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PUBLIC LANDS AND FORESTS LEGISLATION

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

TO

S. 3294
S. 3310
S. 3313

JUNE 16, 2010

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PUBLIC LANDS AND FORESTS LEGISLATION

WEDNESDAY, JUNE 16, 2010

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

The subcommittee met, pursuant to notice, at 2:35 p.m. in room SD–366, Dirksen Senate Office Building, Hon. Ron Wyden presiding.

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

Senator Johnson [presiding]. Senator Wyden will be here shortly, but asked me to start this hearing in his absence.

The purpose of this hearing is to consider three bills pending before the Subcommittee on Public Lands and Forests. They are S. 3294, the Central Idaho Economic Development and Recreation Act, sponsored by Senators Crapo and Risch.

S. 3310, my legislation, to designate certain wilderness areas in South Dakota.

S. 3313, the Sloan Hills Withdrawal Act, sponsored by Senators Reid and Ensign.

Several of our colleagues have asked to speak on these bills today. In addition we have representatives from the BLM and Forest Service and a panel of five witnesses from South Dakota, Nevada and Idaho testifying this afternoon. So we have a lot of ground to cover in a limited amount of time.

I'd like to take a few minutes to speak on S. 3310. Then following that, recognize Senator Barrasso for any opening statement he would like to make.

I thank Senator Wyden for holding today's hearing and the opportunity to consider landmark legislation protecting America's Great Plains grasslands. I want to welcome Dan O'Brien and Scott Edoff. Thank them for taking the time to travel to Washington, DC, to share their perspectives on these important matters.

In May I introduced the Tony Dean Cheyenne River Valley Conservation Act to establish the first grasslands wilderness area in the U.S. and provide the public with a unique experience to enjoy these public lands. These lands are already managed as wilderness. The Cheyenne River Valley and the Buffalo Gap National Grassland includes some of the finest prairie wilderness in the U.S. Located among isolated buttes and the wide Cheyenne River Valley these lands remain undisturbed in the form that the native people, who first inhabited these lands long ago would recognize.

The effort to protect these ancient lands is citizen driven and buttressed, by the support of groups representing over 100,000 South Dakotans. In 2002 the U.S. Forest Service under the Bush Administration recognized the value of part of wilderness in the Buffalo Gap and recommended certain lands for inclusion in the National Wilderness Prevention System. I have heard from a number of people regarding wilderness over the years.

Sportsmen have contacted me describing the unique experience of hunting in areas far from the reaches of modern civilization. They talk about experiencing hunting as previous generations did and wanting to pass along that experience to their kids and grandkids. I have also heard from conservationists about the value of this area for native prairie plants and wildlife. Others have pointed to the potential economic benefits of wilderness as these outstanding lands draw in travelers who in turn contribute to the regional economy.

My bill is a modest proposal, less than 10 percent of the lands in the Buffalo Gap National Grassland. I have made several compromises that will enhance the public enjoyment while allowing for common sense management and respect for ranchers holding permits to run cattle on these lands. Grazing is an important component of the grassland ecosystem and this wilderness legislation ensures continuation of grazing for those who have made their living off these lands.

Sound management and long standing restrictions on motorized travel have preserved the outstanding natural quality of these areas. My legislation provides the Forest Service the tools to manage the lands to maintain their character in perpetuity. The bill allows for the control of fire, insects and invasive species. It also ensures that the Forest Service can continue to appropriately manage prairie dog populations on these lands.

In most respects I have followed the Forest Service recommendations in the purpose of preserving important access to the areas. I am pleased that the Forest Service supports this legislation. By designating a portion of the Cheyenne River Valley as wilderness it is possible to protect its undeveloped character from encroaching motorized recreation while providing hunters, rock collectors, campers and hikers a new way to enjoy prairie grasslands.

In closing I want to share with the committee why I came to name this bill in recognition of my long time friend and great advocate for South Dakota's open spaces, the late Tony Dean. It is his words in describing the purposes of creating a grasslands wilderness bill that I turn to for the best explanation for why this bill is necessary. Tony said that, "let's relate wilderness from the perspective of a hunter. It does not take a rocket scientist among hunters to recognize that once the opening salvo takes place on opening morning of the big game seasons no matter where you live the best hunting is almost always found far from the nearest road."

That sentiment is what, in part, this legislation is aimed at creating. A place where the public and future generations can enjoy a unique wilderness experience found in a few places outside my great State of South Dakota.

Before turning to the first panel of witnesses, let me recognize Senator Risch.

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

Senator RISCH. Thank you very much, Senator. Welcome everyone. We're here today to hear about three proposals. The one, of course, most interest to me is S. 3294 which is the CIEDRA, what we call in Idaho the CIEDRA bill. Which has been crafted and worked on by Senator Simpson over about a decade now. Is that correct Senator—or Congressman Simpson?

Mr. SIMPSON. Yes.

Senator RISCH. The time flies, doesn't it when you're having fun?

You know in Idaho we have the largest block, I believe, of wilderness in the continental United States of contiguous wilderness area. It was put in place a number of decades ago. It was done through a process that's very much different than the way we do these things today. That is it was done from the top down.

Today and after those initial forays into resolving the land use issues on these types of Federal lands really the process was high centered for a number of decades. Recently again, we have waded into attempting to do the kinds of things that this bill does. That is dealing with the use of Federal lands. But we did it a different way. We did it from the bottom up. We did it a collaborative way. We did it in a way that reached consensus as far as the land is concerned.

Senator Crapo, who is with us today, did that in the Canyon lands properties in Idaho. Certainly that wound up being a great success. It was difficult. These things are difficult. They're not impossible. But they are difficult.

I had the opportunity to do that when I was Governor with 9.2 million acres of road less. We have the only Roadless Rule in America. It was developed, again, from the bottom up.

It was a consensus driven process. I worked with conservation groups. I see Rick Johnson is going to be here to testify on this matter representing what I think is probably our flagship conservation group in Idaho, the Idaho Conservation League.

We worked with users of the land both motorized users, non-motorized users, from all the other stakeholders, industry and citizens who just have a general interest in seeing how their property is used in the State. Through this process we were able to really resolve most of the, if not all of the issues regarding these properties. A resolution, which was a consensus resolution, was adopted. The, as I said, these things are difficult, but not impossible.

The 9.2 million acres I dealt with are probably some of the most diverse properties going from very magnificent peaks all the way to general forest lands. We were able to sit down and go through them a piece at a time and give and take to the point where there was consensus. So I know that it's possible.

Congressman Simpson deserves a tremendous amount of gratitude of the people of the State of Idaho in recognition and appreciation for the work that he has done on the CIEDRA bill. As I understand it, however, there are still some pending issues that are going to need, perhaps, some more of the collaborative process and in order to reach this consensus that we've talked about. I'm interested today in hearing how we're going to get there.

I understand that we're going to hear testimony about the good parts of the bill, the bad parts of the bill and all that. I wasn't involved in the details of it. I don't think Senator Crapo was, perhaps more than I was, but I wasn't. So, but Representative Simpson was involved in that. He knows this backward, forwards and what have you.

Today, from my standpoint, I'm interested more in hearing on the procedural basis, how we get to the consensus that we need in order to get these adopted. So, thank you very much. With that, I yield back.

Senator Wyden [presiding]. Mr. Chairman, thank you. I was late. I very much appreciate your stepping in. Why don't we go right to our witnesses?

We've got a distinguished group. Know I've kept them waiting. With your pleasure why don't we just go right ahead to them? Colleagues all.

Senator Crapo, let's start with you.

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

Senator CRAPO. Alright. Thank you very much. Thank you Chairman Johnson and Chairman Wyden.

Senator WYDEN. There are chairmen everywhere.

Senator CRAPO. That's right. Senator Risch, I appreciate your, not only your service on this committee, but your participation in this process as we move forward. I appreciate the invitation to address the subcommittee regarding S. 3294, the Central Idaho Economic Development and Recreation Act, also known as Senator Risch indicated, as CIEDRA in Idaho.

I very much appreciate the opportunity to address the subcommittee today. I also want to thank our witnesses for being here.

Rick Johnson, the Executive Director of the Idaho Conservation League and Bill Dart, representing the Idaho Recreation Council. Rick has been in his position for 15 years. Bill has a long history in land use advocacy over the last 25 years. I'm very pleased that these two men could join us today.

Nestled in the rugged, pristine expanse of Central Idaho are the Boulder/White Cloud Mountains located in and adjacent to the Sawtooth National Recreation Area and surrounded by the communities of Sun Valley, Ketchum, Stanley, Challis, Mackay and Clayton, the Boulder/White Clouds are truly wild and exquisite. The area has significant value for the many groups that visit it every year from hunters to hikers to off-road vehicle users and others. In addition to its diversity of elevations and habitat the biological diversity is incredible with spawning salmon and steelhead and big game such as elk, mountain goat, big horn sheep and black bear, among others. Simply put, this area is one of Idaho's greatest assets.

The discussion over how to most effectively manage and protect the Boulder/White Clouds dates back decades. In the 1970s when Republican Senator Jim McClure and Democrat Governor Cecil Andrus found themselves in the middle of a spirited debate over how to balance development, recreation and resource extraction

with conservation and environmental protection in the interior West. They took a stab at it.

Faced with the pressures of development and the increasing popularity of the area for many of the user groups inside and outside Idaho, interest groups, elected officials and everyday citizens began discussing the need to manage the area in a way that acknowledged and protected the many uses of these lands while also preserving it for future generations by protecting its pristine nature. Senator McClure and Governor Andrus worked across party lines and made two attempts during the 1980s to find a way forward. But those efforts did not succeed.

I got involved in 1993 shortly after I was sworn in as the Representative for Idaho's Second Congressional District. I held collaborative meetings across the State in an effort to get this done. While we were hopeful at the beginning the political dynamics changed and we faced a stalemate for years.

In 1999 after I came to the Senate, Representative Mike Simpson, who was at that time the newly elected Representative of the Second District decided to take another stab at it. Mike decided to start from scratch and see if he could bring the various interests together to forge an agreement that the parties could support. These efforts have taken years. I want to acknowledge Mike Simpson, his staff and their partners in this process for their hard work.

While this bill is not perfect, and does need some more work, Senator Risch and I are going to continue working with the stakeholders from the motorized recreation community to address access issues. We will also continue working with the State of Idaho to address its concerns regarding the value of and access to State land in-holdings and the need to effectively manage wildlife within the proposed wilderness areas, among other issues. On that note, Mr. Chairman, Idaho Governor Butch Otter has provided Senator Risch and me with a letter describing the State of Idaho's concerns with the legislation. I would ask that that letter be made a part of the record.

Senator WYDEN. Without objection, it's so ordered.

Senator CRAPO. Thank you. Like you, Mr. Chairman, I believe that public land management issues require locally based, collaborative efforts in order to find true, sustainable, solutions to the many challenges we face. These decisions ought to be made as a result of on the ground, collaborative work between all of the parties involved and affected.

For example, I worked for many years on a similar project in Southwestern Idaho that Senator Risch mentioned. Now I'm working on another in North Central Idaho. So I know personally how difficult this task is.

We have to undertake these efforts together in a consensus based manner. If we do not, we will never find our way forward. You and your staff know this all too well, Mr. Chairman, as is evidenced by your recent work to resolve forest management challenges in Eastern Oregon, for example.

To conclude, I thank our witnesses again for joining us today. I also thank Chairman Bingaman and Ranking Member Murkowski for working with me and Senator Risch on this bill. I also thank their staffs, who have worked closely with me and my staff on this

and other bills over the years. David Brooks and Scott Miller with Chairman Bingaman and Frank Gladics with Ranking Member Murkowski have treated my office with great respect and have put in many hours of hard work on legislation to address public land issues in Idaho.

I greatly appreciate them. Look forward to continuing our work together. Again, I want to thank you, Mr. Chairman, for inviting me to speak here today and for holding this hearing.

Senator WYDEN. Senator Crapo, thank you. I know you put a lot of time and effort into this. We'll work closely with you.

Here's our challenge. We've got 12 minutes and we've got two votes. So we could have each of you take 4 minutes if you wanted to hypothetically, you know, do that. I see——

Senator ENSIGN. I'll try to do mine in three.

Senator WYDEN. Perfect. Let's try.

Senator ENSIGN. Ok.

Senator WYDEN. Senator Ensign, welcome.

STATEMENT OF HON. JOHN ENSIGN, U.S. SENATOR FROM NEVADA

Senator ENSIGN. Thank you, Mr. Chairman and other members of the panel. I'm here to testify on the Sloan Hills Withdrawal Act of 2010. I'd also like to thank Senator or Commissioner Sisolak from my State for coming out here. He'll be testifying on this bill as well. It indicates how much community support there is for the bill in opposition to what would be going on if we don't withdraw this land.

About 640 acres of BLM land is what we're talking about here. If you think about it it's a donut hole within the city of Henderson, the third largest city in Nevada. We're talking about something that would be used as a gravel pit. That's what the proposed use of it is.

The people who live near there, their anthem is a master plan development that is right near there, about 12,000 residents. They are in overwhelming opposition. They have a petition where 5,500 people have signed that petition opposing the gravel pit there. They're supporting the legislation to withdraw this land from being used as a gravel pit.

These folks in this area would be impacted by noise, dust, blasting, digging, traffic and obviously, decreasing home values in an area where home values have already taken a major hit. So, Mr. Chairman, I hope that we can move this legislation. It's important.

It's supported by the entire Nevada delegation. I would say that it has broad support, other than obviously, the people interested in having a gravel pit there, has really brought support across the areas that are affected in Nevada. I will keep my testimony that short so you can get on with the rest of them. But know that we really need this legislation.

Senator WYDEN. Thank you, Senator Ensign. I know Senator Reid feels very strongly about this as well. He's talked to me about it. That's a priority. We'll work very closely with you all and get it moving.

Senator Thune, welcome.

STATEMENT OF HON. JOHN THUNE, U.S. SENATOR FROM SOUTH DAKOTA

Senator THUNE. Thank you, Mr. Chairman, members of the committee. I want to thank the committee for the opportunity to share a few words on S. 3310 which is a bill that would designate 48,000 acres of Federal lands within the existing Buffalo Gap National Grasslands as wilderness. In particular I want to introduce Mr. Scott Edoff of Hermosa, South Dakota to the committee today. He will be testifying on a later panel.

Scott and his wife, Veronica ranch Southeast of Rapid City. The Edoff Family has been grazing livestock for four generations in the proposed wilderness area. I would argue, Mr. Chairman, that nobody cares more about health of the Buffalo Gap National Grasslands than previous, current and future generations of the Edoff Family. I thank him for traveling all the way from Western South Dakota to testify before this committee today.

Scott's testimony before the committee reflects not only his family's views but also the concerns of 30 government, trade, recreation, tourism and agriculture associations that have weighed in against the proposed wilderness designation in South Dakota. I think his testimony is also compelling because it echoes the concerns of a great number of the current grazing permit holders within the Buffalo Gap National Grasslands. Growing up in Murdo, which is just east of the Buffalo Gap National Grasslands, I have met with several of these ranchers and local organizations who are concerned by the potential long term impacts of a permanent wilderness designation.

While I appreciate Senator Johnson's intention with this legislation I share their concerns of how such a designation would ultimately impact pest management, natural disaster mitigation, grazing permits and recreational activities within the proposed area. Along with Governor Rounds, I'm also highly concerned about how a wilderness designation in the Buffalo Gap Grassland would impact existing low altitude training for the South Dakota Army National Guard, notwithstanding the exemptions that are stipulated in the legislation. Currently there are ample land use restrictions already in place that have successfully kept this area in pristine condition for generations. I would strongly caution this committee against imposing additional restrictions against the will of the local stakeholders.

In closing, Mr. Chairman, I believe these types of land use decisions should be made from the bottom/up. Like many of the past wilderness designations this committee has considered permanent wilderness designation should enjoy broad local support from a diverse group of stakeholders. Unfortunately that degree of broad support does not exist today for the lands and the individuals who would be impacted by S. 3310.

Finally, Mr. Chairman, while Governor Rounds could not join me in person here today to reiterate his concerns on behalf of the State of South Dakota, I would like to submit for the record a letter from Governor Mike Rounds expressing his opposition to this bill.

Senator WYDEN. Without objection it's so ordered. We'll follow up on your views. Of course your views and Senator Johnson's views are very important to the subcommittee. We'll follow up with you.

Senator THUNE. Thank you, Mr. Chairman.

Senator WYDEN. Mike Simpson, welcome. Good to see you and——

Mr. SIMPSON. Nice to be over here. Thank you, Mr. Chairman.

Senator WYDEN. Congressman, glad you're here. Go ahead.

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

Mr. SIMPSON. Thank you, Mr. Chairman. I appreciate the opportunity to testify today on a bill that, as Senator Crapo and Senator Risch mentioned I've been working on for some 10 years since I got into Congress. It's been a conflicted area that I think needs to be resolved. I've thought that. I've worked with local communities, with conservation groups, recreation groups, with ranchers and others to try to solve a problem that's existed for many, many years in Southeast Idaho and that is land management in the Boulder/White Clouds area.

As Senator Crapo mentioned this attempt has been made many times by many different individuals. Things are different today. Lawsuits, national monument threats, ESA protections, Fish and Wildlife, as well as a myriad of other restrictions and conflicts have forced all parties to reconsider their approach to this and how they might need to compromise in order to reach a solution of how we manage these public lands called the Boulder/White Clouds.

I've sought to be inclusive and to recognize the needs of the surrounding communities, motorized users, the ranchers who live in the area and those who recreate in the Boulder/White Clouds region and the conservation groups. The old approach of wilderness, of sacrificing the needs of one individual or specific user group to benefit the others will not work anymore. I began this process with the assumption that those who are affected by wilderness creation must be part of the solution. In short the needs of the people who live and recreate in the area are as important as the lines that we draw on a map.

Let me briefly say what this bill does. This bill releases four wilderness study areas that are currently wilderness study areas, treated as de facto wilderness, releases them, a total of 130,453 acres back to general, multiple use. Most people forget that. They think we're just creating wilderness. We are actually releasing some wilderness study areas back to general, multiple use.

It also creates three new wilderness areas, the Hemingway-Boulder Wilderness, the White Cloud Wilderness and the Jerry Peak Wilderness, totaling 332,000 acres. Grants have already been secured based on this legislation for Custer County and the surrounding Boulder/White Clouds' communities for economic development, a community center, a county health clinic, EMT support and improvements to Tail Creek Highway. Funding has already been secured for the Sawtooth National Recreation for trail maintenance and improvements including maintenance and improvements of existing motorized trails and to provide primitive wheelchair access and for acquiring the land to build a mechanized bike snow machine access trail between Redfish Lake and Stanley.

Through the bill, though the bill selected East Fork—through the bill selected East Fork permitees may be eligible to voluntarily, vol-

untarily I emphasize, retire their grazing permits in exchange for compensation from private resources. It provides land conveyances in Custer and Blaine Counties for public purposes including use for fire stations, bus school turn arounds, parks, campgrounds, a shooting range, waste water transfer site and a water tower and water treatment facility. It keeps Germania Creek trail which has been really the source of a lot of the conflict over the years. It keeps that corridor open to motorized travel.

It closes the Grand Prize trail quarter to motorized and mechanized travel. The Frog Loop Lake is excluded from wilderness and will remain open under its current use for motorized and mechanized travel. Snowmobilers will maintain their access to the traditional high elevation snow machine areas in the Fourth of July Washington Basin Champion Lakes and Warm Springs area it also creates a primitive, non-paved, wheelchair accessible trail into wilderness, first one ever.

Additionally, I'd like to mention as Senator Risch mentioned, that there are Governor Otter has sent a letter and he has some concerns and is opposed to the legislation because of the concerns he's listed. I'd like to address those for just a minute.

His first one is about conveyances of these public lands to these local communities and so forth and his concern that they won't be conveyed and so forth and that of the State parcels that are within the Jerry Peak Wilderness.

We have put language in the legislation which directs the Federal Government to negotiate with the State for the transfer either of those lands to trade lands with other lands that the State of Idaho might want to acquire or to actually purchase those lands outright. The conveyances to the communities will take place immediately upon this bill becoming law. We have spoken with the Idaho Department of Lands to identify lands that work for the State in a possible exchange with BLM.

I support helicopter language for wildlife management in the Boulder/White Clouds, in particular for wolf management. There is some concerns about that with some people because that has never been done in Forest Service lands before. It's been allowed in BLM wilderness areas. But that's and issue that needs to be worked on. I think we can work that out.

The water language that the Governor mentions needs to be worked on. Frankly, that was negotiated with State attorney general's office and Senator Crapo. I think the water language that currently exists in the bill is the water language that ought to be in this bill.

Finally, I'm always supportive of providing funds to eradicate and prevent weed infestations. I think we can all agree with that.

The fact is the scope and breadth of the bill is one of the greatest detriments in that it provides its critics an opportunity to read, interpret and disseminate their views in any manner they see fit. When I spoke in 2006 before this committee I said, this is not a perfect bill. However, it's the compromise that best balances the needs of people who live near and use and enjoy the Boulder/White Clouds. I continue to stand by that statement today.

This is a complex issue. On the one hand if any landscape ever deserved the designation of wilderness it is this pristine area. It should be preserved for future generations to enjoy.

On the other hand unresolved disputes over land use have left many Idahoans who are dependent on the land for their livelihoods with few choices for the future.

Senator WYDEN. Congressman, I feel badly. We're just out of time, literally.

Mr. SIMPSON. So am I.

[Laughter.]

Senator WYDEN. If you'd like to after the 2 votes we can start back up and give you a couple of additional minutes.

Mr. SIMPSON. Mr. Chairman, I have one sentence left and that will be included in my statement for the record.

[Laughter.]

Senator WYDEN. Perfect. Thank you. We'll be following up with you.

We're going to take a break for 2 votes and then we'll reconvene right after that.

[RECESS]

Senator JOHNSON [presiding]. Welcome, Mr. Rountree and Mr. Holtrop.

Mr. Carl Rountree is the Director of the Office of National Landscape Conservation System and Community Partnerships, Bureau of Land Management, Department of Interior.

Joel Holtrop is Deputy Chief, National Forest System, Forest Service, Department of Agriculture.

Mr. Rountree, proceed.

STATEMENT OF CARL ROUNTREE, DIRECTOR, NATIONAL LANDSCAPE CONSERVATION SYSTEM, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. ROUNTREE. Thank you. Thank you for inviting the Department of the Interior to testify on S. 3294, the Central Idaho Economic Development and Recreation Act and S. 3313, the Sloan Hills Withdrawal. I will briefly summarize my statements and ask that the full statements be included in the hearing record.

Now the Department of the Interior supports S. 3294 as it applies to lands managed by the Bureau of Land Management and would like the opportunity to work with the sponsor and committee on technical modifications to the legislation. We defer to the Department of Agriculture regarding provisions of S. 3294 which apply to the National Forest System lands.

Section 101 of the bill designates three new wilderness areas: the Jerry Peak Wilderness, White Cloud Wilderness and Hemmingway-Boulders Wilderness. Approximately 32,000 acres of the proposed Jerry Peak Wilderness are managed by the BLM along with approximately 450 acres of the proposed White Cloud Wilderness. The Department of the Interior supports the proposed wilderness designations on lands managed by the BLM.

Section 102(e) of S. 3294 establishes the Boulder/White Clouds grazing area on nearly 770,000 acres of public lands administered by the Forest Service and BLM surrounding and including the three areas designated as wilderness. Under the provisions of this

section ranchers with Federal grazing permits or leases within this area may choose to voluntarily donate their permits or leases to the Secretary of Agriculture or Interior. Now the Secretaries of Interior and Agriculture are required to accept these leases and to permanently terminate grazing on the land covered by the permit or lease. We support the proposal by the Idaho Delegation to allow voluntary and permanent reductions in grazing in these unique and environmentally sensitive areas.

Title II of S. 3294 provides for the conveyance at no cost of 12 small tracts of public lands to local governments for public purposes. The BLM supports the conveyances of ten individual parcels of BLM administered lands to local governments and defers to the Forest Service on two conveyances of National Forest System lands. As provided in the bill each of the conveyances of lands managed by the BLM would be for purposes consistent with public purposes allowed under the Recreation and Public Purposes Act.

With respect to the Sloan Hills Withdrawal, the Department of the Interior defers taking a position on S. 3313. S. 3313 would withdraw approximately 640 acres of BLM administered, public land in Clark County, Nevada from all forms of location, entry and patent under the Mining Laws and of disposition under all laws pertaining to mineral and geothermal leasing or mineral material sales subject to valid existing rights. Under the terms of the settlement agreements the BLM is currently in the process of analyzing two proposed competitive mineral material sales in the Sloan Hills area through an environmental impact statement. In 2004, the BLM contested two mining claims in the Sloan Hills area. The contests were eventually settled resulting in the BLM agreeing to analyze two competitive mineral material sales.

In 2007, the BLM initiated an environmental impact statement to analyze the impacts of the two proposed sales. If approved, the projects would consist of two open pit, limestone quarries that would operate for approximately 20 to 30 years. The draft EIS is planned for release later this summer at which time BLM will solicit public comments on whether it should authorize the proposed sales.

Thank you for the opportunity to present testimony on S. 3294 and S. 3313. I'll be happy to answer any questions that you might have. Thank you.

[The prepared statement of Mr. Rountree follows:]

PREPARED STATEMENT OF CARL ROUNTREE, DIRECTOR, NATIONAL LANDSCAPE CONSERVATION SYSTEM, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the invitation to testify on S. 3294, the Central Idaho Economic Development and Recreation Act. The Department of the Interior supports S. 3294 as it applies to lands managed by the Bureau of Land Management (BLM) and would like the opportunity to work with the sponsor and the committee on technical modifications to the legislation. We defer to the Department of Agriculture regarding provisions of S. 3294 which apply to National Forest System Lands.

Background

The Boulder-White Clouds area of central Idaho captivates the imagination with crystal lakes, high mountain backcountry, and abundant wildlife. Hunters, hikers, ranchers and other stakeholders have come together to support preservation of these unique and treasured lands managed by the U.S. Forest Service (FS) and the BLM.

The lands managed by the BLM in this region represent diverse ecosystems ranging from lower elevation sagebrush and grasses to lodgepole and limber pine at the higher elevations. There are large forested areas in the upper reaches of Bear, Mosquito, Sage, and Lake Creek drainages. The highest point is Jerry Peak at over 10,000 feet where there are spectacular vistas of the surrounding mountain ranges. Herd Lake, at over 7,000 feet, is a small blue gem within the steep rocky terrain. From the small Herd Lake campsite visitors can hike the trail along the creek to Herd Lake. The shores of the lake have scattered pines and there are wonderful opportunities to fish for rainbow trout.

This varied and magnificent terrain provides habitat for wildlife including deer, elk, black bear, mountain lion, bighorn sheep, and antelope. Coyotes and golden eagles are also common. The area is attractive to hunters and a significant portion of the yearly visitation occurs during hunting season.

S. 3294

S. 3294 is the result of many years of collaborative efforts by the Idaho Congressional delegation. Their dedication to resolving public land use issues in central Idaho is commendable.

Section 101of the bill designates three new wilderness areas—Jerry Peak Wilderness (128,000 acres), White Cloud Wilderness (90,000 acres), and Hemingway-Boulders Wilderness (110,000 acres). Approximately 32,000 acres of the proposed Jerry Peak Wilderness are managed by the BLM, along with approximately 450 acres of the proposed White Cloud Wilderness. The FS manages the other federal lands within the proposed wilderness areas. The Department of the Interior supports the proposed wilderness designations on lands managed by the BLM and would welcome the opportunity to work with the sponsor and the committee on minor boundary modifications to the Jerry Peak Wilderness to improve manageability. We would also like to recommend minor modifications to management language to be consistent with usual wilderness management language. Section 108 releases nearly 80,000 acres of BLM-managed lands in four wilderness study areas (WSAs) from WSA restrictions thereby allowing a full range of multiple uses.

Livestock grazing on the public lands designated as wilderness, and in the surrounding area, is addressed in section 102(e) of the bill. The BLM supports this standard language on the management of livestock grazing on public lands within designated wilderness.

Section 102(e) also establishes the "Boulder White Clouds Grazing Area" on nearly 770,000 acres of public lands administered by the FS and BLM—surrounding and including the three areas designated as wilderness. Under the provisions of this section, ranchers with Federal grazing permits or leases within this area may choose to voluntarily donate their permits or leases to the Secretary of Agriculture or Interior. The Secretaries of Interior and Agriculture are required to accept these donations, and to permanently terminate all grazing on the land covered by the permit or lease. Partial donation and congruent partial termination of grazing is also provided for under this subsection.

Grazing can be a compatible use within wilderness, and there is a long history of legislation accommodating grazing within wilderness designations. However, we also recognize and support the proposal by the Idaho delegation to allow voluntary and permanent reductions in grazing in these unique and environmentally sensitive areas.

