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# *Senate Hearings*

***Before the Committee on Appropriations***

# Department of the Interior, Environment, and Related Agencies Appropriations

***Fiscal Year*** 2009

110*th* CONGRESS, SECOND SESSION

**DEPARTMENT OF AGRICULTURE**
**DEPARTMENT OF THE INTERIOR**
**ENVIRONMENTAL PROTECTION AGENCY**
**NONDEPARTMENTAL WITNESSES**

Department of the Interior, Environment, and Related Agencies Appropriations, 2009

S. HRG. 110–648

# DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2009

## HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

**Department of Agriculture**
**Department of the Interior**
**Environmental Protection Agency**
**Nondepartmental Witnesses**

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# DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2009

**TUESDAY, MARCH 4, 2008**

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
*Washington, DC.*

The subcommittee met at 10 a.m., in room SD–124, Dirksen Senate Office Building, Hon. Dianne Feinstein (chairman) presiding.

Present: Senators Feinstein, Leahy, Stevens, Craig, and Allard.

## ENVIRONMENTAL PROTECTION AGENCY

**STATEMENT OF HON. STEPHEN L. JOHNSON, ADMININSTRATOR**

**ACCOMPANIED BY:**

**MARCUS C. PEACOCK, DEPUTY DIRECTOR**

**BENJAMIN H. GRUMBLES, ASSISTANT ADMINISTRATOR, OFFICE OF WATER**

**SUSAN PARKER BODINE, ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE**

### OPENING STATEMENT OF SENATOR DIANNE FEINSTEIN

Senator FEINSTEIN. Good morning, ladies and gentlemen, and welcome to the Interior Subcommittee's hearing on the EPA agency's fiscal year 2009 budget.

This one is a series of budget hearings that the subcommittee will be holding. But, I'd like to take a moment and set the stage for the challenges that this administration's request presents, before we begin with the EPA budget.

The President has requested $25.715 billion in discretionary spending for the agencies and programs in the Interior budget. That's a cut of $842 million, or 3.2 percent, from the currently-enacted level.

The real cut, of course, is much higher, when you factor in some $300 million in fixed costs that must be covered, an extra $200 million for fire suppression to meet the 10-year average, and approximately $150 million to cover increased health care costs for the services provided by the Indian Health Service.

In short, this Interior budget is a very difficult one, and we are going to have our work cut out for us, as we proceed with this year's appropriation process.

With respect to this morning's hearing the administration's request for the EPA's budget is $7.142 billion, a $329 million—or a 4 percent cut—from the 2008 enacted level. This proposal calls for

the smallest budget for EPA, since 1997. The smallest budget for EPA, since 1997.

GRANTS TO STATES

Grants to States for environmental protection, in general, are slashed $304 million, a 10 percent cut, for a total of $2.6 billion. As in previous years, the largest cut is to the Clean Water State Revolving Fund. The administration's request for this program is $555 million. That's a 20 percent cut from the 2008 enacted level.

Now, this happens despite the fact that EPA just released a report, citing a need for $20 billion to keep pace with clean water infrastructure funding in the United States over the next 20 years.

The budget proposes $186 million in State grants for reduction of air pollution—that's a 14 percent cut—and it eliminates $9.8 million in funds added to clean up air pollution in the San Joaquin Valley, and South Coast air districts of my State—the two most polluted air districts in the country.

Finally, EPA budget cuts $14 million in funding for climate change programs—including the outright elimination of $3.4 million added last year for a greenhouse emissions reporting rule. This comes, despite the fact that Congress has required a final rule on this by June 2009, and we know additional funds are badly needed to complete this important work. Under this budget, though, that money is just gone.

We're here today to talk about more than the budget, too. As you know, I am strongly opposed to the administrator's decision last December to deny the State of California its authority to regulate greenhouse gas emissions from automobiles.

I'm going to ask Administrator Johnson to justify how he could have reached this decision, that California's need to regulate greenhouse gases was not compelling or extraordinary, when his decision looks to be plainly contradicted by both the Clean Air Act, and by 40 years of agency policy.

What's even more unprecedented, is that he has denied this waiver, without offering a shred of legal or technical evidence for this decision. Incredibly, EPA released its justification for the waiver decision just last Friday—more than 2 months after the decision was made. You would think it would be done before the decision was made. I want to know why.

This issue is much bigger than California. Sixteen States around the country have asked to implement California's emission standards, and take action against climate change. The people in those States deserve answers to these important questions.

I'd like to turn now to our distinguished ranking member, Senator Allard, for any opening comments you might make.

OPENING STATEMENT OF SENATOR WAYNE ALLARD

Senator ALLARD. Thank you, Madam Chairman.

Just to make a brief comment here, I want to thank you for holding this hearing, and I want to thank Mr. Johnson for joining us this morning to testify on the fiscal year 2009 budget for the Environmental Protection Agency.

EPA has one of the most important and difficult missions of all Federal agencies. The agency's jurisdiction ranges from responsi-

bility for clear-up of Superfund sites, to funding clean water and drinking water infrastructure programs, to the enforcement of a long list of environmental laws.

The administration has requested $7.1 billion in total budget authority for fiscal year 2009—this is $330 million below the enacted level.

While I'm a supporter of this agency's—and the administration's—effort to curb spending, I am concerned that the bulk of the reduction in EPA's budget is in the form of is in the form of a $134 million to the Clean Water SRF.

As I have mentioned in past years, I am uneasy with continued increases in enforcement budget at EPA. The $9 million increase above the enacted level, $563 million total budget for enforcement. I hope that the agency will work in good faith with small and rural communities who do not always possess the expertise to comply with new regulations.

LEADVILLE MINE DRAINAGE TUNNELL

Mr. Administrator, I am sure that you are familiar with the issues surrounding the Leadville Mine drainage tunnel in Lake County, Colorado. I am extremely concerned that Lake County officials were forced to declare a state of emergency on February 13, to prepare for a possible toxic flood as a result of water trapped in a collapsed drainage tunnel.

Now, EPA is not the only entity that bears responsibility for the Leadville Tunnel, but I would like your word, Mr. Johnson, that your agency will continue to work toward a long-term solution for this situation, so that the residents of Lake County can rest easy.

I was pleased that your representative in our Colorado meeting took the bull by the horn, so to speak, and came up with a short-term solution. So, we're talking about a long-term solution for this problem, and I am appreciative of him stepping forward at a time when we had a couple of agencies, sort of, knowing at each other, and you brought—you took some leadership out of your agency and brought about a consensus, and I appreciate that.

Senator Feinstein, I do not necessarily agree on all aspects of the greenhouse debate, but I'm concerned by reports that the agency may have disregarded standard protocols in denying California's Clean Air Waiver Request.

There are a number of States, including Colorado, which would have considered in California's footsteps to adopt a law to reduce greenhouse gas emissions from automobiles, if a waiver was granted to that State. As a supporter of States' rights, I am also troubled by the suggestion that the State of California's rights may have been curtailed.

I'm confident that Senator Feinstein has a number of questions for you, Mr. Johnson, on this topic so I look forward to a healthy debate during the question round of this hearing.

Mr. Administrator, thank you again for being here today, and I look forward to working with you on the many challenges you face at the helm of the agency.

Thank you, Madam Chairman.

Senator FEINSTEIN. Thank you very much, Senator.

I'd like to suggest this, that we hear from Mr. Johnson and then we have 10-minute rounds. Since it's the two of us, we go back and forth—if that's agreeable with you.

Senator ALLARD. That sounds fine, thank you.

Senator FEINSTEIN. Good, thank you.

Mr. Johnson.

SUMMARY STATEMENT OF HON. STEPHEN L. JOHNSON

Mr. JOHNSON. Thank you, Madam Chairman.

Chairman Feinstein, and Senator Allard and members of the committee, I'm pleased to be here to discuss the President's fiscal year 2009 budget request for the Environmental Protection Agency.

This marks the 8th, and final, budget introduced by the President during his tenure. As the Bush administration sprints to the finish line, I believe this budget will keep EPA on a course for a cleaner tomorrow.

At EPA, we are proud—our Nation's air is cleaner, our water is purer, and our land is healthier than just a generation ago. So, we appreciate the President's $7.14 billion budget proposal, which will help the EPA keep pace with the environmental challenges of tomorrow.

One important challenge is in the arena of clean and affordable energy. With both demand and cost on the rise, innovators are moving forward to advance the clean power solutions. At the same time, industry is searching for new, domestic energy supplies, to help reduce the Nation's dependency on foreign oil.

In doing so, we estimate that industry will explore thousands of new oil and gas wells on tribal and Federal lands alone, as well as proposing many energy projects.

To ensure these projects move forward in an environmentally responsible manner, this budget requests $14 million to hire additional technical experts, and provide grants to our partners to increase their capacity to review and assess proposed projects.

In addition, the budget contains sufficient funding to meet our commitment to addressing the serious challenge of global climate change. In order to advance clean air technologies, the President requested $49 million for EPA's diesel retrofit grant programs.

Another challenge is to improve our Nation's aging drinking water and waste water infrastructure. The budget requests $842 million to fund Drinking Water State Revolving Fund grants—an increase of $13 million from last year. This will help meet the President's commitment to achieve a $1.2 billion revolving level by 2018.

For Clean Water State Revolving Funds, the President proposes an investment of $555 million in fiscal year 2009. This will enable the program to meet its long-term revolving target of $3.4 billion by 2015.

In addition, we once again, propose to create Water Enterprise Bonds, as innovative financing tools for State and local partners to cost-effectively provide for resident's water needs.

WATER INFRASTRUCTURE

As we address our water infrastructure, the budget continues to support EPA's collaborative work to protect America's great water

bodies. It provides $35 million for the Great Lakes, $29 million for the Chesapeake Bay, and $4.6 million for the Gulf of Mexico.

As you know, EPA is not only a guardian of our environment, it is a guardian of our homeland. I'm proud of our response to Hurricanes Katrina and Rita, and to a number of other natural events in recent years.

However, we recognize the need to expand our capabilities to respond to multiple, simultaneous, catastrophic events. So this budget requests an extra $32 million, for a total investment of $170 million to train staff volunteers, increase decontamination capabilities, and fully fund 5 water infrastructure security pilots. This additional funding also includes a $5 million increase to support our bio-defense research.

In order to keep pace with the environmental challenges of tomorrow, we have a responsibility to advance the state of our science. In this budget, the President requested $15 million, to help EPA study nanotechnology, as well as $15 million for computational toxicology.

At EPA, we're working with our community partners to pass down a healthier, more prosperous future. The President's budget provides over $1.2 billion for the Superfund Program—to continue transforming contaminated, hazardous waste sites back into community assets. This is a $10 million increase from fiscal year 2008.

The President also requested $165.8 million for our successful Brownfields program. We project the grantees will help assess the renovation of 1,000 properties, and create leverage for more than 5,000 jobs.

So, while cooperative initiatives are important, we must continue to vigorously enforce our Nation's environmental laws. This budget proposes the highest dollar amount for enforcement in EPA's history, $563 million, an increase of $9 million over fiscal year 2008.

As EPA works to fulfill our responsibilities to the American people, I'm pleased this budget not only continues to deliver environmental results today, and keeps EPA on course to deliver a cleaner, healthier tomorrow.

PREPARED STATEMENT

Bottom line—this budget represents good government. It helps EPA meet our environmental goals, while being responsible stewards of taxpayer dollars.

Thank you, and I request that my full written statement be submitted for the record.

Thank you, Madam Chairman.

[The statement follows:]

PREPARED STATEMENT OF HON. STEPHEN L. JOHNSON

Madam Chairman and members of the committee, I appreciate the opportunity to discuss our proposed fiscal year 2009 Budget request for the Environmental Protection Agency (EPA) budget.

The President requests $7.14 billion for fiscal year 2009 to support EPA's mission to protect human health and the environment both directly and through EPA's state, local and tribal partners nationwide. Since its founding, EPA has laid a strong foundation of environmental progress. Our air, water and land are cleaner today than they were just a generation ago. This budget continues this progress, supports the environmental commitments that the President and I have made and institutionalizes EPA's major management and performance improvements.

In particular, the budget meets the major priorities that I've set for my final year of service:

—Advancing clean, affordable and safe energy,
—Safeguarding our nation through stronger homeland security,
—Encouraging stakeholder collaboration to address energy and climate change issues,
—Improving our water infrastructure and programs,
—Continuing Superfund remediation of the most highly contaminated hazardous waste sites,
—Encouraging economic development through revitalization with our successful Brownfields program,
—Ensuring full compliance with the nation's environmental laws,
—Building a stronger EPA for my successor—including strengthening our protection of human health and the environment through best available science, and
—Demonstrating fiscal responsibility for all our successors.

ADVANCING CLEAN, AFFORDABLE AND SAFE ENERGY

We all know that our Nation faces multiple challenges to assure a future of clean, affordable and safe energy. With both demand and costs on the rise, innovators are moving forward to propose cleaner power solutions that are good for our environment and good for our energy security. Industry is searching for many new domestic alternatives to help reduce our dependence on foreign energy. We estimate that over the next several years industry will propose drilling thousands of new oil and gas wells on Federal, state, and Tribal lands, apply to renew up to 100 nuclear plant licenses, consider building dozens of new liquefied natural gas terminals, and propose many other projects. This budget recognizes that industry's increased efforts will mean a larger workload in our existing air and water permitting programs as well as our enforcement programs—especially out West.

This budget includes an additional $14 million to help ensure environmentally sound decision-making—with proper permitting and review and in full compliance with the law. The $14 million will support our state and tribal partners' efforts to increase their capacity to review and assess all the proposed energy projects and pay for the additional technical experts the Agency needs to meet permitting, technical review, and NEPA requirements.

One related clean energy initiative that I'm glad that we and the appropriating committees agreed upon is the Diesel Emission Reduction Act (DERA) program grants. In fiscal year 2009, $49 million will fund 250–300 diesel retrofit grant programs that target older diesel engines which are not subject to the new regulations. A combination of strategies including engine retrofits, rebuilds or replacements, switching to cleaner fuels, and idling reduction strategies can reduce particulate matter emissions by 95 percent, smog forming hydrocarbon and nitrogen oxide emissions by up to 90 percent and greenhouse gases by up to 20 percent. These strategies will allow us to make continued progress in five sectors: freight, construction, school buses, agriculture and ports.

HOMELAND SECURITY

Homeland Security continues to be one of EPA's top priorities. EPA has responded to five major disasters and catastrophic incidents in recent years, including response actions to the 9/11 terrorist attacks, the anthrax terrorist incidents, the Columbia Shuttle disaster and recovery efforts, the Ricin incident on Capitol Hill, and the Gulf Coast hurricanes. Our experience from these responses, coupled with EPA's externally driven mandates such as Homeland Security Presidential Directives and Emergency Support Function mission assignments, lead me to propose that EPA heighten its preparedness.

This budget ensures that we can meet these commitments by proposing an additional $32 million over last year's enacted budget for a total of $170 million to advance the EPA's capabilities to respond to multiple incidents, strengthen bio-defense research, and continue to support the Water Security Initiative.

As a part of this request, we remain committed to funding five Water Security Initiative pilots to secure a broad range of data so water utilities across the country will have the necessary information to install and enhance contamination warning systems. With the fiscal year 2009 request we will have initiated all five pilots and expect to complete them by 2012. EPA is also advancing its preparedness to respond to multiple, large-scale, catastrophic incidents, and in particular, potential chemical, biological and/or radiological agent terror attacks.

CLIMATE CHANGE

For fiscal year 2009, EPA requests a total of $114.7 million to continue to achieve real reductions of carbon dioxide, methane, per fluorinated compounds (PFCs) and other greenhouse gases, and continue research to better understand climate change and its ramifications.

EPA will continue to achieve real reductions in greenhouse gases by promoting energy efficiency through partnerships with consumers, businesses and other organizations. We will continue to see real results in the home, building, industrial and transportation sectors by spurring our partners' investments in energy efficient and greenhouse gas saving technologies, policies and practices. Based on a historical analysis, we estimate that for every dollar spent by EPA on its climate change programs, greenhouse gas emissions are reduced by up to the equivalent of one metric ton of carbon.

One cornerstone of our partnerships is the ENERGY STAR program, which has helped speed new lighting technologies to market, fostered development of more energy efficient computers, and increased Americans' understanding of how they can help the environment by purchasing cleaner and more efficient machines. To give one example, ENERGY STAR qualified light bulbs use 75 percent less electricity and last up to 10 times longer than traditional bulbs. If every American household switched just one traditional bulb to a high-efficiency ENERGY STAR bulb, America would save enough power to light more than three million homes . . . save $600 million in energy costs . . . and prevent greenhouse gas emission equal to more than 800,000 cars annually.

A Washington Post article 2 weeks ago on how pollution can be blown to the United States from overseas reminded me that our international programs are essential to realizing American ecological goals. If we don't help China, India and other developing countries build energy efficient technologies into their infrastructure, their increases in greenhouse gas emissions will far out-weigh any reduction that we achieve here. That is why it remains essential that we move forward with the Asia Pacific Partnership, Methane to Markets and other international programs.

In climate change research, EPA will invest $16.4 million to continue to better understand climate change and its ramifications. EPA will investigate how climate change affects air and water quality to protect the gains in public health made by the Agency. We will explore opportunities to anticipate the impacts and incorporate climate change considerations into regulatory processes. We will use research findings to support the development of a proposed rule on the geological sequestration of carbon dioxide to ensure that underground sources of drinking water are protected. We will continue to reach out to all our potential 300 million "green" partners by making available free, online decision support tools to enable resource managers to incorporate climate change considerations into their day-to-day operations.

COOPERATIVE PROGRAMS

Our cooperative programs also provide an outstanding example of how we can find "win-win" solutions that make sense both environmentally and economically. They allow us to work with businesses and individuals to achieve environmental results while improving the bottom line. They allow EPA to start addressing environmental challenges as soon as we recognize them and give us the opportunity to test innovative approaches to meet today's challenging environmental problems. To date, our conservative estimate is that over 20,000 businesses and other groups across America have participated in cooperative programs. We are proud of the record of success of these programs and want to encourage our talented employees to continue to use their creativity in finding innovative ways to improve environmental results.

WORKING WITH FEDERAL PARTNERS

Cooperation with Federal partners is also crucial for EPA to meet its mission. In the fiscal year 2009 budget, I want to highlight our efforts to work with Federal partners to better understand the environmental impact of the almost $2 trillion worth of imported goods coming into the U.S. annually. To meet this challenge, the President directed agencies with import/export responsibilities to work together to create an International Trade Data System (ITDS) within an expanded Automated Commercial Environment (ACE). EPA's $3.1 million investment in fiscal year 2009 will help build the linkage with ITDS to identify, track and confirm vital environmental details about imported goods in 6 areas: (1) vehicles and engines, (2) ozone depleting substances, (3) fuels, (4) pesticides, (5) toxic substances, and (6) hazardous waste.

This is not a pie-in-the-sky dream. It builds on a successful pilot test by our Office of Enforcement, which showed that accessing useable records lead to timely action. One pilot test identified imported engines in several planned shipments that did not meet U.S. specifications and allowed us to block their entrance. One bad engine can make a big difference in emissions of particulate matter. Another pilot test proved that even child's play can be harmful to the environment. Detailed records highlight many batches of innocent-looking "silly-string" which contained banned chlorofluorocarbons (CFCs). These tests make clear that prompt data retrieval translates into prompt protection.

This is also an example of how our long term planning has paid off. EPA can efficiently link to ITDS because of the Agency developed a Central Data Exchange, a standard set of IT systems and protocols for sharing information among multiple partners.

WATER INFRASTRUCTURE AND PROGRAMS

This President's budget meets our commitments to finance state revolving funds, proposes new financing options, continues WaterSense and other collaborative water-efficiency projects, strengthens our wetlands and watershed protection, and furthers our successful geographic initiatives.

We propose $842 million for Drinking Water State Revolving Fund (DWSRF) grants, an increase of $13 million. This funding will help achieve the target of 445 additional infrastructure improvement projects to public water systems—and help reach a long term target $1.2 Billion revolving level. The DWSRF program supports states by providing low-interest loans and other assistance to water systems to help provide safe, reliable water service on a sustainable basis, protect public health and achieve or maintain compliance with the Safe Drinking Water Act (SDWA).

For Clean Water State Revolving Funds (CWSRFs), we propose a fiscal year 2009 investment of $555 million to help meet the program's long term revolving target of $3.4 Billion. This program is able to meet EPA's $6.8 billion total capitalization goal for fiscal years 2004–2011 with a reduced budget request due to higher than anticipated funding levels in previous years. The CWSRF program provides funds to capitalize state revolving loan funds that finance infrastructure improvements through low interest loans for public wastewater systems and other water quality projects.

The President's fiscal year 2009 budget continues to support the Water Enterprise Bond Initiative that proposes financing wastewater and drinking water infrastructure projects using Private Activity Bonds (PABs) that are exempt from unified state PAB volume caps. We estimate this initiative will increase capital investment in the nation's water infrastructure by up to $5 billion per year over time through public-private partnerships. These bonds will complement local efforts to move towards full-cost pricing for wastewater and drinking water services, help localities become self-financing and minimize the need for future Federal expenditures.

These financing proposals work together with our continuing efforts to increase efficiency, protect our wetlands and watersheds, accurately monitor the condition of our waters and wetlands and target vital geographic areas.

For example, in June 2006 EPA launched the WaterSense program to reduce water use across the country by creating an easy-to-identify label for water-efficient products. The WaterSense label certified that products had been independently tested to meet strict efficiency and performance criteria. In less than two years, WaterSense has become a national symbol for water efficiency among utilities, plumbing manufacturers, and consumers. More than 125 different models of high-efficiency toilets and 10 bathroom faucets have earned the label and more than 600 manufacturers, retailers, utilities and professionals have joined the program as partners. In fiscal year 2009 EPA will continue supporting development of new products and working with utilities, retailers, distributors, and the media to educate consumers on the benefits of switching to water-efficient products.

EPA's Wetlands Program supports the Administration's goals to achieve "no net loss" of wetlands in the Sec. 404 regulatory program and an overall increase in wetland quantity and quality. Wetlands provide numerous ecological and economic services: they help to improve water quality; recharge water supplies; reduce flood risks; provide fish and wildlife habitat; offer sites for research and education; and support valuable fishing and shellfish industries. In fiscal year 2009, EPA will work with its state and Tribal partners to promote up-to-date wetlands mapping tied with GIS (Geographic Information Systems) analysis, strengthen monitoring and assessment programs to report on wetlands condition, and improve data to better manage wetlands within a watershed context. Two key activities will be implementing the 2006 Supreme Court decision in the Rapanos case, and working with our federal agency

partners to accelerate the completion of the digital Wetlands Data Layer within the National Spatial Data Infrastructure (NSDI).

Watershed protection runs through our budget and strategic plan as one of the overarching principles for clean and healthy communities. Our strategic plan, our daily activities and our proposed fiscal year 2009 budget all reflect the importance of core regulatory and stewardship programs prevent water pollution and protect source waters. With our partners we launched a Green Infrastructure Strategy on January 17, 2008 to reduce sewer overflows and storm-water runoff. We also continue to urge Congress to enact targeted, bipartisan clean water legislation to encourage "Good Samaritan" cleanup of abandoned hard rock mines. This simple step will remove legal and bureaucratic obstacles, keep environmental safeguards in place, save tax payer dollars and help clean up watersheds.

We continue to place a high priority on improving the states' ability to accurately characterize the condition of their waters. In fiscal year 2009, we will continue our water quality monitoring initiative by providing grant funding totaling over $18.5 million to states and tribes that participate in collecting statistically valid water monitoring data and implement enhancements in their water monitoring programs.

The fiscal year 2009 budget continues funding for geographic initiatives, including:

—In the Great Lakes, EPA's $35 million investment in the Great Lakes Legacy Act will give priority to working with states and local communities to achieve improvements in water quality and reducing the number of toxic "Areas of Concern". "Areas of Concern" include areas with damaged fish and wildlife populations, contaminated bottom sediments and past or continuing loadings of toxic and bacterial pollutants.

—In the Chesapeake Bay, the $29 million investment will be committed to substantially accelerating the restoration of the Bay's aquatic habitat and achieving the pollution reduction targets for 2010.

—For the Gulf of Mexico, EPA's $4.6 million investment will continue to support efforts to reduce nutrient loadings to watersheds. We will identify the top 100 nutrient-contributing watersheds in the Mississippi River Basin and use a computer model determine the location of major sources of nitrogen and phosphorus and where to target hypoxia- reduction efforts.

SUPERFUND REMEDIATION OF HIGHLY CONTAMINATED HAZARDOUS WASTE SITES

The President's budget requests a $10 million increase for a total of $1.264 Billion for the Superfund program to continue our progress cleaning up contaminated sites and strengthening our emergency preparedness and response capabilities. The vital goals of the Superfund program remain assuring the health and safety of neighboring citizens during cleanups and protecting human health and the environment in the long-term. Within this budget request, funding for Superfund clean-up remains at essentially the same level as enacted in fiscal year 2008.

EPA takes seriously its responsibility to take actions to protect human health by controlling exposure to hazardous substances during clean ups. Before or during long-term remedial action, the Superfund program often completes removal actions to mitigate immediate health threats prior to completing investigations and starting long-term cleanup construction. For example, to date, EPA has provided more than two million people living near contaminated sites with alternative sources of drinking water, has completed more than 9,400 removals at hazardous waste sites to reduce the immediate threat to human health and the environment, and has conducted 351 emergency response and removal cleanup actions in fiscal year 2007 alone.

Developed more than a decade ago, EPA's construction completion measure continues to show substantial progress in the Superfund program. As of the end of fiscal year 2007, cleanup construction had been completed at 1,030 of the National Priorities List (NPL) sites—66 percent of the sites listed on the NPL. EPA plans to complete clean up construction at 30 sites in fiscal year 2008, and 35 sites in 2009. This will keep EPA on track to complete construction at 165 sites during the fiscal year 2007 to fiscal year 2011 time period—EPA's goal in the current Strategic Plan.

To better measure long-term progress, the program added a Site-Wide Ready for Anticipated Use measure in 2007. This measure tracks the number of NPL sites where the remedy is constructed (construction complete) and all of the controls are in place to ensure that the land is protected for reasonably anticipated uses over the long term. EPA expects to make at least 30 sites ready for anticipated use in 2009, building upon its 2007 achievement of doubling the original goal of 30 by making 64 Superfund sites ready for anticipated use.

BROWNFIELDS AND LAND REVITALIZATION

The President's fiscal year 2009 budget request provides $165.8 million for the Brownfields program, including $93.6 million to fund program assessment, cleanup, revolving loan fund, and job training grants. This will fund 129 assessment grants, 96 cleanup grants, 7 revolving loan fund grants, and 12 job training grants. Through this work, we project that Brownfields grantees will assess 1,000 properties, clean up 60 properties, leverage 5,000 cleanup and redevelopment jobs, and leverage $900 million in cleanup and redevelopment funding.

Experience has taught us that one of the best ways to clean up contaminated sites and to address blighted properties in communities is to expressly consider the future uses of this land. The country has accepted the economic and ecological importance of recycling various consumer products—and our understanding of sound resource management must now also embrace the recycling of contaminated properties. In addition, by incorporating "green" and sustainable approaches into Brownfields redevelopment, we can further increase the environmental benefits from land revitalization. We remain committed to the goal of restoring our nation's contaminated land resources and enabling America's communities to safely return these properties to beneficial economic, ecological, and societal uses.

ENFORCEMENT

Experience has also shown that we cannot always rely on collaboration to attain all our goals. This budget doesn't neglect that lesson. Once again I request the largest enforcement budget in history, $563 million—an increase of $9 million—to maintain our vigorous and successful enforcement program.

These dollars will prove to be a wise investment. Last year, EPA's enforcement programs succeeded in:

—Having defendants agree to $10.6 billion in investments to reduce pollution;
—Achieving private party reimbursements of $252 million for Superfund; and,
—Reducing water pollution by 178 million pounds and air pollution by 427 million pounds.

This all-time record budget request includes a $2.4 million increase to a total budget of $52.2 million for criminal enforcement. These dollars are vital to help us increase the number of criminal investigators.

STRONGER EPA—SOUND SCIENCE

As a 27-year Agency veteran, one of my most solemn duties is to leave behind an EPA that is stronger than when I came in. As both a scientist and a long time manager—I am convinced that the only way that a technical, regulatory agency can meet its mission is by doing a lot of hard thinking to ensure that we keep our technical, legal and scientific base strong—and that we hone our management goals and measures to guide our efforts. This budget builds on the progress we've made by strengthening our workforce, sharpening our management and performance measurement and increasing our scientific knowledge.

First, as a scientist, I want to continue to provide strong support for research addressing our nation's and our world's critical and increasingly complex environmental issues. In fiscal year 2009, I propose that EPA invest extra resources to understand two critical, growing areas: nanotechnology and computational toxicology.

For nanotechnology, I ask for an additional $4.5 million, for a total budget of $14.9 million to strengthen understanding of health and ecological implications arising from new routes of exposure and/or toxicities associated with exposure to these novel materials. We must identify and develop risk assessment methodologies for use by risk assessors, and evaluate the adequacy of current exposure assessment approaches. We will coordinate this research closely with the President's National Nanotechnology Initiative (NNI), which emphasizes the need for the government to understand which processes govern the environmental fate of nano-materials and what data are available or are needed for accurate nano-material risk assessment. This includes determining the release potential of nano-materials in the environment, researching the state of science for sampling and measuring nano-materials in environmental media. We must also study effects on human and ecological receptors and determine which technologies and practices minimize risk.

I also remain strongly committed to improving our computational toxicology work and ask for a $2.7 million increase—for a total budget of $14.9 million for this vital area. In fiscal year 2009, we want to improve EPA's ability to more efficiently understand chemicals' toxicity through advanced modeling. One aspect of this work that is particularly important is that it can reduce the need to use animals for toxicity testing.

To help further these initiatives and ensure EPA's ability to attract and retain the highest caliber scientists, the budget proposes expanded special authority that will allow EPA to hire up to 40 scientists quickly and competitively.

STRONGER EPA—PERFORMANCE AND MANAGEMENT

As a manager, I want to make sure that we focus on something we can all take pride in—delivering results. And I'm proud to tell you about what we've accomplished to date in the planning and management fields. EPA:

—Scored "green" in the President's Management Agenda on all initiatives in the first quarter of fiscal year 2008—one of only a few agencies to reach that goal, and

—Improved outcome measures to more directly link the results of our work and resources to environmental, on-the-ground, results.

We've addressed specific challenges as well. For the first time in ten years we've succeeded in removing grants management as a "management challenge" or "material weakness". We've fixed problems identified by the Government Accountability Office (GAO) and the Office of Inspector General (OIG) and built a system of internal controls fully integrated into the grants management process that includes:

—Improved mandatory training,

—Heightened grants performance standards,

—Quarterly management close-out reviews,

—New post-award monitoring orders, and

—EPA's new grants management system.

Finally, as I conclude my tenure at EPA, I want to fulfill my responsibility to cultivate the next generation of EPA leaders. This budget includes funding for a Leadership and Professional Development rotation program to ensure that our talented GS–13, 14 and 15 employees can expand knowledge and expertise, develop leadership skills and enhance professional growth through short term rotational assignments. For more senior leadership, we propose to continue our SES mobility program to make sure that we populate the highest levels of the agency with proven managers.

CONCLUSION

Madam Chairman, when I look at the candidates who are getting the opportunity to broaden their skills in these programs, I am heartened that I'll be leaving the agency in good hands. I look forward to working with you to enact this budget.

I am confident that this budget gives them an excellent basis on which to build. I hope that together we can see prompt action on these budget proposals so that we can implement your funding decisions.

Thank you. I will be happy to respond to any questions you may have.

Senator FEINSTEIN. Thank you very much, Mr. Johnson. Let us begin.

CALIFORNIA WAIVER

The legal justification for denying California's waiver rests heavily on your view that in 1967, Congress intended that waivers would only be issued if California had a unique problem. The waiver decision cites 1967 committee reports and floor statements 9 times.

If the pollutant is global, and therefore exists to a similar extent in other States, you conclude that this is grounds for a waiver denial.

Well, in 1977, Congress amended the Clean Air Act, changing both the words, and intent, of section 209. The House committee report from 1977, explains the section 209 revisions by saying, and I quote, "The committee amendment is intended to ratify and strengthen the California waiver provision, and to affirm the underlying intent of that provision, i.e., to afford California the broadest possible discretion in selecting the best means to protect the health of its citizens and the public welfare. The Administrator, thus, is not to overturn California's judgment lightly. Nor is he to

substitute his judgment for that of the State. There must be clear and compelling evidence that the State acted unreasonably, in evaluating the relative risks of various pollutants in light of the air quality, topography, photochemistry, and climate in that State, before EPA may deny a waiver."

Your waiver justification document does not mention congressional intent in 1977. Why?

Mr. JOHNSON. Well, Madam Chairman, as I evaluated the petition from California, as you correctly point out, I am bound by section 209 of the Clean Air Act, and there are three very specific criteria.

I did not make judgment on two of the criteria. The one that I did was that California does not need such California standards to meet compelling and extraordinary conditions. Again, based upon the record and the evidence before me.

Clearly, we looked at legislative history—as you pointed out—but again, as I point out, even with affording California the broadest possible discretion, evaluation under section 209 does not mean a rubber stamp. It does not mean that it's a popularity contest, it means that I need to thoughtfully and carefully think evaluate the data that are before me under section 209, and in this case, I determined that California did not need its own greenhouse gas standards to meet compelling and extraordinary conditions.

Senator FEINSTEIN. Even though that same section allows other States to accept California's standards? I mean, it seems to me if Congress intended for waivers to be limited to problems unique to California, why did it give other States the right to adopt the same standards?

Mr. JOHNSON. Well, you raise a very good point, Madam Chairman, and in fact the section 209, and the law and the criteria by which I am to judge the standard does not allow me to consider what other States may or may not do—it's very specific to California.

GREENHOUSE GAS EMISSIONS

As I pointed out, and I think it's worth pointing out here—that the more States that believe that greenhouse gas emissions is a problem, are in fact, making the very point that California is not unique—it is not exclusive in its need for addressing greenhouse gas emissions.

Rather, it is a national problem, requiring a national solution, and that's certainly what my 48-page decision document goes through, very carefully, and addresses.

Senator FEINSTEIN. Thank you.

According to the Washington Post, you made the decision to deny the waiver over the unanimous recommendation of your legal and technical staff. Here's the question. When you went around that room full of staff, and asked each person's recommendation last October, did a single one of your legal and technical staff support a flat denial of the waiver?

Mr. JOHNSON. Well, when I met with and had a—literally hours of briefings with my technical and legal staff, which included career as well as my policy staff, as well, they presented me with a wide range of options, ranging from approving the waiver, to deny-

ing the waiver. They were all presented to me as legally defensible option.

Yes, I did seek their comments, I appreciate the ability to have that candid input to me. But, according to the Clean Air Act, and certainly I take the responsibility very seriously, the decision rests with me, and me alone, and I made the decision as is evidenced in our final agency decision document.

Senator FEINSTEIN. Yeah, let me understand, then. You are saying that technical staff, and legal staff, gave you a recommendation to deny the waiver, is that correct?

Mr. JOHNSON. The technical and legal staff presented me with a range of recommendations, which included improving the waiver, and included denying the waiver. That, based upon their input, based upon my evaluation, thoughtful and careful consideration of the record before, and what the requirements are under the Clean Air Act under section 209, I determined that California did not meet the waiver criteria.

Senator FEINSTEIN. Did you ask them what they thought? As individuals?

Mr. JOHNSON. I—generally it is my approach on all agency decisions to ask for input, and if people want to give their person input, that's fine. If they choose to pass, that's fine. But I routinely, at least what I recall—as routinely as for all major decisions, seek input.

Senator FEINSTEIN. Well, I mean, we've been told, informally, that none of the staff was for denying California's waiver.

Mr. JOHNSON. Well, as I said, I received a range of options——

Senator FEINSTEIN. I understand, it's not what I'm asking.

Mr. JOHNSON [continuing]. I also, I also——

Senator FEINSTEIN. I receive a range of options on many things—here's the best case this way, here's the best case that way—but what do you think? Is my question.

Mr. JOHNSON. Well, I——

Senator FEINSTEIN. Did any of the legal or technical staff believe you should deny the waiver? You can say yes, if yes is the answer.

Mr. JOHNSON. Well, again, I appreciate the ability to have candid comments from my staff, and I want to protect that ability to, for them to give me candid advice. What I said is, is that I received a—not only a wide range of options, clearly as both the record indicates, and certainly the press indicates—there's a wide range of opinions. It's not—my decision is not based upon, again, a popularity contest of the opinions. It has to be based—and was based—on what the law directs me to do.

Senator FEINSTEIN. Bottom line, Mr. Johnson, you're not answering my question. But there's nothing I can do, other than to believe what a non-answer to the question means.

DETERMINE WHETHER CARBON DIOXIDE CONTRIBUTES TO CLIMATE CHANGE

Let me go on. You are under remand from the United States Supreme Court to determine whether carbon dioxide contributes to climate change, and endangers public health and welfare, and I would like to know by when you intend to respond. You have missed your own deadline of completing this finding by the end of

2007. In January, you told the Senate Environment and Public Works Committee that EPA's reaction to the Supreme Court's remand had been delayed by passage of the Energy Independence and Security Act, even though this new law did not amend section 202 of the Clean Air Act which governs your decisions regarding endangerment.

We are rapidly approaching the 1-year anniversary of that landmark decision. Will you commit that your agency will respond to the remand of the highest court in the land, by the anniversary of this ruling, which is April 2, 2008?

Mr. JOHNSON. Well, Madam Chairman, what I will commit to is we will be responding to the Supreme Court decision. As, I believe I have indicated—or staff have indicated in correspondence with you regarding funding issues for this year, is that right now I am in the process and, if you will, to have taken a step forward and said, we have, obviously, the *Mass* v. *EPA* decision that is pending before the agency. We also have the implementation of the Energy Independence and Security Act and again, congratulations, Madam Chairman and Senator Allard, for great work, for—and certainly the President signing that.

We are looking to, and working on the implementation regulations for that. We also have a number of pending petitions before the Agency, as well as a number of corridor deadlines.

One of the unique things is——

Senator FEINSTEIN. Excuse me, my time is—all I'm asking of you is when might we expect this, which was due in 2007?

Mr. JOHNSON. Well, what I was—as I've communicated with you, I don't have a date, but I can assure you we will be responding to the *Mass* v. *EPA*, and that what I was beginning to try to explain is that we have many pending actions before the agency, and I'm assessing those before I make a final determination as to what the next steps are on all of them—including *Mass* v. *EPA*.

Senator FEINSTEIN. My time is up.

Senator.

Senator ALLARD. Thank you. As I mentioned in my opening remarks, I have some concerns about enforcement from the perspective that I hope that EPA's approach to many of the infrastructure problems that we have in meeting some of your rules and regulations will take more of a helpful approach to small communities, because they don't have the staff and the expertise—as opposed to just a strict enforcement approach.

ARSENIC LEVELS

We have a couple of issues in Colorado where this is brought—one of them is the arsenic levels which was passed by the Congress, and you don't have a lot of flexibility in that—but we do have communities that have—they're small communities, so they don't have a large tax base—are faced now with the increased arsenic levels of reducing that arsenic level in their drinking water.

Now this is a natural background level, it's been there for years, we've tightened it up, and now they have to spend the money to improve that water over and beyond what the natural background level of arsenic would be. Yet those standards are below the public health requirements, but the Congress felt necessary to go below

that. So that creates a real problem for small communities, and I'd like to know what you're doing to help them out.

You have—you just promulgated or are working on a radon rule. Again, it's a small community problem, Colorado has a lot of uranium in their soil, naturally, the background radiation in Colorado is higher than most States, and so radon is around, but what they need is help in developing the technology and being able to afford this, as opposed to straight enforcement, because it's naturally in the background level. There's no industry in that water stream, that stream, that's causing the problem, it's there naturally.

So I'd like to have you comment as to what you're doing to assist small and rural communities in meeting new regulations, instead of just imposing fines.

Mr. JOHNSON. Senator, thank you. There are really three things that I would like to point out. One is that a request for increased funding for the Drinking Water State Revolving Loan Fund of $13 million, that will help. Obviously, we think other steps will help, whether it is Good Samaritan legislation to help with these abandoned mines, or private activity bonds—all of those will help from a financial standpoint, and environmental.

Second is, we have been investing—and again, thanks for your collective support—of new technologies; technologies that help, that are particularly focused on small communities, and actually I have some statistics, I'd be happy to share with you.

Then the third is what you started out with, is the importance of flexibility. We want to make sure, and ensure, that small communities are able to meet the new health protective standards, but we want to be able to do so in a way that recognizes the limitations that may exist at a community, small community level—local level—and the need for flexibility to achieve those is very important.

Senator ALLARD. Now, I have a small community that wants to find out about these technologies—how do they go about getting that information from the Environmental Protection Agency?

Mr. JOHNSON. Well, you've just asked, and we'd be happy to respond.

Senator ALLARD. Okay, thank you.

[The information follows:]

EPA has developed a set of user-friendly multimedia products to help small drinking-water utilities meet revised regulations to control arsenic. The tools will provide owners and operators with information to guide them in making treatment decisions. The anchor product of this suite of tools is the Arsenic Virtual Trade Show, a learning portal for arsenic-treatment technology. The website features a database of vendors, a treatment "decision tree," and tips for evaluating and selecting treatment options. Other products on the website include:

1. A brochure, Evaluating Arsenic Treatment Providers: A Guide for Public Water Systems, which includes a checklist of questions that owners and operators of small utilities should ask treatment providers.
2. A CD–ROM disk, Interactive Workshop on Arsenic Removal from Drinking Water, features commentary from the nation's top experts. The disk is a companion to 11 arsenic-training events EPA held across the country during 2005.
3. A DVD collection of videos, the Arsenic Treatment Technology Showcase, which highlights arsenic treatment technologies currently being pilot-tested through EPA's Arsenic Treatment Technology Demonstration Program.

The website is located at www.arsenictradeshow.org

Mr. JOHNSON. Just to give you—we've been doing demonstration projects through our Office of Research and Development, that, in

fact, are now 37 sites that have treatment systems that have been installed. Twenty-seven completed projects and systems are now being installed for those. We have 14 sites that are under development, we have 15 different technologies that we've been evaluating, and as a result—at least as of the most recent data that I have, which is August 2007—about 2,400 of the estimated 4,100 effective systems are now meeting the new standard of 10 parts per billion.

So, we want to continue and certainly have our commitment to continue to work with your State and all States and local communities to see that the health protective standard is met in a flexible and appropriate way.

Senator ALLARD. I appreciate that last paragraph on your comments, I appreciate the willingness to be able to work with those small communities.

ENERGY DEVELOPMENT

Let me move on to the energy development—I'm pleased that the administration included the additional $14 million for EPA to meet the Nation's need for clean and affordable energy development and production.

Can you tell me how the agency intends to use the additional $14 million for energy development if the dollars are appropriated?

You know, we have a lot of energy development systems that happens at the Department of Energy.

Mr. JOHNSON. Yes.

Senator ALLARD. So what are you doing that would be separate from what they're doing in the Department of Energy, or if it is what they're doing, and you're doing similar—what effect is that having, an added effect on your efforts?

Mr. JOHNSON. Sure, and again, I appreciate the—your interest in this, and certainly appreciate the President's recognition and support for this additional $14 million.

There are three offices that will be within EPA, will be the principal recipients of these additional monies. In addition to monies made available to States and tribes, our Office of Air has responsibilities for permanent application NEPA reviews, our Office of Water is working on carbon sequestration regulations, as we speak, and also has NPDS Permit responsibility, and our enforcement Office also has responsibilities under the NEPA program, as well.

So, those are the three areas which are unique. In addition, out of that $14 million, I think it's approximately $6.3 million has been identified to help support State, local, and tribal activities in this area, and the permitting area.

So, we think it's a well-rounded proposal that helps us at EPA, but also will help our partners at the State, local, and tribal level.

Senator ALLARD. I want to cover the Leadville Mining Drainage Tunnel again, that's another issue that I alluded to, in my remarks.

On February 21, in Colorado, I hosted with the staff from the EPA's regional aid office, and the Bureau of Reclamation, a meeting on the Leadville Mining Drainage Tunnel problem.

As you well know, this situation had reached untenable proportions and required immediate attention, and I'm cautiously optimistic about the briefing that I received from the folks in the Re-

gion 8 office. Can you give me an update on how things are progressing since the briefing we received out in Colorado?

Mr. JOHNSON. Well, yes, sir. Again, thank you for your leadership on this very important issue. In fact, on February 27, EPA began pumping water from the shaft, to help to relieve some of the pressure. We've been working on a new well that would be in the tunnel. I'm told that we're—that effort is underway. I'm also told that by March the 7th we will have a more permanent pump in place that will help.

Again, I appreciate the good comments about Robbie Roberts, our Regional Administrator—he's been doing a fantastic job of helping to stay on top of it, and certainly you have my assurance, to stay on top of it and to do everything that we can.

Senator ALLARD. Is this going to require a new treatment plant, or expansion of that current treatment plant there?

Mr. JOHNSON. I'm not aware of, certainly, what I've been told that some of the early analysis of the water that's being pumped was okay, from an environmental standpoint. But, I think we'll, you know, that's something we need to continue to monitor and watch.

Senator ALLARD. So, they talked about cadmium and zinc and those two and, let's see, another product that they thought might be elevated, but you didn't pick up any of that in the water that you pumped out?

Mr. JOHNSON. My understanding, at least in the initial sampling we did not, but that's something, we certainly will go back and continue to watch.

Senator ALLARD. Good. All right, now, I guess, again I hope that you would continue to work on a long-term solution, I hope we can get a commitment to work on that long-term solution to that—the way that water's trapped in there. It probably will just be a matter of time before that tunnel is going to break open, which was caused by collapse of the tunnel and then so we've got about a billion gallons of water backed up in that system of tunnels. So, again, I think it's important to work on a long-term solution, we have your commitment on that?

Mr. JOHNSON. Yes, yes.

Senator ALLARD. Okay, thank you.

ABANDONED MINES

Mr. JOHNSON. Yes. Senator, if I might, just to add one other comment that—what we're finding around the United States is some number approximating 500,000 abandoned—key word—abandoned mines. That we have a citizen army of volunteers that want to go in and help to clean these up—again, key word, abandoned—and they are reluctant, in fact, won't, because of liability concerns.

We see the Good Samaritan as a wonderful legislative fix to allow Good Samaritans to go in and help clean up these abandoned mines, and certainly would encourage you and the members of the Committee to strongly consider Good Samaritan legislation, because it makes sense—it make sense for the environment, it certainly makes sense for water, water quality and also——

Senator ALLARD. Those States like Colorado that have a lot of abandoned mines, and you're right—abandoned—there's no interest

in there, nobody—there's no ownership of them, they're just a hole in the ground that are causing pollution problems, there are people that would like to have those mining sites for various reasons, but they won't—most of it—and in order for them to use it for whatever reason they want to, they have to clean it up.

You don't have the discharge into the river, which causes problems for wildlife and quality of the water. I think it's kind of a common sense piece of legislation, and I'm hoping the Congress will see that—it's no loophole for any kind of solution, and I'm glad to hear you agree with that, it's a common sense solution, where we can get a volunteer group out there, working in cleaning up the pollution from these old abandoned mines.

So, I appreciate your comments in this regard.

Mr. JOHNSON. Thank you.

Senator ALLARD. Thank you, Madam Chairman, I see my time's expired.

Senator FEINSTEIN. Thank you very much, Senator.

We are joined by Senator Leahy—it's great to have you here, Senator, we're on 10-minute rounds.

Senator LEAHY. Thank you.

Senator FEINSTEIN. At the present time, so I'll recognize you.

Senator LEAHY. Thank you. Appreciate it, and I appreciate your holding this hearing. I think it's very important, certainly the questions you've raised on California's efforts—a very commendable efforts—to protect the environment are significant.

MERCURY POLLUTION

I'm going to just divert just a moment, Administrator, from the budget proposal, I want to talk about an issue that's extremely important, also, in my State, and I've been working on it for years, for decades, actually, and that's mercury pollution.

Your agency had the Clean Air—what you called the Clean Air Mercury Rule to regulate mercury admissions from power plants, it turned out that part of it was just written by the lobbyists from same power plants—somehow the fox got in the chicken, came to mind.

I said at the time that I thought it was wrong, I raised that question with you that it was wrong, urged that there be a change, and on February 8 this year the U.S. Court of Appeals for the D.C. Circuit—a very conservative, Republican-oriented court—agreed with my position, they struck down EPA's Mercury Rule as insufficient to protect public health. I think if your agency had been willing to listen to some us on the Hill, it could have saved taxpayers an awful lot of legal fees.

Now, there are cost-effective technologies today that can dramatically reduce mercury emissions from power plants, far beyond what your administration has proposed. So, I'm asking, does EPA, under your leadership now, plan to abide by the Clean Air Act, will it abide by what the Court said, will it issue a mercury regulation that will follow the law, will protect human health, and the environment from this harmful neurotoxin?

Mr. JOHNSON. Well, Senator——

Senator LEAHY. Are you going to follow the law, in other words?

Mr. JOHNSON. Thank you for the question. Yes, and I always follow the law, sir.

In the case of the mercury decision, we—both EPA and Department of Justice are currently evaluating the decision you refer to. We haven't decided what our next steps are. Having said that——

Senator LEAHY. An easy one—an easy one would be simply to follow the law as the decision said.

Mr. JOHNSON. Having said that, that we—we also recognize that because of the—another rule that I put in place, the Clean Air Interstate Rule, which controls $SO_X$ and $NO_X$ emissions, upwards to 70 percent, also have early reductions of mercury—which we certainly think that that's a good thing.

However, saying that—we are disappointed, in face this is the first regulation of mercury from coal-fired power plants in the Nation's history that would have achieved a 70 percent reduction.

Senator LEAHY. Well, I think——

Mr. JOHNSON. The Court decision did not get into the merits of cap-and-trade or using section 111 as the vehicle. It was focused on the delisting.

Senator LEAHY. Well, the Court——

Mr. JOHNSON. Regardless, we're evaluating that now.

Senator LEAHY. You'll have to issue new regulations now, based on that Court—the Congressional Review Act will come in place, if they're not strong enough, but I'm also thinking the Court based their actions on what they heard from the arguments. During that hearing the EPA represented to the Court that States could adopt more protective mercury provisions, should they wish, and EPA would not disapprove of those plans solely on the basis that the States opted out. Made it clear that they're not going to threaten the States.

But then, the Associated Press now reports that EPA officials had threatened States with disapproval for adopting more protective mercury control programs, or the Department, EPA's approach that they use a more protective way. They said it's not their job to pressure States, that's what they said in court, but it appears that they had. Now, I'll ask that—not only is it appropriated, but wearing another hat as chairman of the Senate of the Judiciary Committee, if there is a misrepresentation by the government to the Federal Courts in this area, that becomes a fairly serious matter, as you can well imagine. Has anyone with the EPA ever pressured any State against instituting more restrictive mercury regulations because they conflicted with the agency's mercury rule?

Mr. JOHNSON. I'm unfamiliar with the Associated Press report, and I don't have any firsthand knowledge of what you speak, but——

Senator LEAHY. No, I'm asking you a very specific question, has anyone at the EPA ever pressured any State against instituting more restrictive mercury regulations?

Mr. JOHNSON. As I said——

Senator LEAHY. Because they conflicted with your rule?

Mr. JOHNSON [continuing]. I don't recall having any firsthand knowledge of that. What I was going to say——

Senator LEAHY. I'm not asking you if you have any firsthand—do you know whether they have, yes or no?

Mr. JOHNSON. I don't know that they have, no. I don't know.

Senator LEAHY. Okay, well then let me ask for the record, will you go back and check. Remember it's very—you're in a congressional hearing, will you tell me whether EPA has ever pressured any State against instituting more restrictive mercury regulations because it conflicted with what we now see by the Court ruling, was a flawed mercury rule from your agency?

Mr. JOHNSON. I'd be happy to respond, for the record.

[The information follows:]

STATE MERCURY PROGRAMS

EPA did not pressure any State to not institute mercury regulations because they restricted mercury emissions more than the agency's mercury rule.

The environmental stringency of a State program was never an issue for us as long as the State was at least as stringent as CAMR. If a State chose to participate in the multi-state CAMR trading program, its program was required to be consistent with certain core requirements in the rules promulgated in 2005 that did not prevent them from being more stringent. These core requirements were included in the rules to ensure that the trading program would work correctly.

Unfortunately, that has apparently been misinterpreted by some—as reflected in the AP story—as an EPA effort to discourage States from providing stronger, more protective programs, as they are entitled to under the Clean Air Act. That was never our intent, and I believe the record of our review of state programs bears that out.

States were permitted to be more stringent than the Federal requirements. States could, and some did, seek greater emission reductions than CAMR required and were in the process of approving those plans.

EPA offered States considerable program flexibility to meet their assigned mercury budgets. In addition to the option of joining the multi-state emissions trading program that we offered to run, states could have source-specific control requirements, have intrastate trading, combine trading with source-specific controls, or go from trading to source-specific controls over time.

If a state did not adopt EPA's multi-state trading program, EPA evaluated the State's plan to ensure it was at least as stringent as EPA's trading program. This evaluation included determining whether the mercury emissions from all of the state's EGUs would remain at or below the annual state emissions cap each year, and ensuring that these emissions would be measured and reported using specific rigorous protocols. Based on this type of evaluation, EPA proposed approval of Pennsylvania's stringent source-specific control program and was working towards approval of source-specific controls in final state plans in seven additional States.

If a state chose to participate in the multi-state trading program, there were certain core provisions that we required that they adopt. These core requirements were intended to ensure the program was environmentally- and cost-effective. For example, allowances had to be allocated and available sufficiently ahead of compliance deadlines, and had to be freely transferable, so that companies could use allowance trading where it would be cost-effective and would result in compliance with the emissions cap.

EPA had issued final approval of trading programs for Louisiana, Iowa, and Missouri and proposed approval of the Kansas trading program. EPA was working toward approving trading programs for 18 more States, 8 of which had either added source-specific control requirements or had tightened the emissions cap by not distributing all the state's allowances. This latter group of 8 State programs was more stringent than CAMR would have been. At the time of the court decision, 36 States had adopted rules and 2 others were in the rule development process.

Sixteen of these State plans were more stringent than CAMR and we were in the process of approving them when the court decision was issued.

Mr. JOHNSON. I was going to point out that you raise another important issue, in our evaluation, is given the recent court decision, not only what are our next steps as an agency working with the Department of Justice, but then, what does that mean with respect to State programs? That's another important question that I don't know the answer today, but certainly, we're working on.

Senator LEAHY. Okay, well, I appreciate that, and I would like to know the answer, because if the Associated Press is correct, then the EPA gave misleading information to the courts, which would be an extremely serious matter, the courts would consider it extremely serious, the Judiciary Committee would consider it a very, very serious matter. I'm sure that the lawyers doing it would value their licenses, probably consider it serious.

Now, you also adopted the Mercury Trading Rule in 2005, and you committed to—you, EPA—committed to remedying mercury hot spots. There's a 2006 peer-reviewed study co-authored by EPA scientists who found that coal combustion was the dominant contributor to mercury deposition, in an enhanced monitoring site in Steubenville, Ohio. Then a meteorological analysis found that a majority of the mercury deposition found at the site was due to local and regional sources.

In the 2007 peer-reviewed study documented biological mercury hot spots in fish and wildlife, in the Northeastern United States, in the area I'm from, and I live in. Do you have a plan to address these, and other documented hot spots?

Mr. JOHNSON. Well, again, that's another important question that has come up as, post the publication of our final rule. Of course, we haven't decided what we're doing with the final rule, at this point, given the court decision. Obviously there's science—which we certainly support—continues to evolve and get a better understanding.

Certainly, at that time it was our belief that given the way the cap-and-trade program would work for mercury that it was likely that those—if there were potential hot spots, that they would be the first ones that would be addressed, just by the nature of how companies sign up to cap-and-trade, but that's certainly an important question as the science has continued to evolve.

Senator LEAHY. But, if you know of hot spots now, do you have a plan to take the known hot spots and address them?

Mr. JOHNSON. Well, again, that's part of our—what are our next steps, given the court decision, we haven't decided yet.

Senator LEAHY. Will you let us know when you decide?

Mr. JOHNSON. Yes, sir. We will be happy to.

Senator LEAHY. The court matter, I would like a detailed response on that, because if the court wasn't misled, it's one thing. If they were misled—and I'm asking you the question because I don't know, if they were misled as the story appears, then I think we'd all agree that we have a very, very serious matter. But I'd be happy to hear your response.

Mr. JOHNSON. Thank you.

Senator LEAHY. Thank you.

Thank you, Madam Chair.

Senator FEINSTEIN. Thank you very much, Senator and we're joined by Senator Craig.

We are in 10-minute rounds, Senator, so——

Senator CRAIG. Thank you.

Senator FEINSTEIN. Please proceed.

Senator CRAIG. Thank you, Madam Chairman, and Administrator Johnson, it's good to see you again. Serving at EPW, we get two bites at you——

Mr. JOHNSON. So to speak.

Senator CRAIG. So to speak. So today I won't chew quite as hard.

NEW STANDARDS FOR LARGE ANIMAL CONFINED OPERATIONS

But I do want to come back to an issue that I discussed with you at EPW as it relates to your new standards for large animal confined operations, and what you plan to do as it relates to change. I know—I sense there are steps in the right direction, however, I believe some media reports might have misconstrued the rule, particularly in making references to changes in the Clean Air Act requirements.

Can you clarify the scope of the regulations and perhaps correct the record so, as to what will be continued to be required of these animal operations, versus what no longer will be required?

Mr. JOHNSON. Well, it a very important issue, or the KFOE issue, as it's known.

Senator CRAIG. Yes.

Mr. JOHNSON. We are working to finalize regulations that will move forward. Our intent is we—as I think you're well aware—next year we do have compliance dates that are in place.

Senator CRAIG. Right.

Mr. JOHNSON. So, we want to keep those compliance dates in place while we work to finalize the regulations.

In addition to that, I think as you're well aware, and certainly appreciate everyone's support of, the National Academy of Sciences' recommendation, and that was to conduct the first-ever nationwide study of air emissions, particularly from poultry and dairy and swine, from the animal feeding operations. It's a 2-year monitoring study I believe last year was the first year that the actual monitoring began.

So, as we get that information and certainly as we move to look at the final regulations, and we move to ensuring compliance, all of this will help better inform our approach on this important issue.

Senator CRAIG. Well, timeliness is going to be very important here, I think the industry is anxious to move toward compliance, and the flexibility to get there is going to be important, I think, as we get there. So, your urgency on this is appreciated.

BLUEGRASS FIELD-BURNING

Let me become very regional or parochial at this moment, if I can. A very big industry in my State is bluegrass seed. And one of the only ways to get rid of the stubble and to stimulate next year's crop into a level of production that's profitable are to burn the fields. Field-burning, of course, has become a very difficult issue for Idaho, in an area that is not only the largest bluegrass seed raising area in the Nation, it is also a beautiful recreation destination location.

Now, after lengthy processes and lengthy issues, we've come to an agreement, between EPA Region 10 and the State of Idaho, the State legislature is now moving to implement the necessary policy language—it's going to be extremely helpful for Region 10 to expedite the evaluation and the approval of the newly negotiated State

Implementation Plan so that the burning in some areas under this Plan can resume.

It is just a big chunk of a very important economy, at the same time, it is controversial, there's balance been struck, so I guess that's not a question as much as it is a flag going up. All things are moving in the right direction, at the moment to most everyone's satisfaction, including your office in Seattle, and in Region 10. So, timeliness, again, there—once the State has acted—is going to be important.

Mr. JOHNSON. Well, again, thank you. It's an issue that I am aware of and I know that we have had a very cooperative and collaborative working relationship with State officials to be able to make sure that air quality is being maintained at the same time, recognizing the use of field burning to be able to produce high-quality bluegrass seed. I will be happy to get back to you for the record as to what our, what we believe are the next steps, and a sense of the timing for that. Again, understand the importance of the issue.

[The information follows:]

BLUEGRASS SEED BURNING

EPA is expecting to receive new regulations from Idaho allowing burning within the next several months. We are working closely with the State of Idaho to coordinate the schedule for processing the State's regulations, taking every opportunity to expedite the process. Specifically we are dedicating extra resources to work with the State upfront during its development of its regulations and for expedited processing once the regulations are received. Once the regulations are submitted, EPA will process them under the Federal Clean Air Act, which requires a 30-day public comment period and EPA to respond to all comments before it takes final action. The time it takes to finish the process will depend in part on the level of public interest.

DECREASE OF CLEAN WATER STATE REVOLVING FUNDS

Senator CRAIG. Okay, thank you very much. Last question, Madam Chairman, I didn't get a chance to ask it, although it was discussed and I understand that Senator Allard had mentioned it in his comments—what was your reason behind the decrease of the Clean Water State Revolving Funds by such a large amount? They have been so critical to States like mine and others—Colorado and California, I think, has similar problems?

Mr. JOHNSON. Well, first, we recognize that there is a significant need. In fact, Madam Chairman, you spoke of $20 billion, in fact our clean water survey actually showed $202 billion, is my recollection. So, there's no doubt a large need.

What the President has done is said, "Look, we recognize there's a large need. Here is the commitment, and the commitment for the Clean Water State Revolving Loan Fund was to achieve a revolving level of $3.5 billion." So the budget reflects that commitment, in fact, it does reflect that we did receive higher-than-anticipated levels in enacted prior year budgets.

It's, again, here's the target, what the commitment is—and again, it's $3.5 billion. But at the same time, we recognize both for clean water, as well as for drinking water, the needs are large. They are in the, literally, hundreds of billions of dollars.

So, that's why, yes, SRF plays an important role, but all steps that we can take—whether it's private activity bonds, whether it's helping clean up abandoned mines, whether it is other steps that we can take, like we're doing with our Water Sense program, helping consumers to make better choices, such as we have for Energy Star on the energy side—all of those add up, and of course as a rate-payer, rate-payers also have a responsibility, as well.

Senator CRAIG. Understanding all of that—how lenient will you be? When there's a good effort on the part of a location to respond and comply, but it's obviously—you said there's a need but here's all we can do, here's what we will sustain, when maybe it ought to be over here. Because it is a Federal mandate, where in almost every instance compliance is being struggled with and there are other costs involved—when there's reasonable due diligence on the part of the locale, depending which the issue—how's the lenience going to fit into that if the government says, "This is all we can do, get in line, it may be 5, 10 years before you get there."

Mr. JOHNSON. Well, we want all of the communities to be able to meet the health protective standard of whatever the contaminant might be—arsenic or radio nucleides or whatever it might be. But we also recognize that we have to be flexible in achieving that. An unintended consequence would be if there's a small community water system that is working to achieve that, if it's forced so quickly—to quickly—and the community water system is shut down, people still need water, and they dig wells, and then the water quality hasn't changed.

So, we recognize that we need to one, do everything that we can to help communities achieve the health protectiveness, but do so in a reasonable and flexible way. That's what we have been working on, and that's what we will continue to work on.

Senator FEINSTEIN. Thank you very much.

CALIFORNIA WAIVER

Let me see a couple of things on the California waiver. We've—my staff has reviewed all of the documents and I believe very clearly that your legal staff and your technical staff were in favor of a waiver, unless you tell me that is not the case, that is what we have found.

My question is—did anyone outside of EPA, part of this government, weigh in with you against the waiver?

Mr. JOHNSON. Well, Madam Chairman——

Senator FEINSTEIN. The answer to that is yes, or no.

Mr. JOHNSON. I received many opinions, the point is, is that under the Clean Air Act it was my decision, my decision alone, nobody directed me to make the decision I made, I made the decision, on my own, and the record will indicate that, does indicate that and it's the right decision. I know you disagree, and I know that there are others that would disagree——

Senator FEINSTEIN. Did you discuss it with the White House?

Mr. JOHNSON. As I have said in previous testimonies, yes, I discuss major issues with the White House, I think that's good government, I discuss it with my colleagues across the administration. But, again, the decision, the final decision, rests with me, and I made the decision—mine, mine alone—and I recognize that people

disagree with it, as I've said earlier, the 48 pages goes into great detail as to how I came to the decision I did, on the scientific basis, as well as what the legal rationale is for making that.

Senator FEINSTEIN. Well, candidly, I read the 48 pages, and I find them not at all impressive. But, that's your view. I obviously very much regret it. I think it is harmful—not only to our State, but to our country. I think the recalcitrance with respect to global warming is harmful to the people's health of this country.

I'd like to go back to the remand. You have not given me a firm date, I have asked in writing, I'd like to enter those records into the—those letters into the record.

I'd also like to enter a letter to Mr. Bookbinder of the Sierra Club, in which you again say you do not have a specific time, and I'd like to read you the Supreme Court decision on this subject.

"Under the clear terms of the Clean Air Act, EPA can avoid taking further action only if it determines that greenhouse gases do not contribute to climate change, or if it provides some reasonable explanation, as to why it cannot or will not exercise its discretion to determine whether they do.

"To the extent that this constrains agency discretion to pursue other priorities of the administration, or the President, this is the Congressional design."

So, as I read this—and I believe as your lawyers will probably tell you—this is the decision of the Supreme Court. I don't understand—you've got 4 people working on this, you've had one thing or another as to why you can't do it. The only conclusion that I can draw, is that you are under pressure not to do it.

Mr. JOHNSON. Well, I'd like to——

Senator FEINSTEIN. I find this unbelievable, on behalf of what is called an Environmental Protection Agency, not an Administration Protection Agency, but an Environmental Protection Agency.

Mr. JOHNSON. Well, I respectfully——

Senator FEINSTEIN. There's a finding of the United States Supreme Court telling you to do something.

CLEAN AIR ACT

Mr. JOHNSON. Well, Madam Chairman, I respectfully disagree that this is an easy decision. In fact, when the Supreme Court—and if you refer back to, I think, Justice Scalia, actually set it us as, in essence, a three-part test for me, and this would be my brief summary. That is, if the Agency finds—if I find that there's endangerment, then under the Clean Air Act I must regulate. If I find that there is not, that's test one. If I find that there is not endangerment then I should not regulate. Or third, if there are other circumstances, including—and then goes through some description of that.

What I have found is I have looked at and continue to evaluate the issue of endangerment. It's that it's not only just the science of, and the endangerment, but it's also—what is the potential impact of that decision?

The way that the Clean Air Act operates, is that a decision in the area of mobile sources, could have a significant impact on what happens in stationary sources. That is all part of the reason why I'm taking time, I think appropriate—I know people are anxious for

me to get on with business, but I believe that it's important—this is an issue that's been debated since 1978. It's clearly—as I said, climate change is a serious issue, and it's one that I'm carefully considering. Mass v. EPA, the issue of endangerment, but also we have a number of pending petitions before the Agency, including airlines, including off-roads, including marine, including stationary sources, including NSPS, including PSD, and I can go on and on.

I have a responsibility——

Senator FEINSTEIN. Let me ask you this. All right, let me ask you this question—how many personnel, right now, are working on the endangerment finding.

Mr. JOHNSON. I don't know how many people, specifically, at this time, how many people are or are not working on specific pieces of our work.

Senator FEINSTEIN. Well, we've been told no one is working on it, currently.

Mr. JOHNSON. Well, I would have to check with——

Senator FEINSTEIN. Well, if you would ask your staff, I would appreciate knowing what the answer is.

RENEWABLE FUEL STANDARD

Mr. JOHNSON. Well, I know that we are focusing our attention on the moment on several parts. One is, working on the regulation to implement what the Congress and the President signed on the Energy Independence and Security Act, the renewable fuel standard. Working with——

Senator FEINSTEIN. Is anyone working on this, at the present time, Mr. Johnson? This isn't a question I shouldn't answer, this is a question to which I'm entitled to know the answer.

Mr. JOHNSON. Well, we are—I know I am working on what are the next steps, what's the framework that I should be evaluating the endangerment issue, as well as, as has been the traditional practice, of endangerment, and what the regulatory approach would be, and that's what I'm currently evaluating.

Senator FEINSTEIN. How many members of your staff are currently working on this?

Mr. JOHNSON. I don't know the answer to that.

Senator FEINSTEIN. Does anybody know the answer? You have numerous staff in this room, somebody must—this is a Supreme Court finding—you quote the dissenter, not the majority opinion.

Mr. JOHNSON. As I said, we are evaluating—I am currently evaluating what are the next steps that the agency should take, in response to the Supreme Court, in response to the Energy Independence and Security Act, in response to the myriad of petitions that are pending before the agency. That responsibility rests with me, and as I make the decision as to what the next steps are, then we will be deploying staff—as I said, I know I have staff that are working on a myriad of issues, from renewable fuel standard to carbon sequestration and injection under the UIC program. I know we have people who are working on the major economies, I know that we have people that are reviewing McCain-Lieberman legislation, the scientific piece of that—we have a lot of activities, important activities, not the least of which, you mentioned, the green-

house gas registry that we're working on, as well. So, we have a lot of activities that our staff are working on.

STONEWALLING

Senator FEINSTEIN. Well, the answer that I deduce from your answer is that you have no one currently working on it. I want the record to reflect that, unless some—and I give you every opportunity to change that, to give me a number. If you can't give me a number, on something that is a Supreme Court finding, and that has asked you to respond, then I've got to believe you're stonewalling. I want the record to reflect that.

Mr. JOHNSON. Madam Chairman, I am not stonewalling, I've shared with you very openly and candidly of the importance of the issue of endangerment, not only in the mobile source context, but in the context of the Clean Air Act, and that we are—since the Energy Independence and Security Act which again, complement—it's been 32 years since the CAFE standard has been changed—that's significant and very important. But we're looking at—I am looking at—all of these, and then determining what our best steps should be in deploying our 2008 resources. That's what I'm working on.

Senator FEINSTEIN. Okay.

EMISSION REDUCTION

I think, let me ask this—at my request, Congress included $9.8 million in funding last year for emission reduction projects for the San Joaquin Valley, and the South Coast air management districts. These districts face an almost-impossible task of meeting Federal air quality standards for particulate matter and ozone, including requirements to be in attainment for particulate matter by no later than 2015. They are not going to be able to meet that standard, which triggers some very complicated and special things which can have disastrous economic impacts on both of these districts.

Last year at this hearing, you gave me your commitment that you would work with me to come up with solutions to help these districts, and yet, your budget now eliminates this funding to help these regions improve their air quality. Why was it not a priority for EPA to continue this funding?

Mr. JOHNSON. Well, Madam Chairman, as has been routinely the case, certainly my 27 years at EPA is that the President's budget does not carry over congressionally-directed funding, the so-called earmarks, from year to year——

Senator FEINSTEIN. Yes, this is an earmark, I admit it, and I put it in.

Mr. JOHNSON. This was, and this is the reason.

Now, having said that—having said that, we recognize, and certainly the President recognized the importance of dealing with diesel emissions, and that's why the President is asking for $49 million.

Further, we believe that it's very important for us to focus attention on the ports, and as you know, because I've had the great pleasure of visiting the Port of Los Angeles area and the need for helping, particularly in the ports.

So, we have identified $15 million of the $49 million, to focus on ports, and help in this area.

EARMARKS ELIMINATED

Senator FEINSTEIN. So, you are saying to me that because this was an earmark, you've taken it out, and you're not going to do it. Have you taken every earmark out of this budget? Because you'll be sure—you can be sure of one thing, that I'm going to find that out.

Mr. JOHNSON. I am told by our budget staff, the answer is yes.

Senator FEINSTEIN. So, any congressional add, is essentially eliminated from your budget.

Mr. JOHNSON. Every earmark has been eliminated.

Senator FEINSTEIN. That's a congressional add. That's the only way we can add.

Okay, that should be very interesting. Well, let me give you another one—$8 million in the fiscal year 2008 omnibus to accelerate cleanup activities at the Hunter's Point Naval Shipyard. EPA must continue to work with the Navy to ensure and do everything in its power to ensure that this site is cleaned up. Have those funds been transferred to the Navy yet, so they can be used promptly?

Mr. JOHNSON. Well, Madam Chairman, I know we have been working very diligently with the city of San Francisco and the Navy in establishing both a timetable, as well as a cleanup strategy of construction of either a football stadium, or commercial and/or residential use. The $8 million, I'm told, will be transferred from EPA to the Navy very soon, and I'd be happy to keep you posted on that.

Senator FEINSTEIN. I would appreciate it.

Thank you very much, my time is up.

[The information follows:]

The agency is currently engaged in the apportionment approval process for the $8.0 million in funding for the Hunters Point Naval Shipyard site along with other agency funding. There were several legal and technical issues to resolve regarding this new account, and we are working to finalize the apportionment in order to transfer the funds to the Navy as soon as possible.

Senator FEINSTEIN. Senator Allard.

CLEAN AIR MERCURY RULE

Senator ALLARD. Mr. Chairman, I just have three more questions and they have been—those issues have been asked to a certain degree, I want to follow up on those three areas a little bit more and then I will wrap up what questions I have for the Administrator.

It's been a year now since Colorado submitted a program which meets EPA's Clean Air Mercury Rule, and provides—in our view—a cost-effective mercury reduction for coal-fired powerplants, and you approved that.

So, then the court has overturned that. So, where does that put States like Colorado's proposal? That wasn't clear, and Senator Leahy was focusing more on the legal argument, we're focusing more on the practical aspect—so where do we stand? Do we—does that rule for the State continue to stand until you come out with a new one, or do we have to consider—we'll be in—will we be in a position where we have to re-do that rule?

Mr. JOHNSON. Well, you're asking the very question we're asking ourselves. Given the court's decision, what does this mean for the

State programs? Either ones that have been approved, or ones that are pending. I don't know the answer to that, and that's certainly part of the conversation that we're having, is in light of the Court's decision, what should be our next step? As I've already mentioned, that EPA and Department of Justice are looking at that to determine what our next steps are, and then that may or may not impact where States are.

So, it's an important question we're looking at, and obviously the clock continues to tick, and we will—we are expeditiously looking at that, and I hope to have a response, soon.

Senator ALLARD. These mercury levels do become kind of an industry issue, between soft coal and hard coals—perhaps you're aware. I know, States like Colorado, we have hard coal, and we market a lot of our hard coal to the East, because they burn soft coal and there's a lot of discharge, and so we clean up the air by burning our coal, and then if you have a mercury requirement on that—how does that impact those cities that have to require, on the hard coal, to meet the Clean Air standards?

Mr. JOHNSON. Well, again, we think that mercury is a problem, we are disappointed in the court's decision, because it's the first time in the Nation's history that we've regulated mercury from coal-fired power plants, and our program was designed to eliminate 70 percent. So, we believe that it's a neurotoxin, we need to deal with it. Again, our next steps, we're not sure.

I did want to point out, I did have the opportunity, because mercury is not just from coal-fired powerplants, but if you own an automobile that was before the vintage of about 2003—not every one, but many—had little mercury switches, about the size of a pencil eraser. Working with industry and the environmental community and others—put together a program to actually collect these.

Senator ALLARD. I remember that.

Mr. JOHNSON. I had the opportunity last week to pull the millionth switch from an automobile. Doesn't sound like much, but just the switches alone in all of these old automobiles account for about 75 tons of mercury that would have otherwise gotten into the environment.

Senator ALLARD. Well, we under——

Mr. JOHNSON. So, we take our responsibilities very seriously, and whether it is dealing with the air issue or mercury switches, we need to continue to eliminate these.

Senator ALLARD. I don't think anybody's arguing with you on the toxicity of mercury. You know, we've pretty well established that.

Mr. JOHNSON. I trust not.

Senator ALLARD. You don't see mercury thermometers anymore.

I just, my question was, you know, it does have an economic impact on some of those communities that have to use hard coal to burn their soft coal. Is mercury a problem to those communities that have to use that coal for, to reduce air pollution?

Mr. JOHNSON. We believe, and certainly in our final regulation, believe that a cap-and-trade program was the most efficient way of eliminating mercury, and that our experience indicated that those communities that may have had more of a problem were ones likely—that those industries would have adopted the newest technology to help with that.

Again, we're now evaluating this court decision, and deciding what's our next step.

DIESEL EMISSIONS REDUCTION

Senator ALLARD. Now, again, this is another program that was mentioned—it's your Diesel Emissions Reduction Grant Program. You clarified that $15 million of the $49 million requested for DERA has been set aside for EPA's Sustainable Ports Initiative. I'd like to have you explain in more detail how this $15 million is going to be used, that was appropriated for a new initiative?

Mr. JOHNSON. In the 2009 budget, what our plan is, is to actually run a competitive program among the ports, and that is obviously, will be designed once we are sure that we have those appropriated funds.

But, we recognize that diesel emissions are a challenge and one that is a great opportunity for improving the environment. One of the statistics is to bulldozers, which I think—certainly I have grandchildren, and they—grandsons—that understand a bulldozer—but to retrofit 100 bulldozers—just retrofitting 100 bulldozers, eliminates 16 tons of pollution every year.

Senator ALLARD. That's particulate matter, because usually diesel, because the——

Mr. JOHNSON. It's that black puff of smoke that we're all very familiar with.

Senator ALLARD. It's the visible part of air pollution, not the invisible.

Mr. JOHNSON. It is, it is the visible part that you see. So, we recognize that investment in clean diesel—whether it's retrofitting, whether it's replacing—is a great investment in protecting public health.

CLEAN WATER

Senator ALLARD. Okay. Let me move on to the Clean Water, to the State Revolving Fund, I think Senator Craig brought that up. Again, in light of what I mentioned here, on my first question, about some of these mandates that are requiring problems for small communities to comply with—can you tell me how EPA intends to help rural and poor communities maintain sewage plants and mitigate non-profit source pollution, in the face of those reductions in the State Revolving Fund?

Mr. JOHNSON. Well, again, we believe it's multiple approaches. One is through support of the SRF; two, for continuing to provide flexibility in implementation; three, research and development; four, through a variety of—what I would characterize as—innovative approaches, whether it's, again, dealing with runoff from these abandoned mines to private activity bonds, which we have seen very successful implementation, to the technology that we're continuing to do our research and development.

Again it's—unfortunately——

Senator ALLARD. Now, if——

Mr. JOHNSON. We do have a challenge. It's going to take all of those pieces coming together to really, I believe, accelerate the progress that we all want to make.

Senator ALLARD. If the Congress puts more money in the State Revolving Fund, how are you going to treat those dollars?

Mr. JOHNSON. Well, I support the President's budget, and look forward to continuing to work with you and other Members of Congress as you consider the fiscal year 2009 request.

Senator ALLARD. What was the commitment that you said that you had made, you would just fund a certain percentage of that, and that has been met, and you felt that justified a reduction this year in the State Revolving Fund because they put extra money in there in previous years. So, how do you—so, again, if we put more money in there, what happens to that money—does it just sit there, does it end up getting diverted over to another program, or does it stay in the State Revolving Fund and you spend it out?

Mr. JOHNSON. Again, all dependent upon how—if you Members of Congress made a decision to appropriate funds to that account, it is at least my experience that we recognize that and honor that commitment.

Again, look forward to working with you, the President's budget recognizes that there's a need, the President's budget recognizes a commitment that he's made to achieve a revolving loan fund, both in drinking as well as safe water——

Senator ALLARD. I understand——

Mr. JOHNSON. Also recognizes that as the Madam Chairman has pointed out—it's a challenge.

Senator ALLARD. I understand the President wanting to stay to the bottom line figure, but——

Mr. JOHNSON. It would just go to the States with the rest of the money.

Senator ALLARD. Okay, yeah. Yeah, I understand the President's need to try and reach the balance, you know, that total budget figure for your agency, or agencies. I understand that, but, you know, we can shift money around a little bit, we can take—we can get money someplace else and put in here and do those kind of things.

So, I just wanted to know how you would treat that.

Thank you.

Mr. JOHNSON. Thank you.

Senator ALLARD. Thank you, Madam Chair.

Senator FEINSTEIN. Thank you very much, Senator.

PERCHLORATE CONTAMINATION

I have three questions, they are California-related questions. The first relates to perchlorate. As you know, it's a by-product of rocket manufacture, it leeches into the ground, it contaminates ground water. We have many drinking water wells that are contaminated.

The small city of Rialto has 22 of them, has had to declare water emergencies. Santa Monica has had half of its water supply contaminated by perchlorate, and we have a half million residents in San Bernardino now who, for 6 years, have had additional charges on their water bill, to try to clean up perchlorate.

Local water people—both locally elected officials as well as water contractors have requested that EPA seek replacement orders that require that parties who contaminated the water, in the first place, to help provide a solution. However, EPA does not appear to have taken any significant action.

In 1999, I worked with EPA, other Members of Congress, on this similar situation in Santa Monica, and EPA did issue a water replacement order against Shell Oil Company. That was an effective solution, it cleaned up the MTBE contamination in Santa Monica. So, there's a track record of success, using this mechanism.

I've been asked, by the locally-elected officials, and by the water contractors, to ask you to sit down with us and see if we can't work out a solution. It can't go on the way it's going, because there is so much insecurity about water, and the need to increasingly have water emergencies in this area—particularly in San Bernardino County. So, I'd like to ask you if you would be willing to do that.

Mr. JOHNSON. Madam Chairman, I would be pleased to have our staffs sit down. Again, I appreciate the great collaborative work that we have enjoyed through the years, and you certainly have my commitment. We will sit down and see if we can identify a solution.

Senator FEINSTEIN. All right, I would appreciate that, very much.

MARINE DIESEL AND LOCOMOTIVE EMISSION CONTROL RULE

Now, the press has reported that OMB has approved the final Marine Diesel and Locomotive Emission Control Rule. Is that true? If so, when can we expect the final rule to be released?

Mr. JOHNSON. It is my understanding that, in fact, the Marine Diesel Rule—a very important rule, as you're well aware—is just cleared Interagency Review, and we and the Agency are now—and particularly my team—are looking at communication and rollout strategy for that. I expect us to be able to roll out that final rule soon, within the next few weeks.

Senator FEINSTEIN. Oh, good. Good. That's the first good thing I've heard, thank you.

Mr. JOHNSON. Well, thank you.

Senator FEINSTEIN. Now, under Federal law, the deadline in South Coast to attain the annual particulate matter 2.5 national ambient air quality standard is 2015. So, the district is thus required to demonstrate that attainment in the year 2014.

I'm informed that the district needs advance control of nitrogen oxides created by locomotives, i.e., Tier 4 standards, to comply with this deadline. I also understand that the Draft Locomotive Rule EPA issues, only requires such advanced controls for locomotives first sold in 2015. This is after the Federal attainment deadline. What will the final rule do to speed up this schedule to ensure that Southern California can meet Federal attainment deadlines?

Mr. JOHNSON. Well, Madam Chairman, as you correctly point out, that was what our proposal was, of 2015, and that's also one of the issues that did come up during the public comment period for the agency, and that will be addressed in our final rule. So, a very important issue, and I look forward to moving our final rule in this area, again, because the diesel emissions, we understand the significant opportunity to advance public health protection. So, that issue will be addressed in our final rule.

Senator FEINSTEIN. All right.

SUSTAINABLE PORTS INITIATIVE

Your budget includes a new proposal to target $15 million of the $49 million you request for Diesel Emissions Reduction Act grants

toward a Sustainable Ports initiative. This initiative will provide a low-cost way for ports to pay for diesel retrofits, or other emission controls.

As you know, California is home to some of the world's busiest ports—L.A. Long Beach has 40 percent of the container traffic coming into the Nation, coming into this port. Goods movement through these ports is a major contributor to ozone and particulate matter.

How will these new funds be spent? How will EPA prioritize those funds so that the lion's share will reach ports like Long Beach L.A., because they handle so much of the traffic?

Mr. JOHNSON. I thank you for the opportunity to actually visit the L.A. port, and I've had the opportunity to visit other of our Nation's busiest ports, as well. It was very clear to me of a need and an opportunity and that's why we have designated $15 million, to help in this arena.

Our plan is to develop a competitive program that, when they—would enable us to get these advanced technologies, whether it's replacing or new equipment or retrofitting, and to look at those areas that both have the greatest need and the opportunity for making a difference. Making a difference, not only from an environmental, but from a public health standpoint. So, we're still working on what the criteria would be for competitive, but that's the general area.

Certainly, there is a need and an opportunity. We're going beyond that, because we're also, certainly, recognize the opportunity internationally, and we're working as part of the IMO arena, in the International Marine Organization and others, of what steps can be taken both in the area of clean diesel fuel, as well as in the technology for these large, ocean-going vessels.

Certainly we have funded as an agency—through Congress' support, and the President's support—some innovative approaches in helping to reduce that air pollution. So we're going to continue on that front, as well.

Senator FEINSTEIN. Well, I appreciate that.

I'd just like to add, and you probably know this—that people living in areas related to this now have a 1 in 500 risk of achieving cancer from air pollution. I want you to know that it is a very serious problem in the area, that the asthma rate is going up, and that if you ask people in the Los Angeles area, this is going to be one of their major environmental concerns.

We're joined by Senator Stevens, and Senator, I think everybody has come and gone, so I'll turn it over to you for any questions you might have.

Senator STEVENS. As Senator Simpson said once, "Everything's been said, but not everyone's said it."

ALASKA NATIVE VILLAGE GRANTS

I've come by from—we've just had a hearing with Homeland Security in the other subcommittee, and I've come by to discuss some of the problems that we've got in Alaska, and in particularly, I want to raise the question to you of the Alaska Native Village grants—this is part of the Alaska Native Rural Program.

ANTI-EARMARK SYNDROME

We had hoped that we could go forward with that list of priorities—there's now an anti-earmark syndrome around here, as you know, but it seems this budget has been written with the idea that we would increase several items, because in the past we've done that.

Did you take into account, at all, the probability that the various earmarks that members have put in, in the past, would probably not be achievable this year?

Mr. JOHNSON. Well, Senator, as we prepared the budget, and certainly as the President made decisions as to what the budget should look like across the government, we as an agency—and that's certainly been my experience, as I've commented earlier to Madam Chairman—as an agency, we don't carry over congressionally directed funding, or so-called earmarks, and we did not in the 2009 budget, as well.

Then, we constructed the budget based upon where the priorities are, where we think there is significant opportunity for delivering results to the American people.

Senator STEVENS. Do you carry over the funds if you don't spend them?

Mr. JOHNSON. Many of our funds are 2-years funds, and so those funds—for example, like the Greenhouse Gas Registry—in the omnibus appropriation, we have $3.5 million this year—those are 2-year funds, and so we'll use those this year for working on the Registry, as well as next year as we move forward in developing one. So, that's just an example.

Senator STEVENS. Well, we—I thought we had an understanding, sort of a plan with the administration going back to 2007, when there'd be a target for 92 percent coverage for drinking water and sanitation in rural Alaska villages. Last year, for 2008, we had a request for $15.5 million, we raised that $9 million. We're still not going to achieve the goal of having even 92 percent of the villages of Alaska have water and sewer facilities.

There was the Federal Government—if they don't have water and sewer, they have higher costs, basically, of medical costs, frankly. We've traced a lot of the diseases that the children's had to bad disposal systems for sewage, we call them "honey buckets." Now, this budget goes back to $15.5 million.

Did you spend the money we gave you last year? Have you obligated it for 2008?

Mr. JOHNSON. I'll have to check with our—I don't believe that we've obligated it, Senator Stevens. I also just want to make sure, because the staff have pointed out that the Alaska Native Village Funding increase is not considered an earmark, however, we did not sustain the 2008 increase in the budget.

Senator STEVENS. Not considered an earmark? Do you have a definition for earmarks that I don't know of? I raised a budget item in this subcommittee from $15.5—I raised it $9 million last year.

Mr. JOHNSON. I think the current funding of the 2009 President's budget is——

Senator STEVENS. Fifteen point five.

Mr. JOHNSON. Fifteen point five.

Senator STEVENS. That's what it was last year, and we added $9 million on top of that. I don't think it was spent, but beyond that, we had a target of—hopefully of trying to reach 100 percent of the villages to be covered by 2011, currently your—by the way, when we started this we were at about 41 percent—we've done pretty well with the program, and people in the area are very appreciative. But it looks like we're abandoning the program. It's not going to keep up the level we had last year.

Now, how did you—you said that was not considered an earmark? When I asked the subcommittee, and they did increase that by $9 million, that wasn't an earmark?

Mr. GRUMBLES. Senator, it was an increase, however, we didn't sustain that 2008 increase as we went through and made tough budget decisions.

Senator STEVENS. What do you mean, you mean you didn't even plan to spend it?

Mr. JOHNSON. No, no. Whatever has been appropriated we will spend, and spend as directed.

Senator FEINSTEIN. Excuse me, you just told me you weren't going to spend any money that was an earmark.

Mr. JOHNSON. No, no—there was a—let me make sure that it's clear—my Deputy, Marcus.

ALASKA NATIVE VILLAGES

Mr. PEACOCK. Well, I have some familiarity with this program, although this budget, not recently. It's a longstanding program, as you know, Senator, to as you pointed out to help the Alaska Native Villages. We've kept the funding flat despite the fact that it was increased last year, in our proposal for 2009. As you pointed out, it has been successful but we have had problems in the past, in terms of getting the money spent, once it was obligated.

Senator STEVENS. Well, you have trouble getting the money spent if you don't put it up and give it to the area office.

Mr. PEACOCK. The vast majority of it has been obligated—not all of it—for this year. But the vast majority of it has been obligated for this year.

Senator STEVENS. Well, am I to report to my people that you decided that 2011 is not the target for 100 percent of water and sewer for these villages?

Mr. PEACOCK. Within the budget constraints, we think the same amount that was, that we requested last year is sufficient for 2009.

Senator STEVENS. That's not my question. Have you abandoned 2011 for 100 percent of all of these villages having water and sewer?

Mr. PEACOCK. I think our goal has remained the same, but we'll have to get back to you after we talk to the Office of Water. We do try and, of course, what we want to make sure is that not only Alaskan villages, but that all of the water systems throughout the country eventually reach the goal of 100 percent.

Senator STEVENS. Well, eventually is, you know, I'm trying to seek reelection right now, but 6 years is 6 years. You know? We've been involved in this one for longer than 6 years, already. I do not understand why it's been reduced.

I would like to have you put in the record what you consider to be the date for completion of the water and sewer facilities for Alaska rural villages under this program. Our target was 100 percent, at one time. Is that—put in the record—is that still your target? If so, what's the date for that?

Mr. PEACOCK. We'll get that information to you, Senator.

[The information follows:]

EPA and the State of Alaska estimate that the EPA Alaska Native Village infrastructure program will be able to provide 100 percent of "serviceable" rural Alaska homes with access to drinking water and wastewater services by the end of fiscal year 2018. This fiscal year 2018 end date is based on current EPA and USDA funding levels. (Unserviceable homes are defined as residences that cannot be serviced due to reasons such as being structurally unsound, seasonally occupied, or located in areas that are too costly to serve. In addition, whole communities may be unserviceable due to the dangers of erosion and flooding or because they are financially unable to operate water/wastewater systems due to local economic constraints or limited community size.)

Senator STEVENS. All right.

I'm a little concerned about the $134 million reduction in the Clean Water State Revolving Fund, could you explain that to me?

Mr. JOHNSON. Yes, sir. As you said, this issue has come up—the President's budget invests $555 million, and that it meets the President's commitment to achieve $3.4 million——

Senator STEVENS. You guys put the President—what did you ask the President for?

Mr. JOHNSON. As I said, this represents——

Senator STEVENS. What did you ask the President for? On this item?

Mr. JOHNSON. This is what I represented to the President, this is again, meeting the President's commitment, and——

Senator STEVENS. Don't tell me that.

Mr. JOHNSON. I support the President's budget.

Senator STEVENS. What was the amount you requested from the Office of Management and Budget for this account?

Mr. JOHNSON. As I said, I support the President's budget, and this is an important area——

Senator STEVENS. Are you going to answer my questions, Mister?

Mr. JOHNSON. Well, as I said, this is the President's budget, it doesn't——

Senator STEVENS. I didn't ask you that. I asked you, what did you ask OMB for?

Mr. JOHNSON. Senator, may I ask Ben Grumbles to come to the table? He's head of our water program.

CLEAN WATER STATE REVOLVING FUND

Mr. GRUMBLES. Senator, in the process, through the Chief Financial Officer in the engagement and the development of the 2009 budget, what was agreed to back in 2004 was a long-term plan for the Clean Water State Revolving Fund that would be reflected in each of the President's budget requests, including fiscal year 2009. So, when we engaged with the OMB in terms of the national water program, we looked at what Congress had previously appropriated, and measured that against the level, and that's how we came up with the $555 million.

But, we didn't have a separate dollar amount, other than looking at, well, the previous year we had asked for $600 million in the 2008 President's budget request we had requested $688 million. We then looked at what Congress had appropriated for the fiscal year 2008 budget and based on that, and the math—taking into account the 2004 commitment to provide $6.8 billion through 2011—that's how we came up with the $555 million. Jointly with OMB, Senator.

Senator STEVENS. What I'm hearing you to say is that you set a target back several years ago——

Mr. GRUMBLES. Yes, sir.

Senator STEVENS. This year, you looked at how much had been appropriated by Congress, so far, toward that target?

Mr. GRUMBLES. That's correct.

Senator STEVENS. You asked for the balance, is that right?

Mr. GRUMBLES. That's the way it would work out, yes.

Senator STEVENS. Did you—that's the amount now, I asked—you know, I sat at those tables when I was with the Eisenhower administration. I know what you're under in terms of what you can and can't do. But you can tell me what you requested of OMB for this year, can't you? There's no par on that.

Mr. GRUMBLES. Right. We——

Senator STEVENS. How much did you ask OMB for this year?

Mr. GRUMBLES. We requested—when we went to OMB, we requested the amount that would be consistent with our 2004 commitment that we reached with OMB, in terms of the administration's $6.8 billion request. So, we went to OMB saying, "Let's do the math, and figure out what the appropriate level is." So, that's how we jointly got——

Senator STEVENS. Was that amount, that 2004 level, was that approved by Congress?

Mr. GRUMBLES. No, it was part of the present—the administration's vision on how much continuing seed money to put into the Clean Water SRF and each budget request since then has been consistent with that. Budget requests have declined over the last several years, taking into account——

Senator STEVENS. What you're telling me, I hope you're hearing this, Madam Chairman, because they decline based on how much we put up—you reduce the next year by the amount we added to the previous year, in effect.

Mr. GRUMBLES. That, coupled with the vision on sustainable infrastructure and the innovative technologies, and the full-cost pricing—that has been the approach on the State Revolving Fund to get to a final level that revolves at $3.4 billion a year.

Senator STEVENS. This is not a spending program, this is a loan program. You understand that, don't you?

Mr. GRUMBLES. Yes, sir.

Senator FEINSTEIN. Senator, what the staff just informed me, is that we have never agreed to this. They just arbitrarily did it.

Senator STEVENS. I understand that. We've never agreed to it, and as a matter of fact, until last year, we didn't even know about it. But this policy of having an ongoing—the more Congress adds, the more it's reduced in succeeding years is an additional—it really forces earmarks. Because you're saying, in order to maintain the

same level that we had last year, we've got to earmark the additional monies. I've never heard of it.

I really think—if you'll pardon the phrase—it's bureaucratic arrogance. Having served a, you know, 8 years in the administration—another administration—I want you to know I don't appreciate that. We didn't have that kind of arrogance, and I really think you ought to listen to what Congress is doing, in terms of setting national goals.

It sounds to me like your 2004 decision was sacrosanct as far as the Federal Government was concerned—nothing Congress can do about it, you just keep reducing down by the amount we increase. It's a crazy system.

GREENHOUSE GAS REGISTRY

Now, let me ask you about another one, though. That is the Greenhouse Gas Registry. The White House proposed no funding for this new program, it was put into the appropriations bill in December, Senator Klobuchar came and talked to me, as a matter of fact, and others about it. But—why didn't you put money in for the Greenhouse Gas Registry? There's so much talk about this, but without such a Registry, no one is really going to know what they're talking about.

Mr. JOHNSON. Well, we have $3.5 million this year as part of the omnibus appropriation. We are working on a draft regulation, we intend to meet the omnibus, congressionally directed schedule, which we expect that by the—September of this year, that we will have a proposed regulation on Greenhouse Gas Registry.

We've also begun the work with the States—there's California, plus, I believe either 6 or 7 other States that have, or are developing, registries, and we think that's a good thing. But we're working on developing—and intend to have a—proposed regulation by what the schedule that was in the omnibus appropriations was, as I recall, September.

Senator STEVENS. Let me tell you—is there any direction Congress would give you with regards to spending money, you would follow?

Mr. JOHNSON. Well, we are, sir. We're following the direction and——

Senator STEVENS. I haven't heard any so far.

Mr. JOHNSON. Well, we're working on——

Senator STEVENS. What you're saying is, the money we put up for 2008, you take into account as you reduce 2009.

Fully understanding that there is a new paradigm, no add-ons. No earmarks. So, that under the rules here, that program is going to have to be slashed.

Senator FEINSTEIN. Senator, you're right—I put in the $3.5 million last year. It takes 2 years. So, they need $3.5 million this year, assuming they're doing it.

Senator STEVENS. I agree.

Senator FEINSTEIN. So that would have to be, I guess, an earmark, which they are now saying, they won't follow.

Senator STEVENS. That's right.

Mr. JOHNSON. Madam Chairman, just to make clear for the record, we area working on a draft regulation, and I intend to

make sure that we meet our mandate of having a proposal, and I believe the date is September.

Senator STEVENS. Did you know how the Congress dealt, no, the administration—Congress dealt with an administration official that wouldn't follow their suggestion, back in the old days, the Bureau of Land Management? The next bill, they just eliminated the job of the person that would refuse to obey their direction.

Senator FEINSTEIN. Well, I'll tell you, this budget is disastrous when you look——

LAND PROTECTION AND RESTORATION

Senator STEVENS. I've never seen such arrogance as there is in this EPA budget, as a matter of fact. The Land Protection and Restoration line item for oil spills response was slashed by $183,000 for 2009. Why?

Mr. JOHNSON. Are you referring to our——

Senator STEVENS. The Land Protection and Restoration line item for oil spills response was reduced by $183,000.

Mr. JOHNSON. Let me ask Susan Bodine who heads up our program.

Ms. BODINE. Yes, we believe we can still—we can carry out the program within the requested amounts. So, we don't anticipate——

Senator STEVENS. What led you to that belief? What led you to believe that we don't need money for land response for oil spills?

Ms. BODINE. We have funding for the oil spill program.

Senator STEVENS. But you reduce it by $183,000 over 2008.

Ms. BODINE. That's correct, but——

Senator STEVENS. But what was the rationale for bringing it down?

Ms. BODINE. The rationale was that we believe we can carry out our responsibilities within the requested amount of funding.

Senator STEVENS. I don't know, I'm really disturbed at some of the things they're doing, because the administration is taking the position that you can't have earmarks, we're not supposed to make add-ons. But at the same time, they're using formulas which punish us for past earmarks, and past add-ons. And it puts us in an absolutely untenable position as to maintaining a level of ongoing programs that we've funded in the past.

Senator FEINSTEIN. I was thinking the same thing. I outlined the percent cuts. The percent cuts in critical programs are very large. This means there is no way for us to restore those cuts, if they're going to ignore any congressional add, which they call an earmark.

I don't even know if we want to pass this budget, if that's the case. I mean, at some point, you've got to the conclusion, why run for the Senate of the United States, why sit as an appropriator—I come from a State that gives far more in taxes than it gets back in services. If you've got a major environmental problem in the State—and we have several, I've outlined the non-attainment standards for Fresno, and for the Los Angeles area, the port problems—yet we can't add money to solve those problems. So, why put out—why put our names on a budget that we know is going to fail to accomplish the purpose? I think that's the problem we have.

Senator STEVENS. Well, that's the conclusion that's got to be reached, that we're better off under the 2008 budget. We're better

off not to give you anything for 2009, and just to travel on a continuing resolution into October 2009. The programs that affect my State would be better off under 2008, than they would under 2009. Did you ever think about that?

Mr. JOHNSON. Again, we believe that this budget is a good budget, it balances the needs of moving forward with the pace of environmental protection, at the same time recognizes that we have to be good stewards of taxpayers dollars.

Senator STEVENS. I don't have any more questions. I don't think it's—you might carry back the message that, in all probability, if the Senate follows my advice, we'll give the President a continuing resolution for 2009.

Senator FEINSTEIN. You know, it's very hard, because we have a 20 percent cut in the Clean Water State Revolving Fund, a 10 percent cut in grants to States for environmental protection, a 14 percent cut in State grants for reduction of air pollution, and it goes on and on and on.

