

**H.R. 1241, H.R. 1818, H.R. 2984,  
AND H.R. 4234**

---

---

**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS  
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

Thursday, March 29, 2012

**Serial No. 112-104**

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.fdsys.gov>

or

Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PRINTING OFFICE

73-547 PDF

WASHINGTON : 2013

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: [bookstore.gpo.gov](http://bookstore.gpo.gov) Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON NATURAL RESOURCES

DOC HASTINGS, WA, *Chairman*  
EDWARD J. MARKEY, MA, *Ranking Democrat Member*

Don Young, AK	Dale E. Kildee, MI
John J. Duncan, Jr., TN	Peter A. DeFazio, OR
Louie Gohmert, TX	Eni F.H. Faleomavaega, AS
Rob Bishop, UT	Frank Pallone, Jr., NJ
Doug Lamborn, CO	Grace F. Napolitano, CA
Robert J. Wittman, VA	Rush D. Holt, NJ
Paul C. Broun, GA	Raúl M. Grijalva, AZ
John Fleming, LA	Madeleine Z. Bordallo, GU
Mike Coffman, CO	Jim Costa, CA
Tom McClintock, CA	Dan Boren, OK
Glenn Thompson, PA	Gregorio Kilili Camacho Sablan, CNMI
Jeff Denham, CA	Martin Heinrich, NM
Dan Benishek, MI	Ben Ray Lujan, NM
David Rivera, FL	Betty Sutton, OH
Jeff Duncan, SC	Niki Tsongas, MA
Scott R. Tipton, CO	Pedro R. Pierluisi, PR
Paul A. Gosar, AZ	John Garamendi, CA
Raúl R. Labrador, ID	Colleen W. Hanabusa, HI
Kristi L. Noem, SD	Paul Tonko, NY
Steve Southerland II, FL	<i>Vacancy</i>
Bill Flores, TX	
Andy Harris, MD	
Jeffrey M. Landry, LA	
Jon Runyan, NJ	
Bill Johnson, OH	
Mark Amodei, NV	

Todd Young, *Chief of Staff*  
Lisa Pittman, *Chief Counsel*  
Jeffrey Duncan, *Democrat Staff Director*  
David Watkins, *Democrat Chief Counsel*

---

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

ROB BISHOP, UT, *Chairman*  
RAÚL M. GRIJALVA, AZ, *Ranking Democrat Member*

Don Young, AK	Dale E. Kildee, MI
John J. Duncan, Jr., TN	Peter A. DeFazio, OR
Doug Lamborn, CO	Rush D. Holt, NJ
Paul C. Broun, GA	Martin Heinrich, NM
Mike Coffman, CO	Betty Sutton, OH
Tom McClintock, CA	Niki Tsongas, MA
David Rivera, FL	John Garamendi, CA
Scott R. Tipton, CO	<i>Vacancy</i>
Raúl R. Labrador, ID	Edward J. Markey, MA, <i>ex officio</i>
Kristi L. Noem, SD	
Mark Amodei, NV	
Doc Hastings, WA, <i>ex officio</i>	

## CONTENTS

---

	Page
Hearing held on Thursday, March 29, 2012 .....	1
Statement of Members:	
Bishop, Hon. Rob, a Representative in Congress from the State of Utah ...	1
Labrador, Hon. Raúl R., a Representative in Congress from the State of Idaho .....	16
Luján, Hon. Ben Ray, a Representative in Congress from the State of New Mexico .....	2
Prepared statement on H.R. 1241 .....	4
Statement of Witnesses:	
Garcia, Hon. Ester, Mayor, Village of Questa, New Mexico .....	6
Prepared statement on H.R. 1241 .....	8
Martin, Stephanie L., Programs Coordinator, Friends of Maine's Seabird Islands .....	37
Prepared statement on H.R. 2984 .....	38
Letter submitted for the record .....	40
Pool, Mike, Deputy Director, Bureau of Land Management, U.S. Department of the Interior, Oral statement on H.R. 1241 .....	5
Prepared statement on H.R. 1241 .....	5
Oral statement on H.R. 2984 .....	35
Prepared statement on H.R. 2984 .....	36
Oral statement on H.R. 4234 .....	20
Prepared statement on H.R. 4234 .....	21
Richards, Brenda, Secretary/Treasurer, Public Lands Council .....	22
Prepared statement on H.R. 4234 .....	24
Weldon, Leslie A.C., Deputy Chief, National Forest System, Forest Service, U.S. Department of Agriculture .....	18
Prepared statement on H.R. 1818 .....	44
Prepared statement on H.R. 4234 .....	19
Additional materials supplied:	
Gardner, Christopher, Chair, Washington County Commissioners, Letter to Hon. Rob Bishop submitted for the record on H.R. 2984 .....	42
McKeon, Hon. Howard P. "Buck," a Representative in Congress from the State of California, Statement submitted for the record on H.R. 1818 .....	45
Michaud, Hon. Michael, a Representative in Congress from the State of Maine, Statement submitted for the record on H.R. 2984 .....	45
Northern New Mexico Stockmen, New Mexico Cattle Growers' Association, New Mexico Wool Growers, Inc., and New Mexico Federal Lands Council, Letter to Hon. Ben Ray Luján, submitted for the record on H.R. 1241 .....	13



LEGISLATIVE HEARING ON H.R. 1241, TO ESTABLISH THE RIO GRANDE DEL NORTE NATIONAL CONSERVATION AREA IN THE STATE OF NEW MEXICO, AND FOR OTHER PURPOSES. "RIO GRANDE DEL NORTE NATIONAL CONSERVATION AREA ESTABLISHMENT ACT"; H.R. 1818, TO DESIGNATE MT. ANDREA LAWRENCE, AND FOR OTHER PURPOSES. "MT. ANDREA LAWRENCE DESIGNATION ACT OF 2011"; H.R. 2984, TO DESIGNATE CERTAIN FEDERAL LANDS WITHIN THE CROSS ISLAND NATIONAL WILDLIFE REFUGE AND THE PETIT MANAN NATIONAL WILDLIFE REFUGE, PART OF THE MAINE COASTAL ISLANDS NATIONAL WILDLIFE REFUGE COMPLEX, IN LINCOLN COUNTY, HANCOCK COUNTY, AND WASHINGTON COUNTY, MAINE, AS WILDERNESS. "MAINE COASTAL ISLANDS WILDERNESS ACT OF 2011"; AND H.R. 4234, TO AMEND THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 TO IMPROVE THE MANAGEMENT OF GRAZING LEASES AND PERMITS, AND FOR OTHER PURPOSES.

---

**Thursday, March 29, 2012**  
**U.S. House of Representatives**  
**Subcommittee on National Parks, Forests and Public Lands**  
**Committee on Natural Resources**  
**Washington, D.C.**

---

The Subcommittee met, pursuant to notice, at 10:28 a.m., in Room 1324, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, Labrador; Kildee and Holt.

Also Present: Representative Luján.

**STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. The Subcommittee is meeting today to hear testimony on four particular bills. Under the Rules, the opening statements are limited to the Chairman and the Ranking Member. However, I ask unanimous consent that any Member may submit a statement to the Clerk if done by the close of business today. And hearing no objection, so ordered.

We are here to hear testimony on four particular bills. In view of the time, because we are going to try to get this done as quickly as possible and there are votes that are going to be continuously interrupting us on the Floor, I am going to forego any opening statement. Anything I have to say will be put in the record.

I will turn to Mr. Luján, who is sitting in for Mr. Grijalva today, to see if he has an opening statement. Hopefully not.

Mr. LUJÁN. Mr. Chairman, I will make a quick one as opposed to the original one that I had prepared.

We want to thank you and all of the witnesses that are here today for being with us to talk about this important legislation

bills—one that protects cultural and traditional uses of land, landscapes in New Mexico; another protects marine coastal life; and the third is the naming of a peak in California after a noted Olympian. I am glad that the two wilderness bills were part of the extensive public involvement, allowing stakeholders to have a voice in this process.

We also have Congressman Labrador's bill related to grazing on Federal land. While I appreciate the intent of my fellow Congressman, Mr. Labrador, his bill is a good beginning to a conversation on how to address the backlog of grazing permit renewals. The current situation of grazing permit renewals is untenable. I hope this conversation is the beginning of what we can do to help resolve this important issue. I appreciate that, Mr. Chairman. With that, I yield back the balance of my time.

Mr. BISHOP. All right. We have four bills that will be before us today. I realize there are scheduling conflicts, which means that some of the sponsors of these bills will be unable to be here. Their statements will appear in the record. That also means, since they snubbed us, that their bills have the proverbial chance in—oh, never mind.

[Laughter.]

Mr. BISHOP. We do have two that will be here. Mr. Labrador will be here in a minute; I know he is voting and coming back here right now. And Mr. Luján, I believe, is speaking on behalf of Mr. Heinrich's bill?

Mr. LUJÁN. I actually have a bill myself, Mr. Chairman.

Mr. BISHOP. I am sorry. Do you want to talk about Mr. Heinrich's bill? No, I am just kidding.

We will turn to Mr. Luján first. If he would introduce his bill, when Mr. Labrador gets here, we will have him introduce his bill. And then we will go to the panel. Mr. Luján, please.

**STATEMENT OF THE HON. BEN RAY LUJÁN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO**

Mr. LUJÁN. Mr. Chairman, thank you very much. And we have a few witnesses that are with us today, namely, our Mayor, The Honorable Ester Garcia from Mora. We also have one of our allottees from the area under question, Mr. Erminio Martinez, and one of our fellow Commissioners from the County of Mora, in addition to the responsibilities and hats that he wears, John Olivas. Thank you all for being here.

Mr. Chairman, this is an area in New Mexico where we talk about the importance of protecting historic areas, looking at small towns and villages, an area of New Mexico that actually pre-dates the United States Government, pre-dates the creation of the United States Forest Service as well.

Historically, the towns and villages and Pueblos that have lived off the forests and grasslands in New Mexico pre-date the creation of the U.S. Forest Service, and we have a close cultural connection to the land. Both North Americans and Spanish settlers used these lands for subsistence and sustenance as well, when we talk about the centuries that they have accessed these lands and the treasures surrounding them.

For those of you who are not familiar with New Mexico's rich traditions, a land grant is a communal grant of land given to a community or village in perpetuity for the purpose of subsistence and sustenance; an acequia is a centuries-old irrigation canal which is governed through the collective maintenance of the water system so that water can move into areas for watering crops, raising animals—both of which have allowed New Mexico settlements to thrive and still play an important role in our culture, our daily lives, and in the relationships between these communities and our public lands.

We often describe these water systems as the ancient aqueducts in Rome. They start at the head gates and they move down through hand-carved canals, if you will, earthen ditches, that carry this important water.

Before New Mexico was a territory of the United States, land grant communities, rural villages and acequias were governed through the communal management of natural resources, including water, timber, grazing lands, wildlife, herbs, and fields that were the life of these communities.

These traditions still exist today, with many that have direct ties to ancestors that go back 12, 13, sometimes 16 generations, Mr. Chairman. The Rio Grande del Norte National Conservation Area, H.R. 1241, is the legislation that we have before us today. The threat that development poses to these traditions will negatively impact our culture, making protection of these lands so critical.

Not only do these lands represent the collective cultural and traditional history of the communities that surround the proposed Conservation and Wilderness Area, they also represent the collective effort between the conservation community and local stakeholders.

Many years of work went in to the creation of this proposal with local communities, grazing permittees, land grant communities, acequia organizations, local businesses, and conservation organizations. It is truly a reflection of how partnership can work and what I hope to be an example of model legislation going forward for the State of New Mexico.

The legislation not only recognizes and reflects the need to protect these areas, but also takes into account the special access that needs to be allowed for these lands and traditions and cultures of the surrounding communities to thrive. I am confident, with a few technical changes, that the bill can be strengthened to protect the heritage of New Mexico, and I am committed to do that.

Mr. Chairman, the environmentally, culturally, and historically rich landscapes of the San Luis Valley and Rio Grande Gorge that encompass the proposed Rio Grande del Norte National Conservation Area are part of New Mexico's rich treasures.

Growing up in the small community of Nambe, a small farming community that I still call home, where we still raise sheep, an area of New Mexico where my grandfather, my dad's dad, Soledon, actually grazed sheep and ran them right after the Great Depression, Mr. Chairman. This is something that is very personal to me. It is something that is important to many people in New Mexico, and it is something that we look forward to accomplishing together.

Thank you, Mr. Chairman. I yield back my time.

[The prepared statement of Mr. Luján follows:]

**Statement of The Honorable Ben Ray Luján, a Representative in Congress from the State of New Mexico, on H.R. 1241, To establish the Rio Grande del Norte National Conservation Area in the State of New Mexico**

Mr. Chairman—I want to thank you for having this hearing today to talk about the value of protecting our public lands in New Mexico and the role they play in living out the centuries old cultures and traditions we have in there. H.R. 1241, a bill to establish the Rio Grande del Norte National Conservation Area, is a big step forward in the effort to protect environmentally sensitive areas as well as recognize the traditional uses of the land that means so much to the history and future of New Mexico.

Historically—the towns, villages and Pueblos that have lived off the forest and grasslands in New Mexico pre-date the creation of the U.S. Forest Service. We have a very close cultural connection to the land. Both Native Americans and Spanish settlers used these lands for subsistence, and for centuries have treasured and helped to successfully manage the resources that the life-giving forests and grasslands contain.

For those of you who aren't familiar with New Mexico's rich traditions—a **Land Grant** is a communal grant of land given to a community or village in perpetuity for the purpose of subsistence and sustenance—An **Acequia** is a centuries old irrigation canal which is governed through the collective maintenance of the water system so that water can flow to the fields for irrigating crops—both of which have allowed New Mexico settlements to thrive and still play an important role in our culture, our daily lives, and in the relationship between these communities and our public lands.

Before New Mexico was a territory of the United States, Land Grant Communities, Rural Villages and Acequias were governed through the communal management of natural resources, including water, timber, grazing lands, wildlife, herbs, and fields that were the life of these communities. These traditions still exist today and can be strengthened by the protection of areas like those outlined in H.R. 1241—**The Rio Grande del Norte National Conservation Area**. The threat that development poses to these traditions will negatively impact our culture, making protection of these lands so critical, not to mention the protection of vital wildlife habitat and environmentally sensitive areas in the region.

Not only do these lands represent the collective cultural and traditional history of the communities that surround the proposed Conservation and Wilderness Area, they also represent the collective effort between the conservation community and local stakeholders to protect lands that are as beautiful as they are culturally sensitive.

Many years of work went in to the creation of this proposal with local communities, grazing permittees, land grant communities, acequia organization, local businesses, and conservation organizations. The legislation not only recognizes and reflects the need to protect these areas, but also takes into account the special access that needs to be allowed to these lands for the traditions and cultures of the surrounding communities to thrive. I am confident with a few technical changes that the bill can be strengthened to protect the heritage of New Mexico and I am committed to do that.

Mr. Chairman, the environmentally, culturally, and historically rich landscapes of the San Luis Valley and Rio Grande Gorge that encompass the proposed Rio Grande del Norte National Conservation Area are part of Mexico's rich treasures. Growing up in the small community of Nambé I know the importance of access to the land and that is why I appreciate the work that has been done with this proposal which offers protection of beautiful landscapes, preserves grazing, and specifically protects our right to carry out the centuries old traditions that make us uniquely New Mexican.

Thank you

---

Mr. BISHOP. Thank you. And I will not make the mistake of missing your bill again.

The panel that is in front of us right now includes Leslie Weldon, who is the Deputy Chief of the National Forest System; Mike Pool, who is the Deputy Director of the Bureau of Land Management; Brenda Richards, who is the Secretary/Treasurer of the Public

Lands Council; Mayor Garcia, Ester Garcia—we are happy to have you here—and Stephanie Martin, who is the Friends of Maine’s Seabird Islands Program Coordinator. Did I miss somebody up there? No? I got you all.

What I am going to do here is we have just gone through Mr. Luján’s bill, which is No. 1241. So what I am going to do is ask the comments toward 1241 first. We will check that off.

Mr. Pool, I will go with you first on 1241 only, and then we will turn to Mayor Garcia. Five minutes each for this particular bill. Mr. Pool, thank you for being here. You are on.

**STATEMENT OF MIKE POOL, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY JAMES W. KURTH, CHIEF, NATIONAL WILDLIFE REFUGE SYSTEM, U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR**

Mr. POOL. Thank you, Mr. Chairman, and thank you for the opportunity to testify on H.R. 1241, the Rio Grande del Norte National Conservation Area Establishment Act. The Department of the Interior supports H.R. 1241, which designates the nearly 236,000-acre Rio Grande del Norte National Conservation Area in Northern New Mexico, as well as two wilderness areas within the NCA.

