Ducks Unlimited, Inc.
Association of Fish and Wildlife Agencies
Izaak Walton League of America
Midwest Association of Fish and Wildlife Agencies
Western Association of Fish and Wildlife Agencies
National Association of University Fish and Wildlife Programs
North American Grouse Partnership
The Wildlife Society
Wildlife Management Institute

March 7, 2008

The Honorable Norman D. Dicks
The Honorable Todd Tiahrt
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
Washington, DC 20515

Dear Chairman Dicks and Representative Tiahrt:

We write to ask that you increase the Fiscal Year 2009 funding for the U.S. Geological Survey's Cooperative Fish and Wildlife Research Units (CFWRUs) $8 million above the budget request. The continued austere budget requests by USGS and the administration for the system are inadequate to maintain this highly valued partnership.

The CFWRUs are crucial to successfully addressing the natural resource management challenges posed by climate change, energy development needs, invasive species, infectious diseases, wildfire, and increased demand for limited water resources. These challenges also include replacing the unprecedented number of natural resource professionals who will be retiring over the next 10 years. CFWRU's have established a record of educating new natural resource professionals who are management-oriented, well-versed in science, grounded in state and federal agency experience, and able to assist private landowners and other members of the public.

As you know, each of the CFWRUs in 38 states is a true federal-state-university-private partnership among the U.S. Geological Survey, a State natural resource agency, a host university, and the Wildlife Management Institute. The CFWRUs build on these partner contributions to leverage more than three dollars for every dollar appropriated to the program by Congress.

Finding workable solutions to our natural resource challenges requires the CFWRU's management-oriented, community-based approach to research, which relies on interdisciplinary efforts, collaborations and accountability. The role of the Cooperative Research Unit System in facilitating these kinds of solutions and training the wildlife managers of tomorrow, who will be leading the way, should not be compromised. The Unit's contribution to natural resource agencies through its scientific

capabilities, expertise, technical assistance and the training of personnel is required for responsive, science-based management.

To begin meeting these high priority research and training needs in Fiscal Year 2009, we ask that you establish a competitive, matching fund program within existing CFWRU legislative authority that would make available $5 million annually in new funds beyond base operational costs. These new funds would support future cooperative, high priority research efforts and essential training of new natural resource professionals to replace the large number who will retire within the next decade.

We greatly appreciate the addition by Congress of nearly $1 million to the Fiscal Year 2008 USGS requested funding level. Those added funds are making it possible to begin the process of filling current scientist vacancies and restoring seriously eroded operational funds for each CFWRU. Unfortunately, the Fiscal Year 2009 USGS budget request fails to retain this increase, which jeopardizes the continued integrity of the CFWRUs. Approximately one fifth of all Coop Unit scientist positions are vacant due to erosion of funding since Fiscal Year 2001. To restore the necessary capacity in the CFWRU program for it to meet the nation's research and training needs, the Fiscal Year 2009 USGS appropriation needs to provide approximately $3 million more than the Fiscal Year 2008 appropriated level. An increase in funding also would ensure that the Interior Department provides the federal scientist staffing agreed to with partners so that the return on their continuing investment in the CFWRUs is realized and fully leveraged.

We urge you to make greater use of this important research and training partnership, which already brings together state fish and wildlife agencies, state universities, and federal agencies around a local, applied research agenda. With your assistance, the Cooperative Fish and Wildlife Research Units can make the best use of federal funds, becoming even more effective in using science and collaboration to address the natural resources challenges facing the Interior Department, other federal, state, local agencies and this country's citizens.

Thank you for consideration of our request.

Sincerely,

Daniel H. Pletscher, Chair
National Cooperators Coalition

Director, Wildlife Biology Program
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Statement of

JOHN R. D'ANTONIO, JR., P.E., NEW MEXICO STATE ENGINEER
AND SECRETARY, NEW MEXICO INTERSTATE STREAM COMMISSION

to the

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

in support of

FY 2009 APPROPRIATIONS FOR BUREAU OF LAND MANAGEMENT ACTIVITIES
TO BENEFIT COLORADO RIVER BASIN SALINITY CONTROL,
DEPARTMENT OF INTERIOR

March 13, 2008

## SUMMARY

This Statement is submitted in support of Fiscal Year 2009 appropriations for Colorado River Basin salinity control program activities of the Bureau of Land Management. I urge that $5,900,000 be appropriated for the Bureau of Land Management for activities that benefit the control of salinity in the Colorado River Basin, and of that amount, $1,500,000 be marked specifically for the Colorado River Basin Salinity Control Program. In addition, I support the President's requested appropriation of $34,029,000 for the Land Resources Subactivity: Soil, Water, and Air Management, but request an increase of $700,000 in that amount to provide for the needed Colorado River Basin salinity control activities of the Bureau of Land Management for a total appropriation of $34,729,000.

## STATEMENT

The Colorado River Basin Salinity Control Forum (Forum) is comprised of representatives of the seven Colorado River Basin States appointed by the respective Governors of the States. The Forum has examined all of the features needed to control the salinity of the Colorado River. Those features include activities by the cooperating States, the Bureau of Reclamation, the Department of Agriculture, and the Bureau of Land Management (BLM). The salinity control program has been adopted by the seven Colorado River Basin States and approved by the EPA as a part of each state's water quality standards. Also, water delivered to Mexico in the Colorado River is subject to Minute 242 of the U.S. treaty with Mexico that sets limits on the salinity of the water.

About 75 per cent of the land in the Colorado River basin is owned, administered or held in trust by the federal government. BLM is the largest landowner in the

Colorado River Basin, and manages public lands that are heavily laden with salt. When salt-laden soils erode, the salts dissolve and remain in the river system, affecting the quality of water used from the Colorado River by the Lower Basin States and Mexico. BLM needs to target the expenditure of at least $5.9 million for activities in FY 2009 that benefit salinity control in the Colorado River Basin. In addition, BLM needs to target the expenditure of $1,500,000 of the $5.9 million specifically for salinity control projects and technical investigations. Experience in past years has shown that BLM projects are among the most cost-effective of the salinity control projects.

As one of the five principal Soil, Water and Air Management program activities, BLM needs to specifically target $5.9 million to activities that benefit the control of salinity on lands of the Colorado River Basin. In the past, BLM has allocated $800,000 of the Soil Water and Air Management appropriation for funding specific project proposals submitted by BLM staff to the BLM salinity control coordinator. However, some of that funding has been eliminated in recent years by budget rescissions or transfers to other uses to balance budget needs. Consequently, the $800,000 allocated by BLM from the Soil, Water and Air Management Subactivity for Colorado River Basin salinity control has been reduced, limiting the implementation of needed salinity control efforts. The recently released annual report of the federally chartered Colorado River Basin Salinity Control Advisory Council reports that BLM has identified projects that could utilize funding in the amount of $1.5 million for FY2008. Consequently, I request that $1.5 million of the Soil, Water and Air Management Subactivity be marked specifically for Colorado River Basin salinity control activities. Achieving this level of appropriation for the critically needed cost effective salinity control work by BLM requires an increase of $700,000 in the BLM budget request of $34,029,000 for the Soil, Water and Air Management Subactivity.

I believe and support past federal legislation that finds that the federal government has a major and important responsibility with respect to controlling salt discharge from public lands. Congress has charged the federal agencies to proceed with programs to control the salinity of the Colorado River Basin with a strong mandate to seek out the most cost-effective solutions. BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. In addition, these programs are environmentally acceptable and control erosion, increase grazing opportunities, produce dependable stream run-off and enhance wildlife habitat.

The water quality standards adopted by the Colorado River Basin States contain a plan of implementation that includes BLM participation to implement cost effective measures of salinity control. BLM participation in the salinity control program is critical and essential to actively pursue the identification, implementation and quantification of cost effective salinity control measures on public lands.

Bureau of Reclamation studies show that quantified damages from the Colorado River to United States water users are about $330 million per year. Unquantified

damages increase the total damages significantly. For every increase of 30 milligrams per liter in salinity concentration in the waters of the Colorado River, an increase in damages of $75 million is experienced by the water users of the Colorado River Basin in the United States. Control of salinity is necessary for the Basin States, including New Mexico, to continue to develop their compact-apportioned waters of the Colorado River. The Basin States are proceeding with an independent program to control salt discharges to the Colorado River, in addition to up-front cost sharing with Bureau of Reclamation and Department of Agriculture salinity control programs. It is vitally important that BLM pursue salinity control projects within its jurisdiction to maintain the cost effectiveness of the program and the timely implementation of salinity control projects to avoid unnecessary damages in the United States and Mexico.

At the urging of the Basin States, BLM has created a full time position to coordinate its activities among the BLM state offices and other federal agencies involved in implementation of the salinity control program. The BLM's Budget Justification documents have stated that BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation and the U.S. Department of Agriculture and reports salt retention measures to implement and maintain salinity control measures of the federal salinity control program in the Colorado River Basin. BLM is to be commended for its commitment to cooperate and coordinate with the Basin States and other federal agencies. The Basin States and I are pleased with the BLM administration's responsiveness in addressing the need for renewed emphasis on its efforts to control salinity sources and to comply with BLM responsibilities pursuant to the Colorado River Basin Salinity Control Act, as amended. While it is commendable that BLM's budget focuses on ecosystems and watershed management, it is essential that funds be targeted on specific subactivities and the results of those expenditures reported. This is necessary for accountability and effectiveness of the use of the funds.

I request the appropriation of at least $5.9 million in FY2009 for Colorado River salinity control activities of BLM, and that $1,500,000 of that amount be marked specifically for the Colorado River Basin Salinity Control Program, including projects and technical investigations. In addition, I request the appropriation of a minimum of $34,029,000 for the Land Resources Subactivity: Soil, Water, and Air Management as requested by the President. However, I request that $34,729,000 be appropriated for the Land Resources Subactivity: Soil, Water, and Air Management to provide for the increase of $700,000 needed for a total of $1.5 million marked specifically for Colorado River salinity control activities without causing any reduction of other activities funded from the Soil, Water and Air Management appropriation. I very much appreciate favorable consideration of these requests. I fully support the statement of the Colorado River Basin Salinity Control Forum submitted by Jack Barnett, the Forum's Executive Director, in request of appropriations for BLM for Colorado River salinity control activities.

colorado3/blm-stmnt-HR.f08

**Peter Raabe**
**Policy Director for Budget and Appropriations**
**American Rivers**

American Rivers, on behalf of our 65,000 supporters nationwide urges the Committee to provide $3,456,262,000 for the following programs in the Interior, Environment, and Related Agencies Appropriations bill for Fiscal Year 2009. I request that this testimony be included in the official record.

**1. Environmental Protection Agency**

The **Clean Water State Revolving Fund (SRF)** provides capitalization grants to states, which in turn provide low-cost loans to communities for a variety of programs to clean up impaired water bodies and protect pristine waters. This program has been extremely effective in helping communities to improve water quality and provide safe drinking water. The annual need for clean water funding is close to $20 billion. Historically, the federal government has provided between 10 and 20 percent of those funds or what should be $2 to $4 billion. The SRF programs have also been used to fund nonstructural projects that reduce non-point source pollution, protect estuaries, prevent contamination of drinking source waters, and reduce polluted runoff by protecting natural areas and other "green infrastructure," such as stream buffers. These approaches are often more cost-effective then traditional pipe and cement options and provide a wide array of environmental and social benefits, including open space, wildlife habitat, recreation, and improved water supply. American Rivers urges the Committee to appropriate $1.35 billion for the Clean Water SRF and $850 million for the Drinking Water SRF in FY 2009. Additionally, within the funds appropriated for the Clean Water SRF at least $75 million should be dedicated to Low Impact Development or non-structural green infrastructure to deal with stormwater run-off and combined sewer overflows.

**WaterSense** modeled on the highly successful, universally recognized and sought after EnergyStar program- works with local water utilities, product manufacturers, and retailers to encourage the use of water-efficient products and practices among individuals and developers. Water efficiency is a much more cost-effective way to help local markets manage water supplies than developing new sources. Water supply infrastructure is a major local and federal cost across the United States, and water efficiency can lessen the stress on both water treatment and wastewater treatment systems and extend their useful life. EPA estimates that if all U.S. households installed water-efficient appliances, the country would save more than 3 trillion gallons of water and more than $18 billion dollars per year, and reduce Americans' water and sewer bills by one-third. American Rivers urges the Committee to appropriate $5 million for the WaterSense program in FY 2009.