Title II of S. 3294 provides for the conveyance, at no cost, of 12 small tracts of public lands to local governments for public purposes. The BLM supports the conveyances of ten individual parcels of BLM-administered lands to local governments, but notes that these conveyances could largely have been accomplished administratively under the Recreation and Public Purposes (R&PP) Act. We defer to the FS on two conveyances of National Forest System lands. As provided in the bill, each of the conveyances of lands managed by the BLM would be for uses consistent with public purposes allowed under the R&PP Act.

The R&PP Act authorizes the Secretary of the Interior to lease or convey public lands at nominal cost for recreational and public purposes, including parks and other facilities benefiting the public. In general, the BLM supports appropriate legislative conveyances if the lands are to be used for purposes consistent with the R&PP Act, and if the conveyance includes a reversionary clause to enforce this requirement.

Among the proposed conveyances of BLM-administered public lands are 10 acres for a fire hall and 80 acres for a waste transfer site to Custer County, and 23 acres to the city of Clayton for a cemetery. The BLM has reviewed each of these conveyances in the bill. We believe they are in the public interest, and support their no-

cost conveyance to the local governments to address local public needs consistent with uses that would be allowed under the R&PP Act.

Conclusion

Thank you for the opportunity to testify in support of S. 3294. We look forward to working cooperatively with members of the Idaho delegation and the committee to protect these significant landscapes and provide important public benefits to local communities.

S. 3313

Thank you for the opportunity to testify on S. 3313, the Sloan Hills Withdrawal Act. S. 3313 would withdraw approximately 640 acres of BLM-administered public land in Clark County, Nevada, from all forms of location, entry, and patent under the mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing or mineral material sales, subject to valid existing rights. The BLM is presently preparing an Environmental Impact Statement (EIS) for two proposed competitive mineral material sales which would result in two open pit limestone quarries in this area, as required by settlement agreements between the BLM and two mining companies. Since the BLM is still in the process of analyzing the proposed sales, we defer taking a position on this legislation. However, if this area is legislatively withdrawn, the BLM would recommend a boundary adjustment to include additional acreage to the withdrawal area.

Background

The Sloan Hills area is located approximately 15 miles south of the City of Las Vegas, and consists of approximately 800 acres of BLM-administered public lands. The area is surrounded by public lands that are within the Southern Nevada Public Land Management Act (SNPLMA) boundary. The SNPLMA allows the BLM to sell land within this disposal boundary and use the sale proceeds to acquire lands elsewhere in Nevada that possess higher natural resource values. When Congress expanded the SNPLMA disposal boundary in 2002 (through PL 107-282), the Sloan Hills area was not included.

The Sloan Hills area has an extensive mineral development history. Separate, but overlapping mining claims were filed on the site almost thirty years ago, with little development occurring until the early 1990s. The two mining claimants in the area subleased their claims to CEMEX (formerly Rinker Materials West, LLC) and Service Rock Products Corp. (Service Rock). CEMEX subsequently filed a mining plan of operations. When the BLM receives a plan of operations for materials that may be common variety minerals and the mining claims were located on or after July 23, 1955, mining operations may not begin until the bureau completes a "common variety determination" to determine whether the materials are locatable under the Mining Law of 1872 (43 CFR 3809.101).

Since the two mining claims overlapped, the BLM completed a common variety determination in 2004 for both sets of claims. The BLM concluded that the claimed materials (limestone and dolomite) were not locatable under the Mining Law of 1872. As a result, the BLM contested the mining claims. The contests were eventually settled, resulting in the BLM agreeing to analyze two competitive mineral materials sales. The settlement agreements do not restrict the BLM's discretion in approving or denying the proposed sales and the sales must comply with all applicable statutes and regulations (43 CFR 3600).

In 2007, the BLM initiated an EIS to analyze the impacts of the two proposed competitive mineral materials sales. If approved, the projects would consist of two open pit limestone quarries that would operate for approximately 20 to 30 years, eventually merging into one open pit. The Draft EIS is planned for release in the summer of 2010, at which time the BLM will solicit public comments on whether it should authorize the proposed sales. The Draft EIS will address potential impacts to: air quality, noise, water resources, and socio-economic conditions. The area surrounding Sloan Hills (located within the SNPLMA disposal boundary) is likely to be developed for housing, commercial, and/or industrial uses during the lifetime of the potential sales contracts. During the Draft EIS scoping process, a number of Henderson, Nevada residents expressed their concerns with the proposed sales.

S. 3313

S. 3313 would withdraw approximately 640 acres of BLM-administered public land in Clark County, Nevada, from all forms of location, entry, and patent under the mining laws, and of disposition under all laws pertaining to mineral and geothermal leasing or mineral material sale subject to valid existing rights.

A withdrawal from the mineral materials laws would prohibit the BLM from selling mineral materials in the Sloan Hills area, and would prohibit any future mineral use of the withdrawn lands, subject to valid existing rights.

The BLM understands the concerns of Senator Reid, the Nevada Congressional delegation, Clark County and the City of Henderson regarding the proposed mineral materials sales and potential operations and associated air quality and noise impacts that would occur in close proximity to many neighborhoods. These and other issues will be considered in the Draft EIS. If this area is legislatively withdrawn, the BLM would recommend expanding the boundary to the entire 800 acres of BLM-administered public lands remaining within the Sloan Hills area that are excluded from the SNPLMA disposal boundary.

Conclusion

Thank you for the opportunity to testify. In accordance with the terms of the settlement agreement, the BLM is in the process of analyzing the proposed sales. Consequently, the BLM defers taking a position on the legislation at this time. The Bureau will continue to actively engage the public through an open and transparent EIS process to analyze the potential environmental impacts of the proposed mineral materials sales unless Congress chooses to legislate this withdrawal.

Senator JOHNSON. Mr. Holtrop.

STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. HOLTROP. Mr. Chairman and members of the subcommittee, thank you for the opportunity to share the Administration's views on the Central Idaho Economic Development and Recreation Act and the Tony Dean Cheyenne River Valley Conservation Act.

The Idaho delegation has been hard at work for many years on the Central Idaho bill and we would like to recognize and applaud their efforts. The current bill is representative of that hard work. I can attest first hand that balancing the many interests and uses of our national forests can be a daunting one. The Idaho delegation has conducted a considerable amount of outreach and has worked collaboratively for a number of years and we appreciate their efforts.

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

The Department of Agriculture supports this bill. We would like to work with the sponsor and subcommittee to address some concerns with the bill.

Title I would add additional areas in Central Idaho to the National Wilderness Preservation System in the Sawtooth and Salmon Challis National Forests to be known as Hemmingway-Boulder Wilderness, the White Clouds Wilderness and the Jerry Peak Wilderness. We support the designation of these wilderness areas. Most of the acres proposed for wilderness designation were recommended in their respective forest plans.

We would, however, like to work with the sponsor and committee on technical issues for the language of Section 102(e)(2) regarding the donation of grazing permits.

Section 201(a) would require the Forest Service to identify an appropriate site within the Sawtooth National Recreation area in the vicinity of the Smiley Creek community on which the Smiley Creek rural fire protection district would construct and use a fire station. We appreciate the flexibility offered under this provision and look

forward to working with the community of Smiley Creek to mutually determine a site that does not impair Sawtooth National Recreation area values.

Section 301 of the bill would provide specific management direction for several trails. In general the Forest Service prefers that the determination of how National Forest System trails will be managed to be determined through land management planning and site specific national Environmental Policy Act processes. That allows us the flexibility to respond to changing user demand and resource issues.

We would also like to work with the committee on some other technical considerations primarily related to the referenced trails, associated maps and proposed boundaries.

Next I would like to address S. 3310. If enacted S. 3310 would establish the first wilderness area designated under the Wilderness Act on national grasslands. The Department supports S. 3310. We thank Senator Johnson for his appreciation of grassland landscapes and his interest in representing them in the National Wilderness Preservation System.

S. 3310 would designate as wilderness three areas within the Buffalo Gap National Grassland in South Dakota comprising about 48,500 acres.

The Indian Creek area has a variety of land forms from the Cheyenne River Valley to Sheep Mountain Table that attract hunters, hikers, horseback riders, birders and others who love exploring rugged terrain of the Great Plains.

The Red Shirt area has striped buttes rising to stunning plateaus. This magnificent landscape provided shelter, food and medicinal plants to the Lakota for centuries.

Chalk Hills is famous as the setting of the movie, Dances with Wolves." Its cedar and juniper canyons, sheer cliffs and grasslands provided refuge for Lakota warriors during the Indian wars at the end of the 19th century.

Most of the proposed Indian Creek wilderness and Red Shirt wilderness areas are recommended for wilderness designation in the forest plan. The proposed Chalk Hills area is not recommended in the forest plan, but its character is consistent with wilderness and we support its designation. We would like to work with the sponsor and committee on some boundary adjustments.

We also support the language in the bill that provides for continued grazing of livestock and maintenance of existing facilities related to grazing.

We also strongly support language that reaffirms the right of Indian tribes to access the proposed wilderness units for tribal activities including spiritual, cultural and food gathering activities.

This concludes my remarks. I would be pleased to answer any questions you might have.

[The prepared statement of Mr. Holtrop follows:]

PREPARED STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman, members of the Committee, thank you for the opportunity to share the Administration's views on S. 3294, the "Central Idaho Economic Development and Recreation Act."

We recognize the Idaho delegation has conducted a considerable amount of outreach and has worked collaboratively for a number of years with an array of communities of interest in the development of this bill, and we applaud their efforts.

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

The Department of Agriculture supports S. 3294. However, we would like to work with the sponsor and subcommittee to address some concerns with the bill.

TITLE I—WILDERNESS DESIGNATIONS

Title I would add additional areas in central Idaho to the National Wilderness Preservation System—110,370 acres in the Sawtooth and Challis National Forests to be known as the "Hemingway—Boulder Wilderness," 90,888 acres in the Sawtooth and Challis National Forests to be known as the "White Clouds Wilderness," and approximately 131,670 acres in the Salmon-Challis National Forest and Challis District of the Bureau of Land Management to be known as the "Jerry Peak Wilderness."

Overall we support the designation of the Hemingway-Boulders, White Clouds and Jerry Peaks Wilderness areas as portrayed on the maps referenced in the bill. Most of the acres proposed for wilderness designation were recommended in their respective forest plans. The areas that were not recommended are either inventoried roadless areas, or their current management direction is compatible with Wilderness designation. The cherry-stem roads and trails are not ideal for wilderness management purposes, and we would like to work with the committee on some proposed adjustments.

Livestock grazing on the public lands designated as wilderness, and in the surrounding area, is addressed in section 102(e) of the bill. The Department of Agriculture supports this standard language on the management of livestock grazing on public lands within designated wilderness. Grazing can be a compatible use within wilderness, and there is a long history of legislation accommodating grazing within wilderness designations. However, we also recognize and support the proposal by the Idaho delegation to allow voluntary and permanent reductions in grazing in the designated areas. We would like to work with the sponsor and committee on technical issues with the language of Section 102 (e) (2) regarding the donation of grazing permits.

TITLE II—LAND CONVEYANCES FOR PUBLIC PURPOSES

For 36 years, the federal government has made a strategic investment of more than $65 million in the Sawtooth NRA for acquisition of scenic or conservation easements to ensure that the purposes for which the NRA was established under Public Law 92-400 are achieved.

Section 201(a) would require the Forest Service to identify an appropriate site within the Sawtooth NRA and in the vicinity of the Smiley Creek community on which the Smiley Creek Rural Fire Protection District could construct and use a fire station. The agency would be authorized to issue a special use authorization for use of the site or, in the alternative, to convey the site to the District without consideration. We appreciate the flexibility offered under this provision, and look forward to working with the community of Smiley Creek to mutually determine a site that does not impair Sawtooth NRA values.

Section 201(b) would require the Forest Service to issue a special use authorization or convey without consideration a parcel of land in Blaine County for use as a school bus turnaround. The bus turnaround can be authorized without the need to convey the land. The Department also does not support the conveyance of land without consideration. This is consistent with the longstanding policy that the United States receives market value for the sale of National Forest Lands.

TITLE III—TRAVEL MANAGEMENT

Section 301 of the bill would provide specific management direction for several trails. Two of the trails, Germania Creek and Frog Loop Lake, provide for motorized use, which is inconsistent with wilderness designation. We appreciate the establishment of the motorized corridor on acres not designated as wilderness. However, this establishes a motorized trail corridor, surrounded by Wilderness.

In general, the Forest Service prefers that the determination of how National Forest System trails will be managed, including types of uses allowed and trail design be determined through land management planning and site-specific National Environmental Policy Act processes. These processes work well because they allow for

public participation, and allow for decision making to be made locally. It also allows us the flexibility to respond to user demand and resource issues.

We would also like to work with the committee on some other technical considerations, primarily related to the referenced trails, associated maps and proposed boundaries.

This concludes my prepared statement on S. 3294. I would be pleased to answer any questions you may have.

S. 3310, TONY DEAN CHEYENNE RIVER VALLEY CONSERVATION ACT OF 2010

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the view of the Department of Agriculture on S. 3310, the "Tony Dean Cheyenne River Valley Conservation Act of 2010". I am Joel Holtrop, Deputy Chief for the National Forest System, United States Forest Service.

Wilderness—the most natural and undisturbed areas in our country—is part of our American heritage. The Forest Service takes great pride in managing these special lands. If enacted, S. 3310 would establish the first wilderness area designated under the Wilderness Act on National Grasslands administered by the Forest Service.

The Department supports S. 3310. We thank Senator Johnson for his appreciation of grassland landscapes, and his interest in representing them in the National Wilderness Preservation System. We would like to offer some minor modifications that would improve our ability to manage resources in the three areas identified in the bill.

Bill Summary

S. 3310 would designate as wilderness three areas within the Buffalo Gap National Grassland in South Dakota comprising about 48,500 acres—Indian Creek, Red Shirt, and Chalk Hills.

The Indian Creek area—about 27,500 acres—has a variety of landforms, from the Cheyenne River Valley to Sheep Mountain Table, that attract hunters, hikers, horseback riders, birders and others who love exploring rugged terrain of the Great Plains.

The Red Shirt area—about 16,000 acres—has striped buttes rising to stunning plateaus. This magnificent landscape provided shelter, food, and medicinal plants to the Lakota for centuries.

Chalk Hills—about 4,500 acres—is famous as the setting of the movie "Dances with Wolves." Its cedar and juniper canyons, sheer cliffs, and grasslands provided refuge for Lakota warriors during the Indian wars at the end of the 19th Century.

Forest Plan Recommendations

Most of the proposed Indian Creek Wilderness and Red Shirt Wilderness areas (except for small piece of Red Shirt) are recommended for wilderness designation in the 2001 Revision of the Land and Resource Management Plan for the Nebraska National Forests and Grasslands (Forest Plan). We would like to discuss with you the 1173 area proposed as Red Shirt Wilderness east of the Highway This smaller portion is separated by the road and does not meet the size criteria typical for wilderness consideration (5,000 acres), although we acknowledge that it could be preserved as wilderness due to physical terrain and natural conditions. The proposed Chalk Hills area is not recommended in the Forest Plan, but its character is consistent with wilderness, and we support its designation.

Suggested Boundary Adjustments

A road easement parallels the Cheyenne River in the northwest corner of the proposed Indian Creek area. To prevent motorized intrusion into the area, we suggest a minor boundary adjustment to exclude the road easement and several structures associated with it.

We would also like to work with the Committee on some minor boundary adjustments for the proposed Chalk Hills area. The adjustments would change the boundary to follow easily identifiable landmarks such as fences rather than un-posted section lines, making the boundaries more manageable and enforceable.

Military Activities

The bill provides for the continuation of aerial military activities in the proposed wilderness areas. Local Forest Service managers and the South Dakota National Guard are working on a memorandum of understanding that will provide for annual coordination and communication regarding overflights. On-the-ground operations are being evaluated for Forest Service authorization outside the proposed wilderness areas.

Prairie Dog Management

Section 4 authorizes the Secretary to continue to manage prairie dog populations. Recent amendments to the Forest Plan provide direction for prairie dog management, including control of prairie dogs encroaching on private lands from national grasslands. Several prairie dog towns within the proposed wilderness units have encroached on private lands and have been treated in the past. We suggest that the term "public lands" be replaced with "lands designated as wilderness by this act" to ensure that the provision only applies to lands designated by S. 3310.

Other Provisions

We support the language in the bill that provides for continued grazing of livestock and maintenance of existing facilities related to grazing. We also strongly support language that reaffirms the right of Indian tribes to access the proposed wilderness units for tribal activities, including spiritual, cultural, and food-gathering activities.

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

Senator JOHNSON. Thank you, Mr. Holtrop. At this point I would enter into the record letters of support for S. 3310 from several organizations including the Black Hills Sportsmen club, the South Dakota Wildlife Federation, the Back Country Hunters and Anglers among other sportsmen and conservation groups.*

Deputy Chief Holtrop, the Forest Service has the authority under the Wilderness Act and the Congressional Grazing Guidelines to manage wilderness lands for fire, insects, disease and invasive species. Can you give an example of this in practice in the Nebraska National Forest?

Mr. HOLTROP. Yes, I can. The importance of the Nebraska National Forest, it is the forest that manages the Buffalo Gap National Grassland. There is a wilderness on the Nebraska National Forest called the Soldier Creek Wilderness which currently has authority for some limited motorized use for grazing management purposes, for some fire suppression activities and for the treatment of invasive species.

Senator JOHNSON. How many acres is in the Nebraska wilderness area?

Mr. HOLTROP. Currently existing? I don't have that information for you. But I'd be happy to get it for you.

Senator JOHNSON. Grazing permits are central to the livelihood of a number of families in this area. Will this legislation allow grazing to continue? How does the Forest Service manage grazing permits and associated activities in the wilderness, for example, in the instance of extreme drought will a permitee be allowed to haul hay to cattle?

Mr. HOLTROP. The way we would manage grazing in designated wilderness is consistent with the grazing guidelines that we have received from Congress and included in that are any existing activities or any existing uses that—if mechanized use is necessary to continue that activity, we would provide it. In specific answer to the question would a permitee be able to bring/haul grass in case of extreme drought? The answer is yes.

Senator JOHNSON. The Nebraska National Forest recently issued a final travel and management plan for the Buffalo Gap National Grasslands. Both Indian Creek and Red Shirt areas remain closed to motorized travel under the plan with the exception of the Indian

* See Appendix II.

Creek Road. The plan also prevents motorized recreation in Chalk Hills.

Is S. 3310 consistent with the Forest Service's view of the best management of these areas? Absent the wilderness designation, could these areas be open to motorized recreation in the future?

Mr. HOLTROP. First of all, our current forest plan direction in the travel management plan is consistent with S. 3310. It would be unlikely that a decision would be made to change, administratively, allowing motorized use in these areas, although that would be something that we would look at over time, again, if administratively that were to be the case. I think the only thing that's different about our current management direction in those three areas in this piece of legislation and the current forest plan direction is the forest plan direction also allows for some—look at oil and gas and mineral activities that this bill would take that out.

Senator JOHNSON. Senator Risch.

Senator RISCH Thank you very much. Very briefly, both of you have complemented—on S. 3294 and as much as we like to take credit for about anything. Let there be no mistake about it, Congressman Simpson is the person who has done—has put in all the hours on this.

He's the one that's worked on it. So we're happy to help out as we can. Once we resolve some of these other issues perhaps we'll be able to move forward.

But I want the record to be very clear that the credit clearly goes to Congressman Simpson. But thank you very much for your kind words.

Mr. ROUNTREE. Thank you.

Mr. HOLTROP. Thank you.

Senator JOHNSON. I will submit Senator Wyden's questions for the record.

Mr. ROUNTREE. Thank you.

Mr. HOLTROP. Thank you, sir.

Senator JOHNSON. The next panel consists of the Honorable Steve Sisolak, Commissioner, Clark County, Las Vegas, Nevada.

Bill Dart, Representative, Idaho Recreation Council of Coeur d'Alene, Idaho.

Rick Johnson, Executive Director, Idaho Conservation League, Boise, Idaho.

Dan O'Brien, Rancher and Lessee of Hermosa, South Dakota.

Scott Edoff, Rancher and land owner of Hermosa, South Dakota.

Your whole statement will be received in the record. But could you please limit yourself to 5 minutes?

Mr. Sisolak.

STATEMENT OF STEVE SISOLAK, COMMISSIONER, BOARD OF COUNTY COMMISSIONERS, CLARK COUNTY, NV

Mr. SISOLAK. Thank you, Mr. Chairman and members of the committee. I am deeply honored to have the opportunity to be here today. I left Las Vegas last night at midnight. We had a commission meeting yesterday afternoon and took the red eye because it was important enough for me and the constituents that I represent in the Anthem area of Henderson.

I'm here regarding S. 3313, the Withdrawal Act of the Sloan Gravel Pit. Senator Reid has introduced a bill with the co-sponsorship of Senator Ensign. There's a cold bill, I guess, on the House side relating to the exact same issue.

I'll just reiterate a little bit. I'm not going to read my testimony word for word. I've been on the other side of the Dias there and I know what it's like. I'm sure you've taken the time to read it. I do appreciate that.

The pit is basically in an area, an island, a county island in the middle of Henderson. What happened is when it was proposed for a pit many, many years ago, over a decade ago, there was no development in the immediate area now. Presently this area of Henderson is home to approximately 15,000 residences. There's plans for 20,000 more residences to be built in the area.

The concern of the individuals that live there, are profound. I've had approximately six neighborhood meetings in the area attended by up to 600 people talking about this issue. One of the things I want to present, the community members have written letters, individual, handwritten letters to the members of this committee that I've submitted to the record and asked to be entered in.

Also, I've got a t-shirt here that I've asked to be delivered to each of your offices. But if you ever do make it down to Clark County, I encourage you to come. We welcome the tourism in Clark County. You'll see these t-shirts all over Henderson that basically say, Stop the Sloan Hills gravel pit." There's over 1,000 of these t-shirts currently being worn in the area of Henderson because the residents are just fearful of what could potentially come.

It's not just the declining home values that they're concerned about. Two of the largest communities out there are senior citizen communities. They're affected by the quality of life that results from the 24 hour a day, 7 day a week for 30 years blasting that would result from this mine.

We're having dwindling water resources at Lake Mead. The lake is dropping precipitously and with the mining operation would necessitate the pouring of thousands of acre feet to the desert to remediate the dust.

I'll conclude by just saying I'm humbled by the confidence that the citizens of Henderson have placed in me to elect me to come forward and represent them on this bill. I'm deeply indebted, as are my constituents, to Senator Reid for proposing this bill. It's definitely a quality of life issue for my residents.

I thank you very much for the time to be here today, the opportunity to present my testimony. I'd be available to answer any questions you might have. Thank you, Mr. Chair.

[The prepared statement of Mr. Sisolak follows:]

PREPARED STATEMENT OF STEVE SISOLAK, COMMISSIONER, BOARD OF COUNTY COMMISSIONERS, CLARK COUNTY, NV

Chairman Wyden, members of the Subcommittee, my name is Commissioner Steve Sisolak and I am here representing the Board of County Commissioners for Clark County, Nevada in support of S. 3313, the Sloan Hills Withdrawal Act introduced by Senator Harry Reid and Senator John Ensign. I want to express appreciation to Senator Reid for his leadership on this important local issue and thank the other members of the Congressional delegation for introducing this bill to withdraw from location, entry, and patent under the federal mining laws, approximately 640 acres located in the Sloan Hills area of my Commission District. The Clark County

Board of County Commissioners has adopted two resolutions with the first on May 19, 2009, opposing the development of the Sloan Hills limestone/gravel mine. Almost a year later on May 18, 2010 we passed a second resolution in support of S. 3313 and H.R. 5219, which is the House version of this Bill.

Within the first few months following my election to the County Commission, I became involved with this issue and immediately started seeking to find a mechanism to stop the development of this limestone/gravel mine being proposed by California-based Service Rock Products (owned by Mitsubishi) and the Mexico-based mining company Cemex on 640 acres of federal land, that is only 2.5 miles from the edge of the large master planned Anthem Community. I soon learned that local government is quite limited in our ability to influence federal land use decisions.

Local residents are right in raising a variety of concerns, including noise and vibration issues, the possibility of aggravating health conditions such as respiratory problems, and air quality problems that would have a negative impact on the quality of life of residents in Southern Nevada. The proposed mining operation, which would involve blasting and crushing rock, would also necessitate the use of Southern Nevada's dwindling water resources to partially dampen dust clouds that contribute to the degradation of the particulate air quality in the valley. In a community that pays people to remove their lawns to conserve water, it makes no sense to allow a commercial mining enterprise to continually spray water on the desert to control dust.

If allowed to proceed, the limestone/gravel mine would operate 24 hours a day, seven days a week, for an estimated 20 to 30 years. Routine mining activities would include blasting and digging with significant surface disturbance and foster a dangerous 24-hour parade of heavy dump trucks to haul away the rock products from the site, which is in close proximity to I-15.

The project was proposed nearly a decade ago, long before 40,000 homes were built in the clean family neighborhoods of Anthem. Protests began in 2007 at the first public meeting on the mines, and residents are remaining committed in their opposition to this project. I have personally participated in at least 6 neighborhood meetings and town halls and have received hundreds of emails, letters and phone calls from constituents who are outraged at living in such close proximity to heavy machinery, explosives, and potentially toxic dust. These residents uniformly say the mine would threaten both their quality of life and the value of homes that have already lost as much as 50 percent in value due to the recession. I am vehemently opposed to the mine as are the constituents I represent who have voiced their opposition to this in many ways, including over 1,000 of these T-shirts being touted. I have ensured each of your offices has received one of these T-shirts and have extras here as a reminder of how strong local opposition is.

The Sun City Anthem, senior living community where 12,000 people live formed a five-member committee opposing the project and has collected over 6,000 signatures on a petition against the mine. The committee has also enlisted the help of the boards of directors at other communities such as the Anthem Highlands, Anthem Country Club, Inspirada and Madeira Canyon.

During the EIS process for the proposed mine, the BLM has received thousands of petition signatures and at least 1,000 individual letters opposing the mine. Originally the draft environmental study was scheduled to be completed this year, but now the target date is June 2010. Unless S. 3313 is enacted to stop the process, the draft environmental-impact study will soon be published and once public input on the document is received, the final decision approving the mine is scheduled to be made by the BLM in May of 2011, just a year from now.

Finally, I want to raise another significant concern with the project and its potential to adversely impact the Sloan Canyon National Conservation Area, which contains valuable petroglyphs believed to be thousands of years old and which is located just five miles to the south and east of the mine site. The Federal law which created this NCA requires the BLM to "conserve, protect, enhance and manage" conservation areas "for the benefit and enjoyment of present and future generations." S. 3313 will insure that this occurs by removing the threatened impacts from a nearby mining operation. I thank you for allowing me to testify today and strongly urge you to approve S. 3313 to stop the development of the Sloan Hills Limestone and Gravel mine.

Thank you.

Senator JOHNSON. Would Harry Reid care to make a statement?

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

Senator REID Yes, allow me to do so. If you don't mind I'll just stay here.

Mr. Chairman, members of the committee, my friend, Steve Sisolak, I appreciate your allowing me to talk and kind of out of order.

The 2 of you can see this. This is a picture of where they want to put the gravel pit which is right here. Here is the homes that we're really worried about. But next to it is something that I also want you both to take a look at.

One of the things that I did legislatively is create a conservation area called Sloan Canyon. It is a remarkable place. It's closer than the homes. It is a place that Indians have been writing on those canyon walls for more than 1,000 years.

But for me one of the most interesting things is that some of you know I wrote a book on the history of Searchlight, where I was born and raised. In one of the chapters in that book which is—someday I'd like to do a whole book on it, is about an Indian by the name of Queo. Queo—I won't go into a lot of detail, but Queo was a renegade Indian, killed probably as many as 22 people.

As I talk about in my book the first person he killed, my grandmother and grandfather were working a mine. They were in a horse and buggy. They saw a man walking to them carrying a 30/30 rifle. They knew him as Queo. They said hello and he went and walked toward the river.

That was the first person he killed up at a place we call Timber Mountain. The reason I go into this long story with you is when I went to look at Sloan Canyon they had one of the archeologist from the BLM. He said, you know, we've done some study here. We think one of the places that Queo hid out was right here because some of the writing here is new.

That's so interesting to me because he was the largest man hunts in the history of the State of Nevada were trying to get this man. He never rode in a car. He never rode on a horse. He walked with a distinct limp. They tried everything in the world to catch him and they couldn't catch him. But anyway, you want to learn more, read my book.

[Laughter.]

Senator REID. But my point is we can't let this gravel pit go in here. If we didn't have these thousands of people living next door. We should do it just to protect those petroglyps.

It's unbelievable. We can't have dirt spewing into that. It's a very sensitive area.