The proposed Rio Grande del Norte NCA lies north of Taos on the border with Colorado, and straddles Taos and Rio Arriba Counties. The area includes several volcanic cones jutting up from the surrounding valley, reminders of the area’s turbulent geologic past. Between these mountains is the Rio Grande, a wild and scenic river gorge, carving through the landscape and revealing the basalt rock beneath the surface.

H.R. 1241 is the product of many years of discussions and collaborations with the local community, stakeholders, and other interested parties. It protects both the valuable resources of this area and the way of life in this unique area of Northern New Mexico.

Thank you for the opportunity to testify in support of H.R. 1241. I will be happy to answer any questions.

[The prepared statement of Mr. Pool on H.R. 1241 follows:]

**Statement of Mike Pool, Deputy Director, Bureau of Land Management, U.S. Department of the Interior, on H.R. 1241, Río Grande del Norte National Conservation Area Act**

Thank you for the opportunity to testify on H.R. 1241, the Río Grande del Norte National Conservation Area Establishment Act. The Department of the Interior supports H.R. 1241, which designates the nearly 236,000-acre Río Grande del Norte National Conservation Area (NCA) in northern New Mexico as well as two wilderness areas within the NCA. The Secretary’s November 2011 *Preliminary Report to Congress on BLM Lands Deserving Protection as National Conservation Areas, Wilderness or Other Conservation Designations* highlighted the Río Grande del Norte as a proposal deserving Congress’ prompt attention.

**Background**

The proposed Río Grande del Norte NCA lies north of Taos on the border with Colorado and straddles Taos and Rio Arriba Counties. The area includes the Cerro de la Olla, Cerro San Antonio and Cerro del Yuta volcanic cones jutting up from the surrounding valley—reminders of the area’s turbulent geologic past. Between these mountains is the Río Grande Wild & Scenic River gorge, carving through the landscape and revealing the basalt rock beneath the surface.

The human history of the landscape is as diverse as its features. Early prehistoric sites attest to the importance of this area for hunting and as a sacred site. Today the area is home to members of the Taos Pueblo, as well as descendants of both Hispanic and American settlers. Wildlife species—including bighorn sheep, deer, elk and antelope—bring both hunters and wildlife watchers, while the Río Grande and its tributaries provide blue ribbon trout fishing and other river recreation. Above it all soar the golden and bald eagles, prairie falcons, and other raptors.

**H.R. 1241**

H.R. 1241 designates nearly 236,000 acres of land administered by the Bureau of Land Management (BLM) as the Río Grande del Norte NCA. Each of the NCAs designated by Congress and managed by the BLM is unique. For the most part, however, they have certain critical elements, which include withdrawal from the public land, mining and mineral leasing laws; off-highway vehicle use limitations; and language that charges the Secretary of the Interior with allowing only those uses that further the purposes for which the NCA is established. Furthermore, NCA designations should not diminish the protections that currently apply to the lands. Section 3 of the bill honors these principles, and we support the NCA's designation.

Section 4 of the H.R. 1241 designates two wilderness areas on BLM-managed lands within the NCA—the proposed 13,420-acre Cerro del Yuta Wilderness and the 8,000-acre Río San Antonio Wilderness. Both of these areas meet the definitions of wilderness. They are largely untouched by humans, have outstanding opportunities for solitude and contain important geological, biological and scientific features—criteria outlined in the Wilderness Act of 1964. We support both of these wilderness designations as well.

**Conclusion**

H.R. 1241 is the product of many years of discussions and collaboration with the local community, stakeholders, and other interested parties. It protects both the valuable resources of the area and the way of life in this unique area of northern New Mexico.

Thank you for the opportunity to testify in support of H.R. 1241.

Mr. BISHOP. Thank you.  
Mayor Garcia, you are recognized for five minutes.

**STATEMENT OF THE HONORABLE ESTER GARCIA,  
MAYOR OF QUESTA, NEW MEXICO**

Ms. GARCIA. Mr. Chairman and Members of the Subcommittee, thank you for holding today's hearing on H.R. 1241, legislation introduced by The Honorable Ben Ray Luján and his colleague, a fellow New Mexican and also a Member of this Committee, Representative Martin Heinrich.

My name is Ester Garcia, Mayor of the Village of Questa, President of the San Antonio del Rio Colorado Land Grant and a Commissioner for the Cabresto Acequia Association. I appreciate the opportunity to urge you to support H.R. 1241 to establish the Río Grande del Norte National Conservation Area. As a lifelong resident of Northern New Mexico, my family going back 11 generations living and working in this unique and beautiful landscape, I wish to convey to you my heartfelt belief that Congress must act to protect what to many of us is truly sacred land.

and I want to congratulate and publicly thank Congressmen Luján and Heinrich, and as well Senators Bingaman and Udall, for their leadership. This historic legislation will forever protect a truly amazing place in Northern New Mexico, including the stunning Río Grande Gorge, which at some places is a half mile wide across, dropping to the Río Grande River 800 feet below.

Like this Committee, I serve as an elected official within my community, as Mayor of the Village of Questa, north of Taos, New

Mexico. As an elected official, I know the difficult choices one must make when representing one's constituents and the need to balance competing interests.

And this is what has brought me here before you today, on behalf of not only the citizens I have the pleasure to represent, but also the vast majority of all Northern New Mexicans who seek to safeguard these special lands for our children and grandchildren. I can assure you that support for this legislation is broad, deep, and strong.

I would like to acknowledge Mr. Erminio Martinez, who made the journey with me from Taos County. A 12th generation New Mexican, Mr. Martinez grazes cattle in Taos County as his ancestors have done for hundreds of years. He has also served as a Magistrate Judge in Taos County, and has submitted written testimony for this hearing.

My grandfather, J.P. Real, Jose Plajeres Real, and his brothers formed a cattle business and general store in Questa in 1930. When I grew up, there was no running water. We walked to the store, we grew our own food, and put up our hay for our cattle. We survived because of the land and the water that nature has generously provided for us. As my grandfather said, "Sin tierra, no hay nada; sin agua, no hay vida." In English, "Without land, you have nothing; without water, there is no life."

So far I am not aware of any disputes with the proposed Rio Grande del Norte National Conservation Area. This landscape is of extraordinary scenic, environmental, economic, cultural, and recreational value. This area is a high mesa of sagebrush and grasslands scattered with volcanic cinder cones covered with pinon juniper woodlands. Here, in the upper reaches of the Rio Grande Gorge, are vital elk wintering grounds, key habitat for bighorn sheep, antelope, and deer, and a world-renowned migratory corridor for birds of prey—peregrine falcons, bald eagles, and golden eagles.

Across this landscape, we who live nearby and growing number of visitors enjoy hunting, fishing, bird watching, photography, hiking, camping, river rafting, mountain climbing, pinon picking, and the amazing natural scenery. All of this is vital support for our local economy. Hunting and fishing alone in the Rio Grande area contributes vital financial resources to New Mexico's economy.

Communities such as Questa, Rio Hondo, Cerro, Pilar, and Antonito have been bound economically and spiritually to this wild landscape for many generations. One of the great virtues of H.R. 1241 is that it takes a comprehensive approach to the conservation of this landscape, with full recognition that there is a long human history to this region and that our small communities continue to be an essential element of the landscape. The legislation will protect both the natural resources and the way of life of this unique area, both of which link our communities.

Those of us with deep roots in Northern New Mexico appreciate that the protection of these landscapes preserves grazing within the National Conservation Area, and specifically protects our right to hunt, fish, and collect pinon nuts, herbs, and firewood. It directs the Bureau of Land Management to preserve the cultural, natural, and scenic resources in the area. This measure will help ensure

that these ancestral lands will remain as they are for those who will come after us.

Mr. Chairman, there is overwhelming local support for this legislation. Because of the collaborative way our congressional delegation has crafted this measure, many groups that have not always seen eye to eye on conservation issues have come together to support protecting this special landscape.

Community involvement was extensive, and the considerations taken in the bill's language to accommodate the needs of traditional communities were significant. The legislation being before this Committee today is the product of years of meetings and discussions amongst those most affected, and I can assure you that Northern New Mexicans overwhelmingly support this legislation.

To ensure that you have a complete record illustrating the very broad support for this legislation in our local communities, I would like to submit these official documents. The first is the Resolution of Support of the Taos County Commission, May 19, 2009. As you will see, the Commission's resolution mentions the following:

"Recommends that Congress enact the Rio Grande del Norte National Conservation Area Establishment Act, and that the legislation include appropriate language to protect the San Antonio Wilderness and the Cerro del Yuta Wilderness in order to protect their scenic, environmental, economic, and recreational values."

I am submitting for the record a list of some of the vital support in the proposal.

Thank you for your consideration, Mr. Chairman and Members of the Subcommittee. This concludes my statement. I look forward to answering any questions you may have.

[The prepared statement of Ms. Garcia follows:]

**Statement of Ester Garcia, Mayor, Village of Questa, New Mexico, on H.R. 1241, The Rio Grande del Norte Conservation Area Establishment Act**

Mr. Chairman and Members of the Subcommittee, thank you for holding today's hearing on H.R. 1241, legislation introduced by my Congressman, the Honorable Ben Ray Lujan, and cosponsored by his colleague, a fellow New Mexican and also a Member of this Committee, Representative Martin Heinrich.

I appreciate this opportunity to urge your support for H.R. 1241 to establish the Rio Grande del Norte National Conservation Area. As a life-long resident of northern New Mexico, with my family going back many generations living and working in this unique and beautiful landscape, I wish to convey to you my heartfelt belief that the Congress must act to protect what to many of us is truly sacred land. And, I want to congratulate and publicly thank Congressmen Lujan and Heinrich, as well as Senators Bingaman and Udall. With their leadership, this historic legislation will forever protect a truly amazing natural gem, including the stunning Rio Grande gorge—which at some places is a half mile wide across, dropping to the Rio Grande River 800 feet below.

Like you, I serve in elective office—as Mayor of the village of Questa, north of Taos, New Mexico. As an elected official, I know full well the difficult choices one must make when representing one's constituents and the need to balance competing interests. And, this is what has brought me before you here today—on behalf of not only the citizens I have the pleasure to represent, but also the vast majority of all northern New Mexicans who seek to safeguard these special lands for our children and grandchildren. I can assure you that support for this legislation is broad, deep and strong.

I would like to acknowledge Mr. Erminio Martinez, who made the journey here with me from Taos County. A 12th generation New Mexican, Mr. Martinez grazes cattle in Taos County as his ancestors have done for hundreds of years. He has also served as a magistrate judge in Taos County, and has submitted written testimony for this hearing.

My grandfather, J. P. Real, and his brothers formed a cattle business and general store in Questa in 1930. When I grew up, there was no running water. We walked to the store, grew our own food, and put up hay for our cattle. We survived because of the land and water that nature had so generously provided us. As my grandfather said, "Without land you have nothing, without water there is no life."

So far as I am aware, no one disputes that the proposed Rio Grande del Norte National Conservation Area is a landscape of extraordinary scenic, environmental, economic, cultural, and recreational value. This is a high mesa of sagebrush and grasslands interspersed with volcanic cinder cones covered with piñon-juniper woodlands. Here, in the upper reaches of the Rio Grande Gorge, are vital elk wintering grounds, key habitat for bighorn sheep, antelope and deer, and an world renowned migratory corridor for birds of prey—Peregrine falcons, Bald eagles, and Golden eagles.

Across this landscape, we who live nearby and a growing number of visitors enjoy hunting, fishing, bird watching, photography, hiking, camping, river rafting, mountain climbing, piñon picking, and the amazing national scenery. All of this is vital support for our local economy. Hunting and fishing alone in the Rio Grande area contribute tens of millions of dollars to New Mexico's economy annually.

Communities such as Questa, Hondo, Cerro, Pilar, and Antonito have been bound economically and spiritually to this wild landscape for many generations. One of the great virtues of H.R. 1241 is that it takes a comprehensive approach to the conservation of this landscape, with full recognition that there is a long human history to this region and that our small communities continue to be an essential element of the landscape. The legislation will protect both the natural resources and the way of life of this unique area, both of which are intrinsically linked in our community.

Those of us with deep roots in northern New Mexico appreciate that the protection of these landscapes preserves grazing within the National Conservation Area, and specifically protects our right to hunt, fish and collect piñon nuts and firewood. It directs the Bureau of Land Management to preserve the cultural, natural and scenic resources in the area. The measure will help ensure that these ancestral lands will remain as they are for those who will come after us.

Mr. Chairman, there is overwhelming local support for this legislation. Because of the collaborative way our congressional delegation has crafted this measure, many groups that haven't always seen eye to eye on conservation issues have come together to support protecting this special landscape. Community involvement was extensive and the considerations taken in the bill's language to accommodate the needs of traditional communities were significant. The legislation being before this subcommittee today is the product of years of meetings and discussions amongst those most affected, and I can assure you that northern New Mexicans overwhelmingly back it.

To ensure that you have a complete record illustrating the very broad support for this legislation in our local communities, I would like to submit these official documents. The first is the Resolution of support of the Taos County Commission, May 19, 2009. As you will see, the Commission resolved that it:

. . . recommends that Congress enact . . . the Rio Grande Del Norte National Conservation Area Establishment Act, and that the legislation include appropriate language to protect the Rio San Antonio Wilderness and the Cerro del Yuta Wilderness in order to protect their scenic, environmental, economic, and recreational values."

I am also submitting for the record a list of some of the varied supporters for the proposal.

Thank you for your consideration, Mr. Chairman and Members of the Subcommittee. This concludes my statement. I look forward to answering any questions you may have.

**Endorsing Newspapers:**

Taos News  
Santa Fe New Mexican  
Albuquerque Journal

**Endorsing Organizations:**

San Antonio de Río Colorado Land Grant  
Taos County Chamber of Commerce  
Mora Valley Chamber of Commerce  
Hondo Mesa Community Association  
Sustain Taos Rivers and Birds Western Environmental Law Center  
Taos Business Alliance  
Taos Land Trust

Latino Sustainability Institute  
 New Mexico Wildlife Federation  
 New Mexico Backcountry Hunters and Anglers  
 New Mexico Wilderness Alliance  
 The Wilderness Society

**Business owners:**

Act One Gallery  
 Acuarelas Studio Gallery  
 Angie Colman Studio  
 Antiquarians Imports  
 Art Divas  
 Bookmarks Literary Services  
 Brazos Fine Art  
 Charles Collins Gallery  
 Chantal  
 Christmas in Taos Village Shop  
 Claireworks  
 Clark and Company  
 Cold Smoke Photography  
 Copy Queen of Taos  
 Coyote Moon  
 Dragonfly Cafe  
 Dobson House Bed and Breakfast  
 Doug West Gallery  
 El Porvenir  
 El Rincon Trading Post  
 Emily Ruffin Design  
 Enchanted Dreams Foundation  
 Far-Flung Adventures  
 Fernandez de Taos Bookstore  
 Fidget Gallery  
 For Art's Sake  
 Francesca's Clothing Boutiques  
 Frank Seckler Gallery  
 From the Andes  
 Garden and Soul  
 Gypsy 360 Café  
 Hair Bodyworks  
 Hondo Mesa Community Association  
 Hotel La Fonda  
 Import Outlet  
 Indian Hills Jewelry, Inc.  
 Jack Leustig Imaging  
 Jewelry and Painting Studio  
 La Lana Wools  
 Las Comadres  
 La Tierra Mineral Gallery  
 Leatherworks  
 Maison Faurie Antiquities  
 Maverick County Cafe  
 Mineral and Fossil Gallery  
 Michael McCormick Gallery  
 Michael G. Rosenberg and Associates, P.C.  
 Moby Dickens Bookshop of Taos  
 Morgan Gallery  
 Mountain Comfort Furnishings  
 Nicolas Salads and Soups  
 North Star Inn  
 Old Taos Traders  
 One World  
 Pitter Patter Collections, Inc.  
 Robert Mirabal Music Flutes and Native Gifts  
 Roosters Coffee  
 Sage Fine Art  
 Sapo  
 Sands of Time Glass  
 Scott Carlson Pottery

Seco Pearl  
 Southwest Framers  
 Southwest Sew and Vac  
 Stephan Killborn Gallery  
 Shoe-ri-fic  
 Starving Artists Gallery  
 Spanish Steps Gallery  
 Steppin' Out and Steppin' Out 2  
 Sun Shades of Taos  
 Stephen Rose, Attorney-at-Law  
 Starr Interiors  
 Silvermountain Designs  
 Tailwater Gallery and Flyshop  
 Taos Adobe Quilting  
 Taos Artisans Gallery  
 Taos Business Alliance  
 Taos Cookery  
 Taos Cow, Arroyo Seco  
 Taos Blue  
 Taos Cowboy  
 Taos Fly Shop  
 Taos Inn  
 Taos Lending Team  
 Taos Mercantile Co  
 Taos Mountain Outfitters  
 Taos Sunflower Yarns and Fibers  
 Taos Trading Company  
 The Bean, Inc.  
 The Broadsky Bookshop  
 The UPS Store  
 Three Dog Art  
 The Yarn Shop  
 The Taos Company  
 The Toy Basket  
 Total Arts Gallery, Inc.  
 Twirl  
 Twining Weavers  
 Walden Fine Art  
 Wildsmith Gallery  
 Wolf Prints  
 Woodall Fine Art Enterprises, Inc.  
 Xocoatle Chocolate

---

**Testimony of Erminio Martinez**  
**Land Committee Chair, Taos Land Trust**  
**on H.R. 1241, The Rio Grande del Norte**  
**National Conservation Area Establishment Act**  
**Presented to the**  
**House Committee on Natural Resources**  
**Subcommittee on National Parks, Forests and Public Lands**  
**March 29, 2012**

Mr. Chairman and members of the Subcommittee, I wish to thank you for the opportunity to offer my strong support for H.R. 1241 which will establish the Rio Grande del Norte National Conservation Area in Taos and Rio Arriba Counties, New Mexico. I was born and raised in Taos County, and come from a ranching family that has lived off the land for eight generations. Today, as a registered grazing permittee, I continue to run cattle on several allotments throughout the Carson National Forest. Growing up in the ranching business allowed me the good fortune of spending most of my life in the great outdoors. Like my father and grandfather, I quickly learned to love the beauty and fragility of the wide open landscapes and to understand the importance of sound conservation of the abundant natural resources on which so many New Mexicans depend for their livelihoods.