I, you know this—for the first time he's said, in so many words, "We're not going to recognize any congressional add." Well, maybe we join the issue, and we don't pass a budget. Because I don't know why you'd want to run for the United States Senate—particularly, I come from 37.2 million people—and not be able to do anything that benefits a real need of my State.

If the President doesn't do it, then what you're saying, the President conditions all spending, and the Congress has no voice. So, we don't even need an Appropriations Committee, if that's the case.

Senator STEVENS. They ought to read the Constitution. That's for sure. Well, we can talk and talk but I share your feelings about this, and I think there is a total breakdown in regard to the process that we're involved in. I've been through this process now for well over 30 years, and I've never seen it in worse shape. But, it's because of what we're getting from downtown. You refuse to recognize what we've done in the past, which was approved by the President. What you do is, then, offset that against a goal you set in 2004? Notwithstanding, all the goals we set in, we established in legislation and the President signed in 2005, and 2006, and 2007 and 2008. That's arrogance. Pure arrogance.

Senator FEINSTEIN. Well, I—no, I think there is no jointness with this administration. There is no real consultation with the Congress. There is no real understanding that the Congress plays a role in all of this. It's that we're to be a rubber stamp for the President's request, and——

Senator STEVENS. It's really not the President.

Senator FEINSTEIN. Well, Mr. Johnson pointed out, over and over again during this hearing, "This is the President's budget."

Senator STEVENS. He's says that, but I don't think the President even knows of some of these items, I'm sure he doesn't it is the OMB and the Assistant Secretary in each Department dealing with this budget process.

ADDITIONAL COMMITTEE QUESTIONS

Senator FEINSTEIN. There will be some additional questions which will be submitted for your response in the record.

[The following questions were not asked at the hearing, but were submitted to the agency for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

CALIFORNIA WAIVER DECISION/GREENHOUSE GAS REGULATION

*Question.* The "Federal Register Notice of Decision Denying a Waiver of Clean Air Act Preemption for California's 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles" (The Notice of Decision) concludes that Congress intended that waivers would only be issued if California had a "unique" problem, based on both Committee Reports and Floor statements from 1967. In 1977, Congress amended the Clean Air Act, changing both the words and intent of section 209. The Federal Register notice does not mention congressional intent in 1977.

a. Did you consider the intent of Congress in 1977 when making your decision?

b. If so, why didn't the Federal Register Notice discuss this intent?

c. Is it correct to infer that you do not find the 1977 amendments relevant to your decision to deny a waiver to California?

Answer. In 1977, Congress amended section 209, but did not change section 209(b)(1)(B), the waiver criterion at issue in this waiver decision. The decision document describes in detail the bases for the decision including the legislative history of section 209(b)(1)(B). The decision document discusses the issue of deference to California's judgments, at 73 FR 12158 and 12162, noting that EPA's role in applying section 209(b)(1)(B) is not to substitute its judgment for California's on the value or benefit that might be derived from a specific set of greenhouse gas standards, and noting that with respect to sections 209(b)(1)(A) and (C) EPA is not addressing or changing its approach to deferring to California's policy judgments on the best way to protect the public health and welfare of its residents. This discussion of deference is based in part on the 1977 legislative history behind section 209.

As explained in the decision document, EPA appropriately exercised its own judgment in determining the limits or confines of state authority established by section 209(b)(1)(B). This does not change EPA's consistent view that within such confines it should give deference to California's policy judgments.

*Question.* The Notice of Decision asserts that in 1967 Congress intended waivers to address problems "unique" to California. But in 1977, Congress added section 177 to the act, which allows other States to adopt California's standards. If Congress intended for waivers to be limited to problems unique to California, why did it give other States the right to adopt the same standards?

Answer. The decision document discusses in detail EPA's interpretation of section 209(b)(1)(B), including the legislative history of that provision. That waiver criterion was not amended by Congress in 1977. In the 1977 amendments, Congress did afford States the option of adopting and enforcing California's motor vehicle emission standards, under section 177, if certain conditions were met. The legislative history indicates that section 177 was added to give States more flexibility in determining how to "protect public health while still permitting reasonable new growth Still another element of flexibility for States that is afforded in this section is the authority for States with nonattainment areas for automotive pollutant pollutants (other than California) to adopt and enforce California new-car emission standards if adequate notice is given . . . this should pose no significant burden to the manufacturers. It permits the State to decide whether or not such standards should be adopted in order to permit more stationary source growth and jobs in the State." [Report by the Committee on Interstate and Foreign Commerce (95th Congress, 1st Sess. Report No. 95–294, at pgs. 213 and 310–311)].

*Question.* In 1984, EPA Administrator William Ruckelshaus issued a waiver decision that stated, in part:

"Motor Vehicles Manufacturing Association, Auto International Association, General Motors and Volkswagen also argue that in order to be granted a waiver for its particulate standards California must have a 'unique' particulate problem; i.e., one that is demonstrably worse than in the rest of the country. However, as CARB points out, there is no indication in the language of section 209 or the legislative history that California's pollution problem must be the worst in the country, for a waiver to be granted."

The Notice of Decision asserts that the legislative history of section 209 requires that California's pollution problem must be "unique." Upon what legal basis have you rejected the precedent set by the 1984 ruling?

Answer. EPA's waiver decision discusses in detail the 1984 waiver decision at 73 FR 12159–12160. As stated in the 1984 waiver decision, the phrase "compelling and extraordinary conditions" refers to "certain general circumstances, unique to California, primarily responsible for causing its air pollution problem," like thermal inversions, topography, and California's motor vehicle population. Thus, in 1984, EPA reasoned that the term compelling and extraordinary conditions "does not refer to the levels of pollution directly." Instead it refers primarily to the factors that tend to produce higher levels of pollution—"geographical and climatic conditions (like thermal inversions) that, when combined with large numbers and high concentrations of automobiles, create serious air pollution problems." 73 FR 12160.

EPA's waiver decision concerning California's greenhouse gas standards does not reject the focus of the 1984 decision on the factors that cause air pollution. EPA's decision document describes the 1984 waiver decision, which addressed a local or regional air pollution problem like ambient levels of particulate matter and discusses in detail the appropriate way to implement section 209(b)(1)(B) in the very different context of a global air pollution problem, like elevated concentrations of greenhouse gases. In the context of greenhouse gases, EPA determined that the appropriate criteria to apply is whether emissions of California motor vehicles, as well as California's local climate and topography, are the fundamental causal factors for the air pollution problem of elevated concentrations of greenhouse gases, and in the alternative whether the effect in California of this global air pollution problem amounts to compelling and extraordinary conditions. 73 FR 12162.

*Question.* Mr. Johnson, you are under remand from the United States Supreme Court to determine whether carbon dioxide contributes to climate change and endangers public health and welfare. I have requested that you set an internal deadline by which you intend for EPA to respond, and you have refused.

a. Please provide a detailed list of benchmarks that EPA must meet before it can respond to the Supreme Court's remand.

b. Please determine how many of these benchmarks have been completed to date.

c. Please state how many EPA staff members are working on each remaining benchmark at this time.

d. Please provide an explanation for why you stated in your March 3, 2008 letter that "I am currently unable to provide you and the Committee with the 'detailed timeline' requested."

e. Please explain what impedes the EPA from setting a timeline for completion of this work.

f. Please explain why it was possible for EPA to set such a timeline in 2007, but it is not possible to set a timeline today.

Answer. As you know, EPA had previously planned to issue a proposed endangerment finding and vehicle GHG standards under the Clean Air Act (CAA) by the end of last year. However, after enactment of the Energy Independence and Security Act in December, it was appropriate for the agency to consider the impact of the new law, with its requirement for tighter vehicle fuel economy standards, on EPA's regulatory plans.

As I explained in my March 27, 2008 letter to you, I have decided that the best course of action for responding to the Supreme Court's remand is to issue an Advanced Notice of Proposed Rulemaking (ANPR) later this Spring. That notice will build on the agency's work to date on a potential endangerment finding and vehicle GHG standards under Clean Air Act section 202. It will also explain the broader Clean Air Act implications of taking such actions. My letter describes some of those implications and explains why it is important to consider them in developing a strategy for potentially regulating GHGs under the CAA.

I have asked my staff to develop an ANPR for publication by late Spring. Because of the breadth of issues the ANPR will cover, including the regulatory implications for stationary sources if the vehicle GHG standards are set under the act, staff from several offices within the Office of Air and Radiation as well as staff from the Office of General Counsel are involved in drafting the notice. They are drawing from, and in some cases adding to, the information that was developed and compiled last year as part of EPA's efforts to respond to the Supreme Court's decision and the President's 20-in-10 Executive order.

The ANPR will give the public an important opportunity to comment on the many issues that need to be considered in moving forward with any Clean Air Act regulation of GHGs. Following the public comment period, I will assess how best to respond to the Supreme Court's decision in light of the comments received. While I cannot give you a detailed timeline for issuance of the ANPR or for next steps following receipt of public comments, I can assure you that I intend to proceed expeditiously and lay a solid foundation for future decisions on addressing climate change.

AIR POLLUTION IN NATIONAL PARKS

*Question.* EPA recently participated as the science lead in the Western Airborne Contaminants Assessment Project (WACAP) to determine the levels and sources of airborne pollutant deposition in ecosystems that are traditionally regarded as the most pristine and intact ecosystems in the America: western national parks. The National Park Service recently released the results of this study and they are alarming: over 70 different contaminants, including toxic heavy metals like Mercury and pesticides such as DDT, were found at significant levels in parks from Sequoia-Kings in California to Glacier in Montana to Denali in Alaska.

In many parks, the toxicity levels in native fish in high mountain lakes exceeded the recommended consumption guidelines, not only for humans, but for other mammals and birds that rely on fish as a key source of caloric intake. These contaminants are weakening the ecosystems of national parks and a potential danger to human health.

1. What are the implications of the WACAP study in terms of the ability of current regulations to effectively prevent air pollution, not only in our national parks, but across our country? Do these results not suggest additional action to improve air quality is warranted?

2. Will EPA present policy recommendations for Congress and/or the Administration in the wake of these results? Please provide details.

Answer. EPA commends the National Park Service and the interagency contributors for the WACAP study. This valuable research has demonstrated that a number of environmental contaminants are more persistent and widely distributed than previously understood. The study also showed that, for many contaminants, local and regional sources may contribute more to contamination in the western parks, outside of Alaska, than international or intercontinental transport of airborne contaminants.

All of the contaminants identified by the study as being of highest concern are the subject of existing regulations or on-going regulatory actions under the Clean Air Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and the Toxic Substances Control Act. In addition, most of the contaminants identified in the study as being of potential concern are subject to existing regulations or are being considered for further regulation under these statutes. Many of these contaminants and their sources are also subject to state and local controls. EPA is aware that the National Park Service is working at the level of individual parks to address the few local sources identified in the study. While the study did not address how the levels of contamination in the parks would be affected by further environmental regulations, EPA will evaluate this study, as well as other recent and ongoing studies (e.g., EPA's Great Waters program and newly-initiated National Academy of Sciences study on the significance of the international transport of air pollutants), in determining future research and regulatory needs for these pollutants.

Many of the contaminants identified by the study are the subject of international cooperation, through bilateral and trilateral relationships with Canada and Mexico and through multilateral institutions, such as the Stockholm Convention on Persistent Organic Pollutants (POPs) and the United Nations Environment Programme's Mercury Programme. The United States' ability to address some of the contaminants of concern, particularly those that are no longer used in this country, would be significantly enhanced if Congress were to complete legislation enabling the United States to ratify the Stockholm Convention, as well as the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC) and the Convention on Long Range Transboundary Air Pollution POPs Protocol (LRTAP POPs), and to work through these institutions to reduce their use globally.

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QUESTIONS SUBMITTED BY SENATOR JACK REED

*Question.* Recently, the Rhode Island Treasurer, the Rhode Island Department of Health, and the Rhode Island Clean Water Finance Agency contacted my office regarding a proposal by the EPA Office of the Inspector General to prevent states from using revenue bonds to provide the necessary 20 percent match for the State Revolving Funds. Is EPA considering changing this policy? If so, what process is EPA using to evaluate if this change is necessary?

Answer. The fiscal year 2009 President's budget continues the policy of allowing States to use revenue bonds repaid from interest earnings to provide the State match for the State Revolving Funds. No decision has been made on how or whether to change this policy.

*Question.* For over 10 years, EPA has failed to issue a final rule to protect children from lead poisoning during home renovation and remodeling in target housing, despite a 1992 congressional mandate to adopt a rule by October 28, 1996. The fiscal year 2008 Consolidated Appropriations conference report included language requiring EPA to finalize its Renovation, Repair, and Painting Rule by March 31, 2008, and encouraging that the rule be at least as protective as HUD's Lead-Safe Housing Rule. What progress has EPA made towards finalizing the Renovation, Repair, and Painting Rule by the deadline at the end of this month, and what are the plans for implementation of the rule in fiscal year 2009? Specifically, how does the agency plan to provide sufficient training and outreach opportunities within the bounds of the current budget request?

Answer. EPA finalized its Renovation, Repair, and Painting Program rule on March 31, 2008 (available at: http://www.epa.gov/lead/pubs/renovation.htm). Implementation of this program is a priority for our lead poisoning prevention program. We expect many States to seek authorization to run the program and will be working with our State partners to develop efficient approaches to implementation.

EPA will work with a broad range of stakeholders, including States, community groups, trade associations and other industry groups in conducting outreach and training. Central to this outreach is the pamphlet Renovate Right: Important Lead Hazard Information for Families, Child Care Facilities and Schools. This brochure, which is jointly sponsored by EPA and the Department of Housing and Urban Development (HUD), provides renovation-specific lead hazard information for persons who contract for or perform renovation, repair and painting projects in pre-1978 target housing and child-occupied facilities. EPA is also developing information specifically for contractors, including the brochures Contractors Lead Safety During Renovation and Steps to Lead-Safe Renovation & Remodeling. To effectively conduct outreach and training within the current budget request, the agency will build on the infrastructure and successes of its outreach and training program for abatement activities.

EPA will facilitate having training providers for abatement expand their training courses to include formal training of renovators by developing a model training course for renovators required by the regulation. In addition, EPA will continue to encourage the training of a broad range of stakeholders, including community groups, in the use of lead-safe work practices.

*Question.* The fiscal year 2008 Appropriations language encouraged the EPA Renovation, Repair, and Painting Rule to be at least as protective as HUD's Lead-Safe Housing Rule. What steps has the agency taken to respond to concerns about the proposed rule, in particular, the fact that the proposed rule did not ban dangerous lead practices (such as dry sanding), and did not include requirements to test for lead dust at the end of a renovation, painting or repair job involving lead-based paint in older housing?

Answer. The final rule prohibits or restricts the use of dangerous practices such as removing lead paint by power sanding, use of a torch or by the use of a high temperature heat gun. EPA is allowing the use of dry hand sanding based on the results of a study the Agency conducted of renovation activities. In this study, when the work practices being required by EPA's rulemaking were used, including containment and specialized cleaning, renovation activities involving dry hand sanding did not result in lead levels above EPA's regulatory hazard standards.

The work practices required by this rule have been demonstrated to be effective at protecting children from the lead-based paint hazards generated by renovation activities. Renovations covered by this rule will be performed in many homes all over the country. They will be performed for many reasons, most of which have nothing to do with lead-based paint or lead-based paint hazards. Moreover, EPA has determined that the work practices in the final rule, including containment and specialized cleaning effectively minimize exposure to lead-based paint dust generated during renovations. Thus, EPA has determined that requiring dust clearance sampling and clearance, which is required for abatements in which all lead hazards must be removed, is not warranted. In addition, dust clearance sampling and clearance would not provide added value in terms of protecting children to balance the time and effort and the cost to home and building owners associated with requiring this additional step to the work practices.

*Question.* Last year the Supreme Court ruled that the Clean Water Act only applied if there was a "significant nexus" of jurisdictional waterways. This test put a significant onus on the agencies to make a determination of what waters were or were not under the protection of the Federal Pollution Control Act. In response to this the U.S. Army Corps of Engineers increased the amount of funding to go toward these jurisdictional judgments, but no increases have been seen in the EPA's budget for this additional work. How is the agency addressing these increased de-

mands and where is the funding coming from to deal with the increased bureaucratic burden?

Answer. The U.S. Army Corps of Engineers is given the primary responsibility under the Clean Water Act (CWA) for work related to the issuance of section 404 permits. These responsibilities include conducting CWA jurisdictional determinations and review and issuance of permits. It is these activities where workload has increased the most in recent years as a result of, for example, recent court decisions. While EPA's workload has increased somewhat as a result of these same factors, EPA expects to be able to continue to meet our responsibilities under the CWA by adjusting the level of resources applied to the 404 regulatory program from within the available wetlands protection resources.

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## QUESTIONS SUBMITTED BY SENATOR WAYNE ALLARD

### DELAY IN IMPLEMENTING A SOLUTION TO THE LEADVILLE MINE DRAINAGE TUNNEL

*Question.* We now have a locally declared emergency situation in Leadville involving a Superfund Site declared in 1983, 25 years ago. Why is this the case 25 years after recognizing the need for a solution?

Answer. The California Gulch Superfund Site (Site) was listed on the National Priorities List (NPL) in 1983 to address hazardous releases associated with historic mining activity. The Site is comprised of approximately 17.9 square miles of mountainous terrain in and around the Town of Leadville in Lake County, Colorado. Since 1983, this large and complex Site has been divided into 12 separate Operable Units (OU). EPA has conducted studies, removal actions and remedial actions at various OUs, and many of the OUs have been completed in part or in full. Two OUs have been deleted from the NPL and EPA is in the process of deleting parts of other OUs. The emergency situation referenced in your question is a relatively new development. Since 2001, additional investigations have indicated that groundwater and mine pool levels are increasing over time, and are likely due to blockages in the Leadville Mine Drainage Tunnel (LMDT). Over the last three years, EPA, the State and local community have become concerned that the increasing mine pool levels may cause an uncontrolled release of contaminated water.

In view of the recent concerns of rising groundwater and mine pool levels, EPA, in coordination with the Bureau of Reclamation and the State of Colorado, is now conducting a removal action. This work commenced in February 2008 and includes two major activities. EPA installed a pumping system in the Gaw mine shaft and has been pumping at a rate of 450 gallons per minute since late February. This action may lower water levels in the mine pool. In addition, it appears to have diminished seeps and springs that had recently appeared in the lower California Gulch. Second, EPA is taking steps to drill a relief well into the LDMT to lower the level of water in the LMDT and mine pool. EPA plans to have the relief well, pump and pipe to the LMDT installed and ready to operate in Summer 2008.

*Question.* As you know, the Bureau of Reclamation is responsible for the Leadville Mine Drainage Tunnel and the EPA is responsible for the Superfund site. In your view, what has prevented the various involved entities (EPA, Bureau of Reclamation, the State of Colorado, locally elected officials) from fixing this well known problem?

Answer. EPA issued a Record of Decision (ROD) in 2003 for Operable Unit 6 (OU6) of the California Gulch Superfund Site (Site). Part of the remedy included addressing the Leadville Mine Drainage Tunnel (LMDT).

Specifically, the OU6 ROD called for:

—Installing an engineered plug, approximately 4,300 feet from the LMDT portal.
—Installing dewatering wells in the tunnel to manage tunnel and hydrologically connected mine pool water levels behind the engineered plug.
—Installing a pumping system to deliver water to the LMDT treatment plant from the dewatering well.

The LMDT is owned by the Bureau of Reclamation (Reclamation), as is the LMDT treatment plant.

In view of the recent concerns of rising groundwater and mine pool levels, EPA, in coordination with Reclamation and the State of Colorado, is now conducting a removal action[1] to install dewatering wells in the tunnel and a pumping system to

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[1] While Section 111 of CERCLA limits EPA's authority to expend Superfund dollars to carry out remedies (i.e., remedial actions) at federally owned facilities, EPA's authority to conduct certain removal actions under CERCLA is not limited. However, the Federal agency that owns the

Continued

deliver water to the LMDT treatment plant. EPA, Reclamation and the State are working on a plan to implement a long-term solution to address these concerns and long-term operation and maintenance.

*Question.* Why is the EPA, rather than the Bureau, now the lead Federal agency on the Leadville situation? Who made that decision and for what reasons?

Answer. That decision has not been made. EPA is the lead Federal agency with respect to the California Gulch Superfund Site. EPA, the Bureau of Reclamation and the State are working on a plan to implement a long-term solution to address the high water levels in the mine pool and the Leadville Mine Drainage Tunnel. Among the items under discussion is what authority to use to implement that solution.

*Question.* What can the EPA do to permanently fix this mine drainage problem?

Answer. EPA, acting alone, cannot permanently fix this problem. EPA, the Bureau of Reclamation and the State are working on a plan to implement a long-term solution to address the high waters in the mine pool and the Leadville Mine Drainage Tunnel.

*Question.* When is the mine pool (elevated ground water) going to be at a level that is not a threat to residents, local water supply and the environment? What level is considered a safe level?

Answer. The Bureau of Reclamation is conducting a risk assessment that may help determine the appropriate mine pool level. Lowering the elevation of the groundwater will decrease risk to residents, the local water supply and the environment.

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## QUESTIONS SUBMITTED BY SENATOR PETE V. DOMENICI

### ARSENIC STANDARDS AND COMMUNITY ASSISTANCE

*Question.* In January 2006, the EPA began enforcing a new arsenic standard that requires public water systems to reduce arsenic levels to 10 ppb, down from 50 ppb. My home State of New Mexico has high levels of naturally occurring arsenic in its volcanic soils which filter into the water supply. New Mexico is also one of the poorest states in the Union, with high levels of poverty.

The costs of compliance facing New Mexico run upwards of $500 million. According to the New Mexico Bureau of Geology and Mineral Resources, 20 percent of the State's municipalities will have to treat their drinking water to meet the standard. The new arsenic standard disproportionately impacts my State because only 5.5 percent of municipalities nationwide will have to treat their drinking water to meet the standard.

Of the communities in New Mexico requiring water treatment, 93 percent of them are small communities that probably cannot afford the cost associated with meeting this new standard. Indeed, for the average New Mexican, meeting the standard could increase the cost of water by $50–$90 per month.

Would you discuss what resources, if any, are being marshaled by EPA to assist communities faced with the extraordinary costs in meeting the new arsenic standards?

Answer. EPA has promoted the use of the Drinking Water State Revolving Loan Fund (DWSRF) for arsenic projects, and has worked with The Department of Agriculture's Rural Utilities Service to make arsenic treatment a priority for their funding programs. Currently 167 loans, totaling approximately $380 million, have been made for arsenic compliance through the DWSRF. Together with the Rural Utilities Service loan program, nearly $500 million as been made available to communities for arsenic compliance.

To help reduce water utility costs for arsenic treatment, the Agency has developed a toolkit that facilitates decision-making, including choosing the most cost-effective technology. The kit includes websites (epa.gov/safewater/arsenic and arsenictradeshow.org), a print brochure, a training CD and a treatment technology DVD. Program managers and scientists at EPA have collaborated to promote the latest high-performing, cost-effective advancements in arsenic treatment technologies, particularly through EPA's Office of Research and Development's Arsenic Treatment Technology Demonstration Program. In addition, EPA has partnered

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facility is required to provide reimbursement pursuant to Executive order 12580, section 9(i) "Funds from the Hazardous Substance Superfund may be used, at the discretion of the Administrator or the Coast Guard, to pay for removal actions for releases or threatened releases from facilities or vessels under the jurisdiction, custody or control of Executive departments and agencies but must be reimbursed to the Hazardous Substance Superfund by such Executive department or agency."

with technical assistance providers such as the American Water Works Association (AWWA), National Rural Water Association (NRWA) and Rural Community Assistance Partnership (RCAP) to provide training opportunities and innovative outreach materials.

*Question.* Would it be appropriate to try and assist those communities faced with debilitating costs in trying to meet the high standard through some legislative means, perhaps in targeted assistance in treatment facility construction?

Answer. We believe that Congress has already provided an appropriate vehicle for assistance through the Drinking Water State Revolving Loan Fund (DWSRF). Since 1997, the EPA, through the DWSRF, has leveraged approximately $8.1 billion in federal grants to States into $14.4 billion in funds available to assist with drinking water infrastructure needs, including compliance with new arsenic standards. Through these funds, over 5,300 loans for over $12.6 billion have been made to projects to address the public health goals of the Safe Drinking Water Act. Almost all of these loans are provided at a reduced interest rate and almost 600 with some principal forgiveness. Nearly 75 percent of loans go to communities with 10,000 people or fewer.

*Question.* Because New Mexicans do not exhibit a higher rate of cancer due to the States higher levels of arsenic, and because studies released after the EPA issued its new arsenic standard do not tie the new arsenic standard to reduced health impacts, have you considered reviewing whether this more stringent arsenic drinking water regulation is appropriate?

Answer. The agency is currently performing its second review of existing drinking water standards and we expect to release the preliminary results by summer of 2009. One of the key steps in our review uses a final, peer-reviewed health risk assessment. While arsenic is one of the 70 plus drinking water regulations included in the second review effort, the Agency is currently updating the arsenic risk assessment and it is not expected to be complete in time to consider for this review.

For the revised risk assessment, EPA is considering all relevant studies published since the 2001 Arsenic Regulation. We presented the draft cancer assessment to EPA's Science Advisory Board (SAB) in September 2005. EPA is considering the SAB's June 2007 final report [2] and public comments as the Agency works to update and finalize the arsenic risk assessment.

*Question.* What conclusions has the EPA drawn from the two studies conducted by Dr. Steven Lamm and published by the NIH, which challenge the data from Taiwan used by EPA to establish the current standard?

Answer. Dr. Lamm presented his findings to EPA's Science Advisory Board (SAB) in September 2005. And the SAB record of the arsenic advisory meetings, report development and public meetings [3] contains Dr. Lamm's subsequent comments and responses (to SAB), representing his 2003, 2005, and 2006 studies.[4] The final 2007 SAB report [5] directed EPA to identify criteria to evaluate all relevant human studies and include information on the factors that affect the risk estimates. EPA is considering the 2007 SAB report and public comments as the Agency works to update and finalize the arsenic risk assessment.

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QUESTIONS SUBMITTED BY SENATOR HARRY REID

*Question*. EPA's budget request only briefly mentions the environmental standards that the Agency is required by statute to develop for the proposed Yucca Mountain Project. In 2004, a Federal Court of Appeals rejected the EPA's original standards. Over three years later, EPA still has not promulgated final radiation standards. When will EPA release its final standards?

Answer. The radiation standard for Yucca Mountain has not yet been determined and is the subject of ongoing rulemaking proceedings. There are many complex

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[2] Available at http://yosemite.epa.gov/sab/sabproduct.nsf/EADABBF40DED2A0885257308006741EF/$File/sab__07__008.pdf.

[3] Available at http://yosemite.epa.gov/sab/sabproduct.nsf/WebProjectsbyNameBOARD!OpenView.

[4] Lamm SH, DM Byrd, MB Kruse, M Feinleib, and S–H Lai. (2003). Bladder Cancer and Aresnic Exposure: Differences in the Two Populations Enrolled in a Study in Southwest Taiwan. Biomedical and Environmental Sciences 16:355–368.

Lamm SH and MB Kruse. (2005). Arsenic Ingestion and Bladder Cancer Mortality—What do the Dose-Response Relationships Suggest About Mechanism? Human and Ecological Risk Assessment, 11:433–450.

Lamm SH, A Engel, CA Penn, R Chen, and M Feinleb. (2006). Arsenic Cancer Risk Confounder in Southwest Taiwan Data Set. Environmental Health Perspectives 114:1077–1082

[5] Available at http://yosemite.epa.gov/sab/sabproduct.nsf/EADABBF40DED2A0885257308006741EF/$File/sab__07__008.pdf.

issues involved in establishing regulations applicable for up to one million years that make it difficult to predict when these rulemaking proceedings will conclude. EPA continues to review public comments on its proposed rule and participate in the interagency review process pursuant to Executive Order 12866. Accordingly, EPA is not in a position to state when its final rule will be promulgated.

*Question.* What is EPA's reason for not finalizing the radiation standards?

Answer. The radiation standard for Yucca Mountain has not yet been determined and is the subject of ongoing rulemaking proceedings. There are many complex issues involved in establishing regulations applicable for up to one million years that make it difficult to predict when these rulemaking proceedings will conclude.

*Question.* Where is the EPA's final radiation standard in the rulemaking process?

Answer. EPA continues to review public comments on its proposed rule and participate in the interagency review process pursuant to Executive Order 12866. Accordingly, EPA is not in a position to state when its final rule will be promulgated.

SUBCOMMITTEE RECESS

Senator FEINSTEIN. Well, let me sum up by saying, this is a very unhappy budget, and we'll have to consult among ourselves, and come up with a course of action.

I thank you very much. The subcommittee will stand in recess.

[Whereupon, at 11:55 a.m., Tuesday, March 4, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

# DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2009

**TUESDAY, APRIL 1, 2008**

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
*Washington, DC.*

The subcommittee met at 10 a.m., in room SD–124, Dirksen Senate Office Building, Hon. Dianne Feinstein (chairman) presiding.

Present: Senators Feinstein, Domenici, Bennett, Craig, Allard, and Alexander.

## DEPARTMENT OF AGRICULTURE

### FOREST SERVICE

**STATEMENT OF HON. MARK E. REY, UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE**

**ACCOMPANIED BY:**
**ABIGAIL KIMBELL, CHIEF, FOREST SERVICE**
**LENISE LAGO, BUDGET DIRECTOR, FOREST SERVICE**

OPENING STATEMENT OF SENATOR DIANNE FEINSTEIN

Senator FEINSTEIN. The subcommittee's oversight hearing on the administration's fiscal year 2009 budget request for the Forest Service will come to order.

I would like to welcome Mark Rey, the Under Secretary of Natural Resources and Environment at the USDA, and Forest Service Chief Gail Kimbell. They are accompanied by Lenise Lago, the Budget Director for the Forest Service. Thank you, three of you, for joining us, and we look forward to hearing your testimony.

Because the Forest Service manages 20 percent of the land in my State, California, this agency and its budget are incredibly important to the State from an environmental protection, recreation, and public safety perspective. Keeping that in mind, I would like to note that overall the administration's request totals $4,109,000,000. Now, that's a cut of $379 million. Now, that's a full 8 percent from the 2008 level. In reality, though, the cuts are much deeper.

If you factor in the $77 million needed to fund fixed increases, and the $148 million needed to increase needed to cover the 10-year fire suppression average, and the Forest Service budget is $600 million less than what is needed just to do that, bottom line

here is that under the administration's proposal, the way we look at it, the Forest Service is being cut nearly 15 percent.

I might say for me, and what we look at as the future in my State, that's unacceptable.

Specifically, firefighter readiness is cut 13 percent; hazardous fuels reduction work is cut 4 percent; Law Enforcement programs are cut 12 percent; capital improvement and maintenance programs are cut 14 percent; recreation programs are cut 8 percent; and research programs are cut 10 percent.

I don't know how anyone could really consider this a serious budget proposal, so rather than take time here to go through the budget line by line, let me say for the record that I hope to work with my distinguished ranking member, Senator Allard, and the other members of the committee, including Senator Domenici, who has had such a long-standing interest in this. The three of us all come from States that are critically affected by this budget.

I hope we can undo these cuts, and I hope we can restore the Forest Service budget to a reasonable level.

I'd like in my questions to talk about what progress the agency is making on Lake Tahoe restoration; what's happening with respect to firefighter retention, particularly in the southern California effort, and what can be done to overcome the challenge of implementing the Quincy Library Group pilot project. Those are three big issues in my State, and, as you know, a Governor's commission has just found that the three forests adjoining Lake Tahoe are in immediate threat of catastrophic fire. So we have big problems.

I would like to turn to our distinguished ranking member, Senator Allard, for any opening remarks he might care to make.

OPENING STATEMENT OF SENATOR WAYNE ALLARD

Senator ALLARD. Thank you, Madam Chairman. I agree with many of your comments that you made. I would also like to just take this opportunity and welcome the Under Secretary for Natural Resources and Environment, Mark Rey, and the Chief of the Forest Service, Gail Kimbell, to the subcommittee today.

I hate to get too sour about this budget but to tell you that I do feel that is a budget that has me very deeply concerned. The proposed fiscal year 2009 budget for the Forest Service is more troublesome to me than any other in the bill, and my record on fiscal restraint I think is pretty clear; however, I believe the proposed reductions in the Forest Service just simply are not justified.

We're facing a forest health crisis in this country unlike anything I've ever seen in my lifetime; however, your budget proposes to reduce the forest health programs of the agency by nearly half. The issue, of course, health, is very personal to me and to my constituents. We have a pine beetle epidemic in Colorado that is beyond description. You simply have to see it with your own eyes to understand the magnitude of the devastation.

Experts say that within 5 years all of Colorado's remaining lodgepole pine forests could be wiped out—that's 6 million acres—over the next 5 years. I simply can't support a budget that slashes support for programs that address these problems.

Mark, I appreciate that you have agreed to testify at a field hearing in Colorado that this subcommittee will hold in May on the pine beetle epidemic, and I hope that we can come up with some better strategies for dealing with the forest health problem than those that are reflected in this budget.

Other proposed cuts in the agency's budget are similarly without merit to me. For example, the Fire Preparedness is cut by $77 million. The real cut in terms of program delivery is actually $88 million because you have not provided for mandatory salary increases and other fixed costs that must be paid.

With fire seasons becoming worse each year, I can't understand why we would reduce the funds that go to train and equip our firefighters. This will lower the agency's initial attack capability and lead to more catastrophic fires. It is essential that we have a robust initial attack capability to catch fires when they are small so that they don't escape containment and become the catastrophic fires that we see on the nightly news every summer. It is these large fires that end up consuming the lion's share of the fire budget. In my view, reducing the preparedness budget will ultimately increase costs.

I also don't understand why your budget documents how you can cut fire preparedness by 13 percent, yet claim that through efficiencies you will maintain the same number of firefighters, hot shot crews, and engines in the field. I'm all for efficiency, but I've watched firefighting costs skyrocket over the last few years. So forgive me if I am a bit skeptical and you've suddenly found this level of efficiency in your operations.

I could go on with the litany of all of the cuts in this budget that I find objectionable, but I won't take up the committee's time. To me, the crux of the problem with the Forest Service budget boils down to this: There is a fundamental difference in the way that the Office of Management and Budget treats the Forest Service compared to other land management agencies at the Department of the Interior.

The Bureau of Land Management, the Fish and Wildlife Service, the National Park Service are not singled out consistently for dramatic cuts each year as the Forest Service continues to be. I believe this disparate treatment is explained by the fact that as the tenure average for the Forest Service firefighting program rises, this year by $148 million, OMB has taken the position that these costs must be borne on the back of the agency's other programs.

Apparently, OMB believes that this will provide incentives for the agency to reduce its firefighting costs, and I, fundamentally, disagree with this approach. No one would disagree that the Forest Service fire program could also strive to maintain costs, but escalating costs shouldn't come at the expense of the agency's other programs.

Indeed, many of these increasing costs can be traced to issues that are beyond the control of the agency: More development adjacent to Forest Service lands, persistent drought in the West, forest health programs like the pine beetle that have reduced entire forests to tinderboxes and the lack of active forest management caused by endless lawsuits.

Perhaps even more troubling is that OMB slashing of other agency programs to fund firefighting has led to many well-intentioned, but in my view misguided, proposals in Congress to move parts of the fire program off budget. As an appropriator and as a fiscal conservative, I find these proposals unacceptable. Moving parts of the fire program off budget is tantamount to giving the agency a blank check which will lead to abuses and take away any incentive to control costs. There is no reason that the fire program can't be provided with the funds it needs each year on budget, and the other Forest Service programs be provided with the funds that are necessary to run effectively.

Forgive the pun, but I believe it is critical that we, as the Appropriations Committee, hold the agency's feet to the fire each year to justify their requests for firefighting and be ever vigilant about containing costs.

I noticed with some interest last week an article in The Washington Post, about a GAO study which is analyzing whether the Forest Service should be moved from the Department of Agriculture to the Department of the Interior. While I have not had the opportunity to fully consider the implications of such a reorganization, when I look at the unequal treatment of the Forest Service compared to the Department of the Interior, then when it comes to the budget, it makes me wonder whether such a move might be worth some serious thought.

Thank you for joining us. I look forward to listening to your testimony and asking you some questions later in the hearing. Thank you, Madam Chairman.

Senator FEINSTEIN. Thank you very much for that, Senator Allard.

The committee will follow the early-bird rule, and we will go to 7-minute rounds of questions when the time comes. The next person up is the distinguished Senator from New Mexico.

STATEMENT OF SENATOR PETE V. DOMENICI

Senator DOMENICI. Thank you very much, Madam Chairman. This can be my opening statement, not questions, right?

Senator FEINSTEIN. It's your opening statement, if you wish.

Senator DOMENICI. Thank you.

I have two issues that I want to bring up. There are many others, and I thought that these two were very important:

First of all, we all know that the cost of wildland firefighting is consuming too much of our Forest Service's discretionary budget, and it's likely to get worse. We know that dealing with environmental documentation, appeals and litigation is stopping hazardous fuels cleanup in many areas, work which could reduce the intensity of fires and reduce the cost of fighting these fires. I believe these problems have to be dealt with. Failing to do so will only hasten the day when our national forests become a wasteland, and no one will be proud of them.

We have also failed, and we have also allowed the job of our Federal firefighters to expand into areas where they never were meant to deal with. I guess when I said one, I have three. I just gave you one, that we have to address the issues of documentation and appeals. You all know what that's doing; that's adding 1 full year

minimum, sometimes 2 or 3, to any activity going into an area that has been burned to see what you can do to clean up and revitalize the forest.

We ought to be bold and just change that, and just a few words would fix it where they couldn't use this process. This process is being abused.

My second position has to do with something that has happened to us where, over time, we are letting our Federal firefighters move into areas that they were never meant to deal with. We send a significant number of personnel on emergencies like cleaning up after major disasters, and now it seems that we may be turning our firefighters into first responders for traffic accidents.

That may be going on, Madam Chair, in the State of California. All of these efforts are laudable, but all of them cost money, and I would urge that this committee review this mission creep and refuse to let it continue by refocusing the job of wildland firefighting back into the primary mission. I don't know how much that would be, but it would be some, and, certainly, what I have just described is right and fair.

In our efforts to ensure the highest standards of safety, we impose reporting and training requirements. My third point has to do with training requirements. Our actions have unintended consequences. We imposed additional training requirements, and the agency has been attempting to provide that training.

But the Office of Personnel Management, Madam Chairperson, is not questioning whether the additional training is acceptable and wants it to be provided as part of an accredited college curriculum. Confusion between OPM and the Forest Service human resources specialists is causing people who have invested time and money to give up applying for positions in fire because no one knows which courses are acceptable to the OPM.

The result is that we are on the cusp of having several hundred highly trained and experienced wildland firefighters quit because they feel that the rules have been changed unfairly. Thus, we may be filling key positions with recent college graduates who have little or no real wildland fire experience, but who have the sheepskin being demanded by the OPM. I hope this committee will step forward and keep this from happening.

Madam Chairman, I would have liked to have spoken about some of the funding requests in this budget that concern New Mexicans and myself, but they pale in comparison with the need for the committee and Forest Service to deal with wildland fires and wildland firefighters.

Thank you for the opportunity, and, hopefully, we can work together on this problem.

Senator FEINSTEIN. Thank you very much, Senator Domenici.

The order is Senators Alexander, Craig, and Bennett, and no one need feel compelled to make an opening statement if you don't choose to do so.

Senator Alexander.

STATEMENT OF SENATOR LAMAR ALEXANDER

Senator ALEXANDER. Thank you, Madam Chairman. I will try to make a succinct opening statement.

Number one, Mr. Rey, I want to thank you for making, as a priority, an additional $4 million in Federal funding for the acquisition of Rocky Fork in Eastern Tennessee.

That's a very important project. There's broad support for that, and the Federal Government's role in that is a big help, and there may need to be some discussion in order to make it all work; to discuss something I usually don't support, but which would be to do some land swap of less desirable Forest Service land in order to get the 10,000 acres of Rocky Fork. I'm not ready to propose that at the moment, but we would only do that in conjunction with the conservation fund and other environmental groups that are involved in this and make sure that it was a big net plus in terms of conservation environment and Forest Service protected property.

So I just wanted to make you aware of that, and thank you for making that a priority.

Second, I'm interested in your comments today on what's already been discussed about fire protection, and the other functions in the Forest Service. We don't want to just make the Forest Service into a fire service, as important as the fire service projects are.

Senator Allard has spoken eloquently about how he thinks that should be done. I would like to hear from you, perhaps, during your testimony about whether we ought to separate a fire suppression service into a separate account, or separate budget, or separate agency even, so that we don't continue to run the risk of damaging the traditional functions of the Forest Service by taking money away for fighting fires.

The Forest Service superintendents in Tennessee say the increase in fire suppression funding at the expense of Forest Service operations and programs is one of the biggest problems they face. So, if you could in your testimony talk about some of the pros and cons of separating the functions or consolidating them, I'd be very interested in that. Thank you for being here.

Senator FEINSTEIN. Senator Craig, I think you're the next up.

STATEMENT OF SENATOR LARRY CRAIG

Senator CRAIG. Madam Chairman, it isn't by accident that Western Senators and even a Southern Senator is focused on fire, and fire suppression with the Forest Service and our chief today. It is without question a front issue to all of us in public land States and large forest States who have gone through the last decade of a fire scenario that ramps up on an annual basis, Chief, and a real concern, not only about the actual fires themselves.

But, as I have lamented in working with Mark Rey over the years, and as Senator Alexander just lamented, the old style of funding fires doesn't work anymore because you don't have cash flow. That went out the door with the green sales a decade ago, and you are now an agency that, in my opinion—and I say it rather publicly—is bankrupt: bankrupt on the standards and the payments and the cash flows of a century of green sales, and a timber program that largely doesn't exist today in a comparable way to two decades ago, which then means that if you're still borrowing from accounts that do all these other things, and we are not replacing the money, those accounts go wanting. The true needs of the

management on the ground of our Forest Service goes wanting, and in my opinion, that's happening.

Last week, I met with the supervisor of the Sawtooth for a variety of reasons. It was kind of a typical exchange between a policymaker and an agency head as to how we manage and what we do. We talked about bighorn sheep and how you manage those with domestic lifestock grazing. Forest Service letters actually said a decade ago: We want to put sheep in where they once existed, but they in no way will conflict with domestic grazing.

Now that the sheep are there, we're kicking the domestic grazers off the land through court action and indecision on the part of the Forest Service. It just so happens on the Sawtooth, they probably got it under control, because they haven't been sued yet, and they're trying in a proactive way to avoid these interrelationships between domestic livestock and wildlife, and I hope it works.

But I can't imagine that when you have a tradition of public grazing, and you write a letter and you make it policy that we will in no way displace the domestic sheep, but we want to try this experimentally. Then the experiment works. In come the lawsuits and out go the domestic sheep, and down goes a couple of ranchers, and down goes the economy in local communities because of a public policy not effectively managed by the Forest Service.

We also talked about something that is very typical of wildland firefighting that Senator Domenici talked about, that Lamar has talked about. As you know, in the Castle Rock fire last year out in Idaho, we had an unprecedented situation. Large wildfire started on our public land, started on the Forest Service land, and ultimately threatened the Sun Valley, Ketchum area, the grand old ski resort known as Sun Valley worldwide. We fought and you fought, and you had your best people in there to save that community, and so did we.

Now, the fire started on your land. The fire then moved to threaten private property, and we are now negotiating a $5 million fire bill with the city of Ketchum. You know, it's awfully hard for me to understand when we don't manage the public land and the public land threatens private property, then we bill the private landowner.

Now, there's going to be a lot of negotiation going on between State and community and the Forest Service, and I'm going to hold my tongue for a time. But it is typical of the situation we now find ourselves in, and that is that you, the Forest Service, are spending more time protecting private property than you are saving natural resource watershed wildlife habitat in this wildfire scenario.

Of the 10 million acres last year that burned, 2 of them were in Idaho, and our skies were full of smoke all summer, and our air quality was dramatically lessened. The beautiful, clear blue skies of our State were gray and smoky all summer. You were violating clean airspace and clean air everywhere you went, and I'm always appalled that we slap the private sector when they damage air quality, but we say the public sector, when it damages air quality, is simply a natural event. That gets my ire up a little bit when we just oh-ho-hum, as a public attitude—you don't, and I'm not suggesting you do.

Madam Chairman, I have questioned the Forest Service before the Energy and Natural Resources Committee, and the last time we visited was a month ago. As of December 1, 2007, we've had 28 mill closures across the United States. Since we visited, I've lost another mill, 60 employees down, won't come back. They're going to tear it down.

They had planned to take it down in a couple of years, but the timber issue is so bad that I don't know that you've let a sale, or there's been a successful sale of timber in Idaho off the public lands yet in 2008, and this mill is now down not to come back. They say it won't come back to the market for at least 2 years, more than likely, based on inventory both of logs in yard and dimensional in yard.

My point is, we struggle to fund our country schools and the Craig-Wyden bill hasn't been fully funded. We have hundreds of school districts across the United States whose budgets are being cut anywhere from a quarter to a third with no way of raising new dollars. Now we have a flat timber market; even the best expectations that we all might have for some slight increases may well go out the window. It's very hard to come to a Congress today that's so dramatically in deficit and try to find the kind of money we need for these thousands of schools districts.

Well, Madam Chair, tough issues with an agency that I know that the parties in front of us, both the Chief and the Deputy Secretary worked awfully hard at making work, but I think I agree with Senator Alexander. I know that Mark Rey and I have had those conversations.

We've got to think out of the box about new methods of funding fire and doing a lot of other things, because, in my opinion, you're broke. You no longer have a cash flow. You have to come begging before the general fund, a grand old agency that used to fund itself and have surplus money that it put into the general fund is today in a very different environment than it was simply a decade ago.

Thank you.

Senator FEINSTEIN. Thank you very much, Senator Craig.

I don't see Senator Bennett, but if he comes back we'll allow him some time, and I'd like to begin with Mr. Rey now for his testimony, and then the Forest Service.

How long do you believe you need, Mr. Rey?

Mr. REY. Oh, I think that——

Senator FEINSTEIN. I beg your pardon?

Mr. REY [continuing]. I can be done in the usual 5 minutes.

Senator FEINSTEIN. That would be excellent if we could do that. I think for this hearing the questions, really, are the most beneficial, so thank you very much.

Mr. REY. Sure, and I will summarize for the record——

Senator FEINSTEIN. If we could begin the clocks, please. Thank you.

SUMMARY STATEMENT OF HON. MARK E. REY

Mr. REY. What I'll touch on in my testimony is three issues: First the Wildland fire programs and management reforms; second, the proposal for reauthorization of the Secure Rural Schools legislation; and, third, the State and Private Forestry programs.

The 2009 budget proposes a total of $1.97 billion for Wildland Fire Management programs, including $994 million for suppression, $588 million for preparedness, and $297 million for hazardous fuels.

Senator FEINSTEIN. Could you speak up, please? I think your mike's on, it's just hard to hear you.

Mr. REY. I'm not sure that the mike is live, actually. Is it?

Senator FEINSTEIN. It's working.

Mr. REY. Okay.

Senator FEINSTEIN. We need you to——

Mr. REY. I'll try to get in to it closer.

Senator FEINSTEIN. Maybe because it's a bad budget, you don't want to speak too loudly.

Mr. REY. I'm speaking softly.

Additionally, the Forest Service is adopting significant management reforms to ensure equitable fire suppression cost-sharing between Federal and other firefighting entities. We are fully implementing the Risk Informed Appropriate Management Response and an acting cost-containment accountability throughout the Wildland Fire program.

Despite having more fires in 2007 than we did in 2006 and a 49 percent increase in acres burned, the cost of suppressing fires was $127 million lower in 2007 due to aggressive implementation of appropriate management response and other cost-containment measures.

In southern California, you may recall that when we testified on December 13, we compared our experiences in the 2007 southern California fire season with our experiences in the 2003 season, noting that in almost every available index our performance was superior in 2007 even given more dire circumstances.

We have recently completed a draft of the annual report for the Fire and Aviation Management program, and I will submit that for the record.

[The information follows:]

DRAFT FIRE AND AVIATION MANAGEMENT YEAR REVIEW—FISCAL YEAR 2007 [1]

LETTER FROM DIRECTOR TOM HARBOUR

The greatest accomplishment of fiscal year 2007 was being safe and successful. Human safety is, and always will be, our first priority as we strive to protect and manage the public lands entrusted to us. I am thankful every day that in 2007 we have not had to mourn the loss of any Forest Service firefighters on the fireline. We, in the Fire and Aviation Management program, have faced many challenges this year and made measurable accomplishments. We are strategically preparing for the years to come.

Fire and Aviation Management is at a crossroads. Critical analysis of the program's function and purpose over the past 10 years has led to various documents, policies, management reviews and the integration of fire with ecosystem manage-

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ment. As the agency looks forward to the next decade, Fire and Aviation Management must significantly increase efficiency, manage organizational structure and lead the charge to improve land conditions.

We are continually challenged by the growth of communities into previous wildland areas—80 percent of our population lives in urban environments; and as the Chief has pointed out, they need to understand the connection of natural resources to their homes and communities, as well as the effects of climate change, the importance of protecting water resources and of maintaining healthy forests. Fires are a natural part of forested landscapes; but each year, wildfires come earlier and last longer. Fires burn hotter and bigger; they have become more damaging and dangerous to people and property.

As wildfires and their associated risks increase, controlling the cost of fighting wildland fire continues to be one of our greatest challenges. Gone are the days of "throwing everything but the kitchen sink" at each and every fire. We are making the transition from "overwhelming mass" applied to every fire to using the doctrinal approach of speed, agility and focus. Make no mistake, I am not suggesting that overwhelming mass will cease to be an objective for some fires, but I am suggesting that a variety of wildland and prescribed fire will benefit from the application of a doctrine which considers speed, agility and focus.

To accomplish this transition, we and our interagency partners have adopted management efficiencies, focused on wildfires, which were categorized into the areas of Leadership, Operations and Management. These management efficiencies were practiced with some great success during the 2007 fire season—realizing a savings of approximately $200 million. This, coupled with the doctrinal approach to wildland firefighting, will allow us to create an organization guided by well-stated doctrinal principles which represent the reality of the work, the environment and our mission.

Finally, the basis for our accomplishment is anchored in people. Partnerships among Federal, State, tribal, and local firefighting agencies continue to expand and improve the efficiency and effectiveness of wildland fire management across agencies and boundaries. We need to incessantly build a strong, well-trained workforce who can teach others, think and react to the future in a professional, trustworthy manner, and always, with integrity.

As public servants, we are accountable to those who trust we will do our jobs and do them prudently, professionally and effectively, in collaboration with our other Federal, State, tribal, and local partners. This publication is intended to be a reflection of the year past—a report card of sort, which will detail some of the challenges we've faced, as well as our accomplishments and successes. It will be centered on certain "themes,"—the goals identified in our National Fire and Aviation Strategic Plan which ties back to the Forest Service Strategic Plan. Those goals include: technology and science; protection of life, property, natural and cultural resources; hazardous fuels and restoration; community assistance; effective communications; and promoting workforce capacity and diversity. We recognize our future is decided with people and that having strategic goals and a doctrinal approach to managing wildland fire is vital. We will continue to work toward those goals.

The challenges are many; but with our talented, dedicated employees and the support of our partners, we will continue to progress. I look forward to working together to meet the challenges in the years ahead.

TOM HARBOUR,
*Director.*

## PART I.—2007 FIRE SEASON DISCUSSION

Agency suppression expenditures have increased in recent years due to the effects of the wildland urban interface and climatic and ecological changes. As a result, protection of life, property and natural resources from wildland fire has become more complex, demanding and expensive.

In fiscal year 2007, the Forest Service continued implementation of an aggressive hazardous fuel reduction program, accelerated the use of risk-informed management, initiated operational efficiencies and adopted rigorous management controls. More specifically, these actions included:

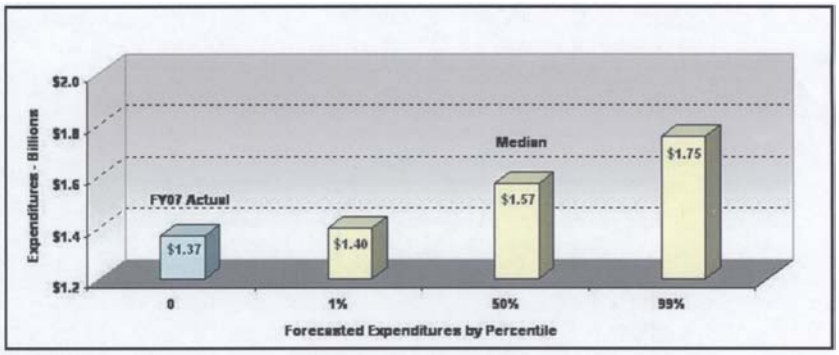
—focus on hazardous fuels treatments in wildland urban interface areas and in fire-adapted ecosystems that present the greatest opportunity for restoration;
—accelerated development and deployment of decision tools similar to the Wildland Fire Decision Support System (WFDSS) to support risk-informed incident management;
—implemented operational efficiencies such as management of national and critical resources for maximum flexibility and expanded the use of Exclusive Use aviation contracts; and

—the execution of management controls akin to the establishment of the Inter-Deputy Group, the Chief Principle Representative, the Line Officer certification process for incident management, and the enhancement of fiscal monitoring and oversight.

Fire and Aviation Management (FAM) has worked aggressively with other agency programs and cooperators to implement these strategies and manage suppression expenditures. These actions resulted in significantly lower suppression expenditures than would have occurred under previously implemented strategies.

*Fire Suppression Expenditure Forecast*

Fire and Aviation Management utilizes a model developed by the Rocky Mountain Research Station to forecast fiscal year fire suppression expenditures. The model has been used since fiscal year 1998 and relies on Predictive Services' forecasts, historical and current year-to-date expenditures to estimate future expenditures. A 2005 analysis indicated this respective model does extremely well forecasting suppression expenditures. The fiscal year 2007 August forecast indicated a range of Forest Service expenditures from $1.4 to $1.75 billion with a median forecast of $1.57 million.




The Forest Service expended $1.37 billion at the conclusion of fiscal year 2007—below the 1 percent probability forecast of $1.4 billion and $200 million below the median forecast of $1.57 billion, achieving the agency's projected $200 million of savings in fiscal year 2007. The savings were realized as a direct result of the agency's aggressive implementation of risk-informed management, operational efficiencies and management controls.

*Fiscal Year 2007 Wildland Fire Management Appropriation Highlights*

In February 2007, the President signed the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), which included funding for the Forest Service through September 30, 2007. The full-year Continuing Resolution sustained all requirements, authorities, conditions, limitations and other provisions of the fiscal year 2006 Appropriations Act with the exception of emergency funding. The act also stripped all earmarks from bill and report language.

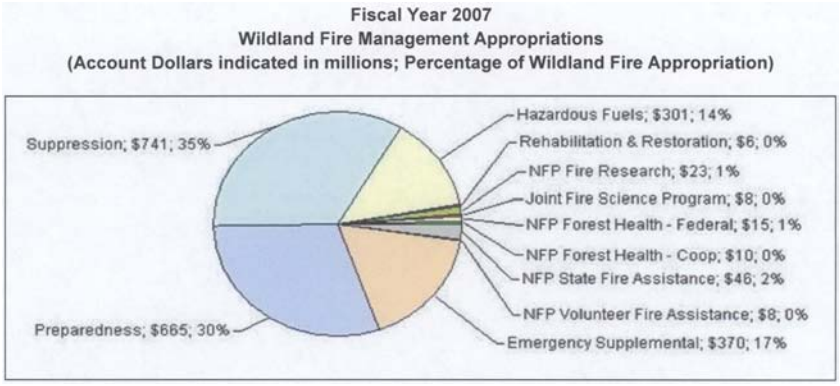
The full-year Continuing Resolution included specific amounts for Wildland Fire plus an additional amount for pay-costs—the total Wildland Fire appropriation was approximately $1.82 billion. In May 2007, an Emergency Supplemental (Public Law 110–28) authorized $370 million for Fire Suppression bringing the total available Wildland Fire funds to $2.29 billion. There were several other notable changes from fiscal year 2006:

—Total funds for Preparedness increased by $5 million. Regional allocations were increased $29 million to ensure readiness capability was commensurate with congressional intent.

—Funds for Hazardous Fuels increased by $21 million. Regional allocations increased $14 million. These numbers do not reflect funds from other programs or appropriations. The agency also initiated use of a newly developed risk based allocation process.

—Total funds for Suppression Operations increased by $51 million. This increase was based on the inflation-adjusted 10-year moving average of suppression expenditures. An Agency Severity fund limitation of $35 million was established which included regional limitations.

—The remaining funds for all other Wildland Fire accounts remained relatively constant.




Wildland Fire Management represented 42.1 percent of the Forest Service's Discretionary budget in fiscal year 2007—a significant portion and a 1.4 percent increase over fiscal year 2006. The agency expended $1.374 billion on fire suppression in fiscal year 2007, necessitating a $100 million transfer of funds from other program areas.

Fire and Aviation Management aggressively pursued budget planning strategies to enhance efficiency and cost effectiveness through risk-informed allocation of preparedness resources (Fire Program Analysis), alternative methods of funding suppression activities (Fire Partitioning), risk-informed prioritization of hazardous fuel treatments (Ecosystem Management Decision Support), and prioritization of funds to States (State and Private Forestry Re-Design).

## PART II.—MAJOR ACCOMPLISHMENTS

### OVERVIEW

Fiscal year 2007 started where 2006 left off with a volatile, active fire season in southern California that extended well into the winter months. Predictive Services forecasted significant wildland fire potential throughout the 2007 season. Critical conditions influencing the wildland fire outlook were:

—drought conditions expanding and intensifying across large portions of the West and Southeast;

—low snow pack, warmer-than-normal forecasted temperatures and earlier snow melt over most of the West—likely to dry out timber fuels and cause an early onset of fire season in some areas;

—the abundance of new and carryover fine fuels expected to green up and cure early, leading to an active, prolonged grassland fire season; and

—a hotter than normal summer was projected for the West.

These projections were realized early in the season when by the end of June 2007, drought and high temperatures resulted in wildfires burning of over 1.1 million acres in the southern area and more than 161,000 acres in the eastern area of the United States and Canada. Preparedness Level 5 was declared on July 19, 2007, with 61 active large fires occurring across 9 geographic zones.

For the 2007 fire season, the Forest Service secured firefighting forces comparable to those available during the 2006 season and added two interagency National Incident Management Organization (NIMO) teams ready to respond to wildland fire incidents.

Escalating fire suppression costs continued to be a concern, as the wildland fire seasons in recent years have generally lasted longer and acreage figures have grown. In fiscal year 2007, the Wildland Fire Management Appropriation represented 42.1 percent of the Agency's Discretionary budget—a 1.4 percent increase over 2006.

Over the past several years, various studies and assessments dedicated to fire suppression costs have been conducted. As a result of these reviews, several hundred recommendations were made. Fire and Aviation Management has taken those recommendations seriously; and this year, aggressively pursued cost efficiency and management strategies to enhance the efficiency and cost effectiveness of fighting

fire. Management efficiencies were adopted that included cost control measures focused on leadership, operations, and aviation and general management practices. The implementation of these management efficiencies proved effective during the 2007 season, and their components and successes are discussed in further detail throughout this report.

*The Successes*

Throughout the season, incident managers adopted risk-informed strategies to manage wildfires within the context of the geographic and national situation. They implemented long-term plans with established primary protection objectives, strategies and tactics to achieve those objectives in an efficient, effective manner within the limits dictated by individual fires. The Forest Service realized great successes in the areas of aviation efficiencies and contracting, hazardous fuels treatments—exceeding 3 million acres treated this year across boundaries, partnership accomplishments, international cooperation and input into the National Response Plan. Those endeavors are detailed in the sections that follow. As always, collaboration is expected. Other Federal, tribal, State, and local partners continue to be an integral, vital part of the Forest Service success in meeting the expectations of Congress, as well as those of the American people.

MANAGEMENT CONTROLS AND EFFICIENCIES

Management efficiencies are the cost control measures focused on leadership, operations, aviation and general management practices. These efficiencies were developed after numerous reviews and evaluations centered round fire suppression and large fire costs were conducted by independent, outside sources and other Federal regulatory agencies. More than 300 recommendations were generated from these reviews. These suggestions were integrated into the current management efficiencies—a number were implemented in 2007 with good success, others will be implemented over the long term. When fully implemented they will serve to ensure the following:

—Clear, concise understanding of Appropriate Management Response (AMR) or choosing the best suppression strategy for the resources and values at risk (Policy Transition to Risk-Informed Management).
—Expanded knowledge, skills and abilities for agency administrators responsible for managing large or nationally significant fires (Line Officer Certification).
—Increased oversight from the Regional and Washington offices on incidents of national significance (Chief Principle Representative).
—Increased support in support of the agency administrator in the development and implementation of decisions (Fire Suppression Decision Support).
—Severity funds are used within limits (Severity Authorization Limitations).
—Monitor expenditures and provide oversight on total cost of each incident.
—Critical, high demand resources such as Type 1 firefighting crews, helicopters and heavy air tankers are managed in a more centralized fashion to achieve more flexibility (National Shared Resources).
—Revision of the current aviation strategy ensuring the safe, financially prudent use of firefighting aircraft (Aviation Resource Cost Management).

This segment of the report will strive to describe each of the management efficiencies implemented in 2007 and some of the success experienced by each.

*Stratified Cost Index—Performance Measure for Large Fire Suppression Costs*

Due to growing fire suppression costs and the lack of a quantifiable performance measure for suppression expenditures, congressional appropriation language in 2005 directed the Forest Service, in collaboration with the Department of the Interior, to develop an interim performance measure for suppression expenditures and to begin reporting on this measure in fiscal year 2006.

The interim performance measure called for by Congress was a stratified cost index (SCI), originally specified in the appropriation language as cost per acre/energy release component. After discussions between the Forest Service, Department of the Interior representatives and economists at the Rocky Mountain Research Station (RMRS), the decision was made that the SCI would assess a variety of factors influencing suppression expenditures, rather than focusing solely on energy release component.

Built using data over the past 10 years of nearly 2,000 large—greater than 300 acres, Forest Service wildfires, the SCI calculates the expected suppression cost of a large fire considering each specific fire's characteristics. The cost calculated by SCI is subsequently compared to actual suppression expenditures.

SCI was incorporated into the Wildland Fire Decision Support System (WFDSS) process during the 2007 fire season. Problems were encountered when SCI considers

complexes—or multiple fires, because part of what the model uses is the ignition point. When you have a complex of fires, rather than a single fire, SCI loses that part of the equation. FAM is reviewing how to deal with complexes from both the management and data standpoint. Additionally, the incorporation of SCI in WFDSS created some concerns considering that the spatial data used for SCI is limited in history.

*The Success*

Although refinement of SCI is needed, its use this season assisted agency administrators and the Chief's Principle Representatives with evaluating current costs of fires as compared to past fires with similar fuel types and ignition sources. SCI allowed officials to better evaluate the tactics and strategies from an historical cost data viewpoint as compared to today's costs. From that data, officials were able to see if the proposed approach was comparable. If the costs were higher, SCI afforded them the ability to determine the reasons.

The Rocky Mountain Research Station is in the process of evaluating the SCI model and will provide Forest Service leadership feedback after a sensitivity analysis of the model concerning the use of ignition point.

FEDERAL WILDLAND FIRE POLICY

Federal Wildland Fire policy has changed greatly since 1935 when the agency instituted the "10 a.m. Policy," under which all new fires were to be controlled by mid-morning on the day after they were reported. Existing policy gives Federal fire managers a high degree of flexibility in managing wildland fire. Current implementation direction requires that fire managers apply an Appropriate Management Response (AMR) to every wildland fire event, allowing a common sense approach to the management of a fire by applying fire management resources at places and times where they can be effective and efficient. Beginning with the initial response and continuing throughout the incident, all decisions consider firefighter and public health and safety, fire cause, current and predicted weather and fire behavior, fire effects, values to be protected from fire, management priorities, resource availability, cumulative effects of the fire, and cost effectiveness.

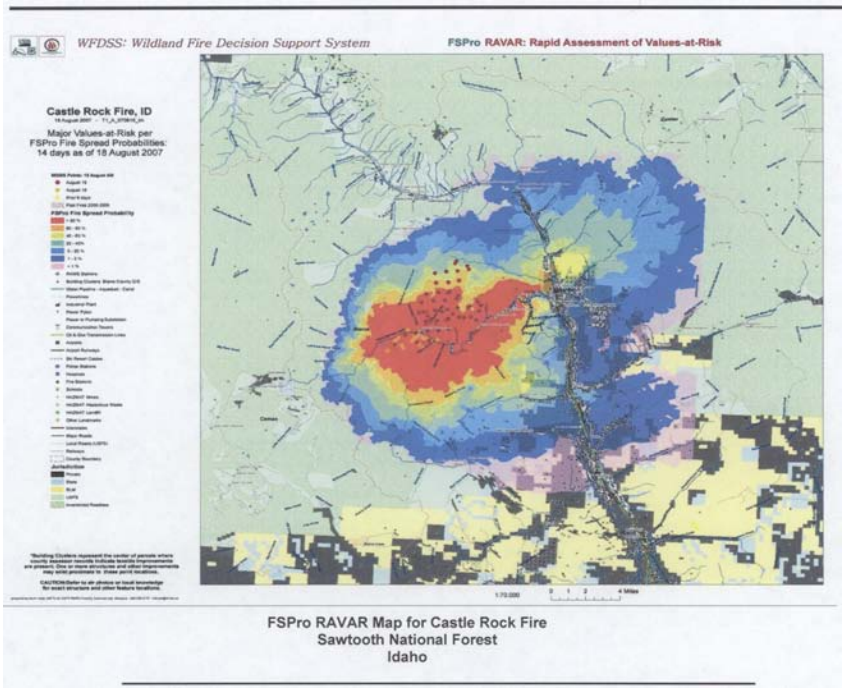
In 2007, Forest Service regions applied flexibility afforded by Federal Wildland Fire Policy to develop and implement wildland fire responses commensurate with availability of firefighting resources, protection and resource objectives, coupled with the probability of success. Regional application of the appropriate management response concept freed up firefighting resources for initial attack and focused fire management efforts on critical portions of wildland fire incidents.

*Wildland Fire Decision Support System (WFDSS) Tools*

Recently, new tools were developed to assist fire managers and agency administrators in making decisions regarding strategies and tactics on wildland fires. The use of these tools has the potential to improve the understanding of wildland fire decisions and the rationale behind them. This year, they were available for priority fires.

*WSDSS—Fire Spread Probability Model (FSPro)*

WFDSS-FSPro is a spatial model that calculates and maps the probability of fire spread, in the absence of suppression, from a current fire perimeter or ignition point for a specified time period. Combining data layers that include the standard fuel models, current weather projections, historical weather scenarios, fuel moisture classification, and wind speed and direction, WFDSS-FSPro can project probabilities of fire spread in specified increments of 7, 10, 13, 30, and 90 days. It is not a fire perimeter like a FARSITE map. WFDSS-FSPro assists managers prioritize firefighting resources based on probabilities of fire spread. The model helps to assess a fire's growth potential. Managers can then match appropriate strategies, tactics and resource allocations. The program can also aid in communications with affected partners and the public.




FSPro RAVAR Map for Castle Rock Fire
Sawtooth National Forest
Idaho

*WFDSS—Rapid Assessment of Values at Risk (RAVAR)*

WFDSS–RAVAR is also a spatial model, showing the primary resource values to be protected and/or at risk by ongoing large fire events. The program can be directly integrated with the WFDSS-FSPro model, as demonstrated above, to identify the likelihood of different resources being threatened. The most important data layer generated by the WFDSS–RAVAR model is the structure layer, using local parcel records but is not limited to the assessment of threatened structures. Any resource value that has been spatially mapped may be included within a WFDSS–WFDSS–RAVAR assessment including power lines, road networks, gas pipelines, recreation facilities, sensitive wildlife habitat, cultural heritage sites and municipal water intakes. WFDSS–WFDSS–RAVAR assists fire managers in the prioritization of firefighting resources based on values to be protected segmented by the risk categories from WFDSS–WFDSS-FSPro.

The WFDSS tools can be used on any fire. Use of these tools is mandated on fires anticipated to reach expenditures of $10 million or more and recommended for fires anticipated to reach, $5 to $10 million.

*National Multi-Agency Coordination Group (NMAC) National Shared Resources*

Managing of national shared resources such as aircraft, equipment, Type 1 crews, incident management teams and overhead, Fire Use Teams, smokejumpers, military and international assets and other national contract resources are now all being treated as national agency assets and managed in a centralized fashion. They are moved to areas and incidents based on Predictive Services and planning levels. The goals are to enhance responsiveness of the assigned resources and eliminate concentration of resources in a geographic area. Specifically, the National Multi-Agency Coordination Group implemented:

—Management of Type 1 Crews, heavy and medium helicopters was done in a more dynamic manner. Geographic Areas provided the National Interagency Coordination Center (NICC) with specific action points or priority objectives along with resource requirements. Resources were then allocated and/or reallocated to meet these objectives. This allowed successful actions on multiple fires, rather than the standard practice of an automatic 14-day commitment once they are on an incident.

This management philosophy provided greater flexibility in the command and control strategy of moving resources to the critical areas through the draw down of geographic area resources. The strategy engages a certain level of risk, placed on the providing geographic area; however, the risk is mitigated with the ability to quickly redeploy if the situation changes.

—The National Incident Management Organization (NIMO) was assigned to manage large complex incidents and implement long-term fire planning and response, where in prior years, the agency would have had long Type 1 and Type 2 incident management teams rotating in and out every 2 weeks with the same anchor and flank strategy. Where possible, strategies, other than full suppression, were implemented and were successful in mitigating risk to lives, property and communities. The use of the NIMO teams provided opportunities to allow other Type I teams to be available for the shorter duration but highly complex incidents. In addition, part of the cost savings generated above the mobilization and demobilization costs is due to the reduced size of the NIMO teams who operated with less than a full incident management team compliment of personnel.

The NIMO team also provided an opportunity for the New York Fire Department Incident Management Team to shadow and assist on a complex Type 1 incident. This not only provided support to the NIMO team but also allowed the agency to build capacity in support of all-hazard incidents in the future.

—Incident Management Teams in many cases were assigned to manage more than one or multiple fires using a range of wildland fire and response strategies.

The utilization of Fire Use Teams (FUMT) also changed this year to allow for more flexibility in meeting the demand for teams but also saving funds by implementing appropriate management response strategies, whereas a Fire Use Management Team—fully qualified to handle any Type 2 incident, already assigned to an incident would also take on the management of a new incident rather than filling the request with another Type 2 IMT. This occurred several times throughout the season, but was utilized to the largest degree on the Payette and Salmon-Challis National Forests in Idaho.

—Another strategy utilized by NMAC this year was to allow an existing incident management team to manage fire use incidents if they were already managing a wildland fire or multiple fires with the addition of a Long-Term Analyst (LTAN) to their personnel. This provided for increased flexibility in the incident management teams use of existing resources and eliminated the requirement for demobilization of the incident management team and the mobilization of a FUMT and related resources.

The final piece worth noting is that NMAC required the geographic area submit a detailed rationale when a team request was submitted. NMAC would review the request and rationale, respond back with not only the available resources to fulfill the request, but also they would also suggest other items and strategies for managing the situation. This allowed for controlling the number of resources to be assigned in cases where management of incidents/complexes and strategies could be refined.

In applying all the strategies and utilizing appropriate management response and long-term planning the following cost comparisons display the estimated cost savings:

FISCAL YEAR 2007 FIRE SEASON

| Incident [1] | Duration (days) | Total acres | Team assigned | Total cost | Cost per acre |
|---|---|---|---|---|---|
| Ahron Fire | 25 | 41,260 | Type I Team | $6,500,000 | $157 |
| Rattlesnake | 23 | 29,652 | Type II Team | 6,200,000 | 209 |
| Poe Cabin | 14 | 54,500 | Fire Use Team | 5,400,000 | 99 |

[1] The comparisons above display how utilizing the appropriate decision models, current predictive services information, managing resources on a geographic area basis versus incident only basis can contribute to reducing the costs of large fires. The same principles and development of long-term plans and protection points were incorporated into managing the large complexes in Idaho and California, as well.

APPROPRIATE MANAGEMENT RESPONSE (AMR)—SUCCESS STORIES

*Prioritizing Scarce Fire Management Resources to Mitigate Risk and Minimize Loss Northern Rockies Geographic Area 2007*

The Northern Rockies Geographic Area experienced a fire season setting records for high temperatures, low relative humidity and extreme fire danger. Despite the

conditions favoring the rapid spread and development of high intensity wildfires, initial attack efforts achieved a 98 percent success rate. Fires escaping initial attack due to fire behavior conditions and resource availability would require significant commitment of fire management resources to obtain perimeter control or be managed as long-duration events until a season ending weather event occurred. In order to minimize costs and maintain initial attack effectiveness, a regional strategy for managing these fires was implemented to ensure the safety of all fire management personnel and the public while deploying firefighting resources when and where they would be most effective in mitigating economic and natural resource loss.

In 2007, at a strategic level, the Northern Rockies Multi-Agency Coordination Group (MAC) and the represented agencies adopted a primary strategy of cost effectiveness where learning how to work smarter was emphasized over a cost efficiency strategy of simply working harder. Using this regional strategy, they aggressively implemented the flexibility afforded them by Federal Wildland Fire Policy. The region applied a wide-range of strategic and tactical options to manage wildland fires which met protection and fire use management objectives as described in their respective land management plans.

When planned conditions were met in areas where wildland fire use was allowed, after a Wildland Fire Implementation Plan (WFIP) was completed, lightning fires were managed as wildland fire use events to achieve resource benefit. In areas not appropriate for wildland fire use, after the Wildland Fire Situation Analysis (WFSA) was completed, long-term implementation plans were developed for fires where assigning additional resources would have little chance for successful perimeter control. Decision support system tools were critical elements used in both the WFIP and WFSA development.

A key component of the Northern Rockies strategy was the approach taken to prioritize and allocate fire management resources. The prioritization process allocated critical firefighting resources to key management action points—not to individual fires. The use of management action points for both wildland fire use events and long-duration events allowed the precise application of resources to key sections of a fire where the consequences of management actions were greatest and did not allow commitment of resources to the "siege" fire events where effectiveness and outcomes were uncertain.

Priorities were established through the use of a decision model which used defined criteria, evaluated the relative importance of the criteria and rated potential management actions accordingly. Key criteria used in the evaluation included values at risk, probability of success and duration of commitment of firefighting resources. The decision model process enabled open discussion of evaluation criteria by leadership and facilitated documentation of decisions regarding prioritization and allocation of resources.

Long-term management strategies were developed for over 20 incidents, and Wildland Fire Implementation Plans were created for more than 64 wildland fire use events. The geographic area monitored fire management costs and accomplishments for individual wildfires and fire use events. This type of monitoring allowed further evaluation and understanding of the effectiveness of these strategies and the utilization of resources, thereby providing a basis for future fire management operations.

CHIEF'S PRINCIPLE REPRESENTATIVE (CPR)

An incident becomes one of national significance when it has the potential to reach a magnitude and intensity that will capture national attention and/or could become a significant drain on response personnel, resources and budget. Wildfires, projected to exceed $10 million in total cost, are generally considered to be of national significance.

In the infrequent situation where an incident reaches national significance or when requested by a Regional Forester, a Chief's Principle Representative (CPR) is assigned and available to assist agency administrators in reaching incident management decisions that will achieve safe, effective and efficient operations commensurate with local protection objectives and national priorities. The CPR assists the agency administrator to assure appropriate management and fiscal controls are in place and functioning.

*Roles and Responsibilities of CPR*

The agency administrator continues to carry incident decision authority associated with their respective position; however, the CPR is responsible for:

—providing assistance and advice to the Regional Forester relative to national policies, budgetary objectives and incident management priorities;

—sharing risks associated with incident decisions; and

—providing advice to the Regional Forester relative to line officer certification and incident management performance.

The CPR reviews decisions made and decision support information previously developed on the incident. They review scarce or critical resources deployed on the incident along with the availability of or need for those resources nationally. The CPR will provide a national perspective to the risk-informed decision process and priority deployment of resources for consideration in future agency administrator decisions on the incident. They assist in development of public information products to ensure that risk-inform decision logic and discussions of national priorities are incorporated. Throughout the incident, the CPR will document activities associated with the incident, provide fiscal oversight, assist the Regional Forester in developing a budget for the incident and ensure that effective, positive communications occur across all levels of the agency and organization.

*Deployment*

A flexible approach to meeting the needs of each individual situation applies to the deployment of a CPR. In some cases, the CPR will be sent to the incident to work directly with the agency administrator and Regional Forester. In other cases, the CPR may work remotely through telecommunication means. The CPR may be accompanied by a small decision support group staffed to provide support not already available on the incident.

Chief's Principle Representatives were deployed to eight incidents of national significance during fiscal year 2007.

CHIEF'S PRINCIPLE REPRESENTATIVE (CPR)—SUCCESS STORY

During fiscal year 2007, eight Chief's Principle Representatives were deployed to incidents of national significance throughout the United States. Each was responsible for preparing a report at the conclusion of their assignment. Collectively, these reports were reviewed and the following reveals some common observances by the Chief's Principal Representatives:

—The CPR concept is an excellent idea. Assigning a member of the National Leadership to represent the Chief and to assist agency administrators in reaching incident management decisions that will achieve safe, effective and efficient operations, commensurate with local protection objectives and national priorities and to help the agency administrator assure that appropriate management and fiscal controls are in place and functioning should be continued.

—Appropriate Management Response and the use of Wildland Fire Decision Support System tools are the keys to cost efficiency when managing wildland fire.

—The use of a CPR on incidents affords the opportunity for the mentoring of line officers with limited fire experience.

LINE OFFICER CERTIFICATION

All line officers will meet enhanced qualifications prior to being designated as the responsible official for an incident. The certification process has been developed and is designed to improve decision-making and risk management on large fires. Certification will be at three levels. In addition, a mentoring network has been established of experienced line officers to provide training and share experience to enhance performance skills.

AVIATION EFFICIENCIES AND CONTRACTING

A full-time National helicopter coordinator is in place to provide interagency national oversight for the assignment and positioning of helicopters. This year, the Forest Service shifted to more "exclusive use" (EU) versus "call when needed" (CWN) contracts for helicopters. This change in contracting procedures greatly reduced large fire suppression costs with the potential cost savings in the tens of millions of dollars per year. The agencies are pursuing longer term aviation contracts for all aviation resources with increased performance-based contacting.

The National Interagency Aviation Committee (NIAC) has prepared an overarching strategic plan to address the interagency strategic direction. The NIAC plan was constructed with input from participating interagency partners. This strategy contains an overview of aviation doctrine, mission requirements, currently available aviation assets, the role of Federal and State governments in the utilization and management of aviation assets, and future infrastructure and technology needs.

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aviation assets, the role of Federal and State governments in the utilization and management of aviation assets, and future infrastructure and technology needs.

The Forest Service and other agencies involved with the plan development realized the need for more specific strategies to address individual agency needs. The Forest Service has developed a supplement to this plan to bring the overall interagency strategic direction to the agency level. The Forest Service supports this national strategy with the following initiatives:

—Safety remains the highest priority. A detailed plan to complete airworthiness assessments for all Forest Service firefighting aircraft in compliance with NTSB recommendation A–04–29 will be formulated by January 31, 2009.

—Control of the escalating cost of aviation assets is the second priority. Centralized management of airtankers and Type 1 helicopters, pre-positioning of aircraft and a greater reliance on speed and accuracy will be used to operate more efficiently and maintain adequate delivery capacity without sacrificing safety. Work together with other firefighting agencies to share aircraft, intelligence and other resources in a more collaborative manner.

—Rebuild the aging fleet of firefighting aircraft is the third priority. The Forest Service is measuring the loads incurred by firefighting aircraft and developing structural specifications that will identify appropriate aircraft sufficient to carry out the mission in a firefighting environment for the long term. Rebuilding toward a smaller, stronger and more agile fleet that takes advantage of modern technology is a part of this priority.

AVIATION EFFICIENCIES AND CONTRACTING—SUCCESS STORY

*Exclusive Use Contracting for Aircraft Saves $14,475,000*

The 2007 fire season was extremely active requiring activation of all aviation assets on contract. Exclusive Use (EU) helicopter contracts were utilized, yet there was a need for additional helicopters—requiring Call When Needed (CWN) helicopters to supplement the fleet of EU helicopters. The following demonstrates common practices utilizing EU helicopters before CWN and identifies points that indicate when and why CWN resources may be used.

—Pre-season placement of EU helicopters in areas with higher fire potential can lessen the need for last minute CWN resources. EU Helicopters are utilized under their pre and post-season option to limit the activation of the more costly CWN resources.

The National Interagency Coordination Center (NICC) dispatches helicopters based on:

date/time needed,
emerging fire or existing large campaign fire, or preposition,
estimated duration of incident,
mobilization cost,
daily availability rate, and
hourly flight rate.

The length of need is also addressed at each step of the ordering process to ascertain which resource could be utilized most efficiently for the lowest cost. The WildCad dispatch analysis program calculates cost of resource, length of need, proximity to the incident and determines the lowest cost option to meet the need. There are instances when ordering a CWN helicopter is significantly cheaper than activating an EU asset. In those instances, CWN helicopters were ordered.

Incidents routinely cycle out CWN resources when EU helicopters are available if it provides a better value to the incidents needs—the NICC Helicopter Coordinator assisted in this transition.

When the need reaches a level where nearly all helicopters on contract are required, EU resources were utilized first to assist in the success on initial attack incidents. The complement of personnel on an EU resource makes this an excellent use of the resource. On the other hand, CWN helicopters do not come with personnel and are better served on large incidents rather than initial attack if they are used at all.

The Helicopter Coordinator position works to utilize EU helicopters whenever possible instead of CWN resources, finds aviation personnel to assist incidents, and tracks aircraft movements and utilization daily to ensure and realize the greatest efficiencies.

Exclusive Use helicopters are contracted to guarantee their availability for the duration of the time period contracted. The average national EU contract period is 90 days. CWN aircraft have the ability to work for us one day and someone else the next; there is no commitment from the vendor under the CWN.

The efficiencies identified above led to an estimated cost savings of $14,475,000 for the fiscal year based on utilizing the aircraft under exclusive use. Total cost savings estimate for entire life of the contracts is $26,441,486.

HAZARDOUS FUELS ACCOMPLISHMENTS

The hazardous fuels treatment and ecological restoration job that lies before Federal land management agencies, tribes, States, counties, and local communities is enormous. The best opportunity to protect communities and valuable resources in the event of a problem fire is to reduce hazardous fuel accumulations through active management, aligning programs and leveraging resources to bring the full capability of the agency and partners to bear on the problem. Despite an extremely busy fire season, the Forest Service was able to reduce hazardous fuels on over 3 million acres from all vegetation management programs in 2007.

The Forest Service remains committed to the reduction of hazardous fuels adjacent to communities. Since the National Fire Plan was instituted in fiscal year 2001, nearly two-thirds of all hazardous fuel reduction funds have been invested in the wildland urban interface (WUI), treating more than 7 million acres directly adjacent to communities—an area comparable in size to the State of Maryland. In 2007, the Forest Service treated 1.4 million acres of WUI. Fuel reduction in the WUI is the most complex, costly work done, balancing the risk, weather conditions, access, smoke concerns, and important but intricate, collaborative relationships with communities, stakeholders and partners.

| Forest Service hazardous fuels reduction accomplishments | Fiscal year | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
| Total Acres Treated- | | | | | | | | |
| HF | 772,400 | 1,361,600 | 1,248,300 | 1,453,300 | 1,803,400 | 1,663,700 | 1,454,300 | 1,725,400 |
| WUI Acres | ..... | 611,600 | 764,400 | 1,114,100 | 1,311,000 | 1,187,900 | 1,045,100 | 1,138,500 |
| Non-WUI Acres | ..... | 750,100 | 494,000 | 339,200 | 492,400 | 476,000 | 409,200 | 586,900 |
| Other Programs: | | | | | | | | |
| Restoration | ..... | ..... | ..... | ..... | 550,200 | 730,300 | 839,500 | 821,200 |
| SFA Grants | ..... | ..... | 40,100 | 136,300 | 146,000 | 76,600 | 82,000 | 216,000 |
| Wildland Fire Use | 37,900 | 62,600 | 59,400 | 290,900 | 60,900 | 251,100 | 171,700 | 264,100 |

HAZARDOUS FUELS PRIORITIZATION AND ALLOCATION SYSTEM

Increased numbers and frequency of large fires have drawn attention to the agency's hazardous fuels reduction program and the method by which areas are prioritized for treatment and funding. In order to identify high priority areas and integrate hazardous fuels treatments, the agency developed a consistent, spatially relevant process to inform funding allocation decisions. By implementing this system, the Forest Service is able to more effectively implement hazardous fuels projects and funding in order to have the greatest impact.

The prioritization and allocation methodology for the hazardous fuels reduction program is now used by both the Forest Service and the Department of the Interior. Nationally-consistent geospatial information is modeled to prioritize Regions for hazardous fuels funding. The following decision criteria determine the priorities:

—wildfire potential (based on fuels potential, weather potential and large fire occurrence potential);

—negative consequence associated with catastrophic fire (values at risk); and

—past performance and other opportunities (other funding sources and restoration objectives).

LANDFIRE is a 5-year, multi-partner project producing the only consistent and comprehensive national vegetation and fuel maps covering all ownerships in the United States. In its fourth year of development, the project continues to make good progress with anticipated completion of the continental United States by fiscal year 2008. A contract will be awarded to continue the development process for Alaska and Hawaii. LANDFIRE products help land managers prioritize areas for hazardous fuel reduction and ecological restoration, and are routinely used to support wildland fire suppression decisions.

LANDFIRE products are used by the Hazardous Fuels Prioritization Allocation System, Fire Program Analysis, Wildland Fire Decision Support System, and the State and Private Forestry Redesign Analysis Tool. It will also feed directly into the Southern States Wildfire Risk Assessment. The project has an approved Operations and Maintenance Plan, and is on time and on budget.

HAZARDOUS FUELS—SUCCESS STORIES

*Fuel Treatments Help Firefighters Save 100 Homes on Tin Cup Fire, Darby, Montana*

Hazardous fuel treatments on public and private lands significantly contributed to the success of firefighters when containing the Tin Cup Fire, outside Darby, Montana, during the 2007 fire season. The fuel reduction projects resulted from partnerships between the Forest Service, Montana Department of Natural Resources and Conservation, the Bitter Root Resource Conservation and Development Area, Incorporated, and private landowners. The locations of these treatments were guided by priorities established in the Bitterroot Valley's Community Wildfire Protection Plan.

The Bitterroot National Forest treated 214 acres during the months preceding the fire; and the Bitter Root Resource Conservation and Development, working through grants from the Forest Service and the Montana Department of Natural Resources and conservation, assisted five landowners in treating an additional 102 acres during the previous 5 years.

PREPARATION SPARES COMMUNITY DURING GRASS VALLEY FIRE, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA

Tammy Hopkins awoke just after 4:30 a.m., on Monday, October 22, 2007, to hear her 8-month-old son crying and realize the power was out to her home. As the Lake Arrowhead area resident scooped her son out of his crib, flashlight beams raked her darkened walls; and she heard the honking of a neighbor coming down the road. Back in the master bedroom, the sliding glass doors, normally opened to a panoramic view of the canyon, revealed a red glow that could only mean one thing—a fire and a big one at that.

The firefighter's wife was only concerned with protecting the young couple's two sons. She knew she had to do it alone. Her husband had been called to a fire that began earlier in the recent siege of southern California fires. She gathered her things and headed to her husband's grandparents down the block to help them.

In the 15 minutes it took to alert the elderly couple and get them into the car, a power line had fallen across the exit route; and the group had to retreat, heading back toward the fire in order to reach another roadway. "At that point, I could see flames from the canyon below my house," Tammy relates. "But the engines were coming down the street, and we had the fuel break."

The fuel break Tammy makes reference to was a 150-foot wide clearance, or ground fuels treatment, funded by the Forest Service through the California Fire Safe Council. It had been something of an experiment. Fire Chief George Corley summarized the project by saying, "We wanted to use our grant to show that you could do a little work along the edge of the interface and get paid extensive dividends. We trimmed up trees and removed ground fuels on the slope beneath the homes."

The experiment worked. In the aftermath of the 1,247-acre Grass Valley Fire, Chief Corley recounted, "What we did gave fire crews enough time to anchor off it (the fire from the fuel break). Firefighters didn't have to struggle with fires in the backyards, so the structure protection units were able to keep moving down the street. Unfortunately, the first house outside the project area burned to the ground. But that's how you know this works; you can stand here and see it. This project only cost $40,000, but it saved millions of dollars worth of homes."

CAL FIRE's San Bernardino Unit Chief Tom O'Keefe added, Arrowhead Fire Safe Council and San Bernardino County Fire "prevented these losses 6 months ago."

WILLIAMS TRAIL FUEL BREAK TESTED DURING THE GALION FIRE, HURON-MANISTEE NATIONAL FOREST, MICHIGAN

In an effort to protect a small subdivision from wildfire, a shaded fuel break was constructed adjacent to homes along Williams Trail in 2002. The fuel break was about one-half mile long and 200 to 300 feet wide. The construction consisted of tree thinning to increase the distance between the tree crowns, and several homeowners prepared for potential wildfire events by establishing defensible space around their homes and thinning flammable tree species such as jack and red pine.

On August 30, 2007, the Galion Fire erupted to the south of the Williams Trail subdivision. The fire quickly transformed into a running crown fire heading toward the Williams Trail subdivision; however, once the fire hit the fuel break, its intensity reduced to a ground fire. Although the ground fire continued through the fuel break and into the subdivision and destroyed several structures, most remained damage free; home owners who had prepared ahead of time suffered little or no damage to their homes or outbuildings.

The fire stopped later that day as the weather moderated and ran into the moister, riparian area of Silver Creek. In total, 557 acres burned. Two homes were lost in the subdivision adjacent to the fuel break.

The fire was controlled with assistance from the Michigan Department of Natural Resources; the Grant Township; Tawas City, East Tawas and Plainfield Township Fire Departments; Michigan State Police; Iosco County Sheriff; United States Fish and Wildlife Service and the United States Forest Service.

*Camp Caloosa Project, Lee County, Florida*

Camp Caloosa is an 80-acre property located in Lee County, Florida, and is designated as a high wildfire risk area. The camp is owned by the Southwest Florida Girl Scouts and is used as a residential camp and instructional retreat. Most of the 80 acres are pine flatwoods with a significant accumulation of dense palmettos reaching 10 to 12 feet tall and areas with dense melaleuca growth.

Efforts to reduce the hazardous fuels began in the area following a request by the local fire department in 2006. The fire department responded to a small wildfire and experienced difficulty accessing the property. They were concerned about the dense vegetation and the need for additional fuels management of the camp. Following a meeting with Scout staff at the camp, a management plan for the property was developed that included a comprehensive mitigation plan.

During the initial phase of the mitigation plan, walking trails through the camp were widened by the Intermountain Region Mitigation Team. The widened trails were used to define prescribed burn units for the next phase of the work.

On April 4, 2007, a wildfire burned into the northwest boundary of the camp. The widened trails served as firebreaks that stopped or slowed the fire enough for suppression equipment to work effectively. The trails were also wide enough for brush truck access. As a result, the fire burned only eight acres before it was contained.

The cost of this project, including Intermountain Region team personnel, equipment and local district personnel working jointly on the mitigation project was approximately $9,000; however, the project protected 21 structures with an estimated value of $3,675,000 in the face of wildfire. The per structure cost in order to provide this additional protection was only $426.

EFFECTS OF VEGETATION TREATMENTS ON THE VINCENT FIRE, APACHE-SITGREAVES NATIONAL FOREST, ARIZONA

The Vincent Fire started on the morning of May 29, 2007, outside the treatment units contained in White Mountain Stewardship Projects Dutch Joe A and Dutch Joe B. These projects were designed to reduce the threat of wildfire to adjacent private lands. Aggressive thinning and slash removal had been completed in 2006 under the Dutch Joe A project; similar actions were in progress under the Dutch Joe B project.

In each project unit, the understory was thinned and trees up to 18 inches in diameter were removed. Remaining slash was chipped and transported to be burned at a 24 mega-watt biomass plant. Large diameter trees were retained, but tree spacing was increased and ladder fuels (branches in the lower part of the trees) were removed.

Once ignited, the Vincent Fire grew rapidly in size due to dense forest conditions, low humidity and moderate winds. The ground fire quickly moved into the canopy of untreated ponderosa pine stands, and tree torching and running crown fires were observed.

Once the fire reached the area treated by the Dutch Joe A and B projects, it dropped from the tree crowns (upper portions of the trees) to the ground, demonstrating that thinning and slash treatments are effective tools to moderate fire behavior—far easier and safer to control.

PARTNERSHIP ACCOMPLISHMENTS

The Partnerships program identifies, develops and coordinates with other organizations to achieve shared goals. The result is a synergistic approach to issues such as wildland urban interface fire, national emergency response, fire prevention, fire in the ecosystem, State and local unit cooperation and coordination, and many other issues that affect a wide variety of national interest groups.

By collaborating with groups such as the National Association of State Foresters, International Association of Fire Chiefs, Federal Emergency Management Agency, National Fire Protection Association, and many others, the agency facilitates a cooperative course of action that yields integrated solutions to common issues.

The Partnerships Program includes Cooperative Fire Protection which deals with Volunteer Fire Assistance, State Fire Assistance, and Federal Emergency Personal

Property. It also includes Fire Prevention, Firewise, the Wildland Urban Interface Fire program, and All-Hazard Emergency Answer. The Partnerships program also coordinates any requests for international programs and cooperation for Fire and Aviation Management.

PARTNERSHIP—SUCCESS STORIES

*Cooperative Fire*

The Forest Service Cooperative Fire program provides support and grant opportunities to assist State and local agencies prepare for and respond to wildland fire. The two most important grant opportunities include the State Fire Assistance and Volunteer Fire Assistance programs. Many other important initiatives are supported either through collaborative efforts or grants. Examples include grants provided to the National Association of State Foresters, International Association of Fire Chiefs, The Advertising Council, and National Fire Protection Association, as well as collaboration with the Federal Emergency Management Agency. The Forest Service is continuing our commitment, as detailed in a Memorandum of Understanding, to work with the Department of Homeland Security and the Department of the Interior to coordinate wildland fire grant programs. Another important achievement of the Cooperative Fire program was the coordination with interagency partners to gain approval of an updated template for preparing cooperative wildland fire agreements with the States. The new template was approved by the National Fire and Aviation Executive Board in January 2007 and will help improve efficiency and facilitate coordination during wildland fire and also Stafford Act emergency responses.

*State Fire Assistance*

Forest Service funding in 2007 provided in excess of $79 million for technical and financial assistance to the States for all fire management activities, including training, planning, hazardous fuel treatments, and the purchase and maintenance of equipment. State Fire Assistance funding assisted 33,332 communities in the form of risk assessments, fire prevention programs, fire management planning, and hazardous fuel mitigation projects. An emphasis in funding was placed on wildland-urban interface (WUI). The State Fire Assistance program provides key support to successful community programs such as Firewise Communities/USA and Fire Safe Councils, as well as support for an expanded national public service fire prevention program. In addition, many communities and local fire departments, in collaboration with State foresters, developed community wildfire protection plans (CWPP's) to prioritize hazardous fuels treatments and reduce structural ignitability in communities that receive support from State Fire Assistance funding. State Fire Assistance grants treated approximately 215,000 acres of hazardous fuels in the WUI, helping to protect over 6,000 communities at risk from catastrophic wildfire.

*Community Wildfire Protection Plans and Communities at Risk*

In fiscal year 2007, assistance was provided for hazard assessments and funding was provided for Community Wildfire Protection Plans (CWPP's) for communities at risk (CAR). CWPP's address issues such as wildfire response, hazard mitigation, community preparedness, and structure protection. They provide communities with a tremendous opportunity to influence where and how Federal agencies implement fuels reduction plans on Federal lands and how additional Federal funds may be distributed for projects on non-Federal lands. State Foresters evaluate the progress made at reducing risk in communities at risk (CAR). A CAR may be considered at reduced risk by the State Forester if the community has mitigated high priority fuels according to the CWPP, has achieved Firewise or equivalent recognition, or has enacted mitigation or fire prevention ordinances. The following chart illustrates the current status of CWPP's, as well as Communities at Risk.

STATUS OF COMMUNITY WILDFIRE PROTECTION PLANS—COMMUNITIES AT RISK

| NASF region | States with CAR list/map | Total CAR | Communities covered by CWPP's | CAR at reduced risk |
|---|---|---|---|---|
| West | 17 | 6,169 | 3,145 | 1,412 |
| South | 13 | 40,984 | 1,160 | 888 |
| Northeast | 19 | 4,459 | 457 | 1,514 |
| Total | 49 | 51,612 | 4,762 | 3,814 |

*Volunteer Fire Assistance*

The Volunteer Fire Assistance (VFA) program provides grants to rural and volunteer fire departments which serve communities of fewer than 10,000 people. The grants are made by the State foresters and funded at a 50/50 cost share. Generally, most grants are for less than $5,000 and average $2,000 for a fire department. The grants are used for training, firefighting equipment, and safety equipment, including personal protective equipment. They are also used for organizing fire departments. Application for these funds is made by the fire departments to the respective State Forester. In fiscal year 2007, the VFA program accomplished the following:

—increased firefighting capacity by providing technical assistance, training, supplies, and equipment to approximately 10,157 small, rural communities;

—provided nearly $14 million for technical and financial assistance to States to enhance firefighting capacity at State and local levels; and

—supported the organization or expansion of 53 fire departments.

VFA SUCCESS

*West Virginia uses Volunteer Fire Assistance Funding to Train Wildland Firefighters*

Rural fire protection in the 20 States served by the U.S. Forest Service Northeastern Area State and Private Forestry relies heavily on volunteer fire departments (VFDs) and their members. While State forestry agencies are legally responsible for the prevention and suppression of wildland fires, local VFDs provide the initial attack capabilities on most wildland fires. For the local communities and the State forestry agencies, a well-trained, equipped workforce is critical to the suppression of these fires.

In 2003, the West Virginia Division of Forestry (WVDOF) developed a program to train volunteer firefighters in the suppression of wildland fires. Using funding from the Volunteer Fire Assistance Program, the WVDOF trains VFP personnel and university students in three courses that will enable them to fight wildland fires more safely and effectively—Basic Incident Command, Fire Weather Behavior and Basic Firefighter training. Upon successful completion of these courses, firefighters each receive a set of personal protective equipment—Nomex yellow shirt and green trousers. Firefighters are also eligible to take the work capacity test; and if successful, they receive an incident qualifications card—"red card," enabling them to participate on out-of-state fires with the WVDOF.

Since 2003, the WVDOF has trained more than 390 wildland firefighters under the VFA Training Grant. This includes members from more than 83 fire departments, 49 students from the Forestry Department of the West Virginia University and 28 members of the West Virginia Air National Guard. The WVDOF has been able to increase its firefighting workforce while instilling proper wildland firefighting techniques and safety procedures in their firefighters.

This training program has increase personnel available for the WVDOF's wildland fire crews for both in and out-of-state fire assignments. Since 2003, the WVDOF has conducted eight pack tests and issued more than 180 "red cards." In addition, the firefighter training program has become a permanent part of the West Virginia University's School of Forestry curriculum.

*Prevention*

Smokey turned 63 years old in 2007, and his message is still needed. Many wildfires are carelessly started by humans each year, including the Angora Fire near Lake Tahoe, California, during the 2007 fire season. The Angora fire ignited when an illegal warming fire was left unattended. It burned more than 3,100 acres, cost $12.7 million to suppress, and destroyed more than 250 homes.

Fire Prevention Education Teams were deployed throughout the Nation before and during the 2007 fire season. The Southern Region leads the Nation with more than 400 trained prevention team members.

The teams produced public service announcements (PSA's) for television and radio, created fliers and posters, and conducted Firewise Awareness workshops. One of the most notable team achievements was the PSA developed Georgia for national comedian Jeff Foxworthy who stated "Even a 5th grader knows you shouldn't start a wildfire. Cut it out!" The PSA's were aired throughout the Southern Region during their busy fire season.