For the people that live there this is awful. This is—and frankly this is one of the few areas in Nevada because we've been hit so hard with the economic downturn, with foreclosures. This is an area, as Commissioner Sisolak will indicate, has held its value pretty well. These homes have held their value really well. To put in this gravel pit is just the wrong thing to do.

Thousands of people, who live there have said, don't do this to us. I'm from the desert. We've got gravel pits all over. We don't need another one right in a residential area.

I think that this would be a place—they want to place a major round the clock gravel mine next to existing, growing neighborhoods in Henderson. That would just not be the right thing to do. I hope this committee will act favorably on our legislation.

I missed Senator Ensign. But I'm sure his testimony was good. I really appreciate Commissioner Sisolak.

Members, thank you very much for allowing me to be here today.

Senator JOHNSON. Thank you.

Senator Risch.

Senator RISCH. Thank you. I wonder if Senator Reid would yield to an inquiry.

Senator REID. Of course.

Senator RISCH. You gave me this map. I'm quite familiar with the topographic maps. We occasionally have a section that a little out of whack in Idaho. But looking at these section lines it appears to me your surveyors were over indulging in adult beverages when they were setting up these lines.

These sections don't seem to be quite square. Can you explain that, Senator?

Senator REID. Only thing I say in defense of that is I didn't do it.

[Laughter.]

Senator REID. We'll be happy to get you one that's more in keeping with your geographic demand.

[Laughter.]

Senator REID. But I really don't know. I had trouble becoming eligible for football. I remember going to Mr. Galanger. I said, Mr. Galanger, if you give me that D, I'm not going to be able to play football. So my math skills are severely limited.

Now by the way, he did give me a C. I probably didn't deserve it. So——

Senator RISCH. I don't know kind of math skills you need to run a straight line.

Senator REID. But what I did learn in his class the shortest distance between 2 points is a straight line.

Senator RISCH. That's good. You should play football.

Senator JOHNSON. But——

Senator REID. But we'll try to get you a better map. Ok?

Senator JOHNSON. Thank you, Senator Reid.

Mr. Dart is next.

STATEMENT OF BILL DART, REPRESENTATIVE, IDAHO RECREATION COUNCIL

Mr. DART. Thank you, Mr. Chairman, members of the subcommittee. I'm really pleased to be able to come to Washington and speak on an issue of vital importance. My name is Bill Dart. I'm speaking as a Representative of the Idaho Recreation Council. We're a group of—a coalition of a variety of motorized and non-motorized trail recreation folks including back country equestrians, mountain bikers, trail bike riders, snowmobilers, back country boaters and back country pilots.

First off, we really don't think that the CIEDRA bill is necessary in that this area is already a National Recreation Area, permanently protected from logging or mining or major development. But

given that, you know, it's—we do very much appreciate the efforts of Congressman Simpson to try to work collaboratively with the local community and various interest groups to craft a bill that was palatable to everyone even though we may not agree with all the elements of it. It was a lot—a better bill than in the past.

Unfortunately today we have an entirely new CIEDRA. The bill has been dramatically changed. It's been stripped of most of the collaborative and comprised language. Now I'd like to call this the Central Idaho Economic and Recreation Reduction Act and not an improvement or increase in recreation or development.

Some of the elements that were stripped out include as part of a balance for giving up some of the areas that are currently open to motorized use. There was permanent protection language for the existing motorized trails that would be outside of the wilderness boundary, but within the Sawtooth National Recreation Area indicating it was Congress' intent that those remain motorized trails in perpetuity. Should there ever be a compelling reason to close those trails for resource damage issues reasons or whatever that that be mitigated with replacement trails of equal quality and quantity.

Additionally there were 2 corridor trails through there that Congressman Simpson referenced to, the Germania Creek Trail and the Frog Lake Loop. The Germania Creek Trail has been watered down somewhat in that it now allows temporary closures of that trail for non-motorized purposes. We don't understand why that would be necessary. If there was a permit issued for a horse event or running event or those kinds of things the Forest Service has Administrative tools to do a temporary closure.

The other trail is left as a corridor, but it specifically states that it's just because it is a corridor in a wilderness that it's still left to the discretion of the Secretary of Agriculture whether that remains motorized or not. You know, one of the attractions of the compromise efforts that Congressman Simpson did was that we would settle these questions once and for all. Unfortunately this leaves it wide open.

We will be having to deal with this again and again with groups who are not thrilled with motorized recreation. As we speak the Idaho Conservation League is in litigation with the adjacent forest because of their travel plan has left open most of the trails that have been historically open. We can expect those same kind of challenges in the future in the Boulder/White Clouds.

The bill also did have some other enticements for the recreation community. There was an Owyhee park land transfer near Boise. There was a million dollars for development of that park. That's all been stripped out.

The economic development elements, while there's still some land transfers the original plan was for land transfers for development purposes to help the county build its very small tax base and to try to bring some jobs. Today that county already has the largest wilderness in the lower 48 states in it. Yet it's one of the poorest counties in the State. With over 87 percent public lands there's very little opportunity for expansion of their tax base or economics in that county.

So anyway, we also, you know, we question why that this bill has been changed. You know, our Honorable Senator Reid here, just recently had a public lands bill in Nevada with collaboration language in it that included the Silver State OHV trail. Senator Feinstein has got a new desert wilderness bill in process right now that includes permanent protections for five major OHV areas in the California desert also language to mandate expansion studies to expand those areas and also to allow for the first time, use of non-street legal off-high vehicles in a national monument.

All of those types of things that were originally talked about have been stripped out from CIEDRA today. CIEDRA today is opposed by over 75 percent of the residents of Custer County. That doesn't sound like a bottom/up type of bill anymore.

The majority of voters in Idaho have opposed this bill. We think that we can agree that this is a beautiful landscape that needs to be kept looking as it does today. But we think that the National Recreation Area designation already enacted by Congress already does that job while still allowing recreation of a variety of types to occur.

Thank you very much. I'll be glad to answer any questions.

[The prepared statement of Mr. Dart follows:]

PREPARED STATEMENT OF BILL DART, REPRESENTATIVE, IDAHO RECREATION COUNCIL

Mr. Chairman, and Members of the Committee,

Thank You for this opportunity to testify on S-3294, the Central Idaho Economic Development and Recreation Act (CIEDRA). This legislation is urgently important to many Idahoans and citizens from around the country who enjoy these lands today, but will be denied access if this legislation is approved.

I am speaking today on behalf of the Idaho Recreation Council, a coalition of both motorized and non-motorized recreation groups that includes back country equestrians, mountain bikers, motorized trail bike riders, snowmobilers, and back country pilots. While we use different means to access and recreate on Idaho public lands, we all have a common bond, and that bond is our love for Idaho's public lands that we all cherish and enjoy. We can also agree with Wilderness advocates that the lands in question, the Boulder and White Cloud Mountains, are very special and none of us wants to see these lands developed or the landscape altered.

This is not the first time that these lands have been proposed for Wilderness designation. Back in the early 70's, proposals for a large scale molybdenum mine led to a Wilderness proposal. At the same time, the nearby Sawtooth Mountains Primitive Area was also proposed for Wilderness designation. As a result, in 1972 the Sawtooths were designated as Wilderness and a compromise was struck for Boulder/White Clouds that created the Sawtooth National Recreation Area (SNRA). As a National Recreation Area, the land is permanently protected from landscape altering development, much like a Wilderness designation, but a much more diverse range of recreation activities is allowed in a managed setting, including mountain biking, snowmobiling, and motorized trail bike riding. Additionally, the Forest Service and the Bureau of Land Management (BLM) have more management flexibility to protect resources and maintain trails within a National Recreation Area than the very limited options they have within a Wilderness.

So, our first major point is that this legislation is NOT necessary to protect and preserve the Boulder/White Clouds landscape; it is already very well protected and has been for 38 years now. Not only are the public land protected, private lands in the Stanley Basin within the SNRA are strictly limited regarding development, and Conservation Easements have been purchased to preserve the landscape as it is today. If this area is designated Wilderness the primary recreation users of the area will be excluded and the Forest Service and the BLM will lose most of their management options to protect resources and recreation opportunities.

Of all of the recreation visitors to National Forests, less than 3% ever visit a Wilderness area. For this tiny percentage of the public who prefer to recreate in areas where mountain bikes, motorized trails bikes and snowmobiles are excluded, their needs are more than adequately served already. Besides the 217,000 acre Sawtooth Wilderness that is right across the valley, immediately to the north is the largest

Wilderness in the lower 48 states, the 2.3 Million acre Frank Church/River of No Return Wilderness. Contiguous to that and separated by only a single dirt road is the 1.3 Million acre Selway/Bitterroot Wilderness. Adjacent to both of these vast Wildernesses is the 206,000 acre Gospel Hump Wilderness. Additionally, within proposed Boulder/White Clouds Wilderness, most of the land base is already closed to summer motorized uses and has been since the SNRA was created in 1972.

While this is the first time CIEDRA has been introduced in the Senate, the concept was first introduced in the House of Representatives by Congressman Simpson back in 2002 under the same name, and subsequently re-introduced with the same language in every legislative session since then. We will give Congressman Simpson credit for trying very hard to reach a broad consensus with his proposal and attempting to satisfy the concerns of recreational interests, local residents, and county and city governments, as well as Wilderness advocates, hence the title of the original bill, the Central Idaho ECONOMIC DEVELOPMENT and RECREATION Act. Regarding economic development, Custer County, where CIEDRA is located, is one of the poorest in Idaho. Over 87% of the land in Custer County is public land, with little opportunity for economic development to increase the local tax base or bring in new employment opportunities. Most of the County's young people find no future there and move away. To solve this serious problem, the original CIEDRA language included public land transfers to the cities of Stanley, Clayton, Challis, Mackay and Custer County that were earmarked for development purposes. Additionally, grants in the amount of $5,100,000 were included to spur economic development.

Regarding recreation, the other key component in the bill title, the bill included language to preserve the motorized and mechanized recreation opportunities that are within the SNRA but outside the proposed Wilderness boundaries. Congressman Simpson stated he wanted to settle the debate once and for all about what kinds of recreation would be allowed within the SNRA, and language was included to state that it was the intent of Congress that trails outside of the Wilderness boundary would remain motorized/mechanized in perpetuity, and should a valid reason ever arise to close any of the trails, new replacement trails would be constructed to replace those closed. Additionally, the bill provided for a 1,000 acre land transfer to Idaho Department of Parks and Recreation to create a new OHV park near Boise, plus an authorization for appropriation of $1,000,000 to develop and manage it.

To the dismay of everyone involved in the compromise discussions with Congressman Simpson, almost all of the collaborative language that was written into earlier versions of CIEDRA has been stripped out of S-3294, as well as the companion House bill, H.R 5205. When this bill was first proposed by Congressman Simpson, many of us were concerned that the compromise language written into the bill would disappear during the legislative process. Congressman Simpson promised many of us who participated in the negotiations that he would withdraw the bill rather than allow it to be passed without the compromise language. Apparently, however, Congressman Simpson has allowed the majority staff to delete the compromise language and then persuaded his Idaho Senate colleagues to introduce a similar bill.

The title, CIEDRA, of this latest incarnation of the bill is truly disingenuous and represents what I call "DC Doublespeak", a name that says one thing but in reality is something entirely different. In my opinion, this bill should be renamed the "Central Idaho Economic and Recreation Reduction Act, since this is what will actually occur if this legislation is becomes law. It is this kind of dishonesty that has led to the highest levels of public dissatisfaction with Congress that this country has ever witnessed and has already led to the rejection of many incumbents in special elections and primaries. I am one of the many voters in this country are fed up with the "business as usual" that CIEDRA typifies.

ECONOMIC DEVELOPMENT ISSUES

I will explain why we think the current version of CIEDRA is disingenuous in regard to economic development:

- Land Transfers to Custer County and the cities of Stanley, Challis, Clayton and Mackay that were included in the original CIEDRA for economic development purposes have been eliminated, and the smaller land transfers that remain can only be used for municipal purposes. When no longer needed for those purposes, the land reverts to the Federal Government. Instead of land transfers, some uses are to be authorized under special use permits, something that could be done administratively without CIEDRA. Of course, lacking a bigger tax base and new employment opportunities, it will be difficult for local government to develop and maintain any new municipal facilities.

- Grants for $5,100,000 to Custer County and the local cities for economic development purposes have been stripped out of the bill.
- The bill will ultimately result in removing several ranchers from grazing permits on public lands and permanently retire all of those grazing permits. Ranching is one of the major economic engines in Custer County, and it will be reduced

The net result is a reduction in local industry and no new opportunities for economic development. How can the title of "Economic Development Act" not be disingenuous?

RECREATION ISSUES

As for Recreation, here are the reasons why this bill will severely reduce recreation, not enhance or increase it:

- Mountain biking is very popular within the SNRA outside of the existing Sawtooth Wilderness. Mountain biker and motorized trail biker riders compose the majority of summer trail use, with the exception of two trails, a short segment from the end of Fourth of July Creek Road to Fourth of July and Washington lake Trail. Some 37 trails (see attachment A),* the majority of trails used by mountain bikers today, are located within the proposed Wildernesses and will be closed to them. This is the majority of trails in the SNRA and adjacent lands. How can closing the majority of trails used by the majority of mountain biking recreation visitors enhance recreation? Remember, only 3% of National Forest recreation visitors every go into a Wilderness.
- Although small in number, the 11 trails in the SNRA open to motorized trail bike use (see attachment A) are vitally important to the recreationists who use them. Motorized trail bike riders are the predominant users of all of the trails open to them. When trails are closed to motorbike use, there is also a significant loss of trail maintenance capability and funding. The Idaho Department of Parks and Recreation (IDPR) provides Trail Ranger crews at no cost to the Forest Service to maintain motorized trails each year. Additionally, Off-Highway Vehicle Grant funds are available for major trail work, such as the OHV Grant funded reconstruction work underway today to re-align and re-construct Big Casino and Little Casino Trails. Motorbike volunteers also clear many trails every year. Due to significant number of bark beetle killed trees in the area, plus the results of a major fire 3 years ago, every time the wind blows more trees fall down. The trails need constant clearing to keep them open.
  How does closing the majority of trails open to motorbike recreation visitors, along with losing OHV grant funding opportunities and the free services of IDPR Trail Ranger crews enhance recreation opportunities?
- The other major recreation visitor group that currently uses lands within the CIEDRA boundaries is snowmobilers. The White Cloud Mountains in particular, but also the Boulder Mountains, have some of the very best mountain snowmobiling in not only Idaho, but the western United States. Motorized-non-motorized conflicts between winter users within the lands affected by CIEDRA are also almost non-existent. The best terrain for snowmobiling is over 15 miles from plowed roads, far beyond the capabilities of all but a handful of extremely fit cross county skiers.

So, we have a supposed "Recreation Act" that closes the majority of mountain bike and motorbike trails within the CIEDRA boundaries, closes tens of thousands of acres to snowmobilers, and leaves them open only to the very smallest recreation visitor segment. How can this "Recreation Act" title not be disingenuous?

RECREATION ECONOMICS

Recreation is a key economic engine for the region, including the town of Challis and especially for the town of Stanley. Not only will CIEDRA reduce recreation opportunities, it targets its reductions at motorized recreation, the segment of the recreation community that spends the most money in local communities, far more than most Wilderness recreationists. Snowmobilers are at the top of the list of "big spenders" Not only do they spend a lot of money on their equipment, they spend far more on lodging, meals, and fuel than other recreation visitors. It is too cold to camp out, or even stay in RV's in Stanley, which is often one of the coldest places in the lower 48 states. Without snowmobiling, Stanley would close virtually all of its businesses by late October, and stay closed until June.

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*Attachments A and B have been retained in subcommittee files.

Motorbike riders also spend a lot of money in the local community. Typically, they go on day rides and are back in town or at camp at the end of each day. They spend a lot of money on equipment, but also on food, lodging, and fuel.

Mountain bikers are also largely day riders who are back in town each evening; they too spend money in town.

At the bottom of the list are Wilderness hikers. They typically come to town with a backpack full of freeze dried food they bought before they came to the area, go into the Wilderness for one or more days, and maybe buy a meal and a tank of gas on their way out of town.

RECREATION ENHANCEMENT/PROTECTION LANGUAGE FROM ORIGINAL CIEDRA STRIPPED OUT OF S-3294

The Senate version of CIEDRA, S-3294, bears little resemblance to the original House version of the bill introduced by Congressman Mike Simpson and resulting from his collaborative efforts. In Attachment B I have shown the original language, introduced as recently as the 110th session. I have highlighted in red the language that is important to the Idaho Recreation Council, and show in bold the sections of critical importance.

CLOSING SUMMARY

As I have documented, S-3294 does NOT enhance Economic Development, and in fact will reduce economic activities. S-3294 does NOT enhance recreation, but instead, dramatically reduces recreation opportunities. S-3294 does NOT settle the question of long term motorized and mechanized recreation within the SNRA, but instead gives it NO PROTECTION AT ALL! It will instead encourage Wilderness advocacy groups to continue to push for the total elimination of motorized/mechanized recreation within the SNRA.

S-3294 renders meaningless the collaborative process that Senators Crapo and Risch have used in their own public lands legislation and policy development, as exemplified in Senator Crapo's Owyhee Initiative and Senator Risch's development of a Forest Service Roadless Lands Policy for the state of Idaho. S-3294 has been gutted of all of the collaborative and compromise language and is now a purely "Winner Take All" Wilderness bill. This is NOT the way to develop public land legislation. It is NOT the way Senator Reid developed his Nevada public lands bills. It is NOT the way Senator Bennet developed his Washington County, Utah Wilderness bill. It is NOT the way Senator Feinstein developed her California Desert Wilderness and National Monument bill.

Do our Idaho Senators want to be known for rejecting collaboration with Idaho residents in development of public lands policy, and letting Nevada and California Democrat Senators do a better job at collaborating with their constituents? Do our Idaho Senators want to allow DC Majority staff members re-write Idaho legislation and reject years of collaboration and compromise? Do they want to lock out the people who use and love these lands for the benefit of Wilderness advocacy groups who will never have enough Wildernesses? Already, these groups are developing multiple new Wilderness proposals to lock up even more Idaho public lands from recreationists and any chance of multiple uses to sustain rural communities like Custer County. How much credibility will these Senators have with on-going collaborative efforts, such as the Clearwater Collaborative Group? Will we ever be able to trust them again?

Instead, it is time to reject disingenuous, no compromise legislation. It is not the time to push through a "DC Doublespeak" bill that is NOT supported by most Idaho voters. I urge you to reject this bill as written, and re-examine the basic premise of whether these lands that are already protected from mining, logging, and development need further protection. Is it necessary to lock out the people who are the majority of visitors to them today, visitors that care deeply about these lands and visit them with reverence for their natural wonders? It IS time to JUST SAY NO to locking up hundreds of thousands of acres for the exclusive use of a tiny minority of people who are always clamoring for more and more. These are our OUR PUBLIC LANDS, not lands just for a few.

Thank You for taking the time to listen to our concerns.

Senator JOHNSON. Mr. Johnson.

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

Mr. JOHNSON. Mr. Chairman and members of the committee I thank you for the opportunity to appear here today. My name is Rick Johnson. I'm the Executive Director of the Idaho Conservation League.

From the beginning this legislation was crafted to address a variety of interests. The bill now sponsored by the entire delegation has had significant bipartisan involvement in getting to this point. It is supported by the resort oriented Blaine County and rural and agricultural Custer County as well as editorials across the State.

The Boulder/White Clouds are dramatic mountain ranges with soaring peaks and glittering lakes. The proposal contains headwaters of four rivers and habitat for a diversity of species. It includes both summer and winter range for wildlife and access points for all forms of recreation. It is a proposal we strongly support.

That said, some of the boundaries in the proposal have given us pause. Why? Because of the extraordinary measures that have been taken to provide motorized access recreation access.

Places long recommended by the U.S. Forest Service for wilderness will now be providing snowmobile access. Trails we believe should become wilderness will provide trail machine access for all time. While these boundary and language concessions have troubled our organization. We support the now because balance is how collaborative conservation moves forward.

The bill and related measures contain a set of economic provisions. A total of $6 million would be provided for economic development through independent appropriation measures. Some of that money has already been received.

The bill also authorizes conveyances for public lands—for Federal lands to Blaine and Custer Counties and affected towns for public purposes.

The bill authorizes assistance to ranchers in the Boulder/White Clouds region. Under the legislation the Forest Service is authorized to accept and permanently retire grazing permits and leases that are voluntarily donated by the ranchers. Up to $3 million of private funds have already been lined up for this purpose.

So what happens when the Idaho public hears the details of such a proposal? When the public hears it fairly represented, and that's a key point, they support the bill by a margin of 2 to 1. One of the most respected pollsters in the region just examined this issue. Every major component of the bill have 57 percent support by the Idaho public or more.

It is good legislation. It should pass. Is the bill perfect? Of course not, but what is that comes through the U.S. Congress. It is good legislation and should pass.

The Idaho's Governor has recently provided a set of issues that I think we'll be talking about. Some of those are policy issues that should be on the table. Some are ideological issues that deal with State verses Federal control. They've been with our State in our debates since we were a territory. We will not settle those here today.

Those conditions notwithstanding they do not take away from the incredible amount of work that went into crafting this bill. This bill is the product of a decade of collaborative conservation. This

bill reflects years of bridge building. Having built the bridge, I believe it is time for us to cross it.

Our support for this bill has drawn painful opposition from the left. More recently the Idaho delegation, who all sponsor this bill, have been opposed by the right. Today our challenge is to rise above that and represent the true majority who sit squarely in the center, the center that wants to see collaborative conservation move forward in the West.

I'd like to offer my thanks to Senator Jim Risch on the committee for your sponsorship of this bill. Together we have worked on collaborative conservation measures before including the Idaho Roadless Rule. We have more work to do in that endeavor.

I offer my thanks to Senator Mike Crapo for his leadership. We too, have traveled this path of collaborative conservation on the Owyhee Canyon lands.

It's also important to recognize that the collaborative work that we have been a leader of in the State of Idaho and have gotten some accolades here today for, began with this work here in the Boulder/White Clouds. It is this work that is most being watched by other folks around the country to see if we really are crafting a new way to advance conservation in the West.

Finally I'd like to thank Representative Mike Simpson. Long ago he said, "If this were easy it would have been done by now." It has not been easy. But together we have come a long way.

Now is the time for Idaho to step forward and demonstrate to the country how we are leading the effort to advance common sense conservation, collaborative solutions to public land management in the American West. I thank you for the opportunity to speak today. I look forward to the questions.

[The prepared statement of Mr. Johnson follows:]

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

Mr. Chairman and Members of the Committee, thank you for the opportunity to appear today. My name is Rick Johnson and I am the executive director of the Idaho Conservation League. I ask that these comments be included in the hearing record.

The Idaho Conservation League was founded in 1973 and our mission is to protect Idaho's clean air and water, wilderness, and the outdoor values that provide Idaho its extraordinary quality of life.

The Idaho Conservation League strongly supports this legislation and we have worked with members of the Idaho congressional delegation, particularly, Rep. Mike Simpson, to advance various forms of this measure for nearly a decade. I personally have worked to protect this area for over 25 years. I have been the executive director of the Idaho Conservation League for the past 15 years and our organization has worked with every member of the Idaho congressional delegation to craft common sense solutions on a variety of conservation measures over many years.

The Idaho Conservation League's strategic approach to conservation has evolved over time, and across a broad portfolio of work, we have become Idaho's leading voice for conservation. Our work in the Boulder-White Clouds initiative has been a major catalyst to our development of collaborative approaches to conservation on issues ranging from energy, mercury pollution, mining, engagement with major businesses already in or seeking to locate in Idaho, open space protection, and what brings us here today: public land protection.

Our work with members of the Idaho delegation to create Idaho-based solutions for federal lands in Idaho has not always been popular, but we've learned that leadership is about doing what is right for the land and people. Here in the Boulder-White Clouds, some of our allies and friends believe we have compromised too much. This has been expressed over the years in local forums and congressional forums such as this. In recent weeks, the right flank has been criticizing the Idaho delegation, all of whom are sponsors of this bill.

The stature of our nation is not shaped by shrill voices from the left or the right. The stature of our nation rests on the shoulders of increasingly frustrated hard-working people who stand squarely in the center, people who are tired of politics of polarization and seek common sense solutions built from good ideas crafted from various interests and points of view. They seek balance. And they seek progress.

This legislation is the culmination of a long attempt to provide that for a special part of Idaho.

The Central Idaho Economic Development and Recreation Act (CIEDRA) is commonsense conservation that protects a great part of the American West, yet does so by incorporating the needs of people who live and work around the affected landscape.

This bill was written by building bridges. This legislation has been before the U.S. Congress for many years. It is based on compromise, collaboration, and good faith negotiations concluded with handshakes, all values and actions we see too little of today. It is time for the Idaho congressional delegation to affirmatively join with your colleagues and cross the bridge we have built together, demonstrating that Idaho can continue to be a leader in spanning the gulf that often separates federal land management with the daily concerns of the people who live there.

This is not a perfect bill. But it is a good bill. It should pass and now is the time.

BACKGROUND

Before the late 1960s few people knew anything about the Boulder-White Cloud Mountains of Central Idaho. That began to change in 1968. The American Smelting and Refining Company proposed an open-pit molybdenum mine at the base of Castle Peak—an aptly named monolith that rises well above the surrounding peaks in the center of the White Clouds. The mining industry had never faced any considerable opposition in Idaho. In fact, the contribution of the industry to the state's economy is recognized in Idaho's nickname, "The Gem State."

The proposed mine ignited a controversy that the mining industry had never encountered in Idaho before. When the state endorsed the proposed mine, the Director of the Idaho Department of Parks board, Ernest Day, resigned his post. His aerial photos of Castle Peak helped to illustrate to the public where the proposed open pit mine would be located right at the foot of Castle Peak.

Coincidently a young Cecil Andrus was running for governor. Andrus took the position that this very special part of Central Idaho was too important to sacrifice. In 1970, Andrus won the election largely because of the stance that he took on the need to preserve the Boulder-White Clouds.

Two years later Senator Frank Church successfully moved legislation through Congress to designate the Sawtooth National Recreation Area and Wilderness. The national recreation area withdrew the area surrounding Castle Peak from mining but punted on the issue of wilderness designation for the Boulder-White Clouds, leaving the decision to a future Congress by directing the Forest Service to study the area for possible future wilderness designation.

PUBLIC SUPPORT

Before I get into details of the bill, I would like to set some context regarding where the citizens of Idaho are when it comes to this legislation. A lot of folks suggest they know what the public thinks when they are seeking to influence public policy. While I do not suggest that public opinion alone should set the direction of legislation, we have recently seen advertising against this bill include creative use of public opinion research.

The Idaho Conservation League just commissioned a public opinion poll regarding the Boulder-White Clouds. The poll was in the field statewide in Idaho June 4 and 5 with a sample of 400 voters. Our long-time pollster is Bob Moore of Moore Information, a firm that has long worked in Idaho for top-tier business and political clients and is currently working with various Republican office holders in Idaho. I believe I am on firm ground when I say Moore Information is one of the most respected gauges of public opinion working in Idaho. We assiduously worked to ensure the polling instrument was fair.

In Bob Moore's words:

> After respondents hear a summary of the bill, it is favored by a two-to-one margin (59-30%). There is consensus support throughout the state among most voter subgroups. Most widely supportive are Democrats (79-13%), but there is majority support among Independents (57-30%) and plurality support among GOP voters as well (50-41%). Snowmobilers (8% of the voting population) are the only subgroup who opposes the bill. Dirt bike,

motorcycle riders and off-road vehicle users are divided in their opinions and a majority of hunting and fishing enthusiasts are supportive.

In addition to exploring overall support for CIEDRA we also asked about five of the bill's specific components. All five generate 57% support or higher as shown by the following table.

CIEDRA elements	Favor	Don't know	Oppose	Net favor
Most motorized trails in the area would be managed exactly as they are today. One trail would be closed to motorized use and other trails would be remain open and accessible for motorized use (Q12)	66%	11%	23%	+43%
The bill would transfer some federal lands and monies to local governments to support public services and would facilitate economic development in the area (Q11)	62%	12%	26%	+36%
About 330,000 acres of public lands would be designated wilderness. This wilderness designation means the area would remain open to livestock grazing and most types of recreation, including hunting, camping, horseback riding and fishing, but new roads, mining, drilling, mountain biking, and recreational off-road vehicles would be prohibited (Q10)	58%	7%	35%	+23%
The bill was introduced and is supported by every member of Idaho's Congressional delegation (Q14)	57%	20%	23%	+34%
Traditional uses, such as livestock grazing, will be allowed, ranchers who wish to voluntarily sell their public grazing allotments could be bought out with non-government funds (Q13)	57%	14%	29%	+28%

In addition to the overall public support demonstrated by this poll, the collaborative efforts to address longstanding public land issues in this landscape, including wilderness designation, are supported by prominent Idaho leaders from both political parties, including Cecil Andrus (D), former Governor of Idaho and Former Secretary of the Department of Interior, James McClure (R), former Idaho U.S. Senator and past chairman of this committee, and Bethine Church, wife of the late Frank Church, former Idaho U.S. Senator and one of the great conservation advocates to have served in the Senate.