The establishment of **Total Maximum Daily Loads (TMDLs)** allows states and the Environmental Protection Agency (EPA) to identify all sources of water quality impairment to rivers, streams and lakes that do not meet water quality standards, develop specific goals for improvement, and design plans to reduce pollutant loads into receiving water bodies. The development of strong TMDLs by the states done through funding under Section 106 of the CWA requires a commitment of adequate resources. American Rivers urges the Committee to appropriate $250 million for State Program Management Grants in FY 2009.

**Non-point Source Management Program (Clean Water Act Section 319)** grant money that states, territories, and Indian tribes can use for a wide variety of non-point source pollution reduction activities including technical and financial assistance, education, training, technology transfer, demonstration projects, and monitoring. American Rivers urges the Committee to appropriate $250 million for Section 319, the Non-point Source Management Program in FY 2009.

The **Targeted Watersheds Grants** program provides direct grants to a limited number of watershed groups, tribes and communities working to improve water quality. Portions of these funds are designated for technical assistance programs and to train community groups engaged in watershed-level protection and restoration projects. This training is essential to protect and restore the nation's rivers and watersheds. American Rivers urges the Committee to appropriate $35 million, including $3.5 million dedicated to technical assistance for Targeted Watersheds Grants in FY 2009.

The **National Estuary Program** protects and restores the nation's estuaries by creating partnerships with local communities. The program focuses not just on improving water quality in an estuary, but also on maintaining the integrity of the whole system – its chemical, physical, and biological properties, as well as its economic, recreational, and aesthetic values. Since its inception, the program has grown to include twenty-eight programs across the country, but funding levels have stagnated. American Rivers urges the Committee to appropriate $35 million for the National Estuary Program in FY 2009.

**2. Wild and Scenic Rivers**

The National Wild and Scenic Rivers System protects free-flowing rivers with outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. The Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service share responsibility for conducting studies to determine if rivers qualify for designation, and administering and developing river management plans for designated rivers. Unfortunately, none of these agencies receive sufficient funding to adequately protect the Wild and Scenic Rivers System, as Congress intended. Although 84,500 stream miles are potentially eligible for designation, only 165 rivers covering almost 11,500 miles are currently designated. The condition of many Wild and Scenic Rivers is unknown as federal agencies have been forced to turn a blind eye to their protection and management requirements for these jewels. Streams are becoming degraded and restoration is needed in many locations. Increased funding, will allow these agencies to better manage and protect designated rivers and promote their values to the public. American Rivers urges the Committee to appropriate a total of $38.862 million for the management of the Wild and Scenic River System. These funds should be split as follows: U.S. Forest Service- $9 million for wild and scenic river management, $6 million for the completion of river studies and the creation of river management plans; BLM's National Landscape Conservation System - $7 million for WSR management and $5 million for completion of WSR studies; U.S. FWS- $1,787,000 for wild and scenic river management, restoration and studies; NPS Rivers and Trails Studies- $1 million for wild and scenic rivers studies and $16 million for wild and scenic river management; NPS Partnership Wild and Scenic Rivers- $2.746 million for management of the wild and scenic rivers.

**3. U.S Fish and Wildlife Service:**

The **National Fish Passage Program** has opened more than 3,750 miles of river and restored 69,000 acres of wetlands for fish spawning and rearing habitat. Restoring fish migration enhances entire watersheds and benefits birds and mammals, such as eagles, ospreys, herons, kingfishers, brown bears, otters, and mink. Since its inception in 1999, working with local, state, tribal, and federal partners, the Fish Passage Program has leveraged federal dollars nearly three-to-one. The Fish Passage Program is also one half (with NOAA) of the $12 million **Open Rivers Initiative** which will provide grants to communities and local dam owners to remove their dams that no longer make sense. Many others are either dilapidated, having outlived their 50-year life expectancy, or are no longer providing the benefits for which they were built. These dams are unnecessarily degrading the riverine ecosystem and holding up economic development. These restoration projects provide significant environmental improvements and offer noteworthy economic and societal benefits. They create new opportunities for recreational fishing, river rafting, and kayaking; provide cost savings by eliminating the need for dam repairs; and remove safety and liability risks associated with outdated structures. American Rivers urges the Committee to appropriate the National Fish Passage Program $11 million in FY 2009, of which $6 million should be dedicated to the implementation of the Open Rivers Initiative.

The **National Fish Habitat Initiative** will harness the expertise of existing efforts to create a coordinated approach to improving fishery habitat. The combined force of federal agencies, state and local governments, and conservation groups will leverage federal dollars with both private and non-profit resources in order to maximize funding for fish habitat conservation projects across the nation. American Rivers urges the Committee to appropriate the National Fish Habitat Initiative $5 million in FY 2009.

The **Fisheries Restoration and Irrigation Mitigation Act Program (FRIMA)** is a unique voluntary program that helps improve anadromous and resident fish passage through installing better fish screens for irrigation and water diversions in Oregon, Washington, Idaho and western Montana without impairing existing water withdrawals. American Rivers urges the Committee to fund Fisheries Restoration and Irrigation Mitigation Act Program at $5 million in FY 2009.

The **Partners for Fish and Wildlife Program** provides financial and technical assistance to landowners to restore degraded habitat on their property. In 2006 the program completed 2100 projects in 45 states, restored 149,935 acres of wetlands and 320 miles of riverine habitat. American Rivers urges the Committee to appropriate $52 million for the Partners for Fish and Wildlife program in FY 2009.

**The Coastal Program** is an effective partnership that brings together FWS scientists, land trusts, biologists, and other conservation partners to protect and restore habitat in coastal regions and coastal rivers. These partnerships allow the Coastal Program's dollars to be matched at least two to one for on-the-ground work. In 2006, the Coastal Program completed 242 projects in 19 states, restored 21,262 acres of wetlands and 24 miles of riverine habitat. American Rivers urges the Committee to fund the FWS's Coastal Program at $15 million in FY 2009.

**4. National Park Service**

The **Rivers, Trails and Conservation Assistance Program (RTCA)** has helped produce some of the best examples of conservation based local-federal partnerships by providing communities with assistance to help revitalize riverfronts, protect open space, and build trails and greenways. If funded at $15 million, RTCA could expand to assist approximately 250 additional projects in some 25 new and currently underserved locations. American Rivers urges the Committee to fund the RTCA program at $15 million in FY 2009.

**Elwha River Restoration-** Removal of Glines Canyon and Elwha dams will restore salmon access to the Elwha river's wilderness heart in the Olympic National Park for the first time in 100 years. This dam removal will produce a landmark in river restoration for our national parks and an unprecedented opportunity to study a large dam removal and its impact on the river and wild salmon populations. American Rivers urges the Committee to provide $20 million to complete the restoration of the Elwha River ecosystem and its fisheries in FY 2009.

**Dam Safety Program-** Dams that have outlived their average life expectancy now threaten the health of rivers inside the National Park System. Of the 482 dams in the Park System, some 330 are in poor or fair condition. Since its formation, the Dam Safety program has repaired 198 dams and removed 159 hazardous dams. American Rivers urges the Committee to fund the Dam Safety Program at $3.6 million in FY 2009.

**5. U.S. Geological Survey**

These water resource investigation programs provide a strong and unbiased source of information on water quality conditions and trends on the health of our nation's rivers and water supply. American Rivers urges the Committee to provide the following amounts in FY 2009:

- **National Water Quality Assessment Program:** $70 million
- **Toxic Substances Hydrology Program:** $17.4 million
- **National Streamflow Information Program:** $28.4 million

**6. Land and Water Conservation Fund**

The Land and Water Conservation Fund (LWCF) provides much-needed dollars for purchasing ecologically important lands. LWCF has proven highly successful, projects have helped states and localities purchase millions of acres of land and advanced river restoration through acquisition of riverside lands to serve as buffer zones. The highest priority projects for river conservation are the Fish and Wildlife Service's $2.25 million need for the acquisition of the 500 acre Bower Hill parcel to add to the Rappahannock River NWR in Virginia; the National Park Service's $3.1 million need to complete the 95 acres acquisition of the Hyde Farm parcel to add to the Chattahoochee River NRA in Georgia, $5.88 million need for the acquisition of the 1,840 acres of the Riverstone tract to be part of the Congaree NP in South Carolina; and the Forest Service's $3.0 million need for the acquisition of the 901 acres Cedar Creek parcel to add to Chattahoochee/Oconee Riparian Project in Georgia and their $2.2 million need for the acquisition of the 160 acres Morgan Ranch parcel to add to Idaho Wild & Scenic Rivers in Idaho. American Rivers urges the Committee to appropriate at least $400 million for the Land and Water Conservation Fund in FY 2009.

**Testimony of Christina Goodwin, Director**
**Lamoille County Natural Resources**
**Conservation District & Nature Center**
**In Support of Eden Forest Project, Vermont**
**Forest Legacy Program**
**House Appropriations Committee**
**Subcommittee on Interior, Environment, and Related Agencies**
**The Honorable Norman Dicks, Chairman**
**The Honorable Todd Tiahrt, Ranking Member**

March 10, 2008

Mr. Chairman and Honorable Members of the Subcommittee,

Thank you for the opportunity to present this testimony in support of an appropriation of $4 million from the Forest Legacy Program to protect the 5,727-acre Eden Forest property in Eden, Vermont.

I also urge your support for a significant increase in funding for the Forest Legacy Program in FY 2009 to enable the protection of more forest resources than are included in the President's Budget. The Budget for this year proposes a cut of 75% and sets aside funds for only three Forest Legacy projects nationwide out of 87 submitted by the states. Without additional funds, the program will not be able to continue its successful partnerships with states, local communities, landowners and grassroots organizations like the Lamoille County Natural Resources Conservation District & Nature Center to protect valuable forestlands, while retaining, in many cases, private ownership.

The Forest Legacy Program in Vermont seeks to achieve significant conservation goals for the state by protecting the following types of land: large contiguous and productive forest blocks, wildlife habitat dependent on large contiguous forest blocks, threatened and endangered species habitat, state fragile areas and undeveloped shoreline, significant wetlands, and important recreation corridors.

The state's top Forest Legacy Program priority for Fiscal Year 2009 is the 5,727-acre Eden Forest. Situated in Lamoille County on the spine of the northern Green Mountains in Eden and Johnson, this large contiguous timber tract is truly a high-quality forest, which contains two unique natural communities known as red spruce hardwood swamp and semi-rich northern hardwood forest. The property has been managed for timber for over 50 years and, given the excellent condition of the forest and forest roads, is well positioned to continue providing forest products far into the future. Because the Forest Legacy Program allows for and encourages sustainable stand management the Eden Forest represents a potential balance of preservation and utilization. Funding of the Eden Forest, and other similar Forest Legacy Projects, bring together ecological and egalitarian needs of communities.

Eden Forest is adjacent to 24,188 acres of conserved land and shares a common boundary with the Long Trail State Forest and the Long Trail corridor itself for approximately four miles. The Long Trail is the nation's oldest long-distance hiking trail and one of Vermont's most cherished cultural resources. The property also contains portions of both Bowen and Butternut Mountain summits. Its protection would create a 30,000-acre block of protected land, a significant unfragmented "core" forest in Vermont's northern woods.

Eden Forest's close proximity to such ecological hotspots as the Babcock Nature Preserve, the Atlas Timberlands, and Green River Reservoir State Park coupled with the large unfragmented nature of the property will provide a haven for many wildlife species such as black bear, bobcat, gray and red fox, moose, and deer. Over 5,000 acres of the property is considered "core" habitat and has received a high wildlife-linkage-value rating by the Vermont Department of Fish and Wildlife due in part to it being a "black bear production habitat" area. These areas support a relatively high density of cub-producing females. This property also has 120 acres of beaver wetlands that provide habitat for wood ducks, wood turtles, and many species of warblers. A rookery for great blue herons, a rare species in Vermont, was found at one of the property's wetland complexes.

The Eden Forest property also encapsulates almost the entire watersheds of two Gihon River headwater streams, Stony Brook and Wild Brook. It also contains approximately one-half mile of frontage on both sides of the Gihon River itself, which is a tributary of the Lamoille River, and abuts Vermont's scenic Route 100. The property also includes more than 46 miles of streams and rivers that make up part of the Gihon River headwaters. The Vermont Department of Environmental Conservation's draft Lamoille Basin Plan recognizes the importance of protecting the Gihon River headwaters area for its near-pristine natural condition, wildlife and fish habitat value, timber value, and location adjacent to a core of protected land. Numerous wetlands dot the extensive property, including the six-acre Lanpher Meadow. Protection of the Eden Forest property and associated waters directly contributes to the water quality of Lake Champlain which is already impacted by elevated phosphorus levels associated with developed and mismanaged sub watersheds. Lake Champlain is often called "North America's most historic lake" in addition to offering an abundance of recreational and natural features.