The prevention message across the country stressed the role of individuals in protecting homes and public lands from wildland fires. Prevention teams worked with partners at the University of Nevada—Reno Extension, to develop a 'one-stop-shopping' website to educate residents on creating defensible space.

The Fire Prevention Branch continued the partnership with the Ad Council and Radio Disney to increase the awareness of the Ad Council campaigns. The Smokey

Bear Fire Prevention Campaign remained at the top of Radio Disney's list of campaigns.

More than $12.9 million in media services were donated in the first quarter of 2007. Radio and outdoor/transit (billboards, bus signs, etc.) media accounted for 62 percent of total donated media support. Highlights of the media campaign's first quarter, when compared to the same quarter a year ago, include the following:

—378 percent increase in newspaper-donated media;
—187 percent increase in magazine-donated media;
—687,801,976 impressions (each time a target audience member is exposed to the message) on the internet, including the New York Times, National Geographic, and Google websites; and
—Spanish and English radio activity dominated air play with the public service announcements Smoke :60 and Sprinkler :60.

Smokey Bear was the only PSA costumed icon at the "Move it! Summer 2007," mall tour, in 42 major markets during July through August. Smokey Bear was one of only six PSA campaigns featured at the Eisner Museum of Advertising and Design in Milwaukee. The exhibit continues through March 2008 and is estimated to be viewed by over 20,000 visitors.

The Southern Region, with help from Eastern and Pacific Southwest Regions, coordinated the Smokey Bear advertisement campaign for the Little League World Series. This Advertisement—American Traditions (Apple pie, the American flag, and Smokey Bear)—was spearheaded with help from the Virginia Department of Forestry; and the ad was located in each region's souvenir program guide. The National Gardens Clubs and the Forest Service annual poster contest reached 300,000 students.

RESTORING FIRE ADAPTED ECOSYSTEMS: A FOREST SERVICE, DEPARTMENT OF THE INTERIOR AND NATURE CONSERVANCY PARTNERSHIP

The Forest Service, Department of the Interior and Nature Conservancy continue to partner to accelerate fire restoration across the country. Restoring Fire Adapted Ecosystems is designed to advance the common goals of the sponsoring partners, while focusing on collaborative outreach, education, training, and community-based conservation. In 2007, the program centered on developing and promoting a common national fire education message that emphasizes the role of fire in the ecosystem. Fire and Aviation Management funded the public education campaign stressing fire's natural and beneficial role. The campaign complements Smokey Bear's message of preventing unwanted human-caused wildfires. This partnership supports the 10-Year Strategy Implementation Plan and the philosophies behind the Chief's program, "Kids in the Woods," which encourages the education of youth in order for them to understand the link between their homes and the natural resources.

WILDLAND URBAN INTERFACE FIRE PROGRAM

The 2007 fire season started early and got big fast with the Sweat Farm and Bugaboo fires in the Southern Region. Once again, wildland urban interface issues took the forefront. Development in the WUI continues to grow exponentially and along with it the cost of fire suppression and the danger to private property. The growth vastly outpaces available resources to protect the structures from wildland fire threats.

Firewise is the best tool for homeowner mitigation of risk from wildland urban interface fires. Partnerships' grant and cooperative agreement with the National Fire Protection Association (NFPA) supports the program. Its principles, when implemented, significantly increase defensible space and survivability. It provides a layer of safety for structures, homeowners and firefighters. Through this program, the Forest Service encourages and teaches property owners to take responsibility for mitigation on private land. Every dollar invested in the Firewise program yields $14 in matching funds or in-kind contributions.

In 2007, Firewise principles were implemented in every State of the Nation, and Firewise Communities were in place in 36 States. There are Firewise liaisons in 45 States, and over 300,000 people live in Firewise communities.

Overall visibility and awareness of Firewise and its principles has increased nationwide as a result of targeted outreach to media. Print and broadcast media reached over 30 million people with the Firewise message in 2007 alone. NFPA provided over 150,000 printed or audio-visual items, mostly free of charge, to fulfill orders received through the on-line catalog.

The Firewise web site received an average of 40,000 individual hits per month during the peak of fire season, and those individuals visited an accumulated total of a million times on the site after logging in. More than 8,400 people are registered

on the site to receive monthly Firewise Alerts—e-mails with items of interest and upcoming events such as chat sessions which are held monthly. Online learning enrollment for fire related topics is also increased.

Assessing Wildfire Hazards in the Home Ignition Zone (HIZ) training sessions reached many more with train-the-trainer sessions in five locations across the country. The HIZ training sessions were so successful that they will be continued in 2008.

Partnerships piloted a Firewise Hazard Mitigation Team during the 2007 fire season. The concept concentrated on addressing issues resulting from increased growth in the wildland urban interface.

*Federal Excess Personal Property Program (FEPP)*

The Federal Excess Personal Property (FEPP) program allows the loan of Forest Service owned property, including high demand equipment and supplies, to State foresters in order to assist State and rural agencies and volunteer firefighters in preparedness for suppression and pre-suppression missions on Federal, State, and community lands. The FEPP program provides items from gloves to fire trucks, thereby effectuating substantial savings to the taxpayers.

*FEPP Success*

In 2007, a total of 393 trucks and 218 trailers were assigned to State cooperators. In most instances, these items were equipped with tanks, generators and pumps to assist firefighters on wildland and brush fires. Approximately 17 pieces of heavy equipment were loaned to State cooperators to help maintain and build fire roads. In fiscal year 2007, the State forestry agencies have acquired nearly $30 million worth of FEPP. Currently, 49 States and 5 territories participate in the FEPP program.

*Department of Defense Firefighter Property Program (FFP)*

The Firefighter Property Program (FFP) is a new authority that began in March of 2006. The FFP allows a State to acquire title to excess military equipment and then assign that equipment to rural fire departments. The Department of Defense (DOD) authorized the Forest Service FEPP program to manage the transfer of DOD property through a Memorandum of Agreement.

The major difference between the FFP and the FEPP program is the ownership of the items acquired. All items acquired in the FEPP program remain the property of the Forest Service, while items acquired under the FFP are transferred to the recipient. The FFP property is screened at a higher level, therefore, making better quality and larger quantity of property available for the firefighting agencies. The program also acquires items for emergency services such as search and rescue, hazardous material spills and emergency medical services (EMS) equipment in addition to firefighting equipment, making it beneficial to participating agencies. These functions often fall within the firefighting agencies' responsibilities but are not applicable to the FEPP program.

*FFP Success*

Currently, 23 States are able to acquire FFP through the program—Alabama, Arkansas, Colorado, Connecticut, Florida, Idaho, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Washington. New agreements between other States and the Forest Service are in the process, with most States expected to be signed up within the next 1 to 2 years.

In 2007, more than $38 million in equipment went to 23 States. North Carolina Division of Forest Resources acquired two backhoes for clearing fire roads, providing a cost savings of more than $6 million to the State agency and its taxpayers.

The FFP has allowed State cooperators to acquire more than 400 refurbished trucks, equipped with pumps and generators to assist in rural in wildland firefighting in 2007. With an original acquisition cost of over $18 million, these free-issue vehicles provided an enormous savings to rural and volunteer fire departments not only in resources to fight fire but in the level of protection and safety there are able to provide their communities.

*Fire Management Today*

Founded in 1936, Fire Management Today has served the wildland fire community for more than 70 years by providing information on new techniques, technologies and ideas. In 2007, a new column was added "Anchor Point," penned by Tom Harbour, Director of Fire and Aviation Management. This column focuses on the challenges and changes to Fire and Aviation Management. Another landmark event occurred in 2007 for Fire Management Today—the initiation of the Forest

Service website (http://www.fs.fed.us/fire/fmt/) which has been updated with many previous issues bookmarked to provide ease in finding information.

NATIONAL RESPONSE PLAN

The Forest Service is a land management agency with a unique combination of people, skills and resources that add significant value to the agency's national all-hazard response capability. The agency accepts their all-hazard role under the National Response Plan (NRP) as complimentary to its overall land management mission. In recent years, there has been a major increase in the number and complexity of all-hazard incidents resulting in unprecedented demands on Forest Service employees and its partners in emergency response.

The NRP has been revised and the new draft is called the National Response Framework (NRF), which establishes a comprehensive all-hazards approach to enhance the ability of the United States to manage domestic incidents. It forms the basis of how the Federal Government coordinates with State, local, tribal governments and the private sector during incidents. Partnerships staffs took the lead for agency participation in the revision of the NRP by the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA).

The Forest Service is the Primary Agency and coordinator for Emergency Support Function 4, Firefighting (ESF4) under the NRP, and this role continues under the NRF. The function of ESF4 is to enable the detection and suppression of wildland, rural, and urban fires resulting from, or occurring coincidentally with, an incident of national significance. ESF4 manages and coordinates firefighting activities, including the detection and suppression of fires on Federal lands, and provides personnel, equipment, and supplies in support of State, tribal, and local agencies involved in rural and urban firefighting operations.

To successfully accomplish this function, the Forest Service has close working relationships with partner departments and agencies. Department of the Interior agencies provide staffing support for ESF4, and wildland fire resource support for mission assignments during all-hazard responses. The U.S. Fire Administration (USFA) provides subject-matter experts and expertise regarding structural/urban/suburban fire and fire-related activities. The Forest Service, in conjunction with USFA, is developing a standardized training program for ESF4 personnel and the production of job aids and other ancillary materials for use during ESF4 activations.

There have been many changes to Federal disaster response based on lessons learned from the 2004 and 2005 hurricane seasons. ESF4 personnel participated in exercises to test the procedures resulting from the changes. Several exercises, involving many Federal departments and agencies, were held during 2007. The Forest Service was an active participant in these exercises at both the national and regional levels.

NATIONAL RESPONSE PLAN—SUCCESS STORIES

Some highlights of the Forest Service's all-hazard support to the National Response Plan during fiscal year 2007 include:

—Kansas tornados—when a tornado destroyed the town of Greensburg, Kansas, in May 2007, FEMA activated ESF4 regionally at the RRCC in Kansas City. ESF4 deployed a Forest Service National Incident Management Organization (NIMO) incident management team and an Interagency Hotshot Crew to establish and manage a base camp for emergency responders.

—Micronesia floods—when salt water intrusion from storm surge and unusually high tides in May 2007 wiped out the subsistence food crops in Chuuk, Micronesia, FEMA activated ESF4 regionally to deploy Forest Service personnel as part of a preliminary damage assessment team and later to establish and manage a food distribution program, providing quality assurance and technical assistance to a USDA feeding program.

—Hurricane Dean—Hurricane Dean was one of the strongest hurricanes on record; and at one point, threatened several U.S. territories and States. As a precaution, FEMA activated ESF4 regionally at the Regional Response Coordination Centers (RRCC) in New York (for Puerto Rico) and Denton, Texas; and at the National Response Coordination Center (NRCC) in Washington, D.C. Logistics Section personnel were deployed to provide expertise, quality assurance and technical assistance to FEMA for the establishment of a base camp.

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) SUPPORT

The NIMS outlines a standard approach to incident management and response that follows the wildland fire model—one used by the Forest Service and other fire agencies for years. It integrates effective practices in emergency response into a

comprehensive national framework for incident management. In addition, it enables responders at all levels to work together more effectively and efficiently to manage domestic incidents no matter what the cause, size or complexity.

Partnerships took the lead for agency's participation in the upgrade of the National Incident Management System (NIMS) by the DHS/FEMA. Partnership subject matter experts were embedded in the senior steering committee for NIMS and chaired the working group which developed guidelines for resource typing, credentialing, multi-agency coordination, emergency operations centers and an emergency response guide book.

NIMS is of supreme importance for national incident management, but its update will have minimal impact on the agency since the Forest Service's current system is grounded in the NIIMS and has been for years. Impact to the agency includes:

—training of agency personnel (IS–700 and IS–800);

—review of Emergency Plans at the District, Forest, and Regional levels;

—review of agreements to ensure NIMS compliance; and

—resource typing of non-fire assets for disaster service.

Each Region has identified a NIMS contact to assist in coordination of information and to ensure compliance.

Over 600 Federal, State, local, tribal, non-profit, and private company representatives assisted in the process. Partnerships staffs were part of the ten-person final adjudication committee. The upgraded NIMS document was ready for release by the June 1, 2007, timeframe established by the White House. The NRP is awaiting final review and comment.

### FIRE AND AVIATION MANAGEMENT INTERNATIONAL ACTIVITIES

Over 100 years of wildland firefighting experience has earned the U.S. Forest Service a worldwide reputation. This experience, along with the technical and professional expertise of fire specialists in the Forest Service, provides the basis for FAM's international involvement.

Partnerships staff both coordinate and manage fire requests for international programs. FAM builds and maintains strategic national alliances through emergency firefighting arrangements with Canada, Mexico, Australia, and New Zealand.

Some examples of the success experienced by this program are as follows:

—When firefighting resources became scarce during the 2007 western wildland fire season, Canada provided support through the Canada/United States Reciprocal Forest Fire Fighting Arrangement. The United States also provided firefighting support to Australia in January and February 2007 through the United States/Australian Participating Agencies Arrangement.

—FAM employees traveled to Greece as part of a Disaster Assistance Support Program (DASP) wildfire technical assessment team in September 2007. The team provided technical assistance and support to the government of Greece during their disastrous fire season.

—FAM employees provided instruction in all aspects of fire management on assignments to Mexico, India, Jamaica, and several countries in the Association of Southeast Asian Nations (ASEAN).

—Fire and Aviation Management has been an active member of the Forest Commission (NAFC) Fire Management Working Group (FMWG) for over 40 years. The NAFC is one of six regional forestry commissions of the Food and Agriculture Organization of the United Nations (FAO). NAFC, which was established in 1958, provides a forum for fire policy and technical information sharing for member nations (Canada, Mexico and the United States) to discuss and address North American forest and fire issues. The FMWG, established in 1962, is one of nine working groups under the NAFC.

—In May 2007, Fire and Aviation Management supported the NAFC–FMWG by co-sponsoring the 4th International Wildland Fire Conference in Seville, Spain. FAM and NAFC–FMWG supported the exchange of experiences and technological advances by hosting a study tour Australians and New Zealanders. The tour visited sites and studied current fire management issues throughout Canada and the western and southern United States during September 2007.

## PART III.—LOOKING AHEAD FOR 2008

In fiscal year 2008, Fire and Aviation Management will continue to support the Chief's initiatives through the deployment of a program with specific focus areas and planned activities. These emphasis areas and activities, highlighted below, will enhance the program and agency's performance and efficiency. They, and others, will be integral components in Fire and Aviation Management's Strategic Plan.

CHIEF'S INITIATIVE

Fire and Aviation Management will continue to support the Chief's "Climate, Water and Kids" initiative through an integrated program which includes:

—reduced hazardous fuels and the integration of fire within ecosystems;
—expanded use of Appropriate Management Response and Wildland Fire Use;
—protection of vital watersheds during wildland fires and through the restoration process; and
—an education program, reaching all ages, that emphasizes fire prevention, the natural role of fire in fire-adapted ecosystems, and the connection of natural resources to the homes and communities surrounding the national forests and grasslands.

FOCUS AREAS

*Management Controls and Operational Efficiencies*

Fire and Aviation Management (FAM) will maintain its emphasis on management controls and operational strategies which improve program oversight, delivery, effectiveness and efficiency. Utilizing rigorous management controls such as the Chief's Inter-Deputy Group to provide Executive level fiscal leadership and oversight; the Chief's Principle Representative for fires of national significance; and the Line Officer certification process for incident level oversight will emphasize cost containment. Strategic use and deployment of firefighting resources and implementation of aviation efficiencies such as centralizing aviation services and assets will be underscored.

*Risk-Informed Management*

The Forest Service will continue to accentuate the importance of decision support technology development for risk informed management strategies to support implementation of Appropriate Management Response and prioritization of hazardous fuels. Development and refinement of systems and services such as the Wildland Fire Decision Support System, the Ecosystem Management Decision Support System and Predictive Services are essential to the agency's success. These systems and other tools will support managers in making informed decisions, thereby increasing the likelihood of success and potentially reducing costs.

*Integrated Fuels Management*

The Forest Service will continue to work collaboratively with other Federal, State, local, tribal, government and non-governmental organizations, and other partners to ensure the accomplishment of mutual objectives. Program funding will be prioritized and integrated to accomplish Healthy Forests Initiative (HFI) and Healthy Forests Restoration Act (HFRA) objectives, efficiently and effectively. Continued emphasis will be placed on the integration of Community Wildfire Protection Plans (CWPP) with Federal hazardous fuels mitigation priorities.

PLANNED ACTIVITIES

*Readiness Capability and Mobilization*

The Forest Service will provide readiness resources comparable to fiscal year 2007, including approximately: 10,480 firefighters, 120 helicopters and 20 airtankers. The agency will use Predictive Services and other resources to analyze potential fire activity to guide strategic placement of resources. All actions will occur with firefighter and public safety as the primary consideration.

*Fire and Aviation Management Strategic Planning*

FAM continues to develop a Fire and Aviation Management Strategic Plan linked in part to the current Program Assessment Rating Tool (PART) Improvement Plan. The strategy will define program components relative to incentives, accountability and cost containment while considering risks and establishing objectives to evaluate if strategies are being achieved in an effective and efficient manner.

*Reduce Hazardous Fuels*

The Forest Service will continue hazardous fuels reduction efforts by treating approximately 2.9 million acres of hazardous fuel and reducing flammability of the forests, woodlands, shrublands and grasslands including 2 million acres in the wildland urban interface (WUI) and 868,000 acres in areas outside the WUI areas. Additionally, fuel loads will be reduced on approximately 1.5 million acres as a secondary benefit through other vegetation management activities, wildland fire use events, Hazardous Mitigation Grants awarded under the State Fire Assistance program, and activities of southern Nevada Public Lands Management Act.

The Forest Service will continue participation in the Federal Woody Biomass Utilization Working Group to promote and support the utilization of woody biomass and woody biomass products from forest and woodland treatments.

*Restoration and Post-Fire Recovery of Fire Adapted Ecosystems*

The agency will continue to promote the increase of wildland fire use consistent with land and resource management plans and public and firefighter safety. These acres will be reported annually. On lands that are severely burned by wildland fire in fiscal year 2008, emergency stabilization, rehabilitation and restoration treatments will be implemented. Burned areas will continue to be reforested through a 5-year cost-share agreement with American Forests for Wildfire ReLeaf. Additionally, the Interagency Program to Supply and Manage Native Plan Materials—a long-term strategy to improve nursery and plan material center infrastructure and monitor restoration effects and public/private partnerships, will be continued.

*Promote Community Assistance*

FAM will partner with the National Fire Protection Association, State, Federal and nonprofit partners to encourage community responsibility for hazard mitigation through land use planning, building codes, landscaping codes, zoning and community fire protection planning through the Firewise Communities Program.

Technical assistance, training, supplies and equipment will be provided to more than 6,500 small rural communities and 5,075 volunteer fire departments. Firefighting capacity will be increased by providing technical assistance, training, supplies and equipment to rural communities through Volunteer Assistance Fire Assistance (USDA Forest Service) program.

Mr. REY. I will also submit for the record of the hearing continued progress in over 40 other areas of cost containment, and, finally, concluding the remarks on fire, we will submit for the record of this hearing the Firefighting Retention Study that the committee requested that we do and that we made available to your staffs earlier this week.

[The information follows:]

MANAGEMENT CONTROLS AND OPERATIONAL EFFICIENCIES: LEADERSHIP UPDATED—APRIL 9, 2008

| Management controls and efficiencies [1] | Benefits [2] | Parties involved [3] | Action required [4] | Status |
|---|---|---|---|---|
| L–1<br>*Appropriate Management Response (AMR).*—Promote AMR provisions of 2005 Federal Wildland Fire Management Policy in a clear, concise manner. Reaffirm leaders' intent for full implementation of AMR—enable full range of tactical options. | Decision-maker has the greatest flexibility in management of incident from the onset, which can be supported through decision-making tools.<br>Consistent implementation of AMR will lead to greater flexibility in wildland fire management. | Fire and Aviation Management (FAM), Ecosystem Management Coordination (EMC), interagency partners. | Clearly articulate the policy for consistency across all units.<br>Develop accountability standards for IMT and Line Officer performance.<br>Review policy with interagency partners to allow movement between suppression and WFU as needed. Remove the distinction between WFU and suppression.<br>Develop an AMR Guidebook<br>FAM and budget should modify handbook direction for suppression authority to support WFU. | Letter from the Chief sent to field units regarding policy and AMR ,on April 19, 2007.<br>On March 24, 2008, WFLC approved the next step in AMR development to establish WFDSS prototype units for the 2008 fire season. Information collected and lessons learned from those prototypes will be used in the consideration of national policy adjustments for 2009.<br>Agency Savings est. at $200M total all items. |
| L–2<br>*Land and Fire Management Plans.*—Land and Fire Management Plans (LMP and FMP) for each unit should consider a full range of AMR, including point protection as an equally acceptable approach to perimeter control. | Enhanced decision making environment provides support for decision makers who select AMRs that may entail higher risk. | FAM, EMC ..... | Decision by NLT to have FAM and planning work together on FS Manual changes.<br>Provide decision criteria to allow for consideration of investments in reducing or maintaining fuel profiles rather than simply the cost of suppression. | Interagency group developed a FMP template, which includes AMR. Template will be used in revision or future development of FMP's.<br>The template will be distributed to the field for their use May 2008. |

MANAGEMENT CONTROLS AND OPERATIONAL EFFICIENCIES: LEADERSHIP UPDATED—APRIL 9, 2008—Continued

| Management controls and efficiencies [1] | Benefits [2] | Parties involved [3] | Action required [4] | Status |
|---|---|---|---|---|
| L–3<br>*Line Officer Certification.*—Enhance skills in incident decision making in high risk environments. Line Officers (LO) core competencies should be certified on criteria including:<br>—Cost containment and Delegation of Authority (DOA).<br>—Incident management and processes ....<br>—Wildland Fire Situation Analysis/Wildland Fire Implementation Plan (WFSA/WFIP) and other decision support tools.<br>—Situational awareness of resource availability and allocation.<br>—Working knowledge of fire ecology and behavior.<br>—Safety .....<br>—IMT (Incident Management Team) review and evaluations. | Improved decision-making ability at the onset of a new incident when the greatest benefits can be achieved.<br>Enhanced skills in the preparation of DOA, specifically in development of language on how to manage the incident.<br>Line Officers are certified commensurate with the complexity of the incident. | Line Officer Team (LOT), FAM. | LOT team work in conjunction with FAM to reevaluate current policies in manual.<br>Develop Line Officer Certification Process ...<br>Develop a template for RFs (Regional Foresters) to use for interim certification, available for implementation prior to 2007 fire season. (see core competencies framework developed in R9). This interim certification will be used until certification procedures are in place. | Developed and implemented an interim certification.<br>Letter to RF's 6/01/07. |
| L–3a<br>*Line Officer Simulation.*—Build Line Officer competency through the use of simulation/sandtable exercises. | Better informed decision-makers at the local level.<br>Practice high risk decisions in low risk environment. | LOT team working with FAM. | FAM to develop proposals for approval by LOT team.<br>Consider LO certification with 420/520 type simulations. | Under consideration with LO items for AAR (xxxxx) of successes and gaps. |
| L–3b<br>*Shadow Assignments.*—Organize and manage a program to provide support and training for inexperienced agency administrators. | Provide for better decision-making in early phases of incident, as well as increased experience base for future Line Officer assignments. | LOT team, Regional Foresters, FAM. | LOT team is developing shadow protocols ...<br>Regions should develop and maintain a list of qualified line officers for implementation. Incorporate the LO items for increasing their skills and abilities. | Shadow and mentoring program implemented in 2007. |

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| L–3c<br>*WFSA Training.*—Ensure adequate WFSA training for line officers and fire management personnel, focusing on capturing ''commanders' intent'' in the development of alternatives as opposed to the technical use of WFSA program [5]. | Consistent application of WFSA development and alternatives with better decision making and long-term reduction of costs. | FAM ..... | FAM to work with research .....<br>Identify and develop an implementation strategy to accomplish WFSA training. Consider distance learning and web-based training opportunities.<br>Develop a mandatory one-day module for line officer and fire management personnel. | Regions accomplished WFSA training using centralized methods.<br>Training is incorporated into Fire Management Leadership (FML) for Local Line Officers.<br>Focused on WFDSS implementation. |
| L–4 (recommendation linked to GO–3)<br>*Chief's Principle Representative (CPR).*—Assigned by the Chief to provide decision support on incidents of national significance. This position would be assigned to any fire exceeding or projected to exceed $10 million of Forest Service (FS) expenditures.<br>Regional Foresters Representative (RFR): Assigned by the Regional Forester to provide decision support. RFR would be assigned to any incident exceeding $5 million of FS expenditures. | Local units would receive decision support from the national and regional level including the use of a decision support team of experts. Provides opportunity for mentoring of line officers with limited fire experience. Goal is to reduce the cost of long term fires projected to cost over $10 million. | LOT, National Leadership Team (NLT). | LOT to develop criteria for roles and responsibilities of CPR. | Complete.<br>CPR's were assigned by the W.O. to all fires over $10 million.<br>8 CPR's assigned in fiscal year 2007.<br>Anything to add about RFRs for 2007 season. |
| L–5<br>*Line Officer Authority.*—Use current benchmarks of $2 million, $10 million and $50 million for Line Officer approval. Tie this to the development of Line Officer competencies in L–3. | Current WFSA process is only authority to spend—once approved, authority still stays with local agency administrator.<br>Consistent with current chain of command established in the manual.<br>Ensures organizational authority commensurate with incident significance.<br>Improve decision-making ability at the onset of an incident. | LOT, NLT ..... | FAM develop policy and criteria for manual change to be approved by NLT. | Approving levels were not changed.<br>RFR's were assigned for fires over $5 million.<br>LO training provided for complex fire situations. |

MANAGEMENT CONTROLS AND OPERATIONAL EFFICIENCIES: LEADERSHIP UPDATED—APRIL 9, 2008—Continued

| Management controls and efficiencies [1] | Benefits [2] | Parties involved [3] | Action required [4] | Status |
|---|---|---|---|---|
| L–6<br>*Decision Support (Current).*—Ensure units develop a fully considered Most Cost Effective Alternative in the WFSA [6].<br>Emphasis pre-season work for WFSA and WFIP development such as fire costs, historic costs and other data layers. This is necessary in order to make initial decisions under AMR.<br>Ensure WFSA strategy implemented is achievable. | Improved decision-making process at all phases of incident, which will reduce costs through the duration of the incident. | FAM, research, LOT, NLT .. | WO letter to the field directing units to do pre-season work for WFSA/WFIP requirements.<br>Emphasize designation of analysts and pre-season updates of WFSA data during preparedness reviews.<br>At a minimum, revalidate WFSAs and traditional cost benchmarks when team rotations occur. Ensure that IMTs adequately reflect the selected WFSA alternative and DOA as they report daily in the ICS–209.<br>FAM and LOT work toward FSM modifications.<br>Tie in direction set in WO letter into proposed training module. | The April 19, 2007 letter from the LOT included key points for the Line Officers which included their involvement with WFSA. Manual modifications are ongoing. |
| L–7<br>*Decision Support (Future).*—Continue investment and expansion of decision support system technologies; FSPro, RAVAR, and SCI for use with Wildland Fire Decision Support System (WFDSS).<br>WFDSS needs to equally consider Fire Use for resource benefit with other suppression-oriented portions of AMR. WFSA and WFIP need to be integrated into one product [7]. | Improved decision-making process at all phases of incident will reduce costs through the duration of the incident.<br>Provides well documented and repeatable protocols that demonstrate the cost effectiveness of suppression strategies. | FAM, research, LOT .....<br>Integrate DOI into this project. | FAM working with LOT team and research to ensure decision making support is supported (WFDSS) and provide more opportunity to utilize new tools such as FSPro early on.<br>Establish Decision Support Teams to assist units with development of incident strategies. Require FS PRO and RAVAR on fires projected to cost over $10 million. | WFDSS and other tools were available to the field and used extensively throughout fiscal year 2007. Investment is ongoing. WFDSS development is continuing.<br>The Forest Service begins transitioning from WFSA to WFDSS during fiscal year 2008 for full implementation in fiscal year 2009. |

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| L–8<br>*Stratified Cost Index.*—Make full use of the SCI for IMT/Line Officer evaluations for cost efficiency, effectiveness and performance.<br>Utilization of SCI to establish an incident budget is required for fires projected to cost over $5 million. | Sets specific benchmarks for cost containment regardless of the socio-political environment.<br>Data used comes directly from units<br>Provides true incentive for using least cost option under WFSA.<br>Provides the ability to analyze spending trends of IMTs. | FAM, NLT, LOT, research .. | FAM develop policy and criteria for manual change to be approved by NLT.<br>Review and develop a guide for implementation of SCI.<br>Establish a system to address the need for additional authority and provide for incentives and disincentives. | SCI is under development. SCI highlighted problems with reporting and tracking dollars.<br>DOI will begin using SCI in the future as well. Should develop an interagency guide if this occurs. Development of performance standards for line officers and Incident Management Teams is in progress. |
| L–9<br>*Incentives.*—Provide incentives related to getting ''credit'' for acres burned that meet management objectives whether WFU or suppression. IA effectiveness should also be a measurement based on the Stratified Cost Index for a particular unit. Federal Fire Policy must be changed. | Line Officer decisions resulting in lower costs should have the capability of directing a percentage of the savings back to their home unit. | LOT, NLT, research ..... | FAM and LOT with concurrence of NLT to work on policy development.<br>Stratified Cost Index should be incorporated. | Interagency task group established to develop policy. WFLC approved the shift to managing wildland fire as wildland fire use and suppression concurrently 3–24–2008. |
| L–10<br>*Predictive Services for Line Officers.*—Make Line Officers aware of current tools and decision models. Expand the use of new decision models, including FSPro, earlier in the decision-making process. | Improved early and successive decision making, leads to lower costs on large fires. Better effectiveness for initial attack. Improved national mobilization of resources.<br>Also relates to operational recommendations. | FAM, interagency partners | FAM to propose study on Predictive Services through (NFLT). Commit resources to expand predictive capabilities, make services widely available.<br>Expand and redefine the objective of Predictive Services. Include operations staff in discussions. | An interagency review of the predictive Services organization was completed. A national program is developed and a charter was signed this year.<br>FSPro was used widely in fiscal year 2007. |

MANAGEMENT CONTROLS AND OPERATIONAL EFFICIENCIES: LEADERSHIP UPDATED—APRIL 9, 2008—Continued

| Management controls and efficiencies [1] | Benefits [2] | Parties involved [3] | Action required [4] | Status |
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| L–11<br>*Comptroller.*—Developed as a National Inter-Deputy Command Group to provide large fire and transactional oversight.<br>Inter-Deputy group is comprised of Deputy Chief for State and Private Forestry (SPF), Deputy Chief for National Forest System (NFS), Director of Fire and Aviation Management (FAM), and Director of Program and Budget Analysis (PBA). | Assists Line Officers in managing suppression costs.<br>Transactional oversight will result in cost savings associated with ABCD miscellaneous funds, DOI/FS offset, etc. | Associate Deputy Chief S&PF, NLT. | Establish policy and roles for the Inter-Deputy Command Group.<br>The position will develop a set of accountability measures to be reviewed at all levels.. | Complete. Implemented in fiscal year 2007 and continuing in fiscal year 2008.<br>Developed as a National Inter-Deputy Command Group to provide large fire and transactional oversight.<br>Inter-Deputy group is comprised of Deputy Chief for State and Private Forestry (SPF), Deputy Chief for National Forest System (NFS), Director of Fire and Aviation Management (FAM), and Director of Program and Budget Analysis (PBA) |
| L–12<br>*Cost Containment Reviews.*—Modify current cost containment review team process. Begin the process at onset of the incident. | Implementation of SCI and AMR may eliminate the need for post-event cost containment reviews. | FAM, fiscal ..... | FAM request fiscal to drop requirement ..... | Cost containment review begins when the incident begins by utilizing decision support tools and predictive modeling, RFR, and CPR.<br>Forest Service developed and utilized a Large Fire Cost Review Guidebook in fiscal year 2007. An interagency guidebook is in review. |

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| L–13<br>*Cost Containment Training.*—Assess existing training to ensure cost containment is a focus, particularly among cadres currently working on revisions to curriculum. | Ensures consistency of cost containment training nationwide which translates into clearer expectations in the DOA to the IMT from the Line Officer. | Interagency training groups. | FAM (AD for risk management) review LFML curriculum for appropriate level of cost containment. | Regional pre-season meetings held discussing cost containment and decision making specific to fire. Two training sessions for OIG reviewers were held in fiscal year 2007. Two more were held in fiscal year 2008. |
| L–14<br>*Structure Protection.*—Evaluate current structure protection policies to determine better utilization of local rural fire departments for increased capacity. | Consistent understanding of roles and responsibilities in the Wildland Urban Interface. | USDA–FS, USDI, State, and local governments. | WO FAM policy discussion with NWCG .....<br>Develop National Wildland Fire Policy.<br>Define the mission in the Wildland Urban Interface as defined in the National Fire Plan. | A letter was sent to the field transmitting the policy in the FSM on August 13, 2007. This will be discussed at NWCG in fiscal year 2008. |
| L–15<br>*MAFFS.*—Over the past 5 years, Modular Airborne Firefighting Systems (MAFFS) operations have continued to increase in cost due to military adding requirements. Explore utilization of MAFFS through different venues such that cost savings can be realized. Pursue cost sharing with military rather than full reimbursement. | The new MAFFS units will provide for an opportunity to streamline operations on both sides and would facilitate additional cost efficiencies.<br>*Potential Cost Savings: $5 million.* | Department of Defense (DOD), FAM, interagency. | Chief discuss with Secretary of Agriculture for potential implementation.<br>Initiate discussion with DOD to identify potential efficiencies in the mobilization, support, and demobilization of the MAFFS operations.<br>Explore venues in the private sector for use with MAFFS. | Task group associated with the aviation feasibility study is reviewing this. Information will be submitted by the end of 2007.<br>MAFFS were not utilized in 2007—discussions occurred at National Multi-Agency Coordination Center (NMAC) to ensure cost savings remained a focus item.<br>Estimated savings of $955,000 per week for a period of at least 8 weeks. |

MANAGEMENT CONTROL AND EFFICIENCIES: OPERATIONS

| Management controls and efficiencies | Benefits | Parties involved | Action required | Status |
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| Aviation Operations | | | | |
| AO–1<br>*National Helicopter Coordinator.*—Lack of real time field intelligence for appropriate tracking and assignment of helicopter resources. | Immediate savings through utilization of appropriate helicopter resources.<br>*Potential Cost Savings: $2–3 million annually*[8]. | Dispatch, aviation community, end users. | Assistant Director for Operations to NICC Coordinator.<br>Establish a permanent full-time position for helicopter oversight and to manage the Helicopter Cost Efficiency Program (HCEP) database. | Completed. Employee start date 04/27/2008.<br>Total savings estimated $15–20 million by managing the exclusive use and limiting Call When Needed (CWN). |
| AO–1a<br>*Performance-Based Aircraft Dispatching.*—Frequently, dispatched aircraft do not meet operational performance needs in the field. | Best performing resource for field conditions will provide most efficient and cost effective utilization.<br>*Potential Cost Savings.—$1.5 million annually*[9]. | Dispatchers, Acquisition Management (AQM), Agency Aircraft Inspectors, end users. | FAM will modify current aircraft dispatching practices to implement best-value aircraft dispatching tool called Helicopter Cost Efficiency Program (HCEP). Develop communication strategy to gain field acceptance immediately. | HCEP program updates identified after beta test currently underway. New version scheduled for field use in 2008. |
| AO–1b<br>*Centralization (C&C) of Exclusive Use Helicopters.*—Utilization of aircraft will be based on Predictive Services. All helicopters will be considered national resources rather than National Fire Management Analysis System (NFMAS) model of Most Efficient Level resources[10]. | Reduction in severity costs by linking resources to Predictive Services. This would also reduce the use of CWN resources.<br>*Potential Cost Savings.—$1.5 million* based on reduction of CWN aircraft mobilization under severity needs. | FAM, dispatch, Predictive Services, Assistant Director for Operations. | FAM Director will initiate decision and begin implementation strategy.<br>Remove regional boundaries for aircraft utilization. | Type 1 and Type 2 helicopters are now consolidated into two national contracts. Managed as national shared resources. |
| AO–2<br>*Exclusive Use Helicopters.*—Utilize the ''Wildland Fire Management Aerial Application Study'' (August 2005) to determine the number of Type I and Type II Exclusive Use helicopters to be added to the system. | The addition of exclusive use helicopters will increase preparedness costs, but will result in a substantial reduction in suppression costs due to fewer CWN helicopters.<br>*Potential Cost Savings: $39.8 million ($6.1 million for Type II aircraft, $33.7 million for Type I aircraft)*[11]. | FAM, AQM ..... | Review Type III costs with intent to add additional Type III helicopters for exclusive use.<br>Reduce CWNs. | Completed. Appropriate number of Type 1 and 2 helicopters determined for maximum cost efficiency based on actual use statistics. Aircraft have been contracted under AO–1b recommendation. |

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| AO–3<br>*Performance-Based Contracts.*—Helicopter contracts are currently awarded based on antiquated aircraft typing criteria. | Improved effectiveness of the airframes in the field, resulting in cost reductions in price/lb delivery. We would obtain more modern aircraft with better safety features. Improved customer service and support during dispatching process.<br>*Potential Cost Savings: $581,000* | AQM, Department of the Interior (DOI), vendors. | Revise the contracting system by implementing the best value helicopter performance-based contracting.<br>FAM submit request for contract action and performance based requirements to AQM. | Completed. Linear optimization model developed for technical evaluation and best-value award for national helicopter contracts. |
| AO–4<br>*Long-Term Aviation Contracts.*—Develop long term contracts to achieve an overall reduction in helicopter and airtanker costs. | Services will cost less due to greater availability of aviation resources. Longer contracts are more cost effective. Provides industry stability, thereby creating a greater incentive to invest in new technology.<br>*Potential Cost Savings: $4.8 million for 180 day contracts, $24 million for 5 year contracts.* | FAM, AQM, industry, interagency. | FAM submit request for contract action and requirements to AQM. Look at adding additional Exclusive Use helicopters.<br>Explore partnerships across regional and agency boundaries as well as multi-mission capability. | Completed. 2008 large airtanker contract is a 5 year fixed length. National helicopter contracts are transitioning to a 4 year cycle. |
| AO–5<br>*Limiting Aviation Resources.*—Consider limiting/re-evaluating use of aviation resources as an incident increases in scale and duration and costs approach benchmarks. | More resources for initial attack or reassignment. Forces consideration of aviation needs/costs in strategy development on long term incidents.<br>*Potential Cost Savings: $3 million* per ¼ incident time [12]. | FAM, Incident Management Teams, NLT. | FAM will establish benchmarks for long term aviation use. Justify extended use under WFSA alternative. | Geographic Multi-Agency Coordination Center (GMAC) managed helicopters at the geographic area level in fiscal year 2007. Also, utilized priority setting criteria for moving helicopters around. Established long-term fire plans for incidents to efficiently utilize all resources. Ongoing. |
| AO–6<br>*Airtanker Base Efficiency.*—Airtanker base infrastructure has not changed with the decrease of available large airtankers. | Cost savings as a result of reduced facility expenses and a decrease in FTEs. | FAM, airtanker base personnel, retardant contractors. | Identify appropriate blend of aircraft types for year-round versus partial contract. Convert bulk contracts to full-service contracts for existing bases. Evaluate existing bases for re-designation as mobile or reload bases. | Airtanker base efficiency study completed in 2007. Awaiting decision on implementation. |

MANAGEMENT CONTROL AND EFFICIENCIES: OPERATIONS—Continued

| Management controls and efficiencies | Benefits | Parties involved | Action required | Status |
|---|---|---|---|---|
| | | Ground Operations | | |
| GO–1<br>*Severity Funds.*—Consider applying a cap to approvals of no more than $1 million per pay period or a percentage of the WFPR allocation for each Regional severity request. | Allows for longest distribution of severity funds over season nationally and displays assertive management.<br>Review of ABCD Miscellaneous accounting will bring everyone to parity and consistent implementation.<br>*Potential Cost Savings: $21 million*[13] | Fiscal, FAM | FSM, Letter of Instruction<br>Review use of ABCD Miscellaneous Accounts in lieu of severity requests.<br>Pre-positioned NSRs in lieu of severity when available. | Letter to the field Limiting severity authorizations by Region May, 2007.<br>Allocated a ceiling of $30 million and moved authority around as needed.<br>Actual severity spent about ⅔ of $35 million ceiling. |

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| GO–2<br>*National Shared Resources (NSR).*—Treat these resources without regional boundaries, and move to areas based on projections by Predictive Services. Depending on planning Levels, hold a percentage of NSRs at each level for IA rather than large fire support. | Consistent definition of NSRs. Efficient process of mobilization. Process provides for consistent use of ABCD Miscellaneous funds and reduced severity needs.<br>Simultaneous increase in percentage of resources held for IA with increased planning levels.<br>National level funding ensures consistent use of NSR funds across regions.<br>Increases National flexibility in the assignment of resources.<br>Increases availability of resources by eliminating concentration of resources in a geographic area. | Mobilization System, Fire Operations, MAC Group. While interagency in scope, can be implemented FS—only through Assistant Director for Operations. | Strategy Operations Plan, National Operations Plan.<br>Reconsider definition of National Shared Resources.<br>Centralize funding and management of national cache system.<br>Hold funding for NSRs at the national level instead of distributing to local units. Establish agreements with host units to cover fixed costs. | Included the utilization of national shared resources in the national operations plan. NMAC moved IHC's when needed due to potential activity or critical fire needs.<br>Funding has not been held at the national level yet for these resources or the caches due to the issue of WO ceiling. Discussions need to take place between FAM and PBA.<br>DOA from Chief of FS, Deputy Secretary of Interior, Administrator of U.S. Fire Administration, and President of National Association of State Foresters to NMAC on 6/19/07. |
| GO–3 (recommendation linked to L–4)<br>*National Operational Oversight.*—Provide review of incident strategy from organizational level above the Line Officer. | Provides additional expertise to local Line Officers in making strategic decisions on potential mega fires. Early strategic decisions significantly influence long term fire costs. | FAM, Predictive Services, National Incident Management Organization (NIMO). | Immediate direction to NIMO Incident Commanders (ICs) from WO.<br>Develop a national operations decision support group. Supply Chiefs Principle Representative as decision support with team. | Decision Support Group was assigned with the RFR and the CPR. NMAC utilized a support group to provide intelligence for decision making. |

MANAGEMENT CONTROL AND EFFICIENCIES: OPERATIONS—Continued

| Management controls and efficiencies | Benefits | Parties involved | Action required | Status |
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| GO–4<br>*Incident Complexity.*—Many incidents can be managed safely and effectively under a Type III organization. Current complexity analysis occasionally leads to a higher level incident management team than needed. | Keeping an incident at Type III can reduce costs.<br>*Potential Cost Savings: $1.5 to 10 million* per incident that does not go to T1/T2. | Type III organization: FAM, NLT.<br>Complexity analysis: National Wildfire Coordinating Group (NWCG). | Letter from WO, through NLT, mandating each Forest/sub-geographic area establish a Type III organization.<br>FAM request to NWCG to revise current complexity analysis to reduce ambiguity and better differentiate between various incident levels. | NWCG engaged the IOSWT to review complexity and team typing. NWCG will continue to work on this. Will review the capability in each region this winter. |
| GO–5<br>*Length of Assignment.*—The current 14-day rotation is not optimal for NSRs and IMTs, including Area Command. Manage fatigue in order to gain optimal utilization of resources assigned to an incident.<br>14-day rotation policy will continue to apply to other resources. | Reduces mobilization costs, improves transition-related safety issues and promotes better local community relations.<br>*Potential Cost Savings: $1.7 million* annually [14]. | NWCG, LOT, FAM ..... | FS recommend through NWCG changes to Redbook, Mobilization Guide, FSM, and FSH.<br>IMTs adopt methods to monitor accidents, illnesses, and other safety concerns throughout incidents. Safety Council would assist in monitoring accidents, trends and near misses and facilitate peer-reviews. | Area Commands assigned this season will recommend a review at the NMAC/GMAC end of year meeting.<br>Pacific Northwest (PNW) used longer assignments.<br>NIMO 30 days × 3. |
| GO–6<br>*Constrained Resources.*—Constrain resources to an incident to eliminate concentration of resources on a few incidents and increase resource availability to a wider range of incidents.<br>Assign a set number of resources based on planning levels to an incident.<br>Assignment of additional resources would be approved at GMAC or NMAC levels and only after an analysis assisted by FS Pro and RAVAR that develops an alternative in the WFSA for the specific conditions and duration of use. | Increased efficiency by requiring a true prioritization of actions and assignment of resources by the IMT/Line Officer.<br>Equalizes the use/availability of resources during major weather events across geographic areas.<br>Increases National and geographic area flexibility in assignment of resources.<br>Develops a suppression resource baseline to serve as a foundation for constraining the number of resources made available to an incident. | FAM, NLT, NMAC ..... | Request development and implementation, through GMAC, of a ''Stratified Resource Index.'' Analysis would determine the ''average'' number of resources that would be assigned to an incident commensurate with conditions and resource values.<br>Develop and implement a ''constrained resource approach'' in the assignment of firefighting resources to incidents that progress beyond the extended attack stage. | Have not officially initiated this request.<br>However Geographic Areas utilized long term planning relative to their incidents and implemented this philosophy by moving resources internally to assist in managing fires during peak/critical times.<br>Area Commanders will develop a recommendation on a process to be adopted nationally. |

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| GO–7<br>*Coordination Centers.*—With full implementation of ROSS, is the need for the current number of Geographic Area Coordination Centers necessary? | Fewer intermediate stops in dispatch system may reduce cost as well as provide for resource order filling efficiencies.<br>*Potential Cost Savings: $650,000* per unit [15]. | Mobilization system, interagency partners. | Related to fiscal year 2008 Dispatch Feasibility Study.<br>Consider re-engineering of mobilization system from 3 Tier to 2 Tier Mobilization. | Dispatch Feasibility Study was completed. No decision as of 3/1/08. Outcome of study will help determine where efficiencies will be gained and implemented. |
| GO–8<br>*Standardization.*—Identify efficiencies that may be gained through engine standardization. All geographic area needs will be considered in the selection of standard models. | Standardization will reduce long term costs of fleet management, due to standardization of equipment. | Engineering, FAM ..... | FAM to work with engineering to establish a national policy for engine standardization and develop a series of common models to be used nationally. | The Fleet Feasibility Study is completed, but has not been released.<br>FAM will establish a small task group to develop recommendations for fleet make-up and standardization for engines. |
| GO–9<br>*Review Traditional Operations.*—Review traditional organization, use and structure of Area Command, IMTs and NSRs. | Allow all resources to be configured in the most cost efficient manner possible. | NWCG or consider contracting the development and review or utilize NIMO. | Formal FAM request to NWCG .....<br>Establish a study group to perform review. Consider multi-mission, year-round capability, size, configuration, etc. Consider contracting the development and/or the review. | A request has not been made yet to NWCG. |
| GO–10<br>*Local Resources.*—Incorporate local fire agencies into the IA and extended attack organization for each National Forest. | Using local resources would reduce costs related to mobilization of national resources. Local resources provide immediate and often less expensive support [16]. | USFS leadership with NASF. | WO FAM policy discussion with NWCG .....<br>Develop strategy to pilot initial attack support through local government. | Geographic Areas utilized local resources per their established agreements.<br>FAM strategy development is on-going. |

MANAGEMENT CONTROL AND EFFICIENCIES: OPERATIONS—Continued

| Management controls and efficiencies | Benefits | Parties involved | Action required | Status |
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| GO–11<br>*Contract for Contingency Resources.*—Look into development of contracting buying teams, logistics and planning modules, particularly for all-hazard support. | Contracting provides for additional resources where critical shortages exist. This relates more to resource availability than to direct cost savings. | AQM, GSA, NICC ..... | FAM should identify critical shortages and needs—coordinate with AQM to develop contract packages. | FAM is working with contracting to develop the requirements. Will be submitting a request for contract action in 2008. |
| GO–12<br>*Smokejumper Program.*—Reevaluate smokejumper program and all its support requirements for cost/benefits. Include the number of bases necessary to support a national program with delivery systems. | Greater efficiency for Initial Attack would promote long-term savings. | FAM, DOI ..... | Annually update National Operations Plan ..<br>Complete and Implement ADFF | ADFF was completed in December 2007. Results will feed the NIAC Phase 3 and the aviation feasibility study group for potential strategies and recommendations. |

MANAGEMENT CONTROLS AND EFFICIENCIES: MANAGEMENT

| Management controls and efficiencies | Benefits | Parties involved | Action required | Status |
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| M–1<br>*Hazardous Fuels Support.*—Support hazardous fuel treatments among agencies with internal and interagency resources. Identify more efficient business practices to facilitate this. | Increased productivity, standardization, and efficiencies to both suppression and hazardous fuels organizations.<br>Reduced overhead costs<br>Increased coordination among interagency partners at the local level. | FAM, fire operations, fuels, and interagency partners. FS-only: implement through Assistant Director for Operations and Assistant Director for Fuels. | Identify internal and interagency capability to form and mobilize resources. Expand ROSS capability to meet this need.<br>Initiate discussions with DOI and FS Fire Directors to review cross billing policy to allow for better utilization of resources as the local level. | Have not begun this. |

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| M–2<br>*Return on Training Investment.*—Focus training dollars to meet the needs of critical shortage positions.<br>Assign mobilization targets (e.g. 50 percent of red-carded personnel respond to incidents). | Reduced reliance upon administratively Determined (AD) personnel and contractors to compensate for lack of available resources.<br>Better utilization of training funds for target positions based on needs analysis. | Interagency community, but can be started FS-only immediately. | Risk management AD begin needs analysis for FS in 2007.<br>Develop requirement for personnel to utilize completed training. Require trainees to complete training assignments as early in the season as possible.<br>GACCs will work with their partners to ensure adequate training opportunities on IMTs. | Initiated review of training curriculum and qualifications. Began gathering data relative to number qualified and what positions.<br>Utilized the qualifications system and ROSS in fiscal year 2007 to assist the regions with personnel for assignments. |
| M–3<br>*Long Term Fire Behavior Analyst (LTAN).*—Currently a critical shortage of LTANs. Long term planning skills are critical for the successful implementation of AMR. Operational decision-making needs to consider the full range of AMR. | Provide skills necessary to evaluate the latest technology for consideration of long term strategies.<br>Increased decision support for AMR. Decision makers will be able to quantify values, costs and benefits, as well as short and long term effects. | FAM, HR ..... | FAM work with HR to consider possibility of incentives to encourage additional LTAN training. | LTANs were provided with in the national and regional support groups to assist with decision making.<br>Have not initiated anything with HR. Depending on M–2 and the success of fiscal year 2007 season practices, may move forward with HR. |
| M–4<br>*Mega Fires.*—Work with research to evaluate past mega-fires to compare investments to resource protection to identify and establish the thresholds for diminishing returns. | Potential cost savings if early stage decisions can be identified that contribute to mega-fire status. | Research, FAM ..... | FAM to request research focus ..... | On-going project. Results of report will be shared and evaluated for implementation. |

MANAGEMENT CONTROLS AND EFFICIENCIES: MANAGEMENT—Continued

| Management controls and efficiencies | Benefits | Parties involved | Action required | Status |
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| M–5<br>*Fire and Aviation Facility Realignment.*—Develop a process similar to the military's Base Realignment and Closure (BRAC) to evaluate on an interagency basis needed facilities and recommend realignment and closures for cost saving benefits. | Eliminate costly facilities that no longer meet our primary needs of rapid mobilization of NSRs.<br>*Potential Cost Savings.—$50 million* estimated initial reduction. | National Fire and Aviation Executive Board (NFAEB), engineering, legislative affairs. | Proposal developed and presented to WFLC for action. | Although haven't started this process, some is related to the aviation feasibility study and the priority setting for funding requests for facility maintenance. |
| M–6<br>*Cost-Benefit of IFPM.*—Better understand the true long term costs and benefits of IFPM. | Potential cost savings of training dollars with long term cost savings possible. | Training Officers, FAM ..... | FAM .....<br>Conduct a cost benefit analysis of IFPM<br>Assess continuing education needs relative to job function. e.g., fire management, Emergency Coordination Center (ECC) managers, safety professionals, etc. | |
| M–7<br>*Contracting.*—identify the appropriate procurement tool for obtaining contracted resources in order to influence costs by competition and best value. | Reduce overall cost of obtaining equipment and services through pre-planning, formal competition and standardization. | FAM, AQM ..... | Continue work already started by Fire Equipment Services and Supplies Acquisition (FESSA) and NWCG through the Incident Business Practices Working Team (IBPWT). Establish standards, specifications and requirements in order to gain efficiency in procurement and tactical utilization.<br>Develop Virtual Incident Procurement System (VIPR). | FESSA group established a procurement plan for standardization of equipment for procurement procedures. New program is being developed to facilitate hiring and utilization of contracted services/equipment. |
| M–8<br>*Medical Standards.*—Review Medical Standards Program with an emphasis on reducing costs and complexity. Evaluate the possibility of including the work capacity test under MSP. | Reduce potential redundancy for measuring health capacity. | Interagency, Unions ..... | AD for Risk Management discuss combining requirements to eliminate duplication with Medical Standards Team. | The program is being reviewed on an interagency basis. Some changes are being implemented during the 2008 season. |

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| M–9<br>*ASC/ISO Impacts.*—With the centralization of the ASC, support to fire for critical positions has become a concern (particularly communications and finance support).<br>ASC—Albuquerque Service Center<br>ISO—Information Solutions Organization | Mitigations conducted by fire management are costly and could be reduced through greater partnership with ASC. | Business Operations, FAM, ISO. | Evaluate the true needs of an incident for communication and finance support needs.<br>Preparation of service level agreement | The Branch Chief for Incident Business worked with ASC to facilitate personnel support on incidents. ASC staff toured a couple of fires to gain an understanding. The IBPWT will submit a proposal to NWCG requesting they evaluate current business practices in the Finance section, and identify methods to change the business where efficiencies can be gained. |

[1] Briefly describe the issue followed by the proposed control and/or efficiency. With this protocol other solutions or opportunities might become apparent. [2] Describe the benefits. Actual cost savings may be known or possible to gather in this venue but describe how the actual dollar savings would be determined. [3] Who has ownership and who needs to be involved with the coordination? [4] Include who, what, and when any documents or manuals, handbooks etc. that would have to be changed would be here. [5] All WFSA recommendations can be cross-referenced to TriData report. [6] Congressional Intent from 2005 Appropriations language. [7] Dependent upon changes in Federal Wildland Fire Policy as identified in the AMR management efficiency description. [8] Implementing this position as an FTE would also save $50,000 annually in salary, travel and lodging for detailers to maintain the helicopter database. [9] Based on historic utilization of local CWN and Exclusive Use Type 3 helicopters, each region could save $100,000 to $150,000. [10] This links to the discussion of NSRs in Operations section. [11] Based on conversion of 25 Type I and 25 Type II contracts. [12] Estimate based on reducing aviation resources every one-quarter of incident time. Figures utilized from Tripod incident. [13] Calculated using a 2 percent cap per Regional PR budget. [14] Estimate based on 51 rotations total with 50 people per team. Estimated cost per mobilization/demobilization is $100,000. [15] Estimate based on salary/support costs of $400,000 and $250,000 rent/utilities. [16] See 12/2003 NAPA Report "Utilizing Local Firefighting Forces."

# FIRE AND AVIATION MANAGEMENT RECRUITMENT AND RETENTION ANALYSIS

[USDA Forest Service]

## INTRODUCTION

This report is in response to the following language in the Explanatory Statement accompanying the Consolidated Appropriations Act of 2008 (Public Law 110–161).

"The Appropriations Committees are aware that the Forest Service is facing challenges to recruit and retain wildland firefighters in Region 5, particularly on southern California forests, due to the agency's vastly different pay scales and personnel policies and the high cost of living in the region. The Forest Service should examine Federal firefighter pay and personnel policies and provide the House and Senate Committees on Appropriations with a proposal to increase recruitment and retention for southern California forests no later than February 1, 2008."

The Forest Service (FS) appreciates the patience of the Appropriations Committees in allowing Region 5 and the national headquarters to develop a thorough analysis of this complex set of issues. The dynamics studied in this proposal are controversial and will not be solved quickly or easily. For that reason, our proposal includes a series of long term suggestions to address the issues identified above.

It is important to note two things about the national context surrounding this report. First, the efficacy of Forest Service initial attack response has not diminished. The success continues to stay around 98 percent for all initial attack incidents. The agency is committed to maintaining this high level of success. Second, recent increases in Fire Suppression expenditures have been well documented, as has the resulting impact on other agency programs. In response, Forest Service leadership has aggressively implemented cost containment measures, resulting in decreased Suppression costs in fiscal year 2007. It is essential that the proposals related to Region 5 firefighter recruitment and retention support both continued initial attack success and cost containment efforts.

The issues highlighted by this report will continue to be closely monitored.

## ISSUES EXAMINED

The issues examined in the report are widely circulated and are frequently polarizing; therefore the methods used to complete the analysis relied on data from a variety of sources. Rates of attrition were from Region 5 records, Forest Service Human Capital records and the Office of Personnel Management. Pay data was from employees' W–2's both CAL FIRE and U.S. Forest Service. The reasons for leaving were provided from exit interviews in Region 5.

Forest Service Human Capital Management staff reviewed pay act and authorities and determined there are actions available locally, regionally and nationally. The Regional Forester and other line officers have discretion in the application of these authorities.

There is a perception, as noted by the Appropriations Committees and confirmed through informal employee sensing, the Forest Service faces recruitment and retention challenges in southern California. While a detailed analysis shows the region has some retention challenges, it also suggests the problems are manageable.

A 10-year analysis of permanent fire workforce in Region 5 reveals several important trends.

(1) The total number of permanent Fire and Aviation Management staff in the region nearly doubled between 1997 and 2007, from 1,257 to 2,290. An 82 percent increase indicates successful recruitment efforts, not the opposite.

(2) In 2007 the Region 5 Fire and Aviation Management staff experienced 370 retirements, resignations and transfers. However, recruitment resulted in a net gain of 68 employees, or 3 percent.

(3) The overall Forest Service attrition rate in southern California (9.4 percent) is actually lower than the national Federal attrition rate (13.4 percent).

These statistics indicate that recruitment is outpacing attrition in Region 5. Furthermore, attrition within southern California is well within national averages. Based on these trends, it appears that recruitment and retention are within expected norms. However, there are areas within the statistics cited above which deserve closer examination, and which the proposals of this report will address.

First, the largest component of separations within the Region 5 Fire and Aviation Management organization come at the GS–4 level, where the attrition rate is 46.6 percent. Attrition rates above the GS–4 level do not differ significantly from regional or national averages.

FIGURE 1.—ATTRITION RATES BY GRADE IN SOUTHERN CALIFORNIA, REGION 5, FOREST SERVICE AND FEDERAL SERVICE

[In percent]

| Grade | Southern California | Pacific Southwest Region | Forest Service wide | Federal service |
|---|---|---|---|---|
| GS–04 | 46.6 | 32.1 | 23.6 | ([1]) |
| GS–05 | 8.7 | 10.9 | 12.3 | ([1]) |
| GS–06 | 3.9 | 2.9 | 2.1 | ([1]) |
| GS–07 | 4.2 | 2.4 | 1.5 | ([1]) |
| GS–08 | 1.1 | 0.7 | 0.3 | ([1]) |
| GS–09 | 1.1 | 1.2 | 0.9 | ([1]) |
| GS–11 | 0.2 | 0.6 | 0.6 | ([1]) |
| Overall | 9.4 | 7.2 | 6.3 | 13.4 |

[1] UNK

Notes:

Includes series only 0462 and 0401 both fire and non fire positions.

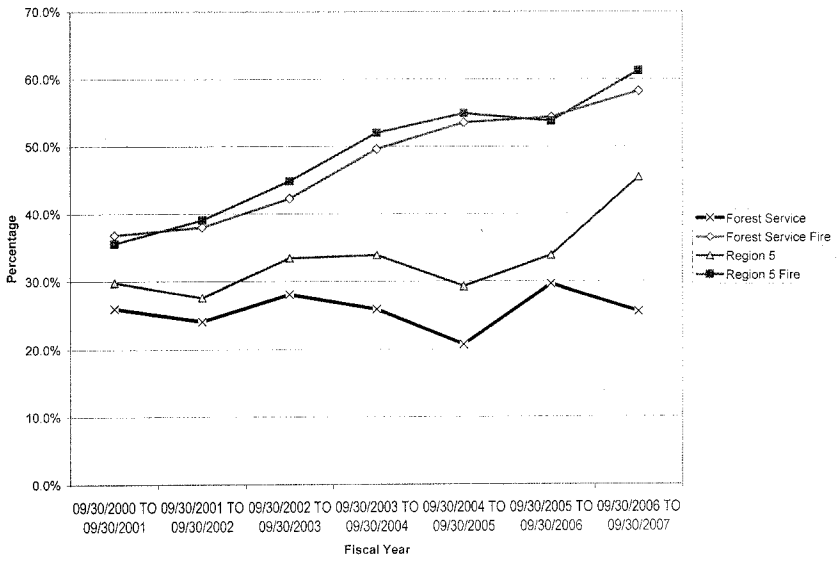
Data retrieved from NFC Reporting Center.

Southern California includes Angeles, Cleveland, Los Padres, and San Bernardino National Forests.

The rate of attrition for Cal Fire is currently unknown.

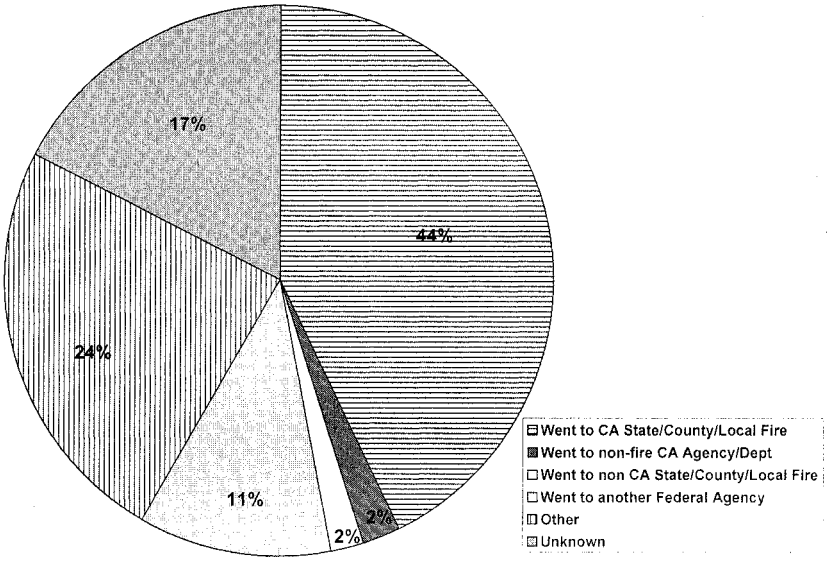
Second, a higher percentage of separations are due to resignations (as opposed to retirement or transfers) than the regional or national average (Figure 2). Exit interviews indicate that 44 percent of those leaving the Forest Service went to CAL FIRE or local fire departments (Figure 3).

*Figure 2: Resignations as a Percentage of Total Separations*




Third, these trends are most pronounced on the Angeles National Forest and the San Bernardino National Forest, which saw the most resignations of any Region 5 forests. Of the resignations on these two forests in 2007, 45 percent were at the GS–4 level, and 61 percent went to State, county or local fire departments. The attrition rates for the two forests were 12.2 percent and 9.3 percent in 2007, according to Region 5 data.

*Figure 3. Reason for Leaving Forest Service*




PAY SCALES, COST OF LIVING , AND PERSONNEL POLICIES

Local perception, as noted by the Appropriations Committees, is Forest Service pay scales and personnel policies, coupled with the high cost of living in southern California, make it difficult to attract and retain Fire and Aviation Management workforce in the region. Upon closer examination, the perception of the effects of pay scale and personnel policy discrepancies and high cost of living appears to be unsupported by the data.

*Pay Scales*

Comparison of Forest Service and CAL FIRE payment and hours worked data for 2007 suggests that actual hourly rates of pay are comparable. It was difficult to determine the appropriate metric for comparison as the pay, staffing and personnel policies differed greatly. Wages as shown on W–2 forms were chosen as a measure. Cal Fire employees on average for the three positions examined worked about 62 percent more hours (4,457 v. 2,768) than their Forest Service counterparts. The comparison of pay and hours is not straight forward due to personnel policy differences, such as portal-to-portal pay and planned overtime that guarantee Cal Fire firefighters more total hours annually.

Nonetheless, when accounting for all hours worked, overtime and hazard pay rates (see Figure 4):

—Average pay of Firefighter II is $2.81/hour higher in FS than CAL FIRE
—Average pay of Fire Engineer is $5.36/hour higher in FS than CAL FIRE
—Average pay of Fire Captain is $7.08/hour higher in FS than CAL FIRE

Although Forest Service hourly pay is equal or higher, staffing plans guarantee CAL FIRE employees more hours and consequently more pay annually. In addition, Cal Fire employees work a 72 hour, three day shift, benefit from 24 hour pay while on fire assignments, and have a more generous retirement plan. Federal wildland fire staffing is closely tied to the threat of wildland fire activity, which occurs within a defined season. To ensure initial attack success and public safety during the fire season at the most reasonable cost to taxpayers, the Forest Service uses variable staffing, seasonal aviation contracting and seasonal employees.

FIGURE 4.—PAY COMPARISON CAL FIRE AND U.S. FOREST SERVICE (HOURS)

| | Base pay | Additional base hours included [1] | Planned overtime | Unplanned overtime | Annual compensation | Average hourly rate |
|---|---|---|---|---|---|---|
| Cal Fire FFTR II [2] | (2,080) | [1] (676) | (988) | (561) | (4,305) | $15.04 |
| | $33,324 | | $16,973 | $14,463 | $64,760 | |
| USFS SoCal FFTR II [3] | (2,080) | ..... | ..... | (838) | (2,918) | 17.85 |
| | $35,014 | | | $21,082 | $56.096 | |
| Cal Fire Engineer | (2,080) | [1] (676) | (988) | (734) | (4,478) | 18.50 |
| | $39,900 | | $20,322 | $22,633 | $82,855 | |
| USFS SoCal Engineer | (2,080) | ..... | ..... | (548) | (2,628) | 23.86 |
| | $44,987 | | | $17,716 | $62,702 | |
| Cal Fire Captain | (2,080) | [1] (676) | (988) | (844) | (4,588) | 20.63 |
| | $43,776 | | $22,296 | $28,572 | $94,644 | |
| USFS SoCal Captain | (2,080) | ..... | ..... | (679) | (2,759) | 27.71 |
| | $51,360 | | | $25,078 | $76,438 | |

[1] Included.—Means money is included in base salary number. Cal Fire calculates base pay and overtime (planned and unplanned) in accordance with their bargaining unit agreement.
[2] Full Time Employee.
[3] Seasonal Employee.

The data in the table above (figure 4) was developed from actual 2007 W–2 data randomly selected from a sample of Forest Service employees in southern California. It includes overtime and hazard pay. The Cal Fire data is actual 2007 compensation provided by their agency. Cal Fire employees do not receive hazard pay. The average hourly rate is computed by dividing the total compensation by the total hours worked. Unplanned overtime is highly variable for employees of both agencies.

Forest Service employees at the GS–04 and 05 grades are Permanent Seasonal employees either 13/13 or 18/08 (guaranteed at least 13 pay periods or 18 pay period of employment out of a total of up to 26). Cal Fire employees are all full time employees.

Cal Fire employees work a 72 hour schedule each week which is paid as 53 base hours and 19 planned overtime hours. Any time in excess of 212 in a 28 day period is paid as unplanned overtime.

It should be noted the two agencies have very different work schedule expectations and pay rules therefore actual compensation was averaged to determine the unplanned overtime.

*Cost of Living*

Analysis performed by the Office of Personnel Management (OPM) indicates that Federal employees in southern California do experience pay disparities compared to non-Federal workers. However, Los Angeles and San Diego are not the only localities where this is true, nor do they experience the most severe disparities. In fact, the pay disparity in Los Angeles is below the national average, and San Diego's is comparable. Below is a table of 2007 pay disparities for comparison.

| Locality | Disparity Percent |
|---|---|
| Atlanta | 23.21 |
| Boston | 25.35 |
| Chicago | 23.06 |
| Dallas | 22.42 |
| Los Angeles | 21.82 |
| New York | 26.67 |
| Phoenix | 25.02 |
| San Diego | 25.20 |
| San Francisco | 28.62 |
| Seattle | 23.39 |
| Washington DC | 36.30 |
| Average (all of United States) | 22.97 |

(http://www.opm.gov/oca/payagent/2007/PayDisparities.asp

*Personnel Policies*

Comparing personnel policies of Federal wildland fire agencies with local and State fire agencies is complex. While it is natural for employees to compare their job descriptions, compensation, and benefits with those of similar workers in close proximity, there are also important distinctions and valid differences between them.

Forest Service fire management personnel in southern California and across the Nation are Forestry Technicians. This title reflects their land management orientation. In the course of their work, they collaborate with State and local employees of fire departments. This is a subtle but key difference. Even though both Federal wildland firefighters and fire department firefighters focus on fire, the mission purposes of the agencies differ, and so too do the roles and responsibilities of their respective personnel. Fire departments generally have an emergency responder role that includes traffic collisions, medical calls and other actions that are not wildland fires. That is to say, the Forest Service is a land management agency that employs wildland firefighters to accomplish land management objectives, while the mission of fire departments personnel focus on preserving life and property. Because of differing responsibilities, it is both impossible and inappropriate for the Forest Service to pay and staff the same way as these fire departments. For example the Forest Service does not allow fire fighters to enter structures to suppress these fires.

The tendency of our employees, partners and the public to compare Forest Service fire management responsibilities to State and local fire departments points to a larger issue the agency is facing regarding the need for a clear mission and definition of responsibilities for our firefighters in the wildland urban interface. Fires in recent years have become larger and more difficult to control due to a variety of factors, including climate change, historic fire suppression efforts resulting in increased density of hazard fuels, and expansion of residences in the wildland urban interface (WUI). This situation is acutely felt in southern California where over 189,000 new homes have been built since 2003 in the Wildland/Urban interface. This growth poses a higher level of complexity on Wildland firefighting in fire adapted ecosystems. Therefore, the agency must clearly express its emergency response role, and clarify distinctions between State and local fire department.

PROPOSED ACTIONS

The analysis outlined above suggests that the perceptions around recruitment and retention in southern California are hard to substantiate based on data. An analysis of available data confirms that while issues regarding perceptions around recruitment and retention in southern California may exist, they cannot be objectively substantiated. Absent such substantiation, recommendations that the Office of Personnel Management depart from standard Federal pay rates or the agency seek other special personnel authorities are unwarranted. Further, such actions may have the unintended consequence of negatively affecting recruitment and retention elsewhere in the Nation.

Accordingly, key actions to be undertaken immediately by the Forest Service will be internal and external communication around these findings:

—Region 5's Fire & Aviation Management recruitment rate is greater than its attrition rate.
—The attrition rate in southern California is below national averages.
—On average, Forest Service hourly pay rates are actually greater than those for comparable CAL FIRE positions.
—Federal workers in southern California are paid less than their counterparts in the private sector, but other parts of the country experience similar or worse rates of disparity.

In the course of this analysis, additional issues outside the scope of the requested report have become evident; clearly there are morale issues which need leadership's attention and action. We refrained from making recommendations addressing these in the report as it is outside the scope of the committee's request. Additionally, these morale issues will take more time to review, validate and resolve. Leadership will focus attention on this important area and will keep the committees apprised of the situation and the progress to resolve the issues.

In addition to increased communication around key issues, the Forest Service will consider specific long-term actions. These recommendations will consider potential morale and budget impacts resulting from providing special benefits solely to firefighters in southern California. Changing public and agency perceptions and ensuring employee morale will require active management over years. The recommendations below may be tools in that process.

—Review and strengthen commitment to Wildland fire mission with Federal, State, and local partners.
—Strategically apply individual retention allowances and/or special pay authorities within the discretion of the agency.
—Encourage use of optional work schedules and tours of duty.
—Improve employee housing and working facilities.
—Improve communications connectivity, training, and access.

—Determine cost and feasibility of special pay in identified high cost areas.
—Renegotiate cooperative agreements to provide more equity for Forest Service employees.
—Monitor issues identified and adjust as necessary.

Mr. REY. The Secure Rural Schools and Community Self-Determination Act of 2000 was enacted to provide transitional assistance to rural counties affected by the decline in revenue from timber harvests in Federal forests. That legislation was extended for an additional seventh year under the terms of Public Law 110–28.

The 2009 budget of the Forest Service includes a legislative proposal that provides $200 million above the current baseline for a 4-year extension of the legislation, and that proposal was included with our budget. The 2009 budget focuses resources on national forest and grassland responsibilities, which we've talked about at length already today, but it also reflects redesigned State and Private Forestry program approach.

Funding is proposed in the 2008 farm bill in addition for purposes and activities similar to those supported by the State and Private Forestry program. The Conservation, Forestry, and Energy titles of the farm bill authorize nearly $10 billion in incentives to State and local governments and nonindustrial private forest landowners to pursue conservation, forest restoration, and biomass energy.

I will submit for the record a summary of what's included in each, the administration, the House, and the Senate farm bill proposals.

[The information follows:]

2008 FARM BILL USDA/HOUSE/SENATE SIDE BY-SIDE SUMMARY

| Item | USDA proposal summary | House summary | Senate summary |
|---|---|---|---|
| T8–1 | No comparable provision. | *Sec. 8001 National Priorities for Private Forest Conservation.*—Amends Cooperative Forestry Assistance Act (CFAA) to establish 3 priorities:<br>(1) Conserving and managing working forests.<br>(2) Protecting and restoring forests from a range of threats.<br>(3) Enhancing public benefits from private forests.<br>Secretary must submit report on outcomes to Congress by 2011. | *Sec. 8001 National Priorities for Private Forest Conservation.*—Very similar language to House version. |
| T8–2 | *Sec. 8002 Comprehensive Statewide Forest Planning.*—Authorizes up to $65 million for States to produce comprehensive forest plans that identify critical forest landscapes and set management priorities. | *Sec. 8002 Long-Term, State-wide Assessments and Strategies for Forest Resources.*—States must do assessments of forest resource conditions as a requirement to receive funds for all CFAA programs. Assessments coordinated among State forester or equivalent, State forest stewardship coordinating committee, State wildlife agency and State technical committee. Can use up to $10 million in available funds. | *Sec. 8004. Comprehensive Statewide Forest Planning.*—Directs States to do assessments of forest resource conditions as a requirement to receive funds for CFAA programs. Similar to House language, but includes: Establishment clause directing Secretary to create the planning program; specifies that community wildfire protection plans should be considered in the assessment; a plan for achieving the national priorities (sec. 8001); clarifies that the Statewide plan replaces all CFAA planning and assessment requirements; must also coordinate with Federal land management agencies and the State lead agency for the Forest Legacy Program. Authorizes $10 million. |

| | | | |
|---|---|---|---|
| T8–3 | *Sec. 8001 Community Forests Working Lands Program.*—Authorizes up to $65 million per year in technical and financial assistance for local communities to purchase and manage community forests. | No comparable provision. | *Sec 8002 Community Forest and Open Space Conservation Program.—Provides financial support for acquisition of community forests and emphasized technical assistance to communities.*—The program would be a competitive grant process open to tribes, local governments, or nonprofit land trusts. There is a 50 percent cost-share requirement. The community forests should provide economic, environmental, educational technical assistance, and recreational benefits. The program requires that community forests are open to public access and managed consistent with the purposes of the program. Up to 10 percent of program funds are available to State foresters or equivalent tribal officials for program administration and technical assistance. |
| T8–4 | No comparable provision. | *Sec. 8003 Assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.*—Amends CFAA by striking, ''the Trust Territory of the Pacific Islands'' and inserting, ''the Federated State of Micronesia, the Republic of the Marshall Islands, the Republic of Palau''. | *Sec. 8005 Assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.*—Identical language to House version. |
| T8–5 | No comparable provision. | *Sec. 8004 Changes to Forest Resource Coordinating Committee.*—Modifies and expands the Forest Resource Coordinating Committee at Secretary level to include the chiefs of FS and NRCS and administrators of FSA and CSREES. Non-Federal reps with 3-year terms include 3 State foresters or equivalent, a representative from a State technical committee State fish and wildlife agency, NIPF owner, Industry, conservation orgs., land grant university, consultants, and others. Coordinates national efforts to NIPF landowners. Clarifies roles and responsibilities—advises on allocation of competitive funds, and provides annual report to Secretary and Congress. | No comparable provision. |
| T8–6 | No comparable provision. | *Sec. 8005 Changes to State Forest Stewardship Coordinating Committees.*—Replaces requirement for a statewide forest stewardship plan with statewide assessment and strategies for forest resources. State committees make recommendations on the statewide assessment. Adds a representative from the State technical committee. | No comparable provision. |

2008 FARM BILL USDA/HOUSE/SENATE SIDE BY-SIDE SUMMARY—Continued

| Item | USDA proposal summary | House summary | Senate summary |
|---|---|---|---|
| T8–7 | No comparable provision. | No comparable provision. | *Sec. 8003 Forest Legacy Applications.*—Amends CFAA by stating applications submitted by Indian tribes do not have to pass through the State coordinating committee. |
| T8–8 | No comparable provision. | *Sec. 8006 Competition in Programs Under Cooperative Forestry Assistance Act of 1978.*—Requires a portion of CFAA funds, as determined by the Secretary, be available competitively to State foresters. State foresters are the only eligible entity. Secretary to consult with new forest resource coordinating committee to determine competitive allocation of funds. | No comparable provision. |
| T8–9 | *Sec. 8003 Landscape Scale Competitive Grant Program.*—Authorizes up to $30 million per year in competitive grants for large, landscape scale forest conservation and restoration projects. | *Sec. 8007 Cooperative Forest Innovation Partnership Projects.*—No more than 5 percent of CFAA funding for innovative national, regional, or local education, outreach, or tech-transfer projects to meet the national priorities. Must have 50 percent cost share, including in-kind donations. Funds eligible to States, tribes, local gov't, land-grant, or private entities. | No comparable provision. |
| T8–10 | No comparable provision. | *Subtitle B—Amendments to Other Laws*<br>*Sec. 8101 Healthy Forest Reserve Program Reauthorized until 2012. Sec. 508. Funding. Authorizes $10,000,000 in funding.* | *Conservation Title Sec. 2331 Healthy Forest Reserve Program.*—Reauthorized through 2012. Changes language from "an easement of not more than 99 years" to "a permanent easement." Authorizes "such sums as are necessary". |

| | | | |
|---|---|---|---|
| T8–11 | No comparable provision. | *Subtitle B—Amendments to Other Laws*<br>*Sec. 8102 Emergency Forest Restoration Program.*—Provides Emergency Forest Restoration Program for development and implementation plans of NIPF owners who have sustained loss or damage to forest from fire, hurricanes, storms, drought, insects, disease, or invasive species. Plan addresses reforestation, restoration, BMPs and stewardship. Up to 75 percent cost-share, but not more than $50,000/year per owner. Owner has 10 years to use funds. Allows NIPF lands to be eligible for emergency restoration funds if the Secretary determines that insects or diseases pose an imminent threat of loss or damage to those lands. Funding would be through an emergency supplemental. | *Conservation Title Sec. 2398 Emergency Landscape Restoration Program.*—Available to NIPF owners to restore landscapes damaged by fire, drought, flood, hurricane force or excessive winds, ice storms or blizzards, or other resource-impacting natural events. Priority for activities protecting human health and safety. Funding subject to appropriation. Up to 75 percent cost share. |
| T8–12 | *Sec. 8202 Office of International Forestry.*—Extends the authorization for appropriations (does not specify amount) through 2012 for the Office of International Forestry (International Programs). | *Sec. 8101 Office of International Forestry.*—Reauthorized through 2012. | *Sec. 8202 Office of International Forestry.*—Reauthorized through 2012. |
| T8–13 | *Sec. 8203 Rural Revitalization Technologies.*—Authorizes appropriations of $5 million for each fiscal year 2008–2012 for the Forest Products Lab to accelerate adoption of technologies using biomass and small-diameter materials and provide assistance and information to small businesses. | *Sec. 8104 Rural Revitalization Technologies.*—Identical Language—reauthorized through 2012. This authority is used to administer the biomass utilization grants.. | No comparable provision. |
| T8–14 | *Sec. 8201 Renewable Resources Extension Activities.*—Authorizes $30 million for each fiscal year 2008-2012 for the Renewable Resources Extension Program administered by CSREES through State universities to provide technical assistance to landowners. | Included in Research Title. Extends authority through 2012. | *Sec. 8201 Renewable Resources Extension Activities.*—Reauthorized through 2012 at $30 mil each fiscal year. |
| T8–15 | No comparable provision. | No comparable provision. | *Sec. 8101 Definitions.*—Provides definitions for Indian, Indian tribe, and National Forest System that will be used under Subtitle B of this bill—Tribal-Forest Service Cooperative Relations. |
| T8–16 | No comparable provision. | No comparable provision. | *Sec. 8111 Forest Legacy Program.*—Amends CFAA to allow include Indian tribes to participate in the Forest Legacy Program. Tribes are eligible to receive grants to carry out FLP projects. |

2008 FARM BILL USDA/HOUSE/SENATE SIDE BY-SIDE SUMMARY—Continued

| Item | USDA proposal summary | House summary | Senate summary |
|---|---|---|---|
| T8–17 | No comparable provision. | No comparable provision. | *Sec. 8112 Forestry and Resource Management Assistance for Indian Tribes.*—Authorizes the Secretary to provide assistance to tribes to access NFS land for religious and cultural reasons, and coordinate resource management. Authorizes conservation education projects and technical assistance on Indian forest lands. Directs Secretary to develop rules within 18 months in coordination with tribes and DOI. |
| T8–18 | No comparable provision. | No comparable provision. | *Sec. 8121. Purposes—Cultural and Heritage Cooperation Authority (Secs. 8121–27).*—Authorizes reburial of tribal remains on NFS lands, provides access to NFS land and forest products for cultural purposes, and prevents the disclosure of burial site locations and other sensitive information. Authorizes the temporary closure of NFS land for cultural purposes. |
| T8–19 | No comparable provision. | No comparable provision. | *Sec. 8122. Definitions.*—Provides definitions for terms used in this Subsection. |
| T8–20 | No comparable provision. | No comparable provision. | *Sec. 8123 Reburial of Human Remains and Cultural Items.*—Authorizes the reburial of human remains and cultural items, including those repatriated under NAGPRA (25 USC 3001 et seq.) on NFS land. Prevents unauthorized disclosure of information on burial sites. |
| T8–21 | No comparable provision. | No comparable provision. | *Sec. 8124 Temporary Closure for Traditional and Cultural Purposes.*—The Secretary shall ensure access by Indian tribes to NFS land. The Secretary may, to the maximum extent practicable and for the minimum period of time, temporarily close from public access specifically designated NFS land to protect the privacy of tribal activities for traditional and cultural purposes. |
| T8–22 | No comparable provision. | No comparable provision. | *Sec. 8125 Forest Products for Traditional and Cultural Purposes.*—Authorizes the Secretary to allow, to the maximum extent practicable, access to NFS land by Indians and Indian tribes for traditional and cultural purposes. |
| T8–23 | No comparable provision. | No comparable provision. | *Sec. 8126 Prohibition on Disclosure.*—Authorizes Secretary to protect confidentiality of certain information, including information this culturally sensitive to Indian tribes. |

| | | | |
|---|---|---|---|
| T8–24 | No comparable provision. | No comparable provision. | *Sec. 8127 Severability and Savings Provisions.*—Preserves all existing tribal rights, all existing agreements among tribes and the FS, existing trust responsibilities, and other outstanding rights to use of NFS lands. |
| T8–25 | No comparable provision. | *Sec. 8201 Hispanic-Serving Institution Agricultural Land National Resources Leadership Program.*—Competitive grants to Hispanic serving institutions for undergraduate scholarship programs in forestry. Promotes professional work in Federal and State agencies in natural resources. Authorized ''such sums as may be necessary''. | No comparable provision. |
| T8–26 | No comparable provision. | No comparable provision. | *Sec. 8203 Green Mountain National Forest Boundary Adjustment.*—Authorizes small modification of the boundary of Green Mountain National Forest. |
| T8–27 | No comparable provision. | No comparable provision. | *Sec. 8204 Prevention of Illegal Logging Practices.*—Amends the Lacey Act Amendment to include trees in the definition of ''plant''. |
| T8–28 | No comparable provision. | No comparable provision. | *Sec. 8205 Sale and Exchange of National Forest System Land, Vermont.*—Authorizes sale/exchange of certain parcels of land on the Green Mountain NF in Vermont. |
| T8–29 | No comparable provision. | No comparable provision. | *Sec. 8301 Qualifying Timber Contract Options.*—Allows the Secretary to cancel or re-determine qualifying timber contracts if the rate at which a qualifying contract would be advertised on the date of an enactment of this language is at least 50 percent less than the original purchased rate of the contract. |
| | *Sec. 8201 Forest Wood to Energy Program.*—Mandates $15 million per year for accelerating the development of renewable energy from woody biomass—including cellulosic ethanol and other bioenergy.[1] | | |

[1] Energy Title.—Similar provisions included in House and Senate Energy Titles.

Mr. REY. I think the point I'm trying to draw here is that, in evaluating the State and Private Forestry budget, you have to put it alongside the farm bill proposal, because what we are proposing to do is to broaden the reach of some of the conservation title programs to make them accessible to serve some of the interests that the State and Private Forestry functions of the Forest Service serve.

So just looking at the 2009 Forest Service budget proposal doesn't give you the full picture of all of that proposed activity.

PREPARED STATEMENT

In closing, then, I'd like to respond to Senator Alexander's question. We have, as have our colleagues at the Department of the Interior, evaluated in the past whether it makes sense to try to establish a separate firefighting agency. What we have concluded is that doing that then separates the firefighting function from the land management function, and probably doesn't buy you much in the way of program reforms or advantages. The issue of appropriate funding for firefighting would still remain even if that kind of change was made.

With that, I'll turn the podium over to Chief Kimbell.

[The statement follows:]

PREPARED STATEMENT OF MARK E. REY

OVERVIEW

Madam Chairman and members of the subcommittee, I appreciate the opportunity to discuss the President's fiscal year 2009 budget for the Forest Service during today's hearing. I am pleased to join Forest Service Chief Gail Kimbell at this hearing today.

In my testimony, I will discuss three issues that relate to the 2009 budget. First, I will address Wildland Fire programs and management reforms. Next, I will address the need to provide 4 years of further transitional assistance to rural counties that received benefits under Secure Rural Schools and Self-Determination Act of 2000. Finally, I will discuss the redesign of Forest Service State and Private Forestry programs and related Federal investments proposed in the 2008 farm bill.

WILDLAND FIRE

The 2009 budget proposes a total of $1.977 billion for Wildland Fire Management programs, including $994 million for Suppression, $588 million for Preparedness, $297 million for Hazardous Fuel Reduction, and continued funding for other National Fire Plan activities. Additionally, the Forest Service is adopting significant management reforms to ensure equitable fire suppression cost sharing between Federal and other firefighting entities, fully implement risk-informed Appropriate Management Response, and enact cost containment accountability throughout Wildland Fire programs.

The 2007 fire season illustrated the continued success of the Forest Service fire organization, but also the challenges we face. Fires in recent years have become larger and more difficult to control due to a variety of factors, including climate change, historic fire suppression efforts resulting in increased density of hazard fuels, and expansion of residences in the wildland urban interface (WUI). As a result, fire activity in 2007 was above normal by many standards. Across all jurisdictions, wildland fires totaled more than 78,000 incidents burning over 9 million acres. Thirteen different fires burned over 100,000 acres each, and the Nation was in Preparedness Level 5 for 33 days—the highest level of fire activity during which several geographic areas are experiencing simultaneous major incidents. Despite more fires than in 2006 and a 49 percent increase in acres burned, the cost of suppressing Forest Service fires was $127 million lower in 2007 due to aggressive implementation of Appropriate Management Response and other cost containment measures.

The southern California fires at the end of the 2007 fire season further exemplified the successful coordination and risk mitigation activities that have made the Forest Service fire organization a model the world over. Compared to similar events in 2003, the 2007 fires had more fire starts (271 compared to 213) and more large fires that escaped initial attack (20 compared to 14), yet much less resulting damage. Only 65 percent as many acres were burned, 60 percent as many structures were destroyed, 60 percent as many firefighters were injured, and 40 percent as many civilian fatalities occurred compared to 2003. Improvements are attributable to pre-positioning efforts, investments in hazardous fuels treatments and community capacity, and coordination with other Federal, State, and local entities.

In spite of these signs of success, the 2007 fire season still resulted in nearly $1.4 billion of expenditures on fire suppression. As application of Federal firefighting resources on both Federal and non-Federal land has grown, annual suppression expenditures escalate, as does the 10-year average of annual fire suppression expenditures, which determines the program's budget request. The 2009 Fire Suppression request is $994 million, over $250 million higher than it was just 2 years ago, and nearly $150 million more than the current enacted level. The total Wildland Fire Management program, including continued focus on the National Fire Plan, makes up over 48 percent of the agency's discretionary budget request. The Forest Service is adopting substantive management reforms to mitigate this cost trend.

In fiscal year 2009, the Wildland Fire Management program will continue to improve performance through attention to policy, training, oversight, decision support tools, and after action performance analysis. Management policy is set at the national level, and provides clear guidance for the role of Federal firefighters in the Wildland Urban Interface. Management policy also provides strategies of Appropriate Management Response, expectations concerning national shared resources and aviation resource cost management, and limitations to Severity funding. Mandatory training keeps agency administrators up to date on national policy. During an incident, the Chief's Principal Representative provides oversight, while decision support tools such as RAVAR and FSPro offer the incident commander information on fire spread probability, resource values at risk, and historic costs for similar fires. After action reviews, including use of the Stratified Cost Index, provide lessons and best practices to include in subsequent updates to management policy. This performance improvement process resulted in lower than projected suppression expenditures in 2007, and will enable the agency to maintain Fire Preparedness resources within a $588 million program budget, a decrease of $77 million from 2008.

Several additional wildfire management reforms are based on recommendations of a USDA Office of Inspector General report that examined large fire suppression costs. The report documented inequitable apportionment of fire protection responsibilities between Federal and local entities in residential areas that abut national forests. In response, the Forest Service is renegotiating master protection agreements to clarify roles and ensure equitable and appropriate allocation of wildland urban interface firefighting costs between the agreement parties. Additionally, the Forest Service will implement a science-based methodology to encourage the cost-effective practice of using unplanned wildfires to reduce hazardous fuels when appropriate.

We expect that the management improvements implemented and underway will make managers better prepared for wildfires; facilitate better decision making during firefighting operations; and provide the tools necessary to analyze, understand and manage fire suppression costs. While the factors of drought, fuels build-up in our forests and increasing development in fire prone areas have the potential to keep the number of incidents and total cost of wildfire suppression high for some time to come, we are confident in our strategy to address wildland fire suppression costs and are committed to action. We believe that the measures discussed today promise to expand efficiency and reduce suppression costs. We look forward to continued collaboration with our Federal, State, local, tribal, and other non-Federal partners to address our shared goal of effectively managing wildfire suppression costs.

CONTINUING TRANSITIONAL SUPPORT TO RURAL COMMUNITIES THROUGH EXTENSION OF SECURE RURAL SCHOOLS PAYMENTS

The Secure Rural Schools and Community Self-Determination act of 2000 (SRS) (Public Law 106–393) was enacted to provide transitional assistance to rural counties affected by the decline in revenue from timber harvests in Federal lands. Traditionally, these counties relied on a share of receipts from timber harvests to supplement local funding for school systems and roads. Funding from SRS has been used to support more than 4,400 rural schools and to help maintain county road systems.

In addition SRS has authorized the establishment of over 55 Resource Advisory Committees (RAC) in 13 States, which has increased the level of interaction between the Forest Service, local governments, and citizens—resulting in greater support and understanding of the agency's mission. The Forest Service has distributed more than $2.5 billion under this legislation since 2001 to assist counties in maintaining and improving local schools and roads. Of this amount, $213 million have been used by RACs to implement more than 4,400 resource projects on national forests and grasslands and adjacent non-Federal lands.

Though the Secure Rural Schools Act expired in 2006, Congress extended payments for a 7th year under Public Law 110–28. The final year of payments were made in December 2007, and included distribution of more than $389 million in Forest Service revenue to 41 States and Puerto Rico for improvements to public schools, roads and stewardship projects.

The 2009 budget underscores the President's continuing commitment to States and counties impacted by the ongoing loss of receipts associated with lower timber harvests on Federal lands. The Budget includes a legislative proposal that provides $200 million above the current baseline for a 4-year extension of USDA and Department of the Interior forest county safety net payments, which will be targeted to the most affected areas, capped, adjusted downward each year, and phased out. For administrative convenience, USDA will make the payments on behalf of both agencies. Offsets for the administration's proposal are provided within the topline of the President's Budget throughout the Department of Agriculture and elsewhere. For the 2008 payment (to be made in 2009), the administration continues to be prepared to work with Congress to identify mutually agreeable offsets.

STATE AND PRIVATE FORESTRY PROGRAM REDESIGN

The 2009 budget focuses resources on national forest and grassland responsibilities, but it also reflects a redesigned State and Private Forestry program approach.

The State and Private Forestry program connects the agency's research and public lands-based programs to those of States and private individuals and entities. Through a coordinated effort in management, protection, conservation education, and resource use, State and Private Forestry programs help facilitate sound stewardship across lands of all ownerships on a landscape scale, while maintaining the flexibility for individual forest landowners to pursue their objectives.

In fiscal year 2007, the Forest Service and the National Association of State Foresters agreed to redesign State and Private Forestry. The intent of the redesign is to focus and prioritize resources to better shape and influence forest land use on a scale and in a way that optimizes public benefits from trees and forests for current and future generations. The foundation for the redesign approach is a national assessment of conditions, trends, and opportunities relevant to forests of all ownerships. The initial phase of national implementation has begun, including a new competitive process for a portion of S&PF funds. The Forest Service has committed to monitor implementation of the redesign approach, facilitate an annual review, and implement changes as needed.

As a result, the Forest Service will prioritize work using the best available technology and information focused on three national themes: (1) Conserve working forest landscapes; (2) Protect forests from harm; and (3) Enhance benefits from trees and forests. Comprehensive assessments will be conducted at the State and national levels to identify conditions, threats, and ecosystem services. The assessments will then be used to integrate program delivery with partners through a variety of tools and approaches and ensure appropriate skills and organizational structures are in place to support priority work.

In addition, funding is proposed in the 2008 farm bill for purposes and activities similar to those supported by State and Private Forestry programs. The Conservation, Forestry, and Energy titles of the farm bill authorizes nearly $10 billion in incentives to States, local governments, and nonindustrial private forest landowners to pursue conservation, forest restoration, and biomass energy. The products and process of State and Private Forestry redesign have helped focus collaborative efforts around important national priorities which will also receive significant attention and support in the 2008 farm bill.

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

Senator FEINSTEIN. Thank you very much, Mr. Rey. Chief Kimbell, welcome.

Ms. KIMBELL. Thank you.

SUMMARY STATEMENT OF ABIGAIL KIMBELL

Ms. KIMBELL. Madam Chairman, Mr. Allard, members of the subcommittee, it's a privilege to be here today to discuss with you the President's proposed budget for fiscal year 2009 for the U.S. Forest Service. Each of you have in your packets my full testimony, and I'd like to just cover some of the comments from that, but I'd like my full testimony added into the record, if I could, please.

Senator FEINSTEIN. Without objection.

Ms. KIMBELL. Thank you. First I'd like to describe the general context that this budget is presented in. I certainly recognize the Forest Service is just one small part but a very important part to me and to many of you of the Federal budget, and that our requests have to be balanced against competing needs and opportunities across Government for limited funds.

It's important to explain how we, as an agency, crafted the budget proposal in front of you now. It is helpful for me to visualize things in a tangible, practical way, so I see our budget as a bucket. A bucket only has a certain size, it only holds so much, and in our case the bucket is decided after the Nation's highest priorities are taken care of such as supporting the war on terror, strengthening Homeland Security, and promoting sustained economic growth.

With support of those priorities in mind, the Forest Service bucket is $4.1 billion in size, about the same size as last year's request, and about $380 million below what was appropriated for 2008. Our bucket starts a little smaller, but it also has to hold some programs that are bigger this year. The fire suppression request is decided by the 10-year average of fire suppression costs, an arrangement agreed to by both Congress and the administration.

The 10-year average this year is $994 million, $250 million higher than it was just 2 years ago, and nearly $150 million higher than the current enacted level. Because fire suppression is the first thing in the bucket, and because it is considerably bigger than the past years, and because the bucket in only so big, other programs are reduced to make up the difference. Rather than simply ratchet all programs down by a similar percentage to make up that difference, this budget reflects a very difficult strategic decision. We are focusing limited resources on core National Forest System programs since we are the sole landlord for these lands. As a consequence, there is significant reductions in the requests for State and Private Forestry programs.

In spite of these difficult cuts, I strongly believe that the Forest Service continues to be a good investment for the funds we receive. In 2007, we received our sixth clean audit in a row. That was no small feat. We have reduced indirect cost to less than 10 percent of our total expenses. We increased partnership contributions to challenge car-share projects by 35 percent over that of 2006. We collected over $700 million in revenue and receipts.

Forest Service scientists filed two patents. Thirteen Forest Service scientists were recognized with a share of the Nobel Peace Prize for their contributions to climate change research. We maintained 60,000 miles of road and another 26,000 miles of trail. We sold 2.5 billion board feet of timber. We've reduced hazardous fuels on 3 million acres, and we provided fire assistance grants to 62,000 com-

munities. We protected over 88,000 acres of forest land from conversion through the Forest Legacy Program, and the list goes on.

We are positioned to make the most of the resources we receive. Our agency is in the midst of a difficult but necessary transformation which will ensure a higher percentage of funds going into project work. We are encouraging our managers to focus on integrating programs and working with partners to achieve multiple objectives, and we are proposing innovative ecosystem services demonstration projects that will forge important partnerships with States, local governments, tribes, or nonprofit organizations to restore, enhance, and protect ecosystem function on national forests.

The Forest Service is relevant, and we have a leading role in issues affecting the Nation and the world. We have dedicated, professional, and very hard-working employees who come to work every day looking for better ways to solve complex problems. I am confident we add value to the resources with the taxpayer funds you invest in us.

PREPARED STATEMENT

Thank you for the opportunity to describe how our budget was formulated and why I am optimistic about our future. I'm happy to answer any questions that you may have.

Senator FEINSTEIN. Thank you very much.

[The statement follows:]

PREPARED STATEMENT OF ABIGAIL KIMBELL

Madam Chairman and members of the subcommittee, it is a great privilege to be here today to discuss the President's budget for the Forest Service in fiscal year 2009. One year ago, sitting here before you discussing the fiscal year 2008 budget was one of my first public acts as Chief of the Forest Service. I am grateful for the support this committee has shown the Forest Service, and over the past year I have been able to see firsthand many of the issues raised by its members. I look forward to our dialogue today.

I can report to you that the state of the Forest Service is sound. The agency continues to sustain and restore the national forests and grasslands. Our researchers continue to push the frontiers of knowledge, and 13 have been recognized by the Nobel Prize panel for their efforts. Our partnerships with other Federal agencies, States, communities, and tribes have broadened and deepened, as together, we have faced growing threats from fire and other disturbances. The outstanding competence and professionalism of our employees is admired by forestry organizations around the world. Entering the second century of service, the Forest Service can reflect with pride on its accomplishments.

Yet for all these achievements, the Forest Service faces significant issues, and can do better. The issues are every bit as challenging as those faced by our predecessors. America's population will likely increase by 50 percent in the next 50 years, and pressures on the land will increase and change. In an era of globalization, the world is shrinking, jobs are growing more complex, and the value of forests and grasslands is greater than ever.

Among the challenges and opportunities facing our agency, three themes stand out in particular: climate change, water issues, and the loss of connection to nature, especially for kids. I truly believe that history will judge my leadership of the Forest Service by how well we as an agency respond to these challenges, and the 2009 budget is crafted with that in mind.