More than 150 Idaho businesses support Congressman Simpson's efforts to protect the Boulder-White Clouds area as wilderness.

The two affected counties, Blaine and Custer, as well as most of the affected city and town governments, have passed resolutions supporting Boulder-White Clouds wilderness, economic and recreation protection legislation.

Although the timber industry has not formally endorsed CIEDRA, representatives for timber interests have said they have no interest in a timber harvest in the Boulder-White Clouds area due to the small amount of timber resources in comparison to extraction costs.

WILDERNESS DESIGNATIONS

The Central Idaho Economic Development and Recreation Act would bring closure to the Boulder-White Clouds wilderness debate that has lingered since 1972. S. 3294 would designate approximately 332,775 acres of wilderness in the Boulder-White Clouds, including the proposed White Clouds, Hemingway-Boulders and Jerry Peak Wilderness Areas. These important designations would protect 150 peaks over 10,000 feet in elevation, headwaters of four Idaho rivers, spawning beds for salmon, habitat for wildlife and backcountry destinations for hikers, hunters, anglers, campers and generations of Americans to come.

CIEDRA would repeal the wilderness study area provision for the Boulder-White Clouds that has remained unresolved since 1972. Similarly, S. 3294 will resolve the

impasse over four Bureau of Land Management wilderness study areas. This legislation will release the entire Corral-Horse Basin Wilderness Study Area and portions of the Jerry Peak, Jerry Peak West and Boulder Creek Wilderness Study Areas for multiple use management.

If Congress passes this legislation, 51,100 acres of Forest Service lands currently recommended for wilderness designation in the Sawtooth National Forest Land and Resource Management Plan will not be designated as Wilderness. Nearly 80,500 acres of wilderness study areas managed by the Bureau of Land Management will be released for multiple use management. This is a combined total of 131,500 acres of public lands in Central Idaho that are currently managed as de facto Wilderness that will no longer be studied for wilderness designation.

The Idaho Conservation League believes that many of these eligible yet not included areas exemplify extraordinary wilderness character and, to be candid, this has given us pause.

Why? Because these areas were not proposed for wilderness in the extraordinary measures the bill sponsors took to provide access for motorized recreation. Places long recommended by the U.S. Forest Service for wilderness were left out to provide snowmobile access. Trails we believe should become wilderness were left out to provide trail machine access for all time.

While these boundary and language concessions have troubled our organization, we support them because balance among stakeholders is how collaborative and successful legislation moves forward.

Across this landscape Rep. Mike Simpson has worked hard on many levels, and one was to make us understand that many interests are involved in the Boulder-White Clouds proposal and if the Idaho Conservation League wants to see progress and lasting success, we have to not only accept needs of others, we ultimately had to become an advocate for them. We've come to acknowledge and appreciate this fact, and we commend Congressman Simpson for working relentlessly to take into account the diversity of these interests. S. 3294 is a well-constructed piece of legislation that is the right thing to do for Central Idaho both economically and ecologically. The places protected by designating the 332,775 acres of wilderness proposed in CIEDRA are extraordinary, and while places left out are important and worthy, the final result achieved by this legislation outweighs any pause for concern that the Idaho Conservation League may have once had.

GRAZING

It is a common misconception that the Wilderness Act of 1964 prohibits grazing operations in wilderness. As this Committee is fully aware, established grazing operations are permitted within designated wilderness areas. S. 3294 is consistent with the Wilderness Act by allowing existing grazing operations to continue in the proposed White Clouds, Hemingway-Boulders and Jerry Peak Wilderness Areas.

CIEDRA also provides a mechanism for willing ranchers to retire their grazing leases and permits and receive fair compensation for the termination of their grazing rights. When a rancher chooses to voluntarily retire their grazing rights, fair compensation will be paid by private funding sources already lined up. This important provision has no negative fiscal impact on the federal budget and ensures that the quality of rangelands and wildlife habitat in the Boulder-White Clouds will only improve over time.

OUTFITTING AND GUIDING

S. 3294 allows outfitting and guiding operations within the proposed wilderness areas when such ventures lead to the realization of the values of wilderness protections in the Boulder-White Clouds.

STATE JURISDICTION OVER FISH AND WILDLIFE

This legislation does not affect the State of Idaho's jurisdiction over the management of fish and game species within the wilderness areas designated by Title I (See Section 102(g)(1)). The Idaho Department of Fish and Game will continue to regulate hunting and fishing activities within and outside the wilderness areas designated by CIEDRA.

When the Idaho Department of Fish and Game believes that it is necessary to take active steps to manage or monitor populations of fish and game species within the wilderness areas designated by CIEDRA, the Department will have authority to do so, as it always has.

The preservation of 332,775 acres in three new wilderness areas will also benefit hunters and anglers by protecting important habitat for deer, elk, pronghorn, mountain goats, bears, salmon, steelhead, trout and numerous other species. Because wil-

derness designation is the highest level of protection afforded by Congress, the wilderness designations in CIEDRA will provide a positive and lasting benefit for species of fish and game by enhancing and protecting their habitat. More productive and pristine habitat means that hunters and anglers will find healthier and stronger populations of fish and game in the Boulder-White Clouds. The lasting result is a legacy for generations of sportsmen to come.

STATE OF IDAHO ENDOWMENT LANDS

Within the boundaries of the proposed Jerry Peak Wilderness, there are four entire sections of state endowment lands as well as portions of four other sections. Section 107(2) of CIEDRA requires that ". . .the Secretary shall seek to complete an exchange for State land located within the boundaries of the wilderness areas designated by this title."

This requirement should be seen by the State of Idaho as a win-win scenario. The majority of these state lands are currently accessible by hiking or horseback only. Furthermore, these sections of state lands are isolated from one another. As a result, these endowment lands realize little financial return to the state endowment for public schools.

The exchange required by CIEDRA will provide the opportunity for the State of Idaho to exchange and consolidate state endowment lands in locations were more revenue can be generated for the Idaho endowment fund for public schools. CIEDRA also expedites this exchange by requiring a three-year time limitation. If the State of Idaho is concerned that this exchange will not take place in a timely fashion, Congress might chose to appropriate the necessary financial resources for the Bureau of Land Management to complete the exchange.

A FEW MYTHS ABOUT CIEDRA RELATED TO MOTORIZED ACCESS

Before addressing the motorized recreation provisions in detail, we would like to address issues that have recently gained traction.

In recent months we have heard charges that this bill was written without input from the motorized community.

In fact, when Rep. Simpson began the long path to this hearing today, he met with the following motorized recreation groups: : the Blue Ribbon Coalition, the Idaho State Snowmobile Association, Magic Valley Trail Machine Association, Idaho Trail Machine Association, Treasure Valley Trail Machine Association, Idaho Recreation Council, and the Idaho Mountain Biking Association.

In recent months motorized community leaders have suggested they were cut out of the stakeholder process and indicated they're upset the bill before us today doesn't include a Boulder-White Clouds Management Area that was incorporated into pervious versions of CIEDRA.

This provision established a management area that surrounded the proposed wilderness like a donut. This would have made current motorized trails outside of the wilderness permanently open by law, no longer subject to agency discretion and management. Republican majority staff working for then-Chairman of the House Resources Committee, Rep. Richard Pombo, expressed what a good deal this was for motorized recreation. Yet motorized recreation organizations never expressed support for this provision.

Collaborative work, in our view, rests on your record, and we believe it is disingenuous for these same groups to suggest that one of the main reasons to oppose CIEDRA now is because it does not include the management area they never supported in the past. The reality is this doesn't matter on the ground, however, because all of the trails that would have been open to motorized used within the management area in previous versions of the bill are still open under the current version.

Some motorized opponents to CIEDRA say it will close 895 miles of motorized and mountain bike trails.

This is factually wrong.

Our analysis suggests that total motorized trail closures under this bill will be 35 miles. Mountain bike trails that will be closed total 218 miles. These closures in no way represent a serious drop in overall capacity for Idaho recreationists, capacity that has been hailed by the Idaho Department of Parks and Recreation as "one of the largest designated trail systems in the country with approximately 19,000 miles of summer trails and 8,000 miles of winter trails." The issue of what trails and routes will remain open in CIEDRA is addressed more below.

There have recent claims that the delegation backed away from promises to fund various Idaho motorized recreation programs.

This is factually wrong.

In addition to the economic development provisions provided to adjacent counties, towns, and ranchers, the Idaho delegation has already followed through on promised funding for several motorized recreation programs. These funds are already set aside in the FY 2010 Interior Appropriations bill.

There is $1.2 million for trail maintenance and improvement in the Sawtooth National Recreation Area, with $500,000 for non-motorized trail improvements, $500,000 for motorized trails, and $200,000 for wheelchair trails. The exact FY 2010 Interior Appropriations bill language follows:

> Of the funds appropriated for trail maintenance and improvement in the Sawtooth National Recreation Area, $500,000 is for trail improvements; $500,000 is for maintenance of existing motorized trails and areas; and $200,000 is for the improvement of two existing trails to provide primitive wheelchair access at Murdock Creek and Phyllis Lake.

Additionally, the FY 2010 Interior Appropriations bill provides $400,000 to provide for the acquisition of the Piva Parcel, on which a bike path from Stanley to Redfish would be constructed.

Previous versions of CIEDRA included authorization provisions for these programs, but the delegation has since learned that such language tends to cause procedural obstacles. Thus, the recently introduced version of CIEDRA doesn't include authorizing language for the motorized programs outlined above, with the sponsors concentrating instead on lining up funding for these programs in the FY 2010 appropriations bills. Appropriations measures control the purse strings for actual programs. With Rep. Simpson the ranking member of the House Interior Appropriations Subcommittee, the Idaho delegation has successfully allocated this funding.

It's unfortunate that motorized groups opposed to CIEDRA have chosen to misrepresent funding information to scare their memberships and discredit their delegation.

Last, I want to clarify a commonly circulated myth that no motorized vehicles are allowed in wilderness, ever. This is not true. While motorized and mechanized vehicles are not allowed in wilderness for recreational purposes, vehicles are permitted in wilderness for, among other things: emergency purposes such as search and rescue, treatment of fire, insect, and disease, and certain grazing facility maintenance.

MOTORIZED & MECHANIZED RECREATION

Motorized recreationists are one of the four main constituencies consulted by Congressman Simpson when crafting CIEDRA. The proposed wilderness area boundaries in S. 3294 were carefully drawn in a way that minimizes changes to existing motorized recreational access in the Boulder-White Clouds.

Furthermore, CIEDRA brings resolution to the wilderness debate in the Boulder-White Clouds that has lingered since 1972. As we pointed out earlier, there is a combined total of 131,500 acres of public lands in Boulder-White Clouds that are currently managed as de facto wilderness that will no longer be studied for wilderness designation if this legislation is passed by Congress.

The 2003 Sawtooth National Forest Management Plan and the 1987 Challis National Forest Management Plan collectively recommend over 218,000 acres of Forest Service lands for wilderness designation in the Boulder-White Clouds. In order to ensure that key areas, roads and trails remain accessible to motorized vehicles, approximately 51,100 acres of this total would not be designated as wilderness by S. 3294. Similarly, 80,500 acres of BLM wilderness study areas will be released from further study and opened to multiple use management.

If CIEDRA does not pass Congress, approximately 328,200 acres of Forest Service and BLM land will remain in limbo and continue to be managed as de facto wilderness under wilderness study area provisions contained in existing laws. Unless this legislation passes Congress, the federal land management agencies could close any of the lands or trails under consideration for wilderness if at any point in time these agencies determine that motorized use is undermining their wilderness character.

Snowmobiles

The largest concessions made to motorized recreationists are for winter snowmobile use in the Boulder-White Clouds. Of the 218,000 acre of lands recommend for wilderness designation by the Forest Service, more than 51,000 acres would not be designated as wilderness in order to ensure that snowmobile access may continue in several locations. Existing high elevation snowmobile access would be maintained in the following locations since these areas would not be designated as Wilderness:

- Fourth of July Basin
- Washington Basin

- Champion Lakes
- Warm Springs Meadow
- North Fork Big Wood River

The North Fork Big Wood River was excluded from the Hemingway-Boulders Proposed Wilderness in S. 3294 because of an agreement reached between snowmobilers and backcountry skiers in 2001 that resolved recreational conflicts in the backcountry areas surrounding Sun Valley. This legislation honors that agreement.

Off-Road Vehicles

The proposed Wilderness boundaries in S. 3294 also exclude key motorized trails in the Boulder-White Clouds. In fact, strong and perhaps unprecedented provisions in the legislation ensure that the Germania Creek and Frog Lake Trails will remain open to motorcycles. Title III of the legislation provides legislative guarantees that these trails will remain open to such use:

- Germania Creek.—"The Secretary shall maintain a trail for single track, 2-wheel motorized and mechanized travel between the Hemingway-Boulders Wilderness designated by section 101(a)(1) and the White Clouds Wilderness designated by section 101(a)(2)." (Section 301(a)(1)).
- Frog Lake Loop.—"Neither designation of the White Clouds Wilderness by section 101(a)(2) nor the exclusion of portions of Forest Service trail 047 and 682 (commonly known as the "Frog Lake Loop Trail") from the wilderness shall affect the management of those trails for motorized or mechanized travel in accordance with existing laws." (Section 301 (c)(1)).

Not only are the Germania and Frog Lake Trails given special legislative guarantees for the future, but these trails are also located within "cherry stem" wilderness corridors, where dirt bikers will be able to ride with wilderness areas surrounding them on both sides of these trails.

Other roads and trails are also excluded from the proposed wilderness areas in order to maintain motorized and mechanized access in key locations. These roads and trails include:

- Washington Basin Road 197
- Washington Lake Trail 109 to Washington Lake (motorcycles)
- Fourth of July Road 209 to the Phyllis Lake turnoff
- Phyllis Lake Road 053
- Pole Creek Road 197
- Fisher Creek Road 132
- Williams Creek Trails 104 & 332 (motorcycles)
- North Fork of the Big Lost River Road 146
- Casino Lakes Trails 103, 232, 616, & 646 (motorcycles)
- Rough Creek Trails 617 & 647 (motorcycles)
- Railroad Ridge Area Roads 667, 669 & 670
- French Creek Trail 675 (motorcycles)
- Big Lake Creek Trail 678 (motorcycles)
- Germania Creek-Bowery Cutoff Trail 114 (motorcycles)
- Livingston Mill Road 667
- East Fork Road 120 to Bowery Guard Station
- West Pass Creek Road 063 to section 10
- Big Fall Creek Road 168
- Little Fall Creek Road 502
- Park Creek Road 140
- Herd Creek Road to Herd Lake
- Road Creek Road

This list of concessions for motorized recreation paint a pretty clear picture. The vast majority of existing motorized recreational opportunities will remain intact. In the case of Germania Creek, , S. 3294 provides even more certainty that these trails will remain open to motorized access than the Forest Service can assure administratively.

ECONOMIC DEVELOPMENT

CIEDRA, and related appropriations measures, contain several provisions to assist adjacent counties develop a more sustainable economy. Specifically:

- A total of $6 million would be provided for economic development—including item like community centers and health clinics—through appropriations measures. Some of this money has already been received.

- The bill facilitates economic assistance to ranchers in the East Fork region of the Boulder-White Clouds who have seen allotments reduced in recent years. Under the legislation, the Forest Service and BLM are authorized to accept and permanently retire grazing permits voluntarily donated by ranchers. Arrangements have mean made through a private foundation to provide fair compensations, up to $3 million.

- The bill authorizes small conveyances of federal lands to Blaine and Custer Counties (and affected towns) for public purposes, including such uses as public parks, cemetery, rod and gun club, waste water transfer station, fire station, and a school bus turnaround.

DISABLED ACCESS

CIEDRA authorizes creation of the first-ever wheelchair accessible trails in wilderness. The trails would be "primitive access," which means that they would be compacted, somewhat leveled, and cleared of impassable obstacles like big rocks. These short trails (approximately 1.5 miles) would allow a wheelchair user to navigate them unassisted, as well as provide recreation opportunities for elderly users.

CONCLUSION

After this long discussion about this bill it's important to go back to the place.

The White Clouds and Boulders are two stunning mountain ranges and have provided generations jaw-dropping scenery and memories to last a lifetime. To the east, the high tundra slopes of Jerry Peak are commonly home to herds of big game. Throughout this large and diverse area you can find quiet moments surrounded in scenic grandeur that will last with you forever. It is time to provide lasting protection for this Idaho gem.

I have personally been traveling this landscape for decades. I was part of the first group to traverse the White Clouds on skis and have caught fish in the lakes and streams, mended blisters formed on the trails, climbed the peaks, and swum in the lakes. Around campfires and, yes, around congressional hearing tables back here, I've been talking about finally getting this area protected for a very long time. And my work merely picked up the mantle of those who worked to protect Castle Peak from a mine those many years ago.

These are national lands, held in trust by the federal government, and while many of us who live in Idaho think of these lands as our own, these are America's lands. While we are far from the ramparts of Castle Peak today, where we are is totally appropriate, for it is only Congress that can provide the protection this landscape deserves. This bill is the product of a decade of collaborative discussions and negotiating.

This bill is the product of years of bridge building. Having built the bridge, it is time to cross it. It is not the time to allow others to destroy it. Our support of this bill has drawn painful opposition from the left. The Idaho delegation have been recently been opposed by the right.

Our challenge today is to rise above the noise and provide leadership that represents the true majority who sit squarely in the center and want to see collaborative conservation advance in the West. CIEDRA is an example of statesmanship and collaboration at its finest. It's time the legislation moves forward to enactment.

I'd like to offer my thanks to Sen. Jim Risch on the committee for your support of this bill. Together we have worked on several collaborative conservation projects, such as the Idaho Roadless Rule, with more work ahead. I offer my thanks to Sen. Mike Crapo for his leadership. We, too, have traveled the path of collaboration together, here, and in the Owyhee Canyonlands. I will also say to Senator Crapo that you were a catalyst to me to reconsider the strategic path of conservation in Idaho. I've long advanced conservation outside of collaborative processes, but it was your encouragement that helped lead us to this path many years ago.

And while this is a Senate hearing, I must also thank Rep. Mike Simpson. As you long ago said, "if this were easy it would have been done by now." It's been far from easy, and you Congressman, have provided leadership and persistence that truly is worthy of the land that you have worked hard to protect, and equally significant, worthy of the extraordinary people who live around it whom you represent.

Now is the time for Idaho to step forward and demonstrate to the country how we are leading the effort to advance common-sense collaborative solutions to public land management in the American West.

Thank you for the opportunity to be here today.

Senator RISCH. Mr. Chairman? I've got another meeting I've got to attend. Do you mind if I ask some questions of the last 2 witnesses.

Senator JOHNSON. Certainly.

Senator RISCH. First of all, Rick, let me say thank you and both of you and Mr. Dart for coming today.

I don't think I've ever had a public setting in a Congressional setting where I can thank you for the work on the Idaho Roadless Rule. I said it and I mean it that I believe that you worked in good faith on it. As you recall we had a little trouble getting started.

But once we got started we worked in good faith on it. I found the Idaho Conservation League and you, personally, to be very reasonable and in the final product that we developed and it's a product that, I think, Idahoans can be justly proud of, including yourself, including your organization. So thank you for that work on behalf of all Idahoans actually.

I've got a couple of questions.

No. 1, Mr. Dart, you recall you and I talked about this recently and I told you, you know, I am not familiar with the details of this because I wasn't engaged in the give and take on it. But I assume you were along with Congressman Simpson. Rick, could you respond to—and I told you I was much more concerned about the process and how we get to the goal line than I am about the details of it because you guys have got to hammer that out.

But could you respond to Mr. Dart's statements about how—he made reference to the fact that, as I understood him correctly, that after the collaboration occurred there's been some stripping out, I think was his words that occurred. Could you respond to that?

Mr. JOHNSON. Certainly. When we are working in any collaborative manner and I think the Owyhee Canyonlands bill is a good example of this. You have two different arenas where you have to work.

One is, and as you alluded to earlier, in the past some of these processes have been top/down. But if you're going from the bottom/up, you obviously start in the home turf. You sit around with Idahoans and you create Idaho solutions. You come up with your ideas of what you think would be best for representing all the different interests.

There were a bunch of things that I wanted to get in there. There were a bunch of things that motorized folks wanted, large conveyances of public land that were once being talked about as great as 16,000 acres. So Idaho interest came up with the Idaho solution, as we saw it.

The Idaho Conservation League was willing to support that. In earlier drafts of the bill I've sat at this very table to do that. But there is ultimately the second arena that you have to work. That is here. That is Washington, DC. That is the arena of Congress.

In the Owyhee lesson what we had was a package of items that were brought here to Washington, DC and many of those things also fell out. Many of those things did not survive in the final legislation. What did come back to Idaho is an understanding of what was possible. As they often say, politics is the art of the possible.

So we did the best job in the Owyhee that we could do. We—but some things don't stand the heat of the cauldron back here. But

what we did have were handshakes, agreements, how we would look to the future management in Owyhee County. We're going to stick with those.

I think that's there's opportunity to create some of the handshakes and agreements here. But there are certain pieces of the bill that were created in Idaho that frankly don't—didn't stand back here. I think it's important. It's an indication that we have the hearing today that is an indication there was bipartisan involvement in this bill. I think that it would not have been scheduled for this hearing, were not some elements of the bipartisan process in play.

Senator RISCH. Last question, Mr. Chairman. Rick, the three areas that are here that have been designated for wilderness: Hemmingway, Boulders/White Clouds and Jerry Peak. Those three are three areas that, in the Roadless rule, when you and I worked on that that we designated for what is essentially wilderness designation, although we called it wild land recreation in order to designate it as such.

Does—what does this bill do as far as changing the designation or the protection or what have you for those three areas compared to what it is in the Roadless rule? As I recall, we had 280 areas. It's hard to remember each one of them. But as I recall I think virtually everyone agreed that these three areas were pristine areas, some of the finest in the country and no one really questioned the judgment that they should be protected as was done in the Roadless rule.

Does this bill change that at all?

Mr. JOHNSON. I think one of the key things that's important to recognize about that very question, Senator, is that wilderness is something different. Wilderness is the highest standard that we can provide to protection of land in this country. For that reason the founders of the Wilderness Act and this body right here determined that that was not something to be left in the discretion of the management agencies.

The Roadless rule that you have alluded to that we worked on together was a process that informed and ultimately helped provide direction to an agency decision. But that is an agency decision that can be overturned by different agency leadership, different administration, what have you. Wilderness obviously could be overturned too, but it takes an act of Congress.

So our issue with what makes it different is that wilderness is really the gold standard to protect a landscape. As you have already alluded to, as many people have, the Boulder/White Clouds are an extraordinary place, and extraordinary example of why the Wilderness Act was written. It was an extraordinary example of why the Sawtooth NRA was originally passed in 1972. There are a number of reasons why the Boulder/White Clouds were not included at that time.

But the long and short of it is, no one ever debated whether or not that area should receive the protection. I believe that, you know, one reason——

Senator RISCH. I appreciate the discussion about the difference between the rule and the statutory. I agree with you. From an absolute legal standpoint you're absolutely correct. From a practical

standpoint you and I both know that before they overturn the rule that we worked on it's going to be over our collective dead bodies. I suspect over most Idahoans.

But the specific question I had was the details of what is done in this bill. As you recall in the Roadless, Chris Wood, who had written the Clinton Roadless rule agreed that what we had done in our protection of these areas was a higher level of protection than actually the Clinton Wilderness or Clinton Roadless rule did. Does this ratchet it up more? Does it keep it the same? What are the—what is the level of protection?

Mr. JOHNSON. The Idaho Roadless rule does not address the issues related to motorized recreation. Wilderness designation would do that. I think in the State that it is the sixth fastest growing State in the country right now. We need to recognize the greatest places that we have for future generations, protect those for a variety of different reasons.

While wilderness designation addresses the issue of mechanizing motorized use proactively and prohibits it, the work that we did to exclude trails and design boundaries to protect motorized access, I think, quite fairly deals with that issue. But the most significant threat to this area over the long term which is up to administrative decisions in the future is motorized recreation.

Senator RISCH. Thank you very much. Mr. Chairman, thank you. I appreciate your indulgence. I'm going to have to excuse myself.

Thank you very much. Gentlemen, thank you.

Mr. JOHNSON. Thank you, Senator.

Senator JOHNSON. The gentleman from Idaho may be excused.

STATEMENT OF DAN O'BRIEN, SOUTH DAKOTA RANCHER, HERMOSA, SD

Mr. O'BRIEN. Thank you, Mr. Chairman. It's good to be here. It's good to have a chance to speak to this committee and specifically to you, of course, in my support of S. 3310.

My name is Dan O'Brien and I live and operate a ranch, live on and operate a ranch adjacent to the Indian Creek Wilderness area, proposed. My wife and I run both cattle and buffalo. We hold the largest grazing permit in the Indian Creek area. My livelihood is absolutely dependent upon the grasslands that surround my home. So I have a huge stake in this legislation.

I bought my first cattle in 1974. I've long been a member of the South Dakota Stockgrowers Association. I'm an avid hunter.

I lived on the Great Plains all of my adult life. I've weathered the winters and the droughts. I've experienced the violent swings in cattle prices and the stresses of severe credit crunches.

While I'm a proud member of the community that will most be directly affected by the wilderness, I've always had an interest in Western South Dakota as it relates historically, socially, economically and environmentally to the rest of the Nation and indeed, to the world. In addition to ranching I worked as a biologist, a teacher and a writer. My area of consuming interest is the Northern Great Plains. I've researched and written a dozen books on the subject.

In addition to my point of view as an in the trenches rancher, I bring a unique perspective to the question of Great Plains wilderness. It's my considered opinion that no American grassland better

fits the spirit of the Wilderness Act than the Indian Creek area. Visitors to Indian Creek are uniformly awestruck by the beauty and the silence.

From many of the high spots you can see Mount Rushmore. It's too far away to see the faces, but I can feel Teddy Roosevelt staring down at me. I know that that good Republican President, war hero and self proclaimed Dakota man would approve of this bill. He was one of the first men of power to recognize that increasing population accompanied by expansion of settlement and growing mechanization were grave threats to the silence and solitude that helps keep up all sane.

It's unfortunate that the debate over managing public lands has become so divisive that testimony is uncomfortable. Though the majority of South Dakotans are in favor of the Indian Creek Wilderness, some are adamant in their opposition. Acrimonious disagreements between neighbors are particularly unproductive. They can be intimidating in a close knit neighborhood. They can tend to tamp down valuable debate.

The fact is that nearly all South Dakotans share the desire to keep our land wild, healthy, free, quiet and grazed. The rub comes in management of our lands. I'm a believer in America and the Democratic government that we're participating in today. The Forest Service is part of that government and I believe that considering the present low profile of the Buffalo Gap National Grasslands, that they do a good job.

Is it perfect? Of course not. Would I like to see it done better? Absolutely.

I appreciate the language that Senator Johnson has inserted into S. 3310 concerning the management of invasive species, fire, prairie dogs as well as other issues important to ranchers. I believe management problems do not stem from a lack of Forest Service expertise or a complacent staffing. But from a low position in the Forest Service list of priorities.

Community support and involvement would go much farther at solving management problems than blind opposition. Elevating the visibility of Indian Creek is the best bet for improving its management. I'm a proponent of wilderness designation for four simple reasons.

First, I find nothing in the Wilderness Act that would change my ranch's operations. Grazing shall clearly continue under the Wilderness Act and the Congressional Grazing Guidelines.

Second, I believe that without this additional layer of protection the Indian Creek area will eventually fall prey to the abuse and destruction of ever expanding off road traffic.

Third, a prairie wilderness experience is a rare privilege that all citizens should be able to access.

Finally, as a rancher and a businessman I believe that wilderness adds value to South Dakota's economy through expanding opportunities for tourism, unique hunting experiences and new forms of income generation for a way of life that has always needed to adapt to prosper.

Thank you for letting me testify. I'd be glad to answer any questions that I can.

[The prepared statement of Mr. O'Brien follows:]

PREPARED STATEMENT OF DAN O'BRIEN, SOUTH DAKOTA RANCHER, HERMOSA, SD

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to discuss the Tony Dean Cheyenne River Valley Conservation Act of 2010 (S. 3310).

My name is Dan O'Brien and I live on and run a ranch, adjacent to the proposed wilderness area. In fact, our ranch borders and overlooks a large expanse of the proposed wilderness for a mile and a half. We run both buffalo and cattle and are holders of the largest grazing permit in the northern portion of the proposed wilderness area. My livelihood is dependent upon the grasslands that surround my home, so I have a large stake in the legislation before you today. I strongly support S. 3310 for a number of reasons, which I'll outline in my testimony.