Historically, the Eden Forest property has also provided numerous recreational activities such as hiking, hunting, and cross-country skiing. Snowmobiling is also allowed, and the property hosts trails that are managed by the Vermont Association of Snow Travelers (VAST). Lamoille County also has the largest connected network of cross-county ski trails in the world, and this project could help expand that network in the future. These activities all make up an important part of the local tourist economy.

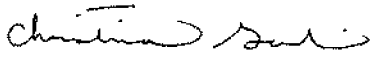
Eden Forest is under immediate pressure from development. According to 2000 census data, the town of Eden has the second highest percentage of population growth in Lamoille County, and its projected population growth through 2015 is expected to continue at a higher rate than almost any other town in the county. Eden also had a 25

percent increase in the number of housing units from 1990 to 2000, indicating a high demand for new homes in the area. This type of sprawl is largely to blame for the fragmentation of Vermont's forests and farms. With its first-rate access to Route 100, low-elevation open meadows, well-developed road network, southern exposure, scenic views, and proximity to the major cities in Vermont, Eden Forest is a prime spot for development.

The Lamoille County Natural Resources Conservation District & Nature Center, incorporated in 1945 to represent landholders, is committed to maintain and improve the natural resources of Lamoille County and to provide our cooperators with resources and tools, like the Forest Legacy Program, to encourage *responsible and sustainable* management and development of natural spaces within our communities. Since the District's incorporation over sixty years ago, the greatest change has been in land use; no longer are our cooperators agricultural producers and the forestry sector despite the fact that much of the Lamoille County economy is based on the natural environment. To respond appropriate, the Lamoille County Natural Resources Conservation District & Nature Center has prioritized all projects that support the traditional working landscape of agriculture and forestry. Protection of working forest lands like the Eden Forest will ensure the continuation of the rural character and wild flavor that the local communities of Lamoille County depend on.

Thank you again, Mr. Chairman for the opportunity to present this testimony in support of an appropriation of $4 million from the Forest Legacy Program in FY 2009 to protect the vast 5,727 acre Eden Forest property.

On behalf of LCNRCD,



Christina Goodwin

STATEMENT OF NATIONAL RECREATION AND PARK ASSOCIATION ON FISCAL YEAR 2009 APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
UNITED STATES SENATE, MARCH 13, 2008
(Contact: Richard Dolesh, Director of Public Policy, (202) 887-0290, rdolesh@nrpa.org)

This statement reflects the views of the National Recreation and Park Association (NRPA) on Fiscal Year 2009 appropriations for selected programs within the Subcommittee's jurisdiction. Referenced programs are administered principally by the National Park Service. The following summarizes the key elements of our testimony and our priority appropriations requests:

- **$125,000,000 for the Land and Water Conservation Fund (LWCF) State Assistance Program** to be invested by state and local governments on a 50/50 matching basis. Funds should be appropriated to the states as authorized by the Land and Water Conservation Fund Act, P.L. 88-578, as amended.
- **$30,000,000 for the Urban Park and Recreation Recovery Program (UPARR)** to address the most distressed urban recreation resource conditions and deficiencies. If the Subcommittee is unable to provide grant funding for FY 2009, we urge it to appropriate a minimum of $300,000 to the Park Service for the purpose of administering and overseeing the program. Under Section 1010 of the UPARR law (P.L. 95-625), the Park Service has an on-going obligation to ensure that projects supported with UPARR grants remain available for recreational use in perpetuity. Without administrative funding, the Service's ability to perform this statutory duty will be dramatically compromised.
- **$12,000,000 for the Rivers, Trails and Conservation Assistance Program (RTCA)** to support field-based technical assistance actions that yield broad conservation and recreation benefits through partnerships between federal, state, and local interests.
- Like millions of Americans, NRPA and its members nationwide support a renewed investment in America's National Parks as envisioned by the Administration's Centennial Commitment. At the same time, NRPA strongly opposes the Administration's proposal to chiefly fund this investment by directing dollars away from other important national programs that support conservation, close-to-home recreation, and physical activity.

If substantially adopted, our recommendations will help address an increasing national imperative to improve physical and mental health, stimulate local economies, and to sustain the environment through the protection and enhancement of public recreation areas and parks. We are pleased to note that our recommendations relative to LWCF State Assistance and urban park restoration are supported by advocates for health, public parks, and recreation, as well as a broad coalition of health and recreation related groups.

The parks and recreation resources of local and state park and recreation systems are critical to the American people. These parks and facilities are not only our communities' public sanctuaries for close-to-home recreation and physical activity, they are resources stimulating local economies, bringing visitor tax dollars into the local area, and providing stimulus for cultural and community exchange. These public areas address diverse public interests and our collective need for quality recreation and associated services for children of working parents. Local agencies in particular host programs that serve

millions of nutritious meals to needy children, especially during summer months. Public recreation and park sites and services help reduce crime and delinquency, especially during non-school hours, days and seasons. Public parks and recreation agencies accommodate needs to enhance physical, mental, social, and cognitive development through programming and access to facilities. Public parks and recreation are often regarded as the second largest public support entity next to public schools for individuals with disabilities. In addition to providing public recreation experiences, state and local agencies contribute to sustaining plant and wildlife diversity, and protect against flood/storm water, provide ground water recharge, and filter pollutants.

**Land and Water Conservation Fund (LWCF) State Assistance Program**

We commend members of the Subcommittee on both sides of the aisle for challenging the Administration's proposal to terminate the LWCF State Assistance Program. It is disappointing that the Administration continues to propose this course in light of consistent opposition from Congress. LWCF State Assistance is one of the most successful conservation and public recreation partnerships in the history of the United States. NRPA requests that the Subcommittee appropriate $125 million for State Assistance in FY 2009 in order to begin a long-term effort to address pressing unmet needs in countless communities nationwide. Forty-four Senators requested this amount for the program in their letter of April 5, 2007.

As the Subcommittee is well aware, appropriations for this program have been significantly below authorized levels and have declined precipitously in recent years. As the federal investment has eroded, unmet needs for conservation and close-to-home recreation at the state and local levels have only grown. **Based on information from all 50 states, the Park Service reports in its State Assistance Program 2006 Annual Report that unmet LWCF needs now total nearly $2.6 billion ($2,590,765,273).** Current unmet needs in various states include: Washington state $96 million; Wisconsin $32 million; Nebraska $15 million; and more than $4 million in Vermont. In order to begin to help communities to address unmet needs, NRPA strongly encourages the Subcommittee to substantially increase appropriations in this area.

Based on NRPA's periodic assessment of the short and longer-term fiscal conditions and capital investment needs of local general-purpose governments and special purpose park and recreation districts, the total demand for park and recreation investment is significantly greater than reported to the Park Service. **A national survey conducted by NRPA in the spring of 2005 reveals a total capital investment need of $72.697 billion for public parks and recreation facilities, land acquisition, and recreation resources for fiscal years 2005 to 2009.** Nationally, there is demand to increase the recreation capacity of public systems, especially those relatively close to home and in communities exploding with growth.

The LWCF State Assistance Program is a 50-50 partnership between the federal and state and local governments. The program achieves critical conservation and recreation goals nationally by using limited federal funds to leverage significantly greater state and local contributions. In the 2005 Annual Report on LWCF State Assistance, the National Park Service highlights how dramatically federal funds leverage local investment: "In 2005, 61 projects with a total cost of $50.2 million (including $13 million dollars in LWCF grant assistance) formally reported **a total 'overmatch' of $24 million more than the $13**

**million required to match the LWCF grant dollars**. It is widely believed that that the national 'overmatch' figure is significantly larger than $24 million because many grants, which are part of larger projects, only report the requisite match."(emphasis added)

Non-federal recreation and park resources are essential to quality recreation experiences for all people. These systems provide the majority of public recreation destinations, services, and visitor experiences. Furthermore, current and future state and local conservation and recreation resources are critical components of larger national efforts to connect children with nature, spur physical activity among all Americans, and fight chronic diseases. The Subcommittee can directly support achievement of these national goals by appropriating $125 million for the LWCF State Assistance Program in FY 2009.

In addition, we encourage the Subcommittee to provide sufficient funding through the LWCF to meet pressing federal land acquisition priorities.

**Urban Park and Recreation Recovery Program (UPARR)**

We urge the Subcommittee to make a critical investment in America's urban parks and communities by restoring funding for the Urban Park and Recreation Recovery (UPARR) program. For over nearly three decades, Congress helped cities and metropolitan counties to meet pressing park and recreation needs, in part, by providing matching funds through UPARR. Urban parks have become increasingly central to our nation's efforts to improve physical activity and address costly chronic diseases, including obesity. Unfortunately, despite the increased importance of urban parks, this program has not been funded since fiscal year 2002.

Since 1979, UPARR has provided more than $270 million to approximately 400 communities to rehabilitate and improve their parks and recreational facilities and to complete strategic planning. The 1994 "Crime Bill" amended the program to place additional emphasis on demonstrating how urban park and recreation programs and facilities help to address at-risk youth and contribute to comprehensive crime-reduction efforts. Urban parks and recreational facilities often serve the most at-risk children who lack quality open space and recreational facilities. These small pockets of open space are among the safest neighborhood environments and can help to protect our children from the harmful influences of gangs, drugs and crime.

One of the keys to addressing many chronic conditions and to preventive health in general is providing citizens of all ages with safe and easy access to places for physical activity. In many urban communities, the local park or recreation center is likely to be the only place where families, children, and seniors can be physically active. This is especially true when one considers that many urban residents can not afford to join private health clubs.

Although urban parks and recreation facilities can be critical components of the larger national efforts to improve public health, facilitate physical activity, and give alternatives to at-risk youth, our national investment in these areas has been completely curtailed over the past five years. During the intervening period, urban park infrastructure has continued to deteriorate, some park departments have been forced to close facilities, and innovation has been stymied by the absence of federal dollars that ultimately leverage state, local, and private funding.

We respectfully request that the Subcommittee provide $30 million for UPARR in fiscal year 2009. This amount is approximately equal to appropriations in fiscal years 2001 and 2002, and has also been requested by 17 Senators in their letter of April 10, 2007. If the Subcommittee is unable to provide grant funding for FY 2009, **we urge it to appropriate a minimum of $300,000 to the Park Service for the purpose of administering and overseeing the program.** Unfortunately, for the second year in a row, the Administration has **not** requested funding to continue to administer the program. Under Section 1010 of the UPARR law (P.L. 95-625), the Park Service has an on-going obligation to ensure that projects supported with UPARR grants remain available for recreational use in perpetuity. Without administrative funding, the Service's ability to perform this statutory duty will be seriously compromised.

**Rivers and Trails Conservation Assistance Program**

NRPA recommends $12,000,000 for the Rivers, Trails, and Conservation Assistance (RTCA) Program. The program continues to illustrate the critical importance of federal contributions to public/public and public/private partnerships for conservation of natural and cultural resources, and public access for recreation. The program provides technical assistance to local governments, citizens, and community organizations, and state agencies to consider recreation and conservation strategies. The results include planning, restoration, and development of waterways and trails, and conservation of open space and greenways, among other types of projects. In most cases, local governments continue to invest non-federal funds in projects stimulated by local public interests and technical assistance.

**National Park Centennial Challenge**

NRPA has followed the development of the Centennial Initiative with great interest and enthusiasm. NRPA fully supports the goals of the initiative to plan for the 100th anniversary of the National Park System, as well as the effort to strategically address the needs and challenges that the National Park System will face in the 21st century. Like millions of Americans, NRPA and its members nationwide support a renewed investment in America's National Parks as envisioned by the Administration's Centennial Commitment. At the same time, NRPA strongly opposes the Administration's proposal to chiefly fund this investment by directing dollars away from other important national programs that support conservation, close-to-home recreation, and physical activity, including the LWCF State Assistance Program, and from other agencies, especially the U.S. Fish and Wildlife Service and USDA Forest Service.

We appreciate this opportunity to share the views of our members. NRPA Public Policy Director, Rich Dolesh (rdolesh@nrpa.org), or Senior Manager of Public Policy, Ashley Futrell (afutrell@nrpa.org) (202-887-0290), are available to provide additional perspectives and to respond to any questions.