The fiscal year 2009 Forest Service budget request totals $4.109 billion in discretionary appropriations, an 8 percent decrease from the fiscal year 2008 enacted level. The President's Budget reflects our Nation's highest priorities, including supporting our troops, strengthening our homeland security, and promoting sustained economic growth. The administration's pro-growth economic policies, coupled with spending restraint, are key to keeping us on track to continue to reduce the deficit in the coming years.

Within the framework of the agency's 2007–2012 Strategic Plan and the themes I've laid out, the Forest Service budget for 2009 focuses on core responsibilities, maintaining program effectiveness, and addressing on-going management challenges. The 2009 budget aligns Forest Service spending to reinforce the agency's commitment to caring for the 193 million acres of national forests and grasslands, and providing for the highest priority activities that can demonstrate performance in a transparent manner.

WILDLAND FIRE MANAGEMENT

The responsibility to protect people and property from wildfire is one the Forest Service performs professionally and honorably. Fires in recent years have become larger and more difficult to control due to a variety of factors, including climate change, historic fire management practices resulting in an increased density of hazardous fuels, and residential developments expanding in the wildland urban interface (WUI). As application of Federal firefighting resources on both Federal and non-Federal land has grown, these costs escalate, and so too does the 10 year average of annual fire suppression expenditures, which determines the program's budget request. The 2009 Fire Suppression request is $994 million, over $250 million higher than it was just 2 years ago, and nearly $150 million more than the current enacted level. The total Wildland Fire Management program, including the National Fire Plan, makes up over 48 percent of the agency's discretionary budget request. The Forest Service is adopting substantive management reforms to mitigate this cost trend.

Several wildfire management reforms are based on recommendations of USDA Office of Inspector General report that examined large-fire suppression costs. The report documented inequitable apportionment of fire protection responsibilities between Federal and local entities in residential areas that abut national forests. In response, the Forest Service is renegotiating master protection agreements to clarify roles and ensure equitable and appropriate allocation of wildland urban interface firefighting costs between the agreement parties. Additionally, the Forest Service will implement a science-based methodology to encourage the cost-effective use of unplanned wildfires to reduce hazardous fuels when appropriate.

In fiscal year 2009, the Wildland Fire Management program will continue to improve performance through attention to policy, training, oversight, decision support tools, and after action performance analysis. Management policy is set at the national level, and provides clear guidance for the role of Federal firefighters in the Wildland Urban Interface and the strategies of Appropriate Management Response (AMR). Mandatory training keeps agency administrators up to date on national policy. During an incident, the Chief's Principle Representative provides oversight, while decision support tools such as Rapid Assessment of Values at Risk (RAVAR) and Fire Spread Probability (FSPro) offer the incident commander information on fire spread probability, resource values at risk, and historic costs for similar fires. After action reviews, including use of the Stratified Cost Index (SCI), provide lessons and best practices to include in subsequent updates to management policy. This performance improvement process will enable the agency to maintain Fire Preparedness resources within a $588 million program budget, a decrease of $77 million from 2008.

HEALTHY FORESTS

The fiscal year 2009 Forest Service budget focuses resources on maximizing the effectiveness of core national forest and grassland programs. Implementation of the Healthy Forests Initiative and the Northwest Forest Plan are key initiatives which receive increased or similar levels of funding compared to fiscal year 2008 enacted—Forest Products is requested at $323 million, Hazardous Fuels at $297 million, and Vegetation & Watershed Management at $165 million. These investments will yield over 4.9 million CCF (2.5 BBF) of timber volume sold, including 1.6 million CCF (0.8 BBF) of timber volume offered from full implementation of the Northwest Forest Plan. Other priority program outputs include establishing or improving over 2 million acres of forest and rangeland vegetation, and 1.5 million acres of hazardous fuel reduction with an additional 800,000 acres of treatments accomplished by other land management activities to reduce fire risk. Capital Improvement and Maintenance of Roads is requested at $227 million to provide the necessary infrastructure to support priority program activities and manage the roads system on national forest lands.

ORGANIZATIONAL EFFICIENCY & TRANSFORMATION

The Forest Service is continuing its restructuring process that will improve its organizational structure and maximize resources available for on-the-ground mission delivery. Our current organizational structure, designed in the 1950s, does not take advantage of the communication technologies and integrated operating systems available in today's business environment. By the end of fiscal year 2009, the Forest Service will reduce operating costs by approximately 25 percent in the regional offices, the national headquarters, and the Northeastern Area. This will result in a higher proportion of funds going to the field and an organizational structure better equipped to meet the natural resource management challenges of the 21st century.

RECOGNIZING INTEGRATED PROGRAM AND PARTNERSHIP ACCOMPLISHMENTS

Another strategy to ensure maximum on-the-ground achievements relates to accomplishment tracking. In fiscal year 2008 the Forest Service is changing reporting rules to incorporate accomplishments achieved through integration between program areas and/or partnerships with external groups. This change is designed to shift from a program-by-program approach to one that aligns programs and partner organizations to achieve multiple goals. By changing how accomplishments are counted, the agency hopes to change how managers plan and implement their work, increase incentives for working with partners, and ensure maximum value per dollar of Federal expenditure.

I will now discuss the program budget requests for the Research, State and Private Forestry, National Forest System, Capital Improvement and Maintenance, and Land Acquisition accounts.

FOREST & RANGELAND RESEARCH

The Forest Service Research Program is a globally recognized leader developing scientific information and technologies that address the ecological, biological, social, and economic issues challenging natural resource management and conservation in the modern era. Approximately 500 Forest Service scientists conduct this research at 67 sites located throughout the United States. The 2009 budget funds research at $263 million. This is equal to the 2008 President's budget, and an 8 percent decrease from the enacted level of $286 million. The budget eliminates funding for congressional earmarks, employs investment criteria to align research projects with strategic priorities, and retains support of the Forest Inventory and Analysis program at $62.3 million.

Forest Service Research & Development is a world leader on the global climate change issue. Thirteen Forest Service scientists participated in the Intergovernmental Panel on Climate Change (IPCC), which shared the 2007 Nobel Peace Prize with former Vice President Al Gore.

The fiscal year 2009 budget includes $31 million for research on how climate change, air and water pollution, land use, and extreme events affect forest and rangeland sustainability and the associated benefits they provide to society. In addition, the program prioritizes research in the areas of Resource Management and Use ($79 million), Invasive Species ($30 million), and Wildland Fire and Fuels ($23 million).

STATE & PRIVATE FORESTRY

The State and Private Forestry program connects the agency's research and public lands-based programs to those of States and private individuals and entities. Through a coordinated effort in management, protection, conservation education, and resource use, State and Private Forestry programs help facilitate sound stewardship across lands of all ownerships on a landscape scale, while maintaining the flexibility for individual forest landowners to pursue their objectives.

In fiscal year 2007, the Forest Service collaborated with the National Association of State Foresters to redesign the focus, priorities and delivery of the agency's State and Private Forestry programs. As a result, the Forest Service will prioritize work using the best available technology and information, focusing on three national themes: (1) Conserve working forest landscapes; (2) Protect forests from harm; and (3) Enhance benefits from trees and forests. Comprehensive assessments will be conducted at the State and national levels to identify conditions, threats, and ecosystem services. The assessments will then be used to integrate program delivery with partners and ensure appropriate skills and organizational structures are in place to support priority work.

The 2009 budget funds State and Private Forestry at $110 million, a decrease of 58 percent from the 2008 enacted level. Forest Health programs, including those

funded under the National Fire Plan, will receive almost $80 million and treat over 450,000 forest and rangeland acres for invasive and native pests with a focus on early detection, evaluation, and monitoring of new invasive species, such as the Sirex wood wasp, emerald ash borer, and sudden oak death. Cooperative Fire programs, including those funded under the National Fire Plan, will receive nearly $75 million and assist over 18,000 communities through grants to State and local fire agencies. In addition, $25 million will fund the Forest Stewardship, Forest Legacy, Urban & Community Forestry and International Forestry programs.

NATIONAL FOREST SYSTEM

The National Forest System account provides funds for the stewardship and management of national forests and grasslands. The 2009 budget requests $1.345 billion for this account, which is equal to the 2008 President's budget request, but a decrease of $125 million or 9 percent from the enacted level. This budget level reflects successful implementation of the organizational efficiency & transformation efforts which will direct a higher proportion of funds to on-the-ground mission-critical work.

The 2009 budget includes a legislative proposal authorizing five Ecosystems Services Demonstration Projects that will bring new partners together with the Forest Service in a broad effort to advance market-based conservation. States, local governments, tribes or non-profit organizations will have the opportunity to provide up to $10 million of funds or in-kind services for activities that restore, enhance, and protect ecosystem function on National Forest System lands. The projects will also introduce and refine methodologies that may be used in potential or emerging markets to quantify and value ecosystem services related to clean water, carbon sequestration and other critical benefits.

Other important National Forest System programs are increased in the fiscal year 2009 budget. As mentioned earlier, the fiscal year 2009 budget supports full funding for the Northwest Forest Plan within the $323 million for Forest Products. Land Management Planning funding is proposed at $53 million, an 8 percent increase from the 2008 enacted level. The additional funds will focus on implementation of the revised Planning Rule, acceleration of work on 35 planned Land Management Plan (LMP) amendments that respond to energy corridor decisions, and completion of 18 LMP revisions currently scheduled for fiscal year 2009.

A number of National Forest System programs will be maintained at the fiscal year 2008 President's budget level including, $146 million for Inventory and Monitoring programs to facilitate efficient implementation of the 2008 Planning Rule, which establishes Environmental Management Systems on each NFS unit. The Recreation, Heritage, and Wilderness programs are proposed at $237 million, which will enable completion of travel management plans for 86 percent of National Forest System lands and Recreation Facility Analyses on 74 percent of national forests by the end of fiscal year 2009. Wildlife & Fish Management, funded at $118 million, will focus on continued partnerships with States, non-governmental organizations and tribes to actively manage wildlife and fisheries habitat for the benefit of the 36 million people that visit national forests and grasslands annually to hunt, fish, or view wildlife. The $47 million funding request for Grazing Management will support effective management of rangeland resources on approximately 90 million acres of NFS lands and compliance with the Recisions Act schedule for completed grazing allotments. The $115 million request for Law Enforcement Operations, a $17 million decrease, will be focused on combating drug-trafficking organizations along the southwest and northern borders, responding to emergency and life-threatening situations, and conducting arson investigations.

CAPITAL IMPROVEMENT & MAINTENANCE

The Capital Improvement & Maintenance Program maintains the infrastructure for many Forest Service programs, including the transportation networks necessary for management and visitor access; the recreational infrastructure, including trails that serve many diverse populations; and facilities that house Forest Service employees. The 2009 Budget funds Capital Improvement & Maintenance at $406 million, a decrease of $69 million from the enacted level, which included a $25 million one-time transfer from the Purchaser Election Program. The $120 million proposed in Facilities funding will support maintenance of approximately 22,500 facilities and capital improvement of 34 facilities in fiscal year 2009. The $227 million Roads program includes maintenance of more than 70,000 miles, reconstruction and capital improvement of 2,000 miles, and decommissioning of approximately 600 miles of Forest Service roads. 17,300 miles of trails will be maintained and 700 miles relo-

cated or constructed with the $50 million Trails request. Legacy Roads & Trails, established by Congress in 2008, is not included in the budget.

CONCLUSION

I present this budget within a management environment that demands more than dollars to ensure organizational success. The budget supports national priorities of deficit reduction, maintains a safe and effective fire suppression organization, and maintains other high priority programs. Just as importantly, it proposes an ecosystem services approach to on-the-ground work in partnership with key stakeholders to protect watersheds, enhance economic and social values, and improve biodiversity. Combined with State & Private Forestry redesign, Wildland Fire Management reforms, and organizational management transformation, this suite of initiatives will enable the Forest Service to continue to deliver outstanding science and effectively manage the resources of the national forests and grasslands while adapting to the challenges of the coming decades.

FIREFIGHTER ATTRITION IN CALIFORNIA

Senator FEINSTEIN. We will begin the question phase. I just want to point out that this year California will be sponsoring the Tahoe Summit; I'm going to put it together, and deal with forests and forest fires. I'd like to invite both of you to attend and participate. I've asked Al Gore to speak on how fires, forest fires, affect global warming, or how global warming affects forest fires. So I think it should be very interesting. Then we'll hear from all of the fire districts around the Lake. So I hope you will be able to come.

As you know, I wrote you a letter about the very high attrition rate of Federal firefighters in the southern California area. I've just been looking at your answer, and I gather you know the attrition rate in one of your charts is actually above 40 percent. You have a pie chart here which States that the reason for leaving the Forest Service, 44 percent went to Cal State, county, local fire departments. It's a huge attrition rate, and yet you then compare the wages and point out that the wage, federally, is higher.

Now, I mean, these people aren't stupid. They go to local jurisdictions because they get more money. So where is the difference in pay?

Ms. KIMBELL. Senator, the analysis that you have includes the description of the different kinds of work schedules that the employees with the Forest Service have versus employees with Cal State. There is quite a difference in the work schedule.

There's also quite a difference in the mission that these different people perform in their different employment. Our wildland firefighters are not typically, across the rest of the country, involved in the kinds of activities some of the other committee members refer to as first responder and other responses that the Federal firefighters in California, State of California firefighters, and certainly the local firefighters are continuously involved with.

There is a difference in the number of hours that these different employees put in; there's a difference in their work schedules; there's a difference in our firefighters being seasonal and at the lower-graded levels. The State and county firefighters, being year-round employees, results in a difference at year end in how much they make over a year.

Senator FEINSTEIN. I want to stop you because I've got that.

Ms. KIMBELL. Okay.

Senator FEINSTEIN. As you know, Senator Allard and I held a hearing, and Mr. Rey was good enough to be there in San Diego. One of the things that one anticipates in southern California is more catastrophic fire.

You're saying, essentially, that people are going to Cal Fire because they work more hours, therefore they get more pay. Let me ask you this: As we go into the fire season, how many positions will be unfilled in those critical fire areas?

Ms. KIMBELL. We have instituted a new hiring process in California, specifically, with a roster, and over the last year we have hired 1,000 people into the firefighting organization in California. We anticipate to be fully staffed at the funding level.

Senator FEINSTEIN. So we can anticipate that when we come to fire season and I look at this, every position is going to be filled?

Mr. REY. Yes.

Senator FEINSTEIN. I heard that definitive "yes." I appreciate it. It is noted in the record.

Mr. REY. Occasionally, we can give short answers.

ILLEGAL DRUG OPERATIONS IN NATIONAL FORESTS

Senator FEINSTEIN. Excellent. All right, thank you.

We have another problem. Our forests, as you know, are inundated by Mexican drug trafficking organizations growing marijuana, and over the past 2 years I, specifically, added to the Forest Service enforcement budget $17 million to deal with that.

I see your budget eliminates this increase and funds your program at $115 million. I supported Operation Alicia and Operation Green Acres, two major interagency drug operations that took place last season that netted literally hundreds of arrests and destroyed millions of marijuana plants.

I met recently with your people as well as DEA. I came away from that meeting not satisfied: Not satisfied with the plan which I believe should be to clean the marijuana out of our forests—out of our parks and forests. I'd really like to get both of you on record as to what the intention is this year.

What I gained from the meeting was that there was going to be much more emphasis on the development of intelligence related to cartel activity than actual strike force activity, and I'm interested, candidly, in the strike force activity.

Mr. Rey, would you like to answer that?

Mr. REY. Sure. We are going to be doing at least four major strike force actions during the course of the summer. For obvious reasons, I don't think I want to describe where they're going to be or when they're going to happen, but there will be a significant stepping up of that kind of activity in cooperation with both DEA and with local law enforcement. I'll submit for the record some of the details associated with those proposals.

[The information follows:]

MARIJUANA ERADICATION EFFORTS IN CALIFORNIA

Forest Service Law Enforcement and Investigations (LEI) personnel will participate in four multi-agency drug eradication operations in Region 5 during fiscal year 2008. LEI officers will work with personnel from DEA, CAMP, HIDTA marijuana investigative teams, local sheriff departments, California National Guard, and the Joint Task Force North in the planning and execution of these operations. Each op-

eration will have between 20 and 40 personnel assigned to it. Between June 15 and October 15, a total of 34 LEI personnel will be dedicated to drug enforcement operations on NFS lands.

The program goals in California for fiscal year 2008 are to increase by 30 percent the number of plants eradicated, sites raided, and felony arrests over fiscal year 2007. The results will be 2.4 million marijuana plants eradicated, 418 garden sites raided, and 94 felony arrests.

Mr. REY. We do not intend to reduce the funding or the staffing that we've developed in Region 5 in California until we've turned the corner in dealing with the drug activity in California. So, while we may be leveling funding in other areas where we don't have this depth of difficulty, we're going to keep the California operations moving forward.

Senator FEINSTEIN. Thank you, I appreciate that very much.

TAHOE REGIONAL PLANNING AGENCY

Chief Kimbell, last year I urged you and the Tahoe Regional Planning Agency to renegotiate an MOU to better streamline the permitting process to reduce hazardous fuels on Forest Service land in the Tahoe Basin. Can you give us a status update on the negotiations, and what assurances can you provide that this will be done before this year's fire season?

Ms. KIMBELL. We've been working very closely with TRPA, and TRPA provided a draft——

Senator FEINSTEIN. Stay with that: The Tahoe Regional Planning Agency?

Ms. KIMBELL. Tahoe Regional Planning Agency, thank you. Sorry. They provided a draft. It was of concern to a number of people given the amount of process that was included in that redrafting of the MOU.

The Governors of California and Nevada appointed a fire commission. That commission delivered a report on March 21 with a number of recommendations and suggestions. We are reviewing that report from the fire commission right now, and we'll continue working with TRPA. Before the 1st of June, we anticipate having a final memorandum of understanding for signature.

Mr. REY. We have a good three-page summary of where everything's at right now that the Forest supervisor for the Tahoe Basin Planning Unit provided. We'll submit that for the record for the hearing.

Senator FEINSTEIN. I would appreciate that. Are there signs that the Tahoe Regional Planning Agency is being more realistic now in view of the threat of fire in easing some of its regulations so that pine needles can be picked up, so the trees that overhang houses can be reduced in bulk and size, and ground cover reduced?

Mr. REY. There are signs, but it's a long, slow process. I would say that the sharpened focus of thinking that the Angora fire created has sort of been dulled with the winter rains, and I think we've still got a couple of rounds of negotiations with the Regional Planning Authority before we're at the point where we want to be.

Senator FEINSTEIN. Thank you. Well, I'd appreciate that memo, and if you could keep me advised, I'd appreciate that as well.

[The information follows:]

I've been requested to provide information for the Senate Interior Appropriation Hearing. My response will center on the efforts associated with the California-Ne-

vada Tahoe Basin Fire Commission (the "Commission"). Many of the recommendations address the situation and concerns I identified in my August 8, 2007 memo. I've combined and summarized the ones that will have the most impact on accomplishing fuels work in the Lake Tahoe Basin.

BACKGROUND

In the aftermath of the Angora Fire, the Governors of California and Nevada established an emergency Commission to look at what happened and what can and should be done to prevent another catastrophic fire in the Basin. The Commission met approximately 19 times and the LTBMU actively participated in all facets of the process. A draft report has been prepared and is expected to be finalized sometime in April. There are 48 findings and 90 recommendations recommended by the Commissioners in the draft report.

The finding and recommendation getting the most attention is the recommendation to declare the Lake Tahoe Basin a state of emergency. The Governors from both States would have to declare separate emergencies and then request President Bush declare a national emergency. When this was voted on, Jim Pena abstained as a Federal official.

The findings and recommendations ("F&Rs") that will help the LTBMU most are the ones that will:

—Remove the impediments to getting fuels work done
—Allow us the opportunity to work more efficiently which results in cost effective measures
—Potentially change the permitting processes
—Increase the capacity and capability to implement projects
—Address the roles and responsibilities of the regulatory agencies we work with

Based on these criteria, following is a summary of the F&Rs we consider to have the most impact on the Basin. I've attached a list of these findings and recommendations summarized for this memo.

*A. Revision of Memorandums of Understanding*

Immediately after the fire, Senator Feinstein requested information on how we worked with the TRPA and the Lahontan Regional Water Quality Control Board and what could be done to streamline the process. My August 8, 2007 memo that went to Senator Feinstein through the RO and WO addressed those issues. As we streamlined regulatory processes, we continued to provide the appropriate protection for water quality. Since August, progress has been made and I am continuing the dialogues with both agencies and working on revising our MOUs. Specifically:

—LTBMU and TRPA are working to revise the 1989 MOU for fuels projects to apply to all FS projects after completion of the MOU revision
—LTBMU is drafting the language with advice and review from OGC
—TRPA's October 2007 draft MOU was unacceptable to LTBMU and OGC because of increased bureaucracy
—By June 1, LTBMU will give TRPA another draft that takes into consideration the Commission F&Rs
—LTBMU will revise MOU with Lahontan

*B. Reducing Redundant and Complex Permitting*

The Commission found that the existing system to permit fuel reduction projects is often confusing, redundant and overly complex. Also, the system used in Nevada is different than that in CA because of an added regulatory layer (Lahontan). The Commission recommended:

—The Governors direct regulatory and implementing agencies to simplify the system, including waiving certain restrictions on use of mechanized equipment and vehicles within SEZs.
—Lahontan and TRPA and land managers develop common list of equipment and accepted best management practices (BMPs) for mechanical work in SEZs.
—TRPA, Lahontan and the FS allow equipment use on slopes greater than 30 percent based on current and future technology.
—Lahontan transfer its water quality permitting responsibility to TRPA for water quality issues relating to fuels reduction projects. This has already been done in Nevada by Nevada Division of Environmental Protection.

*C. Reduce Permitting for Mechanized Equipment in SEZs*

Several F&Rs identified ways for work to be accomplished in SEZs and still protect water quality and increase cost effectiveness. The Commission recommended:

—Governors direct TRPA to allow use of mechanized equipment in SEZs including revising the Lake Tahoe 208 Water Quality Plan.

—Governors should direct agencies to consider fire hazard reduction an overriding priority with applications for mechanized equipment use.
—Lahontan change its interpretation of regulations and allow pile burning and spreading chipped material in SEZs.

*D. Increase Burn Days*

In Nevada, air quality agencies do not regulate burn days and leaves it to the land managers' discretion to determine acceptable conditions. Below are elements of F&Rs that will allow us to increase burn days:

—More comprehensive air quality and meteorological information should be implemented and further analyzed at the Basin scale to provide for additional burn days.
—The California Air Resources Board should develop a test program to see if additional burn days can be added to the Basin without adversely affecting the region's air quality.
—Nevada land managers should continue to follow existing practices.

*E. Funding the Recommendations*

The Commission recognized that the Federal Government is not the only answer to funding the recommendations. It directed the States and local governments, as well as private parties to look for ways to share in funding fuels work in the Basin. However, it was also recognized that additional Federal funding will be necessary to accomplish the needed work. The Commission also recognized that the Southern Nevada Public Land Management Act (SNPLMA) is not the only funding mechanism. With decreasing land sales in Clark County, Nevada, future funding is on a downward trend and funds other than SNPLMA should be identified.

*F. What the LTBMU is Doing that Aligns with Findings and Recommendations*

Even before the fire, the LTBMU has been working toward better working relationships with regulatory agencies. The Commission identified many things they would like to see happen. We are already engaged in many, including:

—TRPA and LTBMU working together on permitting fuels projects under existing MOUs to prevent delays once NEPA decision is made (i.e. Round Hill, Angora Hazard Tree removal along FS trails/roads)
—TRPA concurred on Round Hill project which authorized 2 different treatment methods:
  —72 acres of whole tree yarding
  —3 acres of mechanical treatment in SEZ
  —Total project treatment is 952 acres in NV
—Engaging in a joint process with Lahontan, i.e., working with and going forward at the same time on environmental requirements (NEPA and CEQA) instead of one after the other for our South Shore Fuels Reduction and Healthy Forest Restoration Project:
  —largest fuels project analyzed in the LT Basin
  —33,000 acres analyzed; 10,000 acres proposed for treatment in CA
  —550 to 640 acres of mechanical treatment proposed in SEZ
  —2,100 to 3,800 acres whole tree yarding proposed
—Renegotiating and revising the MOUs discussed earlier

Senator FEINSTEIN. I call on the ranking member, Senator Allard.

Senator BENNETT. Madam Chairman——

Senator FEINSTEIN. You have not had an opportunity for an opening statement.

Senator BENNETT. Yeah, and I have to be called out, so could I make a quick——

Senator FEINSTEIN. A quick—yes.

Senator BENNETT [continuing]. A quick comment?

Senator ALLARD. I'll yield to the good——

STATEMENT OF SENATOR ROBERT F. BENNETT

Senator BENNETT. I apologize to you both, but I simply want to make a comment, Mr. Rey. You've made reference to it in your opening statement about the Secure Rural Schools and Communities Self-Determination Act, and I am pleased that the Depart-

ment is taking steps to provide a safety net for payments to States that they would have received under that act that expired in 2006. But I think we have to do more.

It's an act that's very important to Utah's rural counties. I think we in Congress have to work to reauthorize the act, and these funds are used for all kinds of things—roads, public schools, other important uses that are critical to our western counties. The expiration of the act means that PILT payments will be reduced, so we have to use the rural school payments to offset PILT and stretch all of those funds even more.

So I don't want to let the opportunity pass without making a comment about it, thanking you for your attention to it, and I look forward to working with you on this.

With that, thank you, Madam Chairman. Thank you for your courtesy.

Senator FEINSTEIN. Thank you very much, Senator Bennett.

Senator.

HAZARDOUS FUELS TREATMENT PROGRAM

Senator ALLARD. Thank you, Madam Chairman. You know, there's an axiom in veterinary medicine that prevention is a lot less expensive than treatment, and I think we're seeing the impacts on the Forest Service budget now.

You know, we've disallowed a judicious cutting of trees and thinning of forests and whatnot, and adequate treatment of these forests because of some of the policies we had put in place and right now we're paying the price in less income into the Federal Government because we don't allow the cutting; the more money being spent for fires because disease has taken over these fires. We get more burnable timber out there that burns hotter and faster, and the result is that we're spending a lot more money now in fire suppression and, you know, taking care of fires. I hope that we can move back to a more sensible policy than what we have now.

We have in California and Colorado a pine beetle problem. We have in the southern part of this country a beetle problem. The beetle problem that they have with the spruce bark beetle in Alaska is extremely prevalent up there. They've got some really serious problems.

So my question is, can you explain the large cuts in this particular program with the enormous problems that we have with the pine beetles?

Mr. REY. Well, I don't think we look at what we've proposed in its totality as a large cut. If you look at the Fire Management program in its entirety, both USDA's, Forest Service, and the Department of the Interior, we're proposing a $927 million program as compared to last year's program, which in regular appropriations was $962 million.

Now, last year was an all-time record of funding, so we're down a little bit from that record. We have tried to make the implementation of the Healthy Forests Initiative one of our budget priorities, keeping the line items that contribute to that initiative as close to at-record levels as we could.

So, I don't think that we would concur that they are a big reduction. Yes, it's down about $35 million from last year's levels, but

last year's levels were the highest levels that those programs had ever been funded.

Senator ALLARD. I got that point. Now, if we were to give you additional money, could you give us some idea of how many more acres you could effectively treat, and at what cost?

Mr. REY. Sure. We can break that out for you in, say, $10 million increments in terms of the acreage comparison for what we would be able to reach. That's of course, assuming that appeals and litigation don't get in the way, obviously. But we can give you a stepwise progression there.

Senator ALLARD. You know, I want to sit down—I want our staffs to work with you a little bit because we come up with different conclusions when we look at the figure that we have here before us under the 3-year summary of the appropriations and whatnot.

Mr. REY. What I was giving you was the documentation on page K–1 of our budget's submission, appendix K.

Senator ALLARD. Okay. Well, we'll review that, and we'll want to continue to have that discussion with you.

FIRE PREPAREDNESS FUNDING

Now, on the Fire Preparedness, you say through efficiencies you'll maintain the same numbers of firefighters, the same number of hot shot crews and engines. Can you describe what the efficiencies are and how that can be so large, and justify so large a reduction in spending?

Mr. REY. I can give you some examples, and then, for the record, we can flesh out, you know, larger numbers of them. But let's take aviation assets, planes, for instance. Last year we did a review of how we contract for aircraft and modified the use of exclusive use contracts, which resulted in a net savings of about $14 million. The experience that we gained from those changes is going to result in savings that we can carry forward.

We have put cost control measures in place in large incident fires, and it's important in the fire budget to recognize less than 2 percent of the fires would account for 85 percent of the cost. That's where the real cost savings can be found in managing the cost associated with extended attack on large incident fires. So we've added cost-containment staff to those incidents that have resulted in some savings as well.

What we believe is that as a consequence of those savings, we've reduced real expenses from those which were projected by about $200 million. Now what you're seeing in our 2009 budget proposal is a recognition of those savings in some slight reductions in preparedness.

Now, you've given us the authority that if we fall short in preparedness dollars to use suppression funding if that becomes necessary. So we've got a backstop if we prove to be too optimistic in projecting the effects of some of these savings. If need be, we'll draw from the suppression account to deal with that.

But if we're going to make these kinds of investments in cost savings, then we ought to reflect that in the way we budget. That's what we think.

Senator ALLARD. So you can assure us that at this level of preparedness funding, the agency's initial attack success rate won't be reduced and lead to more catastrophic fires?

Mr. REY. The preparedness budget is built on maintaining the historic initial attack success rated upwards of 98 percent fires suppressed on initial attack.

FOREST PLANNING RULE

Senator ALLARD. Okay, let me just move on. The time is escaping us here. On the forest planning process, under the old forest planning rules the time and expense to complete the forest plans have become incredibly expensive. The plans designed to last for 15 years now are taking 6 to 8 years to complete and cost many millions of dollars. That's for the last 15 years.

This administration streamlined that process with the new planning rule put in March of last year. A Federal court in the 9th District enjoined the agency from implementing the new planning rule.

Can you tell us what the status of your new planning rule is?

Mr. REY. It will be out in "The Federal Register" in a matter of days.

Senator ALLARD. Do you believe you have cured the defects found by the court?

Mr. REY. We believe we have cured the defects found by the court. I daresay we won't get the last word on that, though. It will probably be the court that determines that.

Senator ALLARD. Yes, and how do you anticipate the cost for individual forest plans that were reduced by the new rules? Will they, do you think, add to the cost or reduce the cost?

Mr. REY. I think we'll reduce the cost by a factor of two-thirds from what it was costing us to develop plans under the 1982 regulations.

Senator ALLARD. You feel comfortable that there's been adequate public participation in the new forest planning process?

Mr. REY. I think, if anything, there has been a greater degree of public participation in the plans that have been developed under these new rules.

Senator ALLARD. Well, I think you're rather optimistic, and I appreciate it, but we'll see.

Senator CRAIG. This panel has voted, and we agree.

Senator ALLARD. Okay. I see my time has expired.

Mr. REY. There's a vote there. I'm always looking for the opprtunity here.

Senator ALLARD. Thank you.

Senator FEINSTEIN. Thank you very much, Senator.

Senator Domenici.

SERVICE OF MR. REY

Senator DOMENICI. First, let me thank all of you for your service, especially Mark, you, for your long service here, and it's been a very difficult job. I was talking to my friend here, Senator Craig about your activities and performance, and we're very lucky to have somebody that stays on this kind of difficult job that has the knowledge that you have. We are glad that you share it with us.

We're very sorry that you can't implement much of it in the field because it is not just Congress and you, the outsiders have a lot to do with what you can do, and they find ways to make it very difficult for you, and we understand that. We have not been able to change that very much.

EDUCATIONAL REQUIREMENTS FOR FIREFIGHTERS

My first question, however, is to you, Ms. Kimbell. I talked to you a little bit about this qualification the OPM has imposed with reference to degrees and courses and qualifications. I understand that the folks out in the field are having some difficult, extremely difficult getting definitive answers regarding this situation from your human resources specialists. Many are very frustrated.

How serious is this problem?

Ms. KIMBELL. I think it's a very serious problem, Senator, and we've put together a team of people working with our fire leadership and with our human resources people in Albuquerque to more quickly process all that different information. That way, we can give employees answers in writing specific to the kind of course work that they've had and which of those courses will or will not qualify them in the 401 Series as per OPM guidelines.

Senator DOMENICI. What percentage of your field managers are at risk of losing their qualifications in 2009?

Ms. KIMBELL. The exact percent, there are 30 people, actually, that we have been granted an extension to be able to get them the course work that they need by June 2009.

Senator DOMENICI. Why did this OPM intervention occur, and do you think the training provided by a college or a university is superior to the on-the-job training, your in-house courses and the experience that your fire managers have gained through their years of fighting fires?

Ms. KIMBELL. Well, that's the larger question with all of this. The course work—the courses that we provide through the Wildfire Coordinating Group—is recognized as world-class. There are people who attend from around the world. It's very practical, it's hands on, it's taught by very experienced, knowledgeable people. Yet those are courses that the Office of Personnel Management hasn't been willing to recognize as qualifying under the positive education requirements.

Senator DOMENICI. Okay. Well, I wanted to say, speaking for myself, I think what's happening is very, very wrong, unfair, and unneeded. I cannot believe that we're going to lose experienced managers and experienced firefighters because OPM says they have to have a certain kind of college degree or effort toward a degree. So, from my standpoint I'd like for you to provide the committee with information as to how we would provide a waiver, a waiver that you sought, and how we would provide that. I think that that would be good for us to have.

Ms. KIMBELL. Senator, we'd be very interested in working with you on that, and we'll also continue working with the Department of the Interior. We entered into this whole arrangement with the Secretaries of Agriculture and the Interior, and we need to be together as we work through this.

Mr. REY. Yes, there are some Interior firefighters who are in similar situations, so we'll have to readdress this——

Senator DOMENICI. Oh, very good.

Mr. REY [continuing]. With the departments together.

Senator DOMENICI. Very good. So there's more than just you fighting the fight.

Ms. KIMBELL. There are 500 firefighters in Interior who are also affected, and there are an additional 200 Forest Service firefighters who will become affected here shortly.

Senator DOMENICI. Madam Chairman, do you understand how critical this issue is?

Senator FEINSTEIN. I do. We'll take——

Senator DOMENICI. Now, are you willing to work with me——

Senator FEINSTEIN. Yes.

Senator DOMENICI [continuing]. On my——

Senator FEINSTEIN. We certainly are, and we will.

Senator DOMENICI. Thank you very much.

FIREFIGHTER RESPONSIBILITIES IN SOUTHERN CALIFORNIA

Under Secretary Rey, I understand that the Forest Service wildland firefighters on at least four southern California forests now respond not only to wildland fire calls but also calls to deal with other emergencies like traffic accidents. Is that correct?

Mr. REY. It's correct, but it's unique to those four forests. It goes to how our memorandum of agreement with the local firefighting authorities are written. So it's not a situation that's comparable anywhere else in the system.

Senator DOMENICI. Well, can you tell me approximately how many of these traffic calls are nonwildfire calls for service? Requests for firefighters' response in 2007? Do you require your wildland firefighters in all States to perform these type of duties?

I guess you've answered the second question. You don't require that they do it in other districts, is that correct?

Mr. REY. That's correct. Based on the records that we have, we responded to about 3,200 nonfire calls from Forest Service stations in those four national forests last year.

Senator DOMENICI. That's a good number, but 3,200 out of what?

Mr. REY. 3,200.

Senator DOMENICI. 3,200 out of what?

Ms. KIMBELL. It's approximately 70 percent of the calls that are nonfire.

Senator DOMENICI. Okay, and yet we're paying for them as firefighting under this Department's budget, is that right?

Mr. REY. That's correct.

Senator DOMENICI. Well, why should we continue this? I mean, it sounds like a nice thing to do for some areas, but——

Mr. REY. Well, this will be one of the things that we look into as we continue to work on the retention issue in southern California. But I guess the simple answer is that as we work through our local agreements with the county fire organizations in southern California, this was something we agreed to do, and in exchange they've agreed to do some things for us. So there is some degree of reciprocity in how we organize ourselves.

Senator DOMENICI. All right. Then are you suggesting, are you saying to the committee that, as the man in charge, you think this is a good practice that ought to continue? Or should it be put in a stage where it's being diminished annually so that it won't remain at this high level forever.

Mr. REY. Well, I think what I would say is that it's something we ought to look at as we move to update the agreements that we have with the local fire authorities. It's not something I think we should change precipitously, if these local authorities aren't capable of picking up the slack, because that means we'll be putting citizens at risk to a less effective initial response.

It's a situation that has evolved because of the unique nature of the fire organizations in southern California. It's like many of our agreements with State and local firefighting agencies. This is one thing that we need to nail down so that the Federal role is clear and appropriate, and that, to the extent that we are doing work that benefits another jurisdiction, that the Federal Government is compensated for that.

Senator DOMENICI. All right. Thank you very much. On the OPM issue we will continue to see what we can do and work with our staff and the chairman on that issue.

Ms. KIMBELL. Yes, thank you.

Senator FEINSTEIN. Thank you very much, Senator Domenici.

Senator DOMENICI. Thank you for the time this morning and your cordiality. I appreciate it.

Senator FEINSTEIN. You're very welcome. Thank you.

Senator Craig.

Senator CRAIG. Madam Chairman, thank you very much.

FIREFIGHTING FUND

Chief, if the chairman of this committee and I were to do something we did a year ago against your better judgment, and that was put $500 million in your fire fund to fight the fires that you fought last summer, would you oppose that against your current budget?

Ms. KIMBELL. I'm not certain I understand the nuance in what you've——

Senator CRAIG. The nuance was we felt you had substantially underfunded yourself for the fire season that was ahead of you.

Ms. KIMBELL. Oh.

Senator CRAIG. The history is now in, and it was shown that you did, and we saw that coming and advanced you some money.

Ms. KIMBELL. We absolutely appreciate the money you advanced us.

Senator CRAIG. Okay. Thank you.

Ms. KIMBELL. We've put it to very good use.

Senator CRAIG. Yes, you did. None of that's disputed.

EDUCATIONAL REQUIREMENT FOR FIREFIGHTERS

I'm sitting here listening to this question about the Office of Management and Budget and who's the most talented. There are probably few in this room who have fought fires. I have a young man staffing me as my legislative assistant in this area who was a wildland fire firefighter. He just handed me a note that said if

he had a minor in fire science from a university, he would now be his boss's boss, who might have had 8 or 10 years more experience than he.

When you're out on a wildland fire, I'll opt for experience every day before I'll opt for a college degree. College degrees get burned, tragically enough, if they don't have the knowledge and the experience that goes down the road toward a year-after-year fire knowledge.

I don't know where OMB's coming from other than the green-eyeshade people got way out in front of themselves on this one. And you ought to fight it aggressively and with passion as it relates to experience on the ground. We'll help you there. This is just silliness, absolute silliness on the part of a Government agency run amok on this issue. I don't know of any more dramatic way to say it.

If we're opting for a college degree versus ground experience, and the kind of work and the professionalism you've built into your fire corps over the years, both the BLM and the Forest Service—I see it out at the interagency in Boise—the talent that comes with the experience. We know that the fires we fight today cannot be diagrammed in a textbook. They are hotter, they're more dramatic, you've learned some tremendously tragic lessons over the last good number of years of how to engage, when not to engage, when to step back, where to fight, when to fight, all of those kinds of things.

So let us help you do that.

Ms. KIMBELL. Thank you, Senator.

I'm sitting beside and in front of a number of people who have been wildland firefighters, and I think they'd absolutely agree they'd rather be working for somebody with 8 to 10 years of experience than someone with simply a degree without the experience.

Senator CRAIG. Thank you. I think that's important for the record. OMB, listen: Don't hide your head in a bunch of paperwork.

STATE AND PRIVATE FORESTRY FUNDING

I'm frustrated, Secretary Rey, throughout the U.S. Forest Service's strategic plan for fiscal years 2007 through 2012, references are made to the necessity and the high value of partnerships, especially with respect to State and Private Forestry programs. Please explain how the proposed 58 percent reduction in 2009, in State and private forestry appropriations will help the Forest Service attain the goals and objective set forth in the strategic plans.

Mr. REY. As I said in my opening statement——

Senator CRAIG. It wasn't clear.

Mr. REY [continuing]. We look at the full context of what we're proposing in the State and private forestry area as including not just our fiscal year 2009 budget proposal, but also the proposals that the administration made and that Congress is considering in the 2008 farm bill.

What we've proposed in that farm bill and what, for the most part, the House and Senate bills have carried forward is a substantial broadening of the use of conservation title funding to make it accessible to both State forestry organizations as well as forest landowners. The amount of money in that title, in the conservation title, is substantially greater than the amount of proportional re-

ductions that we've made in the State and private forestry programs.

So in the full context, if you look at those two proposals together, what we would submit is that you're probably seeing an increase in funding available for State and private forestry rather than a decrease. But you have to look at both pieces to get to that point.

Senator CRAIG. Okay. Well, I'll try to look at it from a different approach, then, because I'm not sure that what's in the budget now fits.

SECURE RURAL SCHOOLS FUNDING

Chief Kimbell, in your statement—and I don't mean this as a criticism—you gave a reasonably rosy scenario as it relates to where the Forest Service is today. Let me step back to communities of interest, because there are a lot of communities in my State that are—were, not are today—but were tied directly to the Forest Service because they were dependent upon the Forest Service.

The great minds that created our forest reserves suggested that those communities ought never disengage or be disengaged from that relationship. But we've watched that happen over the last several decades. No longer is the Forest Service or that which flows from the Forest Service lands a majority employer of those communities. There seems to be a growing isolation and frustration from the communities that the Forest Service is no longer the great neighbor and provider and asset that it once was.

No longer does the mill exist, the green sales are gone. Now you're posing—you're developing road plans that are closing as much as a third to a half of the roads, so access to the public lands is rapidly being denied, and it's even suggested that you will enforce them once you've closed them, and you might start arresting people for trespassing in certain areas.

The story goes on and on; Forest Service offices are closed, the number of employees are down, the relationships have dramatically changed. I don't see that as for the better in many instances; I see it as a kind of a growing isolationism between a Federal agency and Federal lands and citizens of a State in a community that are tied to that.

I know that we have struggled on the timber-dependent school and county issue. Of course, we crafted Craig-Wyden, funded it for a time, you heard Senator Bennett speak to it today. If you would, either you, Chief Kimball, or Secretary Rey, speak to how much you currently have in the budget and what we might be able to do to plus that up.

I have school districts that by June are going to have to dramatically cut budgets for the coming year, lay off people, cut programs, diminish the quality of education to their children, struggling with State's and limited resources to see if they can't do some emergency funding because of their dependency upon a relationship with the public land that they are now being denied. Why? Because of public policy.

Could you respond to that?

Mr. REY. Sure. We've proposed in our budget an additional 4-year extension to the Secure Rural Schools legislation, and we have

provided a couple of hundred million dollars over baseline that's available without offsets for that purpose.

It's our judgment that that extension should eventually start to phase down in terms of the guaranteed payments, but, we're happy to work with the committee and with the Congress in deciding what the rate formula for the distribution of those payments are, and in a mechanism for reauthorizing the legislation.

It will require additional legislative activity to continue, because the 2000 legislation has now expired.

Senator CRAIG. Right.

Mr. REY. So we would be eager to work with the committee and the Congress to reauthorize the legislation; to continue the work of the resource advisory committees, which I think have had a material benefit in improving the relationship between local communities and the Federal land managing agencies; and to see the guaranteed payments extended for at least a time into the future.

You know, it's interesting that we are now in the 100th anniversary of the first time that we made payments available to local governments that was enacted with legislation. It was passed by Congress in 1908 in the last year of the Roosevelt presidency. For about the first 50 years, those payments didn't amount to very much, really, in the broad scheme of things.

It wasn't until the early 1950s that the Forest Service became much more active in the timber sales arena, and those payments began to increase. They increased pretty much every year from about 1950 through 1969, and then they leveled off, and the Forest Service endeavored, in a pre-endangered species era, to keep those payments level. They were level from about 1970 until about 1990, and then, of course, they started to decline, precipitously, because of endangered species and other concerns. Now they're starting to trend back up again, slightly.

But, you know, the agreement in 1908 was never that the communities were going to be given *x* amount of money; it was always that they were going to be given *x* percentage of whatever the receipts were. We have now extended the highest level of receipts for a period of time 1990 to present as long as the high level of timber receipts that preceded that existed.

Senator CRAIG. Yes.

Mr. REY. So we do think that the communities in some cases have adjusted so that they're not so dependent on it, and in other cases still need some time to adjust which is why we're proposing an extension.

Senator CRAIG. Madam Chairman, it's an issue that, obviously, impacts greatly northern California especially, along with my State, Oregon, Washington, and then, of course, all timber or forested public land States and counties.

Secretary Rey, I appreciate the history. I repeat it often to superintendents and chairmen of school boards only to have their eyes glaze over.

Mr. REY. OK.

Senator CRAIG. Because some of these transitions are difficult to come by. There is a dependency.

Madam Chair, last year Senator Wyden and I crafted a new approach toward just in part exactly what Secretary Rey spoke of: a

scaling down. The community of interest, the association, the group that came together headed by a gentleman from your State understands that, accepts that.

I would really hope that we could match with some money that which Secretary Rey has talked about that's in this budget and possibly extend in at least a 4-year period, a similar formulation that we've talked about that takes us down and sends the message again to these communities that they really have to diversify and change as best they can, as rapidly as they can.

This committee's going to, I think, play a tremendous role in that. You've got school districts that are heavily impacted as do I, and very little ability to offset these losses without some emergency funding from the States.

Senator FEINSTEIN. If we're having a discussion on this, I think we're going to have to get together and do it in the emergency supplemental——

Senator CRAIG. I think you're right.

Senator FEINSTEIN [continuing]. That that's going to be the only way to get this thing done this year.

Senator CRAIG. Oh, I don't think much else will be moving, yes, if we don't do that.

Senator FEINSTEIN. Right.

Senator CRAIG. Thank you, I'd be more than happy, as would Senator Wyden and a good many others, including Senator Bennett to work with you on trying to accomplish something like that.

Senator FEINSTEIN. I realize now. Good.

Senator CRAIG. Thank you.

Senator FEINSTEIN. That would be my intent to try and put something in.

Senator CRAIG. Thank you

Senator FEINSTEIN. In any event, I think we're almost completed.

I have one quick question, if I might. Mr. Rey, perhaps you'll remember we met with the seven fire chiefs——

Mr. REY. Yes.

TAHOE AREA COMMUNITY FIRE PROTECTION PLANS

Senator FEINSTEIN [continuing]. Of Tahoe, and the community fire plans, and my understanding is Secretary Kempthorne put in the money to fund it. Have you had a chance to review that? Are they going well? Are they getting carried out? Is it worth continuing that effort?

Mr. REY. I think it is worth continuing the effort. I think a lot of progress has been made since last summer, and we are getting a lot more of the implementation of those plans completed.

Senator FEINSTEIN. Good. All right, thank you very much. That completes my questions.

Senator, do you have a question?

Senator CRAIG. Madam Chairman, I do have several questions, if I might.

Senator FEINSTEIN. All right. I have to excuse myself. Would you take over and conclude this?

Senator ALLARD [presiding]. I'd be glad to, and I'll wrap it up as soon as——

Senator CRAIG. Can we set funding levels?

Senator ALLARD. We'll not abuse the trust that you've put in——

Senator FEINSTEIN. I understand that. I understand that, thank you.

GRAZING

Senator ALLARD. I want to bring up grazing permits. Senator Craig mentioned something on grazing permits in his opening comments, and I want to follow up a little bit on these grazing permits.

As you will recall, there was the 1995 Recision Act that Congress put a schedule in place for the renewal of the grazing permits, and the schedule requires the National Environment Policy Act document to be completed on all allotments by 2010. That's only 1 year after this budget's completed.

In the fiscal year 2005 appropriations bill, the committee provided additional funds to address the backlog of allotments, and also at that time they provided a categorical exclusion from NEPA for grazing allotments that met certain conditions, and that cap was 900 allotments on this authority.

By the end of this year, we have used 900 of these categorical exclusions. The answer is yes?

Ms. KIMBELL. Yes.

Senator ALLARD. Okay. Has this been an effective tool in helping you catch up on the backlog of grazing permits that must be completed?

Ms. KIMBELL. This has been a very effective tool, and it would be a great thing to have it extended, if that was possible.

Senator ALLARD. How many short are you in meeting the 2010 deadline as far as you can tell?

Ms. KIMBELL. We expect to complete 460 this year, and 455 next year. We have been working to keep that schedule updated. We will be almost 1,800 short of having all of the allotments completed with environmental analysis by the end of 2010.

Senator ALLARD. So if we extend these categorical exclusions, how far out do you think would be appropriate time on it?

Ms. KIMBELL. We can provide that to you, Senator, with some real specifics region by region and project by project. But the categorical exclusion has been a very helpful tool and would be a real good thing to have to meet those.

Senator ALLARD. We'll have our staff work with you on that.

Ms. KIMBELL. Great. Thank you.

Senator ALLARD. You'll be able to complete the NEPA on these allotments consistent with the Recisions Act schedule, you think?

Ms. KIMBELL. Consistent with the schedule, the previous language allowed for a readjustment of this schedule, and we have that prepared and ready to present.

Senator ALLARD. Okay. Do you have a follow-up on that, Senator Craig?

Senator CRAIG. I would like to follow up, because I had mentioned the issue out in Idaho as it relates to the conflict between domestic sheep grazing, in this instance, and the bighorns.

I don't question the need to create some kind of geographical buffer to keep these two different animals apart. But what happens is the inability of the Forest Service to operate in any timely fashion to make adjustments. You are, bureaucratically, tied up.

For example, you have a good many grazing allotments in Idaho that are underutilized or not grazed at all. You could propose moving the domestic sheep over to another grazing allotment and creating those buffers and those separations. But you can't do it because you don't have a plan, and it takes years, and that sheep man's out of business.

Yet, and, of course, these lawsuits have been brought by interests who want all grazing off public lands anyway, and you're falling right into their game plan by your inability to move in a timely fashion. You just talked about how long it's now taking you to bring about in a forest plan something that, while we need to be very observant of it and its impact on resource, it appears that the Forest Service really doesn't seem to care about grazing anymore in a timely fashion.

Of course, in many Western States, when you take that ranching community down, you take the community down. Again, I talked about that hostility of relationship or, shall I say, a growing indifference as to your value and your presence. That's part of it. You no longer seem to be able to function.

I guess my frustration is, okay, we've got a problem, the science is still out on the problem, clearly, definitively, so let's avoid the problem by a separation. I know that's what your regional forester in Missoula would like to do, but can't do. How do we deal with that?

Ms. KIMBELL. Senator, the agency remains very committed to our multiple use mission, and grazing is an important part of that mission. This is not an easy issue with the bighorn sheep and the domestic sheep, but we are working with the most current science in Idaho.

With people working together, we really hope for a sheep plan, a sheep management plan, for the State of Idaho that is agreed to by all the many parties who have an interest in sheep grazing and in wild sheep populations. But we remain very committed to our multiple use mission.

Mr. REY. What we've tried to impress on our Forest Service range management and line officers is that the importance of maintaining these ranches is crucial to not seeing them subdivided and converted into developments, subdivisions, and thereby increasing the environmental impacts associated with that, including the cost of firefighting.

So we've gone a long way towards trying to instill in our folks the notion that ranching is a preferred land use as compared to the alternative that we're seeing in large parts of the West.

With the bighorn sheep, what we've got is a problem that's maybe temporary, that's a result of some of the success we've had in bighorn sheep reintroduction, and that may be solved, eventually, by the help of science as we learn more about how to prevent disease transmission between wild and domestic flocks.

So we've got a little problem right now, but——

Senator CRAIG. Mr. Secretary and Chief Kimbell, my only problem is time is not on our side as it relates to the life of that rancher.

June turnout dates are critical; you don't make them, they're gone. There's no other place to go. Once you sell down your sheep

and you're gone, then guess what happens. We subdivide, we build the megahomes, because the last asset that goes is the base property that's private. Then you're going to be fighting fire to protect the megahome built on the private property adjacent to the forested land because you could not act in a timely way to make a decision.

Time is not on anybody's side on this issue, including the life of the rancher and possibly the life of the bighorn.

TIMBER BUDGET

Senator ALLARD. Let me move on. I want to talk a little bit about the timber budget. It's one of the few programs that were not cut, and within this budget you provided full funding for the Northwest Forest Plan, an increase of $16 million. Even though the regions encompassed by the plan were only capable to accomplish 60 percent of their targeted sales volume last year—now, I acknowledge there are promises that were made to the timber industry in the Northwest Plan—but I wonder whether such a large increase aimed primarily at two regions of the Forest Service, covering Washington and Oregon, is the most efficient use of timber dollars.

I guess the question I have, aren't there still some litigation problems with timber sales in Oregon and Washington which means they'll not be able to spend the dollars we're going to be providing them in the 2010 budget?

Mr. REY. Well, first, they do have the capability to spend that increase wisely and in a way that does result in additional timber outputs.

Second, you're correct, there are still litigation challenges in that region, but then they're not unique in that regard; that litigation challenge is elsewhere as well.

Third, and I guess most importantly, the allocation of those dollars is something that we'll work with the committee on to achieve whatever the most equitable result is.

Senator ALLARD. Well, the point is that they only spent 60 percent of their dollars in the last budget.

Mr. REY. They spent all their dollars; they only hit 60 percent of their accomplishments.

Senator ALLARD. Okay.

Mr. REY. Much of the difference was a result of litigation.

Senator ALLARD. Okay.

Mr. REY. Some of those were sales that were not offered, but that have been freed from litigation and appeals, and will come on line as they work their way through the lawsuits.

Senator ALLARD. Since the overall budget, timber budget is flat, if you look at all the whole budget, you know, including the Northwest, large increases to this section of the country, isn't that an expense to all of the other regions?

Mr. REY. What we endeavored to do in our first allocation was to give that region the largest increase commensurate with our commitment to fully implement the Northwest Forest Plan without disadvantaging any of the other regions. They would be largely where they were at in 2008.

Senator ALLARD. But, you know, we've talked about paying for some of the programs that we have in other parts of the country—

Colorado and Idaho and what not—and yet the response I've gotten back off the record was, you know, we get a large amount of money, it goes to the Northwest and it's not available to you folks.

So I'd like to know if you can quantify for us the cuts being imposed on other regions. Maybe they're not cuts; maybe they're lack of program dollars that need to be made available to meet their program objectives in a region. What is the dollar value to that?

Mr. REY. We can break out the regional allocations for you.

Senator ALLARD. We'd appreciate it.

[The information follows:]

## VEGETATION MANAGEMENT SUMMARY

[In thousands of dollars]

| BLI | Fiscal year final allocation | R–1 | R–2 | R–3 | R–4 | R–5 | R–6 | R–8 | R–9 | R–10 | Regional subtotal |
|---|---|---|---|---|---|---|---|---|---|---|---|
| NFTM | Forest Products | $21,877 | $18,320 | $9,157 | $13,472 | $26,416 | $45,970 | $24,763 | $23,801 | $14,519 | $198,295 |
| SSSS | Salvage Timber | 8,701 | 1,007 | 659 | 1,028 | 5,729 | 6,495 | 2,652 | 7,357 | 762 | 34,390 |
| CWK2 | K–V Forest Products | 700 | ..... | 2,000 | ..... | 6,200 | 2,300 | 4,900 | 4,900 | ..... | 21,000 |
| WFHF | Hazardous Fuels | 15,290 | 23,815 | 35,714 | 16,531 | 46,128 | 28,362 | 32,838 | 9,001 | 944 | 208,623 |
| WFHF | Emer. Supplemental/Omnibus Earmarks | ..... | 800 | 2,600 | ..... | 42,000 | ..... | ..... | ..... | ..... | 52,600 |
| PEP2 | Sec. 423 Forest Health | 2,921 | 3,011 | 1,463 | 1,545 | 804 | 910 | 1,779 | 2,567 | ..... | 15,000 |
| | Total | 49,489 | 54,153 | 51,593 | 32,576 | 127,277 | 84,037 | 66,932 | 47,626 | 16,225 | 529,908 |

Note.—PEP2 allocation is based upon fire condition class, insect and disease risk, as well as timber sale unit costs.

Mr. REY. We are deeply cognizant that the Congress has a role in making those allocations, so we'll be working with you on that.

Senator ALLARD. I understand. Okay, thank you.

Let's see, we've pretty well covered that.

WILDLAND FIRE OUTLOOK

Now, on the wildland fire outlook for this year, I know you're trying to project the severity of the upcoming fire season, and it's pretty difficult at this point in time. But we're likely to be marking up the supplemental appropriation bill later this month.

With that in mind, can you give us some sense of how severe you might expect this fire season to be, based on what you know now?

Mr. REY. Sure.

Senator ALLARD. About snowfalls and those type of things.

Mr. REY. Our initial predictions were for above average fire activity this year. We're still in a drought situation in the Southeast, so we have predicted that we'd hit the fire season there earlier than normal. We have gotten near record amounts of snowfall in the Northern Rockies and in other parts of the West, so depending on how fast that melts that might modulate what we were predicting as above average fire year.

But at least for right now, we think it's going to be an above average fire year, comparable to the last couple.

Senator ALLARD. So you think you're going to have sufficient resources available to get you throughout the year without having to borrow any massive sums from other nonfire programs?

Mr. REY. Past experience would say that that's not likely.

Senator ALLARD. Can you give us a figure?

Senator CRAIG. I think he's saying past experience with this committee would suggest that we're going to help them.

Senator ALLARD. I'm looking for a figure that we might be able to help you with.

Mr. REY. That would be hard to project in anything but an arbitrary fashion this early in the season. If, you know, we get a cold, wet spring, kind of the same weather pattern that's there now in the Northern Rockies, if that holds for awhile, we could have a relatively mild fire year in that part of the country. But, on the other hand, if we get a hot spell, and that snow just all melts really fast, we'll get a flush of vegetation and that might prove to be a difficult fire year.

POTENTIAL MOVE OF FOREST SERVICE TO DEPARTMENT OF THE INTERIOR

Senator ALLARD. Mark, you've been with the Department of Agriculture now for 7 years, and I'd like to know what your assessments are on the pros and cons of some suggestion that the Forest Service might be moved to the Department of the Interior. I value your objective observations in this. I wonder if you could share those with the committee.

Mr. REY. You know, we agreed to participate in the GAO study that the House Appropriations Committee asked for, and we're going to do that in as honest a way as we can.

What strikes me, generally speaking, is that most of the issues we've been discussing today aren't issues that lend themselves to

structural solutions. So no matter where the Forest Service is, it's still going to have problems that we've been discussing, and those problems aren't going to change if we change the structure of the agency or who it reports to.

So, what I look at in executive branch governance is the proposition that form ought to follow function, and if you're still arguing about how well the functions are working or what some of the functions should be, you probably ought to resolve that first before you try to fiddle with the form.

But——

Senator ALLARD. That was a nice nonanswer.

Mr. REY. It was about as good as I could give you. What I think we'll find as we get into this study, is: That one of the aspects of level budgets in discretionary spending have forced executive branch agencies to do as much together as they can. So what I think the GAO analysts are going to find is that we're already doing a lot of things together with the Department of the Interior land managing agencies.

We have a unified command firefighting system that's not going to be materially improved by moving the Interior agencies to Agriculture or the Forest Service to Interior.

We have a unified recreation reservation system. We have the Service First Initiative where we share staff with particular technical expertises.

Similarly, if you look at the other direction between the Forest Service and the other USDA agencies, we've unified a lot of functions there. Just, for instance, we have all of the payroll work centralized, done in a centralized institution, the National Finance Center in New Orleans. We have a common computing environment. We have staff that we share with the Natural Resources Conservation Service.

So what you're probably going to find is that, yes, there are some efficiencies by making some changes, but there are going to be some offsetting inefficiencies that are going to be created. Should we decide at the end of that study, for instance, to move the Forest Service to the Department of the Interior, we'll probably be having to figure out how to justify upwards of $100 million in computer expenses that have already been incurred to unify the computer systems throughout USDA agencies so that we can talk to one another.

Senator ALLARD. Since we are waltzing around this question, I have a couple more for us to dance around.

Mr. REY. Okay.

Senator ALLARD. You know, the one thought that's been expressed is that the Secretary of Agriculture is so busy with the farm programs and what not, he doesn't have the time that he probably ought to be allocating to forest issues and land management issues. The Department of the Interior, Secretary of the Interior, is more experienced in land management issues because of their jurisdiction which they now cover.

I'd like to have you respond to that question. Then the other argument that we hear out there is that, well, if you move from Agriculture to the Interior, you change the mission, where the mission

of the Interior—you subtlely change it—where the mission of the Interior has been more towards preservation.

Then we get from the Department of Agriculture more of a multiple use concept, and I think, at least on this side of the aisle, most of the members would like to support the multiple use concept. So I wondered if you'd address those two questions.

Mr. REY. Sure. At least as far as it involves the two incumbent secretaries, they actually have very similar backgrounds and a similar level of interest in natural resources management. They're both Western Governors from States with a substantial amount of federally-owned land. It so happens that Secretary Schafer, being from North Dakota, is much more familiar with the management of the national grasslands, which are part of the National Forest System, because North Dakota has a very small national forest acreage.

Secretary Kempthorne, obviously from Idaho, has a great deal more national forest acreage, but I think at least as far as the two incumbents are concerned, they're both equally interested in natural resources management. It's probably not an accurate summary to suggest that Secretary Schafer doesn't have some background experience and interest therein.

Both Secretaries, obviously have to focus on what's before them at a particular point in time as far as their respective agencies are concerned. I don't know that you can generalize and say that the Secretary of the Interior or the Secretary of Agriculture is more or less interested in natural resources management on a continuing basis. At least today, with the two incumbents, I'd say they're equally interested in and pretty much equally versed in it in most respects.

In terms of the agency missions, you know, those are pretty much set by the statutes. The BLM and the Forest Service are going to remain multiple use agencies because the organic legislation directs that as the way they approach the issues that they have to deal with.

The Park Service and the Fish and Wildlife Service have organic missions that are somewhat narrower. In the case of the parks, they have two main initiatives, and that is to preserve the resources that they're entrusted with and to make them available for visitors. So it's a preservation and recreation mission that's somewhat narrower than BLM or the Forest Service.

But I don't think, unless you change those missions as they're embodied in their organic statutes, that you're going to much change the agencies by moving them from one department to another. Just my take on it.

Senator ALLARD. Okay. One last question. Did you have some questions?

Senator CRAIG. I'll only make one observation as to the Secretary's evaluation of this proposal. If you stay in Washington long enough, I think there is a relatively standard axiom that you can accept that bad ideas continue to resurface.

I think when I first got here in the early 1980s, we were talking about the bringing of the agencies together, and I think we did that in the mid-1990s. So you see, the House is really being very creative: They're repeating a bad idea and will study it like mad. We

will not be able to break down all of the stakeholders of interest that, in part, determine the policy and most important, determine the politics of it.

While I think, Senator Allard, there are some commonalities that the Secretary has already spoken to that we can bring together, we have a commonality that's created a unifying resource group out in Idaho called the Interagency Fire Center which pools resources for a variety of broad public firefighting interests. That's fine, but there are very distinctively different missions in some of these that are unique to the BLM and unique to the Forest Service, vis-à-vis Agriculture and Interior.

So when I first began to hear about it, I thought, well, it's probably worth the analysis, but it will conclude in drawing nothing but dust on the shelves, and out of it may come some ideas that are implementable as it relates to cooperative interagency relationships. But beyond that I would seriously doubt that over the last decade a bad idea has become a good idea.

Mr. REY. I can tell you from visiting with the GAO auditors that they are going to take a very thorough approach to the task, and their stated goal is to lay out a variety of alternatives for the Congress—most likely the next Congress—to consider because they're planning on concluding their study sometime late this year.

COHESIVE FUELS STRATEGY

Senator ALLARD. Well, GAO has been somewhat critical about having developed any cohesive strategy that allows us to look at long-term results and effects and what not.

They have also found that the firefighting agencies have yet to develop a better process for allocating fuel reduction funds to the various regions. Despite these calls from GAO, the agencies—you've not developed any cohesive strategy that I'm aware of that would allow us to look at a long-term investment in hazardous fuels funding, for example, and their impacts on the costs of firefighting.

Can you respond to that question?

Mr. REY. Sure. We've been engaged in what I'll call a fairly lengthy ongoing dialogue with GAO about what they think is lacking in our current cohesive fuel strategy which we developed jointly with the Department of the Interior. We are in the process of augmenting that strategy to meet some of the things that they have indicated they'd like to see.

Where I think we still are struggling to reach an accord with GAO is in the question of how much sense it makes to try to project out fuels treatment priorities very far into the future and to put dollars around those priorities in out years.

The reason we take a somewhat skeptical view of the benefit of that is that those fuels treatment priorities are going to change over time by necessity. We're going to have new subdivisions develop in places where they aren't now that's going to elevate a certain area to a higher level of priority for treatment that we can't necessarily predict right now.

But I'd say that we're probably pretty far along the way to closing out disagreement with them. The question isn't whether we have a cohesive fuel strategy or not, we do; the question is whether

it meets all of the standards for information the GAO would like to see in it, and the answer is it doesn't now, but likely will as we add components to it over the next several months.

PROGRAM ASSESSMENT RATING TOOL

Senator ALLARD. We're on the issue of accountability. I'm also one who pays particular attention to the Government Performance and Results Act. It's also known as PART, under the President's plan. I'm going to let you off kind of easy on that question.

I have noticed that there are four programs, I think, that fall on this budget that are classified as nonperforming. I would ask that you submit to the committee and also to my office your explanation of why they're nonperforming. I know there may be some legitimate reasons, and I just want on the record for you to give an opportunity of why you don't—if you don't agree with them, fine; if you see that there are some shortfalls, what you're doing to correct those.

Those four programs—one's the USDA Wildland Fire Management, and the other one is the Wildlife Habitat Incentive Program; the third one is the Forest Service Invasive Species Program. Then, finally, one that's very popular with Members of Congress but I think we need some explanation, and that is the Department of the Interior Land and Water Conservation Land Acquisition Fund.

So those four, if we just have some explanation.

Mr. REY. I think we can give you the information on three of the four. We'll have to work with Interior on the last one.

Senator ALLARD. Okay.

Mr. REY. Because it's a joint program.

[The information follows:]

PART RATINGS THAT SEVERAL FOREST SERVICE PROGRAMS RECEIVED FOR NONPERFORMANCE

WATERSHED CURRENT PART RATING—RESULTS NOT DEMONSTRATED

The Forest Service is responding to the Watershed PART Assessment by developing new policy, protocols, and tools to improve program delivery and effectiveness. The agency has identified a consistent approach for determining watershed condition on National Forest System (NFS) lands, supporting efforts to prioritize watershed improvement activities. The Forest Service has also developed aquatic inventory and monitoring protocols for NFS lands and GIS-based tools to help States identify and prioritize critical forest areas on non-Federal lands. Through these applications and others, the NFS and State and Private Forestry deputy areas are exploring meaningful ways to measure effectiveness of programs pertaining to watershed improvement.

The agency is beginning to implement elements of the PART Improvement Plan to improve the program's rating. These actions consist of (1) developing a nationally consistent methodology for determining watershed condition class as basis for prioritizing watersheds management and (2) developing a national approach to describe and monitor the status and trend of aquatic resources. Additionally, the Forest Service and OMB recently negotiated an "Action Plan for the Development of a Watershed Efficiency Measure and a National Watershed Condition Class Rating System," establishing a process and timetable for improvement.

CAPITAL IMPROVEMENT AND MAINTENANCE CURRENT PART RATING—RESULTS NOT DEMONSTRATED

The PART process for Capital Improvement and Maintenance aligned the Forest Service with USDA and OMB's Real Property Initiatives and Asset Management Plans. The performance measures developed as a result of the assessment have improved planning and assessment of the agency's infrastructure, resulting in better

priority setting criteria and project selection. Better planning and assessment supports the agency's effort to determine an optimal infrastructure level, keeping only what is necessary to implement the agency's mission and meet public needs. To further inform infrastructure maintenance, the agency has adopted the industry standards for the Facility Condition Index. The Index is a general metric that tracks national trends in the condition of the agency's portfolio with respect to the deferred maintenance backlog. The Index allows decision makers at the local level to prioritize individual assets for funding, repair, or disposal, based on relative conditions.

The Forest Service is developing long-term outcome-based performance measures that fully cover the program, including safety, condition sustainability and environmental suitability, utilization, and mission dependency. It will also develop and implement a strategy to prioritize road, facility, and trail improvements that reflect investment strategies as common criteria for reducing the deferred maintenance backlog. Finally, the agency has used disposal authorities to convey excess or unneeded properties through the Facilities Realignment and Enhancement Act.

WILDLAND FIRE MANAGEMENT CURRENT PART RATING—ADEQUATE

In fiscal year 2007, the Forest Service addressed the following actions contained in the PART Improvement Plan: refining program delivery, improving procedures for allocating hazardous fuels reduction funds, and improving data to reduce the risk of catastrophic fire.

The Forest Service developed a technical guide that identifies the items and strategic nature of discussions in land management plans in fiscal year 2007, and is currently developing a new Forest Plan template, which should be available by the end of fiscal year 2008.

Several large fire cost containment audit reports were issued in fiscal year 2007. The Office of Inspector General (OIG) issued a report containing 18 recommendations on cost containment needs. The Forest Service has completed actions on two recommendations, including development of a new Master Cooperative Wildland Fire Management Agreement template. Work is ongoing on all open recommendations.

The Forest Service is working with a multi-agency taskforce to develop a cost management strategy formulation process to provide a better picture of fire suppression costs over the life of an incident, establish short-term cost plans for fire resource ordering and procurement, and reaffirm the regional and national role in pricing fire resources (Federal, State, and local, private contractor, and military).

A post-incident recovery team is developing policy, guidance, and tools to provide rapid assessment of rehabilitation needs following fires and other events. These actions will enable the agency to prioritize the rehabilitation work, along with the regular program of work, to ensure the highest priority of work is funded and accomplished.

INVASIVE SPECIES CURRENT PART RATING—ADEQUATE

As a result of the Invasive Species PART Assessment, the Forest Service has focused the program around outcome-based activities that reduce the impact of invasive species on priority Federal and non-Federal forests and grasslands and tie directly to the USDA and agency strategic plans. Performance measures track treatment prioritization based on risk, treatment efficacy, and implementation costs; development, delivery, and use of tools; and customer satisfaction with tools produced. The Forest Service is also implementing an improved system of tabular and spatial record keeping for all invasive species management projects.

New performance measures tracking outputs, outcomes, and efficiencies—developed during the PART Assessment process—help the agency to better determine program success. Field units have been tracking these measures for the past 2 years.

ENERGY CURRENT PART RATING—ADEQUATE

In response to the PART assessment on the oil and gas energy resources program, the Forest Service refined performance measures to track compliance with agency strategic plan goals and objectives, emphasizing the agency's ability to process lease applications in a timely manner. The new performance measures have helped the agency to direct funding and resources to reduce project processing times while assuring compliance with remediation measures. Also a result of the PART assessment, the Forest Service now holds regular coordination meetings with the Bureau of Land Management, with which it manages the energy minerals program. Regular

meetings have eased implementation of MOUs, facilitating more efficient program delivery.

LAND ACQUISITION CURRENT PART RATING—ADEQUATE

The Forest Service has used the PART process to improve land validation, ensuring that land purchases and donations meet the agency's strategic plan goals and objectives. The agency has adopted two new measures for land acquisition into the Performance and Accountability System and Workplan, systems that agency uses to manage and track project funding and performance. The Forest Service has also updated the Agency Land Purchase Digest system to include case-specific information for these performance measures, as well as three new efficiency measures. With these improvements, the agency will be able to more accurately assess program effectiveness.

FOREST LEGACY PROGRAM CURRENT PART RATING—MODERATELY EFFECTIVE

Following its PART assessment, the Forest Legacy Program (FLP) developed seven performance measures and national strategic direction to further ensure that Federal dollars are spent on those projects of highest national importance. FLP revised its national scoring guidance for the annual project selection panel to increase the emphasis on protecting nationally important resources that fit within a larger regional or national conservation landscape level plan. In addition, FLP is reducing the average length of time it takes to complete a project. FLP is also working to ensure timely quality appraisals to reduce the average project completion time.

RECREATION CURRENT PART RATING—MODERATELY EFFECTIVE

The Forest Service is using the PART assessment to focus business planning and improve cost accounting in the developed recreation sites program. The agency is currently going through a Recreation Facility Analysis (RFA) process to prioritize recreation site improvements, to reduce deferred maintenance, and improve cost analysis. Under this analysis, national forests weigh and compare facilities' ability to serve public needs and wants with the forest's capacity to operate and maintain existing structures at desired quality standards. One of the primary goals of RFA is to reduce recreation site deferred maintenance by 20 percent in 5 years on each national forest.

## ADDITIONAL COMMITTEE QUESTIONS

Senator ALLARD. Very good. Well, at least from your perspective on the last, if you would, and we'll go to Interior and ask them for their side of it.

There will be some additional questions which will be submitted for your response in the record.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

### QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

FIREFIGHTER RETENTION IN SOUTHERN CALIFORNIA

*Question.* In your analysis, you acknowledge a morale problem among firefighters on these forests, but your analysis also claims that the "perceptions around recruitment and retention in southern California are hard to substantiate based on data."

Part of your claim is that the overall attrition rate is lower than the average attrition rate of all Federal employees, which is 13.4 percent. However, your analysis also showed that your attrition rate among southern California fire personnel was 9.4 percent last year—49 percent greater than the agency's overall firefighter attrition rate of 6.3 percent. On the Angeles National Forest, you report an attrition rate of 12.2 percent, which is double the Forest Service's firefighter attrition average. It also showed that the Forest Service lost 46 percent of your entry-level firefighters last year in southern California—twice the agency's overall attrition average.

How did the agency compile the attrition rate data presented to the Committee?

Answer. Rates for employees leaving the agency were compiled from a 10-year database of permanent workforce in California. The position series used were 0462 and 0401 for both fire and non-fire positions since there is no way to isolate fire

positions based on the series. The data itself comes from the data warehouse maintained by the National Finance Center (NFC)

*Question.* You use these data to represent trends in firefighting employment, but acknowledge that the data used in your analysis contain both fire and non-fire personnel. Is it appropriate to make decisions about firefighter retention using data that include an unknown number of other personnel? Did the agency conduct an analysis to see how many non-fire positions were included in the data?

Answer. Because there is not a specific job series for wildland firefighters, it is not possible to easily isolate firefighters among the other job functions included within the 0401 and 0462 job series. However, in Region 5 the majority of employees in the 0401 and 0462 job series are fire employees. We believe using these job series provide the most accurate available data set which encompasses the entire fire organization.

*Question.* Why did the agency choose to compare the attrition rate of firefighters against the attrition rate for all Federal employees as the basis of determining whether it has the appropriate retention level? Why and how did you decide that was the appropriate baseline?

Answer. The agency did not utilize this comparison as the sole basis of determining whether it has the appropriate retention level. A number of factors were assessed in the report including the change in permanent fire workforce over the period from 1997–2007, which indicated an 82 percent increase in permanent Fire and Aviation Management staff. We also used 2007 data on retirements, resignations and transfers, which indicated a net gain of 68 employees an increase of 3 percent. In short, within Region 5 there are significantly more firefighters today than there were 10 years ago. The comparison to Forest Service wide and all Federal Service were used to illuminate the attrition of firefighters in California in context with broader attrition rates of natural resource professionals in the Forest Service and Federal Government.

Forest Service leadership recognizes that some employees have left the agency and that this is most visible in the fire organization. As noted in the letter to Senator Feinstein from Under Secretary Rey, dated May 6, 2008, the Forest Service has a number of initiatives to address retention in the fire organization.

*Question.* What are the trends over time for attrition rates of Forest Service firefighters, both in Region 5 and for the four southern California forests? Please provide the Committee with the annual attrition rate of all firefighting employees for each of the Region 5 forests for each of the past 10 fiscal years.

Answer. Data for this question is readily available only from 1997 to 2006 and is based upon calendar years instead of fiscal years. Please see attachment 1. In general, the number of Region 5 permanent firefighters at the end of fiscal year 2006 is more than 50 percent higher than the fiscal year 2000 levels, even assuming attrition.

**Attachment 1**

**Permanent Firefighter Attrition (excluding Apprentices and temporary employees)**
Data Source: National Finance Center

| Unit | Year | Total Employees | Total Attrition* | Attrition Rate (%) |
|---|---|---|---|---|
| **Region 5** | 1997 | 1224 | 60 | 4.9% |
| | 1998 | 1217 | 54 | 4.4% |
| | 1999 | 1207 | 78 | 6.5% |
| | 2000 | 1240 | 85 | 6.9% |
| | 2001 | 1492 | 97 | 6.5% |
| | 2002 | 1710 | 113 | 6.6% |
| | 2003 | 1912 | 167 | 8.7% |
| | 2004 | 1927 | 151 | 7.8% |
| | 2005 | 1867 | 154 | 8.2% |
| | 2006 | 1861 | 163 | 8.8% |
| Grand Total 1997-2006 | | 15657 | 1122 | 7.2% |

*Total attrition includes all reasons for employees leaving the agency (retirement, resignation, termination, etc.)

| Unit | Eff Date | Total Employees | Total Attrition | % |
|---|---|---|---|---|
| **Angeles** | 1997 | 110 | 3 | 2.7% |
| | 1998 | 113 | 4 | 3.5% |
| | 1999 | 120 | 11 | 9.2% |
| | 2000 | 126 | 16 | 12.7% |
| | 2001 | 125 | 11 | 8.8% |
| | 2002 | 142 | 6 | 4.2% |
| | 2003 | 176 | 14 | 8.0% |
| | 2004 | 172 | 10 | 5.8% |
| | 2005 | 173 | 18 | 10.4% |
| | 2006 | 177 | 16 | 9.0% |
| Total | | 1434 | 109 | 7.6% |
| **Cleveland** | 1997 | 86 | 2 | 2.3% |
| | 1998 | 112 | 7 | 6.3% |
| | 1999 | 103 | 5 | 4.9% |
| | 2000 | 101 | 2 | 2.0% |
| | 2001 | 114 | 8 | 7.0% |
| | 2002 | 128 | 7 | 5.5% |
| | 2003 | 144 | 13 | 9.0% |
| | 2004 | 146 | 9 | 6.2% |
| | 2005 | 142 | 11 | 7.7% |
| | 2006 | 155 | 11 | 7.1% |
| Total | | 1231 | 75 | 6.1% |

| | | | | |
|---|---|---|---|---|
| **Eldorado** | 1997 | 42 | 8 | 19.0% |
| | 1998 | 41 | 0 | 0.0% |
| | 1999 | 44 | 1 | 2.3% |
| | 2000 | 50 | 4 | 8.0% |
| | 2001 | 64 | 2 | 3.1% |
| | 2002 | 84 | 10 | 11.9% |
| | 2003 | 89 | 8 | 9.0% |
| | 2004 | 86 | 6 | 7.0% |
| | 2005 | 85 | 10 | 11.8% |
| | 2006 | 74 | 8 | 10.8% |
| Total | | 659 | 57 | 8.6% |
| **Inyo** | 1997 | 36 | 1 | 2.8% |
| | 1998 | 35 | 1 | 2.9% |
| | 1999 | 33 | 0 | 0.0% |
| | 2000 | 34 | 2 | 5.9% |
| | 2001 | 48 | 4 | 8.3% |
| | 2002 | 53 | 5 | 9.4% |
| | 2003 | 61 | 7 | 11.5% |
| | 2004 | 63 | 4 | 6.3% |
| | 2005 | 57 | 7 | 12.3% |
| | 2006 | 50 | 6 | 12.0% |
| Total | | 470 | 37 | 7.9% |
| **Klamath** | 1997 | 71 | 2 | 2.8% |
| | 1998 | 71 | 1 | 1.4% |
| | 1999 | 64 | 3 | 4.7% |
| | 2000 | 64 | 1 | 1.6% |
| | 2001 | 76 | 4 | 5.3% |
| | 2002 | 78 | 4 | 5.1% |
| | 2003 | 102 | 9 | 8.8% |
| | 2004 | 108 | 10 | 9.3% |
| | 2005 | 114 | 3 | 2.6% |
| | 2006 | 116 | 11 | 9.5% |
| Total | | 864 | 48 | 5.6% |

| | | | | |
|---|---|---|---|---|
| **Lassen** | 1997 | 52 | 2 | 3.8% |
| | 1998 | 52 | 1 | 1.9% |
| | 1999 | 62 | 4 | 6.5% |
| | 2000 | 65 | 4 | 6.2% |
| | 2001 | 73 | 4 | 5.5% |
| | 2002 | 89 | 7 | 7.9% |
| | 2003 | 99 | 10 | 10.1% |
| | 2004 | 95 | 8 | 8.4% |
| | 2005 | 87 | 6 | 6.9% |
| | 2006 | 85 | 6 | 7.1% |
| Total | | 759 | 52 | 6.9% |
| **Los Padres** | 1997 | 77 | 3 | 3.9% |
| | 1998 | 76 | 1 | 1.3% |
| | 1999 | 78 | 3 | 3.8% |
| | 2000 | 84 | 6 | 7.1% |
| | 2001 | 92 | 4 | 4.3% |
| | 2002 | 142 | 3 | 2.1% |
| | 2003 | 150 | 16 | 10.7% |
| | 2004 | 143 | 10 | 7.0% |
| | 2005 | 144 | 9 | 6.3% |
| | 2006 | 148 | 13 | 8.8% |
| Total | | 1134 | 68 | 6.0% |
| **Mendocino** | 1997 | 45 | 3 | 6.7% |
| | 1998 | 40 | 2 | 5.0% |
| | 1999 | 35 | 1 | 2.9% |
| | 2000 | 34 | 1 | 2.9% |
| | 2001 | 44 | 6 | 13.6% |
| | 2002 | 54 | 5 | 9.3% |
| | 2003 | 60 | 9 | 15.0% |
| | 2004 | 58 | 7 | 12.1% |
| | 2005 | 53 | 4 | 7.5% |
| | 2006 | 55 | 3 | 5.5% |
| Total | | 478 | 41 | 8.6% |
| **Modoc** | 1997 | 37 | 0 | 0.0% |
| | 1998 | 35 | 4 | 11.4% |
| | 1999 | 32 | 2 | 6.3% |
| | 2000 | 32 | 3 | 9.4% |
| | 2001 | 42 | 2 | 4.8% |
| | 2002 | 50 | 2 | 4.0% |
| | 2003 | 54 | 4 | 7.4% |
| | 2004 | 53 | 6 | 11.3% |
| | 2005 | 49 | 2 | 4.1% |
| | 2006 | 43 | 9 | 20.9% |
| Total | | 427 | 34 | 8.0% |

| | | | | |
|---|---|---|---|---|
| **Six Rivers** | 1997 | 36 | 2 | 5.6% |
| | 1998 | 37 | 3 | 8.1% |
| | 1999 | 38 | 0 | 0.0% |
| | 2000 | 41 | 1 | 2.4% |
| | 2001 | 58 | 7 | 12.1% |
| | 2002 | 69 | 13 | 18.8% |
| | 2003 | 66 | 7 | 10.6% |
| | 2004 | 74 | 4 | 5.4% |
| | 2005 | 73 | 2 | 2.7% |
| | 2006 | 79 | 5 | 6.3% |
| Total | | 571 | 44 | 7.7% |
| **Plumas** | 1997 | 70 | 7 | 10.0% |
| | 1998 | 68 | 3 | 4.4% |
| | 1999 | 65 | 9 | 13.8% |
| | 2000 | 63 | 5 | 7.9% |
| | 2001 | 80 | 3 | 3.8% |
| | 2002 | 98 | 9 | 9.2% |
| | 2003 | 106 | 8 | 7.5% |
| | 2004 | 104 | 16 | 15.4% |
| | 2005 | 92 | 7 | 7.6% |
| | 2006 | 91 | 11 | 12.1% |
| Total | | 837 | 78 | 9.3% |
| **San Bernardino** | 1997 | 116 | 7 | 6.0% |
| | 1998 | 110 | 8 | 7.3% |
| | 1999 | 113 | 11 | 9.7% |
| | 2000 | 124 | 8 | 6.5% |
| | 2001 | 128 | 7 | 5.5% |
| | 2002 | 136 | 4 | 2.9% |
| | 2003 | 169 | 13 | 7.7% |
| | 2004 | 180 | 22 | 12.2% |
| | 2005 | 167 | 16 | 9.6% |
| | 2006 | 167 | 19 | 11.4% |
| Total | | 1410 | 115 | 8.2% |
| **Sequoia** | 1997 | 86 | 4 | 4.7% |
| | 1998 | 80 | 2 | 2.5% |
| | 1999 | 75 | 4 | 5.3% |
| | 2000 | 87 | 7 | 8.0% |
| | 2001 | 109 | 6 | 5.5% |
| | 2002 | 126 | 8 | 6.3% |
| | 2003 | 144 | 14 | 9.7% |
| | 2004 | 142 | 8 | 5.6% |
| | 2005 | 135 | 21 | 15.6% |
| | 2006 | 121 | 7 | 5.8% |
| Total | | 1105 | 81 | 7.3% |

| | | | | |
|---|---|---|---|---|
| **Shasta-Trinity** | 1997 | 82 | 5 | 6.1% |
| | 1998 | 84 | 6 | 7.1% |
| | 1999 | 83 | 6 | 7.2% |
| | 2000 | 84 | 9 | 10.7% |
| | 2001 | 105 | 6 | 5.7% |
| | 2002 | 114 | 8 | 7.0% |
| | 2003 | 119 | 6 | 5.0% |
| | 2004 | 127 | 7 | 5.5% |
| | 2005 | 124 | 8 | 6.5% |
| | 2006 | 129 | 10 | 7.8% |
| Total | | 1051 | 71 | 6.8% |
| **Sierra** | 1997 | 75 | 3 | 4.0% |
| | 1998 | 71 | 4 | 5.6% |
| | 1999 | 64 | 3 | 4.7% |
| | 2000 | 63 | 4 | 6.3% |
| | 2001 | 88 | 3 | 3.4% |
| | 2002 | 91 | 5 | 5.5% |
| | 2003 | 98 | 7 | 7.1% |
| | 2004 | 97 | 8 | 8.2% |
| | 2005 | 97 | 3 | 3.1% |
| | 2006 | 104 | 7 | 6.7% |
| Total | | 848 | 47 | 5.5% |
| **Stanislaus** | 1997 | 79 | 2 | 2.5% |
| | 1998 | 75 | 5 | 6.7% |
| | 1999 | 70 | 7 | 10.0% |
| | 2000 | 72 | 3 | 4.2% |
| | 2001 | 99 | 9 | 9.1% |
| | 2002 | 106 | 7 | 6.6% |
| | 2003 | 109 | 12 | 11.0% |
| | 2004 | 112 | 6 | 5.4% |
| | 2005 | 109 | 13 | 11.9% |
| | 2006 | 99 | 7 | 7.1% |
| Total | | 930 | 71 | 7.6% |
| **Tahoe** | 1997 | 64 | 4 | 6.3% |
| | 1998 | 57 | 1 | 1.8% |
| | 1999 | 64 | 6 | 9.4% |
| | 2000 | 58 | 3 | 5.2% |
| | 2001 | 79 | 5 | 6.3% |
| | 2002 | 76 | 4 | 5.3% |
| | 2003 | 80 | 3 | 3.8% |
| | 2004 | 84 | 2 | 2.4% |
| | 2005 | 87 | 6 | 6.9% |
| | 2006 | 91 | 7 | 7.7% |
| Total | | 740 | 41 | 5.5% |

| | | | | |
|---|---|---|---|---|
| **LTBMU** | 1997 | 15 | 0 | 0.0% |
| | 1998 | 15 | 0 | 0.0% |
| | 1999 | 16 | 0 | 0.0% |
| | 2000 | 16 | 1 | 6.3% |
| | 2001 | 16 | 1 | 6.3% |
| | 2002 | 27 | 3 | 11.1% |
| | 2003 | 35 | 5 | 14.3% |
| | 2004 | 31 | 2 | 6.5% |
| | 2005 | 28 | 4 | 14.3% |
| | 2006 | 28 | 1 | 3.6% |
| Total | | 227 | 17 | 7.5% |
| **FFAM** | 1997 | 45 | 2 | 4.4% |
| | 1998 | 45 | 1 | 2.2% |
| | 1999 | 48 | 2 | 4.2% |
| | 2000 | 42 | 5 | 11.9% |
| | 2001 | 52 | 5 | 9.6% |
| | 2002 | 47 | 3 | 6.4% |
| | 2003 | 51 | 2 | 3.9% |
| | 2004 | 52 | 6 | 11.5% |
| | 2005 | 51 | 4 | 7.8% |
| | 2006 | 49 | 6 | 12.2% |
| Total | | 482 | 36 | 7.5% |

*Question.* What effect has this attrition had on the experience level and the institutional memory of the Region's firefighting corps?

Answer. The analysis indicates that the greatest numbers of employees leaving the agency are at the GS–04 entry level, where employees are in seasonal positions and are more likely to be at the beginning of their careers. Experience and institutional memory principally lie with permanent employees at grade levels GS–06 and above, and there is minimal attrition at that level. Further, because the overall number of firefighters in Region 5 remains over 50 percent above the number of permanent firefighters at the end of fiscal year 2000 even accounting for attrition, the amount of institutional and professional knowledge available to the Forest Service is greater than the pre-2000 levels.

Even as the Forest Service has expanded its permanent firefighter workforce compared to the pre-2000 levels, we share the concerns about maintaining institutional memory and experience into the future and are committed to actions that provide a continuing qualified, knowledgeable, and safe firefighting cadre. Our current recruiting efforts and apprenticeship program are focusing on hiring entry-level employees, and increasing promotion rates into higher ranks and permanent positions by promoting as soon as they acquire the necessary skills and experience. This ensures that new employees have a tangible career ladder and thus create an incentive to remain with the Forest Service. These employees will become our future leaders and will gain experience and institutional knowledge as they continue their careers.

*Question.* Though it claims that recruitment is outpacing retention, the analysis does not provide data on actual vacancy rates that are caused by attrition or other factors. Please provide data on planned versus actual firefighter employment, by pay-grade and by forest, for each of the Region 5 forests as of April 1, 2008. Please provide specific statistics for both permanent and temporary firefighters.

Answer. Please see attachment 2.

*Question.* Please provide data on planned versus actual firefighting personnel in Region 5, by forest, for each of the past 10 fiscal years.

Answer. This data is not readily available on a forest by forest basis. Please see attachment 3 for a chart describing planned and actual hires for permanent, apprentice, and temporary employees 2000–2007.

**Planned, Current and Vacant Temporary and Permanent Positions as of 04/02/2008** **Attachment 2**
Data source: R5 Fire and Aviation Management Planning Database

**NOTE:** The relationship between apprentices, temporary employees, and permanent GS-05 positions can be difficult to follow. It is recommended that readers go through the footnotes below the chart first.

**Fire, Fuels and Aviation Management Personnel Grades 2-5 (Apprentice, Permanent and Temporary) 4-2-08**

| Grade(s) | Appointment & Tour of Duty | | Angeles | Cleveland | Eldorado | Inyo | Klamath | Lassen | Los Padres | Mendocino | Modoc | Six Rivers | Plumas | San Bernardino | Sequoia | Shasta Trinity | Sierra | Stanislaus | Tahoe | Tahoe Basin | Regional Off | Grand Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2 3 4 | Apprentice Permanent 18/8 PP | Planned | 57 | 46 | 25 | 16 | 40 | 31 | 49 | 23 | 15 | 31 | 32 | 50 | 43 | 36 | 30 | 33 | 30 | 10 | 0 | 597 |
| | | Current | 103 | 73 | 20 | 19 | 49 | 28 | 53 | 26 | 19 | 34 | 30 | 121 | 55 | 55 | 33 | 34 | 35 | 16 | | 803 |
| | | Vacant | -46 | -27 | 5 | -3 | -9 | 3 | -4 | -3 | -4 | -3 | 2 | -71 | -12 | -19 | -3 | -1 | -5 | -6 | 0 | -206 |
| 5 | Permanent 18/8 PP | Planned | 87 | 75 | 40 | 25 | 59 | 50 | 77 | 34 | 25 | 44 | 43 | 78 | 59 | 57 | 46 | 49 | 43 | 16 | 17 | 924 |
| | | Current | 19 | 22 | 10 | 4 | 11 | 5 | 18 | 3 | 2 | 11 | 3 | 2 | 13 | 17 | 22 | 9 | 7 | 2 | 15 | 195 |
| | | Vacant | 68 | 53 | 30 | 21 | 48 | 45 | 59 | 31 | 23 | 33 | 40 | 76 | 46 | 40 | 24 | 40 | 36 | 14 | 2 | 729 |
| 2 3 4 5 | Temporary 1039 Hrs | Planned | 67 | 55 | 35 | 20 | 59 | 44 | 58 | 29 | 20 | 46 | 48 | 58 | 71 | 50 | 44 | 48 | 44 | 14 | 22 | 832 |
| | | Current | 89 | 81 | 70 | 38 | 98 | 92 | 113 | 57 | 39 | 76 | 90 | 63 | 105 | 71 | 65 | 87 | 75 | 22 | 24 | 1355 |
| | | Vacant | -22 | -26 | -35 | -18 | -39 | -48 | -55 | -28 | -19 | -30 | -42 | -5 | -34 | -21 | -21 | -39 | -31 | -8 | -2 | -523 |
| Sub Total Planned | | | 211 | 176 | 100 | 61 | 158 | 125 | 184 | 86 | 60 | 121 | 123 | 186 | 173 | 143 | 120 | 130 | 117 | 40 | 39 | 2353 |
| *Sub Total Current | | | 211 | 176 | 100 | 61 | 158 | 125 | 184 | 86 | 60 | 121 | 123 | 186 | 173 | 143 | 120 | 130 | 117 | 40 | 39 | 2353 |
| Sub Total Vacant | | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

* Temporary hiring is ongoing. Due to difficulty in assessing exact numbers of temps at a given time and the relative ease of hiring temporary employees at the GS-05 and below levels, these numbers assume all planned temps are currently filled or will be soon.

· Negative numbers in the vacant rows indicate that there are more current employees than were planned for. For apprentices, this is done intentionally in order to ensure that when apprentices graduate each year, the program remains full.

· Table 5 displays the current condition of the permanent and temporary employees in FFAM. The largest numbers of remaining vacancies occur at the grade 5 level. These vacancies are reserved for apprentices that complete their training program and graduate at the GS-05 level. Currently there are 803 apprentices working toward graduating to fill the 729 vacant grade 5 positions. For 2008, 206 apprentices are expected to graduate and be converted into GS-05 positions. Once that occurs, the remaining GS-05 vacancies will be filled by hiring 523 temporary employees leaving no vacancies at the GS-05 and below levels.

**Fire, Fuels and Aviation Management Personnel Grades 6-15 (Permanent) 4-2-08**

| Grade (GS) | Appointment | | Angeles | Cleveland | Eldorado | Inyo | Klamath | Lassen | Los Padres | Mendocino | Modoc | Six Rivers | Plumas | San Bernardino | Sequoia | Shasta Trinity | Sierra | Stanislaus | Tahoe | Tahoe Basin | Regional Off | Grand Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 6 | Permanent 18/8 PP | Planned | 48 | 42 | 24 | 15 | 29 | 26 | 40 | 20 | 13 | 25 | 26 | 42 | 34 | 34 | 29 | 36 | 25 | 8 | 16 | 532 |
| | | Current | 26 | 32 | 14 | 10 | 18 | 10 | 26 | 13 | 5 | 12 | 13 | 28 | 21 | 19 | 18 | 22 | 17 | 4 | 16 | 324 |
| | | Vacant | 22 | 10 | 10 | 5 | 11 | 16 | 14 | 7 | 8 | 13 | 13 | 14 | 13 | 15 | 11 | 14 | 8 | 4 | 0 | 208 |
| 7 | Permanent 26/0 PP | Planned | 49 | 44 | 22 | 16 | 33 | 34 | 43 | 21 | 21 | 32 | 32 | 56 | 37 | 38 | 33 | 28 | 22 | 8 | 9 | 578 |
| | | Current | 48 | 43 | 17 | 11 | 32 | 26 | 32 | 14 | 19 | 24 | 27 | 52 | 31 | 34 | 26 | 24 | 22 | 7 | 8 | 497 |
| | | Vacant | 1 | 1 | 5 | 5 | 1 | 8 | 11 | 7 | 2 | 8 | 5 | 4 | 6 | 4 | 7 | 4 | 0 | 1 | 1 | 81 |
| 8 | Permanent 26/0 PP | Planned | 40 | 37 | 16 | 10 | 21 | 19 | 35 | 15 | 13 | 20 | 21 | 36 | 26 | 26 | 21 | 18 | 19 | 7 | 7 | 407 |
| | | Current | 40 | 36 | 13 | 7 | 19 | 19 | 35 | 14 | 13 | 19 | 19 | 36 | 25 | 23 | 18 | 18 | 18 | 6 | 7 | 385 |
| | | Vacant | 0 | 1 | 3 | 3 | 2 | 0 | 0 | 1 | 0 | 1 | 2 | 0 | 1 | 3 | 3 | 0 | 1 | 1 | 0 | 22 |
| 9 | Permanent 26/0 PP | Planned | 25 | 17 | 15 | 6 | 16 | 16 | 22 | 11 | 7 | 17 | 14 | 23 | 21 | 18 | 18 | 13 | 17 | 3 | 29 | 308 |
| | | Current | 23 | 17 | 14 | 7 | 21 | 14 | 21 | 11 | 8 | 13 | 17 | 22 | 20 | 17 | 18 | 11 | 16 | 3 | 23 | 296 |
| | | Vacant | 2 | 0 | 1 | -1 | -5 | 2 | 1 | 0 | -1 | 4 | -3 | 1 | 1 | 1 | 0 | 2 | 1 | 0 | 6 | 12 |
| 10 | Permanent 26/0 PP | Planned | 4 | | 2 | | 2 | | 4 | 2 | | 2 | 6 | 2 | | 4 | 2 | 4 | | | | 34 |
| | | Current | 2 | | 1 | | 2 | | 1 | 1 | | 1 | 3 | 0 | | 2 | 0 | 3 | | | | 16 |
| | | Vacant | 2 | 0 | 1 | 0 | 0 | 0 | 3 | 1 | 0 | 1 | 3 | 2 | 0 | 2 | 2 | 1 | 0 | 0 | 0 | 18 |

| | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11 | Permanent 26/0 PP | Planned | 7 | 5 | 4 | 6 | 10 | 7 | 8 | 4 | 6 | 7 | 5 | 9 | 9 | 8 | 8 | 6 | 7 | 1 | 24 | 141 |
| | | Current | 6 | 5 | 4 | 4 | 9 | 5 | 8 | 3 | 5 | 7 | 6 | 8 | 6 | 8 | 6 | 6 | 7 | 1 | 24 | 128 |
| | | Vacant | 1 | 0 | 0 | 2 | 1 | 2 | 0 | 1 | 1 | 0 | -1 | 1 | 3 | 0 | 2 | 0 | 0 | 0 | 0 | 13 |
| 12 | Permanent 26/0 PP | Planned | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 1 | 1 | 29 | 47 |
| | | Current | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | | 1 | 0 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 26 | 40 |
| | | Vacant | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 3 | 7 |
| 13 | Permanent 26/0 PP | Planned | 1 | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | 13 | 29 |
| | | Current | 1 | 1 | 1 | | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 0 | 13 | 27 |
| | | Vacant | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 |
| 14 | Permanent 26/0 PP | Planned | | | | | | | | | | | | | | | | | | | 2 | 2 |
| | | Current | | | | | | | | | | | | | | | | | | | 2 | 2 |
| | | Vacant | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 15 | Permanent 26/0 PP | Planned | | | | | | | | | | | | | | | | | | | 1 | 1 |
| | | Current | | | | | | | | | | | | | | | | | | | 1 | 1 |
| | | Vacant | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sub Total Planned | | | 175 | 147 | 85 | 54 | 113 | 104 | 154 | 75 | 61 | 105 | 106 | 170 | 129 | 130 | 113 | 108 | 92 | 28 | 130 | 2079 |
| Sub Total Current | | | 147 | 135 | 65 | 40 | 102 | 76 | 125 | 57 | 51 | 78 | 86 | 148 | 104 | 104 | 88 | 86 | 82 | 22 | 120 | 1716 |
| Sub Total Vacant | | | 28 | 12 | 20 | 14 | 11 | 28 | 29 | 18 | 10 | 27 | 20 | 22 | 25 | 26 | 25 | 22 | 10 | 6 | 10 | 363 |
| **Fire, Fuels and Aviation Management Personnel Grades 2-15 (Apprentice, Permanent) 4-2-08** | | | | | | | | | | | | | | | | | | | | | | |
| Sub Total Planned | | | 319 | 268 | 150 | 95 | 212 | 185 | 280 | 132 | 101 | 180 | 181 | 298 | 231 | 223 | 189 | 190 | 165 | 54 | 147 | 3600 |
| Sub Total Current | | | 269 | 230 | 95 | 63 | 162 | 109 | 196 | 86 | 72 | 123 | 119 | 271 | 172 | 176 | 143 | 129 | 124 | 40 | 135 | 2714 |
| Sub Total Vacant | | | 50 | 38 | 55 | 32 | 50 | 76 | 84 | 46 | 29 | 57 | 62 | 27 | 59 | 47 | 46 | 61 | 41 | 14 | 12 | 886 |
| **Fire, Fuels and Aviation Management Personnel Grades 2-15 (Apprentice, Permanent, Temporary) 4-2-08** | | | | | | | | | | | | | | | | | | | | | | |
| Grand Total Planned | | | 386 | 323 | 185 | 115 | 271 | 229 | 338 | 161 | 121 | 226 | 229 | 356 | 302 | 273 | 233 | 238 | 209 | 68 | 169 | 4432 |
| Grand Total Current** | | | 358 | 311 | 165 | 101 | 260 | 201 | 309 | 143 | 111 | 199 | 209 | 334 | 277 | 247 | 208 | 216 | 199 | 62 | 159 | 4069 |
| Grand Total Vacant | | | 28 | 12 | 20 | 14 | 11 | 28 | 29 | 18 | 10 | 27 | 20 | 22 | 25 | 26 | 25 | 22 | 10 | 6 | 10 | 363 |

***"Grand Total Current" includes the 1,355 temporary employees currently being hired.

**Attachment 3**

## Planned and Actual R5 FAM Employees

Data Source: R5 FAM Databases

| | Permanent | Apprentice | Temporary |
|---|---|---|---|
| **2000** | | | |
| Planned | 1569 | n/a | 796 |
| Actual | 1240 | 236 | 796 |
| | | | |
| **2001** | | | |
| Planned | 1975 | n/a | 1196 |
| Actual | 1492 | 225 | 1196 |
| | | | |
| **2002** | | | |
| Planned | 2203 | n/a | 1448 |
| Actual | 1710 | 204 | 1448 |
| | | | |
| **2003** | | | |
| Planned | 2378 | n/a | 1613 |
| Actual | 1912 | 201 | 1613 |
| | | | |
| **2004** | | | |
| Planned | 2451 | n/a | 1504 |
| Hired | 1927 | 874 | 1504 |
| | | | |
| **2005** | | | |
| Planned | 2406 | 586 | 828 |
| Hired | 1867 | 826 | 1412* |
| | | | |
| **2006** | | | |
| Planned | 2530 | 592 | 837 |
| Hired | 1861 | 926 | 1330* |
| | | | |
| **2007** | | | |
| Planned | 2452 | 597 | 844 |
| Hired | 2152 | 853 | 1426* |

n/a: Prior to 2005, a "planned" level did not exist for apprentice employees.