I bought my first cattle in 1974. I have been a member of the South Dakota Stockgrowers Association since the mid-seventies. I have lived on the Great Plains all of my adult life. I have weathered the winters and the droughts of the region. I have experienced the violent swings in cattle prices and the stresses of severe credit crunches. In recent years I have taken on the challenges of sustainable, value added agriculture in the form of Wild Idea Buffalo Company. Our homegrown South Dakota Corporation encourages sustainable, low input grazing, by establishing a marketing system that ships grass-fed, field harvested buffalo meat to every state in the nation from our office in Rapid City, SD. It is a meat packing and internet company that employs six people and provides buffalo ranchers, white and Native American, access to markets that have always been beyond their grasp. Most recently, my wife and I have begun to experiment with ecological and agricultural tourism as they relate to possible revenue sources for ranchers in a changing world.

While I am a proud member of the community that will be most directly affected by wilderness, I have always had an interest in western South Dakota as it relates—historically, socially, economically, and environmentally—to the rest of the nation and, indeed, to the larger world. I have worked as a biologist for South Dakota Game Fish and Parks Department, as a teacher, and a writer. I have made a forty-year study of the American Great Plains, from Montana to Texas and written a dozen books on the subject. In addition to ranching, I have also worked in construction and driven a truck. But my area of consuming interest and, some would say, expertise, is the Great Plains and specifically the northern Great Plains—which encompasses the proposed Indian Creek Wilderness Area.

I believe that, in addition to the point of view of an in-the-trenches rancher, I bring a unique perspective to the issue of Great Plains wilderness. And it is my considered opinion that no American grassland landscape better fits the spirit of the 1964 law than the area described in the Tony Dean Cheyenne River Valley Conservation Act of 2010.

The proposed Indian Creek Wilderness Area lies on the east side of the Cheyenne River—one of the premier prairie rivers that drain the Black Hills and flows to the Missouri and then on to the Gulf of Mexico. It is unique in its remoteness, history, biodiversity, and proximity to other public lands, including the Pine Ridge Indian Reservation—of the Lakota People, Badlands National Park, Buffalo Gap National Grasslands, and the Black Hills National Forest. Many people think of western South Dakota as a flat land, but those people seldom leave the interstate highway. If they would leave that highway at the little town of Wall, and drive just fifty miles south, then turn west at the even smaller, and aptly name town of Scenic, SD, they would find the proposed wilderness area. If they would leave their car and walk for a bit, they would find the geographic relief breathtaking. When I take people back there, on foot or on horseback, they are uniformly awestruck by the beauty and the silence that is woefully lacking in their lives. If you face west on one of the many high spots in the Indian Creek area, and squint into your binoculars, you can see Mount Rushmore. I can't make out the faces of Washington, Lincoln, or Jefferson, but in that rugged solitude, I can feel Teddy Roosevelt staring down at me. And I know that good Republican president, war hero, and self proclaimed "Dakota Man" would approve of the Tony Dean Cheyenne River Valley Conservation Act of 2010. He was one of the first men of power to recognize that "increasing population, accompanied by expansion of settlement and growing mechanization" were grave threats to the silence and solitude that helps keep us all sane. The Indian Creek Area affords such silence and solitude and deserves maximum federal protection to help keep it that way.

It is unfortunate that the discussion over management of public lands is at times divisive. So divisive, in fact that testifying in front of you today is uncomfortable. Though the majority of South Dakotans are for the wilderness, some are adamant in their opposition. There are unfortunate disagreements, sometimes even between neighbors among whom acrimony is particularly unproductive. Such disagreements can be intimidating in a close-knit community and they tend to tamp down construc-

tive debate. The fact is that nearly all South Dakota shares the desire to keep our land wild, healthy, free, quiet, and grazed. Everyone wants the Indian Creek area managed in this way. The rub comes in deciding who is best qualified to manage these public lands to that end.

I am a believer in the United States of American and in the democratic institutions we have put in place to manage our affairs. The Forest Service, functioning under the Department of Agriculture, is part of that government and I believe that, given the present low-profile of the Buffalo Gap National Grasslands, they do a good job. Is it perfect? Of course not. Would I like to see do it done better? Absolutely. I appreciate the language that Senator Johnson has inserted into S. 3310 concerning the management of invasive species, fire, prairie dogs, as well as other issues important to ranchers. I do not believe that the management problems stem from lack of expertise or from complacency of staff. More culpable is Buffalo Gap National Grassland's low position on the Forest Service's list of funding priorities. Funding constraints make their job very difficult, and community support and involvement would go much farther in solving management problems than opposition to this legislation. Elevating the visibility of Indian Creek is the best bet for improving its management.

I am a proponent for wilderness designation for four simple reasons: First, I find nothing in the Wilderness Act that would change my way of operating my ranch. Grazing shall continue. The laudable American Horse Culture that I respect and love would continue. In fact, our way of life would be enhanced. It is the law of the land that grazing shall continue and with, due diligence on our part of both Forest Service staff and local ranchers, the protective provisions of the Wilderness Act and the more recent congressional grazing guidelines will create a well managed wilderness we can all be proud of.

Second, I believe that without this additional layer of protection the Indian Creek Area will eventually fall prey to the same abuses and destruction, in the form of unauthorized or additional authorized off-road traffic, that other public land in our area has fallen prey to. ATV's can easily abuse delicate prairies and are great crushers of silence and solitude. Within a few miles of the proposed wilderness area there are "restricted" public hillsides cut deep by the spinning tires of motorcycle enthusiasts. On the Great Plains such scars may never heal. Indeed, the wagon tracks that cut the Dakotas prairies by Custer's Cavalry in the 1874's can still be seen. It is no accident that several motorized recreation organizations oppose this bill, even though the largest two proposed wilderness areas are already closed to motorized recreation.

Third, I hold the wilderness experience to be a privilege that all citizens should be able to access. I see a PRAIRIE wilderness experience to be nearly sacred. Grasslands are the least protected landscape in world. The American grasslands are under siege from powerful world forces. If a prairie wilderness experience is to remain available to the people who own those prairies, a line must be drawn among the yucca plants.

My fourth reason for being in favor of extending wilderness designation to the Indian Creek Area in particular is perhaps self-serving, but let me remind you that I am a business man on several fronts. I'm sixty two years old and, though I love the old ways of making a living in Western South Dakota, I have seen the world change radically in the decades that have passed. I know full well that change is inevitable and I believe that, unless we preempt the changes on the horizon, those old ways will die ignoble deaths. Agriculture on the Great Plains has always been short of cash. Ecological and agricultural tourism are new revenue centers that we people on the land can live with. In fact, they may be of great help in protecting that American Horse Culture that I love so much. Many other countries, and indeed parts of South Dakota are in the midst of this adjustment in the form of outdoor recreation, including hunting. To be blunt, I see a wilderness area in anyone's backyard as a boon to commerce, an elevator of land values, and excellent medicine for the American spirit.

Senator JOHNSON. Mr. Edoff.

STATEMENT OF SCOTT EDOFF, SOUTH DAKOTA RANCHER, HERMOSA, SD

Mr. EDOFF. Thank you, Chairman Johnson. I appreciate the opportunity to testify today. My name is Scott Edoff. My wife, Veronica and I operate a ranch adjacent to the proposed wilderness

areas. I am the fourth generation on this ranch and I want our children and grandchildren to be able to continue in our footsteps.

My family has been ranching in this area since before South Dakota was a State. For nearly 70 years we have had a permit to graze livestock on what is now the proposed Indian Creek wilderness. It is ironic that Dan O'Brien and I live only three miles from each other. When he moved here 7 years ago I never thought that we would wind up in a hearing in Washington, DC on opposite positions on wilderness designation.

Wilderness can be divisive. I do not like how it has divided our communities. The Governor of South Dakota, the Pennington and Custer County Commissioners have gone on record as opposed to wilderness designation which indicates to me that the Forest Service did not do a good job, a good enough job of building consensus before they made their recommendation for wilderness designation.

I spent a lot of time studying this proposed wilderness and concluded this would be detrimental to the land, to our ranch and to public interest. I've met and discussed this wilderness proposal with the proponents several times. I do not agree that the legislation is necessary to protect these areas. It is not threatened and the advocates for it cannot explain why wilderness designation is necessary to protect these areas from the very management that restored them to the place of wonder and beauty they are today.

Sadly, the wilderness designation will create many losers starting with the users that have co-existed for decades on this land. Many will be excluded. I understand that by law grazing is allowed on wilderness areas. But the Congressional language does not guarantee that the number of cattle will stay at the current level. Instead, history from other wilderness areas is a death by a thousand cut scenario with the Forest Service continually reducing the number of livestock based on loss of forage because of their inability to manage properly.

All but two of the other ranchers who have grazing permits in this proposed area share my concern and my opposition to this and with good cause. We've all seen firsthand what the prairie dogs and black footed ferrets have destroyed in nearby Conata Basin and the Canadian Thistle overrun in Sage Creek Wilderness in the Badlands National Park. We all see the leafy spurge epidemic next to the proposed Chalk Hills Wilderness and the Mountain Pine Beetles have killed most of the trees in the Black Elk Wilderness.

As Chief of the Folsom Volunteer Fire Department I am concerned about Forest Service direction to let fires play their natural role in wilderness. The pesky thing about fires, prairie dogs, noxious bees is they do not respect borders. Where I live the whole landscape is the ecosystem. My family and our family ranch are part of it. Multiple use management has been successful here. We should continue what is working and not gamble on a wilderness designation on these grasslands.

The push for wilderness designation was orchestrated by national organizations. They published slick brochures, stood outside the entrance into the Badlands National Park asking tourists to sign postcards and sent thousands of those postcards, thousands of those postcards, to the Forest Service during forest plan revision. The Forest Service organized a collaborative group during the for-

est plan revision. That groups did not recommend wilderness designation, but the Forest Service went ahead and recommended wilderness designation anyhow.

These areas are not "untrammeled by man" as described in the Wilderness Act. Most of these lands were homesteaded and still have remnants of those homesteads today. I support the concept of multiple use management because it's about what is good for the land, what is good for the people and it's about our livelihoods.

For many years we've proven we can achieve these objectives without wilderness. We've been good stewards of the land. We've protected the land like it was our own. Instead of designating wilderness areas let's continue the multiple use management that has worked so well for so many years.

Again, I thank you for this opportunity. Thank you, Chairman Johnson.

[The prepared statement of Mr. Edoff follows:]

PREPARED STATEMENT OF SCOTT EDOFF, SOUTH DAKOTA RANCHER, HERMOSA, SD

BACKGROUND

Thank you Chairman Wyden, Senator Johnson, and members of the subcommittee for the opportunity to testify today regarding S. 3310, the Tony Dean Cheyenne River Valley Conservation Act of 2010.

My name is Scott Edoff. My wife, Veronica, and I own and operate a ranch about 40 miles east of Rapid City, South Dakota. My family has been ranching in this area since before South Dakota was a State. We have had a permit to graze livestock on what is now the Buffalo Gap National Grasslands since 1944. I'm the 4th generation on this ranch, and I hope our children and grandchildren will be able to continue in our footsteps.

Specific to this Wilderness bill, we have a grazing permit located in the proposed Indian Creek Wilderness. Consequently, I've spent a lot of time studying Wilderness and how it could affect management of the national grasslands.

Indian Creek is a special place of wonder and beauty. I never get tired of seeing coyotes, turkeys, bluebirds, meadowlarks, deer and antelope, the lush green grass in the spring, and the colorful badland sediments. I've met and discussed Wilderness designation with the Wilderness proponents several times. Some of those discussions weren't all that pleasant, like Tony Dean's speech when he publicly referred to me and the other permittees as 'welfare ranchers'. The one thing we all agree on is that we like the national grasslands just the way they are. However, I disagree that Wilderness legislation is necessary to "protect" these areas. Nobody has been able to explain to me exactly what Wilderness legislation would "protect" the proposed Wilderness areas from. To my knowledge, there are no threats to the Buffalo Gap National Grasslands that require Wilderness designation. Further, the historic multiple use management of these areas has allowed a variety of uses, including motorized access, rockhounding, and grazing, none of which have apparently adversely affected the areas' Wilderness qualities.

I've concluded that permanent Wilderness designation would be detrimental to the land, to our ranch, and to the public interest. Multiple use management has been successful, and we should continue what's working. I don't want to gamble on the potential effects of Wilderness designation, and I cannot support Wilderness designation. To the extent there are on-the-ground management concerns about the Buffalo Gap National Grasslands, there are better ways of addressing those concerns than through Wilderness designation.

EFFECTS ON GRAZING

My biggest concern about Wilderness designation is the effect on our grazing permit. I've read the Congressional Grazing language and I understand that grazing is technically allowed in Wilderness areas. What I fear is 'the death by a thousand cuts' resulting from Forest Service decisions to incrementally reduce our numbers of livestock based on the loss of forage due to their inability to adequately control prairie dogs or noxious weeds or fires. Again, the Forest Service, technically, has the authority to manage wildlife, noxious weeds and fire in Wilderness areas. However, their options are clearly more limited, in terms of methods, timeliness, cost,

and effectiveness, inside designated Wilderness than outside of designated Wilderness. These limitations are the product of the Wilderness Act, the Forest Service's own policies, and the threat of appeals and/or litigation from environmental special interests.

Retired U.S. Forest Service Forest Supervisor Hugh Thompson recently wrote in a letter to the editor submitted to the Rapid City Journal (see Attachment 1) that—

> As a retired Forest Supervisor for the US Forest Service and a current grazing permittee on a Forest Service allotment with my family, I completely understand the concerns of the grazing permittees in the National Grasslands about the effects of Wilderness designation.
>
> The Wilderness advocates are right about Congressional language stating that grazing may continue as a permitted activity in designated Wilderness areas. However, the Congressional language doesn't say that the number of cattle will stay at the current level. There's also nothing in the Congressional language or proposed legislation to ensure that the Forest Service will aggressively control prairie dogs, noxious weeds or fires. Just look at what the prairie dogs have done to Conata Basin, and it's not even Wilderness.

I've discussed Wilderness designation with most of the other ranchers who have grazing permits in the proposed Wilderness areas. Only one of them supports Wilderness designation. The number one reason permittees oppose Wilderness designation is they are afraid their livestock numbers would inevitably be reduced, or eliminated altogether. That would have negative effects on their ranches, the grassland vegetation, on wildlife habitat, on the potential for wildfires, and on local economies. They are especially concerned about the Forest Service's inability to control prairie dogs and noxious weeds and the effect on the grasslands and forage. While not a perfect comparison, I look at the prairie dogs and black-footed ferrets in the Conata Basin, the Canadian thistle in the Sage Creek Wilderness in the Badlands National Park, the leafy spurge next to the proposed Chalk Hills Wilderness, and the mountain pine beetles in the Black Elk Wilderness, and I fear for the future of Wilderness areas in the national grasslands.

Additionally, I'm concerned about wildfires in Wilderness areas. One of the objectives for Wilderness according to the Forest Service Manual states, "Permit lightning caused fires to play, as nearly as possible, their natural ecological role within wilderness." I'm the Chief of the Folsom Volunteer Fire Department. I support prescribed burning with clearly identified objectives. But, I'm very concerned about how the Forest Service would implement allowing lightning caused fires to play "their natural ecological role" in the Indian Creek Wilderness.

The pesky thing about fires, prairie dogs, and noxious weeds is that they don't respect borders. Where I live, the whole landscape is the "ecosystem", and my family and our family ranch are part of it. Together, we need to continue to actively manage it that way.

EFFECTS ON MULTIPLE USE

The Wilderness proponents say we need to protect 48,000 acres of the Buffalo Gap National Grasslands by designating it Wilderness. Even if those areas are not designated Wilderness, they will still be rugged, remote, and inaccessible. That's just the character of the land.

What will change if these areas are designated Wilderness are the uses that have co-existed for decades. Wilderness designation creates winners and losers. The very premise of Wilderness designation includes restricting or prohibiting other uses and users, even though, in this case, the users have been able to peacefully co-exist for decades. The Forest Service has already started restricting uses based on their decision to recommend the Indian Creek and Red Shirt areas for Wilderness designation. Old access routes for rockhounds and old two track roads used by motorized recreationists have already been closed. Rockhounds can still use the area, but they have to walk further and further, which means the areas are less and less accessible and available.

The fact that some people are advocating for Wilderness designation in the Buffalo Gap National Grasslands is really a testament to the tremendous success of the multiple use management that they seem not to appreciate. I don't understand why Wilderness advocates believe that Wilderness designation is necessary to protect these areas from the very management that has resulted in the current conditions.

WILDERNESS IMPLEMENTATION

Wilderness seems to invite controversy. Numerous interest groups have a long history of challenging activities in designated Wilderness based on perceived violations of the Wilderness Act. Several recent examples include a) litigation over State of Idaho Fish and Game landing helicopters in a Wilderness area to dart and collar wolves, b) Forest Service prohibition on Idaho Public Television filming conservation work in a Wilderness area, c) controversy over the Swan Crest Run through proposed Wilderness areas, and 4) a lawsuit challenging a travel management plan in Minnesota based, in part, on effects to adjacent Wilderness areas. I am afraid that Wilderness designation would increase the likelihood of controversy, administrative appeals, litigation, and delays in Forest Service decisionmaking that would potentially have adverse effects on the ability of the Forest Service and/or permittees to implement projects in a timely and cost-effective manner.

WILDERNESS DESIGNATION

I also want to comment on the process to recommend these areas for Wilderness designation. The push for Wilderness designation didn't start as a local grassroots effort. This started with national organizations asking people to sign postcards supporting Wilderness on the road into the Badlands National Park. Their talking points were that Wilderness designation was needed to protect the national grasslands. They published slick brochures. Then they organized the mailing of thousands of postcards to the Forest Service during the forest plan revision.

During the revision of the Nebraska National Forest forest plan, the Forest Service organized a collaborative group of diverse stakeholders. That group did not recommend Wilderness designation, but the Forest Service recommended Wilderness designation anyhow.

The way I read it, the proposed Wilderness areas don't even meet the Wilderness Act description of Wilderness, i.e., "A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and community of life are untrammeled by man, where man himself is a visitor who does not remain." The National Grasslands aren't "untrammeled by man". Most of these lands were homesteaded, and still have remnants of homes, outbuildings, plowed land, fences, roads, wells, and a windmill.

The following have gone on the record as opposed to Wilderness designation in the Buffalo Gap National Grasslands:

—South Dakota Governor Mike Rounds
—Pennington County Commission
—Custer County Commission
—Fall River County Commission
—Meade County Commission
—Black Hills Badlands and Lakes Association of South Dakota
—Western Dakota Gem and Mineral Society
—Blue Ribbon Coalition
—Black Hills Regional Multiple Use Coalition
—Association of National Grasslands
—Black Hills ATV/UTV Riders Club
—Black Hills Forest Resource Association
—Black Hills 4 Wheelers—Rapid City Chapter
—BH Snowmobile Club
—Black Hills Women In Timber
—Cottonwood Grazing Association
—Dakota Territory Cruisers
—Hill City Chamber of Commerce
—Off-Road Riders Association
—Pioneer Co-op Grazing District
—South Dakota Farm Bureau
—South Dakota Grasslands Coalition
—South Dakota Off Highway Vehicle Coalition
—South Dakota Public Lands Council
—South Dakota Snowmobile Association
—South Dakota Stockgrowers
—South Dakota Family Farms Association
—South Dakota Trail Riders
—Spearfish Livestock Association
—Western South Dakota Fur Harvesters

Earlier this year, the South Dakota legislature overwhelmingly passed (49 to 19 in the House and 28 to 6 in the Senate) House Concurrent Resolution No. 1002. HCR 1002 requests that federal agencies structure their policies so no area in South Dakota may be designated as wilderness unless the designation has been approved by a two-thirds majority in each house of the South Dakota Legislature. To date, the Legislature has not given that approval for Wilderness designation in the Buffalo Gap National Grasslands.

CONCLUSION

I support the concept of multiple use management, and sharing these special places with other users. A lot of people and groups are concerned about this Wilderness proposal from a recreational perspective. However, for me and the other permittees, Wilderness designation is about our livelihoods and the future of our ranches. We've been good stewards. We've protected this land like it was our own. But, now, I feel like I'm being penalized for doing a good job.

Again, thank you for the opportunity to testify today, and I would be happy to work with you Chairman Wyden and Senator Johnson to address the issues raised here today.

ATTACHMENT 1

Spearfish, SD, May 17, 2010.

Rapid City Journal, Box 450, Rapid City, SD.

LETTER TO EDITOR,

As a retired Forest Supervisor for the US Forest Service and a current grazing permittee on a Forest Service allotment with my family, I completely understand the concerns of the grazing permittees in the National Grasslands about the effects of Wilderness designation.

The Wilderness advocates are right about Congressional language stating that grazing may continue as a permitted activity in designated Wilderness areas. However, the Congressional language doesn't say that the number of cattle will stay at the current level. There's also nothing in the Congressional language or proposed legislation to ensure that the Forest Service will aggressively control prairie dogs, noxious weeds or fires. Just look at what the prairie dogs have done to Conata Basin, and it's not even Wilderness.

I believe the permittees are entirely justified in their fear of 'death from a thousand cuts' in their opposition to designated Wilderness. These permittees have done a great job as stewards of the national grasslands for over 60 years. They deserve our thanks for a good, well done job, not Wilderness designation that will make a tough job even tougher.

HUGH THOMPSON,
W. W. Thompson & Sons, Inc.

Senator JOHNSON. Thank you. Mr. O'Brien, what portion of your grazing operation relies in permits to graze on Federal lands on the Buffalo Gap National Grassland?

Mr. O'BRIEN. The math comes out to about a half. We run our animals basically half a year on the Forest Service land and then back on our deeded land for the other half a year. It's really more valuable than that because to cut our operation in half would put us out of business.

So we're really dependent on the Forest Service.

Senator JOHNSON. Have U.S. Forest Service managers ever kept you or your ranching operation from doing what you needed to do?

Mr. O'BRIEN. I've never had any problem with that. We have a pretty good relationship with the Forest Service. They seem to be willing to let me do just about anything that's under the regulations. No problem there.

Senator JOHNSON. Mr. Edoff, as you know the bill provides the Forest Service the authority to control for prairie dogs and builds on the Forest Service plan to control dogs from encroaching on private lands from grasslands. If you feel that that language does not

afford adequate protections what do you believe is the proper method to control prairie dogs?

Mr. EDOFF. At the current time the Federal Government has a contract with the State to reduce prairie dog populations. When that took place I believe the magic number that the Fish and Wildlife Service and the State came up with was 150,000 acres of prairie dogs to keep it at that number. Today they have well over 400,000 acres of prairie dogs in the State of South Dakota.

So I'm not really sure that there's really any legislation that we can put in that will—that can force the Federal Government to take care of their prairie dogs. They've got legislation right now and it's not taking place. It's not being adhered to.

Senator JOHNSON. I agree with your statement that national grasslands should be managed for multiple uses. Both grazing and the establishment and maintenance of wilderness are consistent with Multiple-Use Sustained Yield Act. What do you think is an appropriate balance for wilderness and other issues on the Buffalo Gap National Grassland?

Mr. EDOFF. With respect to you, Mr. Johnson, I wonder if we couldn't do some sort of a limited use or a recreational use, some sort of a limited use of access into there where maybe there is a main trail, maybe even more trails than what you have proposed at Indian Creek to allow people to see this place. I mean, this—I've lived there all my life and with my grandfather and it's just the greatest place in the world to me. It's home to me.

Senator JOHNSON. What is the most valuable, in terms of wildlife and scenic beauty? Is it the Chalk Hills area, the Indian Creek area or the Red Shirt area, the three areas of the Buffalo Gap National Grasslands, which I'm referring to? Are they all the same or are they different?

Mr. Edoff.

Mr. EDOFF. I personally, I think Indian Creek is a lot prettier and stuff.

Senator JOHNSON. Yes.

Mr. EDOFF. But that's because it's home.

[Laughter.]

Senator JOHNSON. Understandable.

Mr. EDOFF. Yes, but the Red Shirt is just as pretty and just as scenic as, you know, Indian Creek.

Senator JOHNSON. Yes.

Mr. O'Brien, from your 40 years of experience studying the Great Plains combined with your experiences of rancher and biologist, can you tell us how much wild prairie grassland exist today compared to 100 years ago?

Mr. O'BRIEN. That's a pretty tough question. It would be interesting to have that analysis. But certainly in my experience traveling up and down the Great Plains, the amount of grasslands that's truly wild like, Scott and my home, is pretty small.

There are fragments, of course, that are in pretty good shape. But to have something on the landscape scale that we're talking about here is rare indeed.

Senator JOHNSON. Speaking as a business owner, will passage of this Wilderness legislation hurt your bottom line, Mr. O'Brien?

Mr. O'BRIEN. I don't think so. In fact I think it would do just the opposite. I think that the opportunities for increased economic development and value added agriculture, I think they increase, they're enhanced by a wilderness designation.

Senator JOHNSON. Some people have said that these lands are already managed for non-motorized use. Why is wilderness designation necessary?

Mr. O'BRIEN. I think that, as was brought up with some of the other panelists here, what's important is that presently the travel plan is temporary. It frightens me. We have an area I know that some good friends of ours have a permit on where the motorcycles run. It really is an embarrassment. It's pretty ugly.

I have friends come. They say, what's this, you know? I don't have an explanation for that.

I believe that the pressure from those groups, if we don't get wilderness designation, will finally wear people down and we'll have motorcycles running all over the place.

Senator JOHNSON. Please give me your estimation of the importance of the 3 areas in the Chalk Hills, Indian Creek and Red Shirt areas. Are they all the same in importance or are they different?

Mr. O'BRIEN. I think they do have different characters. I'd have to agree with Scott on that. You know, Indian Creek is what I know best. It's home, as Scott says. I would, if I had to rank them, which I prefer not to, I would go from Indian Creek, Red Shirt and then Chalk Hills.

Senator JOHNSON. Yes. I want to thank the witnesses today for their testimony. You have raised important issues. I look forward to working with you on enacting this bill with whatever changes are necessary.

Thank you.

Mr. O'BRIEN. Thank you.

Mr. EDOFF. Thank you.

Senator JOHNSON. This hearing is adjourned.

[Whereupon, at 4:40 p.m. the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF CARL ROUNTREE TO QUESTIONS FROM SENATOR BARRASSO

S. 3294

The Forest Service provided Senator Murkowski with a number of maps of power withdrawals along the Salmon River and North Fork of the Big Lost River and Big Wood River. This bill also includes language that prevents anyone, even the President, from further water development within the Wildernesses.

In the case of the Salmon River Electric Co-op power withdrawal along the Salmon River, it appears that parts of the Boulder White Cloud Wilderness overlap parts of the Co-op's power withdrawal.

Question 1. Does the Bureau of Land Management see this overlap as an issue to granting power development within the areas withdrawn for power development? If not, why not?

Answer. This question applies exclusively to lands managed by the U.S. Forest Service, and the Bureau of Land Management defers to the Forest Service. We understand that the Forest Service received an identical question.

Question 2. There are also power withdrawals along the North Fork of the Big Lost River between the Boulder-White Cloud and Jerry Peak proposed wildernesses.

Does the Bureau of Land Management see the designation of these wildernesses, with its water language, as in anyway effected the future development of any of the power withdrawals in the area covered by this legislation?

Answer. This question applies exclusively to lands managed by the U.S. Forest Service, and the Bureau of Land Management defers to the Forest Service. We understand that the Forest Service received an identical question.

RESPONSES OF JOEL HOLTROP TO QUESTIONS FROM SENATOR BARRASSO

S. 3294

The Forest Service provided Senator Murkowski with a number of maps of power withdrawals along the Salmon River and North Fork of the Big Lost River and Big Wood River. This bill also includes language that prevents anyone, even the President, from further water development within the Wildernesses.

In the case of the Salmon River Electric Co-op power withdrawal along the Salmon River it appears that parts of the Boulder White Cloud Wilderness overlap parts of the Co-op's power withdrawal.

Question 1. Does the Forest Service see this overlap as an issue to granting power development within the areas withdrawn for power development? If not, why not?

Answer. The withdrawal for the Salmon River Electric Co-op power project has been revoked. Therefore, this area is now subject to National Forest System land regulations, guidelines, and operations, which also include possible future mineral entry.

Question 2. There are also power withdrawals along the North Fork of the Big Lost River between the Boulder-White Cloud and Jerry Peak proposed wildernesses.

Does the Forest Service see the designation of these wildernesses, with its water language, as in anyway effected the future development of any of the power withdrawals in the area covered by this legislation?

Answer. Section 103 of the S. 3294 would prohibit funding, assisting, authorizing, or issuing a license or permit for the development of any new water resource facility inside the wilderness areas designated by the Act. Wilderness designation would have no impact on power withdrawals and projects located outside of the wilderness boundaries.