March 11, 2008

Written Testimony of Frank Hugelmeyer
President and CEO, Outdoor Industry Association

before the

Subcommittee on Interior, Environment and Related Agencies
House Committee on Appropriations

in support of

FY 2009 Funding for
U.S. Forest Service
Land and Water Conservation Fund State Assistance Program
Bureau of Land Management National Landscape Conservation System
National Park Service Centennial Initiative

On behalf of the Outdoor Industry Association I would like to thank the committee for the opportunity to present this written testimony. Outdoor Industry Association respectfully recommends the following funding levels for fiscal year 2009:

- **The U.S. Forest Service's Recreation Management, Heritage and Wilderness programs should be funded at $285 million; Capital Improvement and Maintenance/Trails program at $85 million; and fire suppression should be taken "off-budget" so that Forest Service leadership can undertake strategic planning for other important programs managed by the agency, including placing a needed focus on the Recreation and Travel planning that is occurring in forests across the nation**
- **Fund the Land and Water Conservation Fund (LWCF) State Assistance program at $125 million**
- **Fund the Bureau of Land Management National Landscape Conservation System (NLCS) at $70 million**
- **Support the proposed operating increase ($161 million) for the National Park Service under the Centennial Initiative**

Outdoor Industry Association (OIA) is a national trade association whose mission is to ensure the growth and success of the outdoor industry. OIA's members include the leading manufacturers and retailers of outdoor recreation equipment and services such as The North

Face, Columbia Sportswear, Timberland, Patagonia, WL Gore, Cabela's, REI, LL Bean and many more.

Active outdoor recreation plays a large role in the lives of Americans. Three out of four Americans participate in active outdoor recreation each year. Popular outdoor activities such as hiking, biking, camping and wildlife viewing generate enormous economic power.

The numbers tell the story. Active outdoor recreation:

- Contributes $730 billion annually to the U.S. economy
- Supports 6.5 million jobs across the U.S.
- Generates $88 billion in annual state and national tax revenue
- Rings up $289 billion annually in direct retail sales and services.

In summary, active outdoor recreation touches more than 1 in every 12 dollars circulating in the economy.

**U.S. FOREST SERVICE**

The vast majority of outdoor recreation occurs on our magnificent public lands and in order for the recreation economy to continue to grow as well as for Americans to enjoy the health and spiritual benefits of outdoor recreation, we as a nation must invest in the management of these wonderful resources.

One of the USDA Forest Service's seven goals in its FY 2009 budget proposal is to "Sustain and Enhance Outdoor Recreation Opportunities." Unfortunately, the administration's budget fails to provide the resources required to meet this important goal. Although recreation generates the greatest use and economic product of U.S. Forest System lands, the Recreation Program continues to be chronically under funded.

The administration's budget recommends a 10 percent *decrease* for recreation which amounts to a reduction of $25.6 million. This includes the elimination of 296 employees.

The Forest Service trails program is slated to be cut by 34 percent from $76 million to $50 million. This proposed cut will further increase the maintenance backlog as the Forest Service struggles to keep up with the 140,000 miles of trails it manages.

Finally, the Forest Service will once again face uncertainty and an inability to undertake meaningful long-term planning as fire suppression costs dominate the budget, making planning difficult and distracting the leadership of the Forest Service.

Appropriate funding will ensure that forests such as the Allegheny National Forests in Pennsylvania, the George Washington National Forest in Virginia, as well as the Mark Twain National Forest in Missouri will receive the proper maintenance so citizens will be able to enjoy these special places for years to come.

**Outdoor Industry Association strongly urges Congress to fund the U.S. Forest Service's Recreation Management, Heritage and Wilderness programs at $285 million; the Capital Improvement and Maintenance/Trails program at $85 million; and fire suppression taken "off budget so that leadership can manage other programs more efficiently.**

**LAND AND WATER CONSERVATION FUND STATE ASSISTANCE PROGRAM**

The Stateside Land and Water Conservation program is the government's primary investment tool for ensuring that kids and families have access to close-to-home recreation. The LWCF stateside program has funded over 41,000 projects including sports fields, outdoor recreation facilities and trails. Outdoor Industry Association is working to rejuvenate the program as part of its goal to bring quality parks and trails within 15 minutes of every child in the U.S.

The Land and Water Conservation Fund (LWCF) was established by Congress in 1964 to meet America's needs for outdoor recreation opportunities, wildlife habitat conservation and open space. The LWCF Act directed Congress to allocate royalties from offshore oil and gas development for the purchase of land, waterways, wetlands, and other resource lands and to provide matching grant assistance for state and community open space and recreation projects.

Despite this strong record of success, our nation's need for recreation infrastructure continues to grow. In its 2007 Annual Report on the LWCF state assistance program, the National Park Service reported that states estimated their unmet need for outdoor recreation facilities and parkland acquisition at $15.6 billion. Additionally, forty-two of fifty states meet only twenty percent or less of their total estimated need for local outdoor recreation facilities and parkland acquisition. Clearly the need for matching federal investment is profound.

The bottom line is that Congress still has a responsibility to dedicate funding for stateside LWCF through the annual appropriations process.

The stateside LWCF program is authorized by Congress to receive $450 million annually in funding, a level that has been met only once in its 30 year history despite a designated funding source.

Between 2002 and 2005, the President requested, and Congress appropriated between $89 million and $140 million per year for the LWCF stateside program. In contrast, between 2006 and 2008, funding averaged only $27 million. Therefore we find the elimination of all funding for this program, as called for in the President's FY 2009 budget, completely unacceptable.

A few examples of successful recreational areas that were a direct result of the LWCF Stateside Program include: Lake Reba Recreational Complex in Madison County, Kentucky; Reid Park in Riverside County, California; West Side Park in Texas County, Missouri; Willard Brook State Forest in Middlesex County, Massachusetts; Mint Springs Valley Park in Albemarle County, Virginia; Grand Vue Park in Marshall County, West Virginia; and Blueberry Park & Evergreen Rotary Park in Kitsap County, Washington.

**Outdoor Industry Association strongly urges Congress to fund the Land and Water Conservation Fund State Assistance Program at $125 million for FY 2009.**

**BUREAU OF LAND MANAGEMENT NATIONAL LANDSCAPE CONSERVATION SYSTEM**

Over the past fifty years, recreation has clearly emerged as a major use of Bureau of Land Management lands. Unfortunately, staffing and funding for recreation doesn't match up to this reality.

In June 2000, the National Landscape Conservation System was established to encompass the crown jewels of these BLM lands. The 26 million acres that comprise the NLCS represent just 10% of BLM lands, yet account for one-third of BLM's total recreation use and generate one-half of the BLM's total recreation fees. However, less than four percent of BLM's funding is invested back into the Conservation System. A lack of funding means that vandalism, unmanaged recreation, increasing energy development, and neglect are harming these special places.

Legislation has been recently introduced to give the NLCS congressional recognition which will ensure these lands remain a high priority for BLM and the Department of Interior. Unfortunately the legislation does not address budget shortfalls. The proposed funding level for FY 2009 is set at $51.8 million, which if enacted, would be the lowest funding for the Conservation System since its creation in 2000.

With eleven of the fifteen fastest growing states in the country in the west, the NLCS is a new backyard for recreation and should be adequately funded.

While the Conservation system is exclusively found in the Western part of the United States they are some of our most beautiful places. They include California Coastal National Monument in California; as well as the El Camino Real de Tierra Adentro National Historic Trail, the Old Spanish National Historic Trail, the Continental Divide National Scenic Trail, and the Kasha-Katuwe Tent Rocks National Monument in New Mexico.

**Outdoor Industry Association strongly urges Congress to fund the Bureau of Land Management National Landscape Conservation System at $70 million for FY 2009.**

**NATIONAL PARK SERIVCE**

OIA supports the administration's proposed increase of $161 million for the operations of the National Park Service. However, we are concerned that the proposed operations increase is offset by cuts to other important NPS programs such as recreation and preservation, land acquisition and maintenance.

**Outdoor Industry Association strongly urges Congress to increase funding for the National Park Service at the administration requested $161 million for FY 2009.**

To: House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies
Re: Endangered Species protection and recovery funding
Submitted by: Jon Hunter, Policy Director, Endangered Species Coalition - for the undersigned

On behalf of the undersigned organizations and the millions of members we represent nationwide, we urge you to fully fund programs of the Endangered Species Act at the levels outlined below during the Fiscal Year 2009 appropriations process, for a total appropriation of $342.3 million.

The Endangered Species Act is a safety net for wildlife, plants and fish that are on the brink of extinction. The Act has been successful in preventing the extinction of many of our nation's species, including Bald Eagles, Peregrine Falcons, wolves, grizzly bears and wild salmon. In today's era of global warming, it is needed more than ever. However, for years the Endangered Species Act has been under funded, making it increasingly difficult for the U.S. Fish and Wildlife Service experts to carry out their responsibilities under the Endangered Species Act. The funding levels outlined below are designed to be the first step in addressing this problem over the next five years.

**Core Endangered Species Protections**

The four Fish and Wildlife Service endangered species operating accounts are key to effective implementation of the Endangered Species Act. All four program areas are currently experiencing at least a 30 percent staffing shortage due to budget constraints, an unacceptable vacancy rate. To adequately implement the endangered species program, a total of at least $305.8 million is needed for the four main accounts by 2013, an increase of $155 million over FY 08.

**Listing** – This account funds the protection of new plants and animals under the Endangered Species Act, as well as habitat critical to recovery. Currently, more than 280 species sit on the candidate waiting list for protection, creating an estimated backlog of more than $160 million. Candidate species wait an average of 19 years to be listed and since 1975, 64 have gone extinct while waiting – seven times the number that have disappeared under the full protection of the ESA. To eliminate this backlog over the next five years, we request a $7.2 million increase this year for a FY 09 appropriation of $25.2 million.

**Recovery** - While the Endangered Species Act has been extremely successful at preventing wildlife from going extinct, the purpose of the Act is to protect and *recover* endangered and threatened fish, plants and wildlife. It is difficult to estimate the true needs for the recovery program—current estimates place it at approximately $100 million. The conservation community would like to see the recovery program funded at no less than $121.6 million by 2013 (the increased level over $100 million accounts for fixed costs increases needed over that time period) therefore, we request recovery be funded at $84.8 million for FY 09 as a first step, an increase of $13.8 million.

**Consultation** – The consultation program is an important part of the checks and balances system to ensure that endangered fish, wildlife, and plants are protected on the ground. There has been a dramatic increase in demand for consultations recently, jumping from 40,000 in 1999 to 67,000 in 2006. Shortage of personnel in this program area causes delays of project reviews thus creating conflicts between agencies. The consultation budget also funds the Service's work with non-federal entities for permitting and development of Habitat Conservation Plans; lack of funding prevents

the Fish and Wildlife Service from ensuring that these plans are properly developed, implemented and monitored. To adequately implement the consultation program would require an overall program budget of $122.4 million by 2013. We request $63.2 million for FY 09, an increase of $11.4 million.

**Candidate Conservation** - This program protects species before they are actually listed, thus in theory averting the need to ever list them at all. As mentioned above though, fish, plants and wildlife on the candidate list go extinct at a much higher rate than those with full protection – in part because of severe understaffing for this program. A doubling of this program's staff is justified to ensure adequate implementation. This would require $25.4 million. The conservation community again requests this increase be accomplished over the next five years and, therefore, requests the program be funded at $12 million for FY 09, an increase of $2.3 million over FY 08 levels.

**Additional Endangered Species Protections**

**Cooperative Endangered Species Fund** – This fund provides grants to states for wildlife and habitat conservation activities on non-federal lands for listed and candidate species. At least 65 percent of federally listed species are found on non-federal land. Without the proposed increases states will fall further behind in their ability to independently work to protect at risk species. Crucial conservation activities funded by these grants include: research, species status surveys, habitat restoration, captive propagation and reintroduction, planning assistance, and land acquisition by states for Habitat Conservation Plans and recovery. To adequately fund state endangered species conservation activities a total of at least $160 million is needed by 2013. We therefore request an increase of $22.4 million this year for a total appropriation of $96.2 million in FY 09.