After my military service, I attended New Mexico Highlands University and then the National Judicial College. I served for many years as a magistrate judge, and

have worked for the Taos tribal government and the Pojoaque tribal government. I continue to be active in conservation, including through my service with local land trusts.

To me, the wide open landscape of the Rio Grande del Norte area is a treasure that we must do all we can to protect. It is not only a natural treasure, but also a treasury of cultural resources and associations, evoking the Native American, Spanish, and American history that contribute to the diverse values of this area. Even though this region may seem relatively remote, it lies in the path of pressures for change that could slowly but surely nibble away at the ecological integrity that makes this landscape so special.

To my way of thinking, conservation is all about exercising foresight, assuring protection of great places like this today, rather than leaving it for our grandchildren to try to reclaim the values our generation enjoys here today. I like what Teddy Roosevelt said about the Grand Canyon, and think his advice should be our guidance for the Rio Grande del Norte: "In the Grand Canyon, Arizona has a natural wonder which is in kind absolutely unparalleled throughout the rest of the world. I want to ask you to keep this great wonder of nature as it now is. Leave it as it is. You cannot improve on it. The ages have been at work on it, and man can only mar it."

The Grand Canyon, of course, is a national park and is protected from development that would destroy it. With the Rio Grande del Norte we have a more complex challenge, for this is a working landscape that embraces traditional land uses such as ranching, hunting, fishing and wood and herb gathering. For example, local multi-generational ranching families like mine rely on their use of portions of these federal lands for grazing their livestock. This use is well-protected in the legislation, including assurance of continuation of established livestock grazing within the two small wilderness areas that will be designated by this bill.

Under the pending legislation, a comprehensive conservation and management plan will be prepared, with full opportunity for input from local residents, including grazing permittees and acequias associations. In this sense, the legislation creates an overall conservation framework for the area, and the subsequent conservation plan will fill in essential details. That will be done in an open, public, and democratic process, which assures all of us who live and work here that our voices will be heard in shaping the conservation and management of this tremendous resource.

I commend Congressman Ben Ray Lujan for introducing this important measure, and thank Congressman Martin Heinrich for being a cosponsor. I urge the Committee to approve this bill and the full Congress to pass it into law this year.

---

Mr. BISHOP. Thank you very much. We will go to questions now on this particular bill. First of all to Mr. Luján, if you have questions.

Mr. LUJÁN. Mr. Chairman, as we begin, I would just like to ask unanimous consent that I submit into the record a letter from the Northern New Mexico Stockmen, the New Mexico Cattle Growers Association, the New Mexico Wool Growers, and the New Mexico Federal Lands Council.

They submitted a letter in which there were some concerns that they had with the legislation, but I believe that you will be happy to see, Mr. Chairman, that there are some technical amendments that we will be able to go through today or with the staff that will address many of these issues.

Mr. BISHOP. Without objection, it will be part of the record.

[The letter submitted for the record by Mr. Luján follows:]



January 21, 2012

Honorable Ben R. Lujan  
330 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Lujan:

We are writing to express our concerns about the grazing language in your legislation H.R. 1241, the Rio Grande del Norte National Conservation Area Establishment Act. We are also requesting clarification of some of the language and are proposing some amendments which will make the legislation more acceptable to allotment owners.

The resources identified for protection in Sec. 3 are cultural, traditional, archaeological, natural, ecological, geological, historical, wildlife, educational, recreational, and scenic. Livestock grazing is notably absent. When combined with the consistency language in the grazing provision (grazing must be "consistent with the purposes described in subsection (b)"), livestock grazing is put at a distinct disadvantage.

Whenever the agency seeks to "conserve, protect and enhance" any of the eleven uses listed and there is a potential conflict with a grazing practice, grazing will be either diminished or eliminated. If a current ranching practice is determined to be in conflict, it will have to be discontinued. If a rancher proposes a range improvement project or any other new activity which is determined to be in conflict, it will be disallowed. The harmful effects of this language are self-evident and we propose the following options as a remedy:

- List livestock grazing in the purposes section, or
- Remove the consistency language

In addition, we note and support the language to protect the traditional harvesting of pinon nuts, firewood, medicinal plants and herbs. We request that you also include similar language to protect traditional ranching families and recommend the following be included in the legislation:

"Nothing in this Act precludes the use of motorized vehicles or mechanical equipment for the construction or maintenance of range improvements or the performance of standard ranching operations."

This would allow ranchers to continue using traditional methods of maintaining range improvements such as fencing, windmills, dirt tanks, pipelines, etc. It would also allow the use of vehicles to disperse feed and salt, rescue sick livestock, conduct visual inspections of livestock and range conditions and other such standard ranching activities.

We also have questions about the "where established" language in the grazing section. No such language restricts the other uses such as wildlife or recreation, so why have you singled out grazing for this restriction?

About the "where established" language itself we have the following questions: Is this applied on an allotment by allotment basis, on an acreage basis or some other criteria? What impact does the "where established" language have on permitted numbers of livestock? Will it be based on the existing ten-year permit? Will it be based on authorized use or actual use? Will it be based on the last grazing season prior to enactment or on a historical average? Can permitted numbers be increased under this language? In other words, we are seeking a clear enunciation of Congressional intent with respect to the "where established" language and we ask you solicit from the Department of Interior a thorough explanation of how they would interpret and administer this language.

In introducing H.R. 1241 you stated "New Mexico's culture, tradition and land are parts of our unique history that we must pass on to future generations." Livestock grazing is a centuries old tradition pre-dating the federal land management agencies, and thus a major part of our custom and culture and economically important to our region. We're sure you will agree that in each instance we are simply trying to preserve this historical industry by putting livestock grazing on an equal footing with the other uses mentioned in this legislation.

We thank you for this opportunity to comment on H.R. 1241 and look forward to working with you toward some positive changes.

Sincerely,

*Carlos Salazar*

Northern New Mexico Stockmen  
Carlos Salazar, President  
5679 NDCBU  
202 Chamisa Road Suite C  
Taos, NM 87571

*Rex Wilson*

New Mexico Cattle Growers' Association  
Rex Wilson, President  
P.O. Box 7517  
Albuquerque, NM 87194

*Marc Kincaid*

New Mexico Wool Growers, Inc.  
Marc Kincaid, President  
P.O. Box 7520  
Albuquerque, NM 87194

*Bebo Lee*

New Mexico Federal Lands Council  
Don L. (Bebo) Lee, President  
P.O. Drawer 149  
Alamogordo, NM 88310

Cc: **Representative Rob Bishop**, Chairman of the House  
Resources Subcommittee on National Parks,  
Forests and Public Lands

**Representative Doc Hastings**, Committee Chairman of the House  
Natural Resources Committee

Mr. LUJÁN. Thank you very much, Mr. Chairman.

Mr. Chairman, in addition, we will be getting the letters of support that the Mayor referred to in her statement, and we will be asking unanimous consent to submit those letters into the record.

Mr. BISHOP. Thank you.

Mr. Labrador, do you have any questions on this particular bill?

Mr. LABRADOR. No.

Mr. BISHOP. Oh, I am sorry. Mr. Luján, if you still have some questions, you still have four minutes. Go for it.

Mr. LUJÁN. Appreciate that timing. Thank you, Mr. Chairman.

Mayor, when we talk a little bit about your involvement with the land grants and acequias and traditional communities, the importance of what is happening to bring in many areas. And if you could highlight as well, I think there is support from all of the allottees that are on this particular area of land that is in reference

to this piece of legislation. If you could talk about their support, or any concerns they may have.

Ms. GARCIA. Yes, of course. Our grazing permittees are very much in favor of this. It would protect their rights with the Conservation Area with their grazing permits. The local people, the land grant areas, also are very supportive of this legislation. They do not want to see their land, their common lands, up for exploration of businesses or for these lands to be sold. They would like to keep them within their areaships for the land grants.

The water, of course, we always look to protect our waters because we feel that that is our livelihood, our waters, and we want to protect the waters, make sure that they stay clean and available for our people.

Mr. LUJÁN. Thank you very much, Mayor. And in the letter that we received from the four entities that I stated earlier, which we very much appreciate their input, there are a few areas in there that they have talked about that they would especially like to outline. Can you talk about the importance of traditional uses and why that is important to include in this legislation?

Ms. GARCIA. Yes. I think my people would like to make sure that the Treaty of Guadalupe de Hidalgo be honored, and that our traditional uses of herb gathering, wood cutting, hunting, the grazing, that all that be protected for us with this bill. And it is very important—our acequias are very important. Our water is very important. And so those are important things to my people.

Mr. LUJÁN. And Mayor, can you also talk about the importance, when we talk about the time constraints sometimes put on us, when you have to go to maintain the comportas, the head gates, of the acequias, the ditches, the irrigation system; and then also conversations that you may have had with the allottees about making sure that they are able to use existing roads with motorized vehicles when they need to maintain those lands.

Ms. GARCIA. Exactly. Sometimes our head gates are within these areas, either BLM or Forest Service, and we want the opportunity to continue to maintain those head gates or clean our creeks that provide the water into our acequias.

Also, the permittees are very much conservationists. They always make sure that they work on the areas where they graze by doing their drinking tanks, that they maintain those. They do a lot of work that otherwise would not get done. And so we try to preserve those things.

And the mountain bikes, there are areas that they can mountain bike that we have no problem with.

Mr. LUJÁN. And Mayor, last, there is also a concern as we talk about how the Secretary should support the ability for many of our allottees to be able to still produce their animals. And I know we are running out of time here, so after I ask the question, I will get back to you and we can get something in writing.

But Mr. Chairman, one of the technical amendments that we are looking at, and I think this is something that Mr. Labrador may be able to find some support for as we get a chance to talk about grazing as well, is making sure that the Secretary considers these permits based upon the amounts of permits in the area, date of enactment upon the last tenure of permits.

So thank you very much, Mr. Chairman. I look forward to having that conversation.

Mr. BISHOP. Thank you.

Mr. Labrador, now do you have questions on this one?

Mr. LABRADOR. I do not, Mr. Chairman.

Mr. BISHOP. OK. Mr. Kildee, do you have questions on this bill?

Mr. KILDEE. Thank you, Mr. Chairman. Just briefly, very much to Her Honor, the Mayor, this area would have some conservation area and some wilderness area. Will there be a balance here where the beauty and the unique aspects will be maintained, while at the same time improving the economy of the area?

Ms. GARCIA. Yes.

Mr. KILDEE. And are you watchful for that for the future?

Ms. GARCIA. Yes. It will surely help my community. My community is not a wealthy community, and so it would really help my people for the economic reasons, and at the same time preserve our land, the beauty of the land. I do not, if you have ever been to Northern New Mexico, but it is beautiful, and we would like to protect that. But we also need economics for our community. And the fishing, the hunting, all of that will bring that to our community.

Mr. KILDEE. I appreciate that. I commend you for being aware of having that balance and trying to maintain that balance, and help the economy at the same time that people come and enjoy the wonders and beauty of the area. So I commend you very much for that.

Ms. GARCIA. Thank you.

Mr. KILDEE. And I am glad to support the bill. Thank you very much, Your Honor.

Ms. GARCIA. Thank you.

Mr. BISHOP. Thank you.

Mr. Holt, do you have any questions for this bill?

Dr. HOLT. No, thank you, Mr. Chairman.

Mr. BISHOP. Thank you. I really do not have any other questions as well other than Mr. Luján has already put into the record the letter. I want to make sure that we work together so that those land users have their questions satisfied.

With that, I appreciate your testimony. Appreciate you being here.

Let us move on to the next bill, which is Mr. Labrador's, which will be 4234.

Mr. Labrador, I will recognize you first to introduce your bill, and then we will go to the witnesses on the panel.

**STATEMENT OF THE HON. RAÚL LABRADOR, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO**

Mr. LABRADOR. Thank you, Chairman Bishop and Ranking Member Luján, for convening this hearing today regarding my legislation, H.R. 4234, the Grazing Improvement Act. I would also like to thank you, Mr. Chairman, for joining me as an original cosponsor to this bill.

I would also like to welcome Brenda Richards of Murphy, Idaho who is serving as a witness today. As a rancher, she can speak from practical experience of the challenges she faces on a daily basis. Brenda has a unique perspective and will serve as a huge

asset to this panel. She will provide expert analysis of how this legislation will affect the livestock industry in my State.

Livestock grazing is an important part of the rich ranching heritage of Idaho and across the American West. It is an integral part of our cultural fabric and our economic security. As such, we must preserve it for future generations.

Ranchers are proud stewards of the land, yet the process to review their permits is severely backlogged due to litigation aimed at eliminating livestock from public lands. The Federal land managing agencies cannot keep up with the pace of litigation and the required environmental analysis, which diverts limited resources from these agencies and leaves ranchers at risk of losing their grazing permits and thus jeopardizing their livelihood.

Agriculture is a hard way to make a living, but producers choose this path because it is their livelihood, their passion, and their way of life. Several researchers in my State of Idaho have said that if they were to lose their grazing permit, they would have to subdivide their land. The intent of my legislation is to provide more stability to this industry.

What my legislation does is, number one, extends livestock grazing permits from 10 to 20 years in order to give producers adequate longevity and production stability. Number two, it codifies existing appropriation language to put into statute annual riders. Number three, it encourages the respective Secretaries to utilize categorical exclusions to expedite permit processing. And, number four, it modifies the administrative appeals process.

Today's topic is a high priority for the State of Idaho. We must alleviate the problems caused by a tedious bureaucratic process created only to satisfy the environmental agenda. Our ranchers depend upon it.

I commend the Chairman for convening this hearing today to shed some light on existing statutes that should be modernized. I believe that protecting our environment can be done in a manner that does not impede our economic growth; in fact, it must be done in that manner. It is time that we improve our regulatory structure so that we continue to prosper as a Nation. We can no longer allow the Federal Government to maintain an enormous backlog in processing grazing permits.

I am grateful the Committee is moving my legislation forward in hopes of ensuring grazing certainty and stability for America's livestock producers. I look forward to listening to the input our distinguished panel has to offer. Thank you for being here today.

Mr. BISHOP. Thank you.

We will now turn to the panel. Once again, for those who are here for the first time with our committee or are new to the Committee, the timer is in front of you there. When it is green, you are good to go, yellow means you have one minute left, and the red means I would prefer you not talk.

We will go down in the following order: Deputy Chief Weldon, if you would address this particular bill. Then we will go to Mr. Pool on this particular bill, and then finally Ms. Richards on this particular bill.

Ms. Weldon?

**STATEMENT OF LESLIE A.C. WELDON, DEPUTY CHIEF,  
NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, U.S.  
DEPARTMENT OF AGRICULTURE**

Ms. WELDON. Thank you, Mr. Chairman, Congressman Luján, Members of the Subcommittee. My name is Leslie Weldon, Deputy Chief of the National Forest System in the Forest Service. The Department supports portions of H.R. 4234, the Grazing Improvement Act of 2012, and would like to work with the Committee on other portions as written.

Regarding H.R. 4234, the Forest Service enjoys a cooperative relationship with the vast majority of the over 6800 individuals who hold permits for grazing on approximately 8.3 million animal unit months over 94 million acres of National Forest and grasslands. Grazing permittees have helped provide for effective stewardship of our public lands for many decades.

The Department understands and shares the Committee's desire for increasing administrative efficiencies for both the Forest Service and the permittee. The Department supports the concept of a 20-year permit where allotments are meeting Forest Plan standards, and it also supports making the annual appropriations language permanent so that permittees will be allowed to continue their use uninterrupted while the Forest Service proceeds to complete NEPA per the Rescission Act schedule.