S. 3310

Among other things, 36 CFR 213 regulations direct that: the national grasslands be "permanently held" by the Department of Agriculture; the national grasslands be administered under "sound and progressive principles of land conservation and multiple use, and to promote development of grassland agriculture and sustained-yield management of the forage, fish and wildlife, timber, water, and recreation resources. . ."

Question 1. Does the Forest Service think it can fulfill both its laws and regulations' call for the development of grassland agriculture and sustained-yield management on this grassland in South Dakota if parts of it are made into a Wilderness?

Answer. The Forest Service would manage the designated area in accordance with the Wilderness Act. To the extent that may conflict with management to meet the purposes of the Bankhead Jones Farm Tenant Act, the Wilderness Act would prevail. Nonetheless, wilderness management would be encompassed within "recreation resources" listed in the 213 regulations. Additionally, existing grazing in the area could continue consistent with the Congressional Grazing Guidelines. Continued grazing would be compatible with the Bankhead Jones Farm Tenant Act purposes of developing grassland agriculture and sustained-yield of the forage. Grassland agriculture as it has developed in the area contributes to the qualities of the areas recommended for wilderness, and these qualities would be maintained consistent with the wilderness designation.

Question 2. The Bankhead Jones Farm Tenant Act directs the Secretary "to promote more secure occupancy of farms and farm homes".

How does the proposed Wilderness affect the ability of the Secretary to meet the fundamental goal of the Bankhead Jones Farm Tenant Act in this area?

Answer. The Forest Service would manage the designated area in accordance with the Wilderness Act. To the extent that may conflict with management to meet the purposes of the Bankhead Jones Farm Tenant Act, the Wilderness Act would prevail. Nonetheless, the wilderness designation would likely have limited impact on purposes for which the designated area is currently managed under the Bankhead Jones Farm Tenant Act. The agency believes that wilderness designation would promote more secure occupancy of farms and farm homes in the area through diversifying the local economy as a result of the increased recreational use resulting from the wilderness designation. The agency anticipates that the wilderness designation may result in increased visitation to the area that could generate associated benefits to the local economy.

APPENDIX II

Additional Material Submitted for the Record

June 14, 2010.

Hon. MIKE CRAPO,
U.S. Senate, 239 Dirksen Senate Building, Washington, DC.

Hon. JAMES E. RISCH,
U.S. Senate, 2 Russell Courtyard, Washington, DC.

RE: Senate Bill 3294—Central Idaho Economic Development and Recreation Act

DEAR SENATORS, Thank you for the opportunity to provide comments on S. 3294—the Central Idaho Economic Development and Recreation Act (CIEDRA). I apologize for not being there to testify in person; however, I would request this letter be read at the hearing and placed in the record as my official comments.

I am fully aware of the effort expended by Idaho's Congressional Delegation, especially Congressman Simpson, in developing CIEDRA. Congressman Simpson has worked tirelessly for the last decade to make his dream a reality. Like most Idahoans, I share his goal of preserving special places for future generations. However, while I support preserving certain areas, I cannot support protection at the cost of access, sacrificing recreational or hunting opportunities or impacting state endowment lands.

My opposition to CIEDRA and additional wilderness areas in Idaho should not surprise anyone. I recognize the need for economic development in Custer County, Clayton and the surrounding communities, but remain unconvinced that the answer is more wilderness acres and federal red-tape. Even though I support parts of this new bill (i.e. maintenance of the Murdock Creek Trail as a wheelchair-accessible trail, releasing wilderness study areas and transferring federal lands to local communities), I still believe a better alternative exists to protect the proposed areas, create economic development and recreational opportunities in the region.

CIEDRA will provide little, if any, additional protection for these special areas, their character and the landscape. All of the land proposed as wilderness is protected from future development under the most restrictive provisions of the Idaho Roadless Rule, which was authored by then-Governor Risch in 2006. A vast majority of the proposed lands also receive protection as part of the Sawtooth National Recreation Area (SNRA), which was developed by Senator Church and then-Congressman McClure in 1972. Under the Idaho Roadless Rule the three areas (Hemingway-Boulders, White Clouds and Jerry Peak Wilderness Areas) are designated as "Wild Land Recreation," which, like wilderness, directs the U.S. Forest Service to manage in a manner that shows "little evidence of human-caused disturbance and [allows] natural conditions and processes [to] be predominant." Similarly, the SNRA, which covers a large portion of the lands was specifically created:

> In order to assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith. . . .

16 U.S.C. § 460aa. The SNRA as a national recreation area is protected by Congress from development much like wilderness, but without the limits on recreational opportunities or access associated with wilderness. Even without CIEDRA the Boulder-White Clouds and Jerry Peak would be protected from future development under the Idaho Roadless Rule and SNRA.

As an alternative to designating the proposed lands as wilderness areas, Congress could consider expanding the boundaries of the SNRA to cover parts of these areas outside of the recreation area. While this option is not perfect because of previous judicial decisions concerning wolf management in the SNRA, it would provide addi-

tional certainty and protection from future development without impacting existing access or recreation.[1]

Opportunities abound, even without CIEDRA, for people to enjoy and experience wilderness areas in Idaho. Idaho already has over 4.5 million acres of wilderness in 12 different areas, including the Sawtooth Wilderness Area (217,000 acres) and the Frank Church/River of No Return Wilderness Area (2.3 million acres) within an hour or two of the areas proposed under CIEDRA. Additionally, the Idaho Recreation Council estimates that less than 3% of visitors to national forests ever visit a wilderness area. Which again raises the question why these areas are necessary as wilderness given their close proximity to two established wilderness areas?

Not only is CIEDRA unnecessary, but it will also impact state lands. The State of Idaho currently has over 3,700 acres of endowment land within the proposed Jerry Peak Wilderness Area. Endowment lands were granted to Idaho at statehood for the express purpose of providing revenue for various state institutions. The lands in the Jerry Peak proposal support Idaho's public schools, and we are vitally concerned about our ability to continue our current and future land management activities, in light of the proposed wilderness designation. While the most recent version of CIEDRA includes two provisions that may address the state's concerns, we are nonetheless fearful that once enacted these assurances will be undermined through administrative agency opposition to state land management activities and litigation. I am concerned that agency and environmental interests may seek to undermine state management by arguing that access to state parcels is allowed only to the extent it is consistent with the wilderness designation. Courts have repeatedly ruled that wilderness values trump access provided by Section 5(a) of the Wilderness Act.

In the end, I believe CIEDRA will also negatively impact state wildlife management, mechanized recreation and grazing. Despite my opposition to CIEDRA, I would offer the following suggestions if Congress decides to proceed:

- CIEDRA should contain language that all conveyances should be treated as conditions precedent to designating the three areas as wilderness. Alternatively, should either secretary fail to complete the required transfers under CIEDRA then the designated wilderness areas should revert to their former status;
- Provide specific language that imposes an affirmative duty on the secretaries to purchase or exchange the state endowment lands inside the Jerry Peak Wilderness Area for parcels outside of the wilderness area, instead of just providing "adequate access";
- CIEDRA should explicitly state that the only limitation on hunting, fishing or trapping in these areas should be for public safety only and specific language should be included permitting Idaho wildlife managers to land in these areas by plane or helicopter to manage or collar wildlife;
- CIEDRA should contain additional language pertaining to water rights that expressly prohibits, without exception the establishment of any federal water rights for the wilderness areas; and
- CIEDRA should contain language that requires the Forest Service and BLM to aggressively eradicate all invasive or noxious species in the proposed areas.

I understand the sacrifice and devotion Congressman Simpson has committed to this process, which makes opposing this legislation even more difficult for me personally. I know there is a better way to achieve all of the protections necessary to preserve these areas, increase economic activity and recreational opportunities, without locking this land up under wilderness. My dream is for these areas to thrive economically and remain open to all existing uses and recreational opportunities so Idahoans can continue to access and enjoy these lands as they do today for generations to come.

As Always—Idaho, "Esto Perpetua",

C.L. "BUTCH" OTTER,
Governor of Idaho.

[1] If Congress explores expanding the boundaries of the SNRA as an alternative to designating the proposed areas as wilderness it could also revisit and balance grazing, hunting and wildlife management interests within the recreational area.

June 29, 2010.

Hon. MIKE CRAPO,
Hon. JAMES E. RISCH,
U.S. Senate, Washington, DC.

DEAR SENATORS CRAPO AND RISCH: On behalf of Trout Unlimited's 140,000 members nationwide, including more than 2,000 in Idaho, we write to thank you for your leadership and hard work in developing S. 3294, the "Central Idaho Economic Development and Recreation Act." This bill designates three new wilderness areas that will protect valuable headwaters within the upper Salmon River watershed for salmon, steelhead and trout. Also important from a fisheries perspective is Section 102(e), to the extent that such title reduces impacts from grazing on the East Fork of the Salmon River. But this bill does more than just protect critical native and anadromous fish populations. It also includes carefully crafted and important provisions for all those who use our national forests including motorized users. In addition it addresses rural economics in Blaine and Custer counties.

This balanced approach to public lands management is something Trout Unlimited strongly supports. Trout Unlimited has long worked to conserve, protect and restore Idaho's trout and salmon fisheries. On average, each Trout Unlimited chapter dedicates 1,000 hours of volunteer time to conservation and education efforts each year. By protecting intact habitat in the headwater areas, restoring degraded habitat, and removing barriers to fish migration we can work toward a healthy future for Idaho's fisheries. By protecting high quality habitat, S. 3294 represents a key component of this conservation strategy.

Trout Unlimited supports S. 3294, and again we thank you for your work on this important legislation. Please contact us if you have any questions or need additional information.

Sincerely,

SCOTT STOUDER,
Idaho Field Coordinator.

KEITH CURLEY,
Director of Government Affairs.

STATEMENT OF CRAIG GEHRKE, REGIONAL DIRECTOR, IDAHO OFFICE, THE WILDERNESS SOCIETY

Thank you for this opportunity to submit a statement on behalf of The Wilderness Society (TWS) on S. 3294, the Central Idaho Economic Development and Recreation Act (CIEDRA).

TWS supports S. 3294 and urge the committee to endorse this legislation.

We appreciate Senator Crapo's leadership in developing this legislation, and the support of Senator Risch. We would also like to acknowledge the substantial efforts of Chairman Bingaman in resolving outstanding issues with earlier versions of the proposal. S. 3294 is a greatly improved version of CIEDRA and significantly addresses the majority of TWS's about earlier versions of the legislation.

TITLE I, SECTION 101.—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

For TWS, the heart of S. 3294 is the permanent protection of the Boulder-White Clouds as Wilderness. This landscape unquestionably merits Wilderness designation. Congressman Simpson has worked tirelessly on CIEDRA and has produced a Wilderness proposal which we believe merits passage by the U.S. Congress. One primary reason that TWS remained committed to the effort to modify and enact CIEDRA was the outstanding diversity of the Wilderness Areas designated in the legislation. The CIEDRA Wilderness proposal is far more dynamic and spectacular than either the Forest Service recommended Wilderness or BLM recommended Wilderness would be if separately considered. Geographically linking areas under Forest Service jurisdiction with the land recommended for Wilderness by the BLM—that is, capturing the rugged high country mountains and the lower elevation sagebrush and bunchgrass landscapes—will create one of Idaho's most ecologically diverse Wilderness Areas and protect as Wilderness important wildlife and fish habitat. The importance of maintaining the integrity of the Wilderness Areas proposed in S. 3294 to TWS's commitment to seeing CIEDRA succeed cannot be overstated.

It is important to remember the hard work done over the past several years by Congressman Simpson and his staff to craft a compromise that addresses the legitimate interests of many recreationists who currently use the Boulder-White Clouds.

Conservationists were asked to give up areas recommended for Wilderness by the Forest Service, like Champion Lakes and the Boulder Mountains behind the Sawtooth National Recreation Area headquarters, to accommodate both summer and winter motorized recreationists. Longstanding motorized trails running between the proposed White Clouds Wilderness and the Hemingway-Boulders Wilderness are retained to accommodate motorcycle riders. And in turn, some currently-open motorized trails were included in the proposed Wilderness, such as the West Fork East Fork Salmon River Trail. In summary, though, the Idaho delegation put together a delicate balance that protects widely-used motorized recreation opportunities while designating remarkable areas as Wilderness. As in the best of compromises, no one got all they wanted, but enough was gained to show an improvement over the status quo.

In regards to the concerns about motorized access within the Jerry Peak area, TWS conducted extensive, on-the-ground investigations in May 2010 and found that:

- Trail #4186 up Pine Creek is not accommodating to public access, as one has to pass through gated private land to reach the public land. There are no signs indicating public access or trailheads, which in all cases routinely severely restrict wide public use.
- Trail #4187 leading up Trail Gulch is posted closed to motorized use and there is no evidence of motorized recreation occurring.
- Trail #4051—the Herd Creek trail—was posted with one BLM sign that said no motors allowed, but another, conflicting Forest Service sign a few yards away indicates the trail open to motorbikes. Yet another few yards away was another BLM sign saying this trail was closed to motor cycles. Although confusing, it is evident that motorized use is not widely established on Trail #4051. It appears Trail #4051 was opened to motorized recreationists during the recent Travel Management Plan process about 1 ‡ mile into the proposed Jerry Peak Wilderness and is then closed to motors. There is limited illegal motorcycle use occurring in the closed portion.
- Signs on BLM land stating that motor vehicles in Wilderness Study Areas are allowed on designated roads only.
- Claims by motorized recreationists of established use of Trail #4189, the Sagebrush Creek trail, are simply not true. This trail is significantly overgrown with chest-high sagebrush, strewn with rock across the trail tread, and overgrown by grasses in the tread. There was no evidence of any motorized travel at any time and without question, no evidence of any regular motorized travel.

It is also important to note that when the Salmon-Challis National Forest started the revision of its Travel Management Plan, none of these trails in question were in the proposed action as trails that should be open to motorized use. It is not conceivable that the Forest Service would have omitted from its proposed action trails that were in fact receiving regular motorized use.

Other important issues in the approximately 12,000 acre area encompassed by the Pine Creek-Herd Creek trails are the quality of wilderness and the integrity of wilderness. Herd Creek is a dry, low elevation, low snowfall, open sagebrush valley with high quality summer and winter range for deer and elk. While there was no evidence of motorcycle use in Sagebrush Creek, there was evident pack stock use—likely from fall hunters. Herd Creek is a salmon stream. The entire valley is remote, little used, scenic, and wild and should be designated wilderness. To consider carving out a significant portion of the proposed wilderness, where the boundary now follows a logical line above the Herd Creek and East Fork Salmon River Roads, would be detrimental to wilderness integrity and wildlife security. It also makes no sense when it is not receiving any visible motorcycle use up in the tributary of Sagebrush Creek.

To honor the multi-year process of compromise and fair negotiation, to maintain the wilderness integrity, and to recognize appropriate uses of trails, we urge Congress to keep the Jerry Peak Wilderness boundaries from the August 30, 2006 map prepared by Congressman Simpson. We urge you to carry these boundaries to full inclusion in the CIEDRA legislation and to keep both the wilderness boundaries and the spirit of compromise intact.

TITLE I, SECTION 102.—ADMINISTRATION

TWS supports the Wilderness Administration section of S. 3294. In particular, we believe the provisions on fish and wildlife management are sufficient to address concerns from the State of Idaho that nothing in this Act affects the State's jurisdiction regarding fish and wildlife management.

TITLE I, SECTION 103.—WATER RIGHTS

TWS believes Section 103 sufficiently deals with issues regarding water rights, the Snake River Basin Adjudication, and Section 9 of the Sawtooth National Recreation Act (16 U.S.C. 460aa-8).

TITLE I, SECTIONS 104, 105, 106, 107, 108

TWS has no concerns regarding these sections.

TITLE II, SECTIONS 201, 202, 203, 204

TWS believes that the conveyances in S. 3294 are much improved from past versions of CIEDRA. TWS appreciates that the land conveyances of S. 3294 have been specifically identified, along with the public purposes each conveyance fulfills. TWS supports these conveyances as part of the overall collaborative package of CIEDRA.

TITLE III, SECTION 301

Germania Creek Trail—TWS supports the approach taken by S. 3294 regarding management of the Germania Creek Trail. The Secretary retains authority to manage this trail in accordance with applicable laws. TWS supports the provisions allowing the Secretary to temporarily close the Germania Creek Trail to minimize adverse impacts, protect public safety, and to provide opportunities for non-motorized uses.

Forest Service Trails 109 and 671—TWS supports the provisions in S. 3294 regarding management of Trails 109 and 671.

Frog Lake Loop Trail—TWS supports the management provisions of S. 3294 for the Frog Lake Loop Trail.

Accessible Trail—TWS supports the actions necessary to maintain the first mile of the Murdock Creek Trail as a primitive, nonpaved, and wheelchair-accessible trail.

In summary, TWS reiterates its support for S. 3294 and urge the committee to endorse this legislation.

June 15, 2010.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

RE: Statement on S.3294, Central Idaho Economic Development and Recreation Act

DEAR CHAIRMAN BINGAMAN: On behalf of Wilderness Watch, Western Lands Project and Friends of the Clearwater, we are providing this statement for the hearing record on S. 3294, the Central Idaho Economic Development and Recreation Act.

Our organizations were instrumental in organizing the Committee to Save the Sawtooth NRA in response to the initial CIEDRA legislation introduced several years ago. The 47 grassroots, regional and national organizations that came together under the CSSNRA worked tirelessly to defeat the bill. Those early versions of CIEDRA would have inflicted untold harm on the wildlands within and nearby the Sawtooth NRA. Those bills would have given away more than 5,000 acres of national forest and other public lands for free. They mandated off-road vehicle corridors through critical wildlife habitat and established motorized recreation as the priority use for many areas. The Wildernesses designated by those bills would have been highly fragmented, and the protections normally afforded by the Wilderness Act were watered-down so that the interests of private groups took precedence over the public good. CIEDRA bestowed the title "Wilderness" on lands while failing to provide traditional wilderness protections. Water rights needed to protect fish and wildlife downstream were stripped from these bills, putting endangered salmon populations at greater risk. More than 200,000 acres of potential Wilderness lands were released from current protections and opened to damaging ORV and other uses.

Through the efforts of our organizations, local concerned citizens, and wilderness-supporting Members of Congress, and in spite of the unflinching support for the harmful CIEDRA bills from the Pew Foundation's Campaign for America's Wilderness, The Wilderness Society, and Idaho Conservation League, those previous versions of CIEDRA met their appropriate demise, making it possible to create legislation that is worthy of one of the most remarkable natural landscapes in America.

We appreciate the efforts of the Committee leadership and Senator Crapo in reshaping those earlier versions of CIEDRA into the much improved version introduced as S. 3294.

With regard to S. 3294, the latest version of CIEDRA, we wish to first acknowledge the many improvements in the legislation over previous versions. Gone are most of the land giveaways, replaced instead with much more limited land conveyances aimed at specific public purposes and more closely adhering to existing law. Gone, too, are most of the damaging Wilderness provisions that allowed for extensive motor vehicle use, habitat manipulations, and commercial special interest rights. Also excised from earlier versions of CIEDRA are the destructive provisions creating the Boulder-White Clouds Management Area and its mandated off-road vehicle routes and prioritization of ORV use for the area. These are all changes that our organizations advocated for since the first CIEDRA bill, and we're very pleased to see those changes in the current bill.

While much improved, S. 3294 still contains a number of provisions that should be changed to provide adequate protection for the natural values of the area and the public interest. Our concerns and recommendations follow:

TITLE I—WILDERNESS DESIGNATIONS

The Boulder-White Clouds roadless area, at approx. 475,000 acres is the largest unprotected national forest roadless area in the Lower 48 States. Together with adjacent BLM-administered wildlands, the area harbors a potential contiguous, unbroken wilderness of over one-half-million acres, all of which would be protected in H.R. 980, the Northern Rockies Ecosystem Protection Act. CIEDRA protects only two-thirds of the area. Far more troubling, however, the three motor vehicle corridors in the bill fragment this connected Wilderness into four smaller parcels, two of which are less than 5,000 acres in size. Most damaging would be the Germania Creek motorized/mechanized corridor (section 301(a)) that splits the large roadless area in two. This corridor greatly reduces the amount of core habitat that would be more than a couple miles from a road or vehicle corridor, and would preclude the ability for wilderness visitors to experience wilderness that is more than a few miles from the sights, sounds, and other influences of our culture's ubiquitous mechanization. This preeminent wild area can't serve every demand and still provide its highest and best use to present and future generations as one of America's premier Wildernesses. We can do better, and should. The Germania Creek trail corridor should be removed from the bill and the corridor made part of a contiguous Boulder-White Clouds Wilderness. Moreover, those areas released from wilderness study area status should be protected from degradation by prohibiting any increase in off-road vehicle use or routes.

We also believe the Railroad Ridge area should be permanently protected from vehicle use and included in the Wilderness. Previous versions of CIEDRA included additional protections for Railroad Ridge. The Senate should include additional protections in this bill.

Sec. 102 Administration

As noted above, S. 3294 does not contain most of the damaging Wilderness provisions from earlier versions of CIEDRA. However, some so-called "savings clauses" could cause confusion for wilderness managers and the public, or cause harm to Wilderness, and therefore should be modified to mimic the language in the Wilderness Act. We do not believe it is sound wilderness policy to grind away at the protections afforded by the Wilderness Act in individual bills. We urge the Committee to modify the language in CIEDRA so that it reflects the precise language in the Wilderness Act.

(f) Outfitting and Guiding Activities—

For the most part this section restates section 4(d)(5) of the Wilderness Act except CIEDRA substitutes the phrase "commercial services. . .are authorized" in place of the Wilderness Act provisions stating "commercial services may be performed." Though the phrases could be interpreted to be essentially the same, we believe the language in CIEDRA raises concerns for two reasons.

First, when there has been some dispute about the meaning of statutory language, the simple fact that Congress changes the provision could be interpreted to mean that Congress meant to accomplish something new and different. Second, the phrase "are authorized" could be interpreted to mean that an agency has less discretion than it would under a "may be performed" standard to decide whether to allow the services.

The language used in the Wilderness Act has allowed for appropriate commercial services in nearly every Wilderness in the National Wilderness Preservation System, and would do so in the Boulder-White Clouds.

(g) Fish and Wildlife—

While CIEDRA's provisions are similar to the Wilderness Act, they are not the same, raising questions as to how fish and wildlife will be managed differently under the bill. In order to avoid confusion for managers and the public, and minimize the breadth of special provisions in wilderness laws, we urge you to modify this language to mimic the Wilderness Act.

(h) Access—

The Wilderness Act provides private landowners with adequate access or an exchange for land of equal value. CIEDRA excludes the option of an exchange. The provision for an exchange has in the past served to protect Wilderness in situations where "adequate access" may have resulted in significant damage. In order to ensure that this provision will be in accordance with section 5(a) of the Wilderness Act, we suggest adding a phrase to end of the last sentence that reads, "or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value."

Sections 104. Military Overflights

We believe the Boulder-White Clouds would greatly benefit if the bill required the Secretaries of Agriculture and Interior to enter into discussions with the Sec. of Defense over ways to lessen the impact of overflights on the area's wildlife and its human visitors, while still meeting national security needs. With the vast expanse of airspace over southern and central Idaho, it seems the Secretaries ought to be able to identify alternative areas and training practices that would meet the military's training needs while lessening the impact on the Boulder-White Clouds and Sawtooth NRA.

TITLE II—LAND CONVEYANCES FOR PUBLIC PURPOSES

Many of the conveyances are qualified by the requirement that the conveyance be "consistent with uses allowed under [RPPA]." We believe the bill should require conveyances to be "implemented consistent with RPPA." This would more plainly ensure that conveyances would be implemented in a manner consistent with the National Environmental Policy Act (NEPA).

Section 202(e) Public Purposes

We believe the proposed use for the "City of Challis" parcel should be stated, whether it's for a park, wastewater treatment plant, or other public need. We appreciate that other conveyances in the bill have stated public purposes, and believe the Challis conveyance should identify the same. Public lands should not transfer out of public ownership unless it is for an identifiable and justifiable public purpose.

TITLE III—TRAVEL MANAGEMENT

Sec. 301. Trail Management

As stated previously, the provisions condemning the area around the Germania Creek Trail to perpetual motorized and mechanized use will profoundly impact the wild character of the Boulder-White Clouds. The impact will be compounded by the "buffer zone" provisions in section 105, which virtually ensure wildlife and visitors in the area, including those in parts of the Wilderness, will not be able to escape the "growing mechanization" that the Wilderness Act sought to prevent in our nation's wildest areas. With more than one-third of the suitable Wilderness in the Boulder-White Clouds area being released for other uses, and nowhere in the proposed Wilderness being even ten miles from a road or boundary, it is simply unacceptable to exclude the Germania Trail from Wilderness designation.

The Frog Lake Loop should be closed to vehicle use and included in the Wilderness. As it stands in S. 3294, this proposed vehicle corridor would completely sever a tiny parcel of land from the rest of the White Clouds Wilderness. While we prefer the Frog Lake Loop be included in the Wilderness, if it is not then the small isolated parcel of land, which would not truly be manageable as Wilderness, should be deleted from wilderness designation. Special management provisions could be included to protect it from vehicle use, road construction or other developments. A similar situation exists with a narrow triangle of land isolated from the rest of the Hemingway-Boulders Wilderness by a corridor running between the East Fork Salmon River Road and Germania Creek. This corridor should be made part of the Wilderness to maintain the physical and biological connectivity of the Wilderness.

Sec. 301(d). Accessible Trail.

We support the proposal to make the first mile of the Murdock Creek Trail a nonpaved, wheelchair-accessible trail. However, we strongly urge Congress to "cherrystem" this trail from the Wilderness, and to include language preventing any further developments or activities that would detract from the primitive experience available on the trail.

Our organizations support the current language in the Americans with Disabilities Act allowing for wheelchair use in Wilderness, and we support efforts to make the Murdock Creek Trail accessible for those who require a wheelchair for mobility. Both can be met without creating yet another special provision in Wilderness legislation. We are also concerned about the precedent-setting potential of this provision.

CONCLUSION

We wish to commend the Committee leadership for its arduous and critical work to transform this bill from a virtual manifesto against public land and Wilderness to one that is closer to the ideal. We urge you to take the additional steps outlined above to make this legislation worthy of Idaho's splendid public lands and waters and one of our nation's premier unprotected wild areas.

Thank you for your efforts and your consideration of these concerns.

Sincerely,

GEORGE NICKAS,
Wilderness Watch.

JANINE BLAELOCH,
Western Lands Project.

GARY MACFARLANE,
Friends of the Clearwater.

SIERRA CLUB,
June 14, 2010.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN, On behalf of the more than 1.3 million members and supporters of the Sierra Club, I am writing to thank you for holding a legislative hearing on S. 3294, the Central Idaho Economic Development and Recreation Act.

Sierra Club commends Senator Crapo for his dedication to balancing the protection of Idaho's irreplaceable wild lands, with the need for public access and the development of local economies. S. 3294 represents the culmination of many years of hard work to craft a compromise bill that provides wilderness protections to the Boulder-White Clouds range. While we recognize the benefits of a collaborative approach to crafting public land legislation, Sierra Club wishes to assert that Wilderness is important and valuable in its own right. For more than a century, we have fought to protect and preserve America's wild lands heritage. Today, in the face of climate change, wilderness is more important than ever.

Wilderness and Local Economies

Preserving public lands as wilderness benefits local communities and economies. Wild lands and natural systems provide numerous ecosystem services and economic benefits for communities. These ecosystem services include filtering the air we breathe and the water we drink, generating fertile soils, controlling pests that destroy crops, providing habitat for fish and wildlife, controlling floods, and sequestering carbon.

Throughout the West, and especially within the Northern Rockies, local economies are closely tied to outdoor recreation and wildlife related activities such as hunting, fishing, bird watching, hiking and camping. These economic drivers depend on wild lands and the health of our natural ecosystems. In fact, one out of every 20 jobs in this country is linked to wildlife related activities.[1]

Wilderness in a Warming World

Setting aside public land and wildlife habitat provides space for plants and wildlife to adapt to changing climate and other impacts from global warming. Congres-

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[1] Outdoor Industry Foundation. 2007. "The Active Outdoor Recreation Economy. A $730 Billion Annual Contribution to the U.S. Economy." Available from: http://www.outdoorindustry.org/images/researchfiles/RecEconomypublic.pdf?26

sional wilderness designation, in particular, provides numerous benefits for wildlife and increases habitat resiliency in many ways.

Wilderness designation protects habitat from destructive industrialization and other non-climate stressors such as sprawl, oil and gas development, mining, and illegal off-road vehicle abuse. Protecting wilderness and wildlife migration corridors allows wildlife a chance to migrate and adapt in order to survive. The chances for successful migration will be greatly improved by the protection of large core areas of healthy habitat linked together by connecting migration routes. Wilderness designation also assures the ability of healthy habitat to absorb excess amounts of carbon in the atmosphere.