**Landowner Incentive and Private Stewardship Grants** – These grants provide funding for voluntary conservation actions taken by landowners to conserve at-risk plants and animals on private lands, which benefits us all. The Landowner Incentive program awards competitive grants to state and tribal conservation agencies for their work with private landowners and tribal lands, while the Private Stewardship program provides funding directly to individuals and groups implementing private land conservation actions. In 2007, funding was awarded to efforts in 46 states. Regrettably, neither program was funded in the FY 08 Interior appropriations bill due to budget constraints; these important programs should be re-started in FY 09. The demonstrated need for these programs has far outstripped available funding in the past – the amount requested for worthy projects on average totaled two to three times the yearly available funding. To support private landowners in their voluntary conservation efforts, a gradual increase to $77 million is needed by FY 13 in these two incentive programs. We request that these programs be restored to their FY 07 levels of $23.7 million for the private landowner and tribal lands grants and $7.3 million for the stewardship grants. However, while these voluntary incentives programs are important for the recovery of our nation's imperiled species, they should not be funded at the expense of the Fish and Wildlife Service's core endangered species programs.

**BLM Threatened and Endangered Species Management** – The Bureau of Land Management (BLM) controls habitat that supports more than 300 federally listed or candidate species. This program, along with their Fisheries and Wildlife Management program, funds inventory and monitoring, habitat restoration, endangered species recovery, and other proactive conservation activities vital to maintaining healthy, functioning ecosystems and fish, wildlife, and plant

populations. Recently, an average of 30 percent of these funds have been used to pay for the compliance activities of the BLM's energy, grazing, and other non-wildlife related programs. Traditionally, funding for compliance work has come from benefiting programs. In addition, the programs are substantially understaffed. For example, the BLM has only one biologist per 591,000 acres of land, and more than $60 million is needed annually just to implement actions assigned to BLM in recovery plans for listed species. In addition to restoring the funds diverted to benefit other program areas, we request an increase of $7.6 million in FY 09 to begin meeting this program's needs, for a total appropriation of $29.9 million in FY 09.

The Endangered Species Act is a broadly supported law and has been very successful in preventing extinctions. But without the necessary funding, the Act's true goal of restoring endangered species to healthy populations will be much more difficult to accomplish. We ask you, as members of the Appropriations Committee, to fully fund Endangered Species Act programs this year. Thank you.

Sincerely,

American Bird Conservancy
Darin C. Schroeder, Executive Director of Conservation Advocacy
Washington D.C.

American Rivers
Peter Raabe, Policy Director for Budget & Appropriations
Durham, NC

Center for Biological Diversity
Bill Snape, Senior Council
Washington D.C.

Center for Native Ecosystems
Jacob Smith, Executive Director
Denver, CO

Defenders of Wildlife
Mary Beth Beetham, Director of Legislative Affairs
Washington, D.C.

Endangered Species Coalition
Jon Hunter, Policy Director
Washington D.C.

National Audubon Society
Mike Daulton, Director of Conservation Policy
Washington D.C.

National Wildlife Federation
John Kostyack, Executive Director, Wildlife Conservation and Global Warming
Washington D.C.

Natural Resources Defense Council
Karen Wayland, Legislative Director
Washington D.C.

Northern California Council, Federation of Fly Fishers
Dr. Mark Rockwell, D.C., Vice President of Conservation
Penn Valley, CA.

Public Employees for Environmental Responsibility
Daniel Patterson, Ecologist & Southwest Director
Tucson, AZ

Western Nebraska Resources Council
Buffalo Bruce, Vice Chair
Chadron, Nebraska

Wildlife Alliance of Maine
Daryl DeJoy, Executive Director
Bangor, Maine

Xerces Society for Invertebrate Conservation
Scott Hoffman Black, Ecologist/Entomologist & Executive Director
Portland, OR

# Endangered Species Related Funding
# FY 09

(in thousands)

| | | FY08 Enacted | POTUS FY09 Recommendation (vs. enacted) | Green Budget Proposal* | Green budget compared to FY 08 enacted |
|---|---|---|---|---|---|
| Fish and Wildlife Service | Candidate Conservation | $9,731 | $8,659 (-$1,072) | $12,000 | $2,269 |
| | Listing | $17,978 | $18,188 (+$210) | $25,200 | $7,222 |
| | Consultation | $51,758 | $51,577 (-$181) | $63,200 | $11,442 |
| | Recovery | $71,041 | $68,417 (-$2,624) | $84,800 | $13,759 |
| | **Eco Services Total** | $150,508 | $146,841 (-$3,667) | $185,200 | $34,692 |
| | Cooperative Endangered Species Fund | $73,831 | $75,501 (+$1,670) | $96,200 | $22,369 |
| | Landowner Incentive Grants | $0 | $0 | $23,700 | equal to FY 07 levels |
| | Private Stewardship Grants | $0 | $0 | $7,300 | equal to FY 07 levels |
| BLM | Threatened & Endangered Species Mgmt | $22,302 | $20,582 (-$1,720) | $29,900 | $7,598 |

* The Green Budget is endorsed by 21 conservation and environmental organizations and designed to help assist appropriators with meeting America's most pressing environmental needs.

**NASULGC** National Association of State Universities and Land-Grant Colleges

**Appropriations Subcommittee on Interior, Environment, and Related Agencies**
**Recommendations for FY 2009 by the**
**National Association of State Universities and Land-Grant Colleges (NASULGC)**
**BOARD ON NATURAL RESOURCES**

**Submitted by Dr. Mary Poulton,**
**Chair, NASULGC Board on Natural Resources, and**
**Professor and Dept. Head, Department of Mining/Geological Engineering,**
**University of Arizona**

On behalf of the NASULGC Board on Natural Resources (BNR), we thank you for your support of science and research programs within the United States Geological Survey (USGS) and the Environmental Protection Agency (EPA). We appreciate the opportunity to provide detailed recommendations for: $1.3 billion for the USGS and $781 million for the EPA Science and Technology budget. Within USGS, we ask for support of $8.8 million for the Water Resources Research Institutes, $32.1 million for the National Cooperative Geologic Mapping Program, and $61 million for the Mineral Resources Program, including $5 million for a Mineral Resources External Grants program. Within EPA, we ask for support of $100 million for the EPA Science to Achieve Results competitive grants and $10 million for the STAR Graduate Fellowships.

**NASULGC recommends $1.3 billion for the United States Geological Survey**. The FY08 enacted level was $1.01 billion while the President's FY09 request is $969 million. This increase is necessary to cover inflation and rising fixed costs such as salaries and rent and to accomplish core tasks that have been under-funded for years.

NASULGC supports this amount in coordination with the USGS Coalition, an alliance of organizations united by a commitment to the continued vitality of the unique combination of biological, geographical, geological, and hydrological programs of the USGS..

In the wake of Hurricane Katrina, the USGS was praised for quickly arriving on the scene and providing reliable data that assisted recovery teams. As members of academic community that have partnered with the USGS for the past several decades, we were very pleased with their performance during this catastrophe.

We have worked with the USGS to provide the public and private sector, as well as policymakers, with crucial information about natural resources, natural hazards and wildlife diversity. Furthermore, the USGS provides geospatial data, from maps to satellite images, for improved land and wildlife management. The USGS plays a key role in assessment of global climate change. Our universities provide necessary expertise to

complement the USGS workforce. We further recommend that part of the $1.3 billion request be used to support the following requests:

**The NASULGC BNR requests $8.8 million for the Water Resources Research Institutes (WRRI)**. The FY08 enacted level is $6.404 million and the President's FY09 request is $0. The NASULGC BNR request is based on the following: $7,000,000 in base grants for the WRRI as authorized by Section 104(b) of the Water Resources Research Act, including state-based competitive grants; and $1,500,000 to support activities authorized by section 104(g) of the Act, and a national competitive grants program.

The Administration's proposal to eliminate funding for this excellent partnership with state governments and universities is unjustified. Federal funding for the WRRI program is the catalyst that moves states and cities to invest in university-based research to address their own water management issues. State WRRI take the relatively modest amount of federal funding appropriated, match it 2:1 with state, local and other funds and use it to put university scientists to work finding solutions to the most pressing local and state water problems that are of national importance. The Institutes have raised more than $15 in other funds for every dollar funded through this program.

The added benefit is that often research to address state and local problems helps solve problems that are of regional and national importance. Many of the projects funded through this program provide the knowledge for state or local managers to implement new federal laws and regulations. Perhaps most important, the federal funding provides the *driving force of collaboration* in water research and education among local, state, federal and university water professionals.

This program is essential to solving state, regional and inter-jurisdictional water resources problems. Institutes in Louisiana, California and North Carolina, for example, made major contributions in emergency planning and hurricane recovery, protecting groundwater aquifers from sea water intrusion and reducing water treatment costs. The institutes also train the next generation of water resource managers and scientists.

**The NASULGC Board on Natural Resources also supports funding at a level of $32.1 million for the National Cooperative Geologic Mapping Program (NCGMP) within the USGS budget**. The FY08 enacted level is $26.6 million while the administration's FY09 request is $27.4 million. The mission of the NCGMP is to provide accurate geologic maps and three-dimensional frameworks that contribute to sustaining and improving the quality of life and economic vitality of the Nation and mitigating geologic hazardous events and conditions. Universities are involved in this program in two ways. First, universities participate through the production of new geologic maps to meet needs in stewardship of water, energy, and mineral resources; risk reduction from natural hazards such as earthquakes and landslides; and environmental protection. Second, through the EDMAP component, universities train the next generation of geologic mappers through a competitive matching-fund grant program. Since EDMAP's inception in 1996, more than $5 million from the NCGMP have supported geologic mapping efforts of more than 600 students working with more than 220 professors at 136

universities in 44 states plus Puerto Rico and the District of Columbia. A 2007 survey by NCGMP demonstrated that students who participated in EDMAP 1) fall well above the national average for pursuing advanced academic degrees in the geoscience field, 2) easily obtain geoscience positions due to the knowledge gained through EDMAP, and 3) frequently use the skills gained through EDMAP.

**The NASULGC Board on Natural Resources supports $61 million for the Mineral Resources Program (MRP).** The FY08 enacted level is $50.8 million, while the administration's FY09 request is $26.3 million. The 2008 National Research Council's (NRC) report "Minerals, Critical Minerals, and the U.S. Economy" clearly lays out the threat of continuing cuts to this program and the services it provides to our nation's economy. Items such as LCDs, catalytic converters, rechargeable batteries, and other electronics all use minerals designated as "critical" based on the risk that they may become unavailable for any number of reasons. The role of minerals information is becoming ever more vital as the nation works to remain competitive and searches for emerging technologies to solve some of our most pressing environmental issues.

The administration's FY09 request cuts by 63% (210 FTE) the number of professionals in the MRP. This is on top of substantial cuts to this program since 1996. At the same time, the NRC report cited above calls for the "need to maintain adequate, accurate and timely information and analysis on minerals at a national level in the federal government with additional, not fewer, professionals having appropriate backgrounds to perform the work." In particular, as society pushes to more sustainability, the importance of experts designing products with an eye toward recycling minerals will only increase. Currently, only a handful of recycling design engineering specialists exist in the world and only a few formal training programs have emerged to train a new generation in the field. For this reason, we request support for Mineral Resources External Grants programs of at least $5 million. The USGS committed $1,000,000 toward Mineral Resources External Research for FY 2006, *but cut the program to $0 in FY2007* and committed only $250,000 in FY08. The administration again proposes to cut the program to $0 for FY09. Sustained and additional funds are needed to expand upon the first step in FY2006. Apart from this small program, there is virtually no funding to sustain applied science research and education related to mineral resources.

Furthermore, the establishment of a consistently well-funded Minerals Resources External Grants program would follow the recommendations of three recent NRC reports and would help arrest the dramatic decline of minerals expertise in the United States. Funding levels of $5 million in FY 2009, and $8 million in FY 2010, is an appropriate ramp-up for the external grants program, which ideally should reach a level of $20 million per year. Modest levels of external research funding by the MRP in FY2006 ($1,000,000) to 15 universities and in FY2008 ($250,000) to 3 universities supported graduate student research and education.

**With regard to EPA, NASULGC supports a request of $809 million in FY 2009 for Science and Technology (S&T).** The FY08 enacted level is $785.7 million while the administration's FY09 request is $790 million. The BNR requested amount provides an

increase of 3% to maintain ongoing programs and keep up with inflation. Without sound science, EPA will be unable to correctly identify and develop sound management and mitigation strategies for critical environmental problems.

**NASULGC recommends that the Committee restore STAR funding to $100 million for competitive grants and $10 million for STAR graduate fellowships.** The FY08 enacted levels are $54.7 million and $7.3 million respectively, while the President's FY09 budget request is $55.3 million and $5.9 million respectively. One of the most effective programs for improving the agency's science capabilities is the Science to Achieve Results (STAR) program. In 2003, the National Research Council strongly endorsed STAR in its report, "The Measure of STAR." The investment EPA ORD makes in STAR is especially significant and effective, because STAR is not a stand-alone grants program. It is coordinated with EPA program and regional offices, and targeted at high-priority needs that support the agency's mission. The program is leveraged by the participation of other federal agencies and the private sector, and involves thousands of research scholars in universities.