While we support providing the line officer with the option to use a categorical exclusion where the parameters of what constitutes a "minor adjustment" are narrowly defined, we do not support requiring the use of categorical exclusions. We would appreciate the opportunity to work with the Committee on specific language that constitutes "minor modifications" that would qualify for categorical exclusions.

We have completed NEPA analysis on three-fourths of our grazing allotments, and would note that whether we ultimately utilize a categorical exclusion or an environmental assessment, the upfront analysis work in determining the conditions of the range is similar.

The Department does not support the language that provides for a new appeals process. The Forest Service is currently completing the revision of appeal regulations in an effort to provide for a more streamlined and efficient process. We are in the process of incorporating public comments to this proposal. We believe regulations will provide for the most appropriate and effective means to address administrative decisions.

We welcome the opportunity to work with the Committee on the legislation to develop a bill that both increases the efficiencies and protects the long-term health of our National Forests and grasslands. The Department appreciates Congressman Labrador's support for streamlining the grazing program.

Thank you for the opportunity to appear before you today, and I look forward to answering any questions.

[The prepared statement of Ms. Weldon on H.R. 4234 follows:]

**Statement of Leslie A.C. Weldon, Deputy Chief, National Forest System,  
Forest Service, U.S. Department of Agriculture, on H.R. 4234, Grazing  
Improvement Act of 2012**

The Department appreciates the opportunity to provide its views on H.R. 4234, the "Grazing Improvement Act of 2012". The Forest Service enjoys a cooperative relationship with the vast majority of the over 6,800 individuals who hold permits for grazing authorizing at total of approximately 8.3 million animal unit months on over 94 million acres of National Forests and Grasslands. Grazing permittees have helped provide for the effective stewardship of our public lands for many decades. The Forest Service's grazing program not only helps support the economies of rural communities across the west, but it also helps maintain open space on private lands. Most permittees utilize and need both public and private lands to graze livestock economically. The loss of grazing on public lands can result in the loss of grazing on private lands that may lead to the conversion of private open space to other uses such as subdivision development.

The Department understands and shares the Committee's desire for increasing administrative efficiencies for both the Forest Service and the permittee and while the Department supports certain provisions, we cannot support H.R. 4234 as written. Specifically, the Department has concerns with: requirements and definitions in the use of categorical exclusions, suspension of agency decisions until appeals are resolved and use of a different appeals process than is currently being developed. The Department is willing to work with the Committee to see if these differences can be resolved.

H.R. 4234 would revise the permitting process for grazing in the Federal Land Policy and Management Act of 1976. Specifically, the bill would extend the duration of the permit from 10 years to 20 years. It is intended to make permanent the language used in annual appropriation riders which has required expiring permits to be renewed with existing terms and conditions if NEPA has not been completed on allotments associated with the permit. It would establish and require the use of legislated categorical exclusions from the requirement to prepare an environmental analysis under the National Environmental Policy Act (NEPA). The categorical exclusions would be used if the decision continues the current grazing management on the allotment and if only minor modifications are needed to the permit. Consistent with the appropriations rider, the bill also would provide the Secretary with the sole discretion to determine the priority and timing for completing the environmental analysis of a grazing allotment, notwithstanding the schedule in section 504 of the Rescissions Act. Finally it would create a new process for appealing Forest Service decisions relating to grazing permits.

The Department understands and shares the Committee's desire for increasing administrative efficiencies for both the Forest Service and the permittee. The Department supports the concept of having the flexibility to issue a longer term permit where allotments are meeting Forest Plan standards. The Department also supports making the annual appropriations language permanent so that permittees will be allowed to continue their use uninterrupted, while the Forest Service proceeds to complete NEPA per the Rescissions Act Schedule. While we support providing the line officer with the option to use a categorical exclusion category where the parameters of what constitutes a minor adjustment are narrowly defined, we do not support requiring use of categorical exclusions. We would appreciate the opportunity to work with the Committee on specific language regarding what constitutes minor modifications that would qualify for categorical exclusions. We have completed NEPA analyses on three-fourths of our grazing allotments and would note that whether we ultimately utilize a categorical exclusion or an environmental assessment, the upfront analysis work in determining the conditions of the range, is similar.

The Department does not support the language in H.R. 4234 that provides for a new appeal process. The Forest Service is currently completing the revision of appeal regulations in an effort to provide for a more streamlined and efficient process (36 CFR 251, subpart C, "Appeal of Decisions Related to Occupancy and Use of National Forest System Land"). We are in the process of incorporating public comments received. We believe these regulations, which will be designated 36 CFR 214 will provide for the most appropriate and effective means to address administrative decisions. We would also like to work with the Committee to consider language which would increase the responsibility of the permittees to ensure some level of self-monitoring of allotments to assist in ensuring the long-term health of these watersheds and landscapes.

The Forest Service is also concerned that H.R. 4234 would require the Forest Service to suspend a decision, if a permittee appeals a grazing permit or lease deci-

sion, until the appeal is resolved. While there are situations which can wait for the conclusion of the appeals process, there are others that may require more immediate action; e.g., unauthorized use of an allotment, significant impacts to other allotments, non-payment, unacceptable resource damage, etc. The Department cannot support the language that requires categorical exclusions for crossing or trailing permits as the Forest Service completes the required environmental analyses for these situations during the allotment NEPA process.

While the Department does not support the bill as written, the Department supports the intent of the bill and would like to work with the Committee on specific language and concerns as noted. We do not want to increase efficiencies at the expense of good land stewardship. While the majority of the grazing permittees are excellent stewards in caring for the range resource, we also have examples where permittees need to take action to improve range conditions.

We welcome the opportunity to work with the Committee on the legislation to develop a bill that both increases efficiencies and protects the long-term health of our National Forests and Grasslands.

Thank you for the opportunity to appear before you today and would be happy to answer any questions you may have.

---

Mr. BISHOP. Thank you.  
Mr. Pool?

**STATEMENT OF MIKE POOL, DEPUTY DIRECTOR, BUREAU OF  
LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR**

Mr. POOL. Thank you, Mr. Chairman, and thank you for inviting the Department of the Interior to testify on H.R. 4234, the Grazing Improvement Act.

The ability to analyze complex permits and leases while engaging the public through the environmental review process under NEPA is a crucial component of the BLM's multiple use management of the public lands. At the same time, the BLM recognizes that sustainable use of public range lands is important to people who make their living on these landscapes, people like our BLM permittees.

Livestock grazing is an important part of the BLM's multiple resource mission. At the right levels and timing, grazing can serve as an important vegetation management tool, improving wildlife habitat and reducing the risk of catastrophic wildfire. The BLM is committed to collaborating with those who work on the public lands, and takes seriously its charter to conserve and manage healthy range lands for current and future generations.

The Department shares the Committee's interest in increasing efficiencies in public land grazing administration as well as finding ways to make permit renewal less complex, costly, and time-consuming. However, the Department cannot support H.R. 4234 because of the provisions for automatic permit renewal without assurances that permittees are meeting land health standards.

The BLM also has concerns with the categorical exclusion from analysis under NEPA for all livestock crossing permits, as well as the limitations the bill would place on BLM's ability to provide for appropriate environmental review and public involvement.

The BLM, as with the Forest Service, would like to work with this Committee to make progress on these shared goals while maintaining the integrity of NEPA, the Nation's bedrock environmental and citizen involvement law, and the Federal Land Policy Management Act, a multiple-resource statute requiring consideration of the many uses and values of public lands.

Thank you again for the opportunity to testify today, and I too would be happy to answer any questions.

[The prepared statement of Mr. Pool on H.R. 4234 follows:]

**Statement of Mike Pool, Deputy Director, Bureau of Land Management, U.S. Department of the Interior, on H.R. 4234, The Grazing Improvement Act**

Thank you for the opportunity to present the views of the Department of the Interior (Department) on H.R. 4234, the Grazing Improvement Act. The Bureau of Land Management (BLM) is dedicated to a broad range of stewardship goals, including the long-term health and viability of the public rangelands. Our Nation's rangelands provide and support a variety of goods, services, and values important to every American. In addition to being an important source of forage for livestock, healthy rangelands conserve soil, store and filter water, sequester carbon, provide a home for an abundance of wildlife, provide scenic beauty and are the setting for many forms of outdoor recreation.

The BLM recognizes that the conservation and sustainable use of rangelands is important to those who make their living on these landscapes—including public rangeland permittees. Public land livestock operations are important to the economic well-being and cultural identity of the West and to rural Western communities. Livestock grazing is an integral part of BLM's multiple-use mission, and at the right levels and timing, can serve as an important vegetation management tool, improving wildlife habitat and reducing risk of catastrophic wildfire.

The BLM is committed to collaborating with those who work on the public lands and takes seriously its challenge to conserve and manage healthy rangelands for current and future generations.

The Department shares the Committee's interest in identifying opportunities for increasing efficiencies in public land grazing administration, as well as finding ways to make permit renewal less complex, costly, and time-consuming. The BLM would like to work with the Committee to further these shared goals. However, the Department cannot support H.R. 4234 as it limits the BLM's ability to provide for appropriate environmental review and public involvement—critical components of the BLM's multiple-use management of the public lands—as well as the BLM's ability to implement permits that have been appealed. The Department looks forward to continuing a dialogue with the Congress on these important matters.

**Background**

The BLM manages approximately 17,750 livestock grazing permits and leases for 12.3 million AUMs (animal unit months) on over 160 million acres of public lands in the West. Since 1999, the BLM has evaluated the health of the rangelands based on standards and guidelines that were developed with extensive input from the ranching community, as well as from scientists, conservationists, and other Federal and state agencies. The BLM collects monitoring and assessment data to compare current conditions with the standards and land use plan objectives. This information is used to complete environmental assessments, to develop alternative management actions, and to modify grazing management as needed.

The BLM administers the range program through issuance of grazing permits or leases. The Federal Land Policy and Management Act (FLPMA) provides for a 10-year (or less) term for grazing permits. In a typical year, the BLM processes over 2,000 permit renewals or transfers. In 1999 and 2000, the BLM saw a spike in permit renewals, when over 7,200 permits were due for renewal. The BLM was unable to process all those permits before expiration, which resulted in a backlog of grazing permit renewals that remains today. By the end of the 2012 Fiscal Year, BLM anticipates that a backlog of 4,200 unprocessed permits will remain. The BLM is committed to eliminating the backlog of grazing permit renewals and to issuing permits in the year they expire. An increase in appeals and litigation of grazing management decisions continues to pose significant workload and resource challenges for the BLM.

The BLM will continue to focus on grazing permits for the most environmentally sensitive allotments, using authorities Congress provided in the FY 2012 Consolidated Appropriations Act concerning grazing permit renewals and transfers. This strategy will allow the BLM to address a wide array of critical resource management issues through its land health assessments and grazing decisions. Additionally, this strategy will help ensure that the backlog of unprocessed permits consists of the least environmentally-sensitive allotments that are more custodial in nature and/or that are already meeting land health standards.

**H.R. 4234**

H.R. 4234 provides for automatic renewal of all expired, transferred, or waived permits, and categorically excludes all permit renewals, reissuance, or transfers from preparation of an environmental analysis under the National Environmental Policy Act (NEPA) if the decision continues current grazing management of the allotment. Terms and conditions of the permit would continue until a permit is later renewed in full compliance with NEPA and other Federal laws. The bill does not first require a determination that the permittee is meeting land health standards. H.R. 4234 also doubles the duration of grazing permits from 10 to 20 years, and stipulates that livestock crossing and trailing permits are administrative decisions that would also be categorically excluded from analysis under NEPA. Additionally, it provides for the transfer of permits without further environmental analysis when terms and conditions are unchanged, but only for the remaining term of the permit.

The Department supports the concept of having the flexibility to issue longer term permits in certain circumstances, as well as the transfer provision that is currently in place under the FY 2012 Consolidated Appropriations Act. That provision is expected to reduce the permit renewal workload in 2013 by about 700 permits. The number of transfers needing processing each year is unpredictable, posing significant challenges to the BLM as it works to manage staff and other resources.

However, H.R. 4234 also includes provisions that the Department cannot support since they provide for automatic permit or lease renewal without requiring further analysis, or requiring the permittee to meet land health standards. The bill also limits the BLM's ability to provide for appropriate environmental review and public involvement. As written the bill would result in the majority of permits being renewed under a categorical exclusion, although it is unclear what constitutes a "minor modification" and whether extraordinary circumstances would need to be applied in situations where current management was being continued. Also under H.R. 4234, all crossing and trailing permits would be categorically excluded from analysis under NEPA. The engagement of the public through the environmental review process under NEPA is a crucial component of the BLM's multiple-use management of the public lands.

Further, H.R. 4234 requires that if a permittee appeals a grazing permit or lease decision, the BLM must suspend the decision until the appeal is resolved. Under current regulations, a typical BLM grazing decision is implemented while under appeal unless the permittee or interested public requests, and the Interior Board of Land Appeals grants a stay of the decision. By contrast, under H.R. 4234, if a permittee appealed a grazing decision, the BLM could not implement the decision unless it determined there was an emergency regarding deterioration of resources. Otherwise, the permittee could continue grazing at the current level of use until the appeal was resolved. The provisions would effectively give a permittee, by the simple act of appealing any grazing decision, the ability to continue current levels of use for an indefinite period of time (since appeals and litigation may take years). Moreover, grazing at the current level could continue even if the BLM determined land health standards were not being met and changes to the permit were thus warranted.

In summary, while H.R. 4234 contains provisions that would expedite permitting, the Department cannot support the overarching impact the bill could have on the 160 million acres of public lands used for livestock grazing.

**Conclusion**

Thank you for the opportunity to present testimony on H.R.4234. The BLM looks forward to working with the Congress to develop improvements to the grazing permit renewal process while maintaining the integrity of NEPA, the Nation's bedrock environmental and citizen involvement law, and FLPMA, our multiple-use statute requiring consideration of many uses and values of the public lands. I will be pleased to answer any questions.

Mr. BISHOP. Thank you.  
Ms. Richards?

**STATEMENT OF BRENDA RICHARDS, SECRETARY/TREASURER,  
PUBLIC LANDS COUNCIL**

Ms. RICHARDS. Chairman Bishop, Ranking Member Luján, and Members of the Subcommittee, thank you for inviting me to testify today on H.R. 4234, the Grazing Improvement Act of 2012.

My name is Brenda Richards, and I am a rancher from Owyhee County, where my husband and I, along with our three sons, run a cow/calf operation on private and public lands. I am the Secretary/Treasurer of the Public Lands Council, and am today also representing the National Cattlemen's Beef Association and the Idaho Cattle Association.

Livestock grazing represents the earliest use of public lands as our Nation expanded westward. Today it continues to be essential for the livestock industry, wildlife habitat, open space, and the rural economies of the West. The changes provided by the Grazing Improvement Act are necessary steps in restoring a stable business environment for our industry.

By allowing for grazing permit renewals despite agency paperwork backlogs, extending the life of grazing permits, and providing greater certainty to ranchers in the appeals process, this bill will provide environmental, economic, and government cost-saving benefits.

It is difficult to quantify the importance of stability for public lands grazing to our family business, rural economies, and to the industry as a whole. But I can speak to you from personal experience about the effect the current instability has had in Owyhee County.

Seventy-eight percent of our land mass in this county is Federally owned, resulting in a large number of permittees whose base property depends upon this Federal land for roughly 85 percent of their forage during the spring and summer months. Agency backlogs and litigation plaguing the grazing permit renewal process put a tremendous burden on the agency, the permittees, and our local county government.

American taxpayers have been negatively affected by frivolous appeals and challenges by extreme anti-grazing groups. The vicious cycle starts with the agency facing a tremendous workload of overly burdensome NEPA analysis and other regulations, often causing them to miss deadlines.

Extreme anti-grazing groups wait in the wings to file suit on these missed deadlines, which is a procedural aspect, rather than relating to the actual health of the resource. This adds to agency workloads, which continues the cycle of more missed deadlines and backlog. The result for the permittee without this bill would be delay in the renewal process, which creates tremendous economic uncertainty.

Grazing as we know it today is important not just for ranching families and local economies. All but the most extreme opponents of public land grazing acknowledge that its continuation is essential to maintaining the integrity of landscapes in the West.

Stability of permit renewal process keeps private lands economically viable as ranching units, which in turn prevents the fragmentation of open space. And additional benefits of grazing include reduced fuel loads, preventing wildfire, control of noxious weeds, and improved forage growth.

For these reasons, passing of the Grazing Improvement Act is crucial. It would offer flexibility to the agencies while providing stability to the industry by codifying the language we all hold our collective breath for every year in the appropriations process.

Thankfully, for more than a decade, Democrats and Republicans alike in Congress have passed an appropriations rider that has allowed for the renewal of grazing permits despite the backlog of NEPA analysis. Codifying this rider is fundamental to the Grazing Improvement Act.