*In addition to the planned level of temporary employees, additional temps are hired each year to temporarily fill permanent vacancies at the GS-05 levels and to ensure full staffing during fire season. Temporary employees are used in order to ensure that permanent GS-05 positions remain available for apprentices as they complete their program. The number of additional temporary employees hired each year fluctuates based upon the number of graduating apprentices. This was not tracked prior to 2005.

*Question.* How will the agency monitor hiring and retention to ensure that its firefighting positions are filled to capacity before the beginning of fire season? How many positions currently remain to be filled? By what date will staffing be complete?

Answer. The agency's goal is to ensure that we have the capacity to meet our wildland fire mission. In the Pacific Southwest Region (Region 5) the Forest Service has planned for 4,432 permanent, temporary, and apprentice positions for the 2008 fire season. It is important to note that staffing in the firefighting organization will fluctuate throughout the season. As the fires season progresses, Forest Supervisors monitor staffing decisions to address the firefighting mission and if extreme fire danger warrants, have the ability to hire additional resources. There are currently 363 vacant positions in Region 5. The region is planning to have another round of fire hiring in early July to fill these vacancies before the California fire season commences in earnest.

*Question.* While the analysis provides a number of short-term recommendations that may be considered to improve firefighter morale, including retention bonuses, flexibility of scheduling and other quality of life improvements, it fails to provide concrete recommendations as requested by my directive in the fiscal year 2008 Consolidated Appropriations Act (Public Law 110–161). It is essential that your agency take action immediately to improve morale, and additional inducements may also be critical to your efforts to fully staff your firefighting positions for this fire season.

What process will the agency use to determine which of these recommendations will be employed? How will you solicit input from local firefighters?

Answer. Region 5 is taking the lead to address these issues. Four teams, each led by one or more Forest Supervisors and including one or more forest fire managers, have been established to develop recommendations, on four key areas: mission, pay, workplace improvement, and facilities.

Region 5's current recruiting efforts and apprenticeship program are focusing on hiring entry-level employees, where the attrition rate is greatest. The region is increasing promotion rates into higher ranks and permanent positions for these employees as soon as they acquire the necessary skills and experience.

It is recognized that the high cost of living in California is an important factor affecting employees. Region 5 is working with local forests to determine if retention allowances can immediately assist with retaining employees.

*Question.* When and by whom will a decision on to implement recommendations be made?

Answer. The team's recommendations will be completed by June 30. The Regional Forester will make a decision on the recommendations at that time and implementation will begin immediately.

*Question.* What is the agency's long-term plan for analyzing the agency's firefighting mission, and for addressing firefighter pay and benefits issues, both in California and agency-wide?

Answer. The agency has begun an assessment of mission related activities and workload within the wildland-urban interface and is assembling the appropriate information for analyzing mission related activities across the Nation, as well as functions that are less congruent with the agency's land management mission. We will review the finding of this assessment and determine the need to make national or regional decisions based on this analysis.

In terms of pay and benefits for fire fighters in California, the Regional Forester has created teams specifically focused on pay and workplace improvement. In addition the region is evaluating and implementing actions related to focused recruitment and retention bonuses ensuring that employees have a tangible career ladder. Beyond California there is currently no indication that significant issues exist agency-wide with firefighter pay and benefits.

FUELS/USE OF HEALTHY FOREST RESTORATION ACT AUTHORITIES

*Question.* According to your agency's Healthy Forests Report 2007, you have only treated 295,000 acres under HFRA Title I authorities over the past 3 years, while 12.8 million acres were treated using other authorities. You treated 163,000 acres using HFRA authorities in fiscal year 2007, which is a fraction of the agency's authorized HRFA limit of 20 million acres.

Why is the agency still only treating a fraction its acres using HFRA authorities? Why is the pace of implementation so slow?

Answer. Most of the acres treated are being carried out under pre-existing authorities. The planning authorities available under HFRA are important tools to help the agency achieve its goals for restoring forest and rangeland health, reducing hazardous fuels, and creating sustainable conditions to facilitate protection of com-

munities and resources. Land managers and communities are often focused on outcomes and not on the use of a particular authority. While accomplishments achieved under other authorities do not count as "HFRA acres" they nevertheless contribute to the overall objectives of the act.

*Question.* How many acres will the agency treat in fiscal year 2008 using HFRA authorities? How many acres are planned for treatment under HFRA in fiscal year 2009?

Answer. Each year the number of acres treated using HFRA authorities increases and we expect this trend to continue. In fiscal year 2007, a total of 163,000 acres were treated using HFRA, an increase of 65 percent above the 2006 level. Treatments using authorities under Healthy Forest Initiative accounted for an additional 417,000 acres.

In fiscal year 2008 and fiscal year 2009 we anticipate further expanding the use of HFRA authorities. The use of HFRA and HFI authorities has been on an increasing trend and lands treated under those authorities in fiscal years 2008 and 2009 will meet or exceed the 580,000 acres treated using both HFRA and HFI in fiscal year 2007.

*Question.* What specific steps has the agency taken to increase the number of acres treated under HRFA authorities in the past fiscal year?

Answer. The Forest Service has taken several actions to support accomplishment of all vegetation treatments that contribute to the overall HFRA objectives. For example:

—*Increased Leadership at the National Office to support use of HFRA authorities*.—The National Office has conducted an assessment of the impacts of the recent U.S. Ninth Circuit Court of Appeals decision declaring the Hazardous Fuels Reduction Categorical Exclusion (HFRCE) developed under the President's Healthy Forest Initiative invalid. The Chief has directed the Forest Service to refrain from approving new projects using the HFRCE, and avoid advertising or awarding contracts to implement decisions made after October 8, 2004 approved under the HFRCE. We expect additional use of HFRA authorities due to this direction.

—*Increased Focus on Improving Communication and Sharing Success Stories*.—Considerable information about the requirements of HFRA, and tools to help in understanding its application are on the Washington Office intranet. One of these tools is a Web Guide that walks the reader through the decision process to determine whether HFRA authorities might be used in particular situations. Another is the *Healthy Forests Initiative and Healthy Forests Restoration Act Interim Field Guide (Field Guide)* providing a wealth of information on the law's interpretation and application.

—*Increased Use of Strategic Assessments*.—Regions are capitalizing on leadership of States and local government in the development of community wildfire protection plans (CWPPs). Nearly 5,000 communities are now covered by CWPPs.

—*Increased Focus on Training and Reviews*.—Several regions are targeting training to Line Officers, Planners, and Resource Specialists on use of the entire suite of authorities to manage vegetative conditions in collaboration with communities.

—*Enhancing Stewardship Contracting to Build Collaborative Capacity and Accomplish Restoration*.—Many of the successes in our use of stewardship contracting are a direct result of the development and implementation of projects through collaborative partnerships with groups of diverse interests.

—*Forest Restoration Framework and Policy*.—The Forest Service has completed a strategic, science-based framework for restoring and maintaining forest and grassland ecological conditions titled the "Ecosystem Restoration Framework." This framework has informed the development of an agency wide restoration policy—expected to be released late spring 2008. The policy addresses requirements to plan, implement, monitor, and evaluate ecological restoration activities in consideration of current and future desired conditions and the potential for future changes in environmental conditions, including climate change.

—*Release of the Forest Service Woody Biomass Utilization Strategy*.—The strategy describes how Forest Service programs can better coordinate to improve the use of woody biomass in tandem with forest management activities on both Federal and private land.

In addition, the following direction was included in the fiscal year 2007 and fiscal year 2008 program direction to the field: "Project planning and implementation associated with a Community Wildfire Protection Plan must take priority over other projects within the Region or Forest, unless prevented by extenuating circumstances." A large number of community wildfire protection plans have been prepared under HFRA. The numbers climb each year as managers effectively facilitate

successful collaborative planning efforts, and this approach becomes the planning standard.

*Question.* Does the agency evaluate each of its proposed fuel treatment projects for possible use of HFRA authorities? If not, how does the agency choose which projects to evaluate for possible HFRA use?

Answer. Every project is evaluated for the suitability of utilizing an HFRA authority. The decision authorities provided by the HFRA are a tool that line officers consider when evaluating the most effective and efficient means of accomplishing their hazardous fuels reduction and ecological restoration objectives.

*Question.* Your recent Healthy Forests report from December, 2007 indicates that only 16 percent of all acres treated with hazardous fuels dollars last year were mechanical treatments, while approximately 84 percent of acres accomplished were treated through prescribed fire. How does the agency decide how many acres to treat through mechanical thinning versus prescribed burns? Why isn't the agency using mechanical thinning for a greater proportion of its fuels acres?

Answer. Our total hazardous fuel reduction accomplishment includes acres treated by other program areas with a secondary benefit of reduced hazardous fuels, such as mechanical treatment, not just those acres treated with hazardous fuels dollars. When considering all hazardous fuels reduction from all funding sources, 38 percent of the 3 million acres treated in fiscal year 2007 were accomplished using mechanical methods. Accomplishing our hazardous fuel reduction objective includes use of all management tools available to us, including both prescribed burning and mechanical fuel reduction. Managers select the appropriate treatment method based on site conditions; opportunity for commodity recovery via timber sale or biomass removal; accessibility; proximity to wildland urban interface or other high valued resources; and the potential to use prescribed fire safely. Mechanical treatments can approximate the impacts of a natural disturbance regime through fire, but it cannot completely replace fire's beneficial effects on the site which include nutrient cycling, preparation of the seed bed, and selection of fire-adapted plants. Fire must continue to be an important part of our management of fire-adapted ecosystems.

TRAVEL MANAGEMENT RULE

*Question.* What is the agency's schedule for implementing the travel management rule, which calls for the agency to codify its cross-country motorized vehicle use? Who or what determined this schedule?

Answer. The planned schedule has all administrative units identifying those roads, trails, and areas which are open to motor vehicle use and publishing a Motor Vehicle Use Map by December 31, 2009. The Chief of the Forest Service determined the planned schedule.

*Question.* Is the agency preparing a travel analysis for each individual National Forest?

Answer. Travel analysis is a pre-NEPA process explained in the 2005 Motor Vehicle Route and Area Designation Guide and in regional training sessions. Proposed directives published in the Federal Register on March 9, 2007 also included proposed direction regarding travel analysis. We expect final directives to be published some time this year. Currently, some national forests are conducting travel analysis as a part of travel management planning.

*Question.* Is there a standard policy that each forest must follow in order to make travel management decisions? How is the Forest Service ensuring that its policies are being applied consistently?

Answer. Subpart B of the Travel Management Rule at 36 CFR 212 provides direction on how to identify routes and areas open for motor vehicle use. The Rule identifies the requirement for public participation; coordination with Federal, State, county and other local governmental entities, and tribal governments; and criteria which must be considered when making designation decisions. The proposed directives include a process for completing travel management planning. The 2005 Motor Vehicle Route and Area Designation Guide provides a process framework that may be used. To enable consistent interpretation of the Rule and its implementation, regional training sessions were conducted.

*Question.* Is there a formal process that each forest will use to decide whether to add or remove additional routes? Who participates in this process?

Answer. The Travel Management Rule identifies criteria that must be considered when making decisions regarding which roads, trails, and areas to designate for motor vehicle use. The Rule requires that the public be given the opportunity to participate, and requires coordination with governmental entities and tribal governments.

*Question.* Is there universal standard for public participation in the travel management decision-making process? What is that standard?

Answer. The Travel Management Rule identified two specific requirements for public participation. First, that the public be allowed to participate in the designation process, and second, that advance notice be given to allow for public comment. Public notification, including publishing of the Motor Vehicle Use Map, is sufficient where motor vehicle use is already restricted to designated routes and areas.

*Question.* How much funding has the agency spent to date on the travel management planning process? How much will the agency spend in fiscal year 2008 on this process? How much do you propose to spend in fiscal year 2009?

Answer. Over the past 2 years the agency has spent an estimated $200,000 for national training on route designation, issuance of Forest Service manual and handbook direction, and implementation support. It is estimated that an additional $25 million per year over 4 years will be spent on the full range of travel planning activities, although these costs are not clearly distinguishable from other program management costs and vary widely from forest to forest depending on the local situation and issues. Funding provided for travel management planning is used to: (1) assemble and review existing motor vehicle travel management information; (2) inventory, analyze, and complete the requirements established by the National Environmental Policy Act for travel management decisions; and (3) publish Motor Vehicle Use Maps.

*Question.* How many miles of motorized trails do you anticipate that the travel management process will add to the National Forest System trails system nationwide? How many miles will be specifically added in California?

Answer. Decisions on which trails to designate for motor vehicle use are made by local responsible officials. Since most national forests have not yet made their designation decisions, we do not have an estimate as to how many miles may be added to the National Forest System of trails. The same would be true for California.

*Question.* How many miles of motorized trails have already been added to the National Forest System to date by this process? How many of these are in California?

Answer. Between fiscal year 2006 and 2008 it is estimated that the total miles of National Forest System (NFS) trail open to motor vehicle use increased by 1,400 miles. There are a number of factors which influence this figure. Changes to the miles of NFS trail open to motor vehicle use include both additions and subtractions, and may or may not be a result of route designation decisions. Many of the added miles represent the conversion of NFS roads to NFS trails. Currently no miles of trails open to motor vehicle use have been added for California during this same timeframe.

*Question.* Do you have any estimates of what additional funding—construction, maintenance, enforcement—will be required for additional routes that have been or will be designated? Please provide the Committee with these estimates, if applicable.

Answer. Implementation of the travel management rule is a Forest Service priority and available funding within the agency's budget will be used to cover travel management decisions. Preliminary budget projections once route designations are completed are shown below. These projections do not include maintenance, decommissioning of routes, road route markers and signs, and law enforcement needs as they are not currently known at this time.

—Route markers and junction signs for trails—$3–7 million (one time cost)
—Forest Service Educational and Patrol Personnel—$9–$16 million/year
—Volunteer Program Management—$8 million/year
—Bulletin Boards and Kiosks—$15 million (one time cost)
—Signs at entrance to forest areas—$6 million (one time cost)
—National educational efforts—$1.5 million (one time cost)

*Question.* What role do budget resource considerations play a role in determining what routes may or may not be added?

Answer. The Travel Management Rule requires the consideration of the availability of resources for needed road and trail maintenance and administration. That consideration is one amongst a variety of other considerations including effects to natural and cultural resources, public safety, provision for recreation opportunities, access needs, and conflicts among uses of National Forest System lands.

*Question.* What kind of analysis is the Forest Service preparing to ensure adding additional trails is not damaging the watersheds, wildlife habitat or other natural resource values?

Answer. The Travel Management Rule requires the consideration of various criteria for designation of trails. The responsible official is required to consider effects to natural resources including, potential damage to soil, watershed, vegetation, and

other forest resources, and harassment of wildlife and significant disruption of wildlife habitats.

OPM FIREFIGHTER CREDENTIALS

*Question.* What is the purpose or goal of transitioning your upper level fire managers to the professional GS–0401 classification series?

Answer. This effort began several years ago as a result of wildland fire incident reviews. The death of 14 wildland firefighters on Storm King Mountain in 1994 was a turning point. These studies highlighted the fact that we needed more stringent, uniform qualification standards for employees in certain fire management positions to assure firefighter safety. The fire organizations worked with the Office of Personnel Management (OPM) to establish an appropriate series. The 0401 series is similar to other resource management professional series and stresses a positive education element that strengthens analytical skills and resource management fundamentals. These two elements are essential to both the safety of the workforce and Forest Service resource management mission.

*Question.* Why did the educational requirements for upper-level firefighters change?

Answer. The change was not the education requirements, rather it was the acceptable standard necessary for meeting the education requirement. This policy change was effective on February 15, 2005.

*Question.* What was the agency's initial plan to meet these requirements? Did you work with OPM on this? Was a supplemental qualification standard for your fire managers developed and approved by OPM?

Answer. The plan to meet OPM requirements is the Interagency Fire Program Management (IFPM). Yes, OPM was involved in this effort. Among the components of the IFPM Standard is the Office of Personnel Management-approved Supplemental Qualification Standard for GS–0401 Fire Management Specialist positions which was originally issued in July of 2002.

*Question.* What is the OPM policy change that excludes your in-house courses? When was it implemented? When and how did the agency first become aware of it? When were your field employees notified?

Answer. The specific policy change that excluded our in-house coursework is the revision to Part E.4 (a) of the General Policies and Instructions, located in the Operating Manual for Qualification Standards for General Schedule Positions. This policy change was effective on February 15, 2005. The Forest Service became aware of the change in April, 2007 when an OPM representative, and numerous human resources personal attended an IFPM implementation meeting in order to discuss this change. Informal communication on this issue began almost immediately. A formal letter informing agency employees of this policy was signed and sent May 31, 2007.

*Question.* Did you request a waiver from OPM to allow your in-house courses to continue to count toward meeting the positive education requirement? If so, how did OPM respond to your request?

Answer. Yes, the Forest Service requested a waiver from OPM asking us to continue using our in-house courses (Technical Fire Management (TFM) and the National Wildlife Coordinating Group (NWCG) classes) toward meeting the positive education requirement. We received an OPM response that stated they could not approve our proposal because that course of action would not resolve the fundamental issue that all Federal employees must meet the educational requirements prescribed by the qualification standard for the series to which their positions are classified, as specified by Title 5, Code of Federal Regulation, par 338, section 301. The OPM response stated the courses requested for waiver do not meet the requirement that all courses must receive credit from an institution with accreditation status from a body recognized by the Secretary of the Department of Education in order to be creditable when determining qualifications for Federal positions.

*Question.* It is our understanding that the intent of the new OPM policy at issue here is to exclude credits bestowed by "diploma mills" from meeting positive education requirements needed to qualify for Federal employment. In your discussions with OPM, did OPM ever indicate that an analysis had been performed or criteria applied to determine that the exclusion of your in-house courses was consistent with this intent?

Answer. No indication was provided. We defer to OPM regarding their analyses.

*Question.* How many of your fire program managers have been or are scheduled to be converted to GS–0401 positions? How many have lost credits as a result of the OPM policy change? When will those who do not obtain the required academic credits be removed from their positions?

Answer. From the time of the new policy in May, 2007 a total of 820 employees from the 5 Federal agencies were identified for conversion within the IFPM GS–0401 management positions. We initially estimate 200 Forest Service employees have lost credits. OPM has offered to extend the removal date to October, 2010 for employees who do not meet the requirements. The agencies have requested written confirmation of this offer, given verbally April 11, 2008.

*Question.* What is the estimated financial cost to the agency associated with assisting incumbent employees in replacing their lost credits? What are the estimated human capital costs, i.e., effects on morale and retention?

Answer. The estimated financial cost is $1,000 per credit, and an average of 5.5 credits required. The Forest Service has approximately 200 employees in this situation requiring an investment of about $1,100,000. This is an estimate of the average travel costs which employees may incur. This does not include university fees or employee time. Initial indications showed that this change had moderately to seriously affected employee morale. Over time the situation has improved. There has been no known indication of employee retention problems related to the IFPM program.

*Question.* How many accredited colleges or universities award a BS in wildland fire program management or an equivalent field of study?

Answer. Very few institutions award a specific Bachelor of Science in Wildland Fire Management degree. A handful of institutions offer minors in fire management. The 0401 series requirements may be achieved through a number of different science programs which may or may not include courses in Wildland Fire Management such as fire weather, fire behavior, and fire ecology.

*Question.* How many accredited colleges or universities provide courses equivalent to the National Wildfire Coordinating Group (NWCG) courses originally envisioned as counting toward the GS–0401 basic education requirement? How does the cost of these courses compare to the cost of providing identical training in-house?

Answer. Currently somewhere between 20 and 25 colleges or universities provide these types of courses. The additional expenses range from 20 to 100 percent more expensive than in-house training.

*Question.* Are there any other barriers faced by employees seeking to meet the GS–0401 education requirement of which we should be aware?

Answer. No, with the 1 year extension provided by OPM employees have both the time and institutional support to meet these requirements.

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QUESTION SUBMITTED BY SENATOR JUDD GREGG

*Question*. In fiscal year 2009, the President's budget includes only $12.5 million for the Forest Legacy Program. This is more than a 70 percent cut in the program from the fiscal year 2008 enacted levels. In addition, there are only three projects recommended for funding nationwide. Yet, my understanding is that this year 45 States submitted a total of 87 projects, including New Hampshire. Again, your budget request seems to contradict the Forest Service's own research reports, "Forests on the Edge" and "Cooperating Across Boundaries." These reports highlight increased development and the loss of open space as significant threats to America's forests which provide substantial environmental and economic benefits to communities across the United States. When the Forest Legacy Program was reviewed by this administration, it received one of the highest scores for success agency-wide. Given the pressing need to prevent forest fragmentation, as your own agency well documents, and the fact that this program is clearly working well, can you please explain the dramatic drop in your funding request this year?

Answer. The agency maintains high regard for the accomplishments of the Forest Legacy Program. We had to make very difficult choices in the fiscal year 2009 budget request and reduced or eliminated programs whose needs can be served using non-Forest Service funds. The administration's proposal for the 2008 Farm Bill explicitly includes forests, forestry, and NIPF landowners and provides new funding for the same key programs for which many cooperators receive funding from the Forest Service.

SUBCOMMITTEE RECESS

Senator ALLARD. Okay. Thank you very much. I don't have any more questions and there are no other committee members here, so I declare the committee recessed.

[Whereupon, at 11:45 a.m., Thursday, April 1, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

# DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2009

**TUESDAY, APRIL 15, 2008**

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
*Washington, DC.*

The subcommittee met at 10:07 a.m., in room SD–124, Dirksen Senate Office Building, Hon. Dianne Feinstein (chairman) presiding.

Present: Senators Feinstein, Dorgan, Nelson, Allard, Craig, Stevens, Cochran, and Alexander.

## DEPARTMENT OF THE INTERIOR

### OFFICE OF THE SECRETARY

**STATEMENT OF HON. DIRK KEMPTHORNE, SECRETARY**

**ACCOMPANIED BY:**
**JAMES CASON, ASSOCIATE DEPUTY SECRETARY**
**PAM HAZE, DIRECTOR, OFFICE OF BUDGET**

OPENING STATEMENT OF SENATOR DIANNE FEINSTEIN

Senator FEINSTEIN. The meeting will come to order. This is the Interior Subcommittee on Appropriations, and we are having a hearing this morning on the Interior Department's budget.

The distinguished Secretary of the Interior has joined us, and I understand he has to be at the White House in the late morning and must be out of here by 11:30. So for all members' advisement, please know that and we will try to move along as rapidly as possible. Question rounds will be 5 minutes and we will use the early bird rule.

Testifying is the Secretary of Interior. Joining him is Jim Cason, the Department's Associate Deputy Secretary, and Pam Haze, the Director of the Office of Budget. We would like to welcome all three of them.

Mr. Secretary, with the change of administration set for next year, this will most likely be your last appearance before this subcommittee, and I want you to know—and I think I speak for all my colleagues when I say that we deeply appreciate the degree of dedication you have brought to your job. I have had the privilege of working with you, as had Senator Craig, as a Member of this body. I do not think Senator Alexander or Allard did.

Senator ALLARD. I did.

Senator FEINSTEIN. You did? Well, let me speak for Senator Allard then, as well.

Your collegiality is always very much appreciated.

Secretary KEMPTHORNE. Thank you very much.

Senator FEINSTEIN. You have brought a very distinct level of cooperation to us and our staff. We think you exemplify public service and we sincerely wish you the very best in all of your endeavors.

Secretary KEMPTHORNE. Thank you.

Senator FEINSTEIN. Turning now to your budget, though, this is a horse of another color. I want to thank you for retaining some of the programmatic increases the Congress provided in the 2008 bill. The extra funding for park operations, for refuge operations, for maintenance of refuges, and for law enforcement on Indian lands are all critically important to us, and we think they will make a real difference in the field.

But despite those successes, this proposal leaves us in a very difficult position, and I think the best I can offer is please work with us as we work on this budget.

2009 BUDGET REQUEST

All in all, the Department's 2009 request is a reduction of $189 million, or just 2 percent from the current level. The real cut, however, we find is much larger when you factor in the $165 million in fixed cost increases that have to be covered and the additional $45 million needed to meet the 10-year average for fire suppression. Taking these costs into account, the request more realistically represents a reduction of nearly $400 million, or 4 percent below the 2008 level.

Now, to be fair, there are two sizeable increases: the $160 million for park operations and an additional $45 million for fire suppression. But those increases are offset by hefty cuts. Consider construction at parks, refuges, and Indian schools cut $99 million, or 21 percent; land acquisition at parks and refuges cut $51 million, or almost 60 percent; Bureau of Indian Affairs overall cut $100 million, down 4 percent; and Payments in Lieu of Taxes, fondly known around here as PILT, cut $34 million, or 15 percent; State and local historic preservation projects cut $25 million, or 19 percent; and State land acquisition grants cut $25 million. That is 100 percent.

As we look at these cuts, it is clear to me that the budget is the product of some rather arbitrary decisionmaking at the Office of Management and Budget. Given the size of the backlog maintenance problem, for example, there is simply no way to justify a 21 percent reduction in the construction programs, nor can a $100 million cut at the Bureau of Indian Affairs be explained away as good public policy. BIA may be a lot of things, but overfunded it is not. So I suspect that as we begin drafting this appropriations bill, members of the subcommittee will largely be in agreement that many of the proposed reductions are untenable and need to be fixed.

Before turning to our distinguished ranking member for any opening comments, I want to thank you for your leading role in negotiating the San Joaquin River Restoration Settlement Agreement and the implementing legislation as well. I am one that believes that a negotiated settlement is much better than a judge becoming

master of this river, and I want you to know how much I appreciate your help in the outcome. I think it is going to be marked up in the Energy Committee in May or June of this year. So I am very pleased about that.

I would now like to turn to my distinguished ranking member, Senator Allard, for any comments you may care to make.

OPENING STATEMENT OF SENATOR WAYNE ALLARD

Senator ALLARD. Well, thank you, Madam Chairman, and I would like to just reiterate your comments at the first of your opening statement about what a pleasure it has been to work with Secretary Kempthorne both as a colleague, as well as head of the Department of the Interior.

I want to thank you, Madam Chairman, for calling this hearing today.

I appreciate, Secretary Kempthorne, you joining us this morning to testify on the fiscal year 2009 budget for the Department of the Interior. Again, I know this will be your last year, most likely, at the helm of that Department, and you probably will not miss us much, but we will definitely miss you at Interior.

I think I speak for all of us in saying that we, again, appreciate your leadership. It is not an easy job. It is a controversial job. You have handled the challenges exceptionally well despite those challenges.

Your Department administers 507 million acres, or roughly one-fifth of the land area of the United States. The most beautiful public lands you manage are in my State of Colorado. For example, Rocky Mountain and Mesa Verde National Parks rival anyplace in North America for their majestic scenery, as well as their cultural importance.

Your Department also controls some of the most economically important public lands in Colorado, in particular, the oil and gas resources of the Roan Plateau which are under the jurisdiction of the Bureau of Land Management. There is vigorous debate among the people of Colorado about how best to manage the resources of the Roan. I think most people want responsible development of this area, but at the same time, they want it done in an environmentally sound way. I share this view and hope to discuss the development of the Roan Plateau with you further today and hopefully get a commitment from you to work together with me and others in delegation to address this issue that is so critical to my State.

The chairman went through most of the budget numbers, so I will just mention a few that are of particular interest to me. The total request of the Department is $9.8 billion for the programs under this subcommittee's jurisdiction, which is $199 million less, or 2 percent below the fiscal year 2008 enacted level. But most of the proposed cuts have come from the land acquisition and construction programs of the Department.

NATIONAL PARKS CENTENNIAL

Similar to last year, the most significant increase in the Interior budget by far is $160 million for the National Park Service as part of the Centennial Initiative. There is also legislation pending before

the Energy and Natural Resources Committee that would provide an additional $100 million annually in mandatory spending on a matching basis for the Centennial Challenge Fund.

Since the authorizers had yet to act on this proposal in fiscal year 2008, this subcommittee provided $25 million in matching funds to kick off the centennial matching funds initiative last year, and I understand that you will be announcing the recipients of those matching funds later this month.

While I support providing these matching funds, it is my hope that we will not do that again this year. But do not get me wrong. I am a strong advocate of our national parks. However, in my view this subcommittee does not have the resources to fund the centennial matching fund initiative that is appropriately before the authorizing committee. If we continue to go down this path by funding what is intended to be a mandatory program each year out of our limited discretionary dollars, my fear is that in lean budgetary times, the centennial matching program may well come at the expense of the basic operations of our national parks.

I will be interested in hearing today about your efforts to work with the authorizing committee to pass the centennial matching fund legislative initiative.

PAYMENTS IN LIEU OF TAXES

There are a couple of cuts in your budget that I find especially disappointing. First, once again, I see that PILT has been reduced dramatically by $34 million. This is absolutely critical to many of our rural communities in the West that are dominated by Federal lands, as you are well aware of, I am sure, Mr. Secretary.

NAVAL OIL SHALE RESERVES

Second, I cannot support the budget proposal to cancel $24.7 million of balances in the Naval Oil Shale Reserve site restoration fund account. You have been working with me on certifying this site so that the cleanup can commence, and I appreciate that. But if the Department had not taken so long to reach the point of certifying the site, then half of the money that is going into the fund from oil and gas production, which currently is about $2 million per month, would be going to the State of Colorado pursuant to the Mineral Leasing Act. It is my intention to work with the chairman to see that all these funds do not simply go to the Treasury, but that Colorado receives its rightful share of these royalties that were derived from oil and gas development in my State.

That concludes my opening statement, and once again, I appreciate the Secretary appearing before the subcommittee today and I look forward to asking him some questions this morning.

Senator FEINSTEIN. Thank you very much, Senator. I appreciate your testimony.

It would be my intent to proceed directly to the Secretary because of his time constraints, unless members really want to speak. Is that agreeable with everyone?

Senator ALLARD. Certainly.

Senator FEINSTEIN. Thank you very much.

Mr. Secretary, we will turn it over to you.

SUMMARY STATEMENT OF HON. DIRK KEMPTHORNE

Secretary KEMPTHORNE. Madam Chairman, thanks very much and thank you for the very kind remarks which you made at the beginning of your statement. Senator Allard, thank you as well.

Senator Allard, you said that I may not miss you. I would say that I know that I will miss all of you because when I made the conscious decision to leave the U.S. Senate to run for Governor, I left behind tremendous friendships, and this position has allowed me to reconnect and to work with you again. Madam Chairman, our friendship began when you were mayor of San Francisco and I was mayor of Boise and then to have had the great pleasure and honor of serving with Senator Allard, with Senator Cochran, Senator Craig, who is one of the great men of Idaho. Then, to have the friendship of Senator Alexander and Senator Nelson where we established that when we both walked the paths as Governor, you know about collegiality. I think that Senator/Governor Alexander and Senator/Governor Nelson would say that there is not quite the same collegiality between a Governor and his or her legislature.

So I do enjoy this camaraderie.

I want to thank you for your strong bipartisan support that this committee provided in enacting our budget request with fixed costs and our 2008 budget initiatives. I appreciate your leadership.

In 2008, we charted a course of excellence for our national parks. We broadened our planning horizons to achieve Healthy Lands, while securing energy for the Nation, and we put the needs of Indian country center stage.

2009 BUDGET

In 2009, we build on these commitments, but more challenges confront us, challenges that will require our action. We are proposing four new initiatives in 2009 to address water crises, manage our oceans, reverse the dramatic decline in wild birds, and protect our borders. Our 2009 budget also retains many of the increases that you provided in key areas, such as refuges.

Our 2009 budget is $10.7 billion and it benefits every American each day in some way. This budget slightly exceeds our 2008 request. You will see that our budget includes strategic reductions primarily in construction, land acquisition, and for congressional earmarks. For programs under the purview of this subcommittee, the $9.8 billion budget is $199 million, or 2 percent, below the 2008 enacted budget.

OPERATING BUDGETS

Despite this overall decrease, we propose operating increases of 4 percent over 2008 for our land management bureaus. Strong funding of base operations supports ongoing programs in conservation, recreation, and resource management on public lands. This budget will allow them to continue to serve America in continued and new ways through 2008 and through 2009.

NATIONAL PARKS CENTENNIAL

Last year we announced our National Parks Centennial initiative. We held listening sessions across the country. We asked

Americans to tell us their vision for our parks. The public spoke and we listened. We are adding 3,000 seasonal park rangers this year to enrich visitor experiences. Our 2009 request for park operations is historic. We are requesting an increase of $161 million, or 8 percent. Together with 2008 funding, the 2-year increases total $283 million, or 14 percent. With these increases, the total park operating budget is $2.1 billion.

Our initiative also proposes the National Parks Centennial Challenge, which would provide up to $100 million in mandatory funding to match philanthropic contributions to enhance our national parks in time for the 100th anniversary of the park system in 2016. I am particularly appreciative, Chairman Feinstein, that you and Senator Allard provided the first segment of funding for the National Parks Centennial Challenge matching projects. It is greatly appreciated by many.

We are preparing to announce the projects that will be done with the $25 million appropriated in 2008. We have received 321 written letters of commitment from Americans across the country pledging $301 million of their money for centennial projects. Once Congress approves the Centennial Challenge matching fund legislation, those pledges and the matching Federal funds will be available to benefit parks all around the country.

HEALTHY LANDS INITIATIVE

Interior's responsibilities extend beyond parks to 258 million acres of public lands in the West, lands key to communities and economies of the West. In some of these areas, world-class wildlife habitat sits on top of world-class energy reserves. We must maintain healthy lands, sustain wildlife, and secure energy for this Nation. Our Healthy Lands Initiative launched in 2008 provides that holistic framework. It allows us to maintain wildlife corridors while providing continued access to significant energy resources. Our 2009 budget proposes a $14 million, or a 200 percent, increase over the 2008 funding level.

INDIAN INITIATIVES

Last year we also launched two initiatives in Indian country: one to battle the drug scourge from the drug cartels invading reservations; and the other to bring hope to Indian youth by improving their schools. Both of these initiatives received overwhelming support by this Congress.

SAFE INDIAN COMMUNITIES INITIATIVE

Under the Safe Indian Communities Initiative, we proposed an additional $16 million last year to battle the scourge of methamphetamine that threatens an entire generation of Native Americans. Congress supported our proposal and added an additional $8 million to this initiative. The bipartisan message is clear. We must get drug dealers off reservations and behind bars.

In 2009, we sustain the full $24 million in funding increases provided in 2008, and we propose to add $3 million more for the initiative, for a total of $27 million.

IMPROVING INDIAN EDUCATION

In 2008 under the Improving Indian Education initiative, we proposed increases of $15 million to help Native American children reach their potential. Congress endorsed our vision for Indian education, funding our request and investing another $9 million, bringing our initiative total to $24 million in 2008.

In 2009, we uphold our promise to Indian children. We sustain the 2008 funding and provide another $2 million, investing a total of over $25 million. The issues of safety and education go beyond the budget. They are at the very heart of the future of Indian country. We must act now to ensure that the dreams of today's youth will become the realities of tomorrow.

WATER FOR AMERICA INITIATIVE

As I mentioned earlier, we also have four new initiatives in our budget, initiatives that address some of the most critical issues facing this Nation. Last year the National Science and Technology Council reported that "abundant supplies of clean, fresh water can no longer be taken for granted." Water scarcity is not just a problem of the West. It is a problem of this Nation. America increasingly faces water scarcities, particularly in areas of rapid population growth. We are seeing prolonged droughts and water conflicts in areas such as the Southeast where people are used to having unlimited water.

We are proposing a Water for America Initiative to ensure that communities have reliable water supplies in this 21st century. Under this initiative, we will partner with States to conduct the first water census for this Nation in 30 years. The initiative includes $8 million for the U.S. Geological Survey.

OCEANS AND COASTAL FRONTIERS INITIATIVE

Our second new initiative advances our knowledge of our oceans and protects spectacular ocean ecosystems. Under our oceans initiative, we are proposing an additional $8 million to support the President's Ocean Action Plan. Our ocean initiative will broaden our knowledge, and we will undertake extensive mapping of our extended outer continental shelf. Coastlines are littered with marine debris ranging from soda cans and small plastic objects to derelict fishing gear and abandoned vessels. We are losing coastal wetlands that protect us from major storms, purify water, and serve as nurseries for marine fisheries. Through our oceans initiative, we will join with partners worldwide to embark on a global marine debris and coral reef campaign.

BIRDS FOREVER INITIATIVE

Together we have another task before us, reversing the decline in bird populations across America. Our initiative addresses the sharp decline of many populations of wild birds. On average, populations of common birds have plummeted 70 percent since 1967. We add $9 million in 2009 for our Birds Forever initiative to help us reverse these trends. Our budget sustains $36 million in refuge increases funded in the 2008 budget. We will improve over 200,000

acres of vital stopover habitat for migratory birds, the equivalent of over 150,000 football fields.

DUCK STAMP

We are also proposing the first increase in the sale price of the Duck Stamp in over 15 years. This increase will result in protections of an additional 17,000 acres of habitat.

SAFE BORDERLANDS INITIATIVE

Our final new initiative addresses another issue in the Nation's headlines, an initiative that I raised with you last year and I have witnessed firsthand, and that is border security. The Department of the Interior manages public lands along more than 40 percent of our southwestern border with Mexico. Our employees, residents, and visitors face daily dangers. In many locations, families can no longer live or recreate without fear of coming across drug smugglers. As urban borders become more secure, illegal activity is shifting to remote areas. Drug cartels run violent drug smuggling operations across the border, as evidenced by the nearly 3,000 pounds of cocaine and 740,000 pounds of marijuana seized in 2007.

We are proposing an $8 million increase in the 2009 budget to aggressively confront this problem. Combined with increased funding in 2008, we will place additional officers along the border.

ENERGY SECURITY

Another critical issue facing this Nation is energy security. With the price of oil rising ever higher, it is imperative that we continue to offer access to our energy resources. Our new 5-year plan for offshore energy development provides access to an additional 48 million offshore acres. The Minerals Management Service will invest over $8 million in preparations for new leasing activity as identified in the 5-year plan. Our recent lease sales in the Chukchi Sea and in the Gulf of Mexico generated $5.5 billion in bonus bids, historically high levels for lease sales. We will also help broaden the Nation's energy mix by providing opportunities to implement renewable energy on public lands and offshore.

PREPARED STATEMENT

So, Madam Chairman, it is a budget we place before you. I look forward to working with you for your good thoughts and ideas as we achieve some very fine things together. Thank you.

Senator FEINSTEIN. Thank you very much, Mr. Secretary.

[The statement follows:]

PREPARED STATEMENT OF HON. DIRK KEMPTHORNE

Madam Chairman and members of this subcommittee, I appreciate the opportunity to present our 2009 budget priorities and to update you on our progress in implementing our 2008 programs. I thank this subcommittee for your support of our 2008 budget request. Support by the chairman and members of this subcommittee for the Parks Centennial, Healthy Lands, Safe Indian Communities, and Indian Education initiatives resulted in significant funding to advance our goals. I look forward to continuing our collaborative relationship as we pursue these priorities and address emerging challenges of water scarcity, ocean management, declining bird populations, and borderland security.

## INTRODUCTION

The Department of the Interior's mission is complex and multifaceted. Our programs and mission stretch from the North Pole to the South Pole and across 12 time zones, from the Caribbean to the Pacific Rim. Our extensive mandate rivals any government agency in its breadth and diversity—and its importance to the everyday lives of Americans. In a recent poll of Federal agencies, the Department of the Interior received the highest rating for its public service.

Nearly every American lives within a 1-hour drive of lands or waters managed by the Interior Department. With 165,000 facilities at 2,400 locations, Interior is second only to the Department of Defense in managed assets. The Department's law enforcement agents, over 4,000, comprise the third largest civilian law enforcement presence in the Federal Government.

Approximately 31 million people in the West rely on drinking water provided through water systems managed by the Department. Interior irrigation systems deliver water to farmers who generate over half of the Nation's produce.

The lands and waters we manage generate one-third of the Nation's domestic energy production. Managing these areas, Interior generates $18 billion annually in revenues that exceeds Interior's $10.7 billion appropriated budget.

Interior fulfills special responsibilities to Native Americans as the manager of one of the largest land trusts in the world—over 10 million acres owned by individual Indians and 46 million acres held in trust for Indian Tribes. In addition to lands managed in trust, the Department manages over $3.3 billion of funds held in over 1,800 trust accounts for approximately 250 Indian Tribes and over 370,000 open Individual Indian Money accounts. Interior also operates one of only two school systems in the Federal government, the Bureau of Indian Education school system. The Department of Defense operates the other. A total of $65.5 billion in revenues from offshore and onshore mineral leases collected from 2001 to 2007 provided resources for Tribes, States infrastructure and other Federal programs.

## OVERVIEW OF THE 2009 BUDGET

The 2009 budget request for current appropriations is $10.7 billion, $388.5 million or 3.5 percent below the level enacted by Congress for 2008, excluding fire supplemental funding, but $59.0 million above the amount requested in the 2008 President's budget.

Permanent funding that becomes available as a result of existing legislation without further action by the Congress will provide an additional $6.0 billion, for a total 2009 Interior budget of $16.7 billion. Including permanent funding and excluding 2008 fire supplemental funding, the 2009 budget for Interior is $83 million above 2008 amounts.

The 2009 request includes $9.8 billion for programs funded by this subcommittee. Excluding fire supplemental funding, this is a decrease of $198.9 million, or 2 percent, below the level enacted for 2008. The 2009 budget sustains and enhances funding for parks and public land health, the safety of Indian communities, and Indian education. The 2009 budget funds these initiatives and addresses other nationally significant issues within a budget that maintains the President's commitment to fiscal restraint.

We focus funding on these priorities while proposing reductions in construction and land acquisition, as well as programs that are duplicative or receive funding from alternative sources. We also propose to cancel some unobligated balances.

## THE CHALLENGES AHEAD

Interior's responsibilities are expanding as the Nation looks to its public lands for energy, water, wildlife protection, and recreation. Since 2001, the Nation has created 13 new parks and 15 wildlife refuges. Population has grown dramatically near once-rural or remote public lands, increasing access to public lands and complicating land management. In the last 10 years, 60 percent of the new houses built in America were located in the wildland-urban interface. Changing land conditions, including the effects of a changing climate, have heightened threats from fire and other natural hazards, complicating land management.

The Department is improving program efficiency, setting priorities, and leveraging Federal funds through partnerships and cooperative conservation to meet these challenges. Interior's accomplishments have been many and varied, with noteworthy advances in management excellence.

Interior has made progress on all dimensions of the President's management agenda—a result achieved despite decades-long challenges in Indian trust management, a highly decentralized organization structure, and a highly dispersed work-

force. In 2001, Interior had 17 material weaknesses reported in the annual financial and performance audit. With the annual audit just completed for 2007, we have eliminated all material weaknesses. Despite these successes, as public lands become increasingly important to the economy, national security, and the public, continued success will require a strategic focus of resources to address emerging challenges, achieve key priorities, and maintain current levels of success.

INTERIOR'S ACCOMPLISHMENTS

The Department's accomplishments exemplify Interior's core values: Stewardship for America with Integrity and Excellence. Our achievements, in combination with an outstanding workforce, create a strong foundation for continued stewardship of the Nation's resources. Since 2001, the Department has:

—Restored or enhanced more than 5 million acres and 5,000 stream and shoreline miles through cooperative conservation.
—Restored, improved, and protected wetlands to help achieve the President's goal to protect, enhance, and restore 3 million acres by 2009.
—Improved park facilities for visitors by undertaking over 6,600 projects at national parks and earning a 96 percent satisfaction rate from park visitors.
—Reduced risks to communities from the threat of catastrophic fire, conducting over 8 million acres of fuels treatments on Interior lands through the Healthy Forests Initiative.
—Enhanced energy security by more than doubling the processing of applications for permits to drill and increased the production of renewable energy with new wind, solar, and geothermal projects.
—Awarded $9.8 million to 140 Preserve America projects involving public-private partnerships that serve as nationwide models for heritage tourism, historic preservation, education, and other Federal programs.
—Leveraged a four-to-one investment through a water conservation challenge grant program, generating more than $96 million for 122 water delivery system improvements and conserving over 400,000 acre-feet of water to help meet the water needs of people across the West.
—Completed planned lease sales and generated a new 5-year plan for 2007–2012 that opens up an additional 48 million acres to leasing and has the potential to produce 10 billion barrels of oil and 45 trillion cubic feet of natural gas over the next 40 years, enough to heat 47 million homes for 40 years. The October 2007 Central Gulf of Mexico OCS lease sale generated $2.9 billion, $1.6 billion more than originally estimated.
—Removed the American bald eagle from the endangered species list and put in place a set of management guidelines to secure the future of our Nation's symbol.
—Advanced protection of the Papahänaumokuäkea Marine National Monument in Hawaii, the largest marine protected area in the world, with the publication of regulations codifying management measures.
—Hosted over 464 million visitors to parks, refuges, public lands, and Bureau of Reclamation sites and increased the number of fishing programs on refuges by 24 and the number of hunting programs on refuges by 34.
—Established a new Recreation Reservation Service, a unified pass to public lands, and clarified entrance and recreation fees, in coordination with other agencies.
—Distributed over $79 million to individual Indian money account holders whose whereabouts were previously unknown and archived 400 million pages of trust documents in a state-of-the-art facility.

Our 2009 budget continues investments the Congress provided in 2008 for our top priorities. We continue our Centennial Initiative with record funding levels for park operations. We propose to augment funding for our landscape-scale Healthy Lands Initiative to protect wildlife and assure access to energy resources on public lands. We propose to sustain funding increases in 2008 to combat the methamphetamine scourge in Indian country and improve education programs for students in Indian schools.

Fulfilling the President's commitment to cooperative conservation, since 2001, the Department has provided $2.5 billion in conservation grants to achieve on-the-ground protection, restoration, and enhancement of lands and waters with partners. This commitment continues with $321.7 million requested for cooperative conservation in 2009 for challenge cost share and partnership programs that leverage Federal funding, typically more than doubling the Federal investments with matching funds.

We also propose four new initiatives. We request $21.3 million for a Water for America initiative that will enhance knowledge of water resources and improve the capacity of water managers to avert crises caused by water supply issues and better manage water resources to assist in endangered species recovery. We will advance efforts to improve the status of birds, including migratory birds, and avert further declines in bird populations with an increase of $9.0 million for a Birds Forever initiative. The budget continues the $35.9 million refuge funding increase provided by the Congress in 2008, which will restore 200,000 acres of bird habitat. The 2009 budget seeks an increase of $7.9 million to collect data that is needed to define U.S. jurisdiction of the extended continental shelf under the Law of the Sea, protect wildlife and habitat in ocean environments from marine debris, and conduct high priority research to support coastal restoration. Lastly, the 2009 budget includes $8.2 million to increase the protection of employees, visitors, lands and resources that are increasingly at risk from illegal activities at parks, refuges, public lands, and Indian lands along the border with Mexico.

THE NATIONAL PARKS CENTENNIAL

Last May, we responded to the President's charge to prepare for the National Park Service's 100th anniversary. Our report to the President on the National Parks Centennial initiative encompassed the ideas and input from 40 listening sessions and 6,000 public comments. The report frames the 10-year effort to strengthen visitor services and other programs in parks in time for the National Parks Centennial. On August 23, 2007, we announced more than 200 centennial proposals eligible as potential partnership projects in national parks as part of the National Parks Centennial Challenge.

The 2008 President's budget set forth the initial investments to achieve the goals of the Centennial initiative, with $100.0 million in operating funds for the Parks Centennial initiative to fund new levels of excellence in parks. The President's proposal received broad bipartisan support in Congress. With the 2008 funding, our parks will hire 3,000 seasonal national park rangers, guides and maintenance workers; repair buildings; enroll more children in Junior Ranger and Web Ranger programs at the parks; and expand the use of volunteers in parks.

The administration also introduced Centennial Challenge Fund legislation that would authorize the use of $100.0 million per year of Federal mandatory funding to match $100 million or more in philanthropic donations to the National Park Service. Both the House and Senate introduced bills based on the administration's legislative proposal. While the Congress continues to work on passage of the bill, the 2008 appropriation included $24.6 million in discretionary funding to begin the Centennial Challenge and match private philanthropic contribution for signature projects. I appreciate the strong support of this Committee for these matching funds.

In 2009, our budget continues the President's commitment to the parks with a historic $2.1 billion budget request for the Operation of National Parks. This increase of $160.9 million, or 8 percent above the 2008 enacted level would provide the largest budget ever for park operations. Cumulatively over 2 years, park operations increase by 15 percent. This funding will allow the parks to preserve our Nation's natural and cultural heritage, improve the condition of parks and park facilities, and prepare a new generation of leaders to guide NPS into the 21st century. The budget also supports the President's proposed Centennial Challenge matching fund of up to $100.0 million annually.

The 2009 budget will continue to build park operational capacity, including increases for core operations, facility management, U.S. Park Police operations, and youth partnership programs. The increase will improve the health of natural and cultural resources and continue to bring park assets into good condition using a predictive maintenance cycle. We will also develop a 21st century workforce with enhanced organizational capacity and employee development through a professional development program, performance management tools, and an expanded safety program. I am committed to addressing management issues raised in a recent report of our Inspector General on the U.S. Park Police.

Complementing park operations, the 2009 budget includes a combined $25.0 million for Preserve America and Save America's Treasures. Launched in 2003 by the President and First Lady, the Preserve America initiative encourages States and local communities to partner with the Federal Government to preserve the multi-textured fabric of America's story. The administration has submitted legislation to the Congress to permanently authorize the Preserve America and Save America's Treasures programs. To date, 585 communities in all 50 States and the U.S. Virgin Islands have been designated as Preserve America communities.

Through $9.8 million appropriated to the National Park Service through 2007, the program has supported 140 projects in communities throughout America. The 2008 appropriation will support an additional 95 projects. The 2009 budget request includes $10.0 million for Preserve America grants, an increase of $2.6 million over the 2008 enacted level. The budget also provides $15.0 million for Save America's Treasures grants, $4.0 million more for competitive grants than what was appropriated in 2008.

HEALTHY LANDS INITIATIVE

In 2007, the Department initiated the Healthy Lands Initiative—a major, long-term effort to improve the health of public and private lands in the West. Through the Healthy Lands Initiative, Interior agencies are working with State and local governments, private landowners and other interested groups to conserve and restore vital habitat. This Initiative will preserve our public lands for recreation, hunting and fishing, and for their significant habitat for species, while helping to secure energy for this Nation. The Healthy Lands Initiative takes, for the first time, a landscape-scale approach to restoration and land-use planning. The Initiative considers the health of the land from ridge-top to ridge-top instead of acre by acre.

Using $3.0 million in 2007 as a model for our Healthy Lands Initiative, BLM funded improvements to 72,000 acres of BLM land. The investments improved wildlife habitat conditions on 45,896 acres of shrubs, grass and woodland; reduced woody fuels and improved the composition of herbaceous vegetation on 18,377 acres outside the wildland urban interface and 4,986 acres within the interface; and improved 580 acres of wetlands. BLM leverage this funding with partner investments to treat additional acres within the same critical watersheds on non-BLM lands.

With Congress's support for the initiative, in 2008 we will be expanding these efforts to $7.9 million and improving the health of Western landscapes impacted by drought, wildfire, weed invasions, and stresses associated with population growth and increased development and use of the public lands. The Healthy Lands Initiative will restore and maintain habitat for many species such as the sage grouse, a species almost entirely dependent on sagebrush ecosystems. Some 72 percent of sage grouse habitat is under Federal management. The current range of the greater sage grouse has declined an estimated 45 percent from the historically occupied range, prompting recent petitions to list the species under the Endangered Species Act. The Initiative will also focus on protecting wildlife corridors as we take a holistic perspective in our land use planning process for energy development and recreation.

The 2009 budget provides $21.9 million for the Healthy Lands Initiative, an increase of $14.0 million over the 2008 enacted level, including an increase of $10.0 million that BLM will deploy to accelerate and increase efforts at the original six geographic focus areas; expand one of the focus areas; and add a seventh focus area in California. The Initiative includes increases of $3.5 million for USGS and $492,000 for FWS to provide critical scientific support and complement BLM's on-the-ground conservation and restoration efforts.

SAFE INDIAN COMMUNITIES

In 2008, Interior proposed the Safe Indian Communities initiative to help Indian Country resist organized crime and foreign drug cartels. These cartels have taken advantage of the widely dispersed law enforcement presence on tribal lands to produce and distribute drugs, resulting in a violent crime rate in some communities that is 10 to 20 times the national average.

The 2008 enacted appropriation provided increases totaling $23.6 million for the Safe Indian Communities initiative to increase our capacity to combat this growing epidemic. In 2009, we sustain this funding and request an additional $2.9 million, for a total Safe Indian Communities initiative of $26.6 million. With a cumulative investment of $50.2 million over 2 years, Interior will assist Tribes to suppress the production and distribution of methamphetamine by organized crime and drug cartels, address related effects including drug abuse, child neglect and abuse, and increase staffing at detention centers.

In 2009, Interior will provide: (1) additional officers for law enforcement; (2) specialized drug training for existing officers; (3) public awareness campaigns for the Indian public; (4) additional resources to protect tribal lands located on the United States border; and (5) additional social workers. Combined, the 2008 and 2009 funding increases will put 193 additional law enforcement agents on the ground in targeted communities in Indian Country and invest in more training for the current force to more effectively combat the problem. The BIA will also expand the use of a mobile meth lab to train tribal police and others about methamphetamine labs, environmental and personal safety hazards, and interdiction and investigation strat-

egies. Funding will target communities based on a needs analysis that looks at the violent crime rate, service population, and current staffing levels.

IMPROVING INDIAN EDUCATION

In 2008, Interior proposed the $15.0 million Improving Indian Education initiative to enhance student performance in Bureau of Indian Education schools. As one of just two Federal school systems, the BIE system of 184 schools should be a model of excellence and achievement of the goals of the No Child Left Behind Act. Student performance, however, has lagged. In 2006, just 30 percent of Indian schools were achieving their annual progress goals. Through this initiative, the Department is implementing a set of education program enhancements to increase the number of schools reaching adequate yearly progress goals to 33 percent by 2009. Though we still have much work to do, our assessment for 2007 shows 31 percent of schools now achieving Annual Yearly Progress.

The 2008 appropriation provided an increase of $24.1 million over the 2007 level for programs to improve student achievement. Our 2009 budget continues the increased funding Congress provided for these programs and adds another $1.4 million over 2008 for certain activities for a total of $25.5 million. This request includes $5.2 million for Education Program Enhancements to restructure schools under the No Child Left Behind Act and for reading programs, tutoring, mentoring, and intensive math and science initiatives. In 2008, Congress provided $12.1 million for these enhancements. With the 2008 boost in funding and the continued $5.2 million in 2009, BIE will focus on improved student achievement. The budget also includes a $6.3 million increase in funds allocated to all schools to improve per student funding. Funding allocated by formula is the primary source of funding for BIE's 170 elementary and secondary schools and 14 dormitories. This funding directly supports all schools for core costs of operating education programs such as salaries for teachers, aides, administrators, and support staff; supplies; and classroom materials.

The 2009 budget increases funding for four new initiatives: Water for America, Birds Forever, Ocean and Coastal Frontiers, and Safe Borderlands.

WATER FOR AMERICA

In 2007, the National Science and Technology Council reported that "abundant supplies of clean, fresh water can no longer be taken for granted." The Council of State Governments echoed this concern, concluding that "water, which used to be considered a ubiquitous resource, is now scarce in some parts of the country and not just in the West. The water wars have spread to the Midwest, East, and South, as well."

Competition for water is increasing because of rapid population growth and growing environmental and energy needs. These water needs are escalating at a time of chronic drought and changes in water availability resulting from a changing climate.

In 2009, our budget includes a Water for America initiative to help communities secure reliable water supplies through information, technologies, and partnerships. This collaborative effort, which involves the Bureau of Reclamation and the U.S. Geological Survey, will help address the water needs of the Nation.

Knowing how much water is available—and how much we consume—lies at the foundation of good water management. Yet this Nation has not completed a water census in over three decades. Our Water for America initiative will fill this void. The U.S. Geological Survey request of $8.2 million will fund the first water census in 30 years. USGS will begin a nationwide assessment of water availability, water quality, and human and environmental water use. The census, planned for completion by 2019, will generate information to assist others in managing water in a context of competing demands. The census will provide a national groundwater information system, new technology that integrates surface and groundwater information, and better measurements that result in better management of water resources.

In addition to the census, through our Water for America initiative, we will modernize the Nation's 7,000 streamgages. In the first phase of modernization, USGS will upgrade 350 streamgages and reinstate 50 streamgages that were shut down previously.

BIRDS FOREVER

In June 2007, the National Audubon Society issued a report, Common Birds in Decline, based on analysis of the Society's Christmas bird counts and breeding bird surveys performed by the U.S. Geological Survey. The report indicated significant

declines occurring in 20 common species. On average, populations of common birds have plummeted 70 percent since 1967.

As manager of one-fifth of the Nation's lands, Interior, working with a Nation of citizen stewards, can help reverse these declines. Since 2004, Interior has improved the status of five migratory bird species. Current efforts focus on ensuring that more than 62 percent of the Nation's migratory bird species thrive at sustainable levels.

On October 20, 2007, the President announced a new effort to conserve migratory birds. This effort included cooperative conservation with Mexico to protect birds that know no border, expanded migratory bird joint ventures, and production of a State of the Birds report. The Department's Birds Forever initiative builds upon the President's initiative.

Madam Chairman, we appreciate your strong support for the Nation's National Wildlife Refuges. Our budget sustains the FWS refuge budget increase of $35.9 million provided by Congress in 2008. Conserving migratory birds is a primary goal of the Refuge System and the increased funding in 2008 will support migratory bird conservation and habitat protection. More than 200,000 acres of habitat will be improved, some of which will directly benefit migratory birds.

Our 2009 budget also proposes to improve the status of wild birds, including migratory birds, and avert further declines in populations with $9.0 million in increased funding for FWS joint venture partnerships, inventory and monitoring, and habitat restoration programs and the U.S. Geological Survey's strategic habitat conservation and monitoring efforts such as the breeding bird survey. These funds, together with refuge increases, will help reverse the decline in bird populations by focusing on species of greatest concern and leveraging Federal investments through partnerships.

The initiative targets 36 species that are part of the FWS Focal Species Strategy. By emphasizing these priority species, benefits will accrue to other species as well because they often have similar conservation needs and utilize the same habitats. Employing this strategy, FWS and USGS will improve understanding of these species, restore habitat, and monitor species status and trends. Through collaborative projects with States and others, these efforts will lead to improved protection of habitats that are important to these bird species. Interior will complete action plans for 30 focal species and coordinate them with State Wildlife Action Plans.

Interior collaborative efforts with nonprofit organizations, State, and Federal programs through Joint Ventures will set conservation priorities and increase investments through extensive leveraging. Interior will focus on Joint Ventures along the coasts and central flyways including the Atlantic Coast, Texas and Gulf Coast, and Prairie Potholes and Playas. Working in coordination with these programs through the Birds initiative, States will be able to leverage their funds against Federal grant program dollars to target multi-state bird conservation priorities. The Fish and Wildlife Service has signed Urban Bird Treaties with cities such as New Orleans and Houston to preserve bird habitat in urban environments. With five treaties in place, FWS will sign up more cities and promote partnerships that will conserve parks and tree islands for bird habitat and engage the citizens in conservation activities.

OCEAN AND COASTAL FRONTIERS

Healthy and productive oceans, coasts, and Great Lakes waters are vital to America's prosperity and well-being. The President's U.S. Ocean Action Plan sets forth a pioneering vision for ocean management premised on regional partnerships, State leadership, and Federal coordination.

Interior has extensive ocean and coastal responsibilities, managing 35,000 miles of coastline, 177 island and coastal refuges, 74 park units comprising 34 million acres, 92 million acres of coral reef ecosystems that include 3.5 million acres of coral reefs, and 1.8 billion underwater acres of Outer Continental Shelf lands. Interior also assists the U.S. Territories and Freely Associated States in the management of 3.6 million square miles of oceans in the U.S. Territories and Freely Associated States. The Department also conducts the science needed to guide better decision-making in managing these resources.

The 2009 budget request includes $7.9 million to support the Department's diverse ocean, coastal, and Great Lakes program activities and to implement the highest priorities of the U.S. Ocean Action Plan. Included is an increase of $4.0 million for mapping the extended continental shelf to assure that the United States defines the boundaries for these areas potentially rich in energy and mineral resources.

Our budget also funds partnerships to reverse the trend of marine debris accumulating in waters and coasts of Midway Atoll National Wildlife Refuge and conserve coral reefs and improve ocean science at the Palmyra Atoll National Wildlife Refuge.

Marine debris kills marine life, interferes with navigation safety, negatively impacts shipping and coastal industries, and poses a threat to human health.

SAFE BORDERLANDS INITIATIVE

The Department's land management bureaus manage lands along 793 miles, or 41 percent, of the southwest border. This includes seven national wildlife refuges, six national parks, lands managed by the Bureau of Reclamation along 12 miles of the border, and public lands managed by the Bureau of Land Management along 191 miles of the border. In addition, five Indian reservations are on the international boundary with Mexico.

These remote, once pristine landscapes are home to many unique plants and wildlife, some of which are endangered species. However, the situation along our international border with Mexico has changed. In some locations, our employees, residents, or visitors are facing significant risks from illegal activities and portions of the public lands are closed to visitors. Employees who live on site and residents of Indian communities contend with the potential threat of vandalism, theft, and confrontation with illegal activities. Wildlife populations and their habitats and cultural resources are affected and damaged by these activities.

Increased border enforcement in urban areas has resulted in a shift in the flow of illegal drugs and unauthorized people to rural areas and the lands managed by the Interior Department. The number of illegal entrants crossing public lands has increased 11-fold since 2001. Narcotic traffickers, smugglers, and other criminals, who operate extensively near the border, impact public lands and resources.

There has been loss to human life. National Park Service Ranger Kris Eggle was shot and killed in 2002 at Organ Pipe Cactus National Monument by a drug runner. At San Bernardino National Wildlife Refuge, drug smugglers threatened an officer and his family at his home if he didn't return a load of marijuana seized earlier in the day. These are not isolated incidents. Interior employees are concerned that they are under constant surveillance by drug smugglers who establish observation posts on our lands and are equipped with assault weapons, encrypted radios, night vision optics, and other sophisticated equipment. Employees cannot go to some areas of some of the parks, refuges, and other public lands without an escort. The impacts to lands and resources are extensive, including abandoned vehicles and personal property, roads and trails through sensitive areas, and elevated threats to at-risk species.

The Department is requesting an $8.2 million increase for our Safe Borderlands initiative to enhance safety of public land visitors, residents, and employees and reduce the impacts affecting Interior-managed lands along the southwest border. The Safe Borderlands initiative targets resources toward multiple bureaus and high-priority areas. The Department will coordinate border efforts among the land management bureaus and the Bureau of Indian Affairs, deploying additional law enforcement personnel into five high-priority areas with the highest safety risks. We propose to focus on Interior borderland responsibilities, including public lands management and visitor and employee safety.

We also propose to mitigate environmental damage along the southwest border. Trails and illegal roads made by smugglers are destroying cactus and other sensitive vegetation impacting the ecological health of many of the national parks, wildlife refuges, national monuments and conservation areas Interior manages. Projects include repairing and maintaining roads and trails on BLM lands; improving signage for visitors; assisting with environmental compliance for border infrastructure projects; removing tons of abandoned personal property such as vehicles from bureau and tribal lands; and closing abandoned mine lands on BLM lands in New Mexico and California where illegal aliens hide.

SUPPORTING THE DEPARTMENT'S MISSION

The 2009 budget aligns resources to achieve these and other high-priority goals guided by the Department's integrated strategic plan. The Department's strategic plan links the Department's diverse activities into four common mission areas: Resource Protection, Resource Use, Recreation, and Serving Communities. A fifth area, Management Excellence, provides the framework for improved business practices, processes, and tools and a highly skilled and trained workforce.

Key to attaining these strategic goals is our 2009 request for fixed costs. Pay and benefits for the Department's 70,000 employees are a significant cost component of Interior's core programs, comprising 51 percent of operating budgets. The proportion of Interior's budget committed to personnel costs places it among the top three Federal agencies. This workforce composition largely reflects the need to maintain staff

at the geographically dispersed locations that serve the public including 391 parks, 548 refuges, and 71 fish hatcheries.

Interior's programs by their very nature require staff. Interior continues to utilize the services of over 200,000 volunteers and extensive seasonal employees. However, the workforce capacity of the Department's programs is an essential ingredient for the uninterrupted delivery of programs and services to the American public.

The 2009 budget includes $142.5 million to keep apace with most increased costs in pay and benefits and other fixed costs. The pay and benefits component is $128.6 million, including a 3.5 percent 2008 pay raise, a 2.9 percent 2009 pay raise, and a 3.0 percent increase in health benefits. A total of $22.5 million in pay and health benefits costs is absorbed. There is a reduction of $16.9 million for one less pay day in 2009. The request fully funds nondiscretionary bills from others, including space rental costs and associated security charges; workers compensation and unemployment compensation; and centralized administrative and business systems, services, and programs financed through the Working Capital Fund.

OTHER BUDGET PRIORITIES

In addition to the initiatives already highlighted, the 2009 budget includes funding for programs key to achieving the Department's goals and objectives.

*Cooperative Conservation Programs*.—Through partnerships, Interior works with landowners and others to achieve conservation goals across the Nation that benefit America's national parks, wildlife refuges, and other public lands. The 2009 budget includes $321.7 million for the Department's cooperative conservation programs, $10.4 million more than the 2008 enacted level. These programs leverage Federal funding, typically providing a non-Federal match of 50 percent or more. They provide a foundation for cooperative conservation to protect endangered and at-risk species; engage local communities, organizations, and citizens in conservation; foster innovation; and achieve conservation goals while maintaining working landscapes.

Challenge cost share programs in FWS, NPS and the Bureau of Land Management are funded at $18.1 million. These cost share programs provide resources to land managers to work with adjacent communities, landowners, and other citizens to achieve common goals through conservation and restoration of wetlands, uplands, riparian areas and other projects.

The 2009 cooperative conservation budget incorporates the Department's $21.9 million Healthy Lands initiative. Building on the $7.9 million enacted in 2008 for Healthy Lands, the 2009 budget increases resources for this multi-agency initiative to enlist States, local and tribal governments, industry and non-government entities to restore habitat on a landscape scale.

The 2009 budget for FWS cooperative conservation programs proposes $14.9 million for the Migratory Bird Joint Ventures program, including an increase of $4.0 million to focus on improving the status of focal species of birds as part of the Migratory Bird initiative. The 2009 budget also includes $13.2 million for the Coastal program, $48.0 million for the Partners for Fish and Wildlife program, $4.9 million for the Fish Passage program, and $5.2 million for the National Fish Habitat Action Plan.

The 2009 request for cooperative conservation programs includes $195.9 million for FWS grant programs, an increase of $1.9 million. This includes $42.6 million for the North American Wetlands Conservation Fund, an increase of $666,000 above the 2008 enacted level. The 2009 budget for the Cooperative Endangered Species Conservation Fund is $75.5 million (including $80.0 million in new budget authority reduced by a cancellation of $4.5 million in unobligated balances). This request is an increase of $1.7 million above the 2008 level. The 2009 budget includes $4.0 million for the Neotropical Migratory Bird program, a reduction of $470,000 from the 2008 level, and $73.8 million for the State and Tribal Wildlife Grant program, sustaining the 2008 funding level.

*Enhancing Energy Security*.—The Interior Department helps to meet the Nation's energy needs and ensure energy security. Roughly one-third of the energy produced in the United States each year comes from Federal lands and waters managed by Interior. Interior's 2009 budget enhances energy security with a program that seeks to increase production while achieving important environmental protections, attaining energy conservation goals, and expanding the use of new technologies and renewable energy sources. The 2009 budget provides $528.1 million for energy-related programs, an increase of $15.1 million over the 2008 enacted level.

The BLM will continue to support implementation of Section 349 of the Energy Policy Act to address the environmental risks posed by legacy orphaned wells. The 2009 request includes an increase of $11.2 million for the remediation of the Atigaru

site on the Alaska North Slope. In addition, BLM will increase its capacity for conducting oil and gas inspections in 2009.

In 2009, as in 2008, legislation is proposed to repeal the permit processing fund and the prohibition on charging cost recovery fees for processing applications for permits to drill. Estimated cost recovery collections for Applications for Permit to Drill are $34.0 million in 2009, an increase of $13 million from the 2008 proposed level. The 2009 budget relies on permanent legislation to allow cost recovery for APDs, rather than the $4,000 APD fee included in the 2008 Consolidated Appropriations Act.

In 2009, MMS will apply $8.5 million to increase environmental studies, resource assessments, and leasing consultations in areas of new leasing activity in Alaska and the Gulf of Mexico as identified in the 2007–2012 Five Year Plan. These lease sales could produce as much as 10 billion barrels of oil and 45 trillion cubic feet of natural gas over the next 40 years, enough energy to heat 47 million homes for 40 years. With an additional $1.0 million, MMS will implement its alternative energy responsibilities by funding environmental work and permitting for offshore alternative energy projects. This increase builds on the increased funding level provided in 2008 for alternative energy and provides a total funding level of $6.6 million.

The MMS will also use a $1.1 million increase to improve its information technology system to keep pace with industry's use of geoscientific analysis of resources and ensure that lease bids meet their fair market value; provide $2.0 million for improvements to mineral revenue compliance operations; and apply $1.7 million to implementing automated interest billing, allowing MMS to streamline and expedite interest invoicing, enhance internal controls, reduce manual intervention, allow the closure of audit cases sooner, and redirect staffing to other high-priority projects.

*Climate Change*.—With lands that range from the Arctic to the Everglades, Interior's managers are observing the sometimes dramatic effects of a changing climate, including melting permafrost and melting glaciers, apparent long-term changes in precipitation patterns, dust storms, and sea level rise. In this dynamic context, Interior managers need the information, tools and resources to understand on-the-ground landscape changes and develop strategies to adapt to these changes. As one of the largest land managers in the world, Interior is positioned to pioneer adaptive management approaches to address the effects of climate change.

Interior's science agency, the U.S. Geological Survey, has been an active participant in the Federal Global Climate Change Science project. In 2008, the Congress provided an increase of $7.4 million to expand high-priority research and establish a National Global Warming and Wildlife Science Center.

Work has begun to examine the most pressing issues faced by land managers, including the impacts of melting permafrost on energy and other infrastructure, modeling of watersheds to better manage timing and delivery of water by taking into account changing precipitation patterns, and investigation of the potential for geologic formations to sequester carbon. Interior has also undertaken habitat restoration to promote carbon sequestration and has pioneered use of alternative energy and energy conservation in its facilities and transportation systems. Approximately 18 percent of Interior's facility electricity comes from alternative energy technologies, a ratio six times greater than required for the Nation in the Energy Policy Act.

The 2009 budget for the U.S. Geological Survey continues its climate change program of $31.4 million, sustaining $5.0 million of the increases enacted in 2008 by the Congress. The 2009 budget will focus on priority climate change needs to fill critical information gaps. The 2009 budget and the Department's climate change management priorities will benefit from the results of the Secretary's Task Force on Climate Change. The three subcommittees that comprise the task force will guide Interior's comprehensive approach to the study and modeling of the impacts of climate change on lands, waters, and wildlife, as well as guide adaptive management programs for the Department's land managers.

*Indian Trust*.—From 1996 through 2008, the Department will have invested $4.4 billion in the management, reform, and improvement of Indian trust programs. These investments have allowed Interior to better meet fiduciary trust responsibilities, provide greater accountability at every level, and operate with staff trained in the principles of fiduciary trust management. The 2009 budget proposes $482.3 million for Indian trust programs. This amount includes a net program increase of $2.9 million over the 2008 enacted budget. The 2009 Unified Trust Budget reflects savings from the completion of certain trust reform tasks as well as new investments in probate services.

The 2009 budget of $482.3 million for Indian trust programs includes $181.6 million in the Office of the Special Trustee and $300.7 million in the Bureau of Indian

Affairs. The budget for Office of the Special Trustee includes $125.2 million for operation of trust programs, an increase of $1.2 million above the 2008 level. The 2009 budget proposal includes $56.4 million to support the Office of Historical Trust Accounting. The Office of Historical Trust Accounting, which is included in the Unified Trust Budget, plans, organizes, directs, and executes the historical accounting of 365,000 Individual Indian Money and Tribal Trust accounts. The OHTA expects to allocate approximately $40 million to historical accounting for individual Indian accounts, with the balance used for tribal trust accounting.

The remainder of the funding supports work on tribal trust cases, for a total of $16.4 million. At present, there are 102 tribal trust lawsuits, including a class action case seeking certification of a class of over 250 Tribes. The workload associated with these cases includes tribal reconciliation reports, document production, data validation, litigation support, analyses of mismanagement claims, historical accountings, and settlement negotiations.

The 2009 BIA budget provides $300.7 million to meet the requirements outlined in the Fiduciary Trust model and continue trust reform initiatives, including a funding increase of $10.6 million that will address a number of priority activities including the probate backlog.

The 2009 budget also includes an increase $2.6 million for BIA and OST to meet the ongoing demand for probate services, while continuing to reduce the excess probate caseload. This funding increase will also support the Office of Hearings and Appeals and their role in resolving probate cases.

The 2009 budget reduces funding by $9.8 million and eliminates the Indian Land Consolidation program. Although the program is terminated in 2009 the Department will explore other options for addressing the critical issue of fractionation.

*Financial and Business Management System.*—The Financial and Business Management System, an enterprise-level, integrated, administrative management system, is replacing the Interior Department's existing legacy systems. When fully implemented, the project will support the business requirements of all Interior bureaus and offices including core accounting, acquisition, personal property and fleet, travel, real property, financial assistance, budget formulation, and enterprise management information.

In 2006, the Minerals Management Service and the Office of Surface Mining were successfully migrated to the Financial and Business Management System. These bureaus are now conducting financial and accounting operations on this new system. In 2007, the acquisition module was deployed to MMS and OSM. In 2008, the Department anticipates that it will deploy core financial, acquisition, property, and grants components of FBMS to BLM. The 2009 budget request of $73.4 million includes an increase of $33.3 million for additional deployments that will eventually allow the Department to retire duplicative legacy systems currently in operation, including 27 acquisition systems, 16 finance systems, 43 vendor databases, and 107 property management systems.

*Payments in Lieu of Taxes.*—PILT payments are made to local governments in lieu of tax payments on Federal lands within their boundaries and to supplement other Federal land receipts shared with local governments. The 2009 budget proposes $195.0 million for these payments, an increase of $5.0 million over the 2008 President's budget, reflecting an adjustment to keep abreast of inflationary cost increases.

LEGISLATIVE PROPOSALS

The 2009 budget is accompanied by legislative proposals that will affect receipt or spending levels in 2009 or in future years. These proposals will be transmitted to the Congress for consideration by authorizing committees.

Many of these legislative changes were presented in the 2008 President's budget, including proposals for: full payment of bonuses on all new coal leases at the time of lease sale, modification of the Federal Land Transaction Facilitation Act, net receipts sharing for energy minerals, discontinuation of the mandatory appropriation from the BLM Range Improvement Fund, reallocation of the repayment of capital costs for the Pick-Sloan Missouri Basin program, and authorization for the San Joaquin River Restoration settlement.

The budget also assumes the enactment of legislative proposals to repeal provisions of the Energy Policy Act related to permit processing, geothermal revenues and geothermal payments to counties, and ultra-deepwater research. The budget assumes enactment of legislation that would open the 1002 area of the Arctic National Wildlife Refuge to exploration with lease sales to begin in 2010, generating estimated bonus bids of $7 billion in 2010 and future streams of revenue from royalty collection once production commences.

The 2009 budget assumes enactment of legislation to provide a new, dedicated source of funding for the Centennial Challenge providing up to $100.0 million per year for 10 years of mandatory funding to match contributions for projects and programs that will fulfill the commitment to prepare parks for their next century.

The 2009 budget also assumes enactment of legislation to authorize an increase in the price of the Federal duck stamp. The price of the stamp has remained at $15.00 since 1991. At the same time, the price of land has increased significantly in the past 17 years. The Duck Stamp fee increases will generate more revenues to support the acquisition of fee title and easement areas that would provide 17,000 additional acres of important breeding, migration resting, and wintering areas for birds.

The 2009 budget proposes to cancel $5.0 million from multiple accounts, as the balances have remained unused for some time. The budget proposes to cancel $24.7 million of balances in the Naval Oil Shale Reserve Account that are excess to the estimated remediation costs and to cancel $4.5 million in the Cooperative Endangered Species Fund for uncommitted funding that was recovered from funds surplus to project needs.

The 2009 budget proposes $34.0 million in increased cost recovery fees for the Bureau of Land Management oil and gas program and estimates an increase of $11.0 million in offsetting collections from rental receipts and cost recovery fees by the Minerals Management Service's OCS program.

CONCLUSION

Our 2009 budget will—in its entirety—make a dramatic difference for the American people. We will continue efforts to improve our national parks, protect our wildlife and its habitat, and make investments in Indian Country for safe communities and Indian education. In addition, we will help communities address water supply needs, conserve wild birds and ocean resources, improve the safety of public lands along the border for employees and visitors, and continue to address other ongoing mission priorities. We look forward to working with the Subcommittee on these challenges this year. Just as we did in 2008, I feel confident that we can collaboratively craft a 2009 budget for this Department that will address all of the priorities I've discussed. This concludes my overview of the 2009 budget proposal for the Department of the Interior and my written statement. I will be happy to answer any questions that you may have.

Senator FEINSTEIN. Let me see. The order will be after my questions, Senator Allard. Then it will alternate. Senator Nelson, Senator Craig, Senator Alexander, and Senator Cochran.

RURAL FIRE ASSISTANCE

I think one of the things that I find really objectionable in the budget is the zeroing out of the $6 million for the wildland fire grants. When I left the office, Mr. Secretary, CNN was on my television, and it said a wide swath of the United States is under threat of catastrophic fire. I think to cut these grants right now is really a mistake.

My understanding is you are taking that money and you are putting it in the Healthy Lands initiative. You are proposing a Birds Forever by taking money away from initiatives to protect native fish, and we have just had the entire salmon run collapse in Oregon and California.

So why are you singled out for the elimination of rural fire assistance grants?

Secretary KEMPTHORNE. Madam Chairman, it is a very fair question. We do have a very close cooperative working relationship with the U.S. Forest Service where they provide many of the same programs. We do retain grants that help us with the training. We utilize funds from the preparedness budget to do so.

You are right about the devastation of these fires. You experienced them firsthand when I called you in October and we talked

about the Santa Ana winds that were whipping up, and where we were able to anticipate that, pre-deploy our assets, rolling stock, aircraft, and personnel and were able to make the best of a very bad situation.

We do use it for the Healthy Forest initiative because if we can continue to thin these forests, if we can remove the fuel load, that is going to save not only acreage but lives and certainly lives of the fire fighters.

Senator FEINSTEIN. Yes, but for me it is a catch 22. I want the Healthy Lands money, but I also want the wildland fire protection money. So if you take one from the other, you essentially diminish both. At least, that is my view on it. So I just want you to know up front that is a real problem for me.

ABANDONED MINES

Another problem in California is we have roughly 47,000 abandoned mines, and 13,000 are on lands managed by the BLM. Thousands have safety or water quality hazards. Last month I introduced a bill, the Abandoned Mine Reclamation Act. It created an abandoned mine cleanup fund, but unlike the House bill, it has three sources of revenue for that cleanup. I added $1.9 million in the 2008 bill to help BLM and the National Park Service identify and remediate hazardous abandoned mines in California. Your budget request removes this funding.

My first question is, does your Department have a prioritized list of abandoned mine sites on public lands?

Secretary KEMPTHORNE. This is a critical issue for us. I will get back to you if, in fact, there is a prioritization of mines. The categorizing and the inventorying of abandoned mines has been occurring by the BLM and by the National Park Service.

Senator FEINSTEIN. Well, I would like to ask you to do a prioritized list, and I would like you to share it with this committee. I mean, I think we are entitled to know where abandoned mines on public lands create real hazards for people who use those public lands.

Secretary KEMPTHORNE. Yes. Madam Chairman, the National Park Service—I believe it was five abandoned mines they addressed based on funds that you provided in the current budget last year.

Senator FEINSTEIN. Right. But you removed the funding.

Secretary KEMPTHORNE. Yes.

Senator FEINSTEIN. Why is that?

Secretary KEMPTHORNE. In most cases, Madam Chairman, where there were additions by Congress, we had to remove those earmarks.

Senator FEINSTEIN. Why?

Secretary KEMPTHORNE. To remain within the budget that was given as the guidance by the administration.

Senator FEINSTEIN. Well, you know, I feel if the administration is not going to regard our concerns of priorities, I do not know why we should observe theirs. I mean, the fact of the matter is we have got 13,000 abandoned mines on Interior properties in California, and people use those lands and we need to do something about it. So I am really concerned about that, and you will be hearing more.

U.S. PARK POLICE

Let me go to the Park Police. The IG's report stated, "Park Police have failed to adequately perform either mission, either protecting the national monuments or functioning as an urban police department." So this has resulted in deficient security at national icons and monuments.

My understanding is you do have money in the budget for that, for additional police officers. Your current staffing is 590. You request an additional $4.7 million so you can increase staffing by 36. How many of those 36 will be sworn officers, and how many are administrative?

Secretary KEMPTHORNE. I believe, Madam Chairman, that those officers will be sworn officers.

Senator FEINSTEIN. So all 36 of your new people will be sworn officers.

Secretary KEMPTHORNE. Yes. I will tell you that it will take a little bit of time to achieve this. We are adding 12 new officers this month. We are then putting 15 more in the Federal Law Enforcement Training Center. The goal is that by the end of 2009, we will have 630 sworn officers. Our objective is to reach 639 sworn officers, which we believe can be accomplished at the beginning of 2010.

SALMON

Senator FEINSTEIN. All right. If I can quickly, I would like to go to the Pacific Fisheries Council recommendation for a complete closure of the Oregon and California salmon fishery for the first time in 150 years. News articles suggest that part of the problem may be deteriorating ocean conditions caused by climate change.

What is your finding? What is the cause of this?

Secretary KEMPTHORNE. Well, Madam Chairman, we have been working with NOAA and the National Marine Fisheries Service, which has jurisdiction for this. There has been an identification at this point that conditions in the sea which provide the food source for the salmon are one of the key factors. There is continuing discussion as to what may be the reason for all of that, but it is the jurisdiction of the National Marine Fisheries Service. We will continue to work with them.

Senator FEINSTEIN. I would hope you would. I would hope you would take a major role. I mean, fishing on our coasts is an important industry. It is estimated that this disaster is $150 million. People lose their homes. They lose their boats. They lose everything because they cannot make payments. They have no job. So I would just like to request that Interior play a role in really delving into this and coming up with some solutions——

Secretary KEMPTHORNE. Yes.

Senator FEINSTEIN [continuing]. Or I think we are in deep trouble with respect to fish.

Secretary KEMPTHORNE. It is very serious, and I am very familiar with it, as Senator Craig would be as well from the State of Idaho, because we too have the salmon fish runs. It is an issue that we have been working on for some years.

U.S. PARK POLICE

Madam Chairman, perhaps before we leave this hearing, I could address a little further about the Park Police.

Senator FEINSTEIN. Certainly. My time is expired. Let me turn to the others and then on the second round, if it is agreeable with you, we will go to the Park Police first up.

Secretary KEMPTHORNE. That would be great. I appreciate it.

Senator FEINSTEIN. Senator Allard.

NAVAL OIL SHALE

Senator ALLARD. Thank you, Madam Chairman. Mr. Secretary, I would like to go first to the Naval Oil Shale question.

Secretary KEMPTHORNE. Yes.

Senator ALLARD. In the President's budget, you requested a proposal to cancel $24.7 million of balances in the oil shale reserve. Now, this is money over and above what it would take to clean up the Anvil Point area and cleanup costs in that particular area. I oppose it. In my view, those funds are—at least the half that represents the royalties that would be paid under the Mineral Leasing Act belongs to the State of Colorado. This has been provided for in legislation that was passed by the Congress.

The Naval Oil Shale restoration account fund is growing at the rate of $2 million per month, and royalties are not being paid to the State only because the Department of the Interior has dragged their feet in the certification of those funds to clean up the site. I believe that everyone now acknowledges that there are more than enough funds in the account to do the cleanup.

I would like to have you tell me when you would expect to be able to certify this site so that Colorado can start collecting its fair share of royalties being generated at the Naval Oil Shale Reserve, which we also share with the Federal Government, by the way.

Secretary KEMPTHORNE. Senator Allard, I appreciate working with you on this issue. As you know, there was a key point in January this year when the State of Colorado agreed with the cleanup proposal by the Federal Government, by the Bureau of Land Management. I sent you and Senator Salazar and Governor Ritter letters on this. It allows us to now move forward.

We anticipate that by June of this year, we can have a contract let that would then allow us to go forward with the actual cleanup. We believe that in this fund will be sufficient monies to cover that cleanup.

I must say specifically to the $24 million that you are referencing, the Solicitor's interpretation of the law passed by Congress does not provide for that to be distributed to the State of Colorado because it is to begin distribution of funds to Colorado once certification begins on prospective collection of monies. That is the determination of what the law currently reads.

Senator ALLARD. Well, we have had some discussion on their interpretation on certification, and we will probably continue to have that discussion. I think if you look at the intent, I think the intent of the legislation is pretty clear. I frankly feel that their interpretation does not match with the rest of the language.

I guess I still need an answer. You have let the contract—you are letting out in June.

Secretary KEMPTHORNE. Yes.

Senator ALLARD. So then does this immediately lead to certification once that contract is let? When does certification occur after the contract is let?

Secretary KEMPTHORNE. There would be additional elements, details that would have to be worked out, but we are going to move expeditiously so that we can achieve that certification.

Senator ALLARD. So you cannot give us a time specifically when you think they would. So you are saying that letting the contract is the first step. There are several steps after that, and we do not know what is going to happen on those steps. That is my concern.

Secretary KEMPTHORNE. Right. Senator, I would say letting the contract is probably not the first step. The identification of the game plan of how to clean this up, and then to have the State of Colorado agree in January with that proposed cleanup was a huge step. I believe we can now move expeditiously and get you to the point that you have certification.

Senator ALLARD. Well, we will continue to push you on that particular issue, Mr. Secretary. I will continue to make a nuisance of myself I guess.

Secretary KEMPTHORNE. Well, it is no nuisance because I can understand where you would be coming from.

Senator ALLARD. Well, thank you.

As you know, there is a planned lease sale by BLM on the Naval Oil Shale Reserve this summer that could bring in as much as $1 billion in bonus bids. If certification has not happened by that point, the State of Colorado, in effect, will lose $500 million, and this is simply not acceptable. I just want to have your assurances from the Department that you will continue to work on this issue so that we can get this resolved prior to the lease sale.

Secretary KEMPTHORNE. Senator, you have my assurance.

Senator ALLARD. There is a good bit of urgency here.

Secretary KEMPTHORNE. I fully respect that and understand it.

Senator ALLARD. Thank you.

APPLICATIONS FOR PERMITS TO DRILL

On the backlog of applications for permits to drill, I have been hearing from many energy companies throughout the interior of the West that it is taking longer and longer to get their applications for permits to drill approved by the BLM. This is particularly frustrating to me. I do not like increasing fees particularly, but we increased fees, allowed that to $4,000 last year, and we have put this in place. Now with the increase in fees, they are complaining that they are getting slower and slower service and things are being dragged out, which I think the anticipation was that if you increased the fees, there would be more employees and there would be a quicker processing of their permits.

What are you doing to address this backlog that is happening?

Secretary KEMPTHORNE. Senator, your characterization of dragging their feet I would not concur with. BLM is doing everything that it possibly can. I will give you a sense. Over the last 7 years, BLM has processed over 47,000 APD's and approved over 39,000

APD's. APD's processed have increased from a low of 2,300 in 1999 to an all-time high in 2007 of nearly 9,000. It is a sheer number of APD's that we are dealing with as opposed to just a static line that remains flat. It is the increased APD's, but we are doing all that we possibly can.

The 2009 budget seeks cost recovery of a higher fee. Funding will be retained by BLM for these APD's.

Senator ALLARD. I see. Okay.

Now, how many people are you anticipating that you are going to be needing to handle the workload that you have now?

Secretary KEMPTHORNE. I do not believe, sir, that we are adding any personnel.

Senator ALLARD. Do you need to?

Secretary KEMPTHORNE. We will examine that again, but at this point we are not requesting that.

Senator ALLARD. So how can we speed up the process if we are not hiring more people? What is being done by the Department to have that happen?

Secretary KEMPTHORNE. It would be possible to make modifications in the information that is provided and look at what the long-term plan would be. We can evaluate information on the employees at BLM.

Senator ALLARD. I would assume that you have some offices that are facing a greater workload on applications than other offices.

Secretary KEMPTHORNE. We are.

Senator ALLARD. So it is a difference in having personnel on hand to process in those cases, is it not? So for those offices that are being pushed so hard because of oil and gas, just changing the processing and everything else does not seem to help them. How do you help them out?

Secretary KEMPTHORNE. Well, we will examine that, but again, at this point from BLM, I have no request for additional personnel.

Senator ALLARD. Well, we would like to talk to you about that so we fully understand how these applications are being processed.

My time is expired. Thank you, Madam Chairman.

Senator FEINSTEIN. Thank you, Senator.

Senator Nelson.

Senator BEN NELSON. Thank you, Madam Chair.

Mr. Secretary, it is good to see you. I would like to have you confirm that in your position, you get to hunt and fish anywhere in the country on company time.

Secretary KEMPTHORNE. As long as I buy a license.

Senator BEN NELSON. As long as you buy a license. All right.

PLATTE RIVER RECOVERY PROGRAM

Last fall, the Senate passed what is called the Consolidated Natural Resources Act, which contained the Platte recovery implementation program. I am hopeful that the House is going to be able to pass it soon and that the President will sign the bill so that we can begin to move forward with this program. If it gets signed into law soon, it authorizes over $157 million for the Department to carry out its provisions, whereas I believe in the Department's budget, there were only about $11 million provided.

So my question is, in terms of priority, if this bill is signed into law, will the Department be able to aggressively pursue the content of the legislation on behalf of this recovery of a very important and vital river in our country, the Platte River?

Secretary KEMPTHORNE. Yes. Senator, that is our full intent. We have been very supportive of the agreement that had been reached.

Senator BEN NELSON. Including the invasive species, as well as water flow issues and hydrologic issues as well?

Secretary KEMPTHORNE. Yes.

Senator BEN NELSON. The entire picture of the recovery that we would like to see. We hope that that is a high priority within the Department.

Secretary KEMPTHORNE. Yes. Senator, again, when you speak of invasive species, that is critical. The proliferation of these species and then the loss of habitat, the loss of the native plants, native aquaculture.

Senator BEN NELSON. The consumption of water that the invasive species involve as well.

Secretary KEMPTHORNE. Correct.

Senator BEN NELSON. Okay. Well, we will be watching. It may not all happen under your watch because of the time frame, but we certainly hope it gets started under your watch.

SPECIES CONSERVATION ON PRIVATE LANDS

Last year, regarding the species conservation on private lands, the landowner incentive program was eliminated. The focus of that program was to help landowners become involved in species conservation on their lands, and while eliminated, the committee did direct the Department to work with the States to develop a new grant program as part of State and tribal wildlife grants that would direct funding to species conservation projects on these private lands.

Now, the Fish and Wildlife Service requested flat funding in their fiscal year 2009 budget for State and tribal wildlife grants. Obviously, that concerns me that while we directed the Department to move on these private conservation matters, Fish and Wildlife seems to have taken a different approach or at least have not provided funding that would satisfy, in my opinion, that they take this seriously or that it is a priority for them.

Secretary KEMPTHORNE. Senator, it is taken seriously because it is a good program. In the Department's budget, we have a variety of grants which we believe through other programs, we can still provide the objectives of the program. It is just a different set of funding sources.

Senator BEN NELSON. Well, but is it a bigger pie or is it just the same pie that is going to be cut into smaller pieces now?

Secretary KEMPTHORNE. I would say that it is at the same level. We have been able to at least hold the same level in a time of budget constraint, but without loss.

Senator BEN NELSON. What assurances can we have that we will see the money directed to the States and to the tribal lands or whether the grant requests that are put in will truly have that high priority that this committee has given them?

Secretary KEMPTHORNE. Well, Senator, I would be happy to work with you on determining how you would like to have that communique.

Senator BEN NELSON. Because you can say that the money is available. Then, of course, the other priorities will prevail. Unless this is given a high priority, we cannot be sure that there will be that priority by the bureaucracy.

Secretary KEMPTHORNE. Senator, I understand what you are saying. Just to affirm, it is a good program. It is achieving some very fine results. These are competitive grants among the States, but the funds are there. I would be happy, again, Senator, with your experience as Governor, to work with you on this.

Senator BEN NELSON. Well, with our experience as Governor, we understand the bureaucracy. The we be's. We be here when you come. We be here when you go.

That is what we want to overcome and make sure that this does have that high priority.

Secretary KEMPTHORNE. Right.

Senator BEN NELSON. Thank you, Mr. Secretary.

Secretary KEMPTHORNE. Thank you, Senator.

Senator FEINSTEIN. Very good, Senator. Thank you very much.

Senator Craig.

Senator CRAIG. In fact, Madam Chair, I would suggest that oftentimes the Senate says that of administrations. We be here when you come. We be here when you go.

INITIATIVES

Let me approach it from a slightly different angle because I love the artistry of your words, Mr. Secretary. Here with your budget you call these initiatives. In fact, you speak of four new initiatives, and you fund them from what were once Senate earmarks. Might we call those administrative earmarks, those new initiatives?

I think, Madam Chair, we ought to turn our phrase a bit and suggest that we have a variety of initiatives. In fact, many of us who lecture on this issue might suggest that we only gave you the authority to be here and present a budget less than 40 years ago, and constitutionally that responsibility rests solely with the Congress and not with the executive branch of Government.

So we do appreciate your initiatives and the artistry of your words, but we have noted that you have funded them by defunding Senate initiatives. Now, that is simply rhetoric, Mr. Secretary. I want to be kind to you for the balance of my time, but I was sitting here listening to the artistry of those marvelous words and not in any way questioning the validity of the concepts and the programs as it relates to oceans, as it relates to birds, certainly as it relates to the kinds of initiatives you have launched in Indian country. This committee has not disagreed with any of them.

So may I suggest, Madam Chair, that there is so much to do and so little money? What we have is, on the other hand, the taking from the other hand. That in itself is a bit of a frustration.

Secretary KEMPTHORNE. May I respond?

Senator CRAIG. Well, okay.

Senator FEINSTEIN. Before you do, Mr. Secretary, do you see the sensitivity of this?

Secretary KEMPTHORNE. Of course.

Senator FEINSTEIN. We feel we are equals in the budget.

Senator CRAIG. Oh, no, that is not true constitutionally, Madam Chair. Uphold your responsibility.

Senator FEINSTEIN. So it is very difficult when this kind of thing happens.

Secretary KEMPTHORNE. You can, I hope, appreciate that I used to sit up there and I remember asking an administration about the budget, so I understand where you come from.

EARMARKS

On the part of earmarks, this process is as you described it to be. We do not have the opportunity to add earmarks after the process. Many of the earmarks that you have provided—for example, on the initiatives of 2008, you plused-up Indian country. The administration retained those and is now recommending additions to that. With regard to the parks, the $25 million, that was tremendous. The refuges which, Madam Chairman, you referenced. We have retained those because it was a committee process, and it was building upon a budget which the administration had proposed to you. I do not believe that we are taking from your earmarks and simply putting on it the name "administration earmarks." These are initiatives that we are placing properly before the committee for your deliberation and your good counsel.

Senator CRAIG. Well, I appreciate that. I think our frustration remains when you propose, as you do, in your budget four new initiatives in a relatively flat or declining budget. That money has to come from somewhere.

PREPAREDNESS

Now, for example, in the area that the chairman has already approached, I would guess that you and the Department of Agriculture, the Forest Service and BLM, did not sit down and do this with your fire money because if you had, you would have both recognized substantial cuts in both Departments as it relates to preparedness.

You were out, as was I, and traveled over one of the largest fires in the grasslands of southwestern Idaho this last summer. Following that, I spent a good deal of time with all of the parties involved. There is no question in my mind and in the locals' and the State's mind that had we prepared a little better, had local people been a little more involved, had the teams been in place a little more, that that fire might not have been as bad as it was. Nearly a quarter of the land burned in the country last year. A near unprecedented fire season happened in our State of Idaho. So preparedness is critical.

The Forest Service has slashed its budget. You have cut yours substantially. You are the two primary fire agencies of our Federal Government. We have that cooperative tool in Idaho known as the National Interagency Fire Center, and yet, I am not quite sure I can go back to Idaho not yet knowing what the fire year will be—we do not yet—and suggest that we are going to be better off this year than we were last year.

Take us through that scenario a little bit, if you would, Mr. Secretary.

Secretary KEMPTHORNE. Sure. Our strategy is to attack fires. We have a 97 percent success rate of attacking fires so that they do not get out of hand and become the enormous fires that begin to go.