NASULGC universities have used STAR extramural research funding to accomplish the following: develop evaluations of U.S. estuarine and coastal water quality degradation; analyze ecosystem health and impairment; establish effective multi-university research collaborations; and develop techniques to assess the risks to fish in the Great Lakes associated with exposure to endocrine disrupting chemicals

STAR graduate fellowships are also an excellent investment in the next generation of scientists and engineers, and provide opportunities for some of the brightest minds to develop the skills to enhance and replenish this nation's environmental science expertise. Moreover, these grants are often a way to get minority graduate students engaged in high-level scientific research. STAR funding is a very important tool in the effort to address the future workforce needs of EPA. These investigator-initiated research grants are significantly expanding the number of scientists conducting EPA-related research and enhancing the overall quality of EPA S&T.

*Thank you for the opportunity to share our views with the Committee.*

***About NASULGC***

NASULGC is the nation's oldest higher education association. Currently the association has over 200 member institutions – including the historically black land-grant institutions – located in all fifty states. The Association's overriding mission is to support high quality public education through efforts that enhance the capacity of member institutions to perform their traditional teaching, research, and public service roles.

***About the Board on Natural Resources***

The Board's mission is to promote university-based programs dealing with natural resources, wildlife, ecology, energy, and the environment. Most NASULGC institutions are represented on the Board. Present membership exceeds 500 scientists and educators, who are some of the nation's leading research and educational expertise in environmental and natural-resource disciplines.

P.O. Box 1808 Manteo, North Carolina 27954

George E. Taylor, Jr., Ph.D.
President
13 March 2008

This testimony is submitted on behalf of the nearly 5,000 constituents of the Coastal Wildlife Refuge Society and is offered in support of the proposed funding of 514 M for National Wildlife Refuge System for Fiscal Year 2009. This funding action is being considered by the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies.

While the country faces many priorities for legislation and funding, I ask that you and your colleagues in Congress study with intensity the US Fish and Wildlife Service's National Wildlife Refuge system. For many years, the network of refuges managed by the Fish and Wildlife Service has been under-funded annually, resulting in a progressive decline in the services offered by the refuges and their staffs. This annual shortfall has been compounded over time such that the need for managed wildlife areas has increased substantially while funding has declined.

The Coastal Wildlife Refuge Society is the friends group that supports Pea Island and Alligator River National Wildlife Refuges, as well as the other refuges (Pocosin Lakes, Roanoke River, Mackay Island, and Currituck) administered by the Alligator River NWR office. This suite of refuges is geographically located in eastern North Carolina; the refuges are distributed throughout the lower coastal plain.

My argument for this request is based on two seminal areas of concern. The first is the suite of challenges facing refuges in the United States, in general, and Pea Island and Alligator River National Wildlife Refuges, specifically. The second is the opportunities available to the refuges to address regionally and nationally important priorities that are germane to all Americans.

**Challenges Facing the Pea Island and Alligator River National Wildlife Refuges and Associated Refuges Managed by the Alligator River National Wildlife Refuge**

From my vantage point, there are five major challenges facing the refuges in eastern North Carolina; many of these are shared with sister refuges through out the country.

1. Management Expertise and Environment. Pea Island and Alligator River National Wildlife Refuges are an invaluable resource for this and all future generations. The management of these unique and unusual landscapes requires a cadre of well-trained individuals in ecology and wildlife management. The management is an active one, involving a challenging mix of science, engineering, and public engagement, and each of the refuges has its own set of conditions that

dictate how managers should and should not proceed. There is no management template that serves all sites. Accordingly, refuge managers in North Carolina, California, Idaho, and Colorado (as examples) must develop individual plans to the unique challenges of each location. Moreover, as the demands of the public change, new land management tools are introduced (e.g., Geographic Information Systems, remote sensing, land use modeling), and the environment/climate changes, strategies for refuge management must be adaptive in near-real time in order to be responsive. An appropriate analogy is that refuge management is akin to a crucible that is constantly "fired" and into which new ingredients are being added. There is a need to coordinate and develop the technical capacity for biological planning, conservation design, outcome-based monitoring, and assumption-driven research, and to address the maintenance backlog and conservation delivery capability on refuges.

This challenge is a unique one to land managers whose mission is the preservation of habitats for wildlife, while the technological tools are changing rapidly and needs of society evolve.

2. Changing Climate. The lower coastal plain in eastern North Carolina is home to ecological systems whose attributes are determined by the mix of warm climate, abundant rainfall, low topographic relief, and the dynamics of tidal water flows. The result of this mixture is hydric lowlands with sustained periods of inundation and unique flora and fauna. For wildlife, these ecological systems are havens either seasonally (e.g., waterfowl) or perennially (e.g., Red Wolf) and have been so for millennia. In the coming century, these lowland systems will likely experience a changing climate system of reduced precipitation and moderately higher temperatures. The projections call for most of the region to be pushed toward a more Mediterranean climate regime, with far less rainfall in the summer and fall months. This change not only has implications for habitat management *per se* for specific animal and plant species but also for those managers concerned with the frequency and intensity of fire as a disturbance.

The challenge for Pea Island, Alligator River, Pocosin Lakes, Roanoke River, Mackay Island and Currituck National Wildlife Refuges is to begin planning for these changes. This challenge is interwoven with that presented above (No. 1), which addresses the ever-changing mix of expertise needed to husband refuges as a natural resource in perpetuity.

3. Encroachment. North Carolina ranks as one of the fastest growing states in terms of new population growth, and eastern North Carolina is one of the regions in the State experiencing that growth. The same region continues to be a popular destination for visitors through out the United States and increasing numbers from foreign countries. While there are many reasons for the interest in eastern North Carolina as a homestead or a temporary respite, one of the recurrent themes is the region's richness of natural resources. This welcomed influx of peoples also creates problems of encroachment into the refuges, either accidental or intentional. In some cases, the problem is industrial/commercial developments whose footprint affects the integrity of the refuge's mission to preserve wildlife habitat. In other cases, the increase in visitors and/or residents to the region is challenging the natural resource heritage mission of the National Wildlife Refuge System.

The challenge of encroachment for the refuges in eastern North Carolina will most certainly increase in the future as the region's popularity continues to rise. And this encroachment requires a studied vigilance on the part of the refuge staff and the refuge supporters.

4. Natural Resource Heritage Mission. This challenge is the core mission of Pea Island, Alligator River, Pocosin Lakes, Roanoke River, Mackay Island and Currituck National Wildlife Refuges. These refuges have an unusual set of ecological landscapes (e.g., pocosins, wetlands, coastal barrier islands, tidal and non-tidal basins), rich diversity of animal life (e.g., Red Wolf, waterfowl, shore birds, upland bird species), and sweep of majestic lowland forests and tidal estuaries. The challenge is to remain vigilant of the core mission but responsive to the needs of the society as the latter evolves. In the absence of the National Refuge Wildlife System, there would be only a weak voice arguing the value of managed natural landscapes and the attendant havens for wildlife and wildlife-dependent recreation that these landscapes provide. Refuges need the capacity and capability to deliver conservation in the right places for the right reasons, and at the right time.

The challenge is to continue to be the voice for natural resources and wildlife and to maintain an appropriate level of vigilance such that the needs of wildlife are given thoughtful vetting and partisanship as the demands on our natural resources increase in the decades to come.

5. Staff Reductions in the Midst of Increasing Expectations. Over the last two decades, the funding level for Pea Island and Alligator River National Wildlife Refuges and the associated refuges (Pocosin lakes, Roanoke River, Mackay Island, and Currituck) have witnessed an increase in responsibilities but declining resources. This has resulted in core staff reductions to the point that expectations cannot be met and management plans/timelines must be curtailed or eliminated. This combination of rising expectations and funding shortfalls must be addressed such that core positions are filled and new positions are scheduled to provide critical new expertise and manpower.

The challenge is to stop the erosion of funding for staffing at refuges and to establish a thoughtful and forward-looking increase in funding to return core position and add new personnel in areas critical to the mission of the refuges.

**Opportunities Available to the Pea Island and Alligator River National Wildlife Refuges and Associated Refuges Managed by the Alligator River National Wildlife Refuge**

There are three major opportunities available to the refuges in eastern North Carolina. Many of these are shared with other refuges in the United States.

1. Natural Resource Management in a Changing Climate and Socio-Economic Environment. The future for natural resource managers at Pea Island and Alligator River National Wildlife Refuges is one of increasing engagement of the public sector on multiple fronts (public and private) coupled with an ever changing natural climate system that will demand even more adaptive strategies. For these two refuges and their sister units in eastern North Carolina, the "playing field" is going to change quickly on both fronts. The opportunity for this region's refuges is to use this confluence of pressures (i.e., people and climate) to field test a new generation of adaptive management that incorporates old and new tools, ever-changing mix of expertise, and new and evolving policy agendas, with the goal being a keen eye toward the prize of managing the landscape for the preservation in perpetuity of wildlife and habitats.

2. Outdoor Education. It is painfully clear on a daily basis that the current generation of young people is increasingly distant from the out-of-doors and is loosing an appreciation of the

environment on which we are so dependent. In the absence of a commitment from public and private institutions, this disturbing trend is most certainly going to increase in future generations. Because of their ecological richness and biological diversity, Pea Island, Alligator River, Pocosin Lakes, Roanoke River, Mackay Island and Currituck National Wildlife Refuges are in a unique position to be a centerpiece of the role that the U.S. Fish and Wildlife Service can play in this opportunity. Each of these refuges (and all of the sister refuges through out the United States) should be designated as educational partners with the K-12 school systems on a local scale, providing the natural environment and professional staff scientists to educate our youth on the direct and indirect value of knowing and appreciating how plants, animals, and ecosystems operate in the natural world. These refuges provide opportunities to connect people with nature -- a connection that is desperately needed.

3. Wildlife-Dependent Recreation. Even though our population continues to increase on a regional and national scale and the interest in out-of-doors is climbing, the places for our citizens to "experience" the natural world are becoming more restrictive. Pea Island and Alligator River National Wildlife Refuges already serve nearly 2 M visitors a year, with most of the visitors enjoying a limited mix of self- and professionally-guided excursions. These two refuges and the others managed through Alligator River National Wildlife Refuge have only begun to develop an outgoing recreational program to meet the demand. One can easily envision a spirited network of interactions ranging from preschool to K-12 to institutions of higher education. Equally plausible is an extension to programs that meet the needs of our older generation as they look for ways to stay intellectually and physically engaged.

A Visitor Center on Roanoke Island (U.S. Fish and Wildlife Service owns the land) would provide the venue to get people outside and connected to the resource. This Visitor Center would serve effectively as a gateway to recreational and educational opportunities on all the refuges in eastern North Carolina.

In summary, the network of refuges in eastern North Carolina and through out the country is an invaluable resource for this and our future generations. The management of these unique and unusual landscapes requires a cadre of well-trained individuals in ecology and wildlife management. In this generation and the next, the public's sense of stewardship and visitation of the refuges managed by the U.S. Fish and Wildlife Service will only increase. To that end, an investment in enhancing the support of the network of refuges is imperative and in many cases well overdue.

I submit that this issue be given a high priority as the Congress works through its legislation and funding priorities. Nothing less than the proposed 514 M should be considered. Our children and grandchildren are expecting a well-orchestrated commitment to maintaining and enhancing natural resources that serve as sanctuaries for wildlife that enrich our lives.