The bill would also extend the life of grazing permits from 10 to 20 years, further relieving the backlog and allowing for longer, more beneficial grazing plans. The bill ensures that agencies will still be able to make annual management adjustments where and when needed.

The Grazing Improvement Act will further assure this stability by requiring that appeals of grazing permit decisions be conducted on the record in accordance with the principles of the Administrative Procedures Act. This provision is critical as applied to the Forest Service, where administrative appeals are heard not by an independent body but by the next level line officer.

The BLM appeals system is not perfect. While the current system puts the costly and daunting burden of proof on the appellant, adherence to the Administrative Procedures Act would properly place the burden of proof on the agency to show its decisions are correct in law and fact.

And finally, the bill provides a stay of decision pending appeal, a provision that would prevent ranchers from being forced out of business while administrative challenges wind their way through the administrative or court system. The language makes an exception to the stay where it would result in an immediate deterioration of the resource.

Ranching is a career we have chosen. We do it because of our dedication, our knowledge, and the ability to manage the resource, the health of which assures the success of our business. Passage of the Grazing Improvement Act is important for future generations. This bill will stimulate rural economies and job growth, save taxpayer dollars, and ensure that the natural resources of the West continue under the careful stewardship of ranching families.

Again, I would like to thank you for the opportunity to testify today, and I look forward to your questions.

[The prepared statement of Ms. Richards follows:]

**Statement of Brenda Richards, Secretary/Treasurer, Public Lands Council on H.R. 1234, To Amend the Federal Land Policy and Management Act of 1976 to Improve the Management of Grazing Leases and Permits, and for Other Purposes**

Chairman Bishop, Ranking Member Grijalva and Members of the Subcommittee: I am Brenda Richards, Secretary/Treasurer of the Public Lands Council, the only National organization dedicated solely to representing public land ranchers. I am a cattle rancher actively involved in the family business with my husband and our three sons, who are fifth generation in the ranching industry. I appreciate the opportunity to appear before you today to share the western livestock industry's strong support for H.R. 4234, the "Grazing Improvement Act of 2012".

Today I am representing the Public Lands Council, National Cattlemen's Beef Association and the Idaho Cattle Association. Affiliates of PLC include not only NCBA but also the American Sheep Industry Association (ASI), the Association of National Grasslands (ANG) and sheep and cattle organizations from thirteen western states.

Livestock grazing represents the earliest use of federally managed lands (public lands) as our nation expanded westward. Today it continues to represent a multiple use that is essential to the livestock industry, wildlife habitat, open space and the rural economies of many western communities. While grazing was historically

viewed only as a “use” of the public lands, today it has also come to be recognized as an important “tool” for the management of these lands.

The public land livestock industry seeks and supports the essential legislative changes provided by H.R. 4234, as they are essential steps in restoring a stable business environment to our industry. By allowing for grazing permit renewals despite agency paperwork backlogs, extending the life of grazing permits, and providing greater certainty to ranchers in the appeals process, H.R. 4234 will provide environmental, economic, and government cost-saving benefits.

### **Environmental Benefits of a Stable Public Lands Grazing Industry**

Greater business stability leads to grazing practices that better benefit the resources, allowing federal lands ranchers to think long-term about the kind of land and resources they want to pass down to the next generation. This stability is also at the foundation of the evolving science of rangeland management. By implementing long-term plans, ranchers are able to bring about significant changes in forage composition, to the benefit of livestock and wildlife alike. Sophisticated analytical systems, such as the State and Transition Model (STM), which has been embraced in recent years by both BLM and Forest Service, allow livestock grazing to be utilized to bring about significant changes in forage composition over long periods of time. But without the assurance that they will be able to hold onto their permits, many ranchers are hesitant to make the commitment of resources it takes to implement such plans.

Accompanying the recent advances in range science are the longstanding benefits of grazing, which will only be bolstered by better business certainty. Wildlife depend on the habitat and improvements provided by public land ranching. The improvements ranchers make to water sources—building, maintaining and protecting reservoirs and stock ponds, for example—can improve and, in some cases, create, wildlife habitats<sup>1</sup>. In the West, where productive, private lands are interspersed with large areas of arid, less desirable public lands, biodiversity of species depends greatly on ranchland. According to Rick Knight, a biology professor at Colorado State University, ranching on both public and private land “has been found to support biodiversity that is of conservation concern” because it “encompasses large amounts of land with low human densities, and because it alters native vegetation in modest ways.”<sup>2</sup> Knight also noted that other uses—such as outdoor recreation and residential use—are not as conducive to the support of threatened or endangered species.

Wild birds, animals and rodents seek out and thrive in the shelter provided by natural ranch features, like diverse plant cover and windbreaks, as opposed to row-to-row crops or bare landscapes. Many ranchers across the West are purposefully implementing grazing practices to improve habitat and help prevent the addition of species such as the Greater Sage-grouse to the Endangered Species List. According to the Natural Resources Conservation Service, in 2010 ranchers had already employed practices to help save between 800 and 1,000 grouse, and the efforts continue<sup>3</sup>. Well-managed grazing also reduces the risk of catastrophic wildfire and encourages healthy root systems and robust forage growth<sup>4</sup>. Large animals such as elk and deer are known to thrive in areas where cattle graze<sup>5</sup>.

Other research suggests that livestock grazing helps prevent invasion by non-native grasses, which threaten plant biodiversity on the land.<sup>6</sup> Ranchers’ brush control also benefits wildlife, helping more grass take root and decreasing the spread of cheatgrass, a highly flammable invasive weed. A study in the *Journal of Rangeland Management* concluded that “from an ecological standpoint we can argue that if we remove the grazing infrastructure from public rangelands, we would see some adverse consequences. We’d see less variety and too much ground cover, for example, as well as more cheatgrass and the potential for more range fires.”<sup>7</sup>

<sup>1</sup> <http://cesantaclara.ucdavis.edu/files/33367.pdf>

<sup>2</sup> “Ranchers as a Keystone Species in a West that Works.” Richard L. Knight. *Rangelands* Oct. 2007.

<sup>3</sup> Natural Resources Conservation Service, USDA (2010). *USDA Promotes Sage-Grouse Protection Efforts in the Western United States*. Release No. 0630.10

<sup>4</sup> Natural Resources Conservation Service, USDA (2004). *Environmental Benefits of Improved Grazing Management*. Illini PastureNet Papers. Hendershot, R.

<sup>5</sup> Texas A&M University-Kingsville (2005). *Cattle Management to Enhance Wildlife Habitat in South Texas*. Wildlife Management Bulletin of the Caesar Kleberg Wildlife Research Institute, Management Bulletin No. 6, 2005.

<sup>6</sup> Ranching as a Conservation Strategy: Can Old Ranchers Save the New West? Mark W. Brunson and Lynn Huntsinger. *Rangeland Ecology Management* 61:127–147 March 2008.

<sup>7</sup> “Vegetation Change after 65 Years of Grazing and Grazing Exclusion.” Barry Perryman. *Journal of Rangeland Management* Dec. 2004.

A study by Mark W. Brunson and Lynn Huntsinger published in the journal *Rangeland Ecology Management* explained that “Saving ranches has become a focus not only of rural traditionalists and livestock producers but also of conservationists, who prefer ranching as a land use over exurban subdivisions.”<sup>8</sup>

#### **Economic Benefits of a Stable Public Lands Grazing Industry**

Meanwhile, countless communities across the West depend upon the continued existence of the public land rancher. In my own county of Owyhee, 87 percent of the land is publicly owned, and our ranchers’ dependency on public land forage during the spring and fall is about 85 percent<sup>9</sup>. A 1992 Census of Agriculture for two Idaho counties revealed that two out of three commercially viable ranches held federal grazing permits<sup>10</sup>. I know that many communities across the West, where public lands account for roughly half of the landmass, depend just as we do on the tax base, commerce, and jobs created by the public land grazing industry.

Indeed, the national-level statistics give light to the importance of public lands grazing. The latest available data show that there were over 8.7 million animal unit months (AUMs) of grazing authorized on BLM lands in fiscal year (FY) 2010. This grazing was administered through 17,740 permits and leases.<sup>11</sup> The Forest Service in the fifteen western states permitted 6.1 million AUMs on National Forests and an additional 2.2 million of National Grasslands.<sup>12</sup> While false data is often cited showing the relatively small amount of beef or lamb that is produced on public lands, such statements ignore the importance of these lands in an integrated ranching operation. Approximately 40% of beef cattle in the West and half of the nation’s sheep spend some time on federal lands. Without public land grazing, grazing use of significant portions of state and private lands would necessarily cease, and the cattle and sheep industries would be dramatically downsized, threatening infrastructure and the entire market structure.

#### **Challenges to the Industry**

Despite the broadening acclaim for public lands livestock grazing’s environmental and economic benefits, today’s public land livestock industry faces challenges unlike ever before, making the aforementioned goals of a stable business environment and long-term grazing plans increasingly difficult to achieve. Private ranchland values in the west have skyrocketed based on competing uses—primarily rural subdivision development. Increasing land values render the estate tax—from which we have failed to secure permanent relief—a bigger threat than ever, making succession planning an ominous prospect for future generations of ranching families. Enhanced livestock genetics and current market prices for sheep and cattle have combined with the rising land prices to dramatically increase the need for operating capital—and at the same time, agricultural lenders are demanding greater long-term certainty in livestock operations. Burgeoning government regulation and the resulting litigation demand ever-greater investment of both financial and human resources. Extreme, predatory “environmental” groups wage a constant, partly taxpayer-funded war against public lands grazing<sup>13</sup>. Altogether, these and other factors create a business environment that is less certain than ever.

Adding to the uncertainty is the changed nature of the grazing permit renewal process. In the 1960s, renewal of term grazing permits every ten years on both BLM and National Forests was little more than an administrative exercise. The permit renewal routinely arrived in the mail it was signed and returned to the agency for final execution, completing the renewal process. Any on-the-ground issues regarding management were addressed during the many opportunities that the agency range personnel and I had to spend time together in the field.

Today, permit renewals are subject to compatibility with a Resource Management Plan or Land Use Plan, prior environmental analysis under the National Environmental Protection Act (NEPA), a potential need for consultation under Section 7 of

<sup>8</sup>Ranching as a Conservation Strategy: Can Old Ranchers Save the New West? Mark W. Brunson and Lynn Huntsinger. *Rangeland Ecology Management* 61:127–147 March 2008.

<sup>9</sup>Rimbey et al., *Ranch-Level Economic Impacts of Grazing Policy Changes: A Case Study from Owyhee County, Idaho*, in CURRENT ISSUES IN RANGELAND RESOURCE ECONOMICS: PROCEEDINGS OF A SYMPOSIUM SPONSORED BY WESTERN COORDINATING COMMITTEE 55 (WCC-55), L. Allen Torell, E. Tom Bartlett, and Rena Larranga (eds.), New Mexico Ag Exp. Station Research Report 737, available at <http://agecon.lib.unm.edu>.

<sup>10</sup>Harp et al., *Spatial Distribution of Economic Change From Idaho Ranches*, 53 J. RANGE MGMT. 164, 165 (2000).

<sup>11</sup>Fact Sheet on BLM Management of Livestock Grazing, September 2011, Table 3–8c, Table 3–9c. Fiscal Year 2010-

<sup>12</sup>USDA—Forest Service, Annual Grazing Statistical Report, Grazing Season 2009

<sup>13</sup>Budd Falen, K. (2005). *Environmental Organization’s use of NEPA to Eliminate Land Use and Obtain Attorneys’ Fees Under the EAJA*. Legal Memorandum, November, 2005.

the Endangered Species Act and the likely appeal by an anti-grazing organization that has been granted “interested public” status by the agency and standing by the courts. The opportunities that our members once appreciated to spend time in the field with range personnel have become scarce as agency personnel are inundated by process, Freedom of Information Act requests and endless appeals. The NEPA analysis now deemed necessary is seldom completed in a timely manner. As a result, the public land rancher has, for the past ten years, been at the mercy of the annual congressional appropriations rider to allow permits to be renewed in a timely manner. H.R. 4234 would alleviate this annual cliffhanger, codifying language that has been approved annually by Congress for over a decade.

#### **Challenges Facing the Federal Land Management Agencies**

As noted above, new regulations and resulting litigation have added dramatically to agency workloads. Over the past decade, the agencies have operated under pressure to produce environmental analyses on permit renewals either under a schedule imposed by Congress, or under self-imposed schedules. These timelines have seldom been met. The current NEPA backlogs for grazing allotments impacting permit renewals are 4,200 and 2,700 for the BLM and Forest Service respectively, with no end in sight. Time pressures have led to NEPA analysis that is frequently either substantively or procedurally inadequate and is therefore subject to successful administrative and judicial challenge. Reducing the requirement for perfunctory environmental analysis, as H.R. 4234 proposes to do, would enable the agencies to be more thorough when analyzing actions that actually impact the resource. It would also help reduce the opportunity for litigation by extreme anti-grazing groups who, by virtue of fee-shifting statutes such as the Equal Access to Justice Act, have made a cottage industry out of process-based litigation, draining agency budgets and reaping taxpayer dollars to the tune of millions, annually.

#### **H.R. 4234 Offers Solutions**

As noted above, proper range management, economic certainty at the individual, community, and west-wide levels, land management agency workloads, and taxpayers would all benefit from a longer-term approach to the permitting of public lands grazing. H.R. 4234 takes a sizeable step in that direction.

Section 2 of the bill extends the life of grazing permits from 10 to 20 years. This critical change will bring needed certainty, improved range management and greater agency efficiency. In the context of this change to a 20 year permit, it is important to note that the ability of the agency to make needed management adjustments through the annual authorization to graze (BLM) or annual operating plan (Forest Service) is not diminished. In addition, the agencies retain the authority to issue shorter term permits under special conditions. Lengthening term grazing permits from 10 to 20 years provides more certainty to permittees and reduces process burdens on the land management agencies, all while retaining current standards for adjusting on-the-ground practices.

Section 3: As referenced above, federal lands ranchers have relied for more than a decade on language being included into annual appropriations bills to allow the agencies to renew grazing permits on federal lands under current terms and conditions until the renewal process is complete. H.R. 4234 would codify that language. The bill recognizes that the renewal, reissuance or transfer of a permit does not, per se, have a resource impact so long as there is no significant change in the grazing management. By categorically excluding these actions from the requirement to prepare an environmental analysis, this section restores the role of environmental analysis to its proper function—an analysis of the potential impacts of a commitment of resources (changes to an RMP or Forest Plan) or a new on-the-ground activity. This section also takes a practical approach by properly acknowledging that minor modifications to renewed, reissued or transferred permits are acceptable, so long as they do not interfere with the achievement of or progress toward land and resource management plan objectives, and so long as extraordinary circumstances do not indicate a need for further analysis. Additionally, in order to solve a problem with crossing permits we have seen in my home state of Idaho, H.R. 4234 would correctly exclude the issuance of crossing and trailing permits from NEPA analysis. There is no need for endless analysis of an activity with minimal impact which takes place in an effort to comply with the terms and conditions of underlying term grazing permits.

Taken together, Sections 2 and 3 represent a major step toward returning the focus of public land grazing to on-the-ground activities including management plans and range improvements. The resource, the land management agencies and the grazing permittees all stand to benefit from these adjustments. Entities that oppose

these commonsense provisions show their true intentions: removal of all livestock from public lands with no real interest in the natural resources.

Section 4 of H.R. 4234 will further assure the stability of individual ranching operations by requiring that all appeals of grazing permit decisions be conducted "on the record," in accordance with the fundamental principles of the Administrative Procedures Act (APA). This provision is particularly critical as applied to the Forest Service. The Forest Service currently lacks an independent body to hear administrative appeals similar to the Interior Board of Land Appeals (IBLA), which adjudicates BLM appeals. As a result, permit appeals within the Forest Service are decided by the next level line officer. Most often, the deciding officer is the immediate supervisor of the author of the decision being appealed. It is understandable that research shows 85 percent of appeals under this structure are upheld. Frankly, an administrative appeal of a Forest Service permit decision is little more than a necessary procedural step to set the stage for a judicial appeal.

While BLM appeals are conducted through a less prejudiced system, these permittee appeals nevertheless place a tremendous burden on the appellant. Strict adherence to the APA will properly place the burden of proof on both federal agencies to show that their decisions are correct in law and in fact. Because there is no current provision for a stay of a decision pending appeal, the permittee can be faced with making significant and costly adjustments to his ranching operation based on a decision that may be overturned through the administrative appeal. By then, the rancher may well be out of business. Section 4 will assure that the decision is suspended and that current grazing is allowed to continue until the appeal is resolved. Permittees should not be negatively affected by frivolous appeals and challenges while an administrative challenge winds its way through the system. There is, appropriately, an exception where failure to implement the decision would result in an immediate deterioration of the resource.