S. 3294—THE CENTRAL IDAHO ECONOMIC DEVELOPMENT AND RECREATION ACT

Sierra Club strongly supports the wilderness designations found in S. 3294. The bill will permanently protect three spectacular wilderness areas in the Sawtooth and Challis National Forests and the Challis District of the Bureau of Land Management. Comprising more than 330,000 acres these areas include; the Hemingway-Boulders Wilderness, White Clouds Wilderness and Jerry Peak wilderness in the Boulder-White Clouds Range.

Sierra Club would like to commend Senator Crapo's staff and the Committee Staff who worked tirelessly to revise and improve previous versions of the legislation. S. 3294 has been improved in many ways. The updated bill is much more concise than earlier versions of the legislation (H.R. 3603, 109th Congress, 2006; H.R. 192, January 2009), and many of the objectionable provisions, such as legislatively prescribed land management areas and special wilderness management provisions have been removed or significantly reworked.

In addition, the proposed land transfers have been thoroughly vetted and reviewed and with a single exception, the public purpose for each transfer parcel is explicitly identified in the bill. Sierra Club is particularly pleased that no lands located within the Sawtooth National Recreation Area are proposed for transfer or disposal, and that a reversionary clause has been included which requires that the stated public purposes for each land transfer must be adhered to.

While Sierra Club is supportive of S. 3294, we continue to have some significant concerns, and look forward to working closely with Senator Crapo and the Committee staff to make additional improvements to the bill. Sierra Club's remaining concerns with S. 3294 include:

TITLE III—TRAVEL MANAGEMENT

Sierra Club maintains its long-held opposition to legislative language that legislates local travel management plans, roads, routes, or trails. Such language denies local land managers the ability to take into account multiple related impacts and manage public land in a comprehensive manner.

Germania Creek and Frog Lake Loop Trails

Sierra Club strongly opposes the legislative designation of the Germania Creek and Frog Lake Loop Trails as proposed in Title III, Secs. 301(a) and 301(c).

> Section 301. Trail Management.
>
> (a) Germania Creek Trail-
>
> (1) IN GENERAL-The Secretary shall maintain a trail for single track, 2-wheeled motorized and mechanized travel between the Hemingway-Boulders Wilderness designated by section 101(a)(1) and the White Clouds Wilderness designated by section 101(a)(2).
>
> (c) Frog Lake Loop Trail
>
> (1) IN GENERAL-Neither the designation of the White Clouds Wilderness by section 101(a)(2) nor the exclusion of portions of Forest Service trails 047 and 682 (commonly known as the 'Frog Lake Loop Trail') from the wilderness shall affect the management of those trails for motorized or mechanized travel in accordance with existing laws.

The Germania Creek and Frog Lake Loop trails would bisect the Hemingway-Boulders Wilderness area, designated by section 101(a)(1) and the White Clouds Wilderness area, designated by section 101(a)(2). These trails fragment the contiguous wilderness units and will provide an opportunity for illegal motorized entry into the newly designated wilderness. Additional degradation will be compounded by the "buffer zone" provisions in section 105 which prevents management of these trails for their impacts on the very essence of the wilderness areas they bisect. In

addition, we are concerned with the potential precedent set by codifying motorized use on any trail located entirely within wilderness quality lands.

The Germania Creek trail is a lightly used, primitive single-track trail that crosses the creek several times along its length. The use of two-wheel motorized vehicles promotes erosion and siltation in Germania Creek, which is detrimental to bull trout and cutthroat trout. The trail also cuts across an important migration corridor for elk, mule deer and antelope.

While we are pleased to see the inclusion of the Red Ridge area as wilderness in the legislation, we have strong concerns with allowing motorized use on the Frog Lake Loop trail. The trail effectively divides Red Ridge from the rest of the White Clouds wilderness, reducing habitat connectivity in the area.

Sierra Club strongly objects to these provisions and urges Senator Crapo and the Committee to close the trails to motorized use.

TITLE I—WILDERNESS DESIGNATIONS

Railroad Ridge

We were disappointed to see that Railroad Ridge would receive no protections in S. 3294. Sierra Club believes that Railroad Ridge should be permanently protected from off-road vehicle abuse. Railroad Ridge is a stunning, broad plateau. It contains unique, threatened plant communities that have been recognized by the US Forest Service for special administrative protections. We urge that Railroad Ridge be protected as wilderness.

Short of permanent wilderness protections, we believe that the existing ORV trail should be closed at Livingston Mill to limit current problems with illegally pioneered ORV routes in the area. Closing the area to motorized access and converting the existing trail to non-motorized use, would enable the US Forest Service to conduct necessary rehabilitation in the area and would create new jobs.

Water Rights

SEC. 103. WATER RIGHTS.

(a) Statutory Construction-Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the wilderness areas designated by section 101;

(2) affects any water rights—

(A) in the State of Idaho existing on the date of enactment of this Act, including any water rights held by the United States; or

(B) decreed in the Snake River Basin Adjudication, including any stipulation approved by the court in such adjudication between the United States and the State of Idaho with respect to such water rights; or

Sierra Club believes that the streams and rivers of the Sawtooth National Recreation Area and the Boulder-White Clouds Range must be protected for the fish and wildlife that depend on them, especially spawning salmon. Sierra Club has worked for years to assert a Federal Reserved Water Right for the Sawtooth NRA. However, in 2000 the Idaho Supreme Court stripped the Sawtooth NRA of its clean water protections. We object to Section 103 and believe that the legislation should re-assert in stream flow protections for the Sawtooth NRA.

TITLE II—LAND CONVEYANCE FOR PUBLIC PURPOSES

Public Land Conveyances

Sierra Club is pleased to see that nearly all of the proposed land conveyances in S. 3294 have explicitly stated public purposes. We also commend the inclusion of Section 204, which contains a reversionary provision that will ensure that the lands conveyed in S. 3294 will be used for the stated public purpose.

Sec. 204, Terms and Conditions of Permits or Land Conveyances

(a) Terms and Conditions-The issuance of a special use permit or the conveyance of land under this title shall be subject to any terms and conditions that the Secretary determines to be appropriate.

(b) Reversionary Interest-If any parcel of land conveyed under this title ceases to be used for the public purpose for which the parcel was conveyed, the parcel shall, at the discretion of the Secretary, based on a determination that reversion is in the best interests of the United States, revert to the United States.

However, we are concerned that the City of Challis land conveyance, (Title II. Sec. 202 (e)), does not have a stated public purpose. We believe that each proposed land conveyance must have a stated public purpose, in order for Section 204 to ensure that all of the public land conveyed by S. 3294 be used appropriately.

In conclusion, I would like to reiterate Sierra Club's gratitude to Chairman Bingaman and the other committee members for holding this important hearing on S. 3294. I also would like to express our appreciation to Senator Crapo for his leadership in working to protect the Boulder-White Clouds Range. Sierra Club supports S. 3294, but we continue to have some significant remaining concerns with the legislation, as it is currently written. We look forward to working with Senator Crapo and the other members of the Committee to make improvements to the bill, in order to offer our full support.

Thank you for your consideration,

DEBBIE SEASE,
National Campaign Director.

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 2, 2010.

Hon. C.L. "BUTCH" OTTER,
Governor, State Capitol, Boise, ID.

DEAR GOVERNOR OTTER: Thank you for your letter written to Senator Mike Crapo and Senator Jim Risch, and copied to Representative Walt Minnick and myself, dated June 14, 2010. I appreciate your taking the time to comment regarding your concerns with S.3294, the Central Idaho Economic Development and Recreation Act (CIEDRA), as introduced by our Senators.

You have always been up front with me regarding your opposition to additional wilderness in Idaho and I have always known you would have difficulties supporting my legislation both while you were my colleague in the House of Representatives and as our Governor. As the principal author of CIEDRA, I feel it is appropriate to respond to you directly.

As you know, I have been working since 2000 on CIEDRA, seeking collaboration and consensus among Idahoans. The resulting bill is the product of countless discussions, meetings and hearings and numerous drafts. I am proud of the finished product.

Many Idahoans have decided that leaving land management in the Boulder-White Clouds in flux, as wilderness study areas and under the threat of closures and lawsuits, is not acceptable. They have come together with me to craft this solution that addresses both the need to conserve this area and the need to protect the livelihoods and enjoyment of Idahoans who live and recreate in the area.

CIEDRA is not a perfect bill. It is a complicated bill that forces each side to give a bit in order to find the balance that is needed to resolve outstanding land management issues. I tried to achieve a balance where there are no "winners" or "losers."

The years I have spent discussing and addressing the most contentious issues in CIEDRA led those who want to find a solution to this long-standing problem to develop what I believe to be an equitable compromise in which all will gain security and certainty. Most importantly, CIEDRA addresses the contentious issues of wilderness, including the motorized corridors within the Boulder-White Clouds.

Wilderness will be established in areas that have the least impact on motorized and other existing uses. We have released wilderness study areas and boundaries have been adjusted to provide for high elevation snowmobiling and other existing uses in areas that are, in fact, currently being treated as if they were wilderness and where, therefore, motorized use is already limited. Of the two existing motorized corridors, the Grand Prize trail would be closed to motorized use while the Germania corridor would remain open to motorized use with explicit protections ensuring that it must remain open into the future. This is the compromise reached by conservation groups and recreationists and to which I have remained committed throughout this process.

I believe it is fair to say that those who are entrenched in their positions on one or both of these issues are not interested in compromise and will remain opposed to the bill unless the other side gives up. It has become clear to me that the path forward to resolving issues in the Boulder-White Clouds is through the compromises we have developed in the existing CIEDRA language.

Following, in italics, are the suggestions that you made in your letter regarding CIEDRA. Corresponding to each suggestion is my response which I believe should answer or alleviate any concerns you may have had with your specific suggestion:

- CIEDRA should contain language that all conveyances should be treated as conditions precedent to designating the three areas as wilderness. Alternatively, should either secretary fail to complete the required transfers under CIEDRA then the designated wilderness areas should revert to their former status.

  I appreciate your seeking certainty that the conveyances in CIEDRA to the cities and Custer County take affect prior to wilderness being enacted. Each of the conveyances to the public entities has language specifically stating that the respective Secretary "shall convey, without consideration" the specified parcel. Given this language, once the bill is signed into law. the Secretaries are required by law to implement the transfers.

  As you are aware, there is no precedent of "trigger" language such as you have recommended as a condition precedent to the implementation of wilderness. I am also unaware of any instances where a Secretary has ever blocked a transfer of lands that was specifically directed in legislation.

- Specific language that provides an affirmative duty for the secretaries to purchase or exchange the state endowment lands inside the Jerry Peak Wilderness Area for parcels outside of the wilderness area, instead of just providing "adequate access."

  In regards to this concern, language has been provided in the bill to address this issue. Specifically, "the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas by donation, exchange, or purchase from a willing seller." Additionally, language was inserted into the bill at the request of the Attorney General's office stating that "[N]ot later than 3 years after the date of enactment of this Act, the Secretary shall seek to complete an exchange for State land located within the boundaries of the wilderness areas designated by this title."

  In addition, you have personally expressed to me your desire to have the Secretaries purchase the state endowment lands. Given my position on the Interior Appropriations Subcommittee, I am committed to securing the funding necessary to implement the purchase of these state endowment lands in FY 2011.

- CIEDRA should explicitly state that the only limitation on hunting, .fishing or trapping in these areas should be for public safety only and specific language should be included permitting Idaho wildlife managers to land in these areas by plane or helicopter to manage or collar wildlife.

  I share your concern about ensuring not only that recreational activities like hunting, fishing, and trapping should continue in the Boulder-White Clouds area, but also that the Idaho Fish and Game continues to be able to effectively manage wildlife in that area. As you know, in 2006, the U.S. Forest Service and the Bureau of Land Management (BLM) entered into a Memorandum of Understanding (MOU) with the Association of Fish and Wildlife Agencies to provide a process through which states can continue to manage wildlife in wilderness areas. It is through this MOU that the State of Idaho is allowed to use helicopters for wolf management in the Frank Church-River of No Return Wilderness Area, a decision that was recently upheld in court.

  In order to ensure that the state continues to have the tools it needs to manage wolves and other wildlife, 1 will propose adding language affirming the MOU to the CIEDRA language. As stated above, the existing MOU gives the Forest Service and BLM the ability to approve the use of helicopters and other motorized vehicles in wilderness areas for wildlife management when determined necessary through the Minimum Requirements Decision Process, even if these activities are otherwise prohibited under the Wilderness Act. Similar language was included in P.L. 109-432, the White Pine County Conservation, Recreation and Development Act. The language in the existing MOU has already been proven effective in protecting the ability of our state to manage wolves in wilderness, and I am confident that including it in CIEDRA will only strengthen that protection.

- CIEDRA should contain additional language pertaining to water rights that expressly prohibits, without exception the establishment of any federal water rights for the wilderness areas.

  As you know, the water language in CIEDRA was carefully negotiated with the water expert in the Idaho Attorney General's office. The specific water language states that:

  Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the wilderness areas designated by section 101;

(2) affects any water rights—

(A) in the State of Idaho existing on the date of enactment of this Act, including any water rights held by the United States; or

(B) decreed in the Snake River Basin Adjudication, including any stipulation approved by the court in such adjudication between the United States and the State of Idaho with respect to such water rights; or

(3)(A) establishes a precedent with regard to any future wilderness designations;

As noted above in Section (1), CIEDRA expressly states that there shall be no express or implied reservation of water rights with respect to the wilderness areas nor does it affect any water rights in the State of Idaho. I find it difficult to imagine a reason or use in which the federal government would establish a federal water right in the wilderness areas given that they are all "headwaters" and the federal government is forfeiting its right to reserve a water right at enactment of this legislation.

However, given your concerns, I will ask the Senators to either include report language or to engage in a colloquy on the Senate floor reinforcing that the intent of the water language in CIEDRA is that:

1) the water right language was selected based upon the fact that the Idaho Supreme Court has previously determined that such language does not create federal reserved water rights;

2) the intent of CIEDRA is that there shall be no establishment of any federal water rights for these wilderness areas now and in the future.

- CIEDRA should contain language that requires the Forest Service and BLM to aggressively eradicate all invasive or noxious species in the proposed areas.

  I share your concern about the damage that invasive and noxious species can do to native vegetation and wildlife, and like you I think it is important to have effective weed management strategies in place in the Boulder-White Clouds area. In order to ensure that the Forest Service and BLM are working aggressively with the State of Idaho to manage and control invasive and noxious weeds, I have asked these agencies to work with the State of Idaho to develop a comprehensive weed management plan in the Boulder-White Clouds. Similar plans are already in effect in the Selway Bitterroot Wilderness Area and the Frank Church-River of No Return Wilderness Area, allowing agencies to stop the spread of invasive species and contain the spread of established non-native plants. I am committed to providing the funding necessary to implement such an agreement.

  You may also be interested to know that the 2006 MOU referenced earlier provides authority for the Forest Service and BLM to approve the use of pesticides in wilderness areas. I will propose adding language to CIEDRA to affirm this authority.

Thank you very much for your attention to my letter. If you have further questions regarding my letter or CIEDRA I would be happy to discuss them with you.

Sincerely,

MIKE SIMPSON,
Member of Congress.

BACKCOUNTRY HUNTERS AND ANGLERS,
May 25, 2010.

Hon. TIM JOHNSON,
U.S. Senate, 136 Hart Senate Building, Washington, DC.

DEAR SENATOR JOHNSON: Backcountry Hunters & Anglers is a national, non-profit group of sportsmen who love to hunt and fish in backcountry settings. We are pleased to support your recent introduction of the Tony Dean Cheyenne River Valley Conservation Act of 2010. This far-sighted legislation corresponds to BHA's values of keeping backcountry hunting and fishing opportunities intact for our children and beyond.

Five years ago, we wrote to you and the other South Dakota delegation members to express our support for this grassland wilderness proposal, and urged your leadership in the proposal's full support. We learned of the proposal from one of our

original board members in South Dakota, Rich Gordon, who was passionate about protecting this part of the prairie grasslands that are unique to our nation's heartland. All his life, Rich enjoyed and appreciated these lands for what all true hunters and anglers treasure — undisturbed habitat for mule deer, whitetail deer, antelope and numerous species of fish and fowl.

However, there and elsewhere, our great hunting and fishing traditions face unprecedented challenges as population grows and sporting technology advances. For everyday folks it's increasingly difficult to find places for quiet, high-quality hunting and fishing, blessed by the solitude we seek. It's crucial for big game species to have undisturbed habitat for security, fawning and calving.

That's why Backcountry Hunters & Anglers want you to know we fully support the Tony Dean Cheyenne River Valley Conservation Act of 2010 to conserve a small but significant portion of the Buffalo Gap National Grassland. Providing the ultimate federal protection to only 8% of this unique area is not too much to ask. Hundreds of thousands of national grassland acres in the state would still be left open to motorized use. Our organization has the conviction to help this worthy proposal become reality.

We appreciate your leadership on this issue. The measure would not only protect an irreplaceable part of South Dakota and an integral part of its prairie pioneer heritage — it would create the first grasslands wilderness in the nation. No other prairie state has had the foresight.

We look forward to your response and to working with you on this important issue. We and the South Dakota sportsmen and women we represent thank you for supporting this historic effort. Future generations of hunters will be forever grateful.

Sincerely,

MIKE BEAGLE,
Chairman.

IZAAK WALTON LEAGUE OF AMERICA,
June 8, 2010.

Hon. TIM JOHNSON,
Senator, U.S. Senate, 136 Hart Senate Office Building, Washington, DC.

RE: The Tony Dean Cheyenne River Valley Conservation Act, S. 3110

DEAR SENATOR JOHNSON, Thank you for introducing The Tony Dean Cheyenne River Valley Conservation Act (S. 3110) designating portions of the Buffalo Gap National Grasslands (BGNG) as a wilderness area. The area is a national treasure, very deserving this designation and the protection that goes with it.

The Izaak Walton League of America has a long history of supporting wilderness. The Ikes were formed in 1922 and have supported wilderness legislation since 1926. The National IWLA and the South Dakota Division strongly support this legislation.

Prairie grassland is the most endangered ecosystem on the planet. We are seeing the destruction of thousands of acres of grassland across South Dakota. S. 3110 will protect this precious natural resource for current and future generations.

The Ikes support continuation of activities including: hunting, hiking, camping, horseback riding, bird watching, recreational rock collecting, grazing and more. All of these currently exist on the BGNG and will continue under this legislation. A wilderness designation will ensure lasting protection for the Red Shirt, Indian Creek, and Chalk Hills areas which are some of the best public land in our state. The IWLA believes this wilderness designation will greatly benefit adjacent communities with increased visitation from people across the nation to what will be our country's first national grassland wilderness.

This visionary proposal will provide long term benefits to both residents and nonresidents for generations to come. Thank you for this legislation and fitting tribute to our friend and conservationist, the late Tony Dean. S. 3110 has the enthusiastic support the Izaak Walton League of America.

JERRY SCHLEKEWAY,
South Dakota Division President.

PEW ENVIRONMENT GROUP,
June 14, 2010.

Hon. TIM JOHNSON,
U.S. Senate, 136 Hart Office Building, Washington, DC.

DEAR SENATOR JOHNSON: On behalf of the Campaign for America's Wilderness of the Pew Environment Group, thank you for your introduction of the Tony Dean Cheyenne River Valley Conservation Act (S. 3310) and your efforts to move this bill through Congress. If enacted, your legislation will protect a portion of the Buffalo Gap National Grassland as wilderness, resulting in the first national grasslands ecosystem to be represented in the National Wilderness Preservation System.

In 2002, the Bush Administration recommended that two areas in the Buffalo Gap—Red Shirt and Indian Creek—be designated as wilderness. Your legislation would be an important step in making these recommendations a long overdue reality.

While the Forest Service attempts to manage these areas for wilderness values, this management is based on administrative decree. Federal wilderness legislation would provide lasting protection for these areas.

Protecting a portion of South Dakota's grasslands heritage would be a significant conservation and scientific achievement and would also help sustain recreation and tourism opportunities, ensuring the continued economic vitality of local communities that market themselves around the stunning hills and vast prairies of southwestern South Dakota. This is good business sense.

In particular, almost 20 percent of South Dakotans hunt annually and, together with visitors to the state, spend $223 million on hunting (SD Game Fish and Parks figures, based on 2001 economic data). Over 5,500 South Dakotans work in jobs related to hunting activities resulting in over $100 million in salaries and wages. In addition, based on this 2001 data, 358,000 people spent an estimated $92 million on wildlife-watching activities.

Although there are provisions in your proposal we consider to be compromises, the Campaign for America's Wilderness of the Pew Environment Group recognizes you have worked hard to craft a viable bill that addresses the needs of diverse stakeholders and constituents.

- We would have liked to see the Indian Creek route closed. Recognizing that keeping the route open was a deal breaker to a number of other stakeholders, however, we acknowledge this compromise as necessary to move legislation forward.
- Despite exaggerated stories, misquotes, and sometimes intentional misinformation that has been spread about grazing in wilderness areas, we are confident in the statutory protections the Wilderness Act of 1964 provides for established grazing. Your bill contains strong grazing language that statutorily respects existing ranchers' rights on the land.
- Additionally, we appreciate your efforts to address rancher and adjacent landowner concerns regarding the ability to manage wilderness for fire, disease, insects, noxious weeds, and prairie dogs.
- We are confident in the protections the Wilderness Act provides for inholders (both private and state landowners), such as accessing their land.
- We reiterate our support of wilderness boundaries that would allow rock collectors to drive up to the popular agate beds in Red Shirt. These boundaries, in addition to the open Indian Creek road, would maintain the primary access that rockhounds currently enjoy.

Senator Johnson, we thank you for your vision, leadership, and hard work to shape balanced grasslands protection legislation. We look forward to working with you and your staff to move the Tony Dean Cheyenne River Valley Conservation Act through Congress.

Sincerely,

MIKE MATZ DIRECTOR,
Campaign for America's Wilderness.

STATEMENT OF CHRIS HESLA, SOUTH DAKOTA WILDLIFE FEDERATION

On behalf of the South Dakota Wildlife Federation and it's over 3,500 members, we applaud your leadership in introducing The Tony Dean Cheyenne River Valley Conservation Act of 2010 (S. 3110), legislation to protect a portion of the Buffalo Gap National Grassland as Wilderness in South Dakota.

In 2002, the Bush Administration recommended that two areas in the Buffalo Gap—Red Shirt and Indian Creek—be designated as wilderness. Your legislation would be an important step in making these recommendations a long overdue reality.

As you know, the Forest Service attempts to manage these areas for wilderness a value, this management is based on administrative fiat. Federal wilderness legislation would guarantee lasting protection for these areas.

Protecting a portion of South Dakotans grasslands heritage would be a significant conservation and scientific achievement—creating the first grasslands wilderness in the nation—your legislation would also help sustain recreation and tourism opportunities, ensuring the continued economic vitality of local communities and Tribes, that market themselves around the stunning hills and vast prairies of southwestern South Dakota. This is good business sense.

As you know, 20 percent of South Dakotans hunt annually and, together with visitors to the state, spend $223 million on hunting (SD Game Fish and Parks figures, based on 2001 economic data). There are over 5,500 jobs related to hunting activities resulting in over $100 million in salaries and wages. In addition, based on this 2001 data, 358,000 people spent an estimated $92 million on wildlife-watching activities.

Although there are provisions in your proposal we consider being compromises, SDWF recognizes you worked hard with stakeholders and constituents to craft a viable bill that addresses diverse needs and concerns.

- We would have liked to see the Indian Creek route closed. Recognizing that keeping the route open was a deal breaker to a number of other stakeholders, however, we acknowledge this compromise as necessary to move legislation forward.

- Despite misinformation, exaggerated stories, misquotes, and sometimes intentional misinformation that has been spread about grazing in wilderness areas, we are confident in the statutory protections the Wilderness Act of 1964 provides for established grazing. We respect existing ranchers' rights on the land and look forward to working with you to ensure that any bill has strong language to ensure established grazing rights are statutorily protected.
- Additionally, we understand and appreciate your efforts to address, in statute, rancher and adjacent landowner concerns regarding fighting fire, disease, and insects in wilderness. Again, we are confident the Wilderness Act allows these actions.
- We also are confident in the protections the Wilderness Act provides for in holders (both private and state landowners), such as accessing their land. We would be very supportive of restating such assurances in legislation.
- We reiterate our support of wilderness boundaries that would allow rock collectors to drive up to the popular agate beds in Red Shirt. These boundaries, in addition to the open Indian Creek road, would maintain the primary access that rock hounds currently enjoy.

Senator Johnson, we thank you for your vision and leadership in introducing S. 3110. We look forward to working with you and your staff during the 111th Congress to make this vision a reality.

STATEMENT OF BART KOEHLER, SENIOR WILDERNESS CAMPAIGNS DIRECTOR, THE WILDERNESS SOCIETY'S WILDERNESS SUPPORT CENTER

It is an honor to send you this email on behalf of The Wilderness Society, a national conservation organization dedicated to protecting wilderness and helping Americans safeguard wild places, since 1935. Many of the founders of The Wilderness Society, including Bob Marshall and Aldo Leopold were vanguard conservation leaders of the U.S. Forest Service before they created The Wilderness Society. This missive is sent on behalf of our hundreds of South Dakota members, plus over 500,000 members and supporters nationwide.

The Wilderness Society strongly supports S. 3310, your landmark legislation which would secure and preserve key wild areas in the Buffalo Gap National Grasslands. Taking such action would establish (as you so wisely noted) a "lasting legacy" for today and for future generations of South Dakotans and Americans from all walks of life. Although only comprising 8% of the Buffalo Gap National Grasslands, the wild places known as Indian Creek, Red Shirt and Chalk Hills represent a significant public land heritage that is well worth protecting. Additionally, protection of these lands would bring about a better balance of multiple use management for the grasslands; including grazing, hunting, horseback riding, rock collecting, water-

shed protection, etc. We must remember that by law (Section 2 of the Multiple Use Sustained Yield Act of 1960, and other sections in Wilderness Act of 1964 and subsequent applicable Acts of Congress) that Wilderness Areas represent an excellent example of multiple-use——under the sky, under the law and on the ground.

After an eagle-eyed review, I find that the overall legislation is filled with standard and traditional legislative language for Wilderness bills dating back to the original Act. Furthermore it contains rock-solid language found in 1970's Endangered American Wilderness Act Report language on Fire, Insects and Disease; to the 1980's Congressional Grazing Guidelines included in most all of the 1980's era statewide Wilderness Area laws plus the newer fire language of California Wilderness Act of 1984 which was layered on the foundation of earlier Acts; to the Wildlife Management Guidelines in the 1990's; to the 2000's newer fire language which was again layered onto earlier bedrock laws; to the 2002 version of wildlife management language from the Clark County, Nevada Lands Law, and finally to the 2009 Omnibus Lands Law language regarding fire, insects, diseases and invasive species. (I have not gone into detail about military language, or American Indian Tribal uses both of which are standard now.)

As I have noted we strongly support your overall legislative effort. For the record, I'd like to submit these points regarding specific sections of your bill:

1) No National Park: There significant and sincere concerns among South Dakota citizens that these proposed Wilderness Areas would eventually be shifted to National Park Service management and would then eliminate the existing grazing and hunting uses of the lands——especially for the Indian Creek Proposed Wilderness, which is directly adjacent to a unit of Badlands National Park. While your bill does not include a specific subsection on this issue it is clear that your bill ensures that these lands will not become part of the National Park. The specific subsections are: Section 2 (1) which defines the Secretary as the Secretary of Agriculture; thereby meaning that the lands are managed by the Secretary of Agriculture (therefore USFS and as National Grasslands); and Section 3 (c) (1), which states that the Wilderness Areas are administered by the Secretary of Agriculture via the USFS and Buffalo Gap National Grasslands.

2) Size Doesn't Matter As Long As Areas Are Manageable Units: a) Chalk Hills is less than 5,000 acres in size, is surely qualified for Wilderness Area status in adherence to Section 2 (c)(3)——since it is of "sufficient size as to make practicable its preservation and use in an unimpaired condition" and b) this also holds true for Red Shirt East, which is smaller than Red Shirt West, but is a very unique area encircled by enforceable boundaries defined by existing roads.

3) A Historically Used Wheeled Route Runs Between Two Units Of Wilderness: This is the case for both the Indian Creek and Red Shirt: a) The Indian Creek Route is a Forest System Route and has been used for hundreds of years——first by the Lakota and other American Indians by foot and then by horse; second by wagons; then by pick-up trucks and jeeps, and now by trucks and some ATVs; and b) State Highway 40 is a realigned update of the multi-decade route and from Red Shirt to Hermosa and further south and north of these locales. While the historic stage route is within part of Red Shirt West, this fact is in keeping with keeping history alive since historical values are a major reason for Wilderness. (The Chalk Hills Area is within sight and earshot of County and Forest System roads.)