**George M. Leonard**
**Chairman, Board of Directors**
**National Association of Forest Service Retirees (NAFSR)**
**Recommendations to the Subcommittee on Interior, Environment, and Related Agencies Regarding the FY2009 Budget for the U.S. Forest Service**

The following recommendations relate to all programs of the U.S. Forest Service. In developing these recommendations, we used the FY2008 Omnibus appropriation, as enacted, as the starting point. We find the Administration's FY2009 budget proposals for the Forest Service to be irresponsible. We believe the base funding for all programs should be the FY2008 appropriation level adjusted for pay act and other uncontrollable costs (an increase of $77 million across all program areas). We recommend the following increases to the base funding level:

| | $Million |
|---|---|
| Wildland Fire Management<br>Fully fund implementation of the National Fire Plan | |
| National Forest System | |
| Land Management Planning | 10 |
| Inventory and Monitoring | 10 |
| Recreation, Wilderness, and Heritage Management | 20 |
| Wildlife and Fisheries Management | 10 |
| Forest Products | 10 |
| Vegetation and Watershed Management | 15 |
| Land Ownership Management | 10 |
| Research | |
| Resource Management and Use | 10 |
| Water, Air, Soil | 10 |
| State and Private Forestry | |
| Forest Stewardship | 10 |
| Forest Health – Federal Lands | 10 |
| Forest Health – Coop Lands | 5 |
| Capital Improvements and Maintenance | 25 |

**Wildland Fire Management**

*Fire Operations - Suppression*

The most critical issue that needs to be addressed in the Forest Service budget is the funding of fire suppression. The current procedure of including the ten-year average cost of fire suppression within the agency's discretionary budget is destroying the capability of the Forest Service to carryout the remainder of its statutory missions. From 25 percent in FY2000, fire funding is now approaching 50 percent of the budget. The suppression cost trend means the ten-year average is going to continue to grow, further cannibalizing funding for other programs. While the overall Forest Service budget has increased nine percent over the last six years, the diversion of funds to fire suppression has had a major impact on the workforce available to carry out the multiple-use mission of the agency. The number of foresters, biologists, and other resource specialists, along with supporting technicians, is a good measure of the capability of a resource management agency to carry out its mission. As illustrated in the following table, the capability of the Forest Service has been seriously compromised.

**Forest Service Staff Level (FTE)**

| | FY2002 | FY 2008 | REDUCTION |
|---|---|---|---|
| Research | 2,494 | 2,283 | -9 % |
| State and Private Forestry | 909 | 739 | -19 % |
| National Forest System | 17,094 | 11,156 | -35 % |

***THE NATIONAL ASSOCIATION OF FOREST SERVICE RETIREES (NAFSR) RECOMMENDS THAT FIRE SUPPRESSION COSTS BE SEGREGATED FROM THE OTHER DISCRETIONARY PROGRAMS OF THE FOREST SERVICE. NAFSR RECOMMENDS FULL FUNDING OF THE NATIONAL FIRE PLAN.***

## National Forest System

*Land Management Planning*

The National Forest Management Act requires that all activities on the National Forests be conducted in accordance with approved Land Management Plans. It requires revision of these plans at 10 to 15 year intervals in order to reflect changing conditions, new knowledge, and changing public needs and desires. Revisions of 60 percent of the Plans are overdue. Revisions must be completed to comply with the law, avoid legal challenges, and to keep National Forest management relevant to the needs of the people.

***NAFSR RECOMMENDS AN INCREASE OF $ 10 MILLION FOR LAND MANAGEMENT PLANNING***

*Inventory and Monitoring*

Regular monitoring of forest resource conditions and the results of management activities is fundamental to sound forest management. It is particularly important during this period of climate change. Further implementation of ecosystem management and use of adaptive management, key to obtaining public acceptance of vegetation management projects, cannot be accomplished without assurance of appropriate inventory and monitoring of resources and project outcomes. The number of resource specialists and technicians available for inventory and monitoring declined by 44 percent between FY2002 and FY2008.

***NAFSR RECOMMENDS AN INCREASE OF $ 10 MILLION FOR INVENTORY AND MONITORING***

*Recreation, Wilderness, and Heritage Management*

The National Forests include some of the most scenic, historic, and culturally important recreation areas of our country. Some 192 million visitors enjoy camping, hiking, fishing, hunting, skiing, visits to cultural sites and visitor centers, and other activities each year. But the quality of facilities is declining and access to recreation opportunities is being lost. Personnel available to administer and care for recreation facilities and resources dropped by 28 percent between 2002 and 2008. The capacity of recreation sites managed to standard declined from 93,600,000 PAOT in FY2002 to 70,230,000 in FY2008. Priority Heritage Sites managed to standard declined from 8112 to 2294, and the miles of trail maintained to standard has declined 30 percent in this period.

***NAFSR RECOMMENDS AN INCREASE OF $ 20 MILLION FOR RECREATION, WILDERNESS, AND HERITAGE MANAGEMENT***

*Wildlife and Fisheries Habitat Management*

The National Forest System includes some of the most important wildlife and fish habitat in the nation. There are thousands of miles of streams, millions of acres of big game habitat, and thousands of species of plants and animals. Proper stewardship of these resources requires on the ground management by biologists and technicians. But while the pressure on these important resources

continues to grow, the personnel available to care for the habitat has declined. From 2002 to 2008 the wildlife and fisheries staff was reduced by 39 percent.

***NAFSR RECOMMENDS AN INCREASE OF $ 10 MILLION FOR WILDLIFE AND FISHERIES MANAGEMENT.***

*Forest Products*

There is wide spread recognition of the need to thin our overstocked forests to reduce their vulnerability to fire, insects, and disease. Funding for hazardous fuel reduction is important and must be continued, but it is only scratching the surface. Annual growth on the currently roaded portion of the timberlands on the National Forests is about 4 billion cubic feet. Not all of the material that needs to be removed has economic value, but portions are suitable for conventional wood products. Much more is suitable for energy production, including ethanol. Capturing these economic values is essential for making real progress in improving the conditions of our forests. It can also contribute to meeting our energy needs.

***NAFSR RECOMMENDS THE FOREST SERVICE ASSESS THE OPPORTUNITY TO MARKET MATERIAL THAT NEEDS TO BE REMOVED FROM THE FOREST FOR CONVENTIONAL WOOD PRODUCTS, ENERGY, AND OTHER USES. NAFSR RECOMMENDS AN INCREASE OF $10 MILLION FOR CONVENTIOAL SALES OR STEWARDSHIP CONTRACTING FOR MATERIAL THAT NEEDS TO BE REMOVED FROM THE FOREST TO PROMOTE FOREST HEALTH.***

*Vegetation and Watershed Management*

One of the primary purposes for which the National Forests were established is to provide favorable conditions of water flow. Our forested watersheds provide much of the water that meets the needs of our growing population, particularly in the West. Resource management specialists and supporting technicians available to protect and enhance our watersheds have declined by 44 percent in the last six years. This decline must be reversed.

With the serious fire seasons of recent years, the backlog of reforestation needs is growing, but the reforestation program is shrinking. The Forest Service estimates the backlog of needed reforestation at more than one million acres, but reporting is not up to date. The capacity to monitor reforestation needs, maintain adequate nursery capacity, and operate a program to eliminate the backlog in a reasonable time must be redeveloped and maintained.

***NAFSR RECOMMENDS THAT THE CONGRESS REQUIRE THE FOREST SERVICE TO REPORT REGULARLY ON ITS CAPACITY TO MONITOR REFORESTATION NEEDS AND TO PROMPTLY REFOREST AREAS FOLOWING DEFORESTATION. NAFSR RECOMMENDS AN INCREASE OF $15 MILLION FOR VEGETATION AND WATERSHED MANAGEMENT.***

*Land Ownership Management*

The National Forest System is a vast estate. Millions of acres of land share thousands of miles of property boundaries with other agencies, small, and large property owners. Proper stewardship of this Federal estate requires maintenance of property lines, monitoring for trespass, and administering thousands of special use permits. The National Forests should be good neighbors to adjacent landowners and communities. With a 19 percent reduction in staffing for this activity in the last six years, it is instead becoming an unresponsive, absentee landlord.

***NAFSR RECOMMENDS AN INCREASE OF $10 MILLION FOR LAND OWNERSHIP MANAGEMENT.***

**Research**

Quality management of our forest resources requires up to date scientific knowledge. Forest research in this country has declined substantially as major forest product companies have divested ownership of their timberlands and terminated their research efforts. Funding for research at universities has

declined. With retrenchment elsewhere, the 9 percent reduction in research scientists and support personnel in the Forest Service research organization has been particularly untimely. We urgently need more information on the response of forest resources to changing climate and the refinement of management practices to respond to these changes. We urgently need to develop forest products that use the immense volume of small material that needs to be removed from our forests to reduce their vulnerability to fire, insects, and disease. Economically viable uses for this material for energy, such a cellulosic ethanol, would permit treatment of the thousands of acres that need thinning and at the same time help meet the energy needs of our country.
***NAFSR RECOMMENDS AN INCREASE OF $20 MILLION FOR RESEARCH WITH EMPHASIS ON RESPONSE TO CLIMATE CHANGE AND DEVELOPING ECONOMIC USES FOR SMALL DIAMETER MATERIAL.***

**State and Private Forestry**

Two-thirds of our nation's forests are in small non-industrial ownerships. This land is vital to meeting our nation's needs for wood products and for providing other forest values. The importance of proper management of these forest lands is growing as the forest industry continues to divest its timberlands. The continued fragmentation of ownership of these lands presents serious challenges to assuring proper stewardship and sustainable management. The State and Private Forestry program, in cooperation with State Foresters, has a proven record in helping to promote sustainable forest practices on these lands. Continuing drought conditions have increased fire, insect, and disease problems on private lands, just as they have for federal lands. Continued attention is needed so that private owners can be encouraged to make long-term investments in the management of these lands.
***NAFSR RECOMMENDS AN INCREASE OF $10 MILLION FOR THE STATE AND PRIVATE FORESTRY PROGRAM FOR FOREST STEWARDSHIP. NAFSR RECOMMENDS FULL FUNDING FOR THE NATIONAL FIRE PLAN. NAFSR RECOMMENDS AN INCREASE OF $10 MILLION FOR FOREST HEALTH ON FEDERAL LANDS AND $5 MILLION FOR FOREST HEALTH MANAGEMENT ON COOP LANDS.***

**Capital Improvements and Maintenance**

Over the years the Congress has made substantial investments in developing the infrastructure necessary for the protection and use of the National Forests and Grasslands. Unfortunately, funds have not been provided to maintain these facilities adequately. The public is losing access and use through deterioration of roads, trails, campgrounds, and visitor centers. One-third of the recreation facilities are in poor condition. Inadequately maintained roads and other facilities result in damage to watersheds and fisheries habitat. Inadequate access increases the cost of management activities.
***NAFSR RECOMMENDS AN INCREASE OF $25 MILLION FOR CAPITAL IMPROVEMENTS AND MAINTENANCE.***

**Miscellaneous**

***NAFSR RECOMMENDS THAT RESTRICTIONS ON CONTRACTING OUT BE RETAINED.***

*The National Association of Forest Service Retirees believes that the National Forests and Grasslands should be managed so they are an asset to the communities within and adjacent to these lands. In too many instances, rather than being an asset, the overstocked, insect-infested, poorly maintained, understaffed Forests are becoming a liability. We believe the funding increases recommended above will begin the process of restoring the capability of the Forest Service to provide proper stewardship for these national treasures.*

DAVE FREUDENTHAL
GOVERNOR

STATE CAPITOL
CHEYENNE, WY 82002

# Office of the Governor

February 19, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The President's recommended budget for FY 2009 includes FWS funding for these programs at the levels I am requesting. The State of Wyoming requests support and action by the Subcommittee that will provide the following.

1. Appropriation of $697,000 in "recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the $68,417,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2009 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program. This is the same level of funding appropriated to the Recovery Program for this purpose in fiscal years 2004 through 2008.

2. Appropriation of $475,000 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery System Operations Subactivity; within the $43,507,000 item entitled "National Fish Hatchery Operations") to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah during fiscal year 2009.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to the FWS for fiscal year 2009 to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

TTY: 777-7860 PHONE: (307) 777-7434 FAX: (307) 632-3909

These highly successful, cooperative programs are ongoing partnerships among the States of New Mexico, Colorado, Utah and Wyoming, Indian tribes, federal agencies, and water, power and environmental interests. The programs continue to be meeting their objectives of working to recover endangered fish species while water use and development proceeds in compliance with the Endangered Species Act. The Department of the Interior has recognized the Upper Colorado and San Juan recovery programs as national models for collaboratively working to recover endangered species while addressing water needs to support growing western communities. Since 1988, these programs have provided ESA compliance (without litigation) for over 1,600 federal, tribal, state and privately managed water projects depleting more than 3 million acre-feet of water per year. Substantial non-federal cost-sharing funding exceeding 50% is embodied in both of these programs as authorized by P.L. 106-392, as amended.

The past support and assistance of your Subcommittee has greatly facilitated the success of these multi-state, multi-agency programs. We in Wyoming gratefully thank you for that support and request the Subcommittee's assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Best regards,

Dave Freudenthal
Governor

DF:RL:

c: Representative Barbara Cubin
Governor Bill Ritter
Governor Jon Huntsman
Governor Bill Richardson

# STATE OF COLORADO

**OFFICE OF THE GOVERNOR**
136 State Capitol Building
Denver, Colorado 80203
(303) 866 - 2471
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**Bill Ritter, Jr.**
**Governor**

March 13, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

The State of Colorado is an active participant in Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, both of which are recognized throughout the country as models for endangered species conservation and recovery. These Programs have developed collaborative solutions to pursue endangered species recovery while allowing water development to continue in our arid Rocky Mountain States.