#### **Conclusion**

All but the most extreme opponents of public lands grazing acknowledge that the continuation of grazing on public lands is essential to maintaining the integrity of landscapes in the West. Given the mosaic pattern of land ownership in most public land areas, a majority of ranches in these areas are not economically viable ranching operations without access to forage on public lands. These associated intermingled private lands will often readily find a market as rural subdivisions and other non-agricultural uses. The resulting land fragmentation equates to a loss of wildlife habitat, open space and scenic vistas, and public access. This can diminish the value of the public lands themselves for recreational use. Keeping ranchers in business is good policy for conservation of both private and public land.

Most public land ranchers do not want to develop their private lands. It is not in the public interest to drive them to do so by increasing the uncertainty that they face in continuing public lands ranching. Over the past 10 years, many states have seen an increase in the use of conservation easements. The primary reason for doing so is to provide another tool to keep private ranchlands in ranching. However, as we visit with public land ranchers, we often hear, "I would be very interested in placing an easement on my private land if my grazing permit were more secure. If I lose the permit, I will have little choice but to subdivide my land."

There are certain times when small steps can produce large results. In H.R. 4234, Congressman Labrador takes those small steps. The results will include greater stability for the livestock industry, a renewed focus on long-term resource management, enhanced agency efficiency and flexibility, and continuation of the broad public benefits provided by both public and private lands in the West. On behalf of the Public Lands Council and its affiliates and, most significantly, the over 22,000 families dependent on public land grazing, I urge your support for this legislation.

Thank you for the opportunity to testify before the Committee today.

Mr. BISHOP. Thank you for your testimony.

We will now turn to questions. Mr. Labrador, if you would like to go first, ask any of the witnesses questions.

Mr. LABRADOR. Ms. Weldon, thank you for being here today. Last week the Forest Service testified about concern with the appeals provisions of this bill. There are obvious problems with the current system, where appeals are handled by the next employee up the chain. What would you prefer the appeals process to be for the agency?

Ms. WELDON. Thank you for your question. We are in the process, the Forest Service, in revising our appeals process for uses of the National Forests, including grazing and other special uses, and our objective there is, rather than having a three-level process, to shorten that to two to emphasize keeping the decision-making as close to the ground as we possibly can. We feel that will save time and hopefully put us in more of a collaborative mode for problem-solving with appeals that we do receive for special uses.

Mr. LABRADOR. Thank you. The annual appropriations language rider effectively requires the renewal of permits in spite of the NEPA backlog. Why is the Forest Service opposed to grazing permits continuing under the same terms and conditions through automatic categorical exclusions, when under the grazing rider, the same flexibility and practice exists today?

Ms. WELDON. Thank you. We are not opposed to use of categorical exclusions. We would rather be able to describe specifically those conditions under which it fits. Our concern is that if we forego—rather, if we use categorical exclusions for everything, we may miss the opportunity or the need to have more extensive analysis done based on changed conditions that may be occurring on certain allotments. So having that flexibility helps.

So we are not opposed. We just want to be able to define the conditions under which it makes the most sense.

Mr. LABRADOR. OK. Mr. Pool, why specifically is the Department opposed to legislation that provides flexibility and efficiency to administering the grazing program?

Mr. POOL. Thank you, Congressman. And I just want to share my thoughts. I share a lot of the concerns that Ms. Richards expressed.

Being a New Mexico native, growing up in a farming and ranching community, and having working with this issue in four different States, it has created a tremendous amount of administrative burden on BLM. And it has also created a lot of issues for our permittees.

During the course of the last 13 years when we were basically directed by the Interior Board of Land Appeals to use a NEPA interdisciplinary analysis with full public involvement, we have processed over 30,000 grazing permit renewals in a 13-year period. And of the 30,000, only 2.5 percent of that amount has been appealed through IBLA.

A high majority of those actions have occurred in your home State, including Utah and other Western States. But we have discovered over time that the majority of these allotments that have a variety of resource attributes—in some cases we deal with invasives; we deal with past fire activity; we have to accommodate forage for wildlife, in some cases wild horses, including cattle—that it is the NEPA process and the interdisciplinary process and the range of alternatives in allowing affected or interested parties to participate that we think helps us sustain these decisions over the long term, both in terms of any actions that are appealed before IBLA and also our attempts to sustain our decisions before the Federal Court.

Mr. LABRADOR. Thank you. Ms. Richards, why is it important to extend the grazing permits from 10 to 20 years?

Ms. RICHARDS. Thank you, Congressman. Any of us that work on the resource, on the land, know that there is no long-term fix if you are looking to have an upward trend or improvements. A lot of times this would allow anything that we are moving forward with.

It would allow the stability, the continuity, and it also allows the permittees to do a cost-share project, which if the uncertainty is there, a lot of times you are not willing to or you cannot get financing for a cost-share project on the long term.

Mr. LABRADOR. Let's talk about that uncertainty. Does the uncertainty of the permitting process negatively affect the value of your operation? And how has your operation been affected by the NEPA backlog?

Ms. RICHARDS. Thank you, Congressman. It certainly affects the stability of our operation. As you heard in my testimony, your base property relies so heavily on spring and summer forage that you have a permit that you hold for. If you go in for your budgets for those years, an uncertainty of a permit renewal is a huge financial burden on the permittee because of the fact that it is a large part of our operation.

So we take that into consideration, and we definitely have to be honest with our lenders. In our local communities, our county government, it affects the local budgets. So the uncertainty definitely has an effect overall. And also, the certainty of that keeps our ranches whole and our communities whole.

Mr. LABRADOR. Thank you.

Mr. BISHOP. Thank you.

Mr. Luján, do you have questions?

Mr. LUJÁN. Mr. Chairman, thank you very much.

Mr. Pool and Ms. Weldon, it is a pleasure to have you both here with us as well. As we talk about this legislation, it provides for 20-year permits by replacing 10-year permits with 20-year permits, as was just discussed, in an amendment to the Federal Land Policy and Management Act.

Would saying "up to 20 years" accomplish the same objective, while providing the agencies more flexibility over permits in sensitive areas, as we talk about sensitive watersheds as well? Mr. Pool?

Mr. POOL. Yes. We would like to continue to work with the Committee on the 20-year option. We think that that would fit certain allotments, certain categories of allotments, where we have a lower degree of conflict. In some cases, for example, we do not have candidate species. We do not have species of concern. We do not have listed species, which basically elevates these type renewals to a high-level NEPA analysis.

But for those allotments that we have throughout the West where we have not had that degree of complexity or those challenges, we think that the 20-year extension would be of some utility to us.

Mr. LUJÁN. Appreciate that.

Deputy Chief Weldon?

Ms. WELDON. Thank you, Congressman. Along the same lines, we are supportive of the stability that a 20-year permit would bring, in particular where these permits are meeting Forest Plan standards. So over a 20-year period, our engagement would be

through the permit, and monitoring and ensuring that we are meeting those environmental standards, working in partnership with the permittee.

If during that time period we encounter areas where we may need to have change, then we would work with the permittee to fully evaluate those and severe whether those would require change or continue to support the permit as is.

Mr. LUJÁN. And, Ms. Richards, if that would not add to the backlog—I mean, I appreciate very much what our colleague Mr. Labrador is doing here. If that would not add to the backlog, is that something that you could take a look and see if, based on criteria of opening this up for up to 20 years, that that may be something that you could consider?

Ms. RICHARDS. We definitely believe that this bill allows the flexibility to the agencies for implementation of those type of aspects. One of the things that we also feel is there are already mechanisms in place to allow—if you cannot go that far, there are mechanisms in place that allows the agencies to do what is needed for the resource.

So the flexibility within this, or the 10 to 20 years, we definitely feel that it is supported and it is a good thing because the mechanisms are already there for any actions that would need to be taken on the ground.

Mr. LUJÁN. And in this particular area, Mr. Chairman, and too many colleague Mr. Labrador, I think that if we are able to work together, there may be a way to pull a lot more support—although I know how to count, Mr. Chairman, and that is something that I appreciate, that lesson early on in life from my father—but as we are able to try to navigate this policy so that we are able to work with our colleagues in the Senate, try to get this to the President's desk so that way we can make sure that we have a win for people all around the country, it is something that I know I would be interested in.

Along those lines, Mr. Labrador, I know that we are always bragging about New Mexico beef. And I do not want to even ask Ms. Richards about how that compares to Idaho beef. But maybe there is a way for us to work together. And I have been talking about trying to brag on New Mexico beef in front of the Committee here.

Maybe we can work together and get some of that, a little burger cookoff, if you will, although I will suggest we have a little bit of advantage now that we have the largest cheese plant in the country in my district as well. So I know that that is a little sore subject with our friends from Idaho. But we also have the competitive advantage of green chili from New Mexico. So we will chat about that.

[Laughter.]

Mr. LUJÁN. But just real quick, with Deputy Chief Weldon—I appreciate the indulgence of the Chairman here—Ms. Weldon, one other area that I want to ask for your consideration, and we can follow up with this: As related to the previous legislation, you heard me describing the importance of our acequias, these irrigation systems that pre-date the U.S. Forest Service.

And it is an invitation that I extended to Ms. Sutley, and it is one that I would extend to you and to your team, to get you to New

Mexico so maybe we can walk some of these beautiful areas together and get a deeper understanding, when we talk about land management and what it means, where our allottees are working with the conservationists, with the environmental associations, with the acequia associations, how we can come together. And it is in our best interest to be able to handle that together.

And last, Deputy Chief, there were some decisions made in the Northern part of New Mexico where we had some concerns that we raised about how allotments were reduced. And we would just encourage that we are able to work together, that we are able to use sound science and data to make those decisions. And we will follow up with you on that as well.

But thank you both for being here very much. Thank you, Mr. Chairman.

Mr. BISHOP. To you for the questions. New Mexico wolf tastes very tasty, as well.

[Laughter.]

Mr. LABRADOR. Mr. Chairman, he is going to need one of our potatoes, which is almost as big as his cattle.

[Laughter.]

Mr. LUJAN. I appreciate that, Mr. Chairman.

Mr. BISHOP. And as long as you can all count up to 20, we will be OK with this bill.

Mr. Kildee, do you have any questions?

Mr. KILDEE. No, Mr. Chairman. I appreciate the clarity of the presentations, and any questions I may have asked have been presented very well in the presentation itself. Thank you.

Mr. BISHOP. Thank you. I do have a couple of questions. Ms. Richards, if I could start with you.

In the President's budget proposal, there is a \$1 increase per AUM for all BLM permittees. It is not on the AUM cost; it is simply an administrative cost that allegedly can be added to it. That would impact about a 70 to 75 percent increase on what you would have to pay for a grazing fee. What impact would that have on your operations and others?

Ms. RICHARDS. Thank you, Congressman, for asking about that. As you just indicated, that is a 74 percent increase on a small business. We are small, family owned businesses, and this would have a devastating effect. Any time you have that significant of an increase on your business, it is very hard to withstand.

We hold these permits with our base property, and they are a definite part of it. We are taxed on them when we die. So it definitely is considered a small business. This increase also does not directly go back into the BLM range program. It goes into the administrative—wherever the Administration directs it.

So there is no guarantee that it goes on the ground or into the range program, and that is of a tremendous concern to us, especially that we are the ones that will be brunting that 74 percent increase. Our industry opposes, adamantly opposes, this. We feel that it is somewhat of a misguided idea, and we would urge Congress to put it aside.

Mr. BISHOP. Thank you.

Mr. Pool, when you go back to your superiors there, when the Secretary was here, we asked specifically for the statutory author-

ity for this \$1 administrative fee. We have yet to have that input from it. We would ask you once again if the agency could tell us specifically where they claim that kind of statutory authority for simply an administrative increase to what is established by statute as the cost per AUM.

Ms. Richards, if I could ask you one other question as well: If you would elaborate just for a second of how grazing could be a useful and a very productive tool to help manage wildlife, especially things like the sage grouse habitat, which has the potential of destroying us sooner than the Mayan calendar can. If you would tell us about how that works, I would be appreciative.

Ms. RICHARDS. Thank you, Congressman. I am very lucky in our area to be able to have personal experience on how grazing works as a tool. We have numerous collaborative efforts through our local sage grouse working groups. We have a Natural Resources Committee that has been established by our County Commissioners. And through these aspects, we have developed what was determined to be potential sage grouse habitat into sage grouse habitat, completely keeping the multiple use there.

And it is through these grazing efforts that we keep the noxious weeds down. We have worked on different fire control. And in our area, the Murphy Complex Fire was one of the most highly noted fires in the Western United States a couple years ago, and we have worked diligently on this, that if there had been the grazing increases that were there, the fuel loads would have been reduced.

So grazing is definitely a tool, and I would like to indicate that it is properly managed grazing, which is what we advocate, and that that is a substantial tool not only for just the sage grouse but for all wildlife. And we also use that pretty much as—

Mr. BISHOP. Thank you. I appreciate that.

Mr. Pool, this time I would ask for a response, if it is possible. Is the BLM, realizing what grazing can do for fire prevention in these habitat areas, and for invasive species in this habitat, is grazing looked at as a management tool by the BLM, and will it be part of your RMP process in the future?

Mr. POOL. Yes, Mr. Chairman. We have always viewed grazing, for a number of years, as a management tool in managing and improving the quality of range lands across the West.

Mr. BISHOP. Thank you. I appreciate that. I do have a few other questions, but it is going to take a little bit more time.

Mr. Labrador, are there other questions that you have for these witnesses? We will do a second round?

Mr. LABRADOR. No, Mr. Chairman.

Mr. BISHOP. Mr. Luján, do you have other questions for these guys?

Mr. LUJÁN. No, Mr. Chairman. I would yield my time to you, sir.

Mr. BISHOP. That is good. I am still on my original five here.

Mr. Kildee, do you have more questions?

Mr. KILDEE. No. I have no more questions.

Mr. BISHOP. Let me just ask, then, a couple here, and I appreciate that, and I will be done.

Mr. Pool, has BLM been party to any settlement agreements regarding grazing permits, specifically subjecting permitting decisions to NEPA?

Mr. POOL. To my knowledge, we have, as a result of litigation that has been filed. Oftentimes we will seek settlement. I cannot provide—I can later, but I do not have the specific cases with me.

Mr. BISHOP. You mentioned about 2.5 percent of the permits are appealed; you have to go through the process again. What percentage of that is driven by litigation from other groups?

Mr. POOL. I do not have that information with me. We were trying to pull up that information yesterday so I could compare both. But a high number of our permits, particularly in the State of Idaho, do result in litigation.

Mr. BISHOP. Thank you. Ms. Weldon, could I ask the same thing? Of the backlog that you have for permittees, how much of that is driven by litigation?

Ms. WELDON. We too do not have that precise info available that we can get for you. What I would say is that while we automatically reissue permits, we are experiencing a backlog with our allotments as far as a NEPA needs to be completed for those. And at this point, between now and the year 2019 with our rescission schedule, we need to complete approximately 3600 additional allotments.

Mr. BISHOP. For the record, if you could look up—both of you—if you could give us that information of how much is driven by litigation aspects from certain special interest groups, I would be appreciative of it.

Mr. POOL. How much in the last year or even the last five years or the last 10 years—I do want this eventually provided on a year-by-year basis—has BLM paid out for any or all claims that are pursuant to the Equal Access to Justice Act? And how many of those were paid pursuant to the terms of the 2009 settlement with the Western Watershed?

Mr. POOL. I will have to provide that information.

Mr. BISHOP. All right. I would appreciate it once again because EAJA is a specific concern to all of us. That is part of the information I think is essential.

Let me just conclude by a short rant here. To the agencies, one of the reasons why we are looking at legislation and it becomes important is we really do not want you to solve this issue by regulations. Part of the problem has been solved by abuse of the EAJA Act and agencies making outside agreements with certain special interest groups that, in my opinion, appear to be motivated as much by politics as by the ability of controlling and helping the land.

There is a reason that Congress has done rider after rider after rider, and it has been a positive tool for the agencies to use. The categorical exclusions are a solution to a problem, and they need to be respected regardless of what kind of agreements are made outside of courts before a court actually has to make a decision on those.

So that is one of the reasons why, in all due respect, we want legislation. I do not want to base it on regulation. I would appreciate, though, very much both of you mentioning how the 20-year concept would add stability and planning process, and that you do have tools that you could still manage; even if it was a 20-year

process, you could still manage, review, and look at those permits as time goes on.

So I thank you for that. I appreciate it. And if you could provide that information, I would be greatly appreciative, and then we will not be yelling at you as much, especially the statutory language for why you get to do an administrative fee on those poor grazers.

And I think I get to yield the last minute I have to Mr. Labrador.

Mr. LABRADOR. Thank you, Mr. Chairman.

Mr. Pool, just real quickly, you have mentioned twice that there are more appeals in Idaho than any other State. Can you explain to us why?