We are entering a new phase of fire behavior, much of it because of the 10 years of drought, and the bug infestation. The fuel load is there. As you know, Senator, it is not unusual during the summer that you may get 2,000 lightening strikes in a day, and to have as many resources as we have, but there are some fires that are going to get away.

I would also point out that part of the budget is based upon the 10-year average of the fire costs. Because of the nature of the fires that are getting so much larger, that 10 years still keeps some of the low numbers included. A 5-year view would be a different number.

Senator CRAIG. I was just going to say you ought to average on 5 years now versus 10 because——

Secretary KEMPTHORNE. It would be a different number.

Senator CRAIG [continuing]. The landscape has changed dramatically.

SALMON

My time is up. Madam Chair, let me make another comment as it relates to salmon and your concern and expression.

I will get you the address of probably one of the leading fish scientists in the University of British Columbia's Marine Biology Center who a decade ago said quite simply at a time when Idaho and Oregon and Washington were embattled over salmon on the Snake and Columbia system. He said it quite simply. Because of the change of temperatures and ocean waters and, therefore, the biota and the food sources for fish, no matter how many young fish you send us, meaning the ocean, it will not send them back because the habitat has changed dramatically in the oceans.

The problem is the take has not, and you have to couple it. We are spending as much as $300 to $400 a fish on the Snake and the Columbia system by ratepayers paying their power bills so that the fish industry can continue to fish. There is a subsidy. You are just not putting it in your budget. It is in the ratepayers' base of the public power systems of those States.

Now, that is a reality that nobody wants to deal with because we are so frantically trying to save these fish, and yet we must. I suspect the science is now going to suggest that our oceans simply cannot sustain those populations if the take continues to be as large.

I will come back for a second round. Thank you.

Senator FEINSTEIN. Thank you very much, Senator.

Senator Alexander, you are up.

Senator ALEXANDER. Thank you, Madam Chairman.

STEWARDSHIP

Mr. Secretary, you have had a very effective stewardship. I compliment you on it. I especially want to give you credit for the con-

ceptual design of—I will give the President the credit for the proposal, but the Centennial Challenge. It is a brilliant idea. We welcome you as you are coming back to the Great Smokey Mountains area on April 28 to the Governor's Sustainable Tourism Conference for Gateway Communities. I think it is your third visit to the Great Smokeys in a relatively short period of time.

Secretary KEMPTHORNE. Yes, sir.

Senator ALEXANDER. We appreciate a westerner recognizing the importance of eastern national parks.

I have two areas I would like to discuss briefly.

LAND AND WATER CONSERVATION FUND

Twenty years ago, I was chairman of President Reagan's Commission on Americans Outdoors. One of our recommendations was that we use money from offshore drilling to fully fund the Land and Water Conservation Fund. We have never done that.

I notice in your testimony that you talk about MMS doing studies in Alaska and the Gulf of Mexico that might produce 10 billion barrels of oil, 45 trillion cubic feet of natural gas. Even if you take the Alaska part out, that is a lot. It provides, it seems to me, an opportunity here because 2 years ago, thanks to Senator Domenici's leadership, when we approved a new lease for Lease 181 in the Gulf of Mexico, we created the conservation royalty really for the first time to give funding to the Land and Water Conservation Fund from offshore drilling. Fifty percent went to the Feds; 37.5 to the States; 12.5 percent to the Land and Water Conservation Fund.

My goal is that we get the Land and Water Conservation Fund up to $450 million Federal, $450 million State. There is a lot, particularly in the East, city parks, open space, greenways, communities that could use that.

My question to you is would it be possible that a part of the planning by the Department of the Interior could identify those areas where the so-called Domenici one-eighth, the 12.5 percent, of the proposed new drilling for oil and gas in the Gulf of Mexico especially, or anywhere else, could go to fully fund the Land and Water Conservation Fund?

Secretary KEMPTHORNE. Senator Alexander, in fiscal year 2009, the stateside Land and Water Conservation Fund will begin to receive revenue from that source.

Senator ALEXANDER. From Lease 181?

Secretary KEMPTHORNE. Correct. It is a little over $6 million. That will continue to grow now because of this new formula that has been put in place. It does give us for the first time, as you have stated, an identified source of funds for the Land and Water Conservation Fund.

Senator ALEXANDER. Well, I would hope that in your planning, you could include this concept, and I would say to the chairman of the subcommittee that as we look ahead at the Land and Water Conservation Fund, here may be a source of royalties for it. In a way, we have the worst of both worlds because some of the environmentalists do not like any drilling, and some of the western Senators do not like any more Federal land. But in the East, we have a need for that. Perhaps we can resolve that.

Secretary KEMPTHORNE. Senator, to highlight what you are saying, I think it makes a great deal of logical sense that when you extract a natural resource, that a portion of the benefit of that is reinvested back into nature.

Senator ALEXANDER. That was the concept really 40 years ago when the Land and Water Conservation Fund was created, that there would be an environmental burden and an environmental benefit.

GREAT SMOKEY MOUNTAINS NATIONAL PARK

Now, my last question would be about base funding for the Great Smokey Mountains National Park, which you have been very attentive to, and we appreciate it very much. Take four of our major parks that we all admire: the Smokeys, Grand Canyon, Yellowstone, and Yosemite. The Smokeys has twice as many visitors as Grand Canyon, three times as many as Yellowstone, about three times as many as Yosemite. It has about the same number of trails and roads as Yellowstone and Yosemite and more than the Grand Canyon. Yet, when we add all the dollars together, fees and Federal funding, we spend three times as much on Yellowstone, two times as much on Yosemite, one and a half times as much on Grand Canyon as we do on the Great Smokeys.

Senator FEINSTEIN. Be careful, Senator. Be careful where you are going.

Senator ALEXANDER. I know.

If the Senator from California were—she is an eminently fair person. She would want all these four grand parks to have—it is hard for me to understand how there could be three times as much spending on one of these parks.

Now, one part of the answer is the fees that the other three parks have. The Smokeys, of course, were given to the Federal Government by the States and the people under the express agreement there would not be an entrance fee. That was the deal in the 1930's. But even when you take the fee out, Grand Canyon, Yellowstone, and Yosemite have more of a base operation than the Smokeys.

I am aware of the increase this year. We are very grateful for that. I have talked with Ms. Bomar about that. I would urge you to continue to look as an element of fairness. I do not want to hurt the other three parks, but the most visited national park by far in America is the Great Smokeys. For us to be spending three times as much and two times as much and one and a half times as much on other grand parks as we do on the Smokeys does not seem right to me or the people in Tennessee and North Carolina that I represent.

Secretary KEMPTHORNE. Senator, you represent an absolutely beautiful part of the country. The Great Smokeys, I believe, has the highest visitorship of any of our national parks.

Senator ALEXANDER. Twice as much.

Secretary KEMPTHORNE. In the base budget for the Great Smokey Mountains, other than the Grand Tetons, it actually gets more than Grand Canyon, Yellowstone, and Yosemite, slightly more than Yosemite. These are the 2009 increases.

Senator ALEXANDER. Well, that might be increase. Madam Chairman, I know my time is up, but my information is—you can correct me—in fiscal year 2008, the Smokeys get $18.6 million; Grand Canyon, $21 million; Yellowstone, $33 million; Yosemite, $27 million, and that is before any of the fees.

Secretary KEMPTHORNE. Right. Being cognizant of that, that is why in the 2009 base we propose beginning to raise funds to the Great Smokeys.

Senator ALEXANDER. I thank you, and I hope that interest continues.

Secretary KEMPTHORNE. Thank you.

Senator ALEXANDER. Thank you, Madam Chairman.

Senator FEINSTEIN. Thank you, Senator. We will have more to comment on that later.

Senator Cochran.

Senator COCHRAN. Madam Chairman, thank you.

HURRICANE KATRINA BARRIER ISLAND REBUILDING

Mr. Secretary, Hurricane Katrina dealt a very serious blow to the State of Mississippi and other gulf coast States. Since that hurricane hit, we have seen no construction undertaken to replace structures, shaded areas in the Mississippi coastal area on the barrier islands and on previously very popular sites for sunbathing, fishing, and just access to the beautiful outdoors in that gulf coast area.

It is my hope that someone can be designated by the Department to get with Governor Haley Barbour and try to map out a plan for restoration and repair and rebuilding an appropriate number of facilities that would restore that area to its previous popular vacation, boating, and fishing area. I do not have a specific suggestion, a dollar amount of money, but there is no request for funding in this budget from the Department, and I would hope we would look at it and see what you think would be a fair amount to designate for that purpose.

Secretary KEMPTHORNE. Senator Cochran, I appreciate that you have identified that. I have had conversations with Governor Barbour. One of the things, too, that we are working with the U.S. Geological Survey on is to get what had been the footprint of the barrier islands in 1917, which is our baseline, because there has been a dramatic, as you know, loss of much of those barrier islands. That would be part of this whole restructuring.

Senator COCHRAN. Well, I appreciate the fact that you are aware of the challenge we face there, and we look forward to working with you. We will be glad to help, through the appropriations process, provide the funds that we agree ought to be spent there.

HERITAGE AREAS

One other issue I wanted to raise was the National Park Service's National Heritage Program. This is a program to identify areas where Federal funds could be used to protect, restore, enhance the appreciation within the National Park Service of sites that are important to preserve and protect for the benefit of future generations. I had introduced legislation specifically creating two heritage areas in our part of the country, but there is nobody at

the Department we have been able to talk with or find to be interested in working with us.

I would like to ask you to see if there could be some administrative staff of the Department designated or given the responsibility of helping us with this program, at least discussing what we could use and what would be consistent with the administration's policy on the National Heritage Area program.

We had hoped that we would have more money. Instead of more, we are getting a decrease of $8 million from last year's enacted level, and that is a problem as far as we are concerned. We do not think we are going to see any progress at all made if we do not appropriate some money.

Secretary KEMPTHORNE. Senator Cochran, as you stated, the administration's process, is to do an analysis, a survey, and a study. We would be happy to work with you on that.

Senator COCHRAN. Thank you very much.

Secretary KEMPTHORNE. Yes.

Senator COCHRAN. Thanks, Madam Chairman.

Senator FEINSTEIN. Thank you very much, Senator Cochran.

Senator Stevens.

Senator STEVENS. Thank you, Madam Chairman.

Good morning, Mr. Secretary.

Secretary KEMPTHORNE. Good morning.

MARINE MAMMALS

Senator STEVENS. I am a little disturbed about the reduction in funding for the marine mammals program off our coast. For instance, there is a reduction in the monitoring of walrus along the Chukchi Sea coast. Yet, we have an enormous proposal out there to start producing oil and gas, which we support. But I do not know why we would reduce, actually eliminate, funding for the Pacific walrus.

Can you tell us why that happened?

Secretary KEMPTHORNE. Senator, there is a reduction in the Fish and Wildlife, but the Minerals Management Service continues a study and then NOAA is also doing a study on the mammals in that area.

Senator STEVENS. All right. Well, I will check with NOAA then to make sure that is the case.

REVENUE SHARING

I am concerned that as we go forward now with the Chukchi Sea development, that Alaska has not received the same type of revenue sharing as other coastal States have. We have provided revenue sharing for Florida even for Lease Sale 181 that is 140–150 miles off their shore. We have got revenue sharing for Louisiana and Texas, and Alaska has two-thirds of the outer continental shelf of the United States and no development primarily because there continues to be opposition since there is no funding that would come to the State from development off our shores.

Can the Department change its position on revenue sharing? It seems to me if we had revenue sharing, we would have a greater support base from Alaskans for development off our shores.

Secretary KEMPTHORNE. Senator Stevens, I think it is a sound concept, which you have identified. With the revenue sharing that currently takes place in the Gulf Coast, I think that continues to incentivize the States. As you know, in the 5-year plan, we have now included the State of Virginia. I think absent revenue sharing, I do not know that Virginia will pursue offshore development, but with revenue sharing, I think it does provide a great incentive. I think it also, as Senator Alexander has pointed out, is an opportunity for funds that can be directed toward the Land and Water Conservation Fund.

Senator STEVENS. We would be pleased to have some direction over the funds, and I personally would like to see part of it directed—the State's share of revenue sharing be directed to indigenous people along the coast who face the greatest risk and really need funds. If you are not going to manage the walrus and keep track of the walrus, they would. They certainly would keep track of all the mammals since they depend on them so heavily.

But I would hope that you speak up as a member of the cabinet for revenue sharing for the State of Alaska. I do not think you are going to have oil and gas development off our shores until we get it. Frankly, there are so many people up there opposed to oil and gas development, with the risks involved and based upon their memories of the Exxon Valdez spill, that it is just a built-in situation. Why go forward and have a risk unless there are some funds that are built up to help offset that risk?

Secretary KEMPTHORNE. I appreciate your point.

ENERGY COSTS

Senator STEVENS. I do not know how much time I have got, but I am really worried about the basic problem of keeping up with the increased cost of energy in our State. You know, we pay really substantially more than the rest of the United States for oil and gas and yet we produce substantial amounts of oil and gas. I really wonder somehow if there is not some way we can make the country understand and maybe some of the people at this table understand that the problem we have in the country, as we continue to import so much oil—and now I understand we are going to start importing natural gas. They told me last week 40 percent of our natural gas will come to us from offshore by 2013. Now, that is an enormous cost. At $100 a barrel, the 7 million barrels a day, day in and day out, sending money out of the country. That is what is causing the price of gasoline to go up. There is no investment in the United States in domestic resources.

I see the President has an item in the budget for proceeding with ANWR. I really do not see much of a drive from the administration to fulfill that item in the budget. How are we going to get the support we need for development of alternative and renewable resources unless we have a cash flow from our own resources? Why has there not been more talk from the administration about this?

Secretary KEMPTHORNE. About ANWR in specific?

Senator STEVENS. Well, about the concept of domestic production.

Secretary KEMPTHORNE. Senator, I believe that in a variety of forums, it is discussed. I know that I discuss it. I know that Sec-

retary Bodman, the Secretary of Energy, discusses it, and I know that it is discussed often at the White House.

Senator STEVENS. It is headlines today that Russia's production is declining and they are going to face a financial crisis because of it. Well, ours is gone and we face a financial crisis. I do not think anyone has connected our financial crisis here at home to the fact we are sending so much money out of the country to buy oil and gas we could produce.

ALASKA FUNDING

I see my time is over. I do not want to speak beyond the time. I have questions here concerning the allocations to our State from the various functions here. From national parks, we have 51 million of the 78 million acres. Yet we get 2.4 percent of the budget. We have 76 million acres or 85 percent of the wildlife refuge lands. We get 8 percent of the budget. In terms of wildlife refuge lands, the overall concepts of the Federal lands, we have more than half of the Federal lands in every category and we have more than two-thirds of every category that are reserved Federal lands. Yet, we get less than 10 percent of the money in every category.

Why is that? Why do you allocate the budget based on population instead of acreage?

Secretary KEMPTHORNE. Well, I understand from your perspective why you would be concerned about that.

Senator STEVENS. My perspective. It is the people of the United States that go see those lands. They cannot get into them. There are no roads. There is no access. You have to fly into most of these places with a twin engine float plane. Do you know how many commercial twin engine float planes are left in my State? Three. There is no access. With the increased cost of flying, it is going to disappear entirely. I do not understand it. I think you have got to find a way to start working out ground access to all of this land that has been reserved for the public, but the public cannot get there.

You are a great friend. I hate to speak that way to you.

Secretary KEMPTHORNE. That is all right. I have gotten used to it.

Senator FEINSTEIN. I did before.

Senator STEVENS. Well, I do speak that way, but I do not lose friendships, I hope.

Thank you.

REVENUES

Secretary KEMPTHORNE. Senator, if I could just respond to that. When you consider the last sale that we had—and I believe it was Sale 206 in the gulf coast last month—it brought in record bonus bids, the highest ever in United States history. The Chukchi Sea, which we went forward with, which OMB had scored at $68 million, we actually brought in $2.66 billion. The 205 back down in the gulf coast, we brought in over $9 billion in the last 6 months, moving us toward further energy development.

The concerns which Senator Allard has raised about the Roan, but we believe that there are tremendous oil resources there.

In the State of New Mexico, we believe that there—excuse me, North Dakota. We believe that there are tremendous resources.

Part of it is we are being criticized by the pace by which we are proceeding with this, but we are using technology that has been learned from offshore oil and gas drilling. Now, onshore what traditionally used to be 10 acres for a wellhead, we are now down to a footprint of half an acre. We have learned from Alaska the use of ice roads so that in the spring, when the ice disappears, there is no footprint on the land in getting out to those wellheads. We are now doing the same thing with wooden pallets as roads onshore and then removing those wooden pallets once the construction is done. There has been no disturbance. We really are, I believe, moving as aggressively as we can on oil and gas development because of both our national security, our energy security, and our economic security.

Senator STEVENS. Well, our State alone can produce more oil than Iraq, and we spent a hell of a lot of money to protect the oil in Iraq, but none to make our oil available from Alaska.

Senator FEINSTEIN. Thank you very much, Senator. Senator Dorgan.

Senator DORGAN. Mr. Secretary, thank you very much for being here.

Secretary KEMPTHORNE. Thank you.

BAKKEN SHALE

Senator DORGAN. Last Thursday, we announced the USGS assessment of 3.6 billion barrels of recoverable oil in the Bakken shale formation. Some of us have worked to open up Lease 181. We got less of that opened up than we should. The greatest resource in the outer continental shelf is in the Gulf of Mexico first, California second, and Alaska third. We do need to do more production, and I have legislation to open up more of Lease 181.

But, Mr. Secretary, let me ask you. You and I talked some a while ago. I am going to ask you about some Indian issues.

DETENTION CENTERS

There is an Indian jails report that you paid for by Shubnum Consulting. It is done, and I cannot get it. I called you about it, and the BIA says it is not available. We had testimony in the Congress last year, almost a year ago now, saying that it was going to be available in a matter of a month or 2. Then they said Christmas. Yet, the taxpayers have paid for that. If it is available, I want to see it. Have you been able to check on that and tell me why we are not able to access it?

Secretary KEMPTHORNE. Yes. Senator Dorgan, as late as yesterday, I have checked on this. The report, while it is bound, and it looks like it is a final report—there are still questions that are now being answered and added to this report.

Also, it is a snapshot of the situation, but it does not have an implementation plan. It does not have what is the next step. What should we be doing in 2009, 2010, and 2011? That is what they are working now to identify. What does this mean, and therefore, what can we bring to Congress and say, here is the game plan.

Senator DORGAN. But, Mr. Secretary, I think the Indian jails are in desperate condition, and I think this report probably is going to

upset somebody. But if there is not a follow-on plan with it, why was that not part of the consulting contract?

Whatever the consulting contract is and has been paid for, why not share it with this committee, with the Indian Affairs Committee? I mean, we are in the process of trying to evaluate what kind of resources we should allocate to Indian jails. Yet, I am told by the head of the BIA and you and others, well, this is kind of done, but for whatever reasons, we cannot see it. We paid for it. I would like to see it, Mr. Secretary.

Secretary KEMPTHORNE. Yes.

Senator DORGAN. I would like to see it soon.

Secretary KEMPTHORNE. Senator, again, I will send a team up here.

Senator DORGAN. Just send the report up. I forget what Senator Stevens said. You are a great friend of mine. But you know, you sent people up before. I do not want people. I want the report. We paid for the report, and you have it. The BIA and the Department of the Interior, I think, should give it to us. So I will wait by the mailbox for the next several days.

Senator FEINSTEIN. Bring your lunch.

Senator DORGAN. We are great friends. I think he is going to send it this week.

UNITED TRIBES TECHNICAL COLLEGE

Mr. Secretary, let me ask you a question about what is judged to be one of the finest Indian schools in the country. The United Tribes Technical College serves Indians from about 34 States, and it has been authorized by the Congress. It has always been funded up until this administration took office, and then it fell out of the budget. I remain disappointed by that again this year. I mean, it is zero funding for that college. It is judged to be one of the really terrific Indian colleges in the country.

I know you cannot do much about that. This goes to OMB, and they do their grading or whatever they do with budgets. Then they send it up to the White House, and then it gets some cosmetics and is sent down here. Everybody says how beautiful it is, at least to those that sent it.

But I really think that zeroing out funding for the United Tribes Technical College makes very little sense. I mean, I feel the same way about the Johnson-O'Malley program, which is so important to Indian children across the country. So I understand that you have to come up here.

The last time we had a fellow named Mike Parker come up to the Hill, and in a fit of uncommon candor, when asked by Senator Bond in another appropriations subcommittee, do you not think these programs are underfunded, the former Congressman Mike Parker said, yes, I do. I think that they are underfunded. The next morning he was fired. So I understand the answer you must give me at this point.

But I do not want the moment to pass without telling you that we will almost certainly fund this tribal college. We are going to try to do everything we can to improve the situation of the tribal jails and other things. But I do regret that somehow in this budget process the priorities get somewhat skewed with those issues.

Secretary KEMPTHORNE. Yes. If I may, Senator Dorgan. You have been a champion for Indian country. I acknowledge that. You are a pleasure to work with.

You and Senator McCain, a little over a year ago, when I met with you, asked if we would come forward with an administration number to try to settle the *Cobell* case. As you know, that was difficult, but we, at least for the first time ever, came forward with a number, which was $7 billion, in response to you.

You mentioned the Johnson-O'Malley. There is also the tribal technical colleges program. There is the housing program. Johnson-O'Malley—we believe there is a funding source in the Department of Education that will cover that.

We believe that on the housing, it would help 200 families, but that there is a program in HUD identified that would help them. We have made a real effort with regard to the classrooms of the schools, and that is why that plus-up, which you made, we have retained and added to that. It is $27 million to help in the classroom so that these kids are ready for higher education.

The methamphetamine. Indian leaders say this is the second smallpox epidemic to hit Indian country, and so that is why we have made it a priority.

We truly are addressing, with limited resources, but Indian country is critical. Of our four initiatives in 2008, two of them were for Indian country because I too believe in our role to help the Indians.

Senator DORGAN. Madam Chairman, in just 30 seconds, let me just say this, however, about the United Tribes Technical College. It is a great disappointment to see, once again, zero funding for it because it is judged to be a remarkable and an effective institution that all of us should celebrate. All of us ought to say this is a great place. They are graduating and giving opportunities to so many young men and women. So my hope is this is the last year where we will have this complaint, and this wonderful school will receive the funding Congress has always insisted upon providing this school.

I have overstayed my welcome here.

2009 BUDGET

Senator FEINSTEIN. No, you have not. Thank you. I think members of this committee agree with you. I think this is an unacceptable budget. I think it is going to receive change, and I think that we are going to work our will on this budget. So thank you.

I just want to take this opportunity, because I know you have to leave. We will try to get as many people in as we possibly can. I think most people do not realize that now in the end of 2008, 72 percent of the monies spent went for entitlements and interest on the debt. Seventy-two percent. Twenty percent went for defense, and everything else was 18 percent of the money that was spent.

Now, in many respects, Mr. Secretary, you have the crown jewels of this country, the beauty of our parks, our wilderness, all of the things that people love to go to, care about that makes this country particularly great. My feeling is that people do want to spend the money that is necessary to protect those things.

But we have to come to grips clearly. I hear candidates saying, oh, you know, I will cut all discretionary spending. Well, only 18

percent of what is spent is discretionary. Defense really is not. Ergo, you can cut 18 percent of everything and not solve the budget problem that this Nation faces. So we have got to come to grips with it.

A quick question, if I might.

Secretary KEMPTHORNE. Madam Chairman, for those who wish to remain, I am happy to respond to your questions.

Senator FEINSTEIN. We can take some additional time?

Secretary KEMPTHORNE. Absolutely.

Senator FEINSTEIN. All right. Excellent.

MMS INFORMATION TECHNOLOGY INCREASE

Oil and gas royalties. In the 2008 appropriation, we provided $2.3 million for systems improvements, and that is the recommendations of Kerrey-Garn, the Mineral Revenue Committee. Your 2009 request includes increases of $3.7 million to continue these ongoing enhancements and develop a risk-based automated compliance tool for use.

My question to you is, does this $3.7 million complete it? Will it be functioning? Because $6 million seems to me is an awful lot of money to spend for this.

Secretary KEMPTHORNE. Madam Chairman, can I get back to you with a response on that?

Senator FEINSTEIN. Sure. Would you please do it before we do the budget, though?

[The information follows:]

MINERALS MANAGEMENT SERVICE—MINERALS REVENUE MANAGEMENT

The Department's fiscal year 2008 and 2009 requests for MRM encompassed not only a risk-based compliance tool, but three additional system components and 8 additional FTE as summarized in the table and the bullets below.

| Fiscal year | Initiative | FTE request | FTE amount | System amount | Total request |
|---|---|---|---|---|---|
| 2008 | Adjustment Line Monitoring | 4 | $520,000 | $420,000 | $940,000 |
| 2008 | Interactive Payment Reconciliation and Billing | ..... | ..... | 1,450,000 | 1,450,000 |
| 2009 | Implement OIG Compliance and Audit Recommendations including a risk-based compliance tool | 4 | 480,000 | 1,520,000 | 2,000,000 |
| 2009 | Improve Automated Interest Billing to Companies | ..... | ..... | 1,700,000 | 1,700,000 |
| | 2008–2009 Total | 8 | 1,000,000 | 5,090,000 | 6,090,000 |

In relation to the requested ongoing enhancements, the Minerals Revenue Management Support System (MRMSS) was designed and implemented between 1998 and 2001; therefore some of its design elements and underlying technology are approaching a decade old. Spending $5 million over a 2-year period on system enhancements to a major integrated financial system is not out of line with government and industry benchmarks.

The enhancement initiatives requested for 2008 and 2009 address three areas of system improvement:

1. Technology enhancements that were not yet mature or economically feasible in the late 1990's.

—*Interactive Payment Reconciliation and Billing Initiative*.—These system improvements will automate MMS's interface with its customer base on numerous activities, and enhance online reporting and verification capabilities, as well as enforcement efforts. The funding will address an area of concern in the Bureau's financial audit, as well as provide a strong return on investment.

—*Improved Automated Interest Billing to Companies Initiative*.—This initiative continues MRM's commitment begun in 2007 and 2008 to improve the timeli-

ness and efficiency of the interest assessment to payors by implementing system enhancements to the MRMSS interest module.

2. Implementation of new legislation that was not an initial priority in the design of the new system in the late 1990's.

—*Adjustment Line Monitoring Initiative*.—The requested systems improvements and staff to perform this function are required to ensure company adjustments are made only within allowable time frames.

3. Address new mission requirements and recommendations.

—*Implement OIG Compliance and Audit Recommendations Initiative*.—This proposal ensures MRM's ability to address recommendations by the OIG in its December 2006 report regarding MRM's Compliance Review activities. The requested funding will allow MMS to increase the audit staff by 4 FTE, to expand company and property compliance coverage, and to develop and implement a risk-based automated compliance tool for use in targeting audit and compliance resources.

MMS expects that the funding requested for these improvements will be sufficient to ensure full functionality and complete these initiatives.

ROYALTY POLICY REPORT

Secretary KEMPTHORNE. Yes. May I add? You mentioned the Garn-Kerrey report. They made 110 recommendations to us, and 19 have been implemented. We are now moving on a large number of others. Twenty-two of those 110 mirrored what the Inspector General had recommended. I think out of all of that, there will be three that we will have to come and ask for legislative help, but we are moving because it was a very fine report by former members of this institution and other talented people who work with them. I think it really has helped us.

Senator FEINSTEIN. Thank you.

POLAR BEARS

One other quick question. Is the polar bear on its way to a finding of endangerment?

Secretary KEMPTHORNE. I cannot answer that. I will tell you that we are proceeding with a decision on the issue of the polar bear. I will tell you, Madam Chairman, that January 2007 the Fish and Wildlife Service issued a proposed listing with regard to the polar bear. I asked the U.S. Geological Survey then to take a significant portion of that and examine the science. They came back with nine different reports, all peer-reviewed. We knew then, upon receipt of this new science and data by USGS, that it was going to cause us to have to take additional time. We knew that at that point.

We also felt it was incumbent upon us, based on this data from USGS, to now reopen the public comments and even to extend that. We have 670,000 comments that we have received. It is a tremendously critical, important issue. I want to ensure that we do it properly with the right science and the right legal input.

Senator FEINSTEIN. So what you are saying is the decision will likely be made by the next administration.

Secretary KEMPTHORNE. No.

Senator FEINSTEIN. No, you are not.

Secretary KEMPTHORNE. No.

Senator FEINSTEIN. So the decision will be made this year.

Secretary KEMPTHORNE. Yes.

Senator FEINSTEIN. Thank you very much.

Secretary KEMPTHORNE. Absolutely.

Senator FEINSTEIN. Thank you.

Senator Allard.

Senator ALLARD. Thank you, Madam Chairman. Just a couple things I want to follow up on.

CANYON OF THE ANCIENTS

Also in the Canyon of the Ancients down in southwestern Colorado, there is a draft resource management plan that was kicked out. It is a national monument. There is a resource management plan that has been kicked out. It seemed to deemphasize the importance of oil and gas development on the management plan. There are a lot of cultural resources down there, and I support that. But my impression is with the current technology we have and everything, that we can accommodate both without injuring the other.

The question I have is, does the BLM have an obligation to ensure that oil and gas exploration can coexist with culturally rich areas?

Secretary KEMPTHORNE. Senator, I do not believe that they are by their very nature mutually exclusive. They have to be done with all sensitivity. We have to find the balance so that we do not overlook our responsibility with regard to the cultural and historic values.

Senator ALLARD. That is a very sensitive area on the cultural.

Secretary KEMPTHORNE. Yes. It has to be done carefully, but our attitude is to find the means that you can do it. That is why, as I have said earlier, you have world-class habitat sitting right above world-class energy resources. They are not mutually exclusive, but you have to do it holistically. You have to find the sensitive balance to this.

ROAN PLATEAU

Senator ALLARD. I would like to go back to the Roan Plateau again. These are parochial issues. We have a lot of oil and gas development in Colorado, as you are aware, because we have huge reserves there.

There is an estimate of about 8.9 trillion cubic feet of natural gas within the area known as the Roan Plateau, and obviously, with that much reserve, it would play a vital role in our country's energy security and being less dependent on foreign oil.

Now, it is my understanding that the resource management plan for this area, which was released by the BLM in 2006, is the most restrictive in the agency's history. I appreciate what your Department, specifically Steven Allred, has done in working with the Governor of Colorado and other existing parties on this management plan.

Now, two of the most unusual parts of the plan is the surface occupancy restrictions and the unitized operator approach. Now, under the BLM plan, the surface occupancy on top of the plateau would be limited to 1 percent at any one time.

Secretary KEMPTHORNE. Correct.

Senator ALLARD. Which means that about 350 acres can be disturbed, and before you can disturb any more, you have to reclaim all that, which seems reasonable to me.

Now, it is my understanding the Governor's primary outstanding concern is the request for phased leasing rather than selling all the leases at once as the Department plans to do.

Can you tell me why the Department decided against the approach of phased leasing?

Secretary KEMPTHORNE. Senator, the thoughts of the BLM are that the phased leasing would lead to a greater disturbance on the surface. Again, the objective is to keep the disturbance to a minimum.

Senator ALLARD. Can you tell me whether you feel this would have any effect on the length of the process to develop the Roan management plateau plan and what kind of time line you might have on that in your plans?

Secretary KEMPTHORNE. On a time line, really, I would rather get back to you with a very accurate, detailed response on that.

[The information follows:]

BUREAU OF LAND MANAGEMENT—ROAN PLATEAU

The Department does not recommend phased leasing to develop the Roan Plateau. Under the BLM's plan for phased development all leaseholders participate in a single federal unit and there are strong incentives for minimizing disturbance and reclaiming lands more quickly and efficiently. The sooner one phase is developed and reclaimed, for instance, the sooner the next phase can begin. All leaseholders have a financial stake in this profit-sharing Federal unit. Under the phased leasing approach, the financial incentive to ensure timely development—and especially reclamation—is not nearly as strong. Because each lease is issued competitively, the lessee may not be a part of the profits in the next "phase." The phased leasing approach provides no incentive in this instance for minimizing disturbance or hastening reclamation efforts. Phased leasing and reclamation standards would significantly extend the timeframe for leasing the Roan Plateau.

Senator ALLARD. Well, that is fine. You have worked a lot with local governments and local governments have been having their input in there. The State has had input working with the BLM, and we all appreciate the fact that everybody has worked together on that.

COLORADO OIL AND GAS RULES

Now, there has been some discussion about the new draft rules regulating oil and gas development in Colorado which has been proposed by the Oil and Gas Conservation Commission. Have you had a chance to review the proposed rules? If you have, can you share with the subcommittee some of the rules and how they would affect your Federal activities?

Secretary KEMPTHORNE. What I would ask you is if I could have Steve Allred provide an evaluation of that.

Senator ALLARD. Okay, very good. We will have some questions on that when you get a chance to follow up on it.

Senator FEINSTEIN. Thank you. Excuse me, Senator.

Senator ALLARD. Go ahead. My time is expired.

Senator FEINSTEIN. If you have another question, go ahead.

NATIONAL PARKS CENTENNIAL

Senator ALLARD. Just one thing briefly, if I might. We provided you with $25 million in the matching grant funds for the centennial initiative.

Secretary KEMPTHORNE. Yes.

Senator ALLARD. You will be announcing those awards shortly. However, the legislation you sent up last year to the authorizing committee, which would set up the annual $100 million mandatory matching grant fund for the centennial, has not been acted upon.

Can you tell us where this legislation stands?

Secretary KEMPTHORNE. Yes. We now have legislation that has been introduced both in the House and in the Senate. In the House, the issue thus far has been the offset. There seems to be bipartisan agreement on the concept, but it is what is the offset for the $100 million mandatory spending each year leading up to 2016. There have been five different proposals that have been placed on the table. For a variety of reasons, there has not been consensus on any of the five.

Senator ALLARD. You are continuing to pursue this vigorously with the authorizing committee?

Secretary KEMPTHORNE. Yes, we are.

Senator ALLARD. Because it is important because if we have a limited amount of resources here and then they need to pick up their burden on this.

Secretary KEMPTHORNE. I agree. We are very actively working with both Members in the Senate and in the House and also actively having discussions with OMB.

Senator ALLARD. Oh, good.

Thank you, Madam Chairman.

Senator FEINSTEIN. Thank you very much.

Senator Craig, you have another question?

SAFE BORDERLANDS INITIATIVE

Senator CRAIG. One last question, Madam Chair, because I know the Secretary, from his very first days in office, expressed frustration. It is a commonality that you and I share and have worked very closely on, Madam Chair, as it relates to providing a legal foreign national workforce for our country. In fact, the chairman and I are now engaged in trying to save American agriculture's workforce that is dramatically diminishing, in part because of our successes along the border and effective enforcement.

You have added to your budget about $8.2 million for 2009 as it relates to the DOI's management of the 793 miles of southern border. Would you visit us with that issue a little bit about the safe borderlands initiative that you are working on and where we are with that?

Secretary KEMPTHORNE. Yes, thank you.

With regard to the border security, as the country has become more successful and effective at closing illegal crossings of drugs and individuals at the urban centers, it has caused them to go to the remote areas, and that is where our properties come into play. We work closely with the Department of Homeland Security. There are significant areas along the border that are not safe for American families to visit, to spend an overnight camping opportunity because of the drug smuggling that is taking place by the national drug cartels. So as the efforts continue that include personnel, that include radio interoperability, and that include the fencing, it will help us to then have a safe border that meets the responsibility and the goals of this country.

Senator CRAIG. Well, I thank you for that.

Madam Chair, I had the Mexican Government in last week to talk about the joint initiative between the United States and Mexico in relation to drug apprehension. The Ambassador made the most stark statement that sticks in my mind. They apprehended a fellow who was a major sourcer of the input of meth, the product coming out of China, interestingly enough, coming through a major port in California and then moving through to Mexico to be processed. They discovered in one room in this apprehension $210 million in $100 bills that this one man had stacked up in a room. In fact, it was a room, they said, about the size of my office at the time and it was stacked about 5 feet deep. That was sourced out of China through a California port into Mexico to be processed and back into the United States. I know our Presidents are working on that initiative now.

Senator FEINSTEIN. If you would excuse me just for a moment because I did this precursor chemical bill, and I have got to take a look at exactly what that is because those precursors, even in transit should not be coming in.

Senator CRAIG. You are right. They should not be and there is every effort to stop it. But that was a pretty stark reality of the phenomenal organizational effort and the money involved in this.

We have got Organ Pipe I think is one of the areas that you talked about where it is no longer safe for the citizen to be even out on our national lands. So I appreciate the effort underway here by BLM and the Park Service as a part of the total.

Senator FEINSTEIN. This was a congressional add that we added.

Senator CRAIG. Yes, that is right.

Senator FEINSTEIN. This was an earmark.

Senator CRAIG. It is now an initiative. It is a good idea.

Secretary KEMPTHORNE. I love your initiatives.

U.S. PARK POLICE

Senator FEINSTEIN. In any event, you wanted to speak about the Park Police.

Secretary KEMPTHORNE. I would like to, Madam Chairman, just very briefly. This is an organization that goes back to 1791. The officers, the men and women, that proudly carry the badge of the U.S. Park Police are not properly reflected in some of these items that have been brought to our attention, management issues. It is management issues. It is not the officers. With regard to the issue of qualifications of weapons, the safety equipment such as their Kevlar vests, we now are correcting that, and we put an urgency on that.

Senator FEINSTEIN. San Francisco and——

Secretary KEMPTHORNE. Absolutely.

Also, though, Madam Chairman, I would just say that when you add all of the law enforcement that we have within the Department of the Interior, we are the third largest law enforcement entity in the Federal Government. I am using the information from the Inspector General to go across the entire Department with regard to qualifications, safety equipment, interoperability of equipment.

I will have a meeting this month with my assistant secretaries, the bureau directors and the chiefs of our respective law enforce-

ment entities so that they know this is a priority. It is not lip service. These officers deserve our full support and backing.

Senator FEINSTEIN. We certainly will support them any way we can.

Let me make one other point about drug money in your budget.

Secretary KEMPTHORNE. Yes.

MARIJUANA IN PARKS

Senator FEINSTEIN. You know, I met with DEA, FBI, everybody that was working on marijuana in the parks. I think we put what? $18 million. Oh, we did it in the Forest Service.

Secretary KEMPTHORNE. Yes.

Senator FEINSTEIN. But Interior is also part of that.

It is really very important that these surges continue and that you clean out the parks because California parks are riddled with marijuana growth, and it is run directly by Mexican cartels and foreign nationals. They carry weapons and it is very problematic. I will not get into your weapons policy, but as you know, I really worry about people walking into these parks with weapons and you have got cartels with weapons and what might happen. So you need to help clear the parks out.

Secretary KEMPTHORNE. I agree with you, Madam Chairman. As you have identified, we have used the surge of BLM, National Park Service, BIA, and Fish and Wildlife Service in a concerted effort going into these areas. We have been successful. We appreciate your help on that.

You are correct. Those that are tending these gardens have been told that they are to defend those gardens with their life. It is all being driven by the national drug cartels. Some of those individuals, it is our understanding, that are tending those gardens are themselves——

Senator FEINSTEIN. It is more than gardens. Gardens means small. These sometimes are huge.

Secretary KEMPTHORNE. Plats.

Senator FEINSTEIN. Yes, with millions of plants.

Secretary KEMPTHORNE. But under threat that if they do not defend it with their life, members of their family, their children, will be executed back in Mexico. We are dealing with ruthless, ruthless thugs that are peddling this poison.

That is why both in the Indian initiative, Safe Indian Communities, the Border Patrol—you mentioned Senator Craig Organ Pipe. We estimate that $1 million a day of illegal drugs are going through that national park. That is where Chris Eggle, one of our law enforcement rangers, was shot down and killed in 2005. We cannot send our staff to carry out normal functions in these refuges, parks, and Bureau of Land Management and reservations without two armed officers with them. That is how tough this area is.

Senator FEINSTEIN. Well, I tell you, we will put in what you need.

Secretary KEMPTHORNE. That is greatly appreciated.

Senator FEINSTEIN. So, I mean, forget OMB. I mean, we are not going to see our parks get loaded with drugs. That is just the way

it is going to be. If they want to come up and arm wrestle us, so be it.

ADDITIONAL COMMITTEE QUESTIONS

We will leave the record open for questions from other committee members.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR BEN NELSON

*Question.* Last year, unfortunately the Landowner Incentive Program was eliminated. As you know the focus of this program was to help landowners become involved in species conservation on their lands. While eliminated, the committee did direct the Department to work with the States to develop a new grant program as part of State and Tribal Wildlife Grants that would direct funding to species conservation projects on private lands.

Excerpt from the fiscal year 2008 Interior Appropriations report 110–91 as adopted by the Senate Appropriations Committee and carried as part of the fiscal year 2008 Consolidated Appropriations Act:

In fiscal year 2008, the Committee accepted the Department's decision to discontinue the private stewardship and landowner incentive grants programs but recognizes the need for species conservation efforts on private lands to continue. The Committee urges the Service to work with the States to develop a new subset of funding under the State and tribal wildlife grant program that can direct grants toward species conservation projects on private lands. The Committee is receptive to ideas from the Service and the States on how best to accomplish the goal of continued Federal support for conservation on private lands within the framework of the State and tribal wildlife grant program

*Question.* What has the Fish and Wildlife Service thus far accomplished with respect to creating this new subset of funding for directed grants toward species conservation projects on private lands?

Answer. The Service is currently working with States to review draft criteria for a competitive program developed as a subset of funding under the State and Tribal Wildlife Grants program. The grants will be awarded to the highest ranking cooperative conservation projects that are in State Wildlife Conservation Plans. Priority will be given to cooperative conservation projects with an emphasis on performance and outcomes. At this time, one of several proposed ranking criteria is directed at species conservation projects on private lands.

*Question.* The Fish and Wildlife Service requested $74 million in their fiscal year 2009 budget request for State and Tribal Wildlife Grants. Of that amount, how much is going to be used for this new subset of grant funding for species conservation projects on private lands?

Answer. Presently, there is no subset of State and Tribal Wildlife Grant funding being directed exclusively towards species conservation projects on private lands. However, such projects could be eligible for the State apportioned funding and possibly some of the competitive funding if identified as a strategy in the State's Wildlife Action Plan.

*Question.* When do you anticipate this new grant program being implemented?

Answer. The Service anticipates that the competitive program of the State and Tribal Wildlife Grant program, authorized in fiscal year 2008, will be implemented by no later than September 30, 2008.

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QUESTIONS SUBMITED BY SENATOR WAYNE ALLARD

NATIONAL PARK SERVICE/PARK POLICE

*Question.* Recently, the Department's Inspector General (IG) did a report on the U.S. Park Police and found many disturbing problems. He found low morale, many key positions at headquarters are vacant, and the number of officers is at a 20 year low when the force is charged with many additional anti-terrorism responsibilities in the aftermath of September 11th.

Can you update us on what you are doing in response to the IG's report?

Answer. The Secretary of the Interior established a Management Oversight Team (MOT) to address the recommendations contained in the IG's report. The members of the MOT include Associate Deputy Secretary James Cason; Assistant Secretary for Fish, Wildlife and Parks, Lyle Laverty; and National Park Service Director Mary Bomar. These individuals are being assisted by Deputy Assistant Secretary for Law Enforcement, Security and Emergency Management, Larry Parkinson; Principal Deputy Assistant Secretary for Fish, Wildlife and Parks, David Verhey; and National Park Service Deputy Director, Dan Wenk. The MOT established a Command Management Team (CMT) to take responsibility for the daily operations of the United States Park Police and to finalize and implement an Action Plan to address 19 of the 20 recommendations contained in the report. The MOT is responsible for addressing the 20th recommendation.

*Question.* The CMT, led by Salvatore R. Lauro in the position of Acting Assistant Chief of Police, has been in place since March 3, 2008. The CMT has been aggressively addressing the OIG recommendations, with priority being given to matters affecting officer safety, icon protection and staffing. The MOT meets weekly with the CMT to review progress and provide guidance. The MOT also provides the Secretary of the Interior with regular project updates.

Can you assure the public that the many icons the Department is responsible for like the Statue of Liberty, Ellis Island, and the Washington Monument are adequately protected?

Answer. In the aftermath of 9/11, as a result of increased emphasis on homeland security and icon protection, the U.S. Park Police (USPP) has reallocated its resources from some of its more routine and patrol enforcement activities to icon protection. The USPP have also employed a number of efforts to protect the icons while ensuring these national treasures remain open and accessible to the public, including utilizing USPP officers and security personnel to provide 360 degree coverage on a 24-hour basis at the Statue of Liberty and the three National Mall icons; constructed physical security barriers to prevent vehicle-borne threats; using Closed Circuit Television cameras to monitor activities within and around the Statue of Liberty and the three National Mall icons on a 24-hour basis; employing magnetometer and x-ray machines to screen visitors entering the Washington Monument; partnering with public and private research entities to test and evaluate emerging security technologies at the Statue of Liberty, where three screening facilities are utilized to screen all persons and packages traveling to Liberty Island and/or entering the Statue; employing USPP explosives detection canines to screen ferry boats transporting visitors, staff, and supplies to the Statue; maintaining a 150-yard maritime restricted security zone around the Statue (efforts are currently underway with the U.S. Coast Guard to expand this security zone in the waters between Liberty and Ellis Islands to further divert vessel traffic away from the Statue); and, assigning USPP officers or commissioned NPS rangers to the Washington Field Office FBI—Joint Terrorism Task Force (JTTF), the Washington Field Office FBI—Fairfax County Regional Intelligence Center, the Department of Homeland Security Operations Center, the New York Office FBI—JTTF, and the NYPD Counterterrorism Unit.

*Question.* I see that your budget proposes a $7.6 million increase for the Park Police, will part of this be used to recruit new officers?

Answer. In addition to the fixed costs request of $1,909,000 and $1,000,000 for Inaugural related activities the budget proposal for the USPP includes funding of $4.8 million to increase the number of sworn officers. Anticipating average attrition, this reoccurring funding will allow us to recruit, hire, train and equip a total of 630 officers by the end of 2009.

*Question.* What do you believe is the necessary number of officers? When will you reach that level, and what will it cost?

Answer. In December 2004, the Department completed a comprehensive review of the mission, priorities, and responsibilities of the Park Police. This effort was coordinated with the National Academy of Public Administration (NAPA), which undertook two major reviews of the Park Police. Using a methodology developed by NAPA, the Department assessed and prioritized each function performed by the Park Police—including monument security and all local law enforcement responsibilities—and concluded that a targeted staff of 639 sworn law enforcement officers was appropriate.

If the $4.8 million increase requested in the 2009 President's Budget is appropriated, we anticipate approaching the 639 officers during fiscal year 2010.

KERR MC GEE CASE/DEEPWATER OFFSHORE LEASES

*Question.* We held a hearing earlier this year with the Assistant Secretary for Lands and Minerals, Steve Allred, about several issues relating to the Outer Continental Shelf (OCS) leasing program. I wonder if you might update us on a few things we discussed then. For example, last October, in the *Kerr-McGee* litigation, the district court held that price thresholds are not permitted in any leases under the Deepwater Royalty Relief Act.

Can you tell us the status of this litigation?

Answer. On December 21, 2007, the Department of Justice filed a timely notice of appeal with the Federal District Court to protect the interests of the United States in the *Kerr-McGee* litigation.

*Question.* Given the *Kerr McGee* case, is there anything that the Department is doing or that it can do to encourage more companies to come to the table and pay royalties on the 1998–1999 leases that were issued by the Minerals Management Service without price thresholds?

Answer. We remain open to discussing resolution of this issue with the companies that hold Deep Water Royalty Relief Act leases from sales held in 1998 and 1999. We do not believe that any additional lessees will agree to price thresholds until they see the outcome of the *Kerr-McGee* case.

*Question.* What is happening with respect to royalty collection from companies holding leases from 1996, 1997, and 2000? Have any of them indicated that they will not continue to pay?

Answer. In a March 10, 2008 "Dear Reporter" letter to industry, MMS issued guidance regarding companies royalty payments in light of the October 30, 2007, decision of the United States District Court for the Western District of Louisiana in *Kerr-McGee Oil & Gas Corp.* v. *Allred*. Because the *Kerr-McGee* decision may be the subject of additional litigation, we advised all affected payors and lessees to make no adjustments regarding their prior or ongoing royalty payments until there is a final, non-appealable judgment entered in the case.

*Question.* As you know, there have been legislative efforts to force the oil companies with these leases to renegotiate their contracts. You have had several recent sales in the Gulf of Mexico and in Alaska that have generated close to $3 billion each in bonus bids—would forcing companies to renegotiate jeopardize these revenues because the leasing program might be enjoined altogether?

Answer. The most prominent effort to force companies to negotiate royalty payments involves barring companies that refuse to come to terms from participating in future lease sales. It certainly seems likely that these companies would sue the government to determine if this is a legal remedy or not. It is not unreasonable to expect that it could take several years to resolve this issue. If such a suit were to delay leasing for 3 years we estimate that the government would lose approximately $13 billion over a 10-year time period.

*Question.* If the *Kerr-McGee* case is upheld on appeal, what is the potential loss to the Treasury?

Answer. If *Kerr-McGee* is successful in their lawsuit, we estimate that the total royalties at stake could range from about $23 billion to $32 billion. Our original estimate, reported by GAO, was $60 billion. Since that time we have updated that work and have reported the updated estimates to Congress in 2007 in two installments.

The first installment applied only to those DWRRA leases sold in 1998 and 1999, and was reported in June 2007. This work indicates that the future royalty potential, as of January 1, 2007, from the 1998–1999 DWRRA leases ranges from $5.3 billion to $7.8 billion.

The second installment, reported in February 2008, applied only to those DWRRA leases sold in 1996, 1997, and 2000. This work indicates that the future royalty potential, as of October 1, 2007, from the 1996, 1997, and 2000 DWRRA leases ranges from $15.7 billion to $21.2 billion.

Looking backward, as of the end of fiscal year 2007, we estimate that $1.37 billion would have been paid on DWRRA leases issued in 1998 and 1999 had price thresholds been in place. In addition, over $1.1 billion in royalties have already been paid on DWRRA leases issued in 1996, 1997, and 2000.

*Question.* Do you have any recommendations for what Congress should do if the government loses the case on appeal?

Answer. The legislation to address this situation that was passed by the House had a high potential for causing litigation by modifying existing contracts. We believe that efforts to recoup these moneys should not jeopardize our nation's energy security or the future revenues from upcoming OCS sales.

Applying fixes that could result in litigation could easily cost the United States billions over the next decade and result in reduced annual production levels. We

still remain committed to the sanctity of our contracts; companies need to know that the United States negotiates in good faith. We are also still committed to working with Congress to try to resolve this issue as long as any effort to recoup royalties is fully thought through and protects the integrity of the government and energy security for the American people.

ADMINISTRATIVE FEES ON ONSHORE LEASES

*Question.* The fiscal year 2008 Interior bill authorized the Bureau of Land Management to charge a fee this year of $4,000 on Applications for Permits to Drill. It is my understanding that the Administration is proposing an amendment to the Energy Policy Act of 2005 that would authorize the Department to issue a rule making these fees permanent and also to raise them. This concerns me if it creates a disincentive for increased domestic production and does not take into account differences in the costs of production in different States.

In Colorado, the costs of production are very high. Will this rule take into account the differences among the States in terms of the cost of production when setting fees?

Answer. At this time, we do not anticipate the rule taking into account the differences among the States in terms of the cost of production when setting the fee. The proposal is for a cost recovery fee that takes into account the BLM's cost to process an application for permit to drill (APD). If it is determined that the costs for processing an APD vary from State to State, then the final cost recovery fee may, likewise, vary from State to State. The proposed interim fee represents a very small fraction of the development and production costs for any new well.

*Question.* Won't charging higher fees upfront to process these applications hurt smaller producers?

Answer. No. The proposed fee represents a very small fraction of the development and production costs for any new well, so the effect of the fee on small producers should be negligible. The fee may cause all operators to be more prudent when applying for drilling permits, so that they only apply for permits for those wells that they actually intend to drill.

*Question.* How long will it take the BLM to issue this rulemaking?

Answer. At the latest, we expect to release the final rulemaking by the end of calendar year 2009. To avert any shortfall in funding for APD processing, in the event that the cost recovery rulemaking has not been implemented for all of fiscal year 2009, the legislation submitted by the Administration will impose, by statute, an interim fee of $4,150, to ensure the estimated $34.0 million in fees are collected.

*Question.* How much in fees does the agency plan to collect if it is implemented?

Answer. As noted in the preceding response, we estimate that we will collect $34 million in fiscal year 2009, either solely through cost recoveries, or through some combination of cost recoveries and a statutory interim processing fee.

BLM/NATIONAL LANDSCAPE CONSERVATION SYSTEM

*Question.* One of your predecessors, Secretary Babbitt, created the so called National Landscape Conservation System (NLCS) out of many of the most significant BLM lands, including the Grand Staircase-Escalante National Monument and the Headwaters Preserve. There are currently legislative efforts in the house to codify this NLCS system.

Can you tell me what your position is on these legislative efforts?

Answer. The administration supports the House and Senate bills that codify the NLCS.

*Question.* Could activities that are currently allowed on these lands like grazing be curtailed if this system is codified into law?

Answer. No. Both the House and Senate bills propose to establish in statute the current administrative structure of the NLCS—the bill would not alter the management of individual units. There is a multiple-use component to the NLCS, and the proposed codification will not change this. Existing management policies and restrictions would remain in effect.

WILDLAND FIRE OUTLOOK FOR THIS YEAR

*Question.* We recently had the Chief of the Forest Service here and I asked this question and I think it's relevant for you as well. I know that trying to predict the severity of the upcoming fire season at this point in the year is difficult at best. However, we are marking up a supplemental appropriations bill later this month.

With that in mind, can you give us some sense of how severe you expect this fire season to be based on what you know now?

Answer. The Wildland Fire Outlook for the period June 2008 through September 2008 reveals that significant fire potential is forecast to persist or increase in portions of California, the Southwest, Western Great Basin, Rocky Mountain and Northern Rockies. Significant fire potential will decrease across Florida, eastern New Mexico, western Texas, Alaska, and southeastern portions of the Rocky Mountain Area. The primary factors influencing this outlook are:

—Even with a rather wet period during the latter half of May, most of the West has been drier than normal this spring.

—Drought conditions continue over portions of the West and Southeast. However, improvement is expected in the Southeast and to a lesser degree over Texas and New Mexico.

—Abundant fine fuels across portions of the Southwest, southern California deserts and Front Range of the Rockies may lead to an above normal fire season in these areas.

—Fire potential should begin to wane over the Southwest and Florida in July due to the onset of the Southwest monsoon and increasing humidity and showers in the Southeast.

Would additional funds on the supplemental be helpful to the Department?

Answer. It is still too early in the fire season to tell whether or not additional suppression funds will be needed. In addition, DOI and FS are actively implementing cost containment measures to help constrain suppression spending. Even if fire conditions are extreme, funds will be available for ongoing suppression operations, as DOI has unobligated funds in its non-fire accounts that are available under current law if wildfire activity is unexpectedly high and suppression funds become exhausted.

FISH AND WILDLIFE/ESA POLAR BEAR LISTING

*Question.* The current focal point of the global warming debate is the polar bear. The environmental community is using the Endangered Species Act to make the bear the face of global warming. I understand that the January 9th deadline came and went without any decision on the listing of the Polar Bear, and that subsequently a law suit was filed in Federal court to force a decision.

Would you please explain where the Department is in this process of listing the polar bear and why this particular listing decision may require more time than others that you deal with?

Answer. On January 9, 2007, (72 FR 1064) the Fish and Wildlife Service proposed to list the polar bear as threatened, citing loss of habitat resulting from receding sea ice. In September 2007, USGS scientists supplied new research to the Service, updating population information on the Southern Bering Sea polar bear population. USGS also provided additional data on arctic climate, sea ice trends and effects to polar bear populations throughout the species' range.

As a result of the new USGS research findings, the Service reopened and later extended a second comment period to allow the public time to review and respond to the USGS findings. The Department asked for additional time to complete its listing decision on the polar bear in order to examine the thousands of comments on the new research findings submitted in September 2007 by USGS. As a result of this review, the decision to list the bear as threatened was made on May 14, 2008.

*Question.* I know you may not be able to comment on this, but it seems to me that the Endangered Species Act (ESA) is not designed to handle situations like we have with the polar bear. From what I understand, any decline in the bear's population is because of the loss of ocean ice pack. There is nothing that the ESA can provide in the form of a remedy to resolve that, unless we are going to expand ESA to be used for regulating all carbon emissions in the economy. This is not, in my view, what the law was intended for, nor is it a sound basis for doing so. All the factors that would go into such a far reaching regulatory scheme have simply not been debated by the Congress.

Answer. On May 14, 2008 Secretary of the Interior Dirk Kempthorne made the decision to list the polar bear as a threatened species under the Endangered Species Act (ESA). The listing is based on the best available science, which shows that loss of sea ice threatens and will likely continue to threaten polar bear habitat. This loss of habitat puts polar bears at risk of becoming endangered in the foreseeable future, the standard established by the ESA for designating a threatened species.

The listing will be accompanied by administrative guidance and a rule that defines the scope of impact the decision will have. While the legal standards under the ESA do not provide discretion not to list for economic or other social considerations, the listing will not stop global climate change or prevent sea ice from melting. A real solution to climate change requires action by all the world's major econo-

mies. The ESA was never intended to regulate global climate change. The ESA is not the right tool to set U.S. climate policy.

NATIONAL WILDLIFE REFUGE SYSTEM/IMPACTS ON COLORADO REFUGES

*Question.* The total fiscal year 2009 budget request for the National Wildlife Refuge System is $434.1 million, a $5.3 million decrease from the fiscal year 2008 enacted level. The budget request proposes significant program decreases from the fiscal year 2008 enacted level in Wildlife and Habitat Management (−$930,000), Visitor Services (−$1.7 million), and Refuge Maintenance (−$2.4 million).

With such a large cut to maintenance, will the agency be able to keep up with regular cyclical maintenance on schedule? Will we see an increased backlog of deferred maintenance projects?

Answer. The President's budget request for the National Wildlife Refuge System is essentially level funded with the 2008 appropriated level when 1.56 percent across-the-board reduction in section 437 of the Consolidated Appropriations Act is included. The President's request of $136.2 million for refuge maintenance prioritizes funding for the most critical health and safety maintenance needs. This represents the highest budget request in the history of the Refuge System and the Service believes that the request supports its priority maintenance needs. The request provides funding for 280 deferred maintenance projects identified in the Service Asset Maintenance Management System (SAMMS).

The Refuge System maintains an inventory of deferred maintenance and capital improvement projects and maintains a deferred maintenance five year plan to guide the allocation of funding. New projects are added to the SAMMS each year and others are removed as they are addressed. The Service uses the Facility Condition Index (FCI), a measure of the ratio of the repair costs to the replacement costs for each asset, as one factor in the prioritization of the use of maintenance funding. In addition, an Asset Priority Index (API) is utilized to indicate the relative importance of an asset to accomplishment of the Refuge System's mission. The Refuge System continues to prioritize these maintenance needs through improved data that underlies development of five-year budget plans. The Service's five-year deferred maintenance plan for the National Wildlife Refuge System for fiscal years 2009–2013 contains 1,882 projects for an estimated total of $211.2 million.

*Question.* I am specifically concerned that this proposed funding decrease for the National Wildlife Refuge System will not provide sufficient funding for the Rocky Flats, Rocky Mountain Arsenal, and Baca wildlife refuges in my home State of Colorado to remain fully staffed and operational in fiscal year 2009. Would you please provide me the specific funding breakdown for these three refuges in the fiscal year 2009 request compared to the fiscal year 2008 enacted level?

Answer. These three refuges are funded as complexes, funding for the two complexes is:

[In thousands of dollars]

| | Fiscal year | |
|---|---|---|
| | 2008 | 2009 |
| Rocky Mt. Arsenal NWR, Rocky Flats NWR, Two Ponds NWR | 1,657 | 1,657 |
| Alamosa NWR, Monte Vista NWR, Baca NWR | 1,265 | 1,265 |

*Question.* I understand that the Rocky Mountain Arsenal National Wildlife Refuge clean-up and remediation is on target for completion by 2011. As the remediation process comes to an end, the Fish and Wildlife Service must begin the process of standing-up the refuge. Is the necessary funding in place for this transition and for the Refuge Visitor Center that the regional office is in the process of designing?

Answer. An initial 4,930 acres of lands of the Rocky Mountain Arsenal were officially transferred to the FWS in 2004; in 2006 an additional 7,266 acres were transferred to the FWS. Upon completion of cleanup in 2011, roughly 3,000 additional acres will be transferred to the refuge.

The Refuge Visitor Center is in the planning and design phase. The Service has $4,690,100 from the proceeds of the sale of some of the Arsenal land, pursuant to the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992. These funds are set aside for the visitor center. The Service will use $150,000 of these funds this year for a conceptual plan for the center. Currently, the majority of refuge operations funding is provided through reimbursable agreements with the U.S. Army, Shell Oil Company, and Environmental Protection Agency. These agreements will expire when cleanup is complete in 2011. The fiscal year 2009 President's budget provides sufficient funds for operation.

*Question.* The Department of Interior directed that bison be reintroduced to the Rocky Mountain Arsenal National Wildlife Refuge in March 2007; however, no additional funding or facilities were provided to the refuge for the herd (21 to date) at that time. Does the fiscal year 2009 budget request include the resources necessary to properly maintain the bison on this refuge?

Answer. Yes, the 2009 budget provides sufficient funding, $56,000, for managing the bison herd.

SAFE BORDERLANDS

*Question.* The Refuge Law Enforcement budget request includes a $1 million increase to provide six Refuge Law Enforcement Officers along the southwest border for increased security in relation to illegal border crossings and other illegal activities on refuges. Recently, Department of Homeland Security (DHS) Secretary Chertoff invoked his authority under the REAL ID Act of 2005 to waive Federal law in order to build the southwest border fence through the Lower Rio Grand National Wildlife Refuge in Texas.

I know you have visited the southern border many times; how does the Department of Interior address border enforcement, illegal immigration and wildlife issues on the public lands it manages along the southwest border?

Answer. The Department's land management bureaus manage 793 miles, or 41 percent of the Southwest border. These lands include seven national wildlife refuges, six national parks, 12 miles managed by the Bureau of Reclamation, and 191 miles of public lands managed by the Bureau of Land Management. In addition, five Indian Reservations span the international boundary with Mexico.

The impacts of illegal border crossings on Interior and tribal lands are startling. As an Administration, we have taken aggressive steps to add resources to reduce the flow of illegal drugs and aliens across the border into the United States. Our initial focus to control traffic through urban ports of entry has resulted in substantially improved control in those areas. However, it has also resulted in a migration of illegal traffic to more rural, less populated areas along the border. As a result, Interior's 793 miles of border are being impacted to a greater degree.

The Safe Borderlands Initiative provides a holistic approach to the growing problems caused by the increasing illegal border crossings, with resources targeted to multiple bureaus and high-priority areas. We propose to coordinate border efforts among the Department's land management bureaus, the Bureau of Indian Affairs, and the Office of Law Enforcement, Security, and Emergency Management. The initiative was developed through a collaborative process that involved representatives from each of the bureaus. The additional law enforcement officers will protect employee housing areas, recreational areas, and other high-use sites in an integrated fashion. The initiative includes $5.2 million for the National Park Service; $1.0 million for the Bureau of Land Management; $1.0 million for the Fish and Wildlife Service; and $1.0 million for the Bureau of Indian Affairs.

A significant component of the initiative is a $2.0 million increase allocated between the Bureau of Land Management and the National Park Service to mitigate environmental damage on lands near the southwest border. Trails and illegal roads made by smugglers are destroying cactus and other sensitive vegetation, impacting the ecologic health of many of the national parks, wildlife refuges, national monuments and conservation areas Interior manages. This causes a disruption of wildlife and their habitats and the destruction of cultural and historic resources. Projects will protect and restore habitat for species, as well as improve safety by closing some abandoned mines on BLM lands.

*Question.* Does the Department of Interior (DOI) have sufficient law enforcement presence for adequate coordination with the Department of Homeland Security (DHS)?

Answer. The Safe Borderlands Initiative includes an additional $5.8 million to improve safety, which includes providing 52 additional law enforcement personnel on public lands along the border. These officers, in addition to 11 new officers funded with a $3.2 million investment in 2008, will patrol campgrounds, recreational areas, and other lands where smuggling activities threaten visitors. They will also deter illegal activity in employee housing areas and provide security for employees conducting field work, such as biologists conducting wildlife surveys and monitoring activities. Additionally, they will educate visitors and employees on border security risks and safety measures and coordinate with partner agencies to enhance Interior's efforts. The funding for the Bureau of Indian Affairs will support additional law enforcement officers to address illegal smuggling of drugs and immigrants on reservations on or near the Mexican border. These efforts will assist law enforcement agencies who have jurisdiction at the international borders.

*Question.* What type of working relationship does DOI have with DHS?

Answer. Through the Safe Borderlands Initiative, Interior proposes to enhance coordination with DHS by placing an Interior employee in DHS offices funded by DHS to represent Interior issues as DHS implements its Secure Borders initiative. Already, the Interior Department has signed an agreement with DHS to secure cooperating agency status in environmental reviews. Additionally, the Department will enhance coordination with the Department of Justice on drug smuggling and cross-border interdiction efforts through a Memorandum of Understanding with the Drug Enforcement Agency.

FWS LAW ENFORCEMENT/IMPORT AND EXPORT OF THREATENED SPECIES

*Question.* The total fiscal year 2009 budget request for Law Enforcement is $57.4 million, a $3.3 million decrease from the fiscal year 2008 enacted level. This request eliminates $3 million in unrequested funding, better known as Congressionally directed funding.

The Fish and Wildlife Service's Law Enforcement office is charged with protecting plants and animals native to the United States that have been listed as endangered or threatened from illegal trade or any harmful activity that threatens the species or its habitat; enforcing wildlife trade laws on companies that import and/or export wildlife to ensure safety, fairness and efficiency in the legal wildlife trade; and to combat illegal trafficking in wildlife that is not only a threat to the survival of numerous species, but may also be a catalyst for other illegal smuggling activities.

*Question.* Can law enforcement officials maintain a level of inspections and investigations necessary to accomplish these numerous and varied tasks with the limited resources provided in the budget?

Answer. The President's budget provides sufficient funding for Service Law Enforcement investigations and inspections focused, among the numerous and varied tasks, on activities to address issues of the greatest conservation concern, including protecting Federal trust species.

*Question.* What percentage of inspections of imports and exports does this budget request support on an annual basis?

Answer. The Service's target physical inspection rate for shipments is 25 percent; document inspections (examining declarations, shipping invoices, airway bills, bills of lading, permits, licenses, etc) are conducted for shipments not subject to physical inspection.

Our target physical inspection rate reflects both workload realities (i.e., the size of our wildlife inspector workforce; our shipment-to-inspector ratio, which stood at approximately 1,615 shipments per inspector in fiscal year 2007; and the time required to conduct physical inspections) and the need to balance inspector effort between compliance inspections of declared shipments (which help facilitate legal wildlife trade) and proactive efforts to intercept smuggled wildlife (which target global wildlife trafficking). Higher physical inspection rates would not necessarily translate into larger numbers of seizures since the majority of declared imports/exports are in compliance with Federal wildlife laws and violations can often be detected based on document inspections.

Declared shipments are selected for physical inspection based on Service enforcement priorities (which are designed to ensure that we make the most effective use possible of our staff resources) and the assessment of such risk factors as violation history of the importer or exporter; known or suspected trafficking in the past involving the particular species or commodity; and past problems with shipments from the same country of origin or re-export.

*Question.* How many investigations lead to criminal convictions each year? Would increased funding lead to additional convictions?

Answer. Service special agents and wildlife inspectors worked on 12,755 cases in fiscal year 2007; most investigations undertaken by the Service eventually result in some type of legal action, including civil, or administrative penalties, or criminal convictions. We believe this has a deterrent effect on illegal conduct. Increased funding would not necessarily lead to additional convictions as there are many factors outside of the Service's control that contribute to convictions.

*Question.* What initiatives has law enforcement undertaken to dissuade people from engaging in illegal activities pertaining to wildlife trafficking or other activities harmful to species and habitats?

Do you have the resources necessary to be proactive in preventing illegal activities?

Answer. In addition to investigative and enforcement activity, Service Law Enforcement continues to support "Suitcase for Survival"—a recently revamped public education initiative to teach the public about the threat of illegal wildlife trade.

Service officers conduct training programs for importers/exporters, brokers and other groups and staff public outreach displays at events across the country (including Earth Day celebrations and sportsmen's shows) to promote compliance with wildlife laws. Service brochures such as "Buyer Beware" target international travelers. Current and requested budgets provide adequate funding to support such initiatives.

FWS/UPPER COLORADO RIVER ENDANGERED FISH RECOVERY PROGRAM AND SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM

*Question.* Partners of the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, including the States of Colorado, Wyoming, Utah, Arizona, and New Mexico, have been working cooperatively to recover endangered Colorado River fish species and improve water quality, while striving to meet the growing energy and water needs of the Intermountain West. The fiscal year 2009 budget request includes $697,000 for the Upper Colorado and $200,000 for the San Juan recovery programs, which is greatly appreciated.

Public Law 106–392 requires the Secretary to submit recommendations to Congress regarding the continued use of power revenues to support the Upper Colorado River Endangered Fish Recovery and San Juan River Basin Recovery Implementation programs. It is my understanding that continued use of power revenues is supported by the programs' participants, including the power customers.

What is your position regarding use of power revenues?

Answer. The Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program have made progress toward achievement of their objectives since 2000 , in part through the use of power revenues pursuant to Public Law 106–392. The Department will be able to determine its position on the use of power revenues after the completion and release of the report required under Public Law 106–392.

*Question.* When may we expect to see your recommendations and report?

Answer. The report is currently being reviewed and should be available for release in the near future.

These programs have greatly streamlined and reduced the cost of the administration of the Endangered Species Act for the government and the regulated community, while full compliance is achieved. Small water users achieve compliance without having to hire lawyers, biologists and engineers.

*Question.* How is the Department using this experience to improve administration of the Endangered Species Act nationwide?

Answer. The Department believes that cooperative solutions are the best way to implement the Endangered Species Act. We are continuing to foster partnerships between Federal and non-Federal entities to help protect endangered species.

U.S. GEOLOGICAL SURVEY/WATER FOR AMERICA INITIATIVE

The USGS budget request includes an increase of $9.5 million for the Water for America Initiative, for a total of $29.8 million in fiscal year 2009. This is in addition to the $31.4 million provided within the Bureau of Reclamation's budget request. For the first time in over 30 years, the Department proposes to initiate a Water Census in order to collect information about our Nation's water resources and track changes in our water availability, water quality, and water use by 2019.

The budget request indicates that you intend to track changes through 2019. Will the requested funding in fiscal year 2009 support these activities over the next 10 years, or will there be annual funding requests for each of the subsequent fiscal years through 2019? If so, what level of funding is anticipated for each fiscal year?

Answer. The estimate for completion of the Water Census in 2019 assumes that base funding will remain constant over the next 10 years. This projected timeframe is a preliminary estimate, and will depend on funding priorities within the Department.

*Question.* In most of the West water is considered property, the ownership of which is passionately guarded. In fact, there is an old saying that "whiskey is for drinking and water is for fighting!" Do you anticipate that this Census could have any effect on water rights in States where such rights exist? Will the Department work with States to ensure that all parties are comfortable with what the Federal Government is doing?

Answer. Authority to manage water resources is largely delegated to States, Tribes, and municipalities. The water census will not change this. To effectively address water-supply challenges, Federal, State, local, and Tribal governments must collaborate to find out how much water we have, expand, conserve, and protect sup-

plies to meet increasing demands, and plan for the Nation's water future. The Department will continue to work through existing partnerships that include 1,400 State and local water agencies, State geological surveys, State Water Resources Research Institutes, the U.S. Army Corps of Engineers, the National Oceanic and Atmospheric Administration, and the National Science Foundation.

*Question.* Do you see the Water Census becoming a cyclical event like that conducted by the Bureau of the Census at the Department of Commerce every 10 years? Would a 10 year cycle be often enough in order to maintain an accurate analysis of our Nation's water resources, or would it need to occur more frequently?

Answer. A cyclical water census is a promising idea, but to date there has not been a detailed analysis on the appropriate timing for such an approach. The Department's current priority is to conduct a Census over the next 10 years that will provide crucial baseline information on the nation's water resources.

*Question.* Who are the intended end-users of the information collected? How will the information be used? How will it be useful to the average citizen in his or her daily life?

Answer. The intended users include water managers at the local level, water districts and utilities, State and local governments, Tribes and water users such as fishers and farmers and other irrigators. A census will provide information on the current status of water in aquifers and reservoirs, rivers, lakes, groundwater and surface water, water quality and water use. The information will be used to provide objective methods to quantify environmental flows needed for aquatic life; improve the ability to predict the impact of regional water development on the flow, temperature, and chemical quality of rivers; and improve our understanding of the effects of climate variability and potential changes on water resources.

BIRDS FOREVER INITIATIVE

*Question.* The USGS budget request includes an increase of $1 million for the Birds Forever Initiative, for a total of $1.25 million in fiscal year 2009. This is in addition to the $8.1 million increase included in the U.S. Fish and Wildlife Service's budget request. The USGS will use this increased funding to expand its monitoring and surveillance of migratory birds through the Breeding Bird Survey. Given that some of our most common bird species have declined by as much as 70 percent in the last 40 years, this seems like a critical activity.

Is the Birds Forever Initiative a one-time increase, a permanent increase to the program base, or an ongoing, multi-year program that will require continued funding for a number of years until reaching the "end" of the initiative?

Answer. The Birds Forever Initiative in the USGS and Fish and Wildlife Service will improve understanding of 36 focal species, restore habitat, and monitor species status and trends. Many factors will influence funding decisions in the future for this initiative such as accomplishment of the initiative goals and future National, Department, Service, and program goals and priorities.

*Question.* One of the proposed objectives of the initiative is to expand the geographic scope of the Breeding Bird Survey into Mexico, since birds don't recognize borders and can't be stopped by the wall we are building along the Southwest Border. What is required in terms of an agreement with Mexico to conduct this work south of the border?

Answer. The Migratory Bird Treaty Act provides the authority for the U.S. Geological Survey and U.S. Fish and Wildlife Service to work cooperatively with the Mexican government on migratory bird surveys. Existing agreements are sufficient to allow this work.

*Question.* Since funding for the Birds Forever Initiative is included in the Fish and Wildlife Service's budget request as well, are the activities within each agency so linked that one increase is dependent upon the other?

Answer. The Birds Forever Initiative was developed as cross bureau, cross program initiative involving the U.S. Geological Survey and the Fish and Wildlife Service. The most effective and efficient means of accomplishing the initiatives goal is through linked efforts and is how we have designed the initiative.

HEALTHY LANDS INITIATIVE

*Question.* The USGS budget request includes an increase of $3.5 million for the Healthy Lands Initiative, for a total of $5 million in fiscal year 2009. This is in addition to the $2 million requested through the U.S. Fish and Wildlife Service and the $14.9 million requested through the Bureau of Land Management, for a total Department-wide program funding level of $21.9 million. This is a $14 million increase over the fiscal year 2008 enacted level.

The budget request defines the Healthy Lands Initiative as a "long-term science-based effort". For the purposes of this initiative, how have you defined "long-term"? Is there a projected end to this program?

Answer. There is no projected end to this program, as the challenges to maintain and enhance land health will continue into the future. The partnership among USGS, BLM, FWS, and others is a long-term science-based effort to assess and enhance aquatic and terrestrial habitats at a landscape scale to maintain and improve habitat to prevent species from being listed so that we can continue to provide access to the public lands for multiple uses, including responsible energy development. Tools and technologies developed in this effort will be transferable to other areas in the Nation for many years where there are similar issues of energy development and impacts to wildlife habitat. Results of these effort and completion of ecological assessment in future years will provide the information and knowledge for decision-makers to build and implement adaptive management solutions to ensure the long-term viability of wildlife and habitats in these areas.

*Question.* What type of data and information has been gathered to date that will be beneficial to future energy development?

Answer. Healthy Lands Initiative activities focus on projects that focus on land resource rehabilitation, protection, and management for multiple land uses. Some project planning actions in the USGS to date include highly detailed mapping and assessment of the sagebrush habitat; evaluation of the cumulative effects of development; identification of key drivers of landscape change, including effects of climate change; identification of the most effective and needed restoration, reclamation, and mitigation activities; and detailed species habitat needs assessments and monitoring studies. The USGS will assemble all available data and information into a clearinghouse that will be accessible by all the Federal, State, and local partners in this activity.

*Question.* How will this initiative reduce resource conflicts between the environmental community and industry?

Answer. The Healthy Lands Initiative (HLI) is an approach to land management that increases the pace of and more effectively implements land health treatments across multiple jurisdictions. It has already had great success in bringing together partners with a shared interest in protecting, restoring, and enhancing our multi-resource ecosystems. HLI funding is leveraged with funding provided by other Federal agencies, State, local, and tribal governments, philanthropic organizations, advocacy groups, and industry partners. In 2008, BLM has initiated on-the-ground work in several emphasis areas (UT, NM, Southwest WY, Southeast OR-Southwest ID-Northern NV, South-central ID, and Western CO), and has begun working with USGS, FWS, and other partners to implement projects based on the highest priority integrated science identified through workshops and meetings with stakeholders. For example, in the Southwest WY Landscape Conservation Initiative Area, in order to strengthen the collaboration, a coalition of Interior bureaus along with the U.S. Forest Service, the Wyoming Game and Fish Department, and the Wyoming Department of Agriculture has formed a partnership called the Wyoming Landscape Conservation Initiative. The partners are extending the existing Memorandum of Understanding to include additional local stakeholders such as county commissioners and conservation district managers. Together, these partners participate in strategies and actions to maintain and improve area landscapes.

U.S. GEOLOGICAL SURVEY/OCEAN AND COASTAL FRONTIERS INITIATIVE

*Question.* The USGS budget request includes an increase of $7 million for the Ocean and Coastal Frontiers Initiative, for a total of $16.1 million in fiscal year 2009. This is in addition to the $900,000 increase included in the U.S. Fish and Wildlife Service's budget request. The USGS will also work in partnership with numerous other Federal Government agencies including: the National Oceanic and Atmospheric Administration (NOAA), U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), Minerals Management Service (MMS), National Park Service (NPS), and the Office of Insular Affairs (OIA).

Given that the Ocean and Coastal Frontiers Initiative cross-cuts so many agencies, is there one centralized programmatic control mechanism in place to ensure that there aren't any duplications of effort or funding?

Answer. As part of the formulation of the fiscal year 2009 President's Budget, the Department reviewed each bureau's participation in the Ocean and Coastal Frontiers Initiative, to ensure there is no duplication of effort.

*Question.* Are the agency's activities so intricately linked that the funding streams are dependent upon one another? Does it make sense to provide $7 million to USGS

for this initiative if NOAA doesn't receive its share of funding through the Department of Commerce budget?

Answer. USGS will coordinate with the other Federal agencies in implementing the Ocean and Coastal Frontiers Initiative to ensure the most effective use of Federal funds. NOAA has already received $8.0 million in 2008 for ocean exploration efforts related to this work. The geological data collection by USGS, when combined with the bathymetric data collected by NOAA, will form the basis for successful establishment of the U.S. continental shelf.

*Question.* One of the tasks of the USGS is mapping the geology and boundaries of the extended continental shelf to determine the increase of public lands for which the Department would have regulatory responsibility ($4 million of the $7 million increase is for this activity). How long do you anticipate that it will take USGS to complete this activity?

Answer. Full delineation of U.S. ECS boundaries would require both bathymetric and seismic/geophysical mapping in several regions. Current funds are for focused mapping in the Arctic, which may take several years depending on ice conditions, which are highly variable. Estimates for mapping the Atlantic will be better defined after an Atlantic workshop takes place in July, 2008 bringing together Federal and academic expertise to identify outstanding issues and data requirements. Furthermore, there may be additional seismic data required in the Pacific Islands.

*Question.* Will additional funds be required in future fiscal years?

Answer. Funding for future ECS mapping activities will respond to the President's budgetary priorities, which will take into account recommendations the Interagency Task Force on the Extended Continental Shelf in the context of Departmental needs and activities. Additional factors affecting future funding for ECS mapping will include progress on current data collection, as well as needs for legal, analytical, and other costs associated with the mapping.

U.S. GEOLOGICAL SURVEY/LANDSAT PROGRAM

*Question.* Within the Land Remote Sensing program, the fiscal year 2009 budget request includes an increase of $2 million for the National Land Imaging Program. USGS will act as the lead agency in this multi-agency initiative to begin planning for an operational program to collect images of the Earth's surface. The USGS budget justification says that implementation of this new program will "require significant additions, upgrades, and changes to the staffing and facilities of the Department".

Who made the determination that USGS was the most qualified to be the lead agency for this next generation of Land Remote Sensing? Why wouldn't NASA or the Department of Commerce's NOAA satellite office be the more appropriate lead agency?

Answer. The Office of Science and Technology Policy issued a plan for the U.S. National Land Imaging Program (NLIP) in August of 2007, which called for NLIP to be established in the Department of the Interior. The current budget allocation for NLIP does not create a long-term program within Interior, but rather is meant to initiate an assessment of needs related to the next Landsat satellite. The Administration has not made a final determination on the role of USGS in the next Landsat, which will entail significant out year funding commitments. Instead, the current funding will lay the groundwork for future planning.

*Question.* What is USGS's current working relationship with these other land imaging users?

Answer. USGS has a good working relationship with the other land imaging users, and has frequent meetings with them on both specific topics and broad issues relating to Landsat. We will be consulting them in our upcoming efforts.

*Question.* What kind of "additions, upgrades, and changes" will be necessary to support this new program? What costs are associated with these changes? Will this require the addition of a construction budget for USGS?

Answer. The Department has not made any final determination on the need for future upgrades. If USGS is designated the appropriate entity for future Landsat satellites, arrangements could be parallel to NOAA's funding stream for operational oceanic and atmospheric satellites. In this case, recurring satellite-development funding would be over $100 million per year. Additional funding determinations will consider planning and partnership efforts developed in 2009.

*Question.* What exactly will the $2 million requested for fiscal year 2009 buy us? That isn't much money when you are talking about satellite programs, so I'm very curious about the out-year costs associated with the National Land Imaging Program. Does the Department have a long-term budgetary plan for this activity?

Answer. The $2 million is to initiate planning and design efforts by assessing needs related to the future of Landsat satellites. This activity may support long term budgetary plans at the Department or within other agencies.

*Question.* Although NASA and NOAA are the preeminent Federal Government agencies when it comes to satellites, those programs have been plagued with problems and are consistently behind schedule and over budget. Why should we create another satellite program within an agency that has neither the structure nor the expertise to handle such an activity?

Answer. As previously stated, no final determination on the ideal agency to procure and operate Landsat has been made by the administration. The recommendation by the Office of Science and Technology Policy that NLIP be established within the Department of the Interior is reflective of a number of factors, including the success USGS has achieved in its Geographic Research, Investigations and Remote Sensing program.

OFFICE OF THE SPECIAL TRUSTEE/INDIAN LAND CONSOLIDATION

*Question.* The process of Indian Land Consolidation was begun in 1999 and to date the Department has spent nearly $170 million and purchased over 360,000 fractionated Indian lands in an attempt to consolidate them into more manageable land holdings for accounting purposes.

Given that the Department continues to stress how costly it is to manage the ever-growing fractionation of the Individual Indian owned land, why is the Indian Land Consolidation program proposed for elimination in the fiscal year 2009 budget request?

Answer. Since 1999, the Indian Land Consolidation Program has spent nearly $170 million to purchase over 360,000 interests, yet this has done little to reduce fractionation or decrease the costs for managing the trust. Most of these ownership interests were less than two percent of the entire parcel. In addition, provisions in the American Indian Probate Reform Act have greatly reduced the rate of fractionation for these small interests. It is clear that purchasing interests, one at a time, will not result in a satisfactory solution to fractionation.

*Question.* The issue of accounting for the land holdings does not disappear with the elimination of funding for this activity. What alternatives to outright purchase of the land interests have been considered?

Answer. The Special Trustee Advisory Board which includes one former and three current tribal leaders have suggested using a model similar to the Rosebud Tribe's Tribal Land Enterprise whereby individual fractionated interest holders can contribute their interest to the Enterprise in exchange for an equity interest equal in value to their land interest. We have asked ITMA to begin a consultation project with Indian Country to discuss the fractionation problem and advise us on solutions developed from tribes and individual interest holders prior to the Department advocating any particular solution.

INDIAN TRUST LITIGATION/COBELL VS. KEMPTHORNE

*Question.* In 1994, Congress passed The American Indian Trust Fund Management Reform Act of 1994, requiring the Secretary of the Interior to "account for the daily and annual balance of all funds held in trust by the United States for the benefit of an Indian tribe or an individual Indian which are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. Sec. 4011(a)). " In July of 2001, the Office of Historical Trust Accounting (OHTA) was created by Secretarial Order to plan, organize, direct, and execute the historical accounting of Tribal Trust Fund accounts and Individual Indian Money (IIM) accounts.

The Department and OHTA are involved in the Cobell vs. Kempthorne class action lawsuit, which has been ongoing for 12 years, to determine whether or not the Department has unreasonably delayed the completion of the Historical Accounting. On January 30, 2008, Judge James Robertson of the United States District Court for the District of Columbia, in his Findings of Fact and Conclusions of Law stated that "it is now clear that completion of the required accounting is an impossible task".

Given that the Judge has deemed the Historical Accounting an "impossible task", why is it necessary to continue to fund the Office of Historical Accounting at $56.4 million in fiscal year 2009?

Answer. The Department remains committed to seeking an appropriate resolution of the case in concert with Congress and other interested parties. The Budget request of $56 million for historical accounting includes approximately $36 million for the accounting related to Individual Indian Money (IIM) account holders with the remainder dedicated to accounting for tribes and Special Deposit Accounts. The

judge did not relieve us of the requirement to continue the historical accounting for IIM accountholders, which we estimate under our current plan, will require approximately $108 million over the next 3 years to complete, for a total of $271 million since the implementation of the original 2003 plan. The judge said while the statute would require an accounting of "all funds held in trust by the United States" he did not believe that Congress would ever appropriate sufficient money to pay for such an accounting. The judge did, however, recognize the need for a solution. At a hearing on March 5, 2008, the Court scheduled a trial to begin on equitable disgorgement of funds allegedly held back from IIM account holders by the Government. Interior continues to work with the Justice Department to evaluate the Court's findings and conclusions.

*Question.* What do you see as the next major milestones in this litigation?

Answer. There are several ways in which this case can be resolved: a judicial settlement as decided by the Court; congressional action to narrow the scope of the historical accounting requirements that could realistically be completed; or funding in the billions of dollars sufficient to conduct the historical accounting, as interpreted by the courts, under the current law.

BUREAU OF INDIAN AFFAIRS/DETENTION FACILITIES

*Question.* I understand that several adult and juvenile detention facilities constructed on Indian reservations nationwide over the past several years are either sitting empty or are staffed and operated at levels far below the intended effective capacities. Tribal communities need these detention facilities operating at full capacity to address their growing law enforcement needs. Offenders that should be detained in these new federally-financed units are now scattered widely, across several States. The many juvenile offenders involved are now detained in places where no treatment and rehabilitation is possible, creating future difficulties both in terms of public safety and long term correctional and social costs that will be borne largely with public resources.

Please provide the subcommittee with a detailed accounting of where and in what amounts Indian Affairs allocated funding to the staffing and operations of tribal adult and juvenile detention facilities in fiscal year 2007 and fiscal year 2008, and where anticipated funding would go if the fiscal year 2009 requested funding is provided.

Answer. The fiscal year 2009 budget request for Detention and Corrections is $64.6 million, an increase of $5.6 million over the fiscal year 2008 level. The increase includes fixed costs. Increased funding is essential to address staffing needs for newly constructed detention facilities, as well as existing facilities within the corrections program. The proposed funding increase will allow the Division of Corrections to staff its detention centers to safe and secure levels in line with National Institute of Corrections guidelines. Funding allocations for 2009 will not be completed until the funding has been enacted.

In 2007 and 2008 funding was distributed across Indian Country to increase staffing in order to meet minimum safety requirements and to fill positions at recently opened facilities. The attached chart details the funding that was provided to each facility in 2007 and 2008.

BIA CORRECTIONS FUNDING

| Corrections Program Funding | | Fiscal year | |
|---|---|---|---|
| | | 2007 | 2008 funding with operational increases/decreases & paycost |
| District. CO | | | |
| K0L400 | CORRECTIONS—Contract Bed Space | 6,564,956 | 7,935,837 |
| District. CO | | 6,564,956 | 7,935,837 |
| District.—1: | | | |
| A0L400 | DISTRICT I CORRECTIONS | $279,304 | $306,504 |
| A0L410 | WINNEBAGO DETENTION | 64,763 | 299,658 |
| A0L430 | STANDING ROCK DETENTION | 401,850 | 2,135,021 |
| A0L460 | TURTLE MOUNTAIN DETENTION | 321,433 | 922,815 |
| A0L470 | FT TOTTEN DETENTION | 286,549 | 785,444 |
| A0L480 | LOWER BRULE DETENTION | 2,071,069 | 2,506,340 |
| A0L490 | YANKTON DETENTION | 2,000,000 | 2,000,000 |

BIA CORRECTIONS FUNDING—Continued

| Corrections Program Funding | Fiscal year 2007 | Fiscal year 2008 funding with operational increases/decreases & paycost |
|---|---|---|
| Subtotal | 5,424,968 | 8,955,782 |
| District.1—638 Tribal Programs: | | |
| KLA002 CHEYENNE RIVER | 1,238,973 | 1,238,973 |
| KLA003 OGLALA SIOUX | 3,015,890 | 3,015,890 |
| KLA004 ROSEBUD | 1,942,977 | 2,018,247 |
| KLA005 OMAHA | 183,954 | 205,284 |
| KLA015 MENOMINEE | 365,400 | 374,344 |
| KLA022 THREE AFFILIATED | 2,620,564 | 2,620,564 |
| KLA024 SISSETON–WAHPETON | 95,429 | 98,436 |
| Subtotal | 9,463,187 | 9,571,738 |
| Total Corrections Funding for District 1 | 14,888,155 | 18,527,520 |
| District.—3 BIA Programs: | | |
| H0L400 DISTRICT 3 CORRECTIONS | 275,614 | 317,712 |
| H0L410 EASTERN NEVADA DETENTION | 1,801,336 | 2,379,952 |
| H0L430 UINTAH & OURAY DETENTION | 80,000 | 233,899 |
| H0L440 HOPI DETENTION | 672,860 | 1,235,016 |
| H0L490 TRUXTON CANON DETENTION | 2,020,594 | 2,868,410 |
| Subtotal | 4,850,404 | 7,034,989 |
| District.—3 638 Tribal Programs: | | |
| KLH001 COLORADO RIVER INDIAN TRIBES | 273,903 | 300,677 |
| KLH002 FORT MOJAVE INDIAN TRIBE | 44,880 | 59,992 |
| KLH003 WHITE MOUNTAIN APACHE TRIBE | 634,621 | 643,435 |
| KLH004 TOHONO O'ODHAM NATION OF ARIZONA | 2,504,307 | 2,534,931 |
| KLH008 SAN CARLOS APACHE TRIBE | 2,672,645 | 2,737,206 |
| Subtotal | 6,130,356 | 6,276,241 |
| Total Corrections Funding for District 3 | 10,980,760 | 13,311,230 |
| District.—4: | | |
| M0L400 DISTRICT 4 CORRECTIONS | 354,465 | 385,466 |
| M0L450 UTE MOUNTAIN UTE DETENTION | 1,592,091 | 2,064,568 |
| Subtotal | 1,946,556 | 2,450,034 |
| District.—4 638 Tribal Programs: | | |
| KLM005 PUEBLO OF LAGUNA | 239,339 | 246,162 |
| KLM014 PUEBLO OF ZUNI | 734,559 | 753,760 |
| KLM016 NAVAJO NATION | 2,654,807 | 2,785,633 |
| Subtotal | 3,628,705 | 3,785,555 |
| District.—4 Self-Governance Programs: | | |
| D4 Pueblo of Taos | 29,450 | 29,450 |
| Subtotal | 29,450 | 29,450 |
| Total Corrections Funding District 4 | 5,604,711 | 6,265,039 |
| District.—5: | | |
| C0L400 DISTRICT 5 CORRECTIONS | 275,905 | 340,899 |
| C0L410 CROW DETENTION | 360,648 | 634,391 |
| C0L420 NORTHERN CHEYENNE DETENTION | 1,803,484 | 1,931,064 |
| C0L430 WIND RIVER DETENTION | 400,034 | 633,628 |
| C0L450 SPOKANE DETENTION | 355,299 | 562,452 |

BIA CORRECTIONS FUNDING—Continued

| Corrections Program Funding | Fiscal year | |
|---|---|---|
| | 2007 | 2008 funding with operational increases/decreases & paycost |
| C0L480 BLACKFEET DETENTION | 345,941 | 670,765 |
| Subtotal | 3,541,311 | 4,773,199 |
| District.—5 638 Tribal Programs: | | |
| KLC001 BLACKFEET TRIBAL BUSINESS COUNCIL | 243,437 | 250,101 |
| KLC002 FT. BELKNAP COMMUNITY COUNCIL | 77,724 | 79,618 |
| KLC003 ASSINBOINE AND SIOUX TRIBE FORT PECK | 1,700,579 | 1,743,130 |
| KLC004 CONFEDERATED TRIBES OF COLVILLE | 2,452,778 | 2,500,260 |
| KLC006 CHEHALIS BUSINESS COUNCIL | 7,967 | 7,967 |
| KLC010 CONFEDERATED TRIBES OF WARM SPRINGS | 201,432 | 206,858 |
| KLC018 YAKAMA TRIBAL COUNCIL | 404,092 | 404,092 |
| KLC021 SHOSONE BANNOCK (Fort Hall) | 360,208 | 372,407 |
| Subtotal | 5,448,217 | 5,564,433 |
| District.—5 Self-Governance Program: | | |
| D5 Nisqually | 350,000 | 350,000 |
| Subtotal | 350,000 | 350,000 |
| Total District 5 Corrections Funding | 9,339,528 | 10,687,632 |
| District.—6 638 Tribal Program | | |
| KLS016 MISSISSIPPI BAND OF CHOCTAW INDIANS | 2,316,574 | 2,316,574 |
| Total District 6 Corrections Funding | 2,316,574 | 2,316,574 |
| Total Corrections Funding | 49,694,684 | 59,043,832 |

## QUESTIONS SUBMITTED BY SENATOR THAD COCHRAN

*Question.* Three years post-Hurricane Katrina, the Gulf Islands National Seashore is still suffering from a lack of facilities. It has come to my attention that fewer funds are being directed to this area, and that the Mississippi Gulf Coast is subject to downsizing facilities, rangers, and equipment. It is troubling that no construction has begun to replace shade areas or restrooms for Ship Island, which despite maintaining few temporary structures, continues to be a popular tourist spot on the Gulf Coast. Why does the Park Service feel it necessary to downsize Mississippi's presence within the Gulf Islands National Seashore?

Answer. Recovery work following Hurricane Katrina continues to this day in multiple parks throughout the southeast. The project on Ship Island has undergone several changes since it was initiated. In the aftermath of the hurricanes in 2005, initial estimates were used to guide the planning for replacement facilities. As planning and design progressed, estimates have been firmed-up.

In addition, in accordance with the DOI and NPS regulations and government-wide policies, a value analysis study was conducted on multiple Hurricane Katrina projects, including West Ship Islands Buildings. Efficiencies discovered allowed for a reduction of more than 4,500 square feet from the original complex. We do not believe we are downsizing our presence but rather taking this opportunity to address needs in the most efficient manner possible.

The final project including scope modifications was permitted by the Regional Office, and was presented to the NPS Director's Advisory Board in November 2007. The board recommended approval.

The scope of the project includes 10 structures totaling 9,580 square feet at a cost of $2,876,695. The project is currently being reviewed for approval by the Development Advisory Board.

*Question.* The National Park Service's National Heritage Area program is proposed to decrease by $8 million, from last year's enacted amount. I have introduced

legislation creating two Heritage Areas recently, and I understand there are very few administrative staff assisting this program. How is the National Park Service working to improve this program, with far fewer funds than necessary?

Answer. The administration requested a reduction of funding to support national heritage areas based upon the lack of comprehensive heritage program legislation that contains clear criteria for designating new areas and establishes clear timelines for phasing out Federal support for long-established areas. Without such legislatively enacted parameters, there may be as many as 15 newly authorized heritage areas by October 1, 2008, and perhaps as many as 100 areas within the next few years. The Service will provide technical assistance and advice to heritage areas, with priority given to assistance with cooperative agreements, site visits to established areas, management planning, and liaison between the National Heritage Areas and other National Park Service staff, including planners and park staff in adjacent National Park System units. The Service will also distribute available funding based on a merit-based system, after ensuring new areas have sufficient funds to complete their management plans.

CONCLUSION OF HEARINGS

Senator FEINSTEIN. Thank you all very much. The subcommittee will stand in recess subject to the call of the Chair.

[Whereupon, at 11:45 a.m., Tuesday, April 15, the hearings were concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

# DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2009

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
*Washington, DC.*

## NONDEPARTMENTAL WITNESSES

[CLERK'S NOTE.—The subcommittee was unable to hold hearings on nondepartmental witnesses. The statements and letters of those submitting written testimony are as follows:]

PREPARED STATEMENT OF THE ALAMO NAVAJO SCHOOL BOARD, INC.

Honorable Chairman: Please accept this expression of our concerns about the information circulated by the Department of Interior related to the fiscal year 2009 budget requests in a brochure entitled Bureau Highlights-Indian Affairs (no date) (BH–79 to BH–88). Our specific interests are in the budget requests for Indian Education listed by Interior as 31 percent of the operation of Indian Programs. Having reviewed the document carefully, we are significantly disappointed; we will be adversely served, if the plan is implemented as described; and we are quite confused by contradictions, illogical statements, and poorly framed reasons for some proposed actions. For example, the Interior Department proposed ". . . to dedicate $5.2 million to enhance education programs at lower performing schools." (p. BH–82) These funds would not be distributed through the Indian School Equalization Formula (ISEF). However, their source is not evident. Is it a budget increase, or a transfer of funds from other accounts? If these funds, or any portion of them are taken from ISEF, it would lower the per-student amount for distribution, thus adversely affecting contract and grant schools' basic funding as well BIE schools. Any loss of basic school operational funding is unacceptable. Additionally, if BIE dedicates $5.2 million as supplemental aid, for hiring education specialist, tutoring, et cetera, because certain BIE operated schools have not achieved Adequate Yearly Progress (AYP), it would be appropriate if a proportionate ratio of similar funds were requested for contract and grant schools because they have the same kinds of needs and for the same reasons.

In the mission statement, Interior asserts that, "The mission of BIE is to provide quality education opportunities from early childhood through life." (p. BH–79) Yet, in the section discussing "Improving Indian Education (p.BH 81–82), the request for funding tribal scholarships is reduced by $5.9 million in order to shift focus to its core responsibility of operating the BIA school system. Students that graduate from our high school already have to compete for tribal scholarships. Any reductions in scholarship funds means that more graduates in the Class of 2009–2010 will be denied the opportunity to attain higher education goals. It makes the phrase "from early childhood through life" ring very hollow.

The BIE estimates that five tribes will apply for grants to operate their own schools in fiscal year 2009. Additional funding of $1.5 million was added to its request as a result. However, their presentation goes on to explain that ". . . the increase will be used primarily for the costs associated with the displacement of employees who do not continue to work at the school . . . ." No mention is made of how the additional administrative costs, that each new grant will incur, will be funded. If no new funding is requested by BIA for these new grant schools for administrative purposes, current contract and grant schools, such as Alamo Navajo School, will face additional shortages for their administrative costs, already insuffi-

cient at 72 per cent of need. Information relayed to us from reliable sources suggests that BIE already knows that the funds to supply administrative costs grants to all schools fully are insufficient.