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for both of these Programs. The President's recommended budget for FY 2009 includes FWS funding for these programs at the levels I am requesting. I request support and action by the Subcommittee that will provide the following, as authorized by P.L. 106-392, as amended.

1. Appropriation of $697,000 in "recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the $68,417,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2009 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program. This is the same level of funding appropriated to the Recovery Program for this purpose in fiscal years 2004 through 2008.

2. Appropriation of $475,000 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery System Operations Subactivity; within the $43,507,000 item entitled "National Fish Hatchery Operations") to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah during fiscal year 2009.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to the FWS for fiscal year 2009 to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

Substantial non-federal cost-sharing funding exceeding 50% is embodied in both of these programs.

These highly successful, cooperative programs are ongoing partnerships among the States of Colorado, New Mexico, Utah and Wyoming, Indian tribes, federal agencies, and water, power and environmental interests. The Programs' objectives are to recover endangered fish species while water use and development proceeds in compliance with the Endangered Species Act. These recovery programs have become national models for collaboratively working to recover endangered species while addressing water needs to support growing western communities. Since 1988, these programs have provided ESA compliance for over 1,600 federal, tribal, state and privately managed water projects depleting more than 3 million acre-feet of water per year.

The Upper Colorado and San Juan Programs bring a diverse group of people and interests together to resolve potential conflicts over endangered species recovery and water development. The endangered fish species are returning, and water development is proceeding in accordance with state law and interstate compacts.

The past support and assistance of your Subcommittee has greatly facilitated the success of these multi-state, multi-agency programs. I thank you for that support and request the Subcommittee's assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

Bill Ritter, Jr.
Governor

cc: Representatives Diana DeGette, Mark Udall, John Salazar, Ed Perlmutter, Marilyn Musgrave, Doug Lamborn, and Tom Tancredo

Governors Richardson, Freudenthal, and Huntsman

# State of New Mexico

*Office of the Governor*

**Bill Richardson**
*Governor*

March 3, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

As Governor of New Mexico, I write to request your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The President's recommended budget for FY 2009 includes FWS funding for these programs at the levels I am requesting. The State of New Mexico requests support and action by the Subcommittee that will provide the following:

1. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to the FWS for fiscal year 2009 to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

2. Appropriation of $697,000 in "recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the $68,417,000 item entitled "Recovery") to the FWS for fiscal year 2009 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program. This is the same level of funding appropriated to the Recovery Program for this purpose in fiscal years 2004 through 2008.

3. Appropriation of $475,000 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery System Operations Subactivity; within the $43,507,000 item entitled "National Fish Hatchery Operations") to support the

ongoing operation of the FWS Ouray National Fish Hatchery in Utah during fiscal year 2009.

These highly successful cooperative programs are ongoing partnerships among the States of New Mexico, Colorado, Utah and Wyoming, Indian tribes, federal agencies, and water, power and environmental interests. The programs continue to meet their objectives of working to recover endangered fish species while water use and development proceeds in compliance with the Endangered Species Act. The Department of the Interior has recognized the Upper Colorado and San Juan recovery programs as national models for collaboratively working to recover endangered species while addressing water needs to support growing western communities. These programs have provided ESA compliance (without litigation) since 1988 for over 1,600 federal, tribal, state and privately managed water projects depleting more than 3 million acre-feet of water per year. Substantial non-federal cost-sharing funding exceeding 50% is embodied in both of these programs as authorized by P.L. 106-392, as amended.

The past support and assistance of your Subcommittee has greatly facilitated the success of these multi-state, multi-agency programs. On behalf of the citizens of New Mexico, I thank the Subcommittee for your past assistance and again seek the Subcommittee's assistance this year to ensure adequate FWS funding for the upcoming federal fiscal year.

Sincerely,

/s/

Bill Richardson
Governor of New Mexico

BR/zw

ec: Representative Tom Udall
Representative Heather Wilson
Representative Steve Pearce
Governors Huntsman, Ritter and Freudenthal

State Capitol • Room 400 • Santa Fe, New Mexico 87501 • 505-476-2200 • www.governor.state.nm.us

**Name:** Michael Preston
**Title:** General Manager
**Institution:** Dolores Water Conservancy District
**Contact:** (970)565-7562, FAX (970)565-0870, mpreston@frontier.net

March 4, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

Michael Preston, General Manager
Dolores Water Conservancy District

**Name:** **John Porter and Bruce T. Whitehead**
**Title:** **President and Executive Director**
**Institution:** **Southwestern Water Conservation District**
**Contact: (phone, fax, email):(970) 247-1302, (970)259-8423, brucew@southwesternwater.org**

February 14, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

We are requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the San Juan River Basin Recovery Implementation Program and the Upper Colorado River Endangered Fish Recovery, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

John Porter
President
Southwestern Water Conservation District

Bruce T. Whitehead
Executive Director
Southwestern Water Conservation District

**Colorado Water Congress**
1580 Logan Street, Suite 400, Denver, CO 80203 (303) 837-0812 FAX (303) 837-1607
E-Mail macnavey@cowatercongress.org Website www.cowatercongress.org

**Name: Douglas Kemper**
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**Institution: Colorado Water Congress**
**Contact: (303) 837-0812 fax (303) 837-1607 cwc@cowatercongress.org**

February 15, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

*// S //*

Douglas Kemper, Executive Director

**Name: Eric W. Wilkinson**
**Title: General Manager**
**Institution: Northern Colorado Water Conservancy District**
**Contact: (970) 532-7700 phone (970) 532-0942 fax ewilkinson@ncwcd.org**

February 15, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

- Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

- Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

- Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

/s/
ERIC W. WILKINSON, GENERAL MANAGER

cps

**City of Aurora**

Water Department
Administration
15151 E. Alameda Parkway, Suite 3600
Aurora, Colorado 80012
Phone: 303-739-7370
Fax: 303-739-7491
www.aurorawater.org

AURORA WATER

**Peter D. Binney**
**Director, Aurora Water**
**303-739-7378**

February 25, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

Peter D. Binney
Director, Aurora Water

**Name: Mike Berry**
**Title: General Manager**
**Institution: Tri-County Water Conservancy District**
**Contact: (phone, fax, email) 970-249-3369, 970-249-8277, tcw@montrose.net**

February 26, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

Mike Berry
General Manager

**Name: Carly Burton**
**Title: Executive Director**
**Institution: Utah Water Users Association**
**Contact: Phone (801) 268-3065**
**Fax (801) 261-4069**
**Email utahwaterusers@aol.com**

February 14, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

/s/ Carly Burton

Executive Director

**WYOMING WATER ASSOCIATION**
Water is Wyoming's Gold
*Now in Our 75th Year*
P.O. Box 21701 • Cheyenne, WY 82003-7032
Telephone (307) 286-8614 • Facsimile: (307) 635-7581
E-mail: wwa@wyoming.com • Website: www.wyomingwater.org

February 20, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Re: Outside Witness Testimony; Support for Appropriation to the U.S. Fish and Wildlife Service of $697,000 in "recovery" funds; $475,000 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery System Operations Subactivity) to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah; and Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to the FWS for fiscal year 2009 to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions

Dear Chairman Dicks and Representative Tiahrt:

On behalf of the members of the Wyoming Water Association, I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The President's recommended budget for FY 2009 includes FWS funding for these programs at the levels we are requesting. We request support and action by the Subcommittee that will provide the following, as authorized by P.L. 106-392, as amended.

1. Appropriation of $697,000 in "recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the $68,417,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2009 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program. This is the same level of funding appropriated to the Recovery Program for this purpose in fiscal years 2004 through 2008.

2. Appropriation of $475,000 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery System Operations Subactivity; within the $43,507,000 item entitled "National Fish Hatchery

Operations") to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah during fiscal year 2009.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to the FWS for fiscal year 2009 to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

Founded in 1933, the Wyoming Water Association is a Wyoming non-profit corporation and voluntary organization of private citizens, elected officials, and representatives of business, government agencies, industry and water user groups and districts. The Association's objective is to promote the development, conservation, and utilization of the water resources of Wyoming for the benefit of Wyoming people. The WWA provides the only statewide uniform voice representing all types of water users within the State of Wyoming and encourages citizen participation in decisions relating to multi-purpose water development, management and use.

The Wyoming Water Association is a participant in the Upper Colorado River Endangered Fish Recovery Program. That program, and its sister program within the San Juan River Basin, are ongoing partnerships among the States of Colorado, New Mexico, Utah and Wyoming, Indian tribes, federal agencies and water, power and environmental interests. The programs' objectives are to recover endangered fish species while water use and development proceeds in compliance with the federal Endangered Species Act. The Department of the Interior continues to recognize these programs as national models demonstrating that collaboratively partnerships can successfully work to recover endangered species while addressing water needs to support growing western communities in a manner that fully respects state water law and interstate compacts. Since 1988, these programs have provided ESA Section 7 compliance (without litigation) for over 1,600 federal, tribal, state and privately managed water projects depleting more than 3 million acre-feet of water per year.

The past support and assistance of your Subcommittee has greatly facilitated the success of these multi-state, multi-agency programs. On behalf of the members of the Wyoming Water Association, thank you for that support and request the Subcommittee's assistance for fiscal year 2009 funding to ensure the Bureau of Reclamation's continuing financial participation in these vitally important programs.

Sincerely yours,

Ben Cunningham
President

cc: Rep. Barbara Cubin

DENVER WATER
1600 West 12th Avenue • Denver, Colorado 80204-3412
Phone 303-628-6000 • Fax No. 303-628-6190

Hamlet J. Barry III
Manager
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February 25, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

Denver Water requests your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

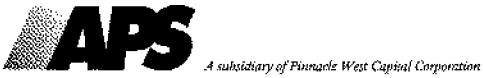
2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

/s/HJ Barry
Manager




David L Saliba
Plant Manager
Four Corners Power Plant

Tel. 505-598-8209
Fax 505-598-8237
e-mail David.Saliba@aps.co

Mail Station 4900
PO Box 355
Fruitland, NM 87416-0355

February 22, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

/s/David/Saliba

David L Saliba, Plant Manager
APS Four Corners Power Plant

**Colorado River District**
*Protecting Western Colorado Water Since 1937*

R. Eric Kuhn
General Manager
Colorado River Water Conservation District
970-945-8522 ph, 970-945-8799 fax
ekuhn@crwcd.org

February 20, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the FWS to allow the FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,
/s/Kuhn

R. Eric Kuhn
General Manager

**201 Centennial Street / PO Box 1120 * Glenwood Springs, CO 81602**
**(970) 945-8522 * (970) 945-8799 Fax**
**www.ColoradoRiverDistrict.org**

Board of Water Works
of Pueblo, Colorado

319 W. 4th Street - P.O. Box 400 - Pueblo, Colorado 81002-0400 - 719/584-0221

**Name:** Alan C. Hamel
**Title:** Executive Director
**Institution:** Pueblo Board of Water Works
**Contact:** phone: 719-584-0221, fax: 719-584-0222, email: ahamel@pueblowater.org, address : PO Box 400, Pueblo, CO 81002-0400

February 26, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.
3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 200 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

/s/

Alan C Hamel
Executive Director

**Name:** **Russell Huffman**
**Title:** **Plant Manager**
**Institution:** **PNM/San Juan Generating Station**
**Contact:** **505-598-7814 phone**
**505-598-6036 fax**
**Russell.Huffman@pnm.com**

February 13, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

Russell Huffman
Plant Manager
San Juan Generating Station

**San Juan Water Commission**
7450 East Main Street, Suite B • Farmington • New Mexico • 87402
Ph: 505-564-8969 • Fax: 505-564-3922 • Email: sjwcoffice@sjwc.org

MEMBERS:
City of Aztec
City of Bloomfield
City of Farmington
San Juan County
S.J. County Rural Water Users Association

Mark Duncan, Chairman
San Juan Water Commission
7450 E. Main Street
Farmington, NM 87402

February 13, 2008

The Honorable Norman D. Dicks, Chairman
The Honorable Todd Tiahrt, Ranking Member
Subcommittee on Interior and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Dicks and Representative Tiahrt:

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,
Mark Duncan, Chairman
San Juan Water Commission

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