Mr. POOL. I cannot from the BLM perspective; we have always got the outside litigants that we have had to contend with. When Steve Ellis, the State Director, came into Idaho—

Mr. LABRADOR. Make it quick. I only have one minute, because I want to ask one question of—

Mr. POOL. I will just say including Idaho, as other parts of the West, in some areas we could have done a better job on our NEPA work. That is very clear. And whether we were remanded by IBLA, in some cases District Court, it was clear that we could have done a better job. So some of these cases was our failure to actually address quality NEPA in support of these renewals.

Mr. LABRADOR. And just in Idaho.

So Ms. Richards, why do you think that we have so many appeals in Idaho? And does it have anything to do with the fact that we have John Marvel in Idaho?

Ms. RICHARDS. That is a loaded question. There is definitely the litigation that we have in Idaho. There is a unique aspect. As you indicated, that extreme anti-grazing group did cut their teeth in my county. We had over a hundred permittees; 68 of those landed in court on one challenge. So there is a tremendous amount, and it was all—the basis came forward just all off of one case. All of those were in one case.

So that is one of the reasons we would just hugely support and appreciate the movement of this bill. I think the backlog and the ability to get the stability to the industry would alleviate that process, both for us as permittees and also for the agencies.

Mr. LABRADOR. Thank you. Thank you, Mr. Chairman.

Mr. BISHOP. Thank you very much. I am appreciative of the testimony of this particular bill.

Ms. Martin, we have been having you sit here by yourself for a while. Let's move to the bill so that you can actually have a chance to say something. This is H.R. 2984 by our friend from Maine. I do not know, Ms. Weldon, are you prepared to give testimony on this bill, 2984? This is Mr. Pool's bill.

Mr. Pool, if you want go on H.R. 2984, and then we will turn to Ms. Martin on 2984, please.

**STATEMENT OF MIKE POOL, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, ON H.R. 2984**

Mr. POOL. Will do. Thank you, Mr. Chairman.

I am submitting testimony on behalf of the Department of the Interior today and the Fish and Wildlife Service on H.R. 2984, the

Maine Coastal Islands Wilderness Act of 2011. The Department supports passage of H.R. 2984, which designates specific lands within the Cross Island National Wildlife Refuge and the Petit Manan National Wildlife Refuge as wilderness.

The 13 Maine Coastal islands proposed for designation as wilderness under H.R. 2984 are part of the Maine Coastal Islands National Wildlife Refuge complex, which is comprised of five individual refuges that span the Coast of Maine. The refuges support an incredible diversity of habitats including coastal islands, forested headlands, estuaries, and freshwater wetlands.

There are no current human uses on these islands that would conflict with the wilderness area designation, and designation of these islands would not significantly impact any future wildlife management capability. The designation of wilderness under H.R. 2984 will preserve the scenic and wild nature of these islands, and fulfills the intent of the Wilderness Act.

I am accompanied today by Jim Kurth—he is the Chief of the National Wildlife Refuge System within the Fish and Wildlife Service—who is available to answer any questions the Subcommittee may have on this particular bill.

[The statement submitted for the record by the U.S. Department of the Interior on H.R. 2984 follows:]

**Statement submitted for the record by the U.S. Department of the Interior on H.R. 2984, The Maine Coastal Islands Wilderness Act of 2011**

Thank you for inviting the Department of the Interior to submit its views on H.R. 2984, the Maine Coastal Islands Wilderness Act of 2011. The Department supports H.R. 2984, which would designate specified lands in Maine within the Cross Island National Wildlife Refuge and within the Petit Manan National Wildlife Refuge as wilderness, and as components of the National Wilderness Preservation System (NWPS).

The thirteen Maine coastal islands proposed for designation as wilderness under H.R. 2984 are part of the Maine Coastal Islands National Wildlife Refuge Complex, which is comprised of five individual refuges that span the coast of Maine. The five separate refuges are: Cross Island, Petit Manan, Seal Island, Franklin Island, and Pond Island national wildlife refuges. Each has separate establishment histories and refuge purposes, but collectively, they are managed as the Maine Coastal Islands National Wildlife Refuge Complex.

The refuges support an incredible diversity of habitats, including coastal islands, forested headlands, estuaries, and freshwater wetlands. There are 56 islands in the refuge complex, many of which support habitat for colonial nesting birds, puffins, and eiders. The 13 islands proposed for wilderness designation in H.R. 2984 are wild and relatively untouched by human activity. They are mostly forested and support mature spruce-fir forest, which provides nesting habitat for bald eagles and other species. These are gorgeous islands offshore, many with bold granite coasts and large trees dripping with lichens. These 13 islands are pristine with no roads or other structures like lighthouses or helicopter pads. These islands also provide rare opportunities for solitude and primitive recreation. Smaller islands closer to shore with little vegetation, especially those frequented by numbers of people, do not offer the same opportunities.

The refuge complex's comprehensive conservation plan (CCP) was finalized in April 2005. The potential for wilderness designation was addressed in the CCP. There are no current human uses on these islands that would conflict with a wilderness area designation, and designation of these islands would not significantly impact any future wildlife management capability. A portion of Halifax Island, which is located within Petit Manan National Wildlife Refuge, is closed to the public due to rare plant management. A campsite used by kayakers from the Maine Island Trail Association, located on one end of the island, would not be impacted by a wilderness designation. On Bois Bubert Island, which is also located within Petit Manan National Wildlife Refuge, there are some private in-holdings with seasonal cabins that are specifically excluded from proposed wilderness designation referenced in H.R. 2984. Based on the public CCP process and subsequent meetings

with the landowners, the Service does not anticipate any impacts to or opposition from these landowners. Commercial fishery and Atlantic salmon aquaculture concerns are addressed in this legislation by establishing the wilderness area boundary at the mean high water mark.

The Department supports passage of this legislation, which will provide excellent opportunities for primitive recreation and solitude, and outdoor experiences, focused on wildlife-oriented activities. This designation will preserve the scenic and wild nature of these islands and fulfills the intent of the Wilderness Act.

---

Mr. BISHOP. Thank you very much.

Ms. Martin, you have a full five minutes. They just started with voting, but we are going to get both of these bills in here. Please.

**STATEMENT OF STEPHANIE L. MARTIN, PROGRAMS  
COORDINATOR, FRIENDS OF MAINE'S SEABIRD ISLANDS**

Ms. MARTIN. Thank you, Mr. Chairman and Ranking Member Luján and the other Member of the Committee, for the opportunity to testify before you today. I am Stephanie Martin. I live in the coastal community of Rockport, Maine with my husband and my two children.

I am here representing myself and the Friends of Maine's Seabird Islands, which is a nonprofit organization whose mission is to encourage conservation and the appreciation of seabirds, their nesting, and coastal habitats, as well as to support the Maine Coastal Islands National Wildlife Refuge.

I joined the board of the Friends a year ago after relocating back to Maine. As a child growing up here, I had no idea of the resources and the beauty that existed off of the Maine Coast, nor did I know of the conservation efforts regarding seabirds. I joined the Friends group to help educate and share the story of seabird conservation, and to help protect these islands and thus the overall health of the Gulf of Maine ecosystem.

I want to start by thanking Congressman Michaud for introducing, and Congresswoman Pingree for cosponsoring, H.R. 2984. Maine citizens are very fortunate to have two representatives who understand not only the value that nature-based tourism plays in our economy but who also treasure Maine's unmatched natural beauty.

The Maine Coastal Islands Wilderness bill will provide enduring protection for 13 of the Refuge's 56 islands. These rugged islands provide Maine residents and visitors an opportunity to experience solitude and primitive recreation. Coastal real estate is economically unattainable for most of us Mainers, and it is a comfort knowing that this legislation would forever protect the untamed beauty of places like Cross Island and Washington County.

In addition to the wilderness recreation opportunities, these islands provide critical habitat to many species of wildlife and plants. Our Nation's symbol, the American bald eagle, nests on many of the islands, including Outer Heron and Little Marshall. Outer White and Johns Islands are frequented by harbor seals and are birthing and nursing sites for their pups. And then there are the seabirds, which are supported by the habitat on many of the islands, such as Old Man Island. Thousands of people come to Maine to see these beautiful seabirds annually.

Additionally, Coastal Maine wilderness will continue to provide shelter for coastal wildlife and act as a living laboratory for important scientific research. It will also serve as a classroom for individuals and families in search of unique outdoor experiences, while finding the risks, rewards, and self-reliance found only in nature.

I am here today because I want to protect the lands that are critical to scientific research for the health of the Gulf of Maine ecosystem. But also I want to set these islands aside to allow my daughters and grandchildren the opportunity to explore their personal values while experiencing the risks and rewards in nature.

I am not alone in my support for wilderness protection of these islands. Over 600 Mainers submitted positive comments through emails, phone calls, and written testimony at the four public hearings when the U.S. Fish and Wildlife Service presented its draft conservation plan for the refuge, which did include the designation of wilderness for 13 of its islands.

Additionally, over 100 mid-coast organizations, conservation groups, individuals, and businesses, including the Penobscot Bay Regional Chamber of Commerce and residents and businesses of Washington County, have signed this letter that I brought today requesting that Congress protect these islands. I ask that this letter be included in the official record.

Many of you are probably familiar with the slogan on Maine's license plate, "Vacationland." Wildlife watching and eco-tourism brings millions of dollars into Maine's economy annually, supporting guides and boats that bring people to these beautiful places, as well as hotels, restaurants, gas stations, and innumerable stores that serve them. Tourism is our economic engine, and wildlife and wilderness fuel that engine.

A recent report for the Governor's Council on Maine's Quality of Place States that annual spending on wildlife watching in Maine alone totals \$287 million. Aside from seasonal visitors, protected lands attract entrepreneurs, retirees, and second home residents, who bring disposable income and job opportunities that help support these local services.

The Maine Coastal Islands Wilderness bill is a good thing for seabirds, recreationists, the tourism industry, and for our Nation. This legislation is appropriate congressional recognition regarding the importance of these wild islands and the entire Maine Coastal Islands National Wildlife Refuge to the people of Maine, to our economy, and to the countless wildlife and seabirds who depend on this important resource.

In conclusion, the Friends of Maine's Seabird Islands urges you to support H.R. 2984 to protect these important and irreplaceable islands for our children and grandchildren to experience, just as we in previous generations have experienced. Thank you for the opportunity today.

[The prepared statement of Ms. Martin follows:]

**Statement of Stephanie L. Martin, Friends of Maine's Seabird Islands, on H.R. 2984, The Maine Coastal Islands Wilderness Act of 2011**

Chairman Bishop, Ranking Member Grijalva, and Members of the Subcommittee, thank you for the opportunity to testify before the Subcommittee today. I am Stephanie Martin, and I live in the coastal community of Rockport, Maine, with my husband and my 5 and 2 year old daughters. I am here representing myself and the

Friends of Maine's Seabird Islands, a non-profit organization whose mission is to encourage conservation and appreciation of seabirds, their nesting and coastal habitats, and to support the Maine Coastal Islands National Wildlife Refuge. I joined the Friends' Board of Directors 1 year ago after relocating back to the Maine coast. As a child growing up here I had no idea of the resources and beauty existing off the Maine coast, nor did I know about the conservation efforts regarding seabirds. I joined the Friend's group to help educate and share the story of seabird conservation and to help protect these islands, and thus the overall health of the Gulf of Maine.

I am pleased to have this opportunity to speak to you today about the Maine Coastal Islands Wilderness Act. I want to start by thanking Congressman Michaud for introducing and Congresswoman Pingree for co-sponsoring H.R. 2984. Maine's citizens are fortunate to have two representatives who understand not only the value that nature-based tourism plays in our economy, but whom also treasure Maine's unmatched natural beauty.

The Maine Coastal Islands Wilderness bill will provide enduring protection for 13 of the Refuge's 56 islands. These rugged islands provide Maine residents and visitors an opportunity to experience solitude and primitive recreation. Coastal real estate is economically unattainable for most of us Mainers and it is a comfort knowing that this legislation would forever protect the untamed beauty of places like Cross Island in Washington County.

In addition to the wilderness recreation opportunities, the islands provided critical habitat to many species of wildlife and plants. Our nation's symbol, the bald eagle, nests on many of the islands including Outer Heron and Little Marshall. Outer White and John's Island are frequented by harbor seals and are birthing and nursing sites for their pups. And then there are the seabirds which are supported by the habitat on many of the islands, such as Old Man Island. Thousands of people come to Maine to see these beautiful seabirds.

Our National System of wild lands contributes significantly to the ecological, economic, and social health of our country, but this specific designation I am speaking of will support the economies of Maine's coastal communities by drawing in more individuals seeking the solitude these islands can provide.

In addition, Coastal Maine Wilderness would continue to provide a shelter for coastal wildlife, act as a living laboratory for important scientific research, and serve as a classroom for individuals and families exploring personal values in search of a unique outdoor experience while experiencing the risks, rewards, and self-reliance found only in nature.

I am here today because I want to protect the lands that are critical to scientific research for the health of the Gulf of Maine ecosystem, but also I want to set these islands aside to allow my daughters and grandchildren the opportunity to explore their personal values while experiencing the risks and rewards of nature.

I am not alone in my support for wilderness protection of these islands: over 600 Mainers submitted positive comments through emails, phone calls, and written testimony at 4 public hearings when the U.S. Fish and Wildlife Service presented its draft conservation plan for the refuge which included the designation of wilderness for 13 of its islands. Additionally, 99 mid-coast organizations, conservation groups, individuals, and businesses, including the Penobscot Bay Regional Chamber of Commerce have signed this letter requesting Congress protect these islands and I ask that this letter be included in the official record.

Many of you are probably familiar with the slogan on Maine's license plate "Vacationland". Wildlife watching and ecotourism brings millions of dollars into Maine's economy annually supporting guides and boats bringing people to these beautiful places, as well as hotels, restaurants, gas stations, and innumerable stores that serve them. Tourism is our economic engine and wildlife and wilderness fuel that engine.

A recent report for the Governor's Council on Maine's Quality of Place states that annual spending on wildlife watching in Maine totals \$287 million. Aside from seasonal visitors, protected lands attract entrepreneurs, retirees and second-home residents who bring disposable income and job opportunities and help support local services. An Outdoor Industry Foundation nationwide study found of seven major outdoor recreation categories, viewing and photographing wildlife has grown the most over the past decade. Wilderness classification will be a thoughtful yet powerful tool in promoting the world-class resources we value in coastal Maine and will provide an integral first step toward a more robust and sustainable economy.

The Maine Coastal Islands Wilderness bill is a good thing for seabirds, recreationists, the tourism industry, and for our nation. This legislation is not in response to some immediate threat to the islands but it is appropriate Congressional recognition regarding the importance of these wild islands and the entire Maine

Coastal Island National Wildlife Refuge to the people of Maine, our economy, and the countless wildlife and seabirds who depend on this important resource.

In conclusion, The Friends of the Maine's Seabird Islands urge you to support H.R. 2984, to protect these important and irreplaceable islands for our children and grandchildren to experience, just as we and previous generations have experienced. Thank you.

---

Friends of Maine Seabird Islands  
PO Box 1231 Rockland, ME 04841  
info@maineseabirds.org  
<http://www.maineseabirds.org>

November 10, 2011

Mr. Pat Keliher, Acting Commissioner  
Maine Dept. of Marine Resources  
21 State House Station  
Augusta, ME 04333

Mr. John Boland  
Director, Bureau of Resource Management  
Maine Dept. of Inland Fisheries and Wildlife  
284 State Street  
Augusta, Maine 04333

Acting Commissioner Keliher and Director Boland:

The Maine Coastal Islands National Wildlife Refuge supports incredible diversity, ranging from coastal islands to salt marshes. Its 56 islands and four mainland units are habitat for migratory seabirds, waterfowl, wading birds, shorebirds, songbirds, raptors, and a diversity of plants and other wildlife. Refuge lands provide Maine citizens and tourists opportunities for hiking, photography, wildlife viewing, picnicking, camping, and hunting.

The Refuge's recent Comprehensive Conservation Planning effort found that 13 of the Refuge's islands (totaling 3,125 acres) qualify for protection under the National Wilderness Preservation System due to their wild character, ecological features, and opportunities for solitude and primitive recreation. Wilderness designation prescribes management that ensures that mature forest habitat is retained and motor vehicles are never permitted. There was overwhelming public support for protecting these islands during public comment on the management plan.

Below is a list of the 13 islands proposed for wilderness designation and the towns they are near:

- Outer Heron Island and Outer White Island: Boothbay—forested (eagle) & shrub
- Little Marshal Island and John's Island: Town of Swan's Island—forested & grasslands
- Bois Bubert Island: Milbridge—forested
- Inner Sand Island: Addison—forested
- Halifax Island: Jonesport—botanical preserve
- Cross Island Complex (six islands in a geographic cluster), which includes Old Man (not forested, huge razorbill colony), Mink, Outer Double Head Shot, Inner Double Head Shot, Scotch, and Cross Islands: Cutler—forested, bald eagles

Wilderness lands are open to public activities such as wildlife viewing, hiking, camping, boating, photography, hunting, fishing, research, and non-motorized recreation. The Refuge's comprehensive conservation plan [and the wilderness designation bill] favorably addresses public safety, private landowner access, and adjacent activities, such as aquaculture and commercial fishing.