As it has for the past few years, the administration calls for the elimination of Johnson O'Malley (JOM) funding of $21.4 million, describing these grants as ". . . duplicative of grants available to Tribes from the Department of Education."(p. BH–83) Their attempt to eliminate the JOM program in fiscal year 2008 met Congressional resistance and congress continued to fund it. The House Committee report reprimanded the Administration by saying, "The feckless justification for the termination of this program—that Department of Education programs can take the place of these grants—has never been substantiated or explained to any level of adequacy. The Committee implores the Administration to include this program in future requests." (emphases added) (HRpt. 110–187, p. 70). At Alamo Navajo School, JOM funds provide salaries for a home/school community liaison who plays a key role in improving students' school attendance; in keeping parents and the community-at-large informed about school policies, activities, and special events; in providing valuable cultural/traditional instruction and learning opportunities; and in assisting instructional staff in group activities, such as field trips. The funds also provide 3- and 4-year-old children with radio programs of an educational nature, such as Sesame Street, with booklets for parents and follow-up activities, which address the mission statement of the program and of the BIE. Without JOM funding, we would be forced to discharge a valuable local staff member and would experience a severe impact on our radio programming for young children in those most formative years and parents who benefit from the help in preparing their children for kindergarten and beyond in language acquisition and multi-cultural understanding.

Concomitantly, Early Childhood Development Programs are to be reduced by $2,754 million and limited to Family and Child Education (FACE) for pre-school children. From ANSB's perspective, this request appears to be shortsighted and inadequate because it does not take into account the long period of time that this successful program, FACE, has been funded. The FACE program goes well back in to the 1990s and, through all of these years, its funding level has been relatively flat. Year after year, ANSB received practically the same amount each year, regardless of the significant changes and influences to be dealt with, such as requirements for more highly trained, licensed personnel; increased numbers of participants necessitating more materials and additional staff. The pre-school target population presents one of the best opportunities for reaching developing children's capabilities. Funding levels to support such opportunities and potential development should be increased in proportion to changes in socio-economic conditions, to technological advances, and to increased knowledge of health and human development.

The BIE requests $46,912 million for Student Transportation for fiscal year 2009, a reduction of $932,000 from the fiscal year 2008 enacted budget. The cause for concern here is that the rate-per-mile formula and procedure historically has not provided sufficient funding to operate and maintain our school's buses, which results in ANSB having to use regular ISEF program funds to supplement its transportation budget. It seems ironic that the cost of getting students to the school results in having fewer or reduced learning opportunities when they get there. Our hope, realizing that it is unlikely that an increase in the school transportation budget can be obtained, is that the fiscal year 2008 level of funding can be maintained for fiscal year 2009.

Thank you for your attention and for your consideration of our concerns. We know that, as you have demonstrated to us so many times in the past, you will act in the best interests of our children, of our State, and of our Nation.

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PREPARED STATEMENT OF THE ALEUTIAN/PRIBILOF ISLANDS ASSOCIATION, INC.

The principal concern of the Aleutian/Pribilof Islands Association, Inc. (APIA) with respect to the Indian Health Service (IHS) proposed budget for fiscal year 2009 is the continued significant underfunding of both program and administrative costs for the operation of the St. Paul Health Center, which was completed in the fall of 2005. Our request is:

—IHS funding for the St. Paul Health Center of $555,957 of which at least $253,541 must be available to pay indirect costs of operating the health center.
—A significant increase in IHS contract support dollars.
—Provision that the increase in contract support dollars be available to address the contract support requirements of new and expanded programs.

St. Paul Island is located, as this subcommittee knows, in the Bering Sea and it is almost 1,000 air miles away from our nearest referral center in Anchorage. It is also the only Health Center in the most dangerous fisheries area in the country. APIA must serve a huge influx of seasonal fisheries workers and our staff must be of a caliber to handle major disasters with no ready assistance. Our population balloons to over 2,000 during the fishing seasons. Due to the dangerous nature of fishing in the Bering Sea, many of our cases are of an emergency nature—for instance, we have provided emergency response services for shipwrecks, explosions, and fishing-related injuries. In addition to the large numbers of persons—Native and non-Native—who fish in our waters, we also attend to emergency health needs of the many people who visit our area for bird watching. We are, in fact, "the only act in town" when it comes to health care, and thus we need to be as self-sufficient as possible in the provision of health care.

As noted in our testimony submitted to this subcommittee on March 18, 2005, the Indian Health Service, in preparing the budget for fiscal year 2006, made a mistake as to when the health center would be completed and ready to operate. APIA had been notified by our IHS project manager in a letter dated February 17, 2005, that the center would be completed and ready to operate by September 30, 2005. However, when submitting the budget for fiscal year 2006 IHS assumed that the center would operate for only one quarter in fiscal year 2006 and asked only $260,000 in program funds as against $1.4 million required for a full year. We are grateful that the Indian Health Service responded to our request by providing some one-time funds in fiscal year 2006 to help bridge this gap until funding was provided in fiscal year 2007. However, the lack of the additional funding to cover contract support costs has had a remarkably devastating impact on our ability to provide the services envisioned when planning and construction of this facility first occurred. This has had a demoralizing affect on the staff and community of St. Paul Island.

The failure to fund contract support costs for the health center in full has a complex history. During fiscal year 2006 IHS was able to locate $1,097,584 to allocate for additional program funds to permit the operation of the new center. APIA has expressed its gratitude already to IHS for the effort it took to locate these funds and permit the opening of the center. However, before releasing the program funds to APIA, IHS insisted that we amend our fiscal year 2006 funding agreement (Funding Agreement 58G950030, Amendment 5) under the Alaska Tribal Health Compact to agree that we would not be entitled in 2006 to any contract support funding to support administrative costs of the new facility.

We feel that this seemingly draconian demand by IHS violates both the letter and the spirit of Title V of the Indian Self-Determination Act (ISDA) under which our IHS-funded health program operates. We understand that the IHS lead negotiator's position on this issue was one that he felt he could not compromise without compromising the agency; likewise we felt that we needed to agree to this language in order to receive the limited funding appropriated for our staffing package. As a result of IHS's refusal to provide for the administrative overhead at St. Paul, as well as the failure to fund the full program funding planned ($1.4 million), we have been able to open the center but not to provide the level of service for which it is designed. Our 23.1 percent overhead rate negotiated with the Department of Health and Human Services must be paid from the amount of funding provided to programs in the clinic which results in a real reduction of $253,541 below the reduced program funding. Thus we have for operation of the clinic $555,957 less than we should have. As a result, in the new center we provide to the people of St. Paul about the same level of service which was provided in the old, outdated facility, it just looks better.

Specifically, we have not been able to: fill two FTE midlevel provider staff positions, fill one FTE Contract Medical Services Director, expand Dental Health access by two visits/year, provide case management for our chronic care patients, provide travel access funds for patients requiring specialty services and emergency medevac transport, pay for biomedical support for new equipment, expand our IT capacity for the new health center, and provide administrative support necessary to ensure quality care is provided.

Most of the funds received have first gone to support increased facilities expenses including heat and other utilities, routine maintenance, benchstock, specialty subcontract facilities operations and engineering expenses. Very little is left over for actual provision of medical services to optimize the use of this beautiful new facility. In fact, we have had to seek and rely on non-recurring non-IHS grant funds to meet some of our short-term needs for this new facility.

Continuing litigation on the question of whether the ISDA requires the payment of contract support funds by the Bureau of Indian Affairs and IHS and the present IHS position that it will pay no contract support funding appropriated by Congress

(even where the fiscal year 2008 appropriation statute states that up to $5,000,000 of the amount appropriated to IHS may be expended for new or expanded contracts) leaves it very uncertain as to whether APIA is barred or not from receiving full contract support funding. IHS has told APIA that its contract support deficiency will be alleviated by allocating all shortfall funding to ongoing contracts and nothing to a program expansion either for fiscal year 2007 or fiscal year 2008. It has not worked out that way so far. The effect of fiscal year 2007 funding distribution of contract support funds based on IHS' own figures was to reduce APIA's level of contract support need funded from 75.12 percent in fiscal year 2006 to 70.96 percent in fiscal year 2007. The total amount of our funding agreement was reduced by $105,694 from 2006 to 2007. Now in fiscal year 2008, APIA is renegotiating its indirect rate to be at 39.1 percent based on increased costs, most of which relates to facilities costs and higher energy expenses. This creates an even greater shortfall that will need to come out of program dollars.

We therefore turn to the Congress to address this injustice at least in fiscal year 2009 by (1) appropriating a significant increase in contract support dollars and (2) providing that the increase will be available to address the contract support requirements of new and expanded programs, including programs like APIA's new St. Paul Health Center which came into operation in fiscal year 2006. This action will require the IHS to correct the gross injustice which it inflicted on the Native Village of St. Paul by requiring the health services budget for the new center to absorb all administrative costs based on APIA's negotiated indirect cost rate. Congress made very clear its intent that such costs should be paid for over and above the sums which would be used by APIA to provide the same services. See 25 U.S.C. § 450 j–1. IHS claims that it is unable to treat APIA fairly in accordance with this statute because Congress has failed to provide appropriations consistent with the wording of the statute. We are left with no alternative therefore but to appeal to you to make it possible for the new health center to provide the level of services which the IHS and Congress intended it to provide when its construction was approved.

We have brought this particular matter to your attention as it is a high priority of our organization and of the Native Village of St. Paul. In addition, we support the testimony of the Alaska Native Health Board on the need to increase funding for health services in Alaska, especially to fully fund contract support.

Thank you.

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PREPARED STATEMENT OF THE ALLIANCE FOR COMMUNITY TREES; AMERICAN FOREST FOUNDATION; AMERICAN FORESTS; AMERICAN NURSERY & LANDSCAPE ASSOCIATION; THE HARDWOOD FEDERATION; MICHIGAN UNITED CONSERVATION CLUBS; NATIONAL ASSOCIATION OF STATE FORESTERS; NATIONAL PLANT BOARD; THE OHIO STATE UNIVERSITY, DEPARTMENT OF ENTOMOLOGY; PURDUE UNIVERSITY, DEPARTMENT OF ENTOMOLOGY; SOCIETY OF AMERICAN FORESTERS; THE NATURE CONSERVANCY; UNION OF CONCERNED SCIENTISTS; AND THE UNIVERSITY OF GEORGIA, CENTER FOR INVASIVE SPECIES & ECOSYSTEM HEALTH

We urge the Subcommittee on Interior, Environment, and Related Agencies to appropriate adequate funding for the USDA Forest Service to manage non-native insects and plant diseases that threaten America's forests. We recommend an fiscal year 2009 appropriation of $123 million for the USDA Forest Service Forest Health Management Program. This level is about $44 million above the administration's request and approximately equivalent to the current level of funding. We appreciate your leadership in past years in securing funding for this vital program at levels significantly above the administration's request.

Our proposed funding level would maintain the program's current level. Under the administration's request, funding for programs vital to protecting America's forests from such highly damaging introduced insects and diseases as the emerald ash borer, sudden oak death, hemlock woolly adelgid would be reduced by two-thirds or more; funding for the Asian long-horned beetle would be eliminated altogether. Funding targeting the Sirex woodwasp and gypsy moth would be reduced by almost two-thirds. The Forest Health Management program also counters other introduced insects that have attracted less attention, but that still cause significant damage to America's forests. These include Laurel wilt, which is killing redbay and sassafras trees in coastal Georgia and South Carolina; and several insects and pathogens on the islands of Hawaii and Guam.

Maintaining current funding levels would also enable the USDA Forest Service to continue vital support for the pest eradication and containment programs carried out by the USDA Animal and Plant Health Inspection Service. Forest Service expertise in the pests' biology and detection and management methodology is crucial to

the success of these programs. Failure to complete eradication of the Asian longhorned beetle will expose to destruction hardwood forests reaching from New England into Minnesota and smaller areas of the West. Particularly threatened are the hardwood timber, maple syrup, and autumn foliage tourism industries of the Northeast, and street trees across the Nation valued at $600 billion.

The threat posed by the emerald ash borer is particularly critical. If its spread from the upper Midwest to the rest of the country is not prevented, it is will cause losses of urban trees worth as much as $60 billion. Losses to the timber industry would be $25 billion in Eastern states. It is vitally important that the Forest Service effort targeting this insect not be reduced.

The USDA Forest Service has the lead responsibility for detecting and responding to any outbreaks of sudden oak death in the hardwood forests of the East. These detection programs must not be halted as the risk of this pathogen being spread by infected nursery plants has not been eliminated. Furthermore, greater vigilance is needed to prevent introductions from Europe or elsewhere of other pathogens threatening to cause similar levels of damage.

Finally, the Forest Health Management Program needs adequate funding to expand its Early Detection project. This program has been responsible for detecting more than a dozen introduced insects, including two which threaten the economically important pine forests of the Southeast: the Sirex woodwasp and Mediterranean pine beetle. Steady or increasing funding is necessary to expand this program to cover all states and to develop and deploy methodologies to detect the highly damaging wood-boring beetles.

We recommend an increase of $3 million above the President's request for the "Invasives R&D" line item within the Forest Service Research program. This would permit maintaining at approximately current levels research aimed at improving detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid, sudden oak death (also called the phytophthora leaf and stem blight pathogen), gypsy moth, and other non-native forest pests and diseases. Funding at our recommended level would also allow expanded research on the Sirex woodwasp, which poses a serious threat to pine resources across the continent.

The agency bearing the principal responsibility for eradicating newly introduced forest pests is not the USDA Forest Service, but rather the USDA Animal and Plant Health Inspection Service (APHIS), an agency under the jurisdiction of the Agriculture Appropriations subcommittee. The USDA Forest Service plays a critical support role by providing both management expertise and critical research. Nevertheless, the subcommittee cannot achieve its goal of protecting the Nation's forests' health as long as funding shortfalls undermine USDA APHIS eradication programs. We encourage the subcommittee to work with the Agriculture Appropriations Subcommittee to find ways to increase funding for forest pest line items in the USDA APHIS Emerging Plant Pest account.

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## PREPARED STATEMENT OF THE ALLIANCE TO SAVE ENERGY

The Alliance to Save Energy ("the Alliance") is a bipartisan, nonprofit coalition of business, government, environmental, and consumer leaders committed to promoting energy efficiency worldwide to achieve a healthier economy, a cleaner environment, and greater energy security. The Alliance, founded in 1977 by Senators Charles Percy and Hubert Humphrey, currently enjoys the leadership of Senator Mark Pryor as Honorary Chairman; Duke Energy President and CEO James E. Rogers is the Co-Chairman; Representatives Ralph Hall, Zach Wamp, Steve Israel, and Ed Markey, and Senators Jeff Bingaman, Susan Collins, Larry Craig and Byron Dorgan serve as Honorary Vice-Chairs. More than 145 companies and organizations support the Alliance as Associates.

The Alliance is submitting this testimony in support of funding for the Energy Star Program within the Climate Protection Division of the Office of Air and Radiation at the United States Environmental Protection Agency. We are requesting that the subcommittee approve funding in the amount of $100 million for the EPA Energy Star Program in fiscal year 2009, for the benefits set forth below.

I am pleased to submit testimony in support of one of the most successful voluntary Federal programs which has achieved a market transformation by enabling consumers to find and purchase energy-efficient products, buildings and services by awarding the well recognized "Energy Star" label. Energy Star is a completely voluntary partnership program which has successfully removed marketplace barriers to existing and emerging technologies, provided information on technology opportunities, generated awareness of energy-efficient products and services, and educated consumers about life-cycle energy and cost-savings. The Energy Star program is

working with companies, States, utilities, and others to deliver energy efficiency into our homes, commercial buildings, and industry The program helps consumers understand the benefits through lower energy bills of paying a modest additional cost for purchasing more efficient, smarter technologies.

Energy Star's voluntary partnership program—which includes Energy Star Buildings, Energy Star Homes, Energy Star Small Businesses, and Energy Star Labeled Products—has made a significant contribution to reducing consumer energy use, however a wide array of important, additional opportunities to use the program to promote energy efficiency remain unfulfilled. Considering the rapidly escalating energy prices and concerns about electricity reliability, natural gas supplies, and air pollution and global warming, it makes little sense to decrease funding for a successful program that makes a significant down payment every year in reducing the carbon footprint.

Increased investment by the Federal Government in the Energy Star Program will translate to increased energy savings. The EPA has estimated that every Federal dollar spent on the Energy Star Program results in an average savings of $75 or more in consumer energy bills, the reduction of about 3.7 tons of carbon dioxide emissions, an investment of $15 in private sector capital and the contribution of over $60 to the economy. That's an impressive return on investment for $1 in Federal spending.

The Alliance to Save Energy has consistently advocated doubling the funding for Energy Star over the next 5 years, to enable the program to label additional products, update its criteria, increase consumer education campaigns, and address energy efficient home improvements nationwide. This year, at a very minimum, we strongly urge you to reject the recommended cut in funding for EPA Energy Star and fund the program at last year's appropriated level. But we strongly urge you to go beyond merely keeping the program level funded.

The Alliance urges the Subcommittee to consider the following program areas where we recommend increased funding:

—Expanded program on energy-inefficient existing homes.
—Expanded energy performance ratings systems to all building types
—Expanded program for medium and small manufacturing and small business;
—Expanded program at the K through 12 level;
—New program for emerging utilities and other energy efficiency program sponsors in energy efficiency program development and implementation
—Expanded outreach to State and local governments
—Exploring new technologies and practices

Specifically, the Alliance to Save Energy recommends that our requested $55 million in increased funding (over the administration-requested funding level of $44.2 million in fiscal year 2009) be directed at the following programs:

—*Expanded program on Nation's energy-inefficient existing homes (beyond products).*—Homeowners can save 10 to 20 percent on their home energy bills—which now average $1,900 a year—with a set of new ENERGY STAR programs that go beyond the labeling of efficient products. [$12.5 million] These include:
  —*Home Performance with ENERGY STAR.*—A whole home retrofit program—that can be offered by a State, utility or other local program sponsor in partnership with EPA—that provides homeowners with trained building professionals, information on the best home improvement projects for their home, and QA/QC on the work performed in their home. This program is being offered in a dozen locations around the country and is providing homeowners with 20 percent savings on average on their home energy bills. Additional funding would bring this program to many more cities and homeowners around the country and help improve the building envelopes (going beyond the products in the home) of millions of post-1950 homes, among others, that were built prior to building codes and other energy efficiency policies.
  —*Quality Installation of Heating and Cooling Equipment.*—EPA and its partners would expand its program to improve the installation and maintenance of heating and cooling equipment, in concert with utilities and other program partners. Many air conditioners are oversized and improperly installed so that consumers receive low efficiency and pay high bills even with a high efficiency unit. Energy demand for air conditioners is a high cost for consumers and drives the need for new power plants. Programs to effectively address installation and maintenance have just been developed and piloted. Additional funding would spread these program models broadly across the country.
—*Expanded Energy Performance Rating Systems for the Nation's Buildings.*—Information on energy use per square foot is powerful in motivating energy efficiency improvements for buildings. EPA has established an energy performance rating system that offers standardized, consistent measurement that applies to

more than 60 percent of U.S. commercial building space, and this system has already been used to assess the energy use of about 10 percent of U.S. building space. Additional funding could expand this system to apply to the vast majority of the Nation's buildings and help EPA partner with States, local governments, builders and other organizations in its use. [$7.5 million]

—*Expanded Focus on Medium and Small Manufacturing and Small Business*.—EPA has developed a sector approach for working with medium-sized manufacturers and an approach for providing assistance to diverse small businesses. These efforts could be greatly expanded. ENERGY STAR could enlist many small businesses as partners in the proper delivery/installation of high efficiency services and products since small businesses constitute about half the economy and consume about half the energy. [$10 million]

—*Outreach to Utilities, States, Local Governments, Elementary and Secondary Education and Other Energy Efficiency Program Sponsors in Program Development and Implementation*.—EPA already partners with hundreds of utilities, States, local governments and other organizations as they run efficiency programs. There is growing interest at the State level in funding organized energy efficiency programs when energy efficiency costs less than new generation. The ENERGY STAR energy efficiency platform can assist these emerging program sponsors in developing programs quickly and based on existing best practices for overall greater effectiveness and cost-effectiveness. There should also be expanded outreach for programs at the K through 12 level of elementary and secondary education. [$10 million]

—*Expanded Outreach to State and Local Governments*.—State and local governments can save significantly through energy efficiency. State and local governments could dramatically enhance attractive investments in energy efficiency through expanded outreach and sharing of best practice policies and programs, including improving the efficiency of water and wastewater treatment facilities, alternative financing approaches, effective school energy efficiency programs, etc. Matching funds for innovative State programs could be established. [$10 million]

—*Exploring new Technologies and Practices*.—Technologies are advancing quickly in many areas and offer new opportunities to improve the efficiency of new homes, buildings, and products. There are large benefits to achieve by increasing EPA's ability to look at emerging technologies and focus earlier in the technology development process on how best to bring them into the ENERGY STAR program and deploy them in the marketplace. [$5 million]

Energy efficiency is the quickest, cheapest, and cleanest way to address the linked issues of energy prices, energy security, air pollution, and global warming. With strong public policies and adequate Federal funding, this resource can be more widely and quickly deployed to help address the critical energy and environmental imperatives the United States faces today. The EPA Energy Star program is a shining example of a voluntary Federal partnership program that works and produces quantifiable benefits for consumers in terms of lower energy bills, and to our beleaguered planet in terms of the promotion of clean technology and products.

The administration's fiscal year 2009 budget fails to provide the funding necessary to match the national imperative to create a sustainable energy future. Once again, we must rely upon the Congress to provide adequate funding for proven initiatives like the EPA Energy Star Program. On behalf of the Alliance to Save Energy, I strongly urge the subcommittee to approve $100 million in funding for the EPA Energy Star Program in fiscal year 2009.

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PREPARED STATEMENT OF THE AMERICAN ASSOCIATION OF PETROLEUM GEOLOGISTS

To the Chair and members of the subcommittee: Thank you for this opportunity to provide testimony on behalf of the American Association of Petroleum Geologists (AAPG) about the importance of the geological programs conducted by the U.S. Geological Survey (USGS).

AAPG, an international geoscience organization, is the world's largest professional geological society representing over 33,000 members. The purpose of AAPG is to advance the science of geology, foster scientific research, promote technology and advance the well-being of its members. With members in 116 countries, more than two-thirds of whom work and reside in the United States, AAPG serves as a voice for the shared interests of energy geologists and geophysicists in our profession worldwide. Included among its members are numerous CEOs, managers, directors, independent/consulting geoscientists, Federal and State regulators, educators, researchers and students.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum geology, play in our society. The USGS is crucial to meeting these societal needs, and several of its programs deserve special attention by the Subcommittee.

GEOLOGIC RESOURCE ASSESSMENTS

*Energy Resources Program*

The USGS Energy Resources Program (ERP) conducts both basic and applied geoscience research focused on geologic energy resources (both domestic and international), including oil, natural gas, coal, coalbed methane, gas hydrates, geothermal, oil shale, and bitumen and heavy oil. ERP also conducts research on the environmental, economic, and human health impacts of the production and use of these resources. This research provides both the public and private sectors with vital information.

An urgent problem that the ERP is currently working on is the preservation of geological and geophysical data. The Energy Policy Act of 2005 (EPACT 2005, Public Law 109–58) includes section 351 Preservation of Geological and Geophysical Data. This program is designed to preserve geological, geophysical data, and engineering data, maps, well logs, and samples. It further envisages creating a national catalog of this archival material, and providing technical and financial assistance related to the archival material. As the act stipulated, the USGS has developed a plan to conduct this program, and is ready to go. It awaits sufficient appropriated funds to achieve the goals and objectives set forth in EPACT 2005.

Why is preservation important? Responsible management and efficient development of natural resources requires access to the best available scientific information. Over many years industry, such as petroleum and mining companies, has invested billions of dollars to acquire geological and geophysical data. Because of changing company focus and economic conditions this data may no longer have value to the company that acquired it, and is in jeopardy of being discarded.

But this data still has value to society. The data is valuable for further natural resources exploration and development, and can be applied to basic and applied earth systems research, environmental remediation, and natural-hazard mitigation. It is the type of data that will enable future generations of scientists and policy makers to address the Nation's energy, environmental, and natural-hazard challenges of the 21st century.

The EPACT 2005 section 351 program was authorized at $30 million from fiscal year 2006 through fiscal year 2010. The fiscal year 2008 allocation for this program is $1 million, just over 3 percent of authorized levels. Funding for previous fiscal years was even lower. These funding levels are insufficient to achieve this program's objectives.

AAPG urges the subcommittee to fund existing Energy Resources Program activities at a minimum level of $26.6 million as the Administration requested, and to additionally appropriate $30 million authorized by EPACT 2005 for the preservation of geological and geophysical data, bringing the total Energy Resource Program budget to at least $56.6 million.

*Mineral Resources Program*

The USGS Mineral Resources Program (MRP) is the only Federal source for comprehensive information and analysis of mineral commodities and mineral materials. The United States is the world's largest consumer of mineral commodities, and processed materials of mineral origin accounted for over $575 billion of the U.S. economy in 2007.

It is therefore essential to this Nation's economic and national security that the Federal Government understands both the domestic and international supply and demand for minerals and mineral materials. This data is used throughout government (Departments of Commerce, Interior, Defense, and State; the Central Intelligence Agency; the Federal Reserve) and the private sector. There is no other source for this data and information.

Yet, the President's fiscal year 2009 budget request calls for a $24.5 million cut in the MRP budget, reducing it by nearly 50 percent. The impact of such a dramatic reduction would be the elimination of 210 of the 334 currently occupied scientific and technical positions in the program. At a time when we are seeing dramatic growth in demand for mineral commodities, such action is unwise.

AAPG urges the Subcommittee to reject the Administration's proposed funding cut and appropriate funds for the Mineral Resources Program at fiscal year 2005 appropriated levels of $54 million.

GEOLOGIC LANDSCAPE & COASTAL ASSESSMENTS

*National Cooperative Geologic Mapping Program*

AAPG supports the National Cooperative Geologic Mapping Program (NCGMP). This unique partnership between the Federal and State governments and the university community further demonstrates of the importance of geoscience to society. The geologic maps produced by this program are used for natural resource management, natural hazard mitigation, water resource management, environmental conservation and remediation, and land-use planning.

NCGMP deserves special commendation for its EDMAP initiative. This university partnership enables students, working in a close mentoring relationship with faculty, to produce maps while learning essential mapping skills. As such, the program delivers an immediate return on the Federal investment in terms of beneficial maps, as well as a future return in the form of a trained and competent next generation workforce.

AAPG supports the President's fiscal year 2009 request for $27.4 million for the National Cooperative Geologic Mapping Program, and urges the Subcommittee to consider further increases to this program.

Thank you for the opportunity to present this testimony to the Subcommittee. And thank you for your leadership and support for the geosciences. As you deliberate appropriate funding levels for these USGS programs, please consider the important public policy implications these choices entail.

If you would like additional information for the record, please contact me at AAPG's Geoscience and Energy Office—Washington, D.C. at 202–684–8225, fax 703–379–7563, or 4220 King Street, Alexandria, VA 22302.

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PREPARED STATEMENT OF THE AMERICAN FOREST & PAPER ASSOCIATION

On behalf of the American Forest & Paper Association (AF&PA), I am pleased to submit the following testimony regarding the fiscal year 2009 Forest Service budget. AF&PA is the national trade association of the forest products industry, representing forest landowners, pulp, paper, paperboard, and wood products manufacturers. Our companies are in the business of producing products essential for everyday life from renewable & recyclable resources that sustain the environment.

The forest products industry accounts for approximately 6 percent of the total U.S. manufacturing output and employs more than a million people with an estimated annual payroll exceeding $50 billion. The management of the National Forests, key research programs, and programs which promote the management of the Nation's private forests are vital to the sustainability of our Nation's forests. The forest products industry is vitally interested in ensuring that these programs are funded at levels that reflect the high priority that forests should have as this nation grapples with challenges like climate change, mounting wildfire suppression costs, and major economic concerns facing the wood products sector. We recommend the following priorities as you build a budget for fiscal year 2009:

FIX THE FIRE FUNDING PROBLEM

We believe firmly that a sound forest management program for the National Forests should be the foundation of the Forest Service budget. In order to achieve this, Congress must find a better way to fund fire suppression costs. We are encouraged by efforts in the House to establish an "emergency" account that can be managed separately from the rest of the Forest Service budget, and urge the Senate to take similar action. Without that separation, it is extremely unlikely that the agency will be able to meaningfully implement a forest management program that restores forest health, prevents emissions of significant amounts of greenhouse gases, and maintains a strong forest products infrastructure.

The USDA Forest Service is in serious danger of becoming the National Fire Service. While firefighting is an important part of the agency's history and core mission, the way it is currently funded causes severe disruption in the delivery of every resource management program. Fire transfers have resulted in the diversion of over $2.2 billion between 1999 and 2003, with over $450 million of that amount never repaid. The Knutson-Vandenberg (K–V) fund lost over $2.3 billion since the mid-1980s, with over $150 million transferred from K–V in fiscal year 2006 and not repaid.

Fire suppression costs now make up almost half of the discretionary budget for the Forest Service, and many other important programs are suffering as a result. We look forward to working with you to enact changes in funding large fire costs in a manner which does not raid important land management programs. Cost con-

tainment measures taken by the agency, while critical and needed, are clearly not enough to achieve this goal.

INCREASE FUNDING FOR THE FOREST PRODUCTS PROGRAM AND BEGIN RESTORING DEPLETED TRUST FUNDS

AF&PA views active forest management as vital to reducing hazardous fuel loads and preventing long-term forest health and wildfire disasters. Fuels reduction programs are much more effective and cost-efficient over the long term when there is a strong forest products industry presence. An integrated program that at once addresses fuels reduction and stand resilience to disturbance while providing a reliable and sustainable supply of wood and fiber is critical to sustaining current industry infrastructure. We therefore suggest that at least a 5 percent ($16 million) increase over the fiscal year 2008 enacted level in the forest products line item is needed to implement an integrated and sustainable program as called for in forest plans in all regions of the country.

The volume of fiber sold through timber sales is well below sustainable harvest levels, and is insufficient both ecologically and economically. With Forest Service data indicating that growth exceeds harvest five-fold, the lack of active management is exacerbating the already dire situation regarding wildfire threats and insect and disease epidemics. Economically, diminished industry infrastructure hampers the ability of the agency to conduct needed work. While several budget line items contribute to the agency's ability to conduct active management, the forest products line item is the most significant. Sufficient funding for this program would help return the Forest Service to a "forest management" agency, not a "fire service" agency.

We appreciate the language that was included in the current fiscal year's appropriations omnibus that placed a high priority on regional capability in the distribution of forest products funding, and would encourage similar language in this year's spending bill. We also value this committee's past attention to accountability within the Forest Service, and encourage similar language this year directing the agency towards greater efficiencies and adherence to performance standards.

The Forest Service is currently facing significant depletion of its trust funds, such as K–V and the Salvage Sale fund. This depletion, as well as the agency's growing reforestation backlog, is the direct result of wildfires. Reforestation following timber harvest is paid for out of receipts from the timber sold. Wildfires, however, create immediate reforestation needs and no source of funds to pay for them. Over 1 million acres are in need of reforestation because of this. Congress can take some initial steps to implement important reforestation, rehabilitation, and habitat work by repaying the $159 million in K–V funds that were transferred for fire borrowing.

The administration proposes continued reductions in Washington Office and Regional Office administrative expenses. We urge the committee to hold the agency accountable for these cuts, which have been promised in prior years but have, to our knowledge, not materialized. Currently, fully 30 percent of forest products funds are not reaching the field. If the agency is directed to reduce 25 percent of the fiscal year 2009 forest products Washington Office and Regional Office funds, this frees up $30 million for program implementation at the field level.

We are also extremely concerned about the language included in the Forest Service's budget justification regarding timber markets. The Forest Service must not base projected accomplishments on the volatile market for lumber, but instead must focus on forest health and sound management of its forest lands, and be aware that failure to deliver a forest health timber sale program will lead to further mill closures. Ultimately, the agency will find itself faced with fewer customers and higher costs for land management when the industry infrastructure contracts even further. The Congress should direct the agency to maximize program outputs given the available budget, while integrating hazardous fuels reduction more fully into the program.

INTEGRATE HAZARDOUS FUELS REDUCTION WITH OTHER LAND MANAGEMENT GOALS

The hazardous fuels reduction program is a critical component to restoring forest health on federal lands. We therefore support a 15 percent increase ($45 million) over the fiscal year 2008 enacted level to the hazardous fuels reduction budget. Where hazardous fuels reduction is the primary goal of land management efforts, the Forest Service must have the flexibility to use hazardous fuels funds to complete projects, including those requiring timber sales to meet management objectives. The forest products industry can play a key role in reducing hazardous fuels from federal lands. The costs of mechanical hazardous fuels reduction are frequently significantly lower in regions with a substantial forest products industry presence. The agency must take advantage of these synergies.

It is also critically important that the agency move away from using "acres treated" as the sole metric of accomplishment in the hazardous fuels reduction program. Continued focus on this measure incentivizes the agency to treat low priority acres repeatedly, and discourages them from treating higher priority forested acres in condition class 3. More aggressive pursuit of mechanical treatments, including greater use of Healthy Forest Restoration Act authorities, will result in treatments that produce usable wood fiber and longer-lasting and more meaningful positive impacts on the long-term fire problem.

MAINTAIN PROGRAMS TO PROTECT PRIVATE FORESTS:

We are concerned about the proposed reductions for key programs such as Cooperative Forest Health, Cooperative Fire Assistance, Forest Legacy Roads, Forest Stewardship, and Forest Legacy. We understand the budgetary pressures that produced the President's budget proposal, but we cannot support these reductions. With ongoing droughts, invasive species infestations, and significant forest health problems in many corners of the country, these cuts leave valuable private forest resources vulnerable to damage from pests or fires that do not respect boundary lines between public and private lands. Similarly, deteriorating roads in upper watersheds on national forest land will ultimately deposit the problem on downstream private lands and streams unless corrective actions are funded and applied to all affected areas.

We urge you to provide funding for these important programs at the current level of spending, which represents a minimum need to ensure the health of these productive timberlands. Private timberlands provide the bulk of the Nation's wood fiber supply, while also sequestering huge amounts of carbon from the atmosphere, providing millions of acres of wildlife habitat, and supplying clean drinking water for millions of Americans. These programs protect these resources from threats that are beyond the capability of small landowners to effectively combat.

FUND CRITICAL RESEARCH ON FORESTS, FOREST PRODUCTS

Targeted research and data collection is needed to support forest productivity, forest health, and economic utilization of fiber. Increased funding for the Research and Development budget area is needed in order to allow the agency to focus on several critical priorities. The Forest Inventory and Analysis (FIA) program is the backbone of our knowledge about the nation's forests, and is a critical tool that allows us to assess their sustainability and health. We are concerned about the reduced budget proposed in the President's request and urge you to provide funding at the fiscal year 2008 enacted level. This level is needed to allow the Forest Service to cover 100 percent of U.S. forest lands and expedite data availability and analysis.

We also recommend increased funding within the Forest Service R&D program in support of the Agenda 2020 Technology Alliance. Working in partnership with universities and the private sector, Forest Service funding for the Agenda 2020 program supports research to develop and deploy wood production systems that are ecologically sustainable, socially acceptable, and economically viable, in order to enhance forest conservation and the global competitiveness of forest product manufacturing and biorefinery operations in the United States. Finally, we encourage greater support for research on forest products and utilization at the Forest Products Lab and Research Stations. Innovative wood and fiber utilization research, including nanotechnology research, contributes to conservation and productivity of the forest resource. The development of new forest products and important research on the efficient use of wood fiber directly address the forest health problem through exploration of small diameter wood use and bioenergy production.

CONCLUSION

Congress must use this year's Forest Service budget as an opportunity to create a clear division between fire suppression funding and critical natural resource management programs. Congress has recognized that catastrophic wildfires are a land management problem, but now the next step must be taken. Programs such as hazardous fuels reduction and timber management must be protected from raids to pay for catastrophic fires. Forest management that reduces fuel loads and improves condition class must be a top priority. Forest products programs must focus on managing for forest health, not just in fire prone forests but in other forest types that benefit from periodic harvest. Thank you for the opportunity to provide input on the fiscal year 2009 Forest Service budget.

PREPARED STATEMENT OF THE AMERICAN GEOLOGICAL INSTITUTE

Thank you for this opportunity to provide the American Geological Institute's perspective on fiscal year 2009 appropriations for geoscience programs within the subcommittee's jurisdiction. We ask the subcommittee to support conservative and fiscally responsible increases relative to proposed cuts by the administration for the United States Geological Survey (USGS), and the National Park Service within the Department of the Interior (DOI). The President's request for fiscal year 2009 for DOI is $10.7 billion, which is almost the same as the enacted budget of $10.675 billion in fiscal year 2003. Unfortunately, DOI continues to suffer from flat to decreasing funding over too many years and cannot sustain vital work to understand and manage natural resources without wise investments now.

If the President's request were enacted, the USGS would receive a total budget of about $969 million, a nearly 4 percent decrease compared to last year's funding. Regrettably, the request proposes significant cuts to mineral resources, water programs and hazards investigations. The Mineral Resources Program would be cut by more than $24 million, Earthquake Hazards would be cut by $5 million and water programs would be cut by more than $17 million. If enacted, these reductions would hamper the Survey's ability to carry out its important objectives to monitor environmental conditions and provide resource assessments for economic development and national security. Specifically, we ask the subcommittee to restore funds to the Mineral Resources Program as well as several hazards and water programs and to support a $1.3 billion overall budget for USGS. Such a moderate budget increase of almost $300 million would allow essential, but consistently under funded, programs throughout the agency to fulfill their basic mission. Such a request is robustly supported by the 70 organizations of the USGS Coalition as well as other stakeholders. AGI is a charter member of the USGS Coalition.

We also seek support for fiscally responsible increases relative to proposed cuts for water programs at the Environmental Protection Agency (EPA) and research at the Smithsonian Institution as well as support for the Geologic Resources Division of the National Park Service. For the Environmental Protection Agency (EPA), the proposed fiscal year 2009 is $7.1 billion, continuing a steady decline from a budget of $8.4 billion in fiscal year 2004. The budget would cut more than $318 million for the clean water programs, brownfields programs, healthy ecosystems and watershed grants. The proposed budget would also cut more than $11 million from the Smithsonian Institution's budget for public programs, exhibitions and research.

AGI is a nonprofit federation of 44 geoscientific and professional associations that represent more than 100,000 geologists, geophysicists, and other earth scientists who work in industry, academia and government. The institute serves as a voice for shared interests in our profession, plays a major role in strengthening geoscience education, and strives to increase public awareness of the vital role that the geosciences play in society's use of resources and interaction with the environment.

U.S. GEOLOGICAL SURVEY

For the sixth year in a row, the USGS faces cuts in the administration's request. AGI thanks the subcommittee for its record of restoring critical funds and recognizing the Survey's essential value to the nation. The USGS is a critical Federal science agency and it should receive increased funding like the proposed increases in the America COMPETES Act for the National Science Foundation and the Office of Science within the Department of Energy. The USGS performs complementary research, analysis and education and should be part of competitiveness initiatives to advance innovation in energy, climate change, water resources and hazards mitigation, assess natural resource needs, which are the foundation of a strong economy, and ensure American competitiveness in science and technology through basic geologic and geographic research.

Virtually every American citizen and every Federal, State, and local agency benefits either directly or indirectly from USGS products and services. As was made clear by the National Research Council report Future Roles and Opportunities for the U.S. Geological Survey, the USGS's value to the nation goes well beyond the Department of the Interior's stewardship mission for public lands. USGS information and expertise address a wide range of important problems facing this Nation: earthquakes and floods, global environmental change, water availability, waste disposal, and availability of energy and mineral resources. At the same time, the Survey has a responsibility to provide scientific support for its sister land management agencies at Interior; an important mission that needs to be well executed if land management decisions are to be made with the best available scientific information. AGI asks the subcommittee to continue its efforts to help the administration better understand the Survey's value to the nation as a whole.

*Mineral Resources Program.*—The value of domestically processed nonfuel mineral resources is estimated to be about $542 billion in 2006 and growing. The USGS Mineral Resources Program is the only entity, public or private, that provides an analysis and assessment of the raw materials and processed minerals accessible from domestic and global markets. This highly regarded research program is the nation's premier credible source for regional, national and global mineral resource and mineral environmental assessments, statistics and research critical for sound economic, mineral-supply, land-use and environmental analysis, planning and decision-making. AGI urges the subcommittee to reject the Administration's requested cuts to this program and to fund it at the fiscal year 2005 appropriated level of $54 million. The huge cut, leaving the program with less than $30 million in fiscal year 2009 would decimate the program. It would cost about 200 of 380 full time positions and would eliminate or reduce global mineral resource assessments of mineral commodities, research on industrial minerals, research on inorganic toxins, materials flow analyses, and the Minerals Resources External Research program.

The data and analyses of the MRP are used by the Department of the Interior, Department of Defense, the Central Intelligence Agency, the Department of State, the Federal Reserve, other Federal, State and local government entities, foreign governments, private companies and the general public. We urge the subcommittee to restore the Mineral Resources Program to its fiscal year 2005 level of $54 million so that it may perform its core missions effectively and efficiently.

*National Cooperative Geologic Mapping Program.*—AGI is encouraged by the administration's continued requests for small annual increases for the National Cooperative Geologic Mapping Program and values Congress' past support for much larger increases. This important partnership between the USGS, State geological surveys, and universities provides the Nation with fundamental data for addressing natural hazard mitigation, water resource management, environmental remediation, land-use planning, and raw material resource development. The program was authorized (Public Law 106–148) to grow from a starting level of $28 million in fiscal year 1999 to $64 million in fiscal year 2005, but did not receive even 10 percent of the annual funding level in any given year. AGI strongly supports re-authorization of the National Cooperative Geologic Mapping Program at $64 million per year over the next 5 years.

*Natural Hazards.*—A key role for the USGS is providing the research, monitoring, and assessment that are critically needed to better prepare for and respond to natural hazards. The tragic earthquake/tsunami in the Indian Ocean, hurricanes Katrina and Rita striking the gulf coast and the massive earthquake in Pakistan, remind us of the need for preparation, education, mitigation and rapid response to natural hazards. A 2006 National Academies report, Improved Seismic Monitoring, estimates that increased seismic monitoring leads to increased future savings from the damaging effects of potential earthquakes. With great forethought, the Earthquake Hazards Reduction Authorization Act of 2000 (Public Law 106–503) called for a significant federal investment in expansion and modernization of existing seismic networks and for the development of the Advanced National Seismic System (ANSS)—a nationwide network of shaking measurement systems focused on urban areas. ANSS can provide real-time earthquake information to emergency responders as well as building and ground shaking data for engineers and scientists seeking to understand earthquake processes and mitigate damage. ANSS has been allocated about 10 percent of its authorized funding level per year, which is not nearly enough to deploy the 7,000 instruments called for in the law.

We would like to commend the subcommittee for your leadership in securing previous increases for ANSS and ask for full funding in fiscal year 2009. The National Earthquake Hazards Reduction Program (NEHRP) was reauthorized in 2004 (Public Law 108–360) and AGI supports the appropriation of full funding of $88.9 million for the USGS component of NEHRP in fiscal year 2009 with not less than $36 million of these funds for the continued development of ANSS.

*Water Programs.*—AGI applauds the proposed increases for a National Water Census to be conducted by the USGS as part of the Water for America Initiative. Increases for the National Streamflow Information and Ground-Water Resources programs as part of the census and to meet core mission objectives is excellent. We do request that the proposed termination of the State Water Resources Research projects and cuts to the National Water Quality Assessment (NAWQA) and the Hydrologic Research and Development programs be opposed by the Subcommittee. In particular, the NAWQA program has for more than a decade provided the Nation with critical information on status and trends in surface and ground water quality. Such information has been extremely valuable to policymakers at local, state and national levels in areas such as identifying emerging contaminants, the effectiveness of policies and regulations, and the impact of land-use changes on water quality. We

also support the restoration of funding to water research programs conducted by State Water Resource Research Institutes and within the USGS. Research is critical to expanding the knowledge base to improve the design and implementation of assessment programs like NAWQA, to build the next generation of world-class water scientists, and to ensure that the Nation is conducting insightful and effective water monitoring.

ENVIRONMENTAL PROTECTION AGENCY

The President's budget proposal would cut more than $274 million from the Clean and Safe Water Goal and more than $36 million from the Healthy Communities and Ecosystems Goal at the Environmental Protection Agency. AGI opposes these proposed cuts and instead asks for modest increases for these programs to deal with rising costs and help the EPA carry out its mission of monitoring water quality, assuring safe drinking water, cleaning up contaminated waters, protecting and maintaining water infrastructure, monitoring and protecting watersheds and cleaning up superfund and brownfield sites.

SMITHSONIAN INSTITUTION

The Smithsonian's National Museum of Natural History plays a dual role in communicating the excitement of the geosciences and enhancing knowledge through research and preservation of geoscience collections. AGI asks the subcommittee to build up Smithsonian research with steady increases that are a tiny fraction of the overall budget, but would dramatically improve the facilities and their benefit to the country. We support increased funding for Smithsonian research in fiscal year 2009 and request that proposed cuts of more than $11 million (with a loss of more than 100 full time employees) for research, public programs and exhibitions be removed from consideration.

NATIONAL PARK SERVICE

The national parks are very important to the geoscience community as unique national treasures that showcase the geologic splendor of our country and offer unparalleled opportunities for both research and education of our fellow citizens. The National Park Services' Geologic Resources Division was established in 1995 to provide park managers with geologic expertise. Working in conjunction with USGS and other partners, the division helps ensure that geoscientists are becoming part of an integrated approach to science-based resource management in parks. AGI would like to see additional support for geological staff positions to adequately address the treasured geologic resources in the national parks, especially as the National Parks approach their 100th anniversary. AGI supports funding for the National Parks Centennial Initiative, but is disappointed by the overall decrease of about 2 percent for the National Park Service in the President's request. The Service needs steady increases in order to keep pace with rising costs, to hire new staff and to carry out their core missions.

Thank you for the opportunity to present this testimony to the subcommittee.

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PREPARED STATEMENT OF THE AMERICAN HIKING SOCIETY

American Hiking Society fiscal year 2009 trail and recreation funding recommendations include:

USDA Forest Service (FS):

—Recreation Management, Heritage and Wilderness: minimum of $285 million

—Capital Improvement and Maintenance—Trails: minimum of $85 million, including $10.345 million for National Scenic and Historic Trails

—Legacy Roads and Trails Remediation Program: $75 million

National Park Service (NPS):

—Rivers, Trails and Conservation Assistance program: $12 million

—National Trails System (NTS), Operations: $14.546 million; NTS Construction: $2.095 million; NTS Feasibility Studies and Planning: $1.061 million; NTS GIS: $1.253 million; NTS Challenge Cost Share: $1.5 million

Bureau of Land Management (BLM):

—National Landscape Conservation System: $70 million

—National Trails System: $6.0 Million to a new subactivity, or, failing that, distributed amongst Recreation Management 1220, Cultural Resources 1050, Annual Maintenance 1652, and Challenge Cost Share 1770 Subactivities

—Recreation Management: $70 million, including Travel and Transportation Management: $15 million; Field Staff for Trail Maintenance: $5 million; Public Outreach, Information Management, and Education: $1 million

U.S. Fish & Wildlife Service:

—National Wildlife Refuge System: $514 million

Land and Water Conservation Fund (LWCF):

—Stateside LWCF (NPS): $125 million

—Federal LWCF: $220 million, including National Scenic and Historic Trails as follows: Appalachian NST: $10.645 million (FS), 4.275 million (NPS); Ice Age NST: $4.75 million (NPS); Florida NST: $7 million (FS); Nez Perce NHT (BLM): $2 million; North Country NST: $2 million (NPS), $8.25 million (FS); Oregon NHT (BLM): $5 million; Overmountain Victory NHT: $1 million (FS); Pacific Crest NST: $16.25 million (FS)

Madam Chairwoman and members of the Subcommittee, American Hiking Society is the only national nonprofit organization that promotes and protects foot trails and the hiking experience. We represent thousands of individual members, more than 285 member organizations, and speak for the 75 million Americans who hike. Our nation's trails provide unparalleled opportunities for hiking, enjoyment and appreciation of natural and cultural resources, healthy physical activities, and economic development for local communities. Hiking can also motivate people to protect the places they love and preserve them for posterity. We greatly appreciate the Subcommittee's past support for trails and recreation and urge you to support strong funding in fiscal year 2009 that will keep our trails open, safe, and enjoyable today and for future generations. Despite the growing importance of recreation and our treasured lands and waters to the American people, the federal investment for trails, recreation, and land conservation has not increased accordingly. This lag has resulted in high maintenance backlogs, deteriorating infrastructure, loss of open space, and negative impacts to resources. In order for Americans to enjoy the outdoors, experience our rich natural heritage, and find healthy places to recreate, we need well-maintained trails and protected open spaces. We recommend the following appropriations to protect resources and ensure high-quality recreational experiences for future generations:

*USDA Forest Service, Recreation Management, Heritage and Wilderness: minimum of $285 million*

Although recreation makes up the greatest use of National Forest System lands, recreation remains severely underfunded and understaffed. Facilities deteriorate faster than upgrades and maintenance can be accomplished, and the dire shortage of recreation staff on-the-ground means obligatory agency functions—resource protection, provision of information and assistance to visitors, enforcement of laws and regulations, and performance of routine maintenance—often go unfulfilled or unsatisfactorily accomplished. Funding is also required for travel management planning for completion of motorized road and trail designations by 2010 in accordance with the 2005 travel management rule.

The President's fiscal year 2009 proposed funding level, excluding any cost of living increases or inflationary pressures, would result in a RMHW program reduction of $25.6 million and 296 FTEs from fiscal year 2008. The Forest Service requires increased funding for recreation management and wilderness to protect critical resources; upgrade recreation facilities; reduce the $200+ million deferred maintenance backlog; augment on-the-ground recreation and wilderness staff; improve recreation resource analyses and planning; and more effectively utilize partnerships and volunteers. We urge the subcommittee to prioritize Forest Service funding and ask for your continued strong support of the world-class recreation heritage of our National Forest System.

*Forest Service, Capital Improvement and Maintenance—Trails: minimum of $85 million*

The Forest Service manages 140,000 miles of trails. Visitor safety, protection of natural resources, provision of public access, and supporting economic growth all depend on a greater commitment of funds to trails. The Forest Service requires increased funding to restore, maintain, and improve its thousands of trail miles; reduce the $224 million deferred maintenance backlog; prevent and mitigate resource impacts; and provide safe, high-quality recreational experiences for millions of hikers and other trail enthusiasts. The President's fiscal year 2009 proposed funding level, excluding any cost of living increases or inflationary pressures, would result in a program reduction of $26.3 million (34 percent decrease) and 249 FTEs from fiscal year 2008. American Hiking is a member of the Partnership for the National Trails System (PNTS) and endorses the specific funding requests for the individual

national scenic and historic trails submitted by the PNTS totaling $5.49 million for operations and $4.855 for construction. 2008 marks the 40th Anniversary of the National Trails System Act, and we urge your continued strong support for these national treasures as we embark on the Decade for National Trails leading up to the 50th Anniversary in 2018.

*National Park Service*

American Hiking supports increased funding for national park operations, as included in the administration's fiscal year 2009 request of $2.132 billion and also strongly urges increased funding for key NPS recreation and conservation programs including the Rivers, Trails and Conservation Assistance program and national scenic and historic trails.

*NPS, Rivers, Trails, and Conservation Assistance program (RTCA).—$12 million*

The RTCA program implements the natural resource conservation and outdoor recreation mission of the NPS. Through technical assistance and partnerships, RTCA helps communities and agencies across America restore rivers and habitat, develop trail networks, preserve open space, and revitalize communities—all contributing to improved quality of life and close-to-home recreation. RTCA is a highly successful program, but its funding has remained relatively flat during the last decade and lagged well behind the rate of inflation, resulting in significant cuts to staff and reduced participation in on-the-ground projects. Current demand greatly exceeds the program's capacity. The administration fiscal year 2009 request calls for a $492,000 decrease, which would be a devastating hit to this small, yet extremely worthy, results-oriented NPS program. RTCA requires at least a $12 million appropriation to remedy the program's continued erosion, compensate for losses due to inflation, and enable the program to respond to growing needs and opportunities in communities and with national parks throughout the country.

*NPS, National Trails System (NTS): Operations: $14.546 million; Construction $2.095 million*

For most of the twenty national scenic and historic trails administered by the NPS, barely one-half of their congressionally authorized length and resources are protected and available for public use. At least $14.546 million for operations is needed in fiscal year 2009 for resource protection, trail maintenance, interpretation, and volunteer coordination and support. We endorse the individual requests for national scenic and historic trails submitted by the PNTS for administration and construction for the NPS-administered trails.

*Bureau of Land Management (BLM), National Landscape Conservation System: $70 million*

We request at least $70 million for the National Landscape Conservation System in fiscal year 2009—a modest increase over historic funding levels, accounting for the growth of the System, increased visitation, inflation and uncontrollable costs. We urge Congress to allocate at least $6 million of this total NLCS increase, a permanent base increase of $3.456 million over the permanent base shown in the President's request, to accomplish the objectives of BLM's National Trails Plan and provide for the continuing maintenance and operation of the BLM's National Trails.

This funding should be permanently established in a new National Scenic and Historic Trails Subactivity account, without which BLM cannot plan for, achieve, or report upon objectives related to national trails. If this new subactivity is not created, the equivalent increase could be applied to the Recreation Management 1220, Cultural Resources 1050, Annual Maintenance 1652, and Challenge Cost Share 1770 Subactivities for use specifically related to BLM's national trails. Generally, we urge the NLCS office to prioritize Recreation Management Subactivity funding to fund planning, establishment, and maintenance of hiking trails on-the- ground throughout the Conservation System.

*BLM, Recreation Management.—$70 million*

The BLM manages 261 million acres of lands in the fastest growing states in America, with use in some areas increasing by 300 percent. Unfortunately, BLM receives barely sustainable funding to provide the rapidly increasing number of visitors safe and convenient access to the public land recreation resources they demand. Our request focuses on several areas of greatest need:

*Travel and Transportation Management: $15 million.*—BLM is committed to travel management planning for its hundreds of thousands of miles of primitive roads and trails, a process crucial to ensuring that recreational trails are sustainable and safe. Additionally, adequate signage and maps are frequently unavailable on BLM trails, precluding safe access for many user groups.

*Field Staff for Trail Operations: $5 million*.—Ninety percent of BLM recreation staff is primarily office-based, with little opportunity to directly maintain and protect trails. As a result, many BLM areas have few publicly available trails, and users face increasing threats from migrant traffic, methamphetamine manufacture, and poorly maintained and unmarked trails. Increased funding in this area would enable BLM to hire and train law enforcement and recreation technician staff to complete needed inventory, repair, and maintenance functions.

*Public Outreach, Information Management, and Education: $1 million*.—BLM is far behind the other land management agencies in informing the public about the recreational resources available on its lands. Many BLM field offices are unable to provide accurate information about trail resources, and many of the BLM recreation websites are nonfunctional. Increased funding is crucial to give BLM basic abilities to communicate recreational opportunities to the public."

*U.S. Fish & Wildlife Service, National Wildlife Refuge System: $514 million*

The National Wildlife Refuge System protects myriad species and critical habitat and provides recreational opportunities on approximately 2,500 miles of land and water trails for nearly 40 million visitors annually. The operations and maintenance backlog for the system totals more than $3 billion, and approximately 200 refuges do not have any staff. Without adequate staff, important management activities such as trail maintenance, habitat restoration, and educational programs will be diminished or eliminated. A minimum increase of $15 million is necessary to prevent "no net loss" for the system, meet cost of living increases and inflationary pressures, and keep refuges from cutting public use programs.

*Land and Water Conservation Fund (LWCF): $125 million Stateside; $220 million Federal*

The LWCF provides and protects hiking opportunities nationwide through federal land acquisition and State recreation grants. More than 40,000 LWCF projects have been completed in virtually every county across America. Authorized at $900 million annually, the fiscal year 2009 administration request represents one of the lowest proposed funding levels in the program's history. LWCF is critical to the future protection of our public lands, national trails, and provision of close-to-home recreation opportunities. We strongly oppose the administration's recommendation to zero out the stateside LWCF program.

CONCLUSION

American Hiking is dedicated to building, maintaining and protecting hiking trails and their natural corridors so that current and future generations can experience the many joys and benefits of hiking and are inspired to protect this legacy. Through our Volunteer Vacations and National Trails Day® programs, we engage thousands of volunteers in trail projects every year. Volunteerism is essential to trails and recreation; however, volunteerism on public lands must not be perceived as a panacea to declining agency budgets. We greatly appreciate the Subcommittee's past support for trails and recreation and look forward to continued strong support. Thank you for the opportunity to testify and for considering our requests.

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## PREPARED STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

REQUEST SUMMARY

On behalf of the Nation's Tribal Colleges and Universities (TCUs), which comprise the American Indian Higher Education Consortium (AIHEC), thank you for this opportunity to present our fiscal year 2009 Appropriations recommendations for the 26 colleges funded under the Tribally Controlled College or University Assistance Act (Tribal College Act), our two tribally controlled postsecondary career and technical institutions, the two Bureau of Indian Education postsecondary institutions, and the Institute of American Indian Arts. The U.S. Department of the Interior, Bureau of Indian Education, administers these programs, save for the Institute of American Indian Arts, which is funded directly by the Interior Department. In fiscal year 2009, TCUs seek $70.7 million to fund all of the programs under the Tribal College Act; and a total of $7.0 million for our two tribally controlled postsecondary career and technical institutions.

Under the Tribal College Act, we seek $68.1 million for institutional operations grants; of which, $50.4 million would be for Title I grants (funding 25 TCUs) and $17.7 to fund Title II (Diné College). This request is an increase of $6.2 million for Title I grants and a $5.8 million increase for Diné College over fiscal year 2008 levels and a total of $12.1 million over the President's fiscal year 2009 budget request

for institutional operations funding. Additionally, we seek funding for the technical assistance contract authorized under the Act [25 USC 1805] at the same amount as available in both fiscal year 2008 and the President's fiscal year 2009 budget and $2.0 million to help establish and fund endowments under Title III of the act.

Tribal Colleges ask that Congress reject the administration's latest recommendation to eliminate Department of the Interior funding for United Tribes Technical College and Navajo Technical College and to appropriate funds at $4.5 million and $2.5 million, respectively. AIHEC's membership also includes three other TCUs funded under separate authorities within Interior Appropriations, namely: Haskell Indian Nations University; Southwestern Indian Polytechnic Institute; and the Institute of American Indian Arts. AIHEC supports the independently submitted requests for funding the institutional operations budgets of these institutions.

Forward Funding of Institutional Operations Grants: For the past several years, basic institutional operations funding has not been available to the TCUs until well after October 1 of the relevant fiscal year.

—In fiscal year 2006, despite the early August enactment of the Interior spending bill, almost 2 months prior to the start of the fiscal year, funds were not distributed to the TCUs until late November, 2 months into the new fiscal year—3 months into the school year.

—In fiscal year 2007, due to the protracted appropriations process, TCUs did not receive operating funds until mid-March; 5 months into the fiscal year and 6 months after the academic year began.

—This year (fiscal year 2008), TCUs did not gain access to their initial partial payment, made in order under the first continuing resolution, until December 13—a month into the second continuing resolution. TCUs were 2 months into the new fiscal year, and 3 months into the academic year, and unable to access even a partial payment toward their basic day-to-day operating budgets.

Securing a one-time payment of $60 million to transition to a forward funded program for TCU institutional operations would correct this unfortunate cycle of delayed payments, expensive short-term loans, and lay-offs that perennially plague TCUs and—for the first time—would give these institutions the resources they need at the start of each academic year. Forward funding is authorized under the Tribal College Act and is consistent with the existing funding practices of other Indian education operating accounts within the Department of the Interior. Recognizing the fiscal constraints that this Congress is laboring under, TCUs recommend an incremental approach aimed at securing the funds necessary to transition the TCU grants program to forward funding over the next 3 years. We request an additional $20 million be appropriated each year for the next 3 fiscal years (2009–2011), resulting in the $60 million necessary to finally establish the TCU institutional operating grants program as a forward funded program.

BACKGROUND AND FUNDING DISPARITIES

Today there are 36 TCUs located in 14 States, which were begun specifically to serve the higher education needs of American Indians. Annually, these institutions serve students from more than 250 federally recognized tribes, more than 80 percent of whom are eligible to receive Federal financial aid.

TCUs are accredited by independent, regional accreditation agencies and like all institutions of higher education, must undergo stringent performance reviews on a periodic basis to retain their accreditation status. In addition to college level programming, TCUs provide much needed high school completion (GED), basic remediation, job training, college preparatory courses, and adult education.

Title I of the Tribal College Act authorizes funding for the basic institutional operating budget of one qualifying institution per federally recognized tribe based on a full-time American Indian student enrollment formula. Despite the much appreciated increases that Congress has appropriated over the last several years, TCUs remain chronically underfunded. Today, 27 years after the act was first funded, the TCUs are receiving $5,304 per Indian student, still below the authorized level. If you factor in inflation, the buying power of this appropriation is $1,270 LESS per Indian student than it was in the initial fiscal year 1981 appropriation, which was $2,831 per Indian student. While the other TCUs' operations funding is not enrollment driven and therefore the disparity is not as easily illustrated, they too suffer from a lack of adequate basic operating funds. This is not simply a matter of appropriations falling short of an authorization; it effectively impedes our institutions from having the necessary resources to grow their programs in response to the changing needs of their students and the communities they serve.

JUSTIFICATIONS

(a) TCUs provide critical access to vital postsecondary education opportunities. Tribal Colleges and Universities provide access to higher education for American Indians and others living in some of the Nation's most rural and economically depressed areas. The average family income for a student first entering a TCU is approximately $14,000, which is 33 percent below the Federal poverty threshold for a family of four ($21,200). In addition to serving their students, TCUs serve their communities through a variety of community outreach programs.

(b) TCUs are producing a new generation of highly trained American Indians as teachers, tribal government leaders, engineers, nurses, computer programmers, and other much-needed professionals. By teaching the job skills most in demand on their reservations, TCUs are laying a solid foundation for tribal economic growth, with benefits for surrounding communities. In contrast to the high rates of unemployment on reservations, graduates of TCUs are employed in "high need" occupational areas such as Head Start teachers, elementary and secondary school teachers, and nurses/health care providers. Just as important, the overwhelming majority of tribal college graduates remain in their tribal communities, applying their newly acquired skills and knowledge where they are most needed.

(c) TCUs meet the strict standards of mainstream accreditation boards offering top quality academic programs and serve as effective bridges to 4 year institutions of higher learning. A growing number of TCUs have attained a 10 year accreditation term, the longest term granted to any higher education institution. While most TCUs are 2 year institutions offering certificates and associate degrees, their transfer function is significant. A survey of TCU graduates conducted by Harder + Company Community Research, San Francisco, CA for the American Indian College Fund, indicated that more than 80 percent of respondents who attended a mainstream college prior to enrolling at a tribal college did not finish the degree they were pursuing at the mainstream college. The rate of completion markedly improved for those who attended a tribal college prior to pursuing a degree at a mainstream institution. After completing tribal college coursework, less than half of respondents dropped out of mainstream colleges, and nearly 40 percent went on to obtain a bachelor's degree. This suggests TCUs have a profound impact on the persistence of American Indian students in pursuit of baccalaureate degrees. The overwhelming majority of respondents felt that their tribal college experience had prepared them well for further education and noted that it had a very positive impact on their personal and professional achievements.

SOME ADDITIONAL FACTS

(a) *Enrollment Gains and New TCUs*.—Compounding existing funding disparities is the fact that although the numbers of TCUs and students enrolled in them have dramatically increased since 1981, appropriations have increased at a disproportionately low rate. Since they were first funded, the number of tribal colleges has quadrupled and continues to grow; Indian student enrollments have risen by over 300 percent. In fiscal year 2005, Saginaw Chippewa Tribal College (Michigan) and Tohono O'odham Community College (Arizona) became eligible to receive funds under the Tribal College Act. In fiscal year 2007, Ilisagvik College (Alaska) became eligible for funding, and White Earth Tribal and Community College (Minnesota) will be eligible in fiscal year 2009. TCUs are in many ways victims of their own successes. The growing number of tribally chartered colleges and added students has forced TCUs to slice an already inadequate annual funding pie into even smaller pieces.

(b) *Local Tax and Revenue Bases*.—TCUs cannot rely on local tax base revenue. Although tribes have the sovereign authority to tax, high reservation poverty rates, the trust status of reservation lands, and the lack of strong reservation economies hinder the creation of a reservation tax base. On reservations where TCUs are located, the unemployment rate can well exceed 60 percent. In comparison, the current national unemployment rate is 4.8 percent.

(c) *Trust Responsibility*.—The emergence of TCUs is a direct result of the special relationship between American Indian tribes and the Federal Government. TCUs are founded and chartered by their respective American Indian tribes, which hold a special legal relationship with the Federal Government, actualized by more than 400 treaties, several Supreme Court decisions, prior Congressional action, and the ceding of more than one billion acres of land to the Federal Government. Beyond the trust responsibility, the fact remains that TCUs are providing a public service that no other institutions of higher education are willing, or able, to provide by helping the Federal Government fulfill its responsibility to the American people, particularly in rural America. Despite the fact that only students that are enrolled mem-

bers of a federally recognized Indian tribe are counted when determining an institution's share of the operating funds, TCUs have open enrollment policies. Approximately 20 percent of TCU enrollments are non-Indians. They are simply and effectively removing barriers that have long prevented equal access to higher education for reservation community residents.

THE PRESIDENT'S FISCAL YEAR 2009 BUDGET REQUEST

The President's fiscal year 2009 budget includes level funding at $56.0 million for institutional operating grants for 26 TCUs. Over the past few years several new TCUs have become eligible for funding under Title I of the Tribal College Act. In fiscal year 2009, White Earth Tribal and Community College in Mahnomen, MN will join the list of eligible institutions. We are hopeful that Congress will build on the President's fiscal year 2009 budget. Additionally, the fiscal year 2009 budget once again recommends eliminating Department of the Interior funding for the two tribally controlled postsecondary career and technical institutions, we trust that Congress will again reject the President's recommendation and adequately fund these two vital institutions.

APPROPRIATIONS REQUEST FOR FISCAL YEAR 2009

TCUs respectfully request a total appropriation of $70.7 million for all of the programs authorized under the Tribal College Act [25 U.S.C. 1801 et seq.]. Specifically, TCUs seek $68.1 million for operating grants under, of which, $50.4 million would be for Title I grants (funding 25 TCUs) and $17.7 to fund Title II (Diné College). This request is an increase of $6.2 million for Title I grants and a $5.8 million increase for Diné College over fiscal year 2008 levels and a total of $12.1 million over the President's fiscal year 2009 budget request. Additionally, we seek funding for the technical assistance contract [25 USC 1805] at the same amount as available in fiscal year 2008 and in the President's request. These funds help address technical assistance needs of TCUs in securing and maintaining their accreditation and to fund data collection and analysis necessary to comply with Congressional and Department data requests. Additionally, we request $2 million for Title III of the Act, which helps our institutions to build endowments. The President's budget reduces this program to just $109,000. Lastly, we request an additional $20 million be appropriated each year for the next 3 fiscal years (2009–2011), resulting in the $60 million necessary to finally establish the TCU institutional operating grants program as a forward funded program

For our two tribally controlled career and technical institutions, we support $4.5 million for United Tribes Technical College; and $2.5 million for Navajo Technical College to restore and expand the funding for these programs that the fiscal year 2009 President's budget once again recommends eliminating.

CONCLUSION

Tribal Colleges and Universities provide quality higher education to many thousands of American Indians who might otherwise not have access to such opportunities. The modest Federal investment that has been made in TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate your past and continued support of the Nation's Tribal Colleges and Universities and your serious consideration of our fiscal year 2009 appropriations requests.

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PREPARED STATEMENT OF THE AMERICAN INSTITUTE OF BIOLOGICAL SCIENCES

The American Institute of Biological Sciences (AIBS) encourages the committee to provide the Environmental Protection Agency (EPA) with at least $646.5 million for the Office of Research and Development (ORD) for fiscal year 2009. Within this amount, we encourage you to provide at least $181 million for human health and ecosystem research. We also support additional funding for important programs within ORD, such as research in endocrine disruptors and global change.

AIBS is a nonprofit scientific association dedicated to advancing biological research and education for the welfare of society. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950s. AIBS is sustained by a robust membership of some 5,000 biologists and nearly 200 professional societies and scientific organizations; the combined individual membership of the latter exceeds 250,000. AIBS advances its mission through coalition activities in research, education, and public policy; publishing

the peer-reviewed journal BioScience and the education website ActionBioscience.org; providing scientific peer review and advisory services to government agencies and other clients; convening meetings; and managing scientific programs.

As EPA's scientific division, ORD performs valuable research needed to solve the environmental challenges facing the United States today and potential challenges in the future. EPA's environmental research plays an integral role in pollution prevention and protecting human health.

Scientists in EPA's human health research program uniquely incorporate many environmental science disciplines to build a strong foundation for risk assessment and improve understanding of toxic chemical exposure and health effects. For instance, EPA scientists have conducted research on the chemical atrazine, an agricultural herbicide in use since the late 1950s, to understand its effects on human health.

The EPA's Ecological Research Program is responsible for improving and protecting ecosystem services, such as clean air and water, rich soil for food and crop production, pollination, and flood control, which are often taken for granted. Research conducted by the Ecological Research Program provides scientific data, methods, models, and tools needed by states, communities, and tribes to understand the cost and benefits of using ecosystem services.

The Endocrine Disruptor Research Initiative enhances our understanding of the effects of endocrine disruptors; the initiative determines how exposure to endocrine disruptors affects human and wildlife populations, and is developing tools to screen and test for disruptors. Funding for the initiative is imperative as it was identified as one of the ORD's top six research priorities in 1996 and continues to be a vital research program at the EPA.

Funding for research programs at the EPA has steadily declined since fiscal year 2004, when ORD was funded at $646.5 million. The President's budget request for fiscal year 2009 would allocate $540.7 million for the ORD, which is approximately $7 million less than the fiscal year 2008 enacted amount and is over $100 million less than what was appropriated in fiscal year 2004. Consequently, research in human health and ecosystems within the ORD would be allocated $144.7 million, $8.3 million less than fiscal year 2008 enacted funding and $36.5 million less than funding enacted in fiscal year 2004.

Over the past several years, the EPA Science Advisory Board has made multiple requests to EPA Administrator Stephen L. Johnson for a revitalization of ecosystem research and increased funding for ecological research. Dr. M. Granger Morgan, Chair of the Science Advisory Board, wrote to Administrator Johnson in March 2006 expressing concerns about funding declines and "systematic bias against ecosystem research" stating that ecosystem research at the EPA has "sustained a decrease of nearly 26 percent since 2004." Dr. Morgan stated that the Board was distressed that instead funding has been cut and work has declined.

We urge Congress to consider the Board's concerns and advice and provide the EPA with at least $646.5 million for the ORD for fiscal year 2009 and at least $181 million for human health and ecosystem research. Providing these amounts to the ORD, human health and ecosystem research, and other important biological science research will restore them to fiscal year 2004 levels, thus allowing vital research in ecosystem services and healthy communities to continue productively.

Thank you for your thoughtful consideration of this request.

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## PREPARED STATEMENT OF THE AMERICAN SOCIETY OF AGRONOMY, CROP SCIENCE SOCIETY OF AMERICA, AND SOIL SCIENCE SOCIETY OF AMERICA

Chairwoman Feinstein, ranking member Allard and members of the subcommittee: On behalf of the American Society of Agronomy, Crop Science Society of America, Soil Science Society of America (ASA–CSSA–SSSA), we are pleased to submit comments in strong support of enhanced public investment in the U.S. Forest Service and U.S. Geological Survey as critical components of Federal appropriations for fiscal year 2009 and beyond. With more than 25,000 members and practicing professionals, ASA–CSSA–SSSA are the largest life science professional societies in the United States dedicated to the agronomic, crop and soil sciences. ASA–CSSA–SSSA play a major role in promoting progress in these sciences through the publication of quality journals and books, convening meetings and workshops, developing educational, training, and public information programs, providing scientific advice to inform public policy, and promoting ethical conduct among practitioners of agronomy and crop and soil sciences.

SUMMARY

ASA–CSSA–SSSA understand the challenges the Senate Interior and Environment Appropriations Subcommittee faces with the tight budget for fiscal year 2009. We also recognize that the Interior and Environment Appropriations bill has many valuable and necessary components, and we applaud the efforts of the Subcommittee to fund the U.S. Forest Service and U.S. Geological Survey.

The U.S. Forest Service sustains the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. Soils are a vital component of forest management, and their understanding is essential to achieve the agencies strategic goals. The Societies are concerned with the overall 8 percent decrease in the fiscal year 2009 President's budget for USFS. Vital programs that are essential for improved soil quality have been consistently underfunded. We urge the subcommittee to increase discretionary funding for the U.S. Forest Service budget to $4,800,000,000, about a 7 percent increase over the fiscal year 2008 enacted levels ($4,448,428,000), thus putting the agency back on track towards properly managing the 749 million acres of forests in the United States for the services they provide: clean water and air; recreational opportunities; hunting; fishing; forest products; and, scenic values.

The U.S. Geological Survey is an essential agency for the United States, providing reliable scientific information to describe and understand the Earth; minimize loss of life and property from natural disasters; manage water, biological energy, and mineral resources; and enhance and protect our quality of life. For fiscal year 2009, we urge the subcommittee to fund the U.S. Geological Survey at $1.3 billion, about an 8 percent increase over the recommended funding level in fiscal year 2008 ($1.2 billion). This growth rate is similar to the annual growth rate the President originally proposed for science agencies in the American Competitiveness Initiative order to double their budgets in 10 years.

U.S FOREST SERVICE

*Forest and Rangeland Research*

The Forest Service Research (FSR) soils program examines key environmental issues: nutrient cycling, impact of acid rain on soil function, management impacts on soil productivity, plant nutrition, soil moisture, plant growth relationships, soil microbial functions and soil quality concepts. Past investments in soils research have yielded great benefits to the Nation, e.g. Research soil scientists described the environment-plant-soil carbon relations in the very carbon-rich black spruce forests needed to assist forest managers in understanding how to manage the soil carbon pool after fire disturbance, which is predicted to increase in a warming climate. ASA–CSSA–SSSA recommend increasing funding for Forest and Rangeland Research by 7 percent to $306,000,000 in fiscal year 2009. Within Forest and Rangeland Research, we urge the subcommittee to fund Resource Management and Use at $91,759,990 for fiscal year 2009, a 7 percent increase above fiscal year 2008 enacted budget. If these funding increases do not occur, the Forest Service will be unable to replace recently retired research soil scientists, and there will also be a loss of capability to maintain measurements on the national Long Term Site Productivity study that guides Forest Service sustainability requirements.

*National Forest System*

Fresh water is a critical resource that is becoming scarce in many regions. It is essential that we continue to manage our forests to promote healthy watersheds, through effective monitoring. ASA–CSSA–SSSA are concerned with the President's proposed steep cuts to Inventory and Monitoring (−11 percent), Vegetation and Watershed Management (−5 percent), Establish Forest Vegetation (−6 percent), Maintain and Improve Watershed Conditions (−7 percent) and Minerals and Geology Management (−15 percent) programs within NFS for fiscal year 2009. ASA–CSSA–SSSA recommend 7 percent increases for each of these programs for fiscal year 2009 as follows: Inventory and Monitoring ($178,240,600), Vegetation and Watershed Management ($189,857,590), Establish Forest Vegetation ($41,942,930), Maintain and Improve Watershed Conditions ($55,676,380) and Minerals and Geology Management ($90,033,000). Within Minerals and Geology Management, we urge a funding level of $10,374,720 for the Manage Environmental Risk program. Soil is the natural filter, often overlooked, vital for healthy watersheds. Past investments in NFS have yielded enormous benefits to society including: Soil scientists annually provide critical soil resource information to Burned Area Emergency Response teams evaluating the environmental effects and developing rapid management responses for of hundreds of wildfires. Unless funding is restored to NFS, USFS will be unable to start a resource inventory of the remaining 59.7 million acres of Na-

tional Forest land currently scheduled; adequately continue monitoring the effects of land management activities on forest and range sustainability as required by the National Forest Management Act of 1976; and maintain a viable scientific knowledge base when retiring soil scientists are not replaced.

U.S. GEOLOGICAL SURVEY

*Water Resources Investigations*

Water is a limiting resource for many regions of the United States; certain regions have been in a sustained drought for several years. The additional $9,500,000 proposed by the Bush administration will help the Water for America Program map future water availability. The President's fiscal year 2009 proposed a $10,645,000 cut for the National Water-Quality Water Assessment (NAWQA) program will seriously affect ground water monitoring capacity in USGS. Aquifers are the leading source of fresh water across the country and it is essential we monitor and maintain this ecosystem service. Nutrient loading of the Mississippi River has been linked to the hypoxia zone in the Gulf of Mexico. January 2008, NSF released a press release (08–010) that concluded agriculture is changing the chemistry of the Mississippi River due to increased carbon and water loading. As more farm acreage is converted to biofuels, there is increasing potential for these systems to load major river systems. The Societies recommend an increase of $6,080,000 (9.5 percent) over fiscal year 2008 enacted ($63,912,000) for National Water-Quality Water Assessment program which will allow for annual monitoring at the 113 active sites, demonstrating the government's commitment to providing clean available water under increasing demands. ASA–CSSA–SSSA request a funding level of $8.8 million for the Water resources research institutes which assist Federal and State agencies in promoting and facilitating the research and technology transfer they need to carry out their missions to protect human health, environmental resources, and economic sustainability.

*Climate Change*

Climate change is a major focus for many agencies in fiscal year 2009, as well as an important focus for the Societies. With increasing attention focused on climate change, ASA–CSSA–SSSA are interested in the role agriculture can play to mitigate climate change. The Societies applaud the reorganization of the separate areas focused on climate change into a single program; however we are concerned that some programs may not be transferred over. The new budget activity for USGS Global Climate change activities shifts focus from research to data collection and assessments. While data collection and assessments are essential for land management decisions, potential improvements in management will remain undiscovered without adequate funding for research. The continual proposed decline in research regarding climate change will severely inhibit the United State's ability to create new innovative management systems. Funding for Biological Research in fiscal year 2009 should be increased ($6,000,000) from 2008 enacted ($5,007,000), not cut by $5,007,000 (100 percent reduction) as the President proposes. The $1,071,000 proposed reduction in funding for the Geographic research program will adversely affect the United States' ability to affectively reduce domestic greenhouse gas emissions in agriculture. The Geographic research program contributes to the Carbon Research Program, carried out by USGS, USDA, and other international partnerships. We recommend increasing funding levels for terrestrial carbon to $2,000,000 rather than reducing them. There are many factors that affect terrestrial carbon sequestration and continual United States support of these programs will enhance our knowledge of these factors, as well as develop potential new management practices.

*Geographic Research, Investigations, and Remote Sensing*

Land use and change are major issues of concern for the Nation. Satellite imagery is used by a variety of stakeholders: government agencies such as USGS, EPA, NSF, and USDA; Universities-land grants and private; as well as the private sector environmental managers and planners. These images have become essential tools for land managers to assess land change, as well as, more effectively develop management plans. Precision agriculture utilizes remote sensing, in combination with GIS and GPS, to develop farm-specific management maps reducing over-application of nutrients and loss in sensitive areas. ASA–CSSA–SSSA feel that a 35 percent cut in funding for Geographic Analysis and Monitoring (GAM) would cause huge setbacks to many important programs. Within GAM, the Societies do commend the president's budget proposal that increases funding for the Remote Sensing Missions and Data Acquisition program, which funds Landsat. The $2.1 million increase will continue to fund this vital program, encouraging further utilization of these data by land managers to help increase their ability to manage lands more effectively. How-

ever, ASA–CSSA–SSSA do not support the proposed $984,400 cut to the educational support for remote sensing which would eliminate affordable access to remotely sensed data at the State level to educational institutions. Of great concern to ASA–CSSA–SSSA is the proposed $1,013,000 cut to the Geographic Research program under Geographic Analysis and Monitoring which would effectively eliminate funds for continuing partnerships with other Department bureaus and the USDA for identifying the amount of carbon currently stored in ecosystems of the United States and select ecosystems around the world.

Thank you for your thoughtful consideration of our requests. For additional information or to learn more about the American Society of Agronomy, Crop Science Society of America and Soil Science Society of America (ASA–CSSA–SSSA), please visit www.agronomy.org, www.crops.org or www.soils.org or contact:

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## PREPARED STATEMENT OF THE AMERICAN SOCIETY FOR MICROBIOLOGY

The American Society for Microbiology (ASM) is pleased to submit the following statement on the fiscal year 2009 appropriation for the U.S. Environmental Protection Agency (EPA) research and education programs. The ASM is the largest single life science organization with more than 42,000 members. The ASM mission is to enhance the science of microbiology, to gain a better understanding of life processes, and to promote the application of this knowledge for improved health and environmental well-being.

The EPA relies on sound science to safeguard both human health and the environment. The EPA Office of Research and Development (ORD) sponsors innovative research that provides the solid underpinning of science and technology for EPA regulatory and public outreach activities. ORD conducts research on ways to prevent pollution, protect human health, and reduce risks from a variety of hazardous chemicals and microbes. The work at ORD laboratories, research centers, and offices across the country helps improve the quality of air, water, soil, and the way we utilize resources. ORD's mission is to: (1) Perform research and development to identify, understand, and solve current and future environmental problems; (2) Provide responsive technical support to EPA's mission; (3) Integrate the work of ORD's scientific partners (other agencies, nations, private sector organizations, and academia); and (4) Provide leadership in addressing emerging environmental issues and in advancing the science and technology of risk assessment and risk management.

The ASM is very concerned with the diminishing budget for EPA's research and development programs. Optimal EPA oversight clearly depends upon the agency's access to scientific expertise and its ability to respond quickly to our changing environment. Investments in research and development programs support both access to expertise and development of the best responses to environmental demands. The fiscal year 2009 budget request for the ORD is $541 million, a 1.3 percent, or a $7 million, decrease from fiscal year 2008, and a 3 percent decrease from fiscal year 2007. These decreases are part of a longer term pattern of erosion that is deteriorating the scientific foundation that is essential for EPA to make decisions on and formulate regulations designed to protect human health and the environment. The ASM urges Congress to provide at least $595 million for the ORD in fiscal year 2008, the same as the funding level provided in fiscal year 2006.

### STAR GRANTS AND FELLOWSHIPS

The proposed budget decreases for ORD include a reduced level of spending for the Science to Achieve Results (STAR) program. The ORD budget proposes only $61 million for STAR, a 2 percent reduction from fiscal year 2008, which is substantially less than the fiscal year 2002 level of $102 million, even without correcting for inflation. The proposed decreases would continue seven consecutive years of cutting this important program. The funding request for STAR includes $55 million for the STAR Grants, and $6 million for the STAR Fellowships. The ASM urges Congress to increase funding for the STAR grants program to at least the fiscal year 2002 level of $102 million.

The STAR Grants fund research in numerous environmental science and engineering disciplines through a competitive solicitation process and independent peer review. The program engages the Nation's best scientists and engineers in targeted research that complements EPA's laboratory research and research conducted by our partners in other Federal agencies.

Reductions in the STAR program will severely limit the ability of EPA to draw upon critically needed scientific expertise from the academic community, a valuable source of research insights and personnel for EPA programs. Reductions will also

limit U.S. competitiveness in the areas of environmental research, training, and development of new technologies for solving environmental problems.

The STAR program revitalizes all areas of EPA research and fosters workforce development in environmental science and technology through fellowships. In December 2006, EPA reported results from several STAR funded studies on biomarkers, which are substances or processes that can be measured in biological samples, such as blood, that indicate toxic exposure or predict disease. Extramural researchers confirmed that easy to collect saliva can be used to assay pesticide exposure in children and adults; other grantees used biomarkers to demonstrate that specific insect management techniques effectively reduce prenatal pesticide exposure. STAR recently supported a grant that will potentially provide managers with both an enhanced forecast of harmful algal blooms and information needed to formulate bloom management and prevention strategies. Such forecasts are important because the frequency and intensity of toxic cyanobacteria blooms has increased in recent decades, causing a plethora of acute, chronic, and fatal illnesses in animals and humans.

CLEAN AND SAFE WATER

Congress has mandated that the EPA ensure the safety of our drinking and recreational waters, an enormous regulatory and assessment task that relies on sufficient EPA funding and personnel resources. The ASM is concerned with the proposed 2.8 percent cut to the Drinking Water and Water Quality programs at ORD. The Drinking Water Program suffers the greatest, with an 8 percent proposed decrease from fiscal year 2008. Cutting the research program for safe drinking water is unacceptable at a time when more than 10 percent of the U.S. population served by community drinking water systems does not receive drinking water that meets all applicable health-based standards.

The potential for health problems from microbial contaminated drinking water is demonstrated by localized outbreaks of waterborne disease. Many of these outbreaks have been linked to contamination by bacteria or viruses, probably from human or animal wastes. For example, in 1999 and 2000, there were 39 reported disease outbreaks associated with drinking water, some of which were linked to public drinking water supplies.

The ASM supports the following priority research areas included in the fiscal year 2009 budget request for drinking water and water quality: (1) Studies on aquifer storage and recovery on the safety of drinking water and the impacts of subsurface carbon dioxide ($CO_2$) storage on drinking water quality; (2) Revising aquatic life guidelines, recreational water criteria, the effects of emerging contaminants, nutrients, biocriteria, and multiple stressor effects on stream biota; (3) Watershed management work that supports diagnoses of impairment, mitigations, and pollutant load reduction from headwater streams and isolated wetlands; and (4) Improving the control of microbial releases from publicly owned treatment works (POTWs) during periods of significant wet weather events. It is also imperative that the EPA continue to develop analytical methods for accurately measuring contaminant levels in drinking water and surface water; ensure proper certification and assessment of laboratories that analyze drinking-water samples; and conduct research that strengthens the scientific basis for standards that limit public exposure to contaminants. Topics of growing concern include, among others, the dissemination into the environment through water and wastewater treatment systems of diverse anthropogenic compounds, such as pharmaceuticals and estrogens or estrogen-like compounds. These compounds are now ubiquitous, but their fates in the environment and impacts on humans and other organisms are inadequately known.

The ASM supports the proposed $1 million increase for the Water Quality program. Continued investment in this area can build upon the successful outcomes already obtained. Increased research is needed to protect the Nation from waterborne illnesses. According to the Centers for Disease Control and Prevention (CDC), Cryptosporidium, a protozoan parasite causing gastroenteritis in humans, has become the leading cause of recreational water associated outbreaks of gastrointestinal illness. In 2003–2004, this parasite accounted for 61.1 percent of gastrointestinal outbreaks associated with disinfected swimming venues such as swimming pools and water parks. This is likely due to its high resistance to free chlorine, the main barrier to infectious disease transmission in pools. Since 2005, cryptosporidiosis reporting has increased substantially.

EPA researchers have aggressively sought improved techniques for water quality assessment, building "toolkits" of assays and computational models that can be used by local and State public health officials. Recent examples include a new rapid DNA analysis test to quantify Enterococci and Bacterioides bacteria in water. This new

test reduces the time for detecting these sewage contaminants from 24 hours to just two hours and makes possible same day decisions on beach warnings or closings. Other current ORD research efforts include developing laboratory cell lines and assays to measure chemical interactions with human hormone receptors and using new genomics technologies to assess risks from widely used conazole fungicides.

RENEWABLE ENERGY AND WASTEWATER INFRASTRUCTURE

The EPA is a stakeholder in ensuring a sustainable environment, meeting the needs of the present without compromising the ability of future generations to meet their own needs. Renewable energy research is essential to ensuring sustainability. The ASM encourages EPA to pursue collaborative efforts with the National Science Foundation (NSF), Department of Energy (DOE), and the U.S. Department of Agriculture (USDA).

In order to provide safe and secure drinking water for its citizens, the Nation must improve the sustainability and energy efficiency of its water distribution systems from sources to end users. Energy efficiency is an important but often overlooked consideration. At present, the Nation's water distribution infrastructure consumes approximately 5 percent of total electricity use. The development of non-fossil fuel energy sources to work water distribution systems cannot only contribute to a more secure water supply, but can also contribute to the Nation's energy security. Coupling microbial activity during wastewater treatment to electricity generation provides one example for increasing energy efficiency.

Researchers, supported by the NSF and the USDA, have made great strides in advancing the technology of microbial fuel cells to benefit wastewater treatment plants. Microbial fuel cells work through the action of bacteria, which can produce electricity in fuel cells. In the process, the bacteria consume organic matter in the wastewater and improve water quality. This approach uses the bacteria that naturally occur in wastewater, requiring no special bacterial strains or unusual environmental demands. The benefit of microbial fuel cell applications is that while they generate electricity, they purify wastewater, a goal of wastewater treatment facilities that usually requires the consumption of energy.

The ASM urges Congress to support a collaborative relationship between the EPA, DOE, NSF, and USDA to explore energy production from waste treatment, and to develop mechanisms for improving energy efficiency in water distribution.

CLIMATE CHANGE

Climate change affects all of earth's life, including microbes that often dominate the living mass of many ecosystems. Extreme temperatures can lead directly to loss of life, while climate-related disturbances in ecological systems, such as changes in the range of infective parasites, can indirectly affect the incidence of serious infectious diseases. In addition, warm temperatures can increase air and water pollution, which in turn harm human health. The impact of these changes on microbial activities is often unpredictable, but microbes play major roles in water quality, environmental integrity and human health, it is essential that the EPA retain and expand its ability to support research on climate change and subsequent impact on both beneficial and pathogenic microorganisms.

The ASM is concerned with the proposed 15 percent cut to the Global Change research program at ORD because it is clear that certain diseases and pathogens are sensitive to climate changes. The Intergovernmental Panel on Climate Change released a report in 2007 that noted that the global population at risk from vector-borne malaria would increase by between 220 million and 400 million in the next century. Other "vector-borne" diseases, such as dengue fever, yellow fever, and encephalitis, carried by mosquitoes and other insects serving as biological reservoirs and vectors are also projected to spread into new areas due to global warming. While most of the increase is predicted to occur in Africa, some increased risk is projected in Britain, Australia, India, and Portugal. Climate change may increase the risk of other infectious diseases, particularly those diseases that appear in warm areas and are spread by pathogens having a water habitat. Warming of U.S. costal waters in recent years has caused shellfish-borne outbreaks of gastroenteritis caused by the aquatic bacterium Vibrio parahaemolyticus to become an increased risk to humans by consuming these infected shellfish. In addition, algal blooms could occur more frequently as temperatures warm, particularly in areas with polluted waters, potentially causing diseases such as cholera that tend to accompany algal blooms to become more frequent.

CONCLUSION

Sound science is necessary for the protection of human health and the environment. The ORD is an integral component for conducting research needed to answer many of the challenges we face, such as climate change, renewable energy, and clean and safe water. The ASM urges Congress to provide at least $595 million for the ORD and $102 million for the STAR program in fiscal year 2008.

The ASM appreciates the opportunity to provide written testimony and would be pleased to assist the subcommittee as it considers the fiscal year 2009 appropriation for the EPA.

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## PREPARED STATEMENT OF THE ANIMAL WELFARE INSTITUTE

The Animal Welfare Institute (AWI) respectfully requests that the Senate Appropriations Subcommittee on Interior and Related Agencies appropriate a total of $37.1 million to the U.S. Fish and Wildlife Service (FWS) including an additional $33.1 million to increase and expand activities of the Office of Law Enforcement ($26 million for special agents, $3.1 million for ports of entry, $4 million for the Clark R. Bavin National Fish and Wildlife Forensics Laboratory) as well as $4 million for the Multinational Species Conservation Fund. The President's fiscal year 2009 proposed budget falls far short of providing the funds needed by agencies within the Department of the Interior to protect, preserve, recover and manage America's wildlife, including threatened and endangered species, as required by law and by their public trust obligations to the American people. AWI also asks Congress to reign in the Bureau of Land Management (BLM) by including language preventing funds to be used for the implementation of the BLM's wild horse program's sales authority language.

OFFICE OF LAW ENFORCEMENT

A seeming increase for this function in the President's budget is actually a decrease when higher uncontrollable and fixed costs are taken into account. AWI requests that an additional $33.1 million be allocated to the FWS to increase and expand the activities of its Office of Law Enforcement (OLE) in its critical role of combating wildlife crime. The OLE investigates both domestic and international wildlife crimes that involve the transgression of over a dozen federal wildlife and conservation laws. Though it is well known that the illegal trade in wildlife and wildlife products is second only to the trade in narcotics in terms of revenue generated globally, and despite the fact that the United States remains a source of or destination for much of this contraband, the OLE has consistently been underfunded and understaffed and, thus, shortchanged in its efforts to combat this illegal trade.

The FWS has cut its covert wildlife crimes investigation unit in half. Yet, given the severity of the illegal wildlife trade problem and the inherent underground nature of the trade, covert investigations are essential for enforcing wildlife laws and identifying, capturing, and prosecuting those responsible for wildlife crimes. The OLE and its employees cannot effectively enforce federal wildlife laws without a covert investigations unit. Congress must direct the Secretary of the Interior to reinvigorate the OLE, including its covert investigations unit and provide the funding necessary to restore the OLE as the preeminent wildlife law enforcement organization in the world.

*FWS Special Agents*.—Wildlife law enforcement agents perform what is consistently ranked as one of the most dangerous jobs as they attempt to fulfill their mandate to protect our wildlife heritage. In fiscal year 2007, FWS agents pursued over 12,000 investigations resulting in over $14 million in fines, 32 years of jail time for the perpetrators, and 557 years of probation. FWS cases documented illegal trafficking in U.S. leopard sharks, coral reef organisms, live reptiles, and paddlefish. On the global front, agents broke up smuggling rings dealing in sea turtle skins and products from Mexico and sea turtle shell from China. They snared smugglers dealing in over $540,000 worth of sperm whale teeth and sent individuals trafficking in endangered live eagle owls eggs to prison.

Despite these impressive statistics, the illegal trade in wildlife and wildlife products continues to imperil wildlife species in the United States and around the world. The ability of the OLE to expand its efforts to combat this trade requires far greater funding than what has been proposed in the fiscal year 2009 budget.

Currently, there are only 191 FWS agents responsible for the enforcement of federal wildlife laws throughout the entire United States. This number is 11 fewer than in fiscal year 2007, which was 16 fewer than existed in 2006. There are 70 agent vacancies. Filling these vacancies is essential to protecting wildlife and stem-

ming the increasing threat of illegal trade. AWI respectfully requests an additional $14 million ($200,000 each) to fill these 70 agent vacancies and an additional $12 million to ensure sufficient operational funds for the existing agents and for those hired in the future.

*Port Inspectors*.—Given the events of September 11, 2001, and the recent scrutiny applied by Congress on the security of U.S. ports, the value of FWS inspectors should be indisputable. In addition to being the first and only line of defense against the illegal import of protected wildlife and wildlife products into this country, FWS inspectors along with their colleagues from the U.S. Coast Guard, Department of Homeland Security, and other agencies involved in port inspections, represent America's best hope of intercepting bioterrorism agents or items that may represent a security threat to America. Often contraband is hidden in the body cavities of wildlife or in their transport containers; who except FWS wants to look inside the box of a poisonous snake or other dangerous animal?

Though it may be hard to see that thwarting an illegal shipment of wildlife is as important as thwarting an illegal shipment of weapons, wildlife pose much greater risks to America due to the potential for the wildlife to be vectors for non-native diseases or insects that could pose a threat to public health (e.g. avian flu), domestic wildlife health, domestic livestock health (e.g. Newcastle's disease, foot and mouth disease), or to our native flora. A recent news report noted that "five of the six diseases the [CDC] regards as top threats to national security are zoonotic. . . ." Because legal shipments, which amounted to 650 million animals in the last 3 years, are not screened properly, Americans are left "vulnerable to a virulent disease outbreak that could rival a terrorist act." [1] Couple the threats from the legal trade with those from the illegal trade, including the surge in the amount of bushmeat entering the country, and the potential for catastrophe is mind boggling.

The North American Free Trade Agreement has exacerbated the problem through increased movement of wildlife and wildlife products across the U.S. border with Mexico. Such contraband includes highly endangered neotropical parrots, cacti, reptiles, and exotic wildlife leather products. The U.S. border with Canada is a conduit for the illegal import of a variety of international species including the Asian arowana fish, the rare Madagascar radiated tortoise, and protected corals and domestic species including black bear gall bladders, bald eagle parts, and other wildlife products. The current lack of sufficient operational funds for the FWS port inspection program weakens FWS efforts to promote the conservation of species of international concern, to protect all natural resources, and to sustain biological processes. The virtually unregulated smuggling of parrots not only has put new pressure on Western hemisphere parrot species, 30 percent of which are already on the brink of extinction, but also presents a disease transmission risk to the U.S. poultry industry and native U.S. birds. The illegal import of parrots into California has been linked to an outbreak of Newcastle's disease in that state. Moreover, smugglers are dealing in both illegal wildlife and illegal aliens. For example, a cooperative investigation by FWS, Immigration and Customs Enforcement (ICE), and the U.S. Coast Guard documented the smuggling of illegal aliens and live Clarion angelfish from Mexico. A Los Angeles man was sentenced to 46 months in federal prison and ordered to pay a $60,000 fine.

In fiscal year 2007, Service wildlife inspectors processed over 179,000 wildlife shipments entering or leaving the United States. An example of how understaffed the FWS port inspection staff may be can be found at the U.S./Canada border crossing at Blaine, Washington, where a single inspector is responsible for inspecting all imports even though that point of entry has experienced a 45 percent increase in the number of wildlife shipments in the past decade. Clearly, then, to protect domestic and international wildlife and to secure our borders, Congress must provide the funding to hire and train a sufficient number of FWS inspectors to ensure round-the-clock coverage at each designated U.S. port of entry. $3.1 million is requested for the ports of entry.

*The Clark R. Bavin National Fish and Wildlife Forensics Laboratory*.—The FWS forensic laboratory is a key resource used by FWS investigators and inspectors for prosecuting wildlife crimes. It uses complex tests and tools to identify wildlife products as to species, determine cause of death, and make other findings critical to a successful legal case. All such findings must adhere to exacting evidentiary standards to be used in court, thus increasing the cost of testing each sample. Due to an increasing backlog of samples, the lab is running several months behind in its casework, causing FWS investigators, inspectors, and federal prosecutors to wait longer to continue their investigations or initiate prosecutions. Analysis of newly-submitted computer cases is backlogged 7 to 8 months and the analysis itself takes

[1] ("Imports of exotic animals mean health risks," AP, Nov. 27, 2006).

another 4 to 5 months to complete. The new protocols that will be needed in the crackdown on shark finning will only worsen this problem. This lab is the only such facility in the world and it has historically aided the fish and game departments of all 50 States and the 162 CITES countries. But the backlog jeopardizes this cooperation and has forced it to stop accepting samples from state and international wildlife investigators, weakening the longstanding partnerships supporting cooperative conservation efforts in this country and around the world. The backlog is largely a product of staffing shortages. These shortages, combined with a loss of expertise when seasoned veteran forensics experts retire before new experts are trained, threaten our ability to help solve wildlife crimes. To reduce both these staffing shortages and existing analytical workload and backlog, $4 million is requested for the lab. Such funds would allow for the construction of a new 8,000 square feet building to house the lab's critical comparison standards collection ($1.1 million), the hiring of six forensic scientists (forensics branch chief, senior plant morphologist, and four forensic examiners in the areas of birds, reptiles, plants, and analytical chemistry), four new technicians, and much needed spending on training, travel, equipment and supplies.

WILD HORSE AND BURRO ACT

With more wild horses and burros now in captivity than on the range, the BLM continues to use virtually its entire budget simply to remove and warehouse wild horses and burros without the scientific data to justify its actions. This, despite the fact that numerous herds have already been eliminated and many others are currently managed at population targets that seriously jeopardize their genetic health and viability.

To make matters worse, the BLM has embraced the devastating "Burns" amendment, which altered the Wild Free-Roaming Horse and Burro Act of 1971 to require the sale of certain wild horses and burros without restriction. With no legal authority to protect these horses once sold under the changed law, they can be re-sold for slaughter—the very thing that prompted Congress to act to protect wild horses over 30 years ago.

AWI therefore respectfully requests that Congress instruct the BLM that, until such time as the agency either finds qualified adopters for those animals now being held and/or returns significant numbers of animals to suitable herd areas (particularly those from which all wild horses and burros have been removed or whose populations are not self-sustaining), that no funds be used to conduct further roundups, particularly in the absence of sound census data to support such actions.