***The major point here is that way back in 1978 Congress enacted the Endangered American Wilderness Act (P.L. 95-237) along with House Report 95-540. In this report the Congress of the United States——both the US Senate and US House of Representatives directed the US Forest Service to abandon their pure view of Wilderness which was resulting in the agency refusing to recommended any areas within the "sights and sounds of civilization" to Congress for Wilderness by law. Furthermore, to boldly underline this Congressional Intent, the Congress embraced new lands into The National Wilderness Preservation System by way of this Endangered American Wilderness Act which included areas directly adjacent to the city limits of Salt Lake City, Tucson, and other major cities. So. . . . . .putting this together, the "sights and sounds" from Highway 40 or the Indian Creek Route do not, and should not disqualify these above mentioned lands Congressional resolve regarding this matter is clearly defined in Section3 (c) (10-A & B) which addresses Adjacent Management of Lands, No Protective Perimeters or Buffer Zones and Non-Wilderness Activities.

4) Prairie Dogs: This is a very big issue of concern for a variety of interested people. This Section 4 re-emphasizes that both the Secretaries of Agriculture

and Interior have the authority from Congress to manage prairie dogs populations and habitats on public land. This issue needs to be addressed fairly and with clear-eyed dedication so it is resolved in a good way.

I'd like to make a few other points:

1) Your wilderness proposals are primarily based on the US Forest Service's Recommendations for Wilderness which were the result of a Congressionally-authorized land use planning process. Anyone who claims that these areas don't qualify for wilderness status is simply wrong. Yes these lands are National Grasslands, with their own unique history. However, over time these areas have been restored by the cycle of life's seasons to a natural condition that qualifies them for Congressional consideration. Please recall that the word "pristine" never appears in the Wilderness Act.

2) Wilderness would protect these lands and keep this special landscape "like it is". This is important to note since both Red Shirt and Indian Creek have been closed to off-road recreational vehicle use for years. Essentially, wilderness designations would not impose major new closures in regard to these two Recommended Wilderness Areas. However, wilderness by law would ensure that threats from future ATV use would not succeed. Further, a major decision on your part would keep the Indian Creek road open for public motorized use. As you know, this represents a tough compromise for us, but we're willing to accept it in order that these long-deserving areas can finally receive the lasting protections they need.

3) Very important to us and many others is the grazing language you intend to use. As we understand it, you will use the standard Wilderness Act language that contains the strongest possible wording which would protect existing grazing operations with the mandate that "grazing shall be permitted to continue...". Additionally, the Congressional Grazing Guidelines will serve as THE reasonable regulations referenced by law. Moreover, the Forest Service will therefore manage grazing in accordance with the letter and spirit of these Congressional Grazing Guidelines, thus giving further protections and added management flexibility to family ranchers who hold existing and longstanding grazing permits. We think this is essential.

Lastly, The Wilderness Society wants to thank you again for your wisdom, foresight, and leadership on this vital issue. We strongly support your efforts, and we look forward to working with you and your excellent staff in the wild times ahead.

TROUT UNLIMITED,
Washington, DC, June 29, 2010.

Hon. TIM JOHNSON,
136 Hart Senate Office Building, Washington, DC.

RE: Tony Dean Cheyenne River Valley Conservation Act of 2010

DEAR SENATOR JOHNSON: On behalf of Trout Unlimited's 140,000 members, I write to thank you for your leadership and hard work in developing S. 3310, the "Tony Dean Cheyenne River Valley Conservation Act of 2010." This bill designates three new wilderness areas that will protect valuable grasslands for their value as habitat to trout, deer and other wildlife. These unspoiled public lands are used and enjoyed by the public and represent an enduring legacy for all Americans.

Trout Unlimited's mission is to conserve, protect and restore North America's trout and salmon fisheries and their watersheds. By protecting these three important areas—Indian Creek, Red Shirt, and Chalk Hills—we can ensure that fish and wildlife habitat remains healthy and intact. We thank you for your attention to the need to conserve and protect these valuable resources, and we strongly support these wilderness designations for the Buffalo Gap National Grasslands.

Sincerely,

KEITH CURLEY,
Director of Government Affairs.

STATEMENT OF CHERYL WARREN, MANAGER, SOUTH DAKOTA WILD GRASSLAND COALITION

The South Dakota Wild Grassland Coalition applauds your introduction of The Tony Dean Cheyenne River Valley Conservation Act of 2010, S. 3310. Statewide, our coalition represents well over 100,000 hunters, conservationists, Native American tribal members, businesses, grassroots group members, scientists and individuals

from many professions and walks of life. National group endorsement raises our support numbers well into the millions. All of us believe the extraordinary qualities of the ruggedly beautiful Indian Creek, Red Shirt and Chalk Hills areas warrant the highest, most enduring protection the federal government can bestow. Locally and nationally, we appreciate your leadership and vision in seeking to preserve these special wild places, as all too few like them are left on the Great Plains.

As you know, the citizens' wilderness proposal would have closed the Indian Creek road. While some of our members still prefer this, as a group we made the decision to accept this compromise in order to support your choice of longstanding traditional access to the area for the greater public good.

The National Wilderness Preservation System has blessed Americans with richly varied and successfully managed wild places like the Bob Marshall Wilderness in Montana, the High Sierra areas of eastern California, parts of the Southwest's Sonoran desert, the Boundary Waters Canoe Area Wilderness of Minnesota, cypress swamps of the Black Creek Wilderness on Mississippi's coastal floodplain, Michigan Islands Wilderness, North Dakota's Chase Lake Wilderness, Wyoming's Encampment River Wilderness and many more. These areas provide the Wilderness Act's intended "outstanding opportunities for solitude. . .a primitive and unconfined type of recreation" prized as a necessity by many Americans. Missing from the system, however, are national grasslands.

Designating the country's first national grassland wilderness in our own state of South Dakota would be a significant and fitting tribute to the area's history and culture. A 2010 poll commissioned by the South Dakota Wildlife Federation and conducted by Moore Information shows the clear majority of western South Dakotans favor such a wilderness.

Ranchers who hold grazing permits on the proposed lands are the stakeholders most affected by a grassland wilderness designation. Our common ground with these ranchers is that we both want the land to stay the way it is, undisturbed by motorized recreation or other possible agency development. We both want their way of life protected. We have done our best to learn their needs and concerns, and to harmonize those needs, including boundary adjustments, with wilderness guidelines. We have worked earnestly to convey understanding of the statutory security provided by the Wilderness Act and Congressional Grazing Guidelines that surpasses mere agency regulations.

Still, some are distrustful of Forest Service adherence to management agreements (in the Forest Plan with public input, in individual permittee annual operating instructions, and grazing permits), and are concerned about arbitrary interpretations by agency staff. That is why we encourage your use of the clearest possible grazing management language, in accord with the Wilderness Act and Congressional Grazing Guidelines, to ensure mutual compliance.

We appreciate your published knowledge that insect outbreaks, noxious weeds, disease and wildfires can indeed be controlled in wilderness because Congress has given the Forest Service authority to do so—with mechanized equipment where necessary. (Ref. House Report 95-540 accompanying the Endangered American Wilderness Act, P.L. 95-237, 1978) The agencies also have as much authority to control prairie dogs in wilderness as they do anywhere else, especially where wilderness values are jeopardized by resulting erosion and destruction of native vegetation.

Regrettably, the mountain pine beetle epidemic in the Black Hills, including Black Elk Wilderness, has been used by some to categorically condemn wilderness. First, likening the management hazards of a mountain conifer forest to those possible on a prairie grassland is truly ecosystem apples and oranges. Grasslands are vastly less complex and more resilient. Second, critics do not acknowledge that these beetle epidemics have caused dramatic tree mortality in the Black Hills periodically since the late 1800s. These outbreaks typically last 8-13 years. In the 1970s—well before the Black Elk Wilderness was designated—beetle damage covered most of the Black Hills. Forest scientists clearly state the real culprit to be forest density caused by wildfire suppression, which has created ideal habitat for the mountain pine beetle, with prolonged drought further weakening the trees' natural defenses.

Nonetheless, the Wilderness Act did not foresee the damage a century of fire suppression would do to natural wilderness values in western forests. Lessons are being learned by forest managers. Language in the California Wilderness Act of 1984, (PL 98-425) Committee Report # 98-40 describes in detail the need for prescribed fire. More flexible management should be considered. Committee Report 95-540 (Endangered American Wilderness Act of 1978. PL 95-237) authorizes "any means necessary to control fire, insects, and disease in wilderness areas. This includes the use of mechanized equipment. . ." We agree that the lack of confidence in the Forest Service's effective, timely response to management challenges is well-founded.

Therefore, current problems should serve as learning opportunities to direct greater agency accountability and efficiency.

The Wilderness Act's purpose was to make sure that increasing population, expanding settlement and growing mechanization "does not occupy and modify all areas. . .leaving no lands designated for preservation and protection in their natural condition or unimpaired for future use and enjoyment as wilderness."

Fortunately, any purist views of wilderness qualification have long since proven invalid. "Untrammeled" means unhindered, unshackled; it does not mean untrampled or untouched. The Wilderness Act defines "land retaining its primeval character and influence. . .which generally appears to be affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." The word 'pristine' appears nowhere in the Wilderness Act.

Thanks to a half-century of beneficial partnership between Forest Service land managers and conscientious grazing permittees, the grassland areas proposed for wilderness have been well stewarded. For 30 years, Forest Service roadless classification has helped protect the health of Indian Creek's and Red Shirt's natural resources from human impacts. And, for the past eight years, the natural wild beauty of these two areas has been further safeguarded by the Forest Service managing them as recommended wilderness. But some have asked, "Why wilderness? Why now?"

During past generations of ranching on grasslands, and in 1964 when the Wilderness Act was passed, no one foresaw the proliferation, size and power of today's all-terrain vehicles to penetrate farther and faster into wild, remote, rugged lands. Four-wheel drive used to mean a Jeep. People drove as far as their two-wheel drive pickup could go, and from there they walked. Technology has advanced dramatically since then, and will continue, as will the sport's popularity among an increasing population.

The Forest Service is required to provide a broad range of recreation opportunities on the national grasslands, both motorized and nonmotorized, for a variety of experiences. They are to design an appropriate mix of these access activities with basic consideration of effects on the natural resources. "Not every use on every acre," as you have aptly stated. Motorized riders should and do have the right to access and enjoy some—but not all—public lands.

Contrary to opponents' claim that many uses will be restricted, there's really only one significant restriction, and one significant future threat: motorized recreation. We appreciate your understanding that leaving a modest eight percent of our country's second-largest national grassland (591,000 acres) for those who seek quiet solitude from the noise and intrusions of everyday life is only reasonable. With no wilderness designation, it is these people who are locked out. Senator Frank Church (ID) said, "If the roads never end, there never will be any wilderness." No other recreational use of public lands has the potential for so few to displace or damage the experience of so many as does motorized recreation.

The Multiple Use standard is used by some to argue against wilderness, without recognizing that wilderness recreation is one of the multiple uses. The 1976 National Forest Management Act, Sec. 6(e), required that the land and resource management plans "provide for multiple use and sustained yield. . .and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness." The Multiple-Use Sustained-Yield Act states that "the establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of this Act." It also directs consideration be given to relative values of the various resources to be managed in harmonious coordination, not necessarily for the highest economic return. Wilderness, unlike motorized recreation, poses no resource conflict with active range management and sustained grazing productivity, nor with other multiple uses pertinent to the national grassland. Wilderness is therefore a judicious use of these particular lands.

We appreciate the diligent outreach efforts your staff has made and continues to make, seeking to understand the perspectives of a wide variety of stakeholders, group by group. We believe this is an efficient, productive way to hear, assess and synthesize the various opinions in a constructive manner.

In these polarized political times, doing the right thing isn't always easy. Those who oppose wilderness anywhere, anytime, for any reason speak fervently, as do many who are misinformed. Wilderness designation has always been hard, uphill work sustained by commitment, hope and accurate information. Senator Robert Byrd (WV) noted that the path of wilderness legislation can be as rugged as the land itself. We therefore commend the courage and resolve of your intention based on the bigger picture, and we stand ready to provide all possible support throughout the process.

Many thousands of South Dakotans favor wilderness on these last wild remnants of the Buffalo Gap National Grassland to ensure our prairie grassland heritage. All of them, their children and grandchildren, as well as your own, will be grateful for your farseeing vision in championing this enduring American Great Plains legacy—places where the eyes of the future can still see a unique part of the world as it was.

Thank you, Senator Johnson. We look forward to working with you to enact S.3310.

STATEMENT OF TRAVIS BIES AND RITTBERGER BEEF, INC.

We are the ranchers who have the grazing permits on the proposed Chalk Hills Wilderness. This proposed wilderness site is a narrow strip of land. The riparian area south of it is not included because of prior development and the need to maintain that development. The riparian area adjacent and north of the proposed wilderness is not included because it is overrun by prairie dogs. The prairie dogs have destroyed that watershed, and the soil erosion caused by the prairie dogs has led to an infestation of Canada thistle, a noxious weed. The Forest ServiCe has not been able, or is reluctant, to control the prairie dogs and Canada thistle on this riparian area. No effbrt has been made by the supporters of the wilderness to address this issue or include this last riparian area. Now, the prairie dogs and noxious weeds are encroaching the wilderness site. More bureaucratic control which will come with a wilderness will allow this encroachment to continue on the wilderness and will destroy that land also.

As lifelong ranchers of this area, we have observed the destruction of land caused by prairie dogs and noxious weeds. The financial hardship caused by prairie dogs and noxious weeds is devastating not only to us, but to our neighbors living next to this wilderness site.

The above written statement is only one of the reasons we are opposed to the Chalk Hills Wilderness. This wilderness with its restrictions will increase our operating costs and will only be a fmancial burden to us. If this wilderness is approved, the land to be protected will be destroyed as a result of current Forest Service policies and bureaucratic control which will come with a wilderness proposal.

The governor of South Dakota opposes this wilderness. Our local governments represented by the county commissioners of all our surrounding counties oppose this wilderness. Our tourism industry represented by Black Hills Badlands and Lakes Association opposes this wilderness. We all know this wilderness will cause a financial burden in this area that none of us care to have in this sagging economy.

STATE OF SOUTH DAKOTA,
STATE CAPITOL,
Pierre, SD, May 25, 2010.

Hon. TIM JOHNSON,
U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSON, I am writing to express my disappointment in your decision to introduce "The Tony Dean Cheyenne River Valley Conservation Act of 2010," a bill to designate more than 48,000 acres of land in the Buffalo Gap National Grasslands (BGNG) within the National Wilderness Preservation System, As you are aware, "Wilderness" designations have created numerous problems on federal, state, and private land in South Dakota, and i oppose this bill.

The problems that arise on lands designated as Wilderness continue to have a detrimental effect on South Dakotans, and more acres of Wilderness would only exacerbate the problem. Yet, many of our citizens have mistakenly been led to believe, under this new designation, many current land-use practices—such as livestock grazing, prairie dog control, and noxious weed management—will be allowed to continue uninterrupted.

However, recent legal actions by special interest groups have proven that livestock grazing and other current uses will not be allowed to continue under the Wilderness designation, in spite of the language included in 8.3310. Recent lawsuits to prevent grazing in Idaho's Sawtooth National Recreation Area and the Upper Missouri River Breaks National Monument in Montana foreshadow future litigation regarding the BGNG.

And, while your bill states, livestock grazing will continue "in areas in which grazing is established," this practice will be subject to the discretion of the Chief of the U.S. Forest Service. The USFS Chief can determine the number of cattle or sheep allowed in a Wilderness and use his discretion regarding the maintenance, recon-

struction, or relocation of existing structures associated with livestock grazing. In practice, designating the BGNG as Wilderness will mean fewer animals on fewer acres for a few short years before grazing is completely discontinued.

Since the passage of the Wilderness Act in 1964, the federal government has not demonstrated effective management practices on these lands, nor has it been a good neighbor to the state or to private landowners. The rampant Mountain Pine Beetle (MPB) epidemic in the Black Elk Wilderness Area of the Black Hills is just one example of poor land management directly caused by the limitations imposed in the Wilderness Act.

While "management activities" are conducted in Wilderness Areas, the methods in which these essential activities can be carried out are severely limited. For instance, cutting down trees with a handsaw and removing them from the forest with mules makes little sense when thousands of acres are plagued with MPB. Gas-powered chainsaws and four-wheel-drive vehicles cannot be used in the Wilderness, which makes MPB control extremely inefficient. Likewise, the management of 75 square miles of the BGNG for noxious weeds, invasive species, and native pests such as prairie dogs cannot be effective without vehicles and motorized equipment. Wilderness designations remove these time-tested management tools and replace them with the "technologies" of centuries past. This gross inefficiency hinders the federal government's ability to effectively manage these lands.

Ranchers have grazed livestock in southwest South Dakota since George Custer explored the Black Hills in the mid-1870s. For almost 140 years, the land that is now the Buffalo Gap National Grasslands has been actively managed using the most effective tools at our disposal. And, because of active engagement, this area remains pristine, under federal management, and without any possibility for further development. A Wilderness designation will prevent hardworking South Dakotans from pursuing their livelihood as they have done for more than a century, while passing management costs onto state government and private landowners. Without active management, this beautiful area may not be around for future generations to enjoy.

Sincerely,

M. MICHAEL ROUNDS,
Governor.

SIERRA CLUB,
SOUTH DAKOTA CHAPTER,
June 10, 2010.

Hon. TIM JOHNSON,
Senator, 136 Hart Senate Office Building, Washington, DC.

RE: The Tony Dean Cheyenne River Valley Conservation Act of 2010 (S.3310)

DEAR SENATOR JOHNSON: Thank you for introducing The Tony Dean Cheyenne River Valley Conservation Act of 2010 (S. 3310) which will permanently protect the Indian. Creek, Red Shirt, and Chalk Hills areas in the Buffalo Gap National Grassland as Wilderness, South Dakota members of the Sierra Club have worked to achieve this protection for these special lands for more than a decade and we thank you for your vision and leadership in protecting these special lands.

After reviewing the text of S.3310 and the three accompanying boundary maps for the areas, the executive committee of the South Dakota Chapter of the Sierra Club has voted unanimously to endorse and support 5.3310 as introduced. We are delighted to extend our support for this legislation. Prairie grasslands are an increasingly endangered ecosystem and these three areas on the Buffalo Gap National Grassland are deserving of the designation your legislation confers and of the protection that comes with it.

Of the Buffalo Gap National Grassland's entire 591,000 acre area, only the 48,000 acres designated in 5.3310 remain in an untrammeled condition. These areas are truly special and unique and without Wilderness protection their present condition and character will eroded and lost forever.

Sincerely yours,

JIM HEISINGER,
Chapter Chair.

STATEMENT OF CONGRESSWOMAN DINA TITUS (NV-03)

Thank you, Chairman Wyden and Ranking Member Barrasso, for the opportunity to submit testimony in strong support of S. 3313, the Sloan Hills Withdrawal Act,

which was introduced by my friend and colleague Majority Leader Reid. I am a cosponsor of H.R. 5219, the House companion to S. 3313, which has the support of the entire Nevada House delegation.

S. 3313 and H.R. 5219 would withdraw a 640-acre site near the Sun City Anthem community in Henderson, Nevada, from being made available for mining purposes. The site had previously been designated by the Bureau of Land Management as appropriate for gravel and sand development; and two companies, CEMEX and Service Rock Products, have applied to lease the property.

I find many aspects of the 640-acre project troublesome. Air quality deterioration caused by the proposed mining operation is a serious concern and the communities most directly impacted by the operation are home to many seniors and children who are especially vulnerable to air quality-related respiratory diseases. The sheer magnitude of the proposal will also demand a high level of water usage at a time when that precious resource grows scarcer every year. There are also serious concerns about the increase in traffic with estimates projecting that as many as 500 trucks could use nearby roads every day.

Although the proposed mine site is not in my Congressional District, the residents of communities that would be most directly impacted by the project are my constituents. In April 2009, I attended a public meeting with more than 400 concerned residents at Independence Center in Anthem. I heard loud and clear that the proposed mine was unacceptable to my constituents for many of the reasons previously discussed, including health risks, increased traffic, and the large amount of water that would likely be necessary for the operation of the mine. More than 1,000 of my constituents have sent me letters declaring their opposition to the proposed mine and thousands more have added their names to a petition in opposition to the project.

I have come to the conclusion that the potential risks of this proposed mining operation outweigh the potential benefits. Years ago this site was far from the center of residential development in Clark County. Today this site is practically in the backyard of many of my constituents. Although I understand the importance of mining to the economy of Nevada, I do not believe that this specific project is appropriate for this location. The Sloan Hills Withdrawal Act would ensure that an aggregate mine is not developed on this site and will protect the health and wellbeing of my constituents in Henderson.

Thank you again for the opportunity to submit testimony in support of this important legislation. I strongly believe that this bipartisan bill is the right approach for Southern Nevada.

SUN CITY ANTHEM DEMOCRATS,
Henderson, NV, June 11, 2010.

Hon. RON WYDEN,
Energy and Natural Resources Committee, Washington, DC.

DEAR SENATOR WYDEN: The Sun City Anthem Democrats Executive Board submits this letter in support of the passage of The Sloan Hills Withdrawal Act of 2010 (SB 3313). Due to the nearness of the time for the hearing it is impossible to obtain a vote of the entire membership but over the last year, while local meetings were held relating to the mining issue, the feelings of the Club ran heavily against such mining usage.

We also respectfully request that you share this letter with the other members of the Energy and Natural Resources Committee in the hope that they will also vote to approve the bill. As you know, Senator Reid, with the support of Senator John Ensign, due to their familiarity with the area, the environment and the possible effect on the health and welfare of the affected residents in the area, introduced this bill to stop the development of the proposed 640 acre gravel pit adjacent to the homes of more than 30,000 Henderson residents and nearby to the Sloan Canyon Natonal Conservation Area. The Congressional delegation of Shelley Berkley, Dina Titus and Dean Heller have also introduced a companion bill in the House (HR 5219) opposing the mining project. Moreover, the Clark County Commissioners unanimously adopted the attached May 18, 2010 Resolution opposing the mining project. Exh. A.* Although we, a Democratic Club are submitting this letter, the opposition to the proposed mining is bi-partisan, transcends politics, and is uniform in that opposition.

Thus, on behalf of the approximately 14,000 residents who live in the senior community of Sun City Anthem, where we are located, and those members of the rest of the Henderson area who would also be affected by this project we ask you to con-

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*All exhibits have been retained in subcommittee files.

sider the potential health hazards inherent in the Cemex and Service Rock Products mining project or by any other bidder/claimants to the resources in the property who might attempt to bid on them in an auction of rights by the Bureau of Land Management (BLM)..

As proposed, the mining lease, with renewal rights, grants a 30 year right to operate, 7 days a week, 24 hours a day all year long. Based upon the anticipated plans and what would be the economic needs of the successful bidder or bidders, such operations, even with the limited controls which might be imposed on them, will pose serious health risks to people in the area, plus to the environment.

Following are some observations as to problems that will be caused if the mining is allowed to proceed. Necessarilly, at this time, again, due to time restrictions, these recitals are general in nature but would be more specific with documents and evidence if requested or necessitated by any administrative hearings by BLM under the Code of Federal Regulations (CFR) related to administrative hearings and the BLM specifically. CFR, Part 3600, Secs. 3601 to 3604.27. Where appropriate there are supporting references attached.

As to health reasons, it is obvious that seniors suffer from problems not necessarily common in younger residents and there must be some recognition of extra safeguards that might be needed to protect them—both physically and emotionally. Additionally, adults and children with asthma and other respiratory problems must be considered, particularly children under five (5) and seniors. Weather records for the area, which must be further analyzed, indicate that there are many days where the Sun City Area—including an area covered by the proposed construction of many new homes—would be affected by prevailing winds (much of Sun City is built on high rising hills with updrafts and downdrafts) and conversely, at other times, inversions, which severely affect the atmoshphere. Studies have shown the danger of causing a disruption of this nature in the environment, creating toxic dust, including the danger of Valley Fever. A copy of one is attached hereto as Exh. B. It raises the problem of arsenic, among other deleterious and obnoxious elements which could be released into the air by the blasting and mining. The heavy winds experienced in these communities will carry the dust and pollutants for miles. The person supplying this information to us is a geologist and has been monitoring the exchanges which have taken place related to the mining.

Further, the physical blasting, in addition to the release of particulate into the air, could create a "tremor" and earthquake-like environment, and, obviously, the greater the charges used the further the explosions will impact and the greater the toxic concentrate found in the air being breathed. Somewhat palling in comparison but minor in relation to the extent of the exposure of harm to the people and the wildlife, the blasting will threaten the foundations and structures of homes and other buildings located within its physical impact—again, the larger the blast, the larger the harmful effect. This is exacerbated by the blasting taking place over existing earthquake fault lines in the area and will threaten the aquifer upon which it sits.

Most importantly, children and education is at risk if these operations are allowed to take place. Attached hereto, as Exh. C, is a map showing the location of public schools in the area. (There are also private schools and those of higher education in the potentially affected area.) It does not take a raft of educators to prove to others that children, particularly the younger ones, can be deeply affected by noise, episodes of blasting, shaking buildings, and particulate in the air. Nor should it take a ream of paper to show that even more deeply affected are "special education" students—paricularly those who have diffculty with "everyday life" as it presently exists without additional disruptions. The effect on the students can be traumatic. The sparing of these students—as well as consideration of the other areas of concern treated above should provide the reasons why it is inappropriate and dangerous to approve mining in this or similar areas with similar issues and the bill should be passed!!

There are other issues but, except for one that will be discussed more specifically below, they are not as major in terms of personal risk or environmental disaster as the ones discussed above but still require full consideration. They involve the use of heavy trucks and equipment, increased maintenance of the roads, highway and road safety, and effect on property values. As to the latter, economics is a "two way" street—the bidders/claimants wanting the property for economic purposes—and the homeowners wanting to preserve their existing economic home values—particularly in this present economic catastrophe the country is going through.

As to the last major factor that should be taken into consideration, another reason why the bill should be passed and the mining operations prevented from proceeding—The project requires heavy use of scarce water resources. The excessive amount of water that would be used in the operations—a sustainable source of

water which does not exist on the site and which is scarce for all—would require more than 16 million gallons per week!!

Finally, it is imperative that the bill be moved as expeditiously as possible. As background, two bidder/ claimants for obtaining the rights to the properties resources, after an administrative judge found that the parcels, under BLM's guidelines—and the CFR, were subject to being placed up for sale at a public bid, entered into settlement agreements with BLM where there would be no appeal of the ALJ's ruling. BLM must now proceed in accrdance with the mandates, restrictions, and authority of its statutory existence and the CFR procedures. The proposals, along with documents and testimony relating to the environmental soundness of the proposals will come before the Bureau of Land Management sometime in September, 2010. Opponents have a short period of time within which to dispute the soundness of the bidders/ claimants Environmental Impact Statements (EIS).

As is known under administrative procedures BLM may not just reject the matter "out of hand" (or "arbitrarily and capriciously"' deny it). At the same time BLM, under this Administrations instructions to agencies, are no longer to utilize economic factors as the deciding factor but, instead to consider the public welfare as the deciding force. This is in keeping with the CFR, Sec. 3601.6 :

> It is Blm's policy:
>
> (a) To make mineral materials available unless it is detrimental to the public interest to do so. . .
>
> ***
>
> (d) To protect public land resources and the environment and minimize damage to public health and safety during the exploration for and the removal of such materials. . .
>
> ***

If BLM finds the proposed EIS is sufficient, despite the communities continued objection, if the bill has not yet then been enacted, BLM must accept the highest bid—and the mining may commence. If for some reason the bill is delayed and the adinistrative procedure is completed in favor of the bidders/ claimants then we would be faced with issues of the rights of the bidders/ claimants and the effect of any bill that was passed after an award under the administraitive procedure. The bill must be timely passed because even if the BLM procedures did result in a rejection of the EIS there is still the finding of the ALJ that the parcels are subject to appropriate leases and sales—and mining—and another battle such as at the present could again be encountered.

Residents of the Sun City Anthem Community, which includes this club are adamantly opposed to this mining project and a special Task Force of Sun City Anthem, appointed by the SCA Board of Directors (and with which this club had worked with in liaison), has provided Senator Reid with thousands of petition signatures expressing this view.

We again strongly urge you to vote to support SB 3313 and enter our letter into the record during the scheduled June 16, 2010 Committee hearings. Please join with Senators Harry Reid and John Ensign, our Congressional Representatives Delegation, the County Comissioners, and the thousands who oppose these mining operations in protecting the health of the residents of the area and the environment.

Repectfully submitted,

RICHARD B. MILLER,
Chairman.

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