The Friends of Maine Seabird Islands (FOMSI) is leading the campaign to enact wilderness designation for the 13 islands. Congress enacted the Wilderness Act in 1964, which created the National Wilderness Preservation System (NWPS) and reserved to Congress the authority to designate wilderness areas. FOMSI is working with Maine's Congressional Delegation in this effort.

FOMSI desires that the departments of Marine Resources and Inland Fisheries & Wildlife join its efforts to establish wilderness designation for these remarkable islands and to ensure that they remain wild for future generations. To this end, FOMSI is seeking a letter of support from each agency. Given your prominent role

in the conservation and management of coastal wildlife and habitat, your support for wilderness designation would greatly advance FOMSI's outreach to our Congressional delegation, as well as organizations, businesses, and individuals. I look forward to discussing this further with you at our November 21st meeting in Hallowell.

Wildlife watching and ecotourism bring millions of dollars into Maine's economy annually. Not only for the guides and boats that bring people to these beautiful places, but for hotels, restaurants, and stores that serve them. This classification will be an incredible asset to promoting the world-class resources we have here in Maine and building on this sustainable piece of our economy.

Sincerely,

Stephanie L. Martin  
Programs Coordinator, Friends of Maine Seabird Islands

---

Mr. BISHOP. Thank you. Thank you for your testimony.

Mr. Luján, do you have any questions?

Mr. LUJÁN. Mr. Chairman, just to let Ms. Martin know we appreciate her being here with the family. And Mr. Pool, again, we have some questions we will submit to the record, and just appreciate you getting back to us.

Thank you so much for your advocacy, and my best to your family.

Mr. BISHOP. Mr. Kildee, do you have questions?

Mr. KILDEE. No, thank you, Mr. Chairman.

Mr. BISHOP. Thank you. I did receive for my part a letter who is the Chairman of the Washington County Commission. I ask unanimous consent that that be put in the record.

[The letter from Christopher Gardner submitted for the record by Mr. Bishop follows:]

**COUNTY OF WASHINGTON**

P.O. Box 297, County Courthouse  
Machias, ME 04654  
(207) 255-3127  
Fax: (207) 255-3313  
e-mail:manager@washingtoncountymaine.com

**Commissioners:**

Christopher M. Gardner, Chairman  
John B. Crowley, Sr., Commissioner  
Kevin L. Shorey, Commissioner

**County Manager:**

Betsy Fitzgerald

**Secretary:**

Gail E. Popham

March 27, 2012

Honorable Representative Rob Bishop  
Chairman Sub-Committee on National Parks, Forests and Public Lands  
Longworth House Office Building 1324  
Washington DC, 20515

Representative Bishop,

Representative Bishop, I write today as the Chairman of the County Commissioners for Washington County Maine in regards to **HR2984**, an Act to designate certain Federal lands within the Cross Island National Wildlife Refuge and the Petit Manan National Wildlife Refuge, part of the Maine Coastal Islands National Wildlife Refuge Complex, in Lincoln County, Hancock County, and Washington County, Maine, as wilderness.

I will admit that I am only somewhat familiar with the issue at hand but can say that I have read the bill and been contacted by constituents here in Washington County in the last few days. They have expressed some real concern over the bill worrying that this designation will further limit this lands use and potential future use, enjoyment and/or development.

Adding to that, we are a little perplexed as to the reasoning for the additional designation to land in the first place. Understanding that this land is already restricted and under federal control, one has to wonder the reasoning for the additional designation.

I have reached out to Congressman Michaud's office on this issue and they informed me that there was a request from some areas of the state to make this change in designation as it would allow them to better market the areas in question with a wilderness status. While I can appreciate the power of marketing, I am brought to pause in this argument for two reasons. First, I do not believe that all of the areas affected made this designation request and therefore should the requests of the few dictate the results to the many. To my point, I do not believe that anyone from my county asked for this change in designation yet Washington County has the most islands and acreage affected. Secondly, one has to ask, is "marketing" worth causing such concern on a hot button issues like restrictive property designations. If the answer is no then perhaps this bill should be reworked.

We will say that we do appreciate that the bill did go so far as to include certain exclusions on some otherwise traditional wilderness restrictions regarding such things as motorized boat access and buffer zones. However, we all must be realistic in admitting that the "Wilderness" designation alone brings with it the vastly increased risks of further restrictions being placed upon the land in question. Also with that are the more stringent management objectives of the USFWS that will undoubtedly go with it. We must be ever vigilant understanding that this legislation, as well intended as it may be, is certainly an ample springboard to more restrictive legislation in the future.

Should the committee choose in fact to send this bill to the floor I must implore you to secure the strongest of protections of the current exceptions in the bill. The right of the people's use of these already public lands must be protected. The people's fear that this bill could represent the proverbial "camel's nose being under the tent" is more than understandable. This being that once the more stringent designation of "wilderness" is applied, it only takes a simple stripping of the exceptions to drop a restrictive "velvet rope" around yet another piece of this great nation.

Sincerely,

  
Christopher Gardner, Chair  
Washington County Commissioners

Cc: Congressman Michael Michaud  
Senator Olympia J. Snowe  
Senator Susan M. Collins  
File

Mr. BISHOP. With that, if there are no other questions, we thank you. And in all sincerity, questions are because of the caliber of the testimony that was given. Thank you very much.

We have one other bill, 1818. Ms. Weldon, I think you are the one. You have five minutes to testify. If you take that much time, this bill is dead. We still have eight minutes to go and vote. Would you like to testify on this bill, briefly?

Ms. WELDON. Briefly, yes. Thank you for the opportunity. The Department has no objection to the Mt. Andrea Lawrence Designation Act of 2012. This legislation directs the designation of an unnamed 12,240-foot peak located on the boundary between Ansel Adams Wilderness Area and Yosemite National Park as Mt. Andrea Lawrence. The management of the proposed Mt. Andrea Lawrence is shared between the Inyo National Forest and Yosemite National Park.

Ms. Lawrence was a successful Olympic athlete and a committed public servant, having served 16 years on the Mono County Board of Supervisors, and founded the Andrea Lawrence Institute for Mountains and Rivers.

She was a strong supporter of the work of the Inyo National Forest and Yosemite National Park. She worked tirelessly to protect the health and vitality of the environments and economies of the Eastern Sierra and the Sierra Nevada region as a whole.

Ms. Lawrence passed away at the age of 76 on March 31, 2009. The Department recognizes the contributions of Ms. Lawrence to both the U.S. and California, and concurs with the principles of the legislation. We would update our maps as quickly as possible once it is passed. Thank you.

[The prepared statement of Ms. Weldon on H.R. 1818 follows:]

**Statement of Leslie A.C. Weldon, Deputy Chief, National Forest System, Forest Service, U.S. Department of Agriculture, on H.R. 1818, Mt. Andrea Lawrence Designation Act of 2012**

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture on H.R. 1818, the Mt. Andrea Lawrence Designation Act of 2012. We have consulted with the U.S. Department of the Interior—National Park Service in the preparation of this statement.

**H.R. 1818—Mt. Andrea Lawrence Designation Act of 2012**

This legislation directs the designation of an unnamed 12,240 foot peak, located on the boundary between Ansel Adams Wilderness Area and Yosemite National Park approximately six tenths miles (0.6) northeast of Donahue Peak, as “Mt. Andrea Lawrence.” The management of the proposed Mt. Andrea Lawrence is shared between the Inyo National Forest and Yosemite National Park.

Ms. Lawrence was a successful Olympic athlete and a committed public servant, having served 16-years on the Mono County Board of Supervisors and founded the Andrea Lawrence Institute for Mountains and Rivers. She was a strong supporter of the work of the Inyo National Forest and Yosemite National Park. She worked tirelessly to protect the health and vitality of the environment and economies in the Eastern Sierra and the Sierra Nevada Region as a whole. Ms. Lawrence passed away at the age of 76 on March 31, 2009.

The Department has no objection to the enactment of H.R. 1818 and notes that it would have no adverse impact to the management of the Inyo National Forest, or the Ansel Adams Wilderness.

However, the Board on Geographic Names was created by Congress in 1947 to establish and maintain uniform geographic name usage throughout the Federal Government. It is Board policy not to consider names that commemorate living persons. In addition, a person must be deceased at least 5-years before a commemorative proposal will be considered. In accordance with the Board’s interpretation of Wilderness Act of 1964, the Board on Geographic Names discourages naming features in congressionally designated wilderness areas unless an overriding need can be demonstrated. Although the Department does not have any objections to the enactment of H.R. 1818, maintaining consistency with the longstanding policies of the Board on Geographic Names is recommended.

The Department recognizes the contributions of Ms. Lawrence to both the United States and California, and concurs with the principles embodied in the legislation. Should the legislation be enacted, the Forest Service would work to ensure that our visitor information maps reflect the new designation, and understand that the National Park Service would do the same when their maps, signs, and other informational materials are replaced or updated.

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

---

Mr. BISHOP. Thank you very much. I appreciate.

Do you have any questions on this one?

Mr. LUJÁN. Mr. Chairman, again, Deputy Chief, we appreciate you being here. We have a few questions we will submit to the record.

Mr. BISHOP. We will offer all of our witnesses—we would ask you to be prepared to receive written questions from Members of the Committee. And we would ask for your response to those written questions if and when they arrive to you.

With that, I appreciate all of you being here. I appreciate the ability of going through these four bills in a timely manner. Thank you for your testimony. Thank you for your willingness to be here. Some of you have traveled great distances; I appreciate that very much.

If there are no other issues or questions, we will stand adjourned.

[Whereupon, at 11:34 a.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

**Statement submitted for the record by The Honorable Howard P. “Buck” McKeon, a Representative in Congress from the State of California on H.R. 1818**

Good morning, Chairman Bishop, Ranking Member Grijalva, and members of the committee. Thank you for holding this hearing today and the opportunity to testify on legislation I introduced, H.R. 1818, the Mount Andrea Lawrence Designation Act of 2011.

I had the honor to personally know and work with Andrea Mead Lawrence on several occasions, especially for the protection of the Eastern Sierra. I have introduced this legislation at the request of my constituents in the Eastern Sierra of California who recognize the significant accomplishments of Andrea personally, but more importantly the lasting positive legacy she left on the region. I would ask unanimous consent to insert into the record numerous letters of local support for designation of Mt. Andrea Lawrence.

Andrea Mead Lawrence was born in Rutland County, Vermont on April 19, 1932 where her life-long love of winter sports and appreciation for the environment was fostered. A skilled skier, she competed in the 1948 Winter Olympics in St. Moritz, Switzerland as well as the 1956 Winter Olympics in Cortina d’Ampezzo Italy. She also served as the torch lighter at the 1960 Winter Olympics in Squaw Valley, California. In the 1952 Winter Olympics in Oslo Norway, she won two Gold Medals in the Olympic special and giant slalom races. To this day, she remains the only United States double-gold medalist in alpine skiing. For her significant accomplishments, she was inducted into the U.S. National Ski Hall of Fame in 1958, at the age of 25.

These remarkable achievements at a young age, however, were just the beginning of a life of service to her community and environmental preservation. In 1968, Andrea moved to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California. It was in this special region she spent the rest of her life working to protect the area’s natural treasures.

Never one to rest on her accomplishments, she founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra. She served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra. As a member of the Great Basin Air Pollution Control District, she worked to reduce air pollution caused by the dewatering of Owens Lake. In 2003, she founded the Andrea Lawrence Institute for Mountains and Rivers to protect the environment and the economic vitality of this important region.

In 2008, she testified before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Wild Heritage Act, a bill enacted the day before she died on March 31, 2009 at the age of 76. Andrea left a rich legacy of a family of five children, including Quentin Lawrence who will testify today, four grandchildren, as well as a distinguished record in skiing and, most importantly, her tireless efforts have left a better legacy for the people who live and recreate in the Eastern Sierra.

Andrea Mead Lawrence’s life philosophy is summed up in her quote “Your life doesn’t stop by winning medals. It’s only the beginning. And if you have the true Olympic spirit, you have to put it back into the world in meaningful ways.” Mr. Chairman, in light of the remarkable life and work of Andrea Mead Lawrence, it is very fitting to name Peak 12,240 “Mt. Andrea Lawrence” both in her honor and as a visible point of inspiration for future generations.

**Statement of The Honorable Michael Michaud, a Representative in Congress from the State of Maine, on H.R. 2984**

Chairman Bishop, Ranking Member Grijalva, and Members of the Subcommittee—thank you for holding this hearing on H.R. 2984, the “*Maine Coastal Islands Wilderness Act*.” I would also like to thank Chairman Hastings and Ranking Member Markey of the full committee for their continued efforts to address wilderness issues.

Stephanie Martin will also testify today in support of this bill. Stephanie is on the Board of Directors of the Friends of Maine Seabird Islands, and she will discuss the local benefits and support of the bill. I want to express my appreciation to the Friends of Maine Seabird Islands for their collaborative efforts to restore seabird wildlife habitat and promote nature-based tourism. I would also like to thank Representative Pingree for partnering with me on this legislation, which includes islands in both of Maine’s Congressional Districts.

H.R. 2984 would designate 13 coastal islands—approximately 3,256 acres—as federal wilderness areas within the Maine Coastal Islands National Wildlife Refuge complex. This wilderness designation will achieve two important objectives. First, it will increase the marketability of this area to tourists and give a boost to the local economy. Second, it will codify the current status of these islands, which reflects a thoughtful balance between recreational, fishing and aquaculture, and refuge uses.

The process of drafting this bill has been a long one. In 2004 the Maine Coastal Islands Wildlife Refuge began their first conservation planning process. They held two years of public hearings to discuss various issues relating to the Refuge, including whether or not the 13 islands my bill addresses should receive the federal wilderness designation. As a result of the broad support for the wilderness designation, their 2006 final conservation plan included the recommendation that Congress pass legislation to establish the Maine Coastal Island Wilderness Area.

Since that recommendation my office has heard from numerous organizations asking me to introduce legislation that would codify the wilderness designation for these 13 islands as recommended six years ago by the Refuge's conservation plan. In addition to listening to these groups, my office also talked to other constituencies to ensure that they were on board with this initiative.

This outreach effort raised several legitimate concerns that I have attempted to address by inserting provisions in this legislation that are critical to its objective. Because many of these provisions are unique for wilderness designation bills, I'd like to take the time to explain them.

First, my legislation clarifies the seaward boundary of each wilderness island to be the well-defined high water mark to ensure that motorized boats can still land on these islands, a priority for local fishermen and recreationists. Second, the legislation clarifies that there are no buffer zones or impacts to nonwilderness activities adjacent to the wilderness boundaries to further guarantee fishermen's and recreationists' access to these islands. Third, although man-made devices are generally not permitted in wilderness areas, my legislation allows for the installation of essential navigational devices to accommodate all public safety concerns. Finally, this bill explicitly protects private property rights by excluding all private lands and access right-of-ways from the recommended wilderness boundaries.

I am very grateful for the local organizations' willingness to collaborate with me on this project to ensure that this bill suits the communities and industries it seeks to support. I believe the final result is a balanced approach to conserving these unique island landscapes while making sure that the public can still enjoy them. If the Committee believes, however, that any concerns can be more completely addressed, I am more than happy to work with you to amend the bill to make it even stronger between now and when it comes to the Floor.

My primary motivation for introducing this bill was its economic benefit. As you know, Mainers have a lot of pride in their beautiful state, and much of our economy depends on getting more people to see for themselves just how beautiful it is. In that vein, this legislation will make it easier for these coastal communities to market themselves and grow their nature-based tourism. The Penobscot Bay Regional Chamber of Commerce and members of the Ellsworth Area Chamber of Commerce, as well as many other local organizations, support this wilderness designation for this reason. During these times of high unemployment and a stagnant economy, especially in coastal communities where the fishing industry faces numerous issues, I am a strong advocate of efforts that encourage private sector job growth. That is why I introduced H.R. 2984.

My secondary motivation for introducing this bill was to ensure that these coastal islands remain as they are. My legislation, as you know, simply assigns these islands the official title of the Maine Coastal Islands Wilderness Area. But by including the special provisions that I mentioned above, H.R. 2984 also codifies, and therefore makes harder to change, the islands' current status and accessibility. Mainers are very proud and protective of their land, which is why I've carefully crafted this bill not only to make the wilderness designation but also to clarify that the land's current uses will remain the same.

In closing, once again I would like to thank Chairman Bishop and Ranking Member Grijalva for bringing this bill before the Subcommittee on National Parks, Forests and Public Lands and for the opportunity to provide my testimony today. I ask the committee to support this balanced effort to help local communities in Maine enhance their efforts to grow their nature-based tourism sectors while preserving the accessibility and use of these coastal islands.

Thank you.