In addition, we request that Congress instruct the BLM to use its statutory authority to explore the potential for further designating and maintaining specific ranges on public lands as sanctuaries for the protection and preservation of wild horses and burros as provided in the Wild Free-Roaming Horse and Burro Act of 1971.

Finally, we urge Congress to insert into the fiscal year 2009 Senate Interior Appropriations bill the following language:

"None of these funds shall be used to implement or carry out Sec. 1333(e)—Sale of excess animals—of the Wild Free-Roaming Horse and Burro Act of 1971".

YELLOWSTONE BISON

The National Park Service/Yellowstone National Park (NPS/YNP) is the lead agency in a failed cooperative state/federal bison management plan that, since 2000, has resulted in the unnecessary killing of nearly 3,000 park bison. Yellowstone bison represent the last continuously free-roaming herd of bison in the United States. They are of immense scientific, aesthetic, and spiritual value to millions of people from around the world. The current bison management plan has cost the American taxpayer up to $3 million per year since it was implemented in 2000 yet the three-step plan has failed to progress beyond step 1. In addition, though based on the concept of adaptive management, the plan has not been substantively adapted despite compelling new evidence documenting the existence of at least two genetically distinct bison subpopulations in the park. By ignoring this new evidence, the agencies, led by the NPS, may be permanently and adversely impacting the genetic health and viability of park bison as a result of their relentless lethal management efforts. During the current winter, nearly 1,300 bison have been killed or are awaiting slaughter. Of this total, nearly 940 have been captured inside YNP by the NPS. To prevent the ongoing misuse of federal taxpayers' dollars and to protect park bison from the very agency that is mandated to conserve and protect park wildlife, AWI respectfully requests that Congress include language in the fiscal year

2009 Interior Appropriations bill to specify that no federal funds are to be used by the NPS for the purpose of killing or participating in the killing of YNP bison.

MULTINATIONAL SPECIES CONSERVATION FUND

Since 1988, the U.S. Congress has made clear its commitment to global conservation efforts through the passage of a number of funds to benefit specific species. These funds include the African Elephant Conservation Fund, the Asian Elephant Conservation Fund, the Rhinoceros and Tiger Conservation Fund, and the Great Ape Conservation Fund. To address these problems, AWI respectfully requests that Congress appropriate an additional $4 million above the President's request for each of these funds.

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PREPARED STATEMENT OF THE ASSOCIATION TO PRESERVE CAPE COD

Madam Chairman and honorable members of the committee: I appreciate the opportunity to present testimony in support of an appropriation of $2 million from the Land and Water Conservation Fund for the Cape Cod National Seashore in Massachusetts.

As you know, Madam Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

The Association to Preserve Cape Cod (APCC) is the largest and most prestigious environmental advocacy organization on Cape Cod, with more than 5,200 families comprising its membership. APCC's mission is to promote programs and policies that protect the natural resources of Cape Cod. As such, APCC has been in the forefront of all of the most important efforts to protect Cape Cod's rich natural heritage for four decades.

APCC is particularly interested in the Cape Cod National Seashore, which we consider to be the shining star of Cape Cod and emblematic of all that our organization seeks to safeguard. Cape Cod has a simple geography—it is a land of sand and of water. Nowhere is this simplicity and grace more apparent than at the Cape Cod National Seashore. Thus, when APCC learned that the National Park Service (NPS), which manages the Seashore, has the opportunity to acquire the 57-acre North of Highland Campground, a family-run private campground within the Seashore's congressionally authorized boundary in Truro, we began working with The Trust for Public Lands and our U.S. congressional delegation, Senators Kennedy and Kerry and Congressman Delahunt, to advocate for purchase of this land by the NPS.

The Cape Cod National Seashore, designated by Congress in 1961 to preserve its precious resources for future generations, includes 40 miles of coastline and boasts some of the world's most beautiful white sand beaches. With over 4 million visitors a year, the Cape Cod National Seashore is one of the most heavily visited places in the National Park system, with peak visitation occurring during the summer months.

There are many recreational opportunities at the seashore, including six swimming beaches—including the popular Head of the Meadow Beach that provides some of the most exciting body-surfing available in the area. The seashore has more than 11 miles of self-guided nature trails, a variety of picnic areas, scenic overlooks, historic building tours and many fishing opportunities. The seashore also maintains three bicycle trails that wind through forests and past sand dunes, marshes and kettle ponds.

Nestled in the pines with trail access to the nearby Head of the Meadow Beach, the 57-acre North of Highland Campground, is a seashore in-holding completely surrounded by National Park Service lands. It has been owned and managed since 1954 as a family-oriented campground. The campground operates from mid-May through mid-September and includes four bathhouses, a camp store, two dwellings and 237 sites for camping. The property also contains seven acres of wetland habitat. Preferring not to sell the land to a developer who would likely build houses, the owners of the campground have been working with the NPS to place the campground in NPS ownership to ensure that it is not developed and remains open to the public.

In fiscal year 2009, an appropriation of $2 million from the Land and Water Conservation Fund will provide the final funding needed to protect this property, helping to ensure that the campground remains open to the public, thereby maintaining affordable recreational opportunities for the public in one of most heavily visited national parks in the country. Thanks to your efforts, Congress has already provided nearly $4 million for this public acquisition in fiscal year 2007 and fiscal year 2008.

Thank you, Mr. Chairman, for the opportunity to present this testimony in support of the appropriation of $2 million for Cape Cod National Seashore.

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## PREPARED STATEMENT OF THE APPALACHIAN TRAIL CONSERVANCY

In behalf of the Appalachian Trail Conservancy, for reasons described below, I am requesting a fiscal year 2009 appropriation from the Land and Water Conservation Fund in the amount of $4.525 million for the National Park Service and $10.645 million for the USDA Forest Service for the acquisition of lands and interests in lands surrounding or bordering the Appalachian National Scenic Trail (ANST) in the States of Virginia, New Hampshire, Tennessee, and North Carolina.

### BACKGROUND

The Appalachian Trail (A.T.) is America's premier long-distance footpath. Initially established between 1923 and 1937 as a continuous footpath extending from western Maine to northern Georgia, the trail gained Federal recognition in 1968 with the passage of the National Trails System Act. Amendments to that act in 1978 expanded the authorization for Federal and State land acquisition to establish a permanent, publicly owned right-of-way as well as a protective corridor or "greenway" along the trail. Since 1978, with the strong support of the subcommittee and the Congress as a whole, the Appalachian National Scenic Trail land-acquisition program of the National Park Service and USDA Forest Service has become one of the most successful land-conservation efforts in the Nation's history with the acquisition of more than 187,000 acres, more than 3,360 parcels, in 14 States. Today, only approximately 7 miles of the 2,176-mile Appalachian Trail remain to be protected through public ownership.

### RESOURCE CHARACTERISTICS

The Appalachian Trail is a 2,176-mile footpath extending along the crests and valleys of the Appalachian Mountains through 14 States from Maine to Georgia. Often characterized as a "string of pearls," the trail, a unit of the National Park System, connects eight National Forests, six other units of the National Park System, and approximately 60 State parks, forests, and game-management units. With an estimated three to 4 million visitors per year, it ranks among the most heavily visited units of the National Park System and also ranks among the top 10 natural resource park units. Based on inventories conducted in the 1990s, more than 2,000 occurrences of rare, threatened, and endangered flora and fauna have been identified at more than 500 discrete sites within the trail corridor.

The Appalachian Trail is equally well known as a remarkable public/private partnership. Since the initial construction of the trail in the 1920s and 1930s, volunteers affiliated with the Appalachian Trail Conservancy (ATC) have constructed, reconstructed, and maintained the footpath as well as a system of more than 250 shelters and associated facilities such as privies, improved campsites, bridges, signs, and parking lots. In 2007, for example, more than 6,000 volunteers contributed approximately 200,000 hours of labor along the trail. As an outgrowth of a 1984 agreement between the National Park Service and ATC, the Conservancy has accepted management responsibility for more than 110,000 acres acquired by that agency along the trail. ATC, through its network of 30 club affiliates, is now responsible for virtually all phases of "park" operations, ranging from trail and facility maintenance and construction to land and resources management to visitor education and services. Overall, working with other public agencies, ATC provides ongoing, volunteer-based stewardship for trail-related lands totaling more than 250,000 acres.

### NEED FOR APPROPRIATIONS

As noted previously, while the Appalachian National Scenic Trail protection program represents one of the most successful land-acquisition programs in the history of the conservation movement in the United States, that program is not yet complete. Although our hope had been to complete the program by the year 2000, escalating land values coupled with diminished administrative capacity in the affected agencies have conspired to delay full program completion. Nowhere are those trends

more apparent than in the southeastern region, in the National Forests of Virginia, Tennessee, and North Carolina. Nevertheless, a number of critical parcels are now "ripe" for land acquisition and we are seeking fiscal year 2009 LWCF appropriations to secure those properties. A brief description of each of those critical parcels follows. More detailed descriptions, along with maps and photographs of each of the referenced properties, were provided earlier this year to subcommittee staff.

NEW RIVER, VIRGINIA/JEFFERSON NATIONAL FOREST

For more than 30 years ATC and the USDA Forest Service have sought to establish a final alignment for the Appalachian Trail adjacent to the New River in Giles County, Virginia. The current route crosses a property owned by Celanese LLC immediately adjacent to a busy highway (US 460) directly across from a large Celanese industrial facility offering no real scenic or recreational value. After many years of negotiations, Celanese representatives have expressed an interest in selling—potentially at a bargain-sale price—a 400-acre parcel in fee and an additional 25-acre scenic easement that will permit a relocation of the footpath to a much improved location along a more remote and scenic portion of the property. Additional scenic-easement interests also are being sought along the back portions of approximately a dozen private lots bordering the eastern edge of the property. Due to limited land-acquisition capability on the Forest, ATC has requested the National Park Service to assist with the acquisition of this property and pre-acquisition work, such as title research and appraisal work, has been initiated. While total project costs are estimated to be $1.6 million, ATC is requesting an fiscal year 2009 LWCF appropriation of $1.25 million for the National Park Service.

TILSON FARM, VIRGINIA/JEFFERSON NATIONAL FOREST

This 170-acre property is situated near the northern boundary of Smyth County on the Smyth/Bland county line near the town of Ceres, Virginia. The property is adjacent to a narrow Appalachian Trail corridor that was acquired many years ago. Acquisition of the property will provide an important scenic buffer along the A.T., conserve the headwaters of the North Fork of the Holston River, provide an opportunity to develop a 5-mile loop trail, conserve the site of an early settler cemetery on the property, and consolidate Forest ownership. The current property owner has expressed an interest in selling the tract at a favorable or bargain-sale price. Due to limited land-acquisition management capability on the Forest, ATC has asked the National Park Service to acquire the property. An appraisal has been ordered. Total project costs are estimated at $400,000. ATC is requesting an fiscal year 2009 LWCF appropriation of $300,000 for the National Park Service.

MAHOOSUCS GATEWAY/SUCCESS TOWNSHIP, NEW HAMPSHIRE

This project, involving 4,772 acres, is part of a larger conservation and economic-development focus area involving a consortium of conservation organizations as well as several local communities. The Mahoosuc Mountain Range is one of the most remote and rugged areas along the Appalachian Trail. Straddling the border between New Hampshire and Maine, it provides a scenic gateway to both States. In partnership with a timberland owner an opportunity exists to conserve a 6-mile corridor along the northern edge of the narrow Appalachian Trail corridor there, including two of the most prominent mountain peaks in the area: Bald Cap and North Bald Cap. Conservation of the property would provide protection for a number of existing side trails in the area as well as the watersheds of numerous streams flowing into the Androscoggin River. The property also includes a number of ecologically significant features and natural communities. While total project costs are estimated to be $4.8 million, ATC and The Conservation Fund are requesting an fiscal year 2009 LWCF appropriation of $2.75 million for the National Park Service.

ROCKY FORK, TENNESSEE/CHEROKEE NATIONAL FOREST

The Rocky Fork property is a 10,000-acre property in eastern Tennessee situated midway between Johnson City and Asheville, North Carolina. It represents the largest privately owned in-holding within the southern National Forest System and is the number one land acquisition priority of the USDA Forest Service nationwide. Named for the cool waters of one of several prominent streams that pass through the property, it is adjacent to 22,000 acres of designated wilderness or inventoried road-less areas. For many years, the Tennessee Wildlife Resources Agency has leased the property for its game and non-game wildlife values, including 16 miles of "blue-ribbon" trout streams and outstanding black bear, white-tailed deer, and wild turkey habitat. The property also contains a number of Federal species of con-

cern or state-listed species in need of management. The property includes 1.2 miles of the Appalachian National Scenic Trail with no protected right-of-way.

The Rocky Fork property is readily accessible from Interstate 26 and has been marketed for primary- and second-home development. However, in 2007, Timbervest, in behalf of the property owners, entered into a purchase and sales agreement with The Conservation Fund (TCF). ATC is working closely with TCF, the Southern Appalachian Highlands Conservancy, and a number of other conservation and sportsmen organizations to secure the property. Total estimated costs are approximately $43 million. However, ATC and its partners already have secured financial support from the State of Tennessee and through a number of private-sector donations. ATC and The Conservation Fund are requesting an fiscal year 2009 LWCF appropriation of $8 million for the USDA Forest Service.

SHOOK BRANCH, TENNESSEE/CHEROKEE NATIONAL FOREST

This 20-acre property is situated in eastern Tennessee in the Cherokee National Forest. The Appalachian Trail currently follows a dangerous road-walk and crosses US 321 at a location with limited site distances to on-coming traffic. A proposed new route has been identified and a number of parcels have been acquired by the Forest Service to establish the route. The Shook Branch property is necessary in order to complete the proposed relocation. The current property owner has expressed a willingness to sell the property. ATC is requesting an fiscal year 2009 LWCF appropriation of $500,000 for the USDA Forest Service.

WESSER BALD, NORTH CAROLINA/NANTAHALA NATIONAL FOREST

This 82-acre property is situated in western North Carolina in the Nantahala National Forest. The A.T. passes within 100 feet of the property and affords a number of outstanding scenic views at several locations along the northern portion of the property and from a viewing platform atop the Wesser Bald fire tower with 360-degree views encompassing the Great Smoky Mountains skyline, the Nantahala Mountains, and northern Georgia. The upper 35 acres was acquired in fee in 2007 by the Southern Appalachian Highlands Conservancy with the aid of a bridge loan from The Conservation Fund and the requested LWCF appropriation will be used to repurchase that portion of the property at a bargain-sale price with ownership transferred to the Forest Service. SAHC also has secured a conservation easement affecting an additional 41 acres of the property. The total value of the fee and easement interests is $950,000. ATC is requesting an fiscal year 2009 LWCF appropriation in the amount of $270,000 for the USDA Forest Service.

ROAN HIGHLANDS, NORTH CAROLINA/PISGAH NATIONAL FOREST

The 442-acre Roan Highlands tract rises to an elevation of 5,200 feet above the Roaring Creek Valley along the North Carolina/Tennessee border within the proclamation boundary of the Pisgah National Forest. Its spectacular open summit is visible for miles along the Appalachian Trail and the property borders The Nature Conservancy's Big Yellow Mountain Preserve. The Trust for Public Lands in partnership with the Southern Appalachian Highlands Conservancy and ATC has obtained a letter of intent from the owner to protect the property through a combination of 290 acres in fee-simple ownership and 150 acres under a conservation easement to be held by SAHC. ATC is requesting an fiscal year 2009 LWCF appropriation in the amount of $1.875 million for the USDA Forest Service.

With the acquisition of the above-described properties, ATC hopes to complete a substantial portion of the remaining land-acquisition needs in the Appalachian National Scenic Trail program. Again, we respectfully request an fiscal year 2009 Land and Water Conservation Fund appropriation of $4.525 million for the National Park Service and $10.645 million for the USDA Forest Service. Thank you for the opportunity to submit this testimony and for your consideration of our request.

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PREPARED STATEMENT OF THE APPALACHIAN MOUNTAIN CLUB

Madame Chair and honorable members of the committee: On behalf of our almost 90,000 members, the Appalachian Mountain Club (AMC) is honored to present this testimony in support of much needed funding for conservation programs in the fiscal year 2009 Interior, Environment, and Related Agencies Appropriations bill, including:

—$120 million for the USDA Forest Service Forest Legacy Program,

—$403 million for the Department of the Interior Land and Water Conservation Fund (including $278 million for federal-side and $125 million for state-side programs),
—$11 million for the Department of the Interior Highlands Conservation Act, and
—$12 million for the National Parks Service Rivers, Trails, and Conservation Assistance program (RTCA).

These programs provide tremendous economic, ecological and recreational benefits across the country. Land conservation and recreational program support are vital to maintaining the health and well being of the Nation's lands and our citizens. As you know the demands on these programs are great and funding in recent years has diminished alarmingly. There are a number of extremely important projects in the Northeast and Mid-Atlantic alone.

The AMC is the Nation's oldest recreation and conservation organization. Founded in 1876, our mission is to promote the protection, enjoyment, and wise use of the mountains, rivers and trails of the Appalachian region. With 12 chapters from Maine to Washington, DC, AMC is proud of our long tradition of stewardship and engagement in the outdoors.

Open space conservation in the East is a vital investment that ensures clean air and water, a sustainable supply of timber products produced from private and public forests, local food and farm products for millions of people, and diverse recreational opportunities including hiking, cross-country skiing, wildlife viewing, and paddling. Conservation of these resources is needed now more than ever. According to the recent Forests on the Edge report published by the U.S.D.A. Forest Service, over 44 million acres of private forests will be developed in the next 30 years.

PRIORITY FISCAL YEAR 2009 FOREST LEGACY PROGRAM NEEDS IN THE NORTHEAST

For fiscal year 2009, we have assembled a list of exemplary Forest Legacy projects in the Northeast. Some of these projects, like the Katahdin Forest Expansion in Maine, Southern Monadnock Plateau II in Massachusetts, and Crotched Mountain in New Hampshire, need this funding to be completed. Others, such as the Metacoment-Monadnock Forest and Westfield Heritage Woodlands projects in Massachusetts, Lake Waubeeka in Connecticut, and Tree Farm #1—Mount Hope Tract in Pennsylvania, are new priorities that would protect unique and critical forests in the eastern United States.

Congress should fund the Forest Legacy program at no less than $120 million in fiscal year 2009. The Forest Legacy Program has protected over 1.5 million acres of forestland since 1990. However, despite this subcommittee's best efforts, funding for this program has decreased in recent years. While we are grateful for the inclusion of the Katahdin Forest Expansion project in the administration's fiscal year 2009 budget, we are disappointed that the budget recommends only $12.5 million for 3 projects nationwide. These projects total only 300 acres. For fiscal year 2009, 82 conservation projects were submitted (by 41 States and three territories) for Forest Service considerations, representing a total of $202 million in Forest Legacy Program need to protect 400,000 acres of forestlands valued at almost $400 million.

For fiscal year 2009, the AMC supports funding requests for the following Forest Legacy projects:

| State | Project |
|---|---|
| ME | Katahdin Forest Expansion |
| ME | Machias River Phase III |
| NH | Crotched Mountain |
| MA | Metacoment-Monadnock |
| MA | Westfield Heritage Woodlands |
| MA | Southern Monadnock Plateau II |
| CT | Lake Waubeeka |
| NY | Fishkill Ridge-Hudson Highlands State Park |
| NY | Route 28 Corridor |
| NJ | Passaic Ramapo Watershed II |
| PA | Tree Farm #1—Mount Hope Tract |

PRIORITY FISCAL YEAR 2009 LAND AND WATER CONSERVATION FUND PROGRAM NEEDS IN THE NORTHEAST

While the AMC believes strongly that the Land & Water Conservation Fund (LWCF) program should be funded fully as authorized by Congress, we recognize the budget pressures you face this year, and so we request that the Federal program be funded at $278 million with an additional $125 million for the LWCF state-side

grants. These figures obviously fall far below LWCF's $900 million annual authorization, but they represent the minimum required to secure crucial in-holdings that might otherwise be lost to private sale and development this year.

The LWCF will provide critical protection to the Appalachian Trail Corridor—Mahoosucs Range in New Hampshire and Maine; the Lake Umbagog Wildlife Refuge in New Hampshire and Maine; the Silvio O. Conte National Wildlife Refuge for projects in its four-state region of New Hampshire, Vermont, Massachusetts, and Connecticut; two projects in the Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey, and the Wallkill National Wildlife Refuge in New Jersey.

In fiscal year 2009, the AMC supports the following LWCF projects in our region:

| State | Federal Land Unit |
|---|---|
| NH/VT/MA/CT | Silvio O. Conte NWR |
| NH/ME | Lake Umbagog NWR |
| NH/ME | Appalachian Trail Corridor—Mahoosucs Range |
| PA/NJ | Delaware Water Gap National Recreation Area |
| NJ | Wallkill NWR |

FISCAL YEAR 2009 HIGHLANDS CONSERVATION ACT NEEDS

The Highlands Conservation Act (HCA), passed in 2004, is landmark legislation authorizing land conservation partnership projects and open space purchases from willing sellers in the four-state Highlands region of Pennsylvania, New Jersey, New York, and Connecticut. The Act includes authorization of $10 million in annual grants to the Highlands states and nonprofit conservancies from the Department of the Interior for land acquisition and easements. It also includes $1 million annually in technical assistance from the USDA Forest Service to work with Highlands states and local municipalities to implement the conservation strategies outlined in the three comprehensive Forest Service studies of the region completed in 1992, 2002, and 2008.

Unfortunately, this program has received only $3.75 million since it was initiated 4 years ago. While we greatly appreciate the subcommittee's efforts to support this program, we are in dire need of additional funds so that the purposes of the HCA can be fulfilled. According to a study by the USDA Forest Service, open space in New York and New Jersey alone is disappearing at a rate of 5,000 to 6,000 acres a year. The 4-State Highlands Region is the backyard for the more than 25 million people living in or around the large cities of the Mid-Atlantic States, and provides critical drinking water, wildlife habitat, and abundant and accessible recreation opportunities. We strongly urge the subcommittee to fund this program at its authorized level of $10 million in fiscal year 2009 for land protection projects, and an additional $1 million per year to support research and technical assistance in the Highlands by the USDA Forest Service. Current projects in Pennsylvania, New Jersey, New York, and Connecticut share strong local support, commitments from State and private sources to provide matching funding, and will protect important water supplies, forests, farmland, recreational opportunities and wildlife habitat.

In fiscal year 2009, the AMC supports funding for the following HCA projects:

| State | Project |
|---|---|
| CT | Ethel Walker II |
| NY | Great Swamp |
| NY | Greater Sterling Forest |
| NJ | Wyanokie and Farny Highlands |
| NJ | Ramapo Mountains |
| PA | Cooks Creek Watershed |
| PA | South Mountain |

PRIORITY FISCAL YEAR 2009 RECREATIONAL PROGRAMS NEEDS

In addition to the important land conservation projects from the Machias River in Maine to the Cooks Creek Watershed in Pennsylvania, the AMC respectfully urges the subcommittee to ensure the viability of programs that support outdoor recreation in America. The AMC echoes the testimony of the American Hiking Society in support of diverse and strong funding levels for important recreational priorities.

One of the most effective programs supporting human-powered recreation and community-based conservation planning is the National Park Service (NPS) Rivers, Trails, and Conservation Assistance (RTCA) program. AMC is currently receiving technical assistance from this program as we work to create a network of trails throughout the thirteen-county Pennsylvania Highlands. This trail project will create recreational opportunities for the millions of rural, suburban and urban families living throughout the Pennsylvania Highlands. The AMC endorses the testimony of the Rivers and Trails Coalition, of which we are a member, and supports funding of $12 million for the NPS RTCA program in fiscal year 2009.

Thank you for the opportunity to submit this testimony for your consideration.

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PREPARED STATEMENT OF APS A SUBSIDIARY OF PINNACLE WEST CAPITAL CORPORATION, COLORADO RIVER DISTRICT, CENTRAL UTAH WATER CONSERVANCY DISTRICT, DENVER WATER, THE JICARILLA APACHE NATION, NORTHERN COLORADO WATER CONSERVANCY DISTRICT, PUEBLO BOARD OF WATER WORKS, SAN JUAN WATER COMMISSION, SOUTHERN UTE INDIAN TRIBE, SOUTHWESTERN WATER CONSERVATION DISTRICT, PNM/SAN JUAN GENERATING STATION, TRI-COUNTY WATER CONSERVANCY DISTICT, THE NAVAJO NATION, AND THE UTAH WATER USERS ASSOCIATION

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of $697,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriation of $475,000 in operation and maintenance funds within the $45,147,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

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PREPARED STATEMENT OF THE ASSOCIATION OF STATE DRINKING WATER ADMINISTRATORS

*Who We Are*.—James D. Taft, Executive Director, on behalf of the Association of State Drinking Water Administrators (ASDWA), is pleased to provide testimony to the Interior and Related Agencies Subcommittee on fiscal year 2009 Appropriations for the U.S. Environmental Protection Agency. ASDWA represents the State drinking water programs in each of the 50 States and territories and the Navajo Nation in their efforts to ensure the provision of safe drinking water to more than 275 million consumers nationwide. ASDWA's primary mission is the protection of public health through the effective management of State drinking water programs that implement the Safe Drinking Water Act (SDWA).

SUMMARY OF REQUEST

ASDWA respectfully requests that, for fiscal year 2009, the Subcommittee appropriate funding for three State drinking water programs at levels commensurate with Federal expectations for performance and at levels that continue to ensure appropriate public health protection. Specifically, ASDWA requests an appropriation of $124 million for the Public Water System Supervision (PWSS) program; $1 billion for the Drinking Water State Revolving Loan Fund (DWSRF) program; and $7 million for State drinking water program security initiatives. A more complete explanation of the needs represented by these requested amounts and a further explanation of these particular requested levels follows.

HOW STATES USE FEDERAL FUNDS

*States Need Increased Federal Support to Maintain Overall Public Health Protection*.—State drinking water programs strive to meet their public health protection goals through two principal funding programs: the Public Water System Supervision Program (PWSS) and the Drinking Water State Revolving Loan Fund (DWSRF)

Program. These two programs, with their attendant State match requirements, provide the means for States to work with drinking water systems to ensure that American citizens can turn on their taps with confidence that the water is both safe to drink and that the supply is adequate. In recent years, State drinking water programs have accepted additional responsibilities to work with all public water systems to ensure that critical drinking water infrastructure is protected and that plans are in place to respond to both natural and manmade disasters.

*The PWSS Program*.—To meet the requirements of the SDWA, States have accepted primary enforcement responsibility for oversight of regulatory compliance and technical assistance efforts for 160,000 public water systems to ensure that potential health-based violations do not occur or are remedied in a timely manner. Going beyond these longstanding core responsibilities, since 1996, State drinking water programs have participated in the development and implementation of over 25 new Federal regulations and strategic initiatives designed to enhance the protection of public health. States are also implementing an array of proactive initiatives to protect public health from "source to tap." These include source water assessments and controls; technical assistance with water treatment and distribution; and enhancement of overall water system performance capabilities. State activities go well beyond simply ensuring compliance at the tap.

*The DWSRF Program*.—In a little over 10 years, States have leveraged Federal and State funding for the DWSRF program into more than $11 billion in loans to thousands of communities as a means to help them improve the quality and quantity of the water they drink. State drinking water programs have also used DWSRF funds to support the technical assistance and training needs of small drinking water systems and to help these water systems obtain the technical, managerial, and financial proficiency needed to meet the requirements of the SDWA.

*State Drinking Water Security Responsibilities*.—Since the events of September 2001, as well as the more recent experience of Hurricane Katrina, States have taken extraordinary measures to meet the security and emergency response-related needs of the drinking water community. State drinking water programs have responded to a significant number of requests for assistance, training, information, and financial support from the water systems under their purview as well as supported utility-based "mutual aid" networks. States have also been instrumental in providing support and assistance to systems in assessing whether a contamination event has occurred and, if so, evaluating the magnitude of the public health implications as well as the steps needed to recover. States have devised training and technical assistance programs, initiated new communications structures, and begun the work of integrating the concepts of enhanced security concerns throughout all aspects of the drinking water program.

WHY INCREASED FUNDING IS URGENTLY NEEDED

*State Drinking Water Programs are Hard Pressed*.—States must accomplish all of the above-described activities and take on new responsibilities while responding to escalating pressures to further cut their budgets, streamline their workforces, and operate with less state-provided financial support. State drinking water programs have always been expected to do more with less and States have always responded with commitment and ingenuity. However, State drinking water programs are now in crisis. Congress and the executive branch, through EPA, have implemented national program guidance calling for both States and water systems to continually improve their contaminant rule compliance rates. However, many States are now experiencing declining compliance rates in the face of declining or stagnant financial resources. Decreases in available Federal dollars increase the likelihood of a contamination event that puts public health at risk.

*State Funding Gap Continues to Grow; States Cannot Keep Up*.—Although the 1996 SDWA Amendments authorized the PWSS Program at $100 million per year, appropriated amounts have only recently reached or come close to that originally-authorized level. ($97.55 million [after rescissions] was appropriated for the PWSS program in fiscal year 2008.) Since August 1996 (the date of reauthorization of the SDWA), States have been denied over $250 million in funds for the PWSS grant program that were called for by the authorized levels. However, even the fully authorized level of $100 million annually is now, 11 years after enactment, woefully inadequate for the enormity of the task faced by State drinking water programs. In fiscal year 2006, State drinking water program administrators identified an annual shortfall nationally of approximately $360 million between available funds and those needed to administer their programs. That gap only continues to grow and has consequences. Many States are simply unable conduct complete the timely implementation of major provisions of the newer regulations, leaving the work undone or

ceding the responsibility back to EPA where it is likely to languish because of their own resource constraints and lack of "on the ground" expertise. This situation could create a significant implementation crisis in several regions of the country and ultimately delay implementation of several critically needed public health protections. Similarly, for the DWSRF, the authorized level of $1 billion per year has never been appropriated. States have received less than 80 percent of the $12 billion authorized for the DWSRF program since 1996. The underfunding of these programs, coupled with the decline in the spending power of these dollars due to inflation and cost of living increases, has severely hampered State drinking water programs' ability to fulfill their mission and provide critically needed support to drinking water systems.

FISCAL YEAR 2009 REQUEST LEVELS AND SDWA PROGRAM OBLIGATIONS

*The PWSS Program*.—The State PWSS program request level in the administration's fiscal year 2009 budget is $99.1 million. This reflects an alarming downward trend from prior year administration requests and the enacted budget high point of $101.9 million appropriated just 5 years ago—in fiscal year 2004. The eroding effects of inflation have further eaten away at these inadequate funding levels. State drinking water programs are hard pressed to understand a justification for the decreased funding since this is the year when they must begin critical phases of implementation of the LT 2/Stage 2 Rule cluster—two very sophisticated and complex initiatives as well as prepare to implement the recently promulgated Ground Water Rule and changes to the Lead and Copper Rule. States want to offer the flexibilities allowed under these and other rules; however, fewer dollars mean less opportunities to work one-on-one with water systems to meet their needs. Looking ahead, States expect that new rules for contaminants on EPA's Contaminant Candidate List will be forthcoming. Revisions to the Total Coliform Rule and possibly, a new distribution system rule are planned over the next few years. The number of regulations requiring State implementation and oversight as well as performance expectations continue to grow while, at the same time, Federal funding support necessary to maintain compliance levels and meet expectations is in decline.

ASDWA, therefore, respectfully requests that the fiscal year 2009 funding for the PWSS program be appropriated at $124 million. This figure represents a baseline of $101.9 million, as appropriated in fiscal year 2004, plus an additional 3.5 percent increase over the past 5 fiscal years and into fiscal year 2009 to adjust for inflation.

*The DWSRF Program*.—The fiscal year 2009 DWSRF program request in the President's budget is "flat-lined" at $842 million, reflecting no change from the fiscal year 2008 request and continues the downward funding trend of the three previous years—an $8 million decrease. The primary purpose of the DWSRF is to improve public health protection by facilitating water system compliance with national primary drinking water regulations through the provision of loans to improve drinking water infrastructure. Water infrastructure is needed for public health protection as well as a sustainable economy. For instance, industries have opted not to move to locations with inadequate electricity, water, and/or wastewater capacity to meet their needs. States have very effectively and efficiently leveraged Federal dollars with State contributions by turning over $11 billion from the DWSRF into well over $13 billion in water infrastructure loans since 1997. In so doing, States have provided assistance to almost 5,000 projects improving health protection for over 100 million Americans. Nearly 72 percent of projects and 39 percent of assistance has been provided to small communities (serving less than 10,000 people). However, EPA's most recent National Drinking Water Infrastructure Needs Survey (2003) indicated that water system needs total $276.8 billion over the next 20 years to comply with SDWA mandates. Despite these indicators of success and documented needs, the maximum amount requested by the administration for the DWSRF has been $850 million and Congress has always appropriated less than those requested levels. Without reasonable increases, the DWSRF will never be able to meet the SDWA compliance and public health protection goals for which it was designed.

ASDWA, therefore, respectfully requests that the fiscal year 2009 funding for the DWSRF program be appropriated at authorized level of $1 billion.

Security Responsibilities: The administration's fiscal year 2009 budget request includes $4.9 million for State drinking water programs to continue to expand their security activities, particularly for small and medium water systems and support utility-based mutual aid networks for all drinking water systems. While States are appreciative of the funding, once again it is difficult to understand why the request level is decreased from previous years. Given the realities exemplified by ongoing Homeland Security initiatives, the anticipation of metrics under the National Infrastructure Protection Plan, and the lessons learned from Hurricanes Katrina and Rita, State drinking water programs are working more closely than ever with their

water utilities to evaluate, assist, and support drinking water systems' preparedness and response capabilities. Beyond the mandates of the Bioterrorism Act of 2002, States are being directed to expand their efforts to reflect an "all hazards" approach to water security and to focus their efforts toward smaller water systems not covered by the act. These systems are much less likely to have the organizational or financial wherewithal to better secure either their physical or cyber infrastructures and rely on the States to help them meet their needs and identify potential funding sources (DWSRF). There is no dedicated fund to support or assist these smaller systems.

ASDWA therefore respectfully requests that the fiscal year 2009 funding for the State security initiatives program be appropriated at $7 million. This figure represents a very modest increase over the security grant received over the past few years (i.e., on average, this would represent an increase of less than $40,000 per State). This increase is more commensurate with the security tasks State drinking water programs must take on and would help address the eroding effects of inflation since the originally appropriated level of $5 million in fiscal year 2002.

CONCLUSION

In conclusion, ASDWA respectfully recommends that both State and Federal fiscal year 2009 budget needs for the provision of safe drinking water be adequately funded by Congress. The subcommittee can meet those needs through relatively modest increases in funding over the administration's requested fiscal year 2009 budget or by a "budget-neutral" reallocation of funding within the overall budget of the U.S. Environmental Protection Agency. ASDWA calls the subcommittee's attention to the State-recommended fiscal year 2009 budget developed by the Environmental Council of the States (ECOS) as a constructive starting point for these discussions.

A strong drinking water program supported by the Federal-State partnership will ensure that the quality of drinking water in this country will not deteriorate and, in fact, will continue to improve—so that the public can be assured that a glass of water is safe to drink no matter where they travel or live. States are willing and committed partners. However, additional Federal financial assistance is needed to meet ongoing and ever growing regulatory and security needs. In 1996, Congress provided the authority to ensure that the burden would not go unsupported. For fiscal year 2009, ASDWA asks that the promise of that support be realized.

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PREPARED STATEMENT OF THE ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS

The States are responsible for implementing the Clean Water Act. They set standards, monitor and assess water quality, develop total maximum daily loads (TMDLs), issue permits, assure compliance and implement other watershed protection. The Nation depends on these State clean water programs to protect public water supplies, recreational waters, aquatic life, wildlife and other water uses.

The mandates and workload USEPA expects of States continues to grow. The permitted universe has increased over 500 percent; standards must be set for complex and challenging pollutants; TMDLs must be developed and implemented, etc. According to the State Water Quality Management Resource Analysis Report "At the highest level of aggregation. . . . State agencies are receiving less than one-half of the resources they need to fully implement the requirements of the Federal Clean Water Act." With a funding gap of over $900 Million, based on conservative projections, States do the best they can to address priority water quality problems with the resources available.

STATE MANAGEMENT FUNDING

State efforts are undermined by OMB and USEPA setting aside 106 funds. The underlying message this sends is that USEPA is on the path to significantly de-fund the State/Federal partnership. First it was a setaside for monitoring, then national probabilistic monitoring, then a permit fee incentive rule (fiscal year 2007 Budget) and then State scale probabilistic networks (fiscal year 2008 Budget). Cumulatively, the setasides total about $27 Million (over 25 percent of the funds States would have otherwise received). USEPA has no statutory authority to do this.[1] Of equal

[1] Section 106 states the funds are "for grants to State and to Interstate Agencies to assist them in administering programs for the prevention and elimination of pollution." The funds are

Continued

importance, these funds are urgently needed in States to identify and solve important water quality problems. Diverting 106 funds from core efforts to fulfill water quality management obligations is not sustainable. States need flexibility to leverage the limited 106 funds appropriated to achieve environmental results.

The setasides for the permit fee incentive rule and State probabilistic monitoring networks add insult to injury, creating incentives for some States by decreasing 106 funding to others.

Clean Water State Revolving Loan Fund (CWSRF): ASIWPCA is deeply concerned about the Federal dis-investment in the CWSRF, because the CWSRF is under capitalized. Documented needs total over $300 billion. This figure does not fully consider: (1) the Nation's growing population which increases demands on infrastructure; (2) the higher levels of treatment that will be required at traditional permitted facilities for pollution; (3) treatment of sources such as stormwater, combined sewer overflows and separate sanitary overflows; and (4) repair and replacement of aging infrastructure. As a key partner in meeting these challenges, the CWSRF needs to be better funded and is well worth the investment:

—Each dollar in Federal capitalization leverages an even greater amount at the State and local level;
—Each Billion loaned saves communities $350 million in interest, and generates over 40,000 jobs and $1.9 billion in long term economic benefits;
—77 percent of funds loaned are to improve water quality, 67 percent to protect and restore fisheries and recreational waters, and 19 percent to protect and restore drinking water; and
—55 percent of funds loaned are to achieve compliance with the Clean Water Act

The Association makes the following recommendations for fiscal year 2009:

[In millions of dollars]

| | Amount |
|---|---|
| Section 106 | 270.3 |
| 319 | 241.5 |
| Clean Water State Revolving Loan Fund | [1] 1,500.0 |

[1] Fiscal year 2004 level.

We ask the Committee to:

—Preclude USEPA from promulgating or implementing a NPDES permit fee incentive rule.
—Require that appropriated section 106 funds be allotted to States and Interstate Agencies in accord with the allotment formula as defined in 40 CFR Part 35.162 (a)–(c).

Maintaining and protecting the Nation's water resources is crucial to public health, the environment, and the Nation's economy. The Association appreciates the support the Appropriations Committee has given State and Interstate Agency Clean Water Programs and looks forward to working with you on these important issues.

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## PREPARED STATEMENT OF THE ASME ENVIRONMENTAL PROTECTION AGENCY (EPA) TASK FORCE OF THE ASME ENVIRONMENTAL ENGINEERING DIVISION

### INTRODUCTION

The EPA Task Force of the Environmental Engineering Division (EED) of ASME is pleased to have this opportunity to submit its position statement on the fiscal year 2009 budget request for Science and Technology (S&T) programs in the Environmental Protection Agency (EPA). ASME is a worldwide engineering society focused on technical, educational, and research issues. It sets many industrial and manufacturing standards, holds numerous technical conferences and professional development courses each year, and is one of the largest publishers of technical and engineering information worldwide.

### BACKGROUND

Scientists and engineers have a long-standing professional interest in applying science and technology to improve the environment and human health. Mechanical engineers increasingly collaborate with other professionals in the environmental

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to be allotted based on "the extent of pollution." Accordingly, States worked with USEPA to establish an equitable formula.

field to develop innovative and cost-effective environmental technologies and systems.

The EPA plays an essential role in the nation's efforts to protect human health and safeguard the environment and EPA's S&T research and development (R&D) activities should be important to improve environmental protection in a sound, sustainable, and cost-effective manner. R&D efforts are needed to improve environmental health and ecology, environmental monitoring, environmental technology development and implementation, pollution prevention, and address the emerging concerns of climate change, and the environmental issues of homeland security and infrastructure protection.

The President's fiscal year 2009 budget request for EPA S&T programs would increase funding by $3.4 million over fiscal year 2008 to $763.5 million. Despite this increase, the EPA R&D budget has decreased, when adjusted for inflation, to the lowest levels in over two decades. Lower R&D funds could undermine major programs and also impair responses to climate change, terrestrial carbon sequestration and management, biofuels and oil shale waste issues, and nanotechnology development.

*Overview of the ASME Task Force Review*

We will focus our analysis on the R&D activities within the S&T portfolio within the EPA's Office of Research and Development (ORD) and the Superfund program that support eight strategic programmatic research areas:

I. Clean Air and Global Climate Change
II. Clean and Safe Water
III. Land Preservation and Restoration
IV. Human Health and Ecosystems
V. Compliance and Environmental Stewardship
VI. Toxic Research and Prevention
VII. Sustainability
VIII. Homeland Security

The change in funding levels supporting these core objectives between fiscal year 2008 and fiscal year 2009 is as follows:

[In millions of dollars]

| | Fiscal year | | Change |
|---|---|---|---|
| | 2008 | 2009 | |
| Clean Air | 99.6 | 96.9 | −2.7 |
| Clean Water | 104.3 | 101.4 | −2.9 |
| Land Protection and Restoration | 10.5 | 13.3 | +2.8 |
| Human Health and Ecosystems | 223.6 | 217.3 | −6.3 |
| Toxic Research and Prevention | 24.4 | 26.5 | +2.09 |
| Sustainability | 22.1 | 19.9 | −2.1 |
| Homeland Security | 54.1 | 73.9 | +19.8 |
| Total | 538.6 | 549.2 | +10.6 |

EPA OFFICE OF RESEARCH AND DEVELOPMENT

Through research and technical assistance, ORD provides the scientific foundation for EPA by performing research and development to identify and solve present and future environmental issues and providing responsive technical support to its scientific partners. The ORD administers programs addressing both foundational research to improve the scientific tools used to understand and evaluate environmental health as well as problem-driven research designed to provide scientific solutions to high-priority environmental problems. It is an invaluable national resource.

We remain concerned that EPA's science and technology investments continue to fall below the level of inflation. An evaluation of EPA's resources is needed to ensure that it can balance between existing priorities and new challenges. Program specifics issues are outlined below:

CLEAN AIR RESEARCH

[In millions of dollars]

| | Fiscal year | | Change |
|---|---|---|---|
| | 2008 | 2009 | |
| Global Change | 19.6 | 16.3 | −3.3 |
| Clean Air | 79.9 | 80.5 | +.59 |
| Total | 99.6 | 96.9 | −2.7 |

Funding for Global Change research has dropped at a time when the nation views this as a critical issue. We urge Congress to appropriate additional funds for Global Change to at least the fiscal year 2008 level. The Task Force supports increased research funding to at least the fiscal year 2008 level.

CLEAN WATER RESEARCH

[In millions of dollars]

| | Fiscal year | | Change |
|---|---|---|---|
| | 2008 | 2009 | |
| Drinking water | 48.7 | 45.2 | −3.5 |
| Water quality | 55.5 | 56.1 | +.6 |
| Total | 104.3 | 101.4 | −2.8 |

Overall, the fiscal year 2009 budget request calls for a decrease of about $2.8 million over the fiscal year 2008 appropriated amount. This reduction could hurt the long-term development of infrastructure related to water quality issues. The Task Force is concerned about the reductions for Clean Water Research and urges Congress to increase funding for the Drinking Water and Water Quality programs to at least the fiscal year 2008 Appropriated amount.

LAND PROTECTION AND RESTORATION

[In millions of dollars]

| | Fiscal year | | Change |
|---|---|---|---|
| | 2008 | 2009 | |
| Land protection research | 10.5 | 13.3 | +2.7 |

The $2.7 million, or 27 percent, increase in land protection and restoration research comes as ecosystem research and sustainability and environmental management are being reduced in funding. The Task Force recommends that funding for land protection and restoration be appropriated at requested levels for fiscal year 2009.

SUSTAINABILITY RESEARCH [1]

[In millions of dollars]

| | Fiscal year | | Change |
|---|---|---|---|
| | 2008 | 2009 | |
| Sustainability [2] | 22.1 | 20.0 | −2.1 |

[1] The Economics and Decision Sciences (EDS) and Environmental Technology Verification (ETV) programs have been zeroed out.
[2] No longer part of Land Protection and Restoration.

Funding for Sustainability research is slated for a reduction of $4.6 million for this year, and nearly $10 million below the fiscal year 2007 level. Additionally, programs such as the Environmental Technology Verification (ETV) and the Economics and Decision Sciences (EDS) were eliminated in the fiscal year 2008 Budget request.

The Task Force recommends restoring funding to the ETV and EDS programs. Funds for Sustainability research should be increased to at least fiscal year 2008 levels.

TOXIC RESEARCH AND PREVENTION

[In millions of dollars]

| | Fiscal year | | Change |
|---|---|---|---|
| | 2008 | 2009 | |
| Pesticides and Toxics Research | 24.4 | 26.5 | +2.09 |

HUMAN HEALTH AND ECOSYSTEMS

[In millions of dollars]

| | Fiscal year | | Change |
|---|---|---|---|
| | 2008 | 2009 | |
| Human Health [1] | 77.2 | 74.7 | −2.5 |
| Ecosystems [1] | 75.7 | 69.9 | −5.7 |
| Human health risk assessment | 38.3 | 39.3 | +.98 |
| Endocrine disruptors | 10.3 | 9.5 | −.82 |
| Fellowships | 9.8 | 8.8 | −.96 |
| Computational toxicology | 12.1 | 14.8 | +1.9 |
| Human Research | 153.0 | 144.7 | −8.2 |
| Total | 223.6 | 217.3 | −6.3 |

[1] No longer a part of the Human Health and Ecosystems program. Separated in the fiscal year 2008 Budget.

Funding for Healthy Communities and Ecosystems research is slated for a reduction of $6.3 million for this year, over $20 million from fiscal year 2007. Despite that other agencies are receiving increased funding for research to support long-term energy reliability and sustainability, such as oil shale, biofuels, and carbon capture and sequestration, EPA has not received funding to assess the ecosystem impacts of these major initiatives. The Task Force believes that the substantial budget cuts in ecosystems research will impede new technologies that minimize future environmental damage. The Task Force recommends increasing funds to at least fiscal year 2008 levels to support these areas.

HOMELAND SECURITY

[In millions of dollars]

| | Fiscal year | | Change |
|---|---|---|---|
| | 2008 | 2009 | |
| Critical Infrastructure Protection | 15.3 | 27.1 | +11.7 |
| Decontamination | 20.4 | 28.8 | +8.36 |
| Preparedness, Response, and Recovery | 38.1 | 46.2 | +8.0 |
| Total | 54.1 | 73.9 | +19.8 |

Homeland security activities are a significant element of EPA's S&T activities, focusing on critical infrastructure protection and disaster preparedness and response. The Task Force believes that the new emphasis on homeland security at EPA is justified and that the increase is more then adequate to meet the program's objectives. Continued support should be provided to improve water security and enhance preparedness for biological and chemical threats.

*Environmental Education*

The fiscal year 2009 EPA budget requests $8.8 million to support research fellowships, a decrease of $1 million from the previous fiscal year. The STAR (Science to Achieve Results) fellowship program is the only federal fellowship program designed exclusively for students pursuing advanced degrees in environmental sciences and engineering. This is an important investment and the Task Force fully supports this program. The Task Force urges Congress to increase funding for STAR fellowships.

It is essential to encourage students to pursue careers in environmental science and engineering. Such investments are critical to addressing environmental concerns, bolstering our nation's workforce, and maintaining its competitiveness.

CONCLUSION

While the proposed fiscal year 2009 EPA Science and Technology budget includes increases in a few program areas, the overall research budget is historically low. We recommend that the ORD budget be increased by a minimum of $7 million to a level of $548 million. This is necessary to preserve EPA's important contribution in meeting the challenges of our natural resource and policy issues in compliance with its regulatory mission.

ASME is a non-profit technical and educational organization with 120,000 members worldwide. The Society's members work in all sectors of the economy, including industry, academia, and government. This statement represents the views of the EPA Task Force of the ASME Environmental Engineering Division and is not necessarily a position of ASME as a whole.

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PREPARED STATEMENT OF AUDUBON CONNECTICUT

Madame Chairman and honorable members of the committee: Audubon Connecticut appreciates the opportunity to testify on behalf of funding through the Land and Water Conservation Fund to support the addition of three significant habitat areas to the National Wildlife Refuge (NWR) system in Connecticut. A total $6 million is being requested for additions to the Stewart B. McKinney National Wildlife Refuge and $5.065 million for additions to the Silvio O. Conte National Fish and Wildlife Refuge.

Audubon Connecticut, the State organization of the National Audubon Society with more than 12,000 members statewide, works to protect birds, other wildlife and their habitats using science and conservation, education, and legislative advocacy for the benefit of people and the earth's biological diversity. The NWR system in our state protects key habitat areas for birds, wildlife and plants, and provides opportunities for scientific research, environmental education, and fish and wildlife-oriented recreation. These refuges, the Stewart B. McKinney National Wildlife Refuge along the coast of Long Island Sound and the Silvio O. Conte National Fish and Wildlife Refuge covering the watershed of the Connecticut River, represent two of our Nation's most unusual and important Refuges located in a densely populated and highly developed four-state region including Connecticut, Massachusetts, New Hampshire and Vermont.

The Stewart B. McKinney National Wildlife Refuge is dedicated to protecting migratory bird habitat along 60 miles of Long Island Sound shoreline in Connecticut. The Refuge is used by more than 300 species of birds including raptors, waterfowl, shorebirds and Neotropical migratory landbirds. Several individual units are recognized as Audubon Important Bird Areas, part of a global network of sites that are essential to birds at some point in their life cycle. The Stewart B. McKinney NWR provides critical habitat for federally endangered Roseate Terns, federally threatened Piping Plovers, and a globally significant nesting population of Salt Marsh Sharp-tailed Sparrows, listed by the State of Connecticut as a Species of Special Concern and as Globally "Vulnerable" by BirdLife International.

*The Silvio O. Conte National Fish and Wildlife Refuge.*—The Nation's only Fish and Wildlife Refuge—consists of approximately 180,000 acres in 48 identified "special focus areas" within the 7.2 million acre watershed of the Connecticut River in Connecticut, Massachusetts, New Hampshire and Vermont. These areas contribute substantially and in unique ways to supporting natural diversity in the watershed and provide habitat for numerous species of birds including our nation's symbol, the Bald Eagle. Two individual units in Connecticut are recognized as Audubon Important Bird Areas. The areas currently proposed for acquisition would constitute only the second acquisition of property in the State of Connecticut by the Conte Refuge.

Audubon Connecticut strongly supports the following 2008 Land and Water Conservation Fund requests:

—$6 million for phase I of a multi-year effort to acquire the Long Beach/Pleasure Beach project in Stratford and Bridgeport, Connecticut that would conserve a 70-acre barrier beach adjacent to the State's largest city, a distressed and targeted community. This will be first of several phases for this project. The beach shelters the 700-acre estuarine system of the Stratford-Great Meadows Unit of the Stewart B. McKinney National Wildlife Refuge, and represents the most important remaining block of nesting habitat for the federally threatened Piping Plover and State threatened Least Tern in Connecticut. Long Beach and Pleas-

ure Beach represent 20 percent of Connecticut's remaining undeveloped coastline. More than 270 bird species utilize this area, and the addition of the Long Beach/Pleasure Beach property to the Refuge would create one of the premier birding areas in all of New England. Acquisition of this area by the USFWS will simultaneously improve public access, improve resource management for federally listed species and provide a new amenity to Connecticut's largest city, Bridgeport. With both municipalities willing to sell their sites to USFWS, this is a unique opportunity to conserve critical bird habitat while also providing high quality wildlife-oriented recreation opportunities in an urban environment.

—$2 million for acquisition of the Elm Camp/Johnson property, three (3) parcels that would add a total of 389 acres along the pristine Salmon River, a tributary to the Connecticut River, to the Salmon River Division of the Silvio O. Conte National Fish and Wildlife Refuge, as well as $3.065 million (a total request of $5.065 million) for additional properties in Massachusetts, New Hampshire, and Vermont as part of a four-State coalition effort to permanently protect key areas in this unique Refuge that runs through the four-State region and spans the watershed of New England's longest river. The Salmon River Division in Connecticut represents critical wintering habitat for Bald Eagles and nesting habitat for American Black Ducks, Wood Ducks, and Mallards, along with critical wetland, forest and shrubland habitat for many other species of conservation concern. The Elm Camp/Johnson property would represent only the second unit of the Refuge in Connecticut and the first addition to the Salmon River Division. The property contains 3,360 feet of frontage on Pine Brook, a high-quality stream that provides outstanding cold-water fish habitat, as well as 1,440 feet on the west bank of the Salmon River where there have been extensive State and Federal efforts to restore anadromous fish runs, including the Atlantic salmon. Pine Brook is the only major Salmon tributary free of artificial barriers to migratory fish.

The acquisition of these parcels by the U.S. Fish and Wildlife Service will continue efforts to protect bird habitat along the highly developed coastline of Long Island Sound and watershed of the Connecticut River. If funding is not made available in fiscal year 2009, there is a strong possibility that these parcels could be developed and Connecticut would lose more of the already-rare salt marsh and riverine habitats found on the subject properties. On behalf of Audubon Connecticut, I respectfully request your support in the fiscal year 2009 Interior Appropriations bill to ensure the success of these important conservation projects that will benefit the people of our State and our Nation for generations to come.

Thank you for your consideration of these requests.

Audubon Connecticut, the State organization of the National Audubon Society with more than 12,000 members statewide, works to protect birds, other wildlife and their habitats using science and conservation, education, and legislative advocacy for the benefit of people and the earth's biological diversity. Through our network of nature centers, protected wildlife sanctuaries, and local volunteer Chapters, we seek to connect people with nature and inspire the next generation of conservationists.

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## PREPARED STATEMENT OF THE AUDUBON SOCIETY OF NEW HAMPSHIRE

Madam Chairman and honorable members of the subcommittee: Thank you for the opportunity to provide testimony on behalf of the Audubon Society of New Hampshire in support of an appropriation of $1 million from the Federal Land and Water Conservation Fund to acquire a 2,450-acre tract known as the Mollidgewock Brook Project (Phase II) for the Lake Umbagog National Wildlife Refuge (Lake Umbagog NWR) in Errol, New Hampshire. The Audubon Society of New Hampshire is a nonprofit statewide membership organization whose mission is to protect New Hampshire's natural environment for wildlife and for people. Our organization has offered programs in wildlife conservation, land protection, environmental policy, and environmental education since 1914.

My name is Carol R. Foss, Director of Conservation for the Audubon Society of New Hampshire, where I have worked in various professional capacities for more than 30 years. I hold a Bachelor's degree in Biology from Colby College in Waterville, Maine, a Master's Degree in Zoology from the University of Connecticut in Storrs, and a Ph.D. in Wildlife Ecology from the University of Maine in Orono. I have more than 25 years of field experience in northern New Hampshire and western Maine, including considerable time in the vicinity of the Lake Umbagog NWR. I have participated in a number of collaborative efforts to ensure the long-term conservation of our state's northern forest landscape, serving on numerous advisory

committees and expert panels focused on land conservation and management around Umbagog Lake and elsewhere in the region. In my current position I administer a staff of six additional scientists, several of whom have also conducted field research in the forests and wetlands of northern New Hampshire.

Set in the foothills of the rugged Mahoosuc Mountains and straddling the state border between northern New Hampshire and western Maine, Umbagog Lake is the westernmost link in the chain of Rangeley Lakes, famed for their excellent recreational opportunities as well as for possessing some of the finest wildlife habitat to be found in the two states. The 20,513-acre Lake Umbagog NWR, which encircles Umbagog Lake, includes 8,700 acres of open water, dozens of miles of shoreline, numerous sheltered coves and hidden backwaters, and extensive and diverse wetlands. These wetland features are surrounded by a variety of upland and lowland forest types in a broad array of successional age classes.

Umbagog Lake offers scenic wilderness opportunities for recreationists throughout the year. In the warmer months, kayakers, canoeists, and boaters explore the lake's coves and the rapids and backwaters of the Magalloway, Rapid, and Dead Cambridge rivers, the lake's major tributaries, as well as the Androscoggin River which flows out of the lake. Primitive shoreline campsites offer rustic canoe camping in a magnificent northwoods setting. Hunters, hikers, nature photographers, and wildlife watchers find nearly unlimited opportunities for exploration. The watershed is a well-known and sought-after fishing destination that offers anglers the opportunity to fish for both cold water and warm water species. Winter recreational activities include snowmobiling, ice fishing, snowshoeing, cross-country skiing, and dog-sledding.

Lake Umbagog NWR protects exemplary habitats for many types of northern forest wildlife, especially for wetland-dependent, migratory, and state-listed threatened or endangered bird species. Wetland areas on the Refuge are particularly notable for the diversity and abundance of migrating and nesting waterbirds. The Refuge supports the highest concentrations of nesting American black ducks, ring-necked ducks, and common loons in New Hampshire. Significant numbers of several birds of prey of state conservation concern in New Hampshire or Maine are found in and around the Refuge, including breeding populations of bald eagles, ospreys, peregrine falcons, and northern harriers. Many neotropical migrant songbirds associated with northern forest habitat types are plentiful on the Refuge, including several declining species such as Canada warbler, bay-breasted warbler, and rusty blackbird.

Critical ecological values protected by the Lake Umbagog NWR have been recognized by a long list of interagency, academic, and non-governmental organizations, working groups, and committees. In the New Hampshire Wildlife Action Plan, sections of the Refuge are rated as "Tier 1" habitat, a classification used by conservation planners to designate habitat areas with the highest condition ranking in the state. The North American Waterfowl Management Plan's Atlantic Coast Joint Venture recognizes portions of the Refuge in both Maine and New Hampshire as high priority sites. The Refuge is located at the center of the Nulhegan-Rangeley Complex, one of only five waterbird focus areas designated in New England. Within the North American Bird Conservation Initiative, the Lake Umbagog NWR falls within the Atlantic Northern Forest Bird Conservation Region (BCR–14); many of the Priority Species identified by BCR–14 occur on the Refuge. The National Park Service has specifically designated one unique 850-acre tract of boreal bog habitat within the Refuge as the Floating Island National Natural Landmark.

Available for acquisition in fiscal year 2009 is the 2,450-acre Mollidgewock Brook Project (Phase II) located in the town of Errol, New Hampshire. Conservation of this parcel is a top priority for the Lake Umbagog NWR and the support of a variety of local and statewide conservation groups and natural resource agencies, including the Appalachian Mountain Club, the New Hampshire Fish and Game Department, and other conservation groups and natural resource agencies. The entire 5,016-acre Mollidgewock Brook Project (Phases I, II, and III) encompasses the majority of the Mollidgewock Brook wetlands—an extensive complex of low-gradient stream, boreal forest swamp, alder swamp and emergent marsh. A large block of lowland spruce-fir forest surrounds the wetlands, and early successional northern hardwood and mixed forest covers the property's gently rolling uplands.

Specifically, Phase II of the Mollidgewock Brook Project encompasses 276 acres of wetlands as mapped by the National Wetlands Inventory, including at least 10 different wetland types. These extensive and varied wetlands provide ideal habitat for waterfowl, such as hooded merganser, common goldeneye, and the regionally declining American black duck. Field data obtained by the U.S. Fish and Wildlife Service document that this property also supports a variety of forest types, including lowland mixed hardwood-spruce forest, tamarack and spruce bogs, and regenerating stands of spruce-fir and northern hardwoods. Conifer stands on the property have

historically provided a large wintering area for white-tailed deer, the State's most important game species. These forests also provide ideal habitat for lynx and American marten, both species of regional conservation concern. The forests support breeding populations of many neotropical migrant songbirds, including more than 20 species of warblers. Ospreys and northern harriers breed on the property, and bald eagles utilize it as foraging habitat throughout the year.

Conservation of this property will provide critically important ecological connectivity between the recently conserved 5,300-acre Errol Community Forest and the existing 20,513-acre Lake Umbagog NWR. This will benefit many types of wildlife by creating and preserving extensive wildlife travel corridors that extend from Umbagog Lake to the nearby Androscoggin River and to adjacent upland forests. This connection will help facilitate long-term conservation of important wetland and upland wildlife species, including migratory birds, large mammals, and endangered species. Addition of this 2,450-acre property to the Lake Umbagog National Wildlife Refuge will further accomplish the original purposes for the establishment of the Refuge in 1992, including protecting wetlands, wetland-associated wildlife, and migratory birds. Permanent protection of the Mollidgewock Brook and wetland complex will assist the Refuge in achieving these goals, as well as complement and enhance conservation efforts of several partner organizations elsewhere in the region. Additionally, acquisition of this property will support efforts to preserve outdoor recreational opportunities in the upper Androscoggin Valley.

An appropriation of $1 million from the Land and Water Conservation Fund is needed to complete the acquisition of Phase II of the Mollidgewock Brook Project. This investment will be leveraged by over $900,000 in State and private money that will support Phase I and Phase III in order to complete the entire 5,000-acre project. Timely action on this request is needed to complete conservation of the Phase II parcel, which had been at risk of subdivision for second homes by virtue of its proximity to Umbagog Lake, the Androscoggin River, and other desirable recreational amenities of the region. With your support of this appropriation, we have an opportunity to conserve threatened acreage and add it to the Lake Umbagog NWR. Acquisition of this parcel will support the Refuge in its efforts to protect important wildlife habitat and link it to other conservation lands which are already protected by various Federal, State, and municipal agencies.

The Mollidgewock Brook Project is one of many worthy acquisition proposals nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, LWCF funding has diminished by about 75 percent, and the fiscal year 2009 Federal budget proposes even further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers many in-holdings and adjacent lands which have been identified as critical to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. If we fail to act in a timely manner to conserve treasured natural and cultural resources while we have an opportunity, many may soon be lost or severely degraded. I urge the subcommittee to increase overall funding available for LWCF in fiscal year 2009.

Thank you again for the opportunity to provide testimony in support of this important conservation initiative in northern New Hampshire.

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## PREPARED STATEMENT OF THE BLUE GOOSE ALLIANCE

Mr. Chairman and members of the committee, the following is offered on behalf of the Blue Goose Alliance regarding the fiscal year 2009 appropriations for Operations and Maintenance accounts of the National Wildlife Refuge System. We urge the committee to allocate an increase of $81 million, thereby advancing the funding to $514 Million for Refuge System operations in the coming year. Further, we ask that the Land and Water Conservation Fund (LWCF) appropriations for fiscal year 2009 be retained at the fiscal year 2008 level of $20.676 million. These funds are vital to assure continuation of a viable effort to address exchanges, inholdings, emergencies and hardships affecting habitats for endangered species, neotropical migrants and depleted populations of migratory birds.

The Blue Goose Alliance is a national 501(c)(3) conservation organization. Its mission is to promote the legislative establishment of a National Wildlife Refuge Service within the U.S. Department of the Interior. To assist the accomplishment of that mission, the Alliance informs the public and Congress on needs and benefits of the Refuge System, and works independently or with other organizations to defend individual refuges against threatening projects or proposals.

SUMMARY

The Alliance thanks you, Madam Chairwoman, for your leadership last year as this committee worked to increase funding for the Refuge System. Those efforts were noteworthy given the difficult budget climate. Once again we urge you to move the Refuge System and its vital wildlife conservation programs forward by increasing funding in fiscal year 2009. A large group of organizations are working to establish adequate core program funding for the Refuge System by fiscal year 2012. The level we endorse for fiscal year 2009 ($514 million for NWRS O&M) represents a logical and very important step towards that well-justified goal.

We are deeply concerned with the administration's fiscal year 2009 budget request for the National Wildlife Refuge System, which proposes damaging decreases within basic refuge programs. Each year rising basic costs erode the purchasing power of the funding provided by this committee so that an additional $15 million each year is necessary merely to maintain refuge programs at the previous year's level. The real need is to go beyond the inflation costs and allow refuges to increase activities and public benefits to higher levels.

It is incomprehensible to us that the Fish and Wildlife Service (FWS) requested severe program cuts by diverting some fiscal year 2008 funds, "refusing" money allocated to it, and attempting to confine some subactivities to fiscal year 2007 levels even as they continue refuge workforce reductions. Those tactics conflict with the Appropriations Act and directions provided by this committee.

We also respectfully ask the subcommittee for an additional $1 million to fund an independent study of the Refuge System. The National Wildlife Refuge Association in October 2007 first proposed such a study. It should detail the obscure stature of the Refuge System within the Department and FWS with consequent lack of leadership attention, weak decisions, forced staff reductions and inadequate funding undermining of the biological integrity, diversity, and environmental health of refuges. These factors also impede vital public outreach, foster lawlessness on refuges and limit the ability of field stations to mitigate and adapt to habitat and wildlife population changes wrought by global climate changes. The study would gauge the Refuge System's status and efforts to implement the 1997 Refuge Improvement Act.

While the fiscal year 2009 President's budget request for the FWS attempts to look like an effort to reduce government spending, it actually diverts funds from basic refuge programs originating in the 1997 statute, and funds new initiatives in the FWS and Department. This is a chronic problem for the System and a main reason the Blue Goose Alliance exists. We believe such diversions would cease if the Refuge System had full agency autonomy within the Department of Interior.

REFUGE SYSTEM PROGRAM RECOMMENDATIONS

The FWS has asked for a decrease of $930,000 for subactivities within the Wildlife and Habitat Management subactivity. The proposal "eliminates" a congressional add-on in last year's appropriations. We support an increase of $25 million in this fundamental program. As Global Climate Change continues to impact coastal areas and especially northern Alaska, refuge wildlife and habitats must have the resources to help mitigate and adjust to the changes. Inland areas such as the prairie pothole region of north central States and the arid southwest are also feeling early effects of the greenhouse phenomenon. America's fish and wildlife require time to adjust to expected habitat changes; refuges can serve as assisting agents for those adjustments. Refuges need to improve wildlife surveys and monitoring activities, increase the health of all refuge wildlife populations and habitats, and anticipate coming changes.

The FWS has asked for a decrease of $1,733,000 in the Visitor Services subactivity, again redirecting resources to "other needs within the Fish and Wildlife Service" at a time when National Wildlife Refuges are, more than ever, a destination point for people as well as wildlife. Refuge visitation continues to grow as birdwatching becomes ever more popular and refuges offer premier opportunities found nowhere else. Birding now has 82 million participants, having grown by 8 percent since the year 2000. Today 35.4 percent of Americans 16 and older take active interest in birding. Altogether, over 8 billion birding days are expended each year, yet another increase in nature observations in general as humans seek balance in a stress-filled world.

Environmental education is an especially important activity on refuges, and is increasingly popular with schools all across the Nation. Within the refuge system many refuges have a top quality EE program. Investments in EE are especially important as they reach our young people, the decision-makers of tomorrow. Volunteerism is another notable success story on refuges. Volunteers contribute 20 percent of the work hours performed on refuges. Rather than reduce this vital sub-

activity and programs, this is an opportune time for enhancement. In total, the Alliance supports an increase of $20 million for the Visitor Services subactivity.

The FWS proposes a program decrease of $1,027,000 in Conservation Planning. The congressional mandate for completing Comprehensive Conservation Plans (CCP) for all 554 units of the Refuge System by 2012 draws near. The larger, more complex refuges are only now beginning to be planned. A decrease in support at this juncture is unwarranted and unwise. An increase of $5 million in this subactivity would best support the necessary data collections and other activities required for quality planning. The recent tendency by the planners to use "boiler-plate language" in the CCPs should be replaced with sound planning and deeper thinking on upcoming issues to be addressed by the individual refuges. Global climate change has not been included in most of the plans completed to date. Because the plans are intended to guide the refuges for the next 15 years, and since early effects from climate changes are being noted, it is crucial to invest in completion of plans appropriate to the times.

We support an even larger increase for the Law Enforcement subactivity than is included in the FWS budget request. The wildlife refuges along our Nation's southern border require increased capability given the often dangerous situations being encountered. Refuge law enforcement in general is lagging at a time of increased visitation and needs an important boost for visitor and wildlife protection. Overall plans have been developed but funds for equipment, training, and new personnel must be made available. We support an increase in this subactivity of $5 million.

The FWS proposes to reduce the Refuge Maintenance subactivity by $2,384,000 while the National Wildlife Refuge Service continues to be crippled by a growing maintenance backlog currently exceeding $3 billion. We propose an increase of $25 million in this vital program area. The present level of funding is inadequate and should be raised to provide a capacity more responsive to the initial investments and standards of responsible upkeep.

CONCLUSION

The 2007 "Banking on Nature" report States that recreational visits to national wildlife refuges generate substantial economic activity. In fiscal year 2006, 34.8 million people visited refuges outside of Alaska for recreation. Their spending generated almost $1.7 billion of sales in regional economies. As this spending flowed through the economy, nearly 27,000 people were employed and $452.8 million in employment income was generated. Visitation projections for the coming year exceed 40 million people. It is time to recognize this economic contribution of the Refuge System by moving a strong step above the fiscal year 2008 funding for operations and maintenance. Such a move will enable the Service to better shelter its fish, wildlife and plants while providing important benefits for the visiting public and other supporters. It is an investment that continues to pay dividends in several ways. We hope that members of this committee agree.

The proposed FWS fiscal year 2009 Budget for National Wildlife Refuges would reduce the ability of every refuge in the System to successfully conduct important science based biological programs and to hire vital new staff. It would also diminish opportunities for the public to engage in compatible wildlife-dependent recreation.

The Blue Goose Alliance urges the subcommittee to provide an increase of $81 million for the National Wildlife Refuge System in fiscal year 2009, raising the Operations and Maintenance funding level to $514 million, and to fund an important and much needed independent study of the System. This sorely needed surge in funding will continue the reversal of deteriorating refuge conditions started by last year's appropriations. It will permit reopening several visitor contact stations and allow new or upgraded environmental education programs, an increase in volunteer programs and resulting output, and improve services to visitors. We also consider it vital that $20.7 be retained for the LWCF to assure an acquisition program commensurate with the need to save habitats for migratory birds and endangered wildlife.

Thank you Madam Chairwoman for this opportunity to comment on the appropriation needs of the National Wildlife Refuge System.

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PREPARED STATEMENT OF THE BONNEVILLE SHORELINE TRAIL COMMITTEE

Madam Chairman and honorable members of the subcommittee: Thank you for the opportunity to present this testimony in support of an appropriation of $1.5 million for the Forest Service to acquire the 150-acre North Ogden property for the Bonneville Shoreline Trail.

As you know, Madam Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

For years, the residents of Salt Lake, Weber, Davis, Utah, and Cache Counties have benefited from their unique geographical location along the slopes of the Wasatch Range, which provides recreational opportunities, an escape from urban pressures, and a sense of community pride and identity. Development pressure poses the most serious threat to this valuable resource and will increase as the Wasatch Front population doubles within the next 10 to 15 years. This population growth and increased public use of these lands have raised issues of landowner liability and put pressure on these property owners either to sell their land or to restrict access to the trails, raising the possibility that this vital public recreational system could be impaired or lost.

In 1990, representatives of the Wasatch-Cache National Forest, Weber County, the City of Ogden, and other citizens groups concerned about the fragile thread that holds the trail system together, began meeting in an effort to protect and expand the trail corridor along the foothills of the Wasatch Mountain Range. As a result, the Bonneville Shoreline Trail (BST) project was developed, with a broad goal of extending the existing but threatened trail corridor already in place in the city of Ogden south to Provo, following the prehistoric shoreline of Lake Bonneville within the national forest. This partnership has been so successful that the communities in Cache and Box Elder County have worked to extend the trail north.

Available for acquisition in fiscal year 2009 is the 150-acre North Ogden property in Weber County, a high priority for protection by the U.S. Forest Service. The property serves as important habitat for deer and elk and as an important buffer for fire protection for the rapidly developing area along the Wasatch Front. The property also provides watershed protection for neighboring areas in addition to key recreational resources.

The North Ogden program is a partnership effort to provide a new stretch of the BST along the northern boundaries of North Ogden and Pleasant View, within the boundaries of the national forest. In 2005, a 5-mile stretch of the BST along North Ogden and Pleasant View was secured through a trail easement along an existing utility corridor granted to the nonprofit Weber Pathways. The property available for protection this year is critical to the North Ogden program because it will bring Forest Service ownership to this stretch of the BST and add critical trail access to the citizens in this area of the State. Protection of this property will also protect beautiful views of the foothills of the Wasatch Front and Ben Lomond Peak, one of Weber County's most important landmarks, while conserving important wildlife habitat and winter range along this rapid growth area.

In fiscal year 2009, $1.5 million is needed to acquire this BST property that is critically important to furthering the goals of the trail. If not protected, this area will be developed. Public access to this portion of the BST could be lost forever, and adjacent forest and wilderness lands would also be put at risk.

Thank you, Madam Chairman, for the opportunity to present this testimony.

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## PREPARED STATEMENT OF THE BRISTOL BAY AREA HEALTH CORPORATION

The Bristol Bay Area Health Corporation (BBAHC) submits this statement regarding the fiscal year 2009 Indian Health Service budget. BBAHC is a consortium of 34 tribes in Southwest Alaska and was formed by the tribes of the region in 1973. We were the first tribal organization in the United States to use an Indian Self-Determination (Public Law 93–638) contract to manage and operate an Indian Health Service Unit, and have been managing and operating the Kanakanak Hospital and Bristol Bay Area Service Unit since 1980. We provide health services in a 40,000 square mile area—larger than the state of Ohio and with no roads. Our energy costs are enormous. Heating oil is now $5 a gallon in Dillingham and double that in the villages—in some cases heating oil has to be flown in, exacerbating the costs. Gasoline is $11 per gallon in the villages. Medevac services are $20,000 per flight.

BBAHC is struggling to meet health needs with high costs and woefully inadequate facilities as reflected in our IHS budget requests:

—$5.5 million increase for the Village-Built Lease program over a 3-year period with at least a $3 million increase in fiscal year 2009 and a pro-rata share of any increase for BBAHC.
—$2 million to complete the replacement of the boiler plant at Kanakanak Hospital.
—Authority for IHS to accept non-IHS built facilities and to issue use permits for these facilities to tribes.
—$3.8 million for design and construction of a dental building.
—$2 million for design of an expansion and remodeling of the Kanakanak Hospital.
—$1.4 million for BBAHC's Medivac program. This is the amount needed just so we can continue services at the current level.
—Resources to stop the shoreline erosion—IHS owns the property underlying the Kanakanak Compound, and there is considerable contamination and beach erosion.
—Funding is needed for water and sewer installation.

We also strongly support the fiscal year 2009 IHS recommendations of the Alaska Native Health Board for:
—A 20 percent increase in the IHS budget—$666 million increase over fiscal year 2008.
—Full funding for contract support costs, a $100 million increase over fiscal year 2008. Nearly half of the CSC shortfall is in Alaska.
—Funding for the Electronic Health Records Technology program—BBAHC's costs for this is $500,000.
—Sanitation Construction—a $20 million increase over fiscal year 2008.
—Community Health Aide Program—a $3 million increase over fiscal year 2008.

*Boiler Plant Replacement*.—Of great urgency is the need to complete the replacement of the hospital's boiler plant. Of the $5.4 million cost, we have obtained $3.4 million from various sources. We need an additional $2 million to complete the job. If the replacement is not completed soon we face a breakdown of the current system and closing of the hospital.

The boiler plant will be in a new stand alone pre-fabricated building. A buried underground piping system will be added to connect the new building with the existing hospital heating system. A system of pipe anchors, pipe guides, and expansion joints will be provided to allow proper expansion of the steam piping system. The project will also incorporate space in the new boiler plant for the future relocation of the 500 kW standby generator system, which provides reliable power for the campus as a back-up to the utility power system.

*Village-Built Clinic Leasing Program*.—The IHS lease program for village-built clinics has absolutely stagnated and it is not able to come close to keeping up with village needs. Funding for the IHS lease program is $3.7 million, the same as it has been for 19 years! We have not even had funding for inflationary increases.

Thanks in part to assistance through the Denali Commission we have seen much needed expansion of some village-built clinics and new ones established. However, lease amounts for clinics that have expanded have not been increased, and indeed, are far below what one would consider reasonable local rates. And those clinics which have not expanded are also being leased at unreasonably low rates when one considers their rural, remote locations. An example is Ekwok, which has an annual clinic lease rate of only $9,146. Overall the current lease funding covers only approximately 55 percent of the operating costs, and those cost are expected to continue to increase as energy costs continue to skyrocket in rural Alaska.

As new clinics have been added, they must be on a waiting list for clinic leases. In order for continued funding from the Denali Commission for clinic construction, the IHS leasing program funds must be increased. Such an increase would make an important difference in the provision of health services at the village level.

*Medevac Travel*.—We request $1.4 million in recurring funding for BBAHC to support the high costs of Medevac services in the Bristol Bay region. As this subcommittee knows, there are few roads in Alaska and there are many instances where we must transport patients via air to the hospital in Dillingham, and, in instances where our hospital cannot provide the type of care needed, to Anchorage. Medevac transport costs $20,000 per flight.

We receive $111,564 for Medevac but our costs are closer to $2 million. We have received no increase since 2001! We aggressively pursue third party collections, but it can in no way make up for the huge shortfall we have in Medevac costs. Medicare and Medicaid reimbursements cover less than half of Medevac costs. Due to high energy and increased costs over the previous year we absorbed $500,000 in Medevac costs last year.

*DHHS Hindering the Use of Facilities Built with Non-IHS Funds*.—In the past BBAHC has used non-IHS funds to pay for the construction of an emergency room and substance abuse treatment and behavioral health facilities, which we added to the Kanakanak Compound property owned by the IHS. Once built, these facilities were given to the IHS, which in turn has allowed BBAHC to utilize them to provide services under our compact in accordance with the terms of a use permit. DHHS has been micro-managing how IHS deals with the accepting and permitting of these facilities, and in so doing has prevented us from utilizing this arrangement for future construction projects. These actions make no sense to us because Congress does not appropriate sufficient funds for the IHS to pay for the needed construction projects at Kanakanak Compound. We, as well as other tribal health providers in Alaska, are compelled to seek other funding sources to build desperately needed facilities in an effort to carry out our mission of providing quality health care services. Beneficiaries in our regional have greatly benefited from our emergency room and substance abuse and behavioral health facilities. However, you should know that in completing the behavioral health facility, we lost two construction seasons due to lags in the "gifting process". We ask this Subcommittee to urge DHHS to delegate to the IHS the authority to accept these types of gifts and to continue issuing use permits to tribes as it has done in the past.

*Dental Building*.—Funding for a dental building involves considerably more than just funding for a facility. In our case:

—There is a significant amount of contaminated soils at the current location.

—New dental equipment will cost $600,000.

—We will need to relocate a sewer line, light poles, and a manhole.

—Footings for new main entry will need to be completed with this project.

—Information Technology Space & Independent Servers for Digital Image.

*Beach Erosion*.—Our tribal consortium utilizes IHS-owned property for the Kanakanak Hospital and Compound in providing health services under the Indian Self-Determinatin and Education assistance Act. When we took over this federal facility under a use permit, the government agreed to be responsible for hazardous conditions resulting from prior federal use of the property, including pockets of oil underground due to years of spills, leaks and overflows.

The erosion of the shoreline of the hospital compound has increased this problem. The erosion has brought oil to the surface and well as materials from old garbage dumps and, very disturbing, human remains from a cemetery dating back to about 1900. The cemetery was used by a federally operated orphanage and school—and is now part of the IHS property on which Kanakanak Hospital is located. IHS needs to obtain the resources to stop the erosion and clean up the site. If this situation is not corrected it will eventually put the hospital itself at risk. The problem needs to be addressed immediately and the cost should not diminish the resources available for Alaska Native health care.

*Water and Sewer Installation*.—While we have a water and sewer system in downtown Dillingham, the outlying areas of town are not on the system, and this is a similar scenario for several of our villages. Several have wells and septic systems where a sewer system is too costly. We are very concerned with the age of many systems that will fail and need to be replaced as they are outdated and inadequate to meet needs.

*Twenty Percent Increase in IHS Budget*.—As mentioned above, we support the ANHB request for a 20 percent increase in the IHS budget, or $666 million over the fiscal year 2008 enacted level. While the IHS budget has not kept up with inflation and other built-in costs such as pay raises and population growth, the administration's proposed fiscal year 2009 budget would make matters dramatically worse. The administration proposes not one penny for built in costs, and by its own conservative estimates tribal and IHS program would have to absorb $144 million for built-in costs in fiscal year 2009. When you add to it the generally insufficient funding over the years for built-in cost and the $200 million that has been rescinded from the IHS budget since 2000, a 20 percent increase is not at all out of line, even in this tight budget environment.

Thank you for your consideration of our needs.

PREPARED STATEMENT OF THE CALIFORNIA STATE COASTAL CONSERVANCY

PROJECT REQUESTS

| | Amount |
|---|---|
| FUNDING FOR THE DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE (FWS, CONSTRUCTION) | $4,000,000 |
| MONITORING OF SAN FRANCISCO BAY SALT PONDS (USGS, BIOLOGICAL RESEARCH AND MONITORING) | 1,150,000 |
| CALIFORNIA SEAFLOOR MAPPING PROGRAM (USGS, COASTAL AND MARINE GEOLOGY PROGRAM) | 1,500,000 |

SUMMARY

On behalf of the California State Coastal Conservancy, I want to thank the subcommittee for the opportunity to present our priorities for fiscal year 2009 and, at the same time, express our appreciation for your support of the Conservancy's projects in the years past. The Conservancy respectfully requests needed funding for the following critical projects during fiscal year 2009: $4 million for the Don Edwards San Francisco Bay National Wildlife Refuge for project costs associated with the South San Francisco Bay Salt Ponds Restoration Project; $1,150,000 for the USGS Biological Research and Monitoring Program in support of the South San Francisco Bay Salt Ponds Restoration Project, and; $1,500,000 for the USGS Coastal and Marine Geology Program in support of the California Seafloor Mapping Program.

CONSERVANCY BACKGROUND

The California Coastal Conservancy, established in 1976, is a State agency that uses entrepreneurial techniques to purchase, protect, restore, and enhance coastal resources, and to provide access to the shore. We work in partnership with local governments, other public agencies, nonprofit organizations, and private landowners to accomplish these goals.

To date, the Conservancy has undertaken more than 950 projects along the 1,100 mile California coastline and around San Francisco Bay. Through such projects, the Conservancy: protects and improves coastal wetlands, streams, and watersheds; works with local communities to revitalize urban waterfronts; assists local communities in solving complex land-use problems and protects agricultural lands and supports coastal agriculture to list a few of our activities.

Since its establishment in 1976, the Coastal Conservancy has: helped build more than 300 access ways and trails, thus opening more than 80 miles of coastal and bay lands for public use; assisted in the completion of over 100 urban waterfront projects; joined in partnership endeavors with more than 100 local land trusts and other nonprofit groups, making local community involvement an integral part of the Coastal Conservancy's work and completed projects in every coastal county and all nine San Francisco Bay Area counties. In addition, we currently have over 300 active projects that are benefiting the citizens of California.

SOUTH SAN FRANCISCO BAY SALT POND RESTORATION PROJECT

The Conservancy is seeking two project requests before the subcommittee in support of this critical project. Our requests include $4 million in funding for the Don Edwards National Wildlife Refuge under the Fish and Wildlife Service's Construction account and a $1,150,000 request from the U.S. Geological Survey through the agency's Biological Research and Monitoring account. Both requests will be used to further construction of this project during fiscal year 2009 and will continue to keep us on schedule for the completion of Phase one of the restoration effort.

*Fish and Wildlife Service Funding Request—$4 million*

Specifically, the $4 million being requested for the Don Edwards National Wildlife Refuge will provide the Fish and Wildlife Service with the funding they need to effectively manage these lands, including installation and management of water control structures, levee maintenance, and the monitoring of the salt ponds. Of the total requested amount, $3,000,000 is requested to match California State funds for implementation of Phase I of the South Bay Salt Pond Restoration Project. Phase I includes continued construction and restoration of various salt ponds at the Don Edwards National Wildlife Refuge. This funding will also be utilized for additional planning for the long-term habitat restoration plan which will be complete in 2008.

In addition, $1 million of the requested funding will be utilized by Fish and Wildlife staff for levee maintenance at the Refuge that is need to provide continued pro-

tection for the Silicon Valley. This funding is critical to the project and the local community as it will protect the project area from tidal flooding prior to implementation of the permanent flood control solution by the Corps of Engineers which is currently ongoing.

*U.S. Geological Survey Funding Request—$1.15 million*

The Conservancy is also seeking $1.15 million from the U.S. Geological Survey in support of the South San Francisco Bay Salt Ponds Restoration Project. This funding is critical to the current and future success of this groundbreaking project as project progression is based on adaptive management principles. This funding will be utilized by USGS to conduct interdisciplinary monitoring (biological, hydrological, and water quality studies) of Salt Ponds in the San Pablo Bay and San Francisco Bay. With restoration work occurring in both the South Bay and North Bay salt ponds, there is an urgent need for monitoring to guide planning and implementation efforts. In fact, the continuance of the project and current and future restoration activities are all dependent upon the successful implementation of the monitoring this funding will provide. Monitoring costs for the project during the fiscal year are expected to be in the amount of $900,000.

Included in this request is $150,000 for the creation of a lead scientist position associated with the South San Francisco Bay Salt Ponds Restoration project. This position would greatly expand our ability to monitor the hydrological and biological changes occurring in the Bay as a result of project implementation and would provide consistency in accomplishing this task. Funding for both the monitoring of the project area and the creation of a lead scientist position is greatly needed as it will ensure a sound scientific and technical basis for the plan's implementation, ultimately resulting in a leveraging of Federal investment, wiser expenditure of funds in the long term and a more effective and efficient project. The fiscal year 2008 appropriation for this request was $500,000.

CALIFORNIA SEAFLOOR MAPPING INITIATIVE

The California State Coastal Conservancy, in conjunction with numerous State and Federal partners, is ambitiously pursuing the mapping of the entirety of the seafloor directly off the coast of the State of California. This project will produce detailed bathymetric maps of some of the most productive ocean waters in the United States and the world and as such is critical for a multitude of reasons.

A large number of ocean management decisions can be made more effectively with accurate statewide mapping of seafloor substrate, marine habitat types, and bathymetry (underwater topography) of California's coastal and nearshore waters. This information will inform the designation of new marine reserve areas as well as the monitoring of all reserve areas along the California Coast. High resolution seafloor maps will distinguish underwater habitats and highlight faults, chasms, fissures, crevices and pinnacles and will help identify and understand known and unknown fault dynamics along the seismically active California Coast. This information will then be utilized by scientists and resource managers to identify potential biological hot spots to aid their understanding of the highly productive and diverse ecosystem along the California Coast. Further, information concerning the size and extent of activity associated with known and unknown underwater fault lines will allow our communities to better prepare for the possibility of cataclysmic seismic activity of the California Coast.

In addition, the project will provide extensive navigational benefits as it will identify hidden reefs, sunken obstacles and other navigation hazards in California's near and offshore waters. This information is essential for the safety of maritime commerce vessels, and subsequently the economies of California and the Nation. These maps will provide greater knowledge and understanding of navigational channels and hazards surrounding the Ports of Los Angeles, Long Beach, and Oakland, the Nation's 1st, 2nd and 4th busiest port facilities respectively, which collectively are responsible for 50 percent of the Nation's total container cargo volume.

Examples of some additional applications that would benefit from marine mapping and data include: understanding sediment transport and sand delivery, identifying dredging and dumping sites, regulation of offshore coastal development, and illuminating the dynamics of fisheries and other marine species. Detailed bathymetric maps are also critical in the development of an ocean circulation model that will allow us to better predict ocean response to natural and human-induced changes.

In support of this effort the Conservancy is seeking $1.5 million during fiscal year 2009 from the U.S. Geological Survey's Coastal and Marine Geology Program. This funding will be utilized for scientific data collection (hydrographic surveys of the seafloor, video ground-truthing of remotely collected data to verify habitats and geo-

logic structure, and seismic profiling to determine geologic stability) and for final map production associated with the project. Although most of the hydrographic survey data will be collected by private industry, the Coastal and Marine Geology Program of the USGS is uniquely qualified to ground truth the accuracy of the data, and in coordination with the CA Geological Survey, create finished map products.

We are committed to the success and completion of the project and as such have secured $12.5 million from the State of California Ocean Protection Council (OPC) to date for the advancement of the project. The OPC also intends to appropriate an additional $7.5 million in fiscal year 2009 if funds become available. We are also working with the Packard Foundation to determine the potential of financial support. In addition to these efforts, we are seeking $6.3 million in Federal funding during fiscal year 2009 which includes the $1.5 million being requested from the subcommittee for USGS.

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PREPARED STATEMENT OF THE CASCADE LAND CONSERVANCY

Madam Chairman and honorable members of the subcommittee: I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need at Mount Rainier National Park. I am supporting an appropriation of $2.5 million from the Land and Water Conservation Fund (LWCF) in fiscal year 2009 to continue the acquisition of important parcels within the recently expanded boundaries of the national park.

As you know, Madam Chairman, these projects are some of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

Mount Rainier National Park was established on March 2, 1899, the first of three national parks in Washington state. Today it encompasses 235,625 acres, ranging in elevation from 1,610 to 14,410 feet above sea level. Mount Rainier itself is an active volcano, encased in over 35 square miles of snow and ice and surrounded by old-growth forest and stunning wildflower meadows. The park is also rich in cultural resources and was designated a national historic landmark district as an outstanding example of early park planning and national park rustic architecture.

The proximity of the park to large cities like Seattle, Tacoma and Portland makes the park a busy tourist destination. Nearly 2 million people come to enjoy the grandeur and beauty of Mount Rainier each year—hiking its trails, climbing the summit, snowshoeing or cross-country skiing on its slopes, camping along its glacier-fed rivers, photographing wildflower displays in subalpine meadows, or just admiring the view.

Ensuring access for the park's many visitors has been a particular concern at the northwest entrance. The Carbon River Road has frequently been washed out, preventing visitors from reaching the Ipsut Creek campground and picnic area, as well as day-use parking for access to the Carbon Glacier and Wonderland Trail. To address this problem, and to eliminate the considerable maintenance costs necessitated by the frequent flooding, Congress passed legislation in 2004 extending the park's northwestern boundary 3 miles along the Carbon River Valley.

The addition of these new lands will allow the National Park Service to establish a new campground with associated roads and parking, new hiking trails, and riverfront fishing areas. The new roads will permit the current road to be eventually converted to a hiking-and-biking trail, and the Ipsut Creek campground will become a backcountry camping site. The expansion will also afford much needed protection to the beautiful Carbon River Valley, conserving habitat for endangered and threatened species such as the marbled murrelet, northern spotted owl, and Chinook salmon. The valley contains one of the last inland old-growth rainforests in the United States, and connects wildlife corridors from the park to Puget Sound.

There are two principal targeted acquisitions for 2009. Of most importance to our organization is the Carbon River Ranch, formerly owned by the Thompson family. Acquisition of the remaining 100 acres of this parcel is critical to the expansion, as it would form the new entryway to the National Park. The property is along the Carbon River and is prime recreational land. If the Park Service does not acquire this land, it would likely be developed. Also critical to the expansion of the Park is the Carbon River Gateway, a 440-acre parcel now owned by a timber company.

Acquisition of this parcel would link current Park Service lands with other previous and planned acquisitions. The Carbon River flows through this parcel, which also contains timber that could be logged if the Park Service does not acquire this land.

An appropriation of $2.5 million in fiscal year 2009 will allow the National Park Service to complete the acquisition of the Carbon River Ranch (the Thompson property) and to acquire the Carbon River Gateway parcel. These acquisitions will be a critical step towards attaining the recreational, management, and environmental goals of the boundary expansion.

Madam Chairman, and distinguished committee members, I want to thank you for this opportunity to testify on behalf of this important national protection effort in Washington at Mount Rainier National Park.

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PREPARED STATEMENT OF THE CASCADE LAND CONSERVANCY

Madam Chairman and honorable members of the subcommittee: Thank you for this opportunity to testify in support of a fiscal year 2009 Land and Water Conservation Fund appropriation that will make possible a big leap forward in protecting a valuable wildlife ecosystem and recreation area in Washington's Central Cascades. This appropriation of $4 million will permit the U.S. Forest Service to acquire three critical properties with multiple public benefits and further consolidate land-protection investments already made in this region. These properties include forestland in the Mount Baker-Snoqualmie and Wenatchee national forests at Big Creek, Jim Creek, and Sawmill Creek.

The Mount Baker-Snoqualmie and Wenatchee national forests are part of the majestic forests of Washington's Cascade Mountains. The Mount Baker-Snoqualmie National Forest extends more than 140 miles along the western slopes of the Cascades from the Canadian border to Mount Rainier National Park. The forest is rich in diversity with glacier-covered peaks, volcanoes, old-growth stands of timber, wild and scenic rivers, wilderness, and a multitude of plant, animal, and fish species. The Wenatchee, situated in the heart of Washington State, encompasses 8,000-foot volcanic peaks of basalt, pumice, and ash. These mountains simultaneously shelter secluded alpine lakes and glacier cirques that resemble giant cathedrals of granite and ice. Its shrub-steppe habitat bridges the lush ecosystem of Puget Sound with the rugged high desert of eastern Washington. Sagebrush at lower elevations surrenders to pine-covered slopes and eventually to the sparse vegetation atop the Cascades' volcanic summits.

The central Cascades are bisected by the Burlington Northern Santa Fe Railroad and by Interstate 90. The original railroad through the Snoqualmie Pass was constructed by the Northern Pacific Railway, which received land grants from the Federal Government in alternating square miles along the route. The legacy of this 19th century land grant system is the large checkerboard ownership pattern that now threatens this critical area of wildlife connectivity. The Washington Cascade Ecosystem project area is strategically located amid several key landscapes. To the north lie the Alpine Lakes, Glacier Peak, and Pasayten wilderness areas, providing wildlife connectivity as far as Canada. To the south lie the Norse Peak, William O. Douglas, and Goat Rocks wilderness areas alongside Mount Rainier National Park. Because of the checkerboard pattern in the central Cascades and the relatively limited amount of protected land, this region has acted as a bottleneck for migratory wildlife. A number of threatened or endangered species inhabit the area, including grizzly bear, wolf, spotted owl, marbled murrelet, steelhead, wild salmon, and bull trout. Additionally, the area provides habitat for an abundance of other wildlife—elk, deer, cougar, coyote, bobcat, and an occasional moose.

The rising cost of housing in King County and the increasing traffic congestion caused by a growing population make the Cascades attractive for those seeking less expensive first homes and more extravagant second homes, exacerbating the challenges presented by the pattern of checkerboard ownership. Fragmented forestlands present difficulties for forest managers with respect to fire suppression, containment and eradication of invasive species, limits on public access, and protection of watersheds.

Both the Mount Baker-Snoqualmie and Wenatchee forestland and resource management plans address the need for significant land acquisition for recreation and ecosystem protection. Acquisition of parcels in this area is part of an ongoing program of consolidating lands in the central Cascades, which has long been a Forest Service priority. This program seeks to consolidate Federal land management and prevent future fragmentation due to subdivision and other development.

The Cascade Land Conservancy, which includes both King and Kittitas counties within our focus area, has worked for numerous years in partnership with other

non-profits and Federal and State agencies to protect lands within the central Cascades area. Over the years, our partners have leveraged Federal funds with private philanthropic support as well as State funds to protect several important parcels in the area and increase recreational access and wildlife connectivity. However, these efforts will fall short if we cannot continue to acquire critical inholdings within the National Forests that knit this amazing landscape together.

Available for acquisition in fiscal year 2009 are three properties near the crest of the Cascade Mountains. The proposed acquisitions are all within the boundaries of the Mount Baker-Snoqualmie and Wenatchee national forests, which share a common border that runs north and south along the crest of the range. The Pacific Crest Trail traverses the crest of the Cascades between these two national forests. This is a mountainous area of intermingled ownership, which places citizens and private property at increased risk from catastrophic wildland fire and restricts public access to our national forests and outdoor recreational opportunities.

The Big Creek and Jim Creek parcels are located south and east of the Pacific Crest Trail in the Wenatchee NF. Each is 640 acres, and they are named for the Yakima River tributaries of Big Creek and Jim Creek, which flow respectively through each parcel. Much of the Big Creek property possesses incredible forest reserves due to its roadless nature. Many trails that feed into the Pacific Crest Trail traverse this property, giving the public greater access to these lands for recreation. The upper slopes are blanketed with old-growth forests, while second growth is found on the lower slopes. Under Forest Service ownership, these lands will be available to the public for hiking, fishing, camping, and cross-country skiing.

The Sawmill Creek South parcel is named for the primary creek running adjacent to this 190-acre parcel, which contains luxuriant old-growth trees. These trees provide habitat for the threatened northern spotted owl and marbled murrelet. In addition, these forests provide a protective buffer for Sawmill Creek, which hosts a distinct population of trout. Given the strategic location of the Sawmill Creek South parcel, its acquisition will provide additional protection for the City of Tacoma's drinking water.

The acquisitions of the Big Creek, Jim Creek, and Sawmill Creek South properties will improve forest management, enhance recreational activities, protect water quality, and secure vital wildlife migration corridors. An fiscal year 2009 Forest Service appropriation of $4 million from the Land and Water Conservation Fund is needed to acquire and permanently protect these lands as part of the Washington Cascade Ecosystems program.

As you know, Madam Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

Madam Chairman, thank you for this opportunity to provide testimony in support of this critical forest protection effort.

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## PREPARED STATEMENT OF THE CENTER FOR PLANT CONSERVATION

We respectfully request increased appropriations to a total of $10 million for the BLM Native Plant Materials Development Program and $5 million for the U.S. Forest Service Native Plant Materials Development Program. In addition we request $5 million in increased funding for the Endangered Species program in the Bureau of Land Management to begin to address dramatically increasing plant conservation needs. Further, we request an increase of a minimum of $100 million in additional funding for the U.S. Fish and Wildlife Service Recovery Program budget to help address the imbalance in funding for recovery plan development and implementation for plants. We also appeal to the subcommittee to revise the current definition of wildlife used in the State Wildlife Grant Program, which excludes plants. Current guidance does not allow these funds to be expended for projects whose main objective is recovery of declining plants, and has further aggravated the imbalance in plant conservation activities and availability of resources at the state level.

The Center for Plant Conservation is a conservation organization whose mission is to conserve and restore the rare native plants of the United States. We are a coordinated, science-based network of 36 botanical institutions working for the recovery of our most imperiled native species on public and private lands nationwide. Our

network represents a wealth of expertise and experience. Our organization works through professional staff in botanical institutions, hand-in-hand in productive partnerships for plant conservation and recovery. We have provided match resources of nearly $750,000 in our cooperative work with the Bureau of Land Management, U.S. Forest Service, and National Park Service in the last few years, and implement approximately $3 million in plant recovery research and restoration each year.

We rely on our public agencies as administrators of our public natural resource laws, and stewards of our public land plant trust resources. Public lands are instrumental in maintaining healthy environmental systems and serve as a primary source of the increasingly valuable natural resource plant biodiversity represents for the Nation.

NATIVE PLANT MATERIALS DEVELOPMENT PROGRAM

The Center for Plant Conservation regards the Native Plant Materials Development Program as one of the most significant public works projects of our times, and has been an active partner for five years. The NPMD program works to collect, develop and distribute native plant seed to agency partners and industry for increase and use in Federal land restoration efforts following fire and other disturbances. Expanding the variety and quantity of native plant materials will create new business opportunities for the private sector, reduce cost for Federal land restoration, and improve availability for public and private uses.

In 2001 Congress directed the BLM and the Forest Service, working through the Plant Conservation Alliance (PCA), to develop a long-term program to manage this effort. The program is funded through "burned area rehabilitation program funds" in BOTH the Dept of Interior BLM appropriations and USDA Forest Service (NFN3 line item) in appropriations bills. Program success is contingent on consistent and increased funding.

While seed collection has moved forward well, more work is needed, as well as seed increase projects before seed can be released to the commercial sector. These projects require several more years of effort to reach target needs.

BLM developed a 10-year funding strategy, identifying a need for a relatively modest $120 million from 2003–2012. In spite of great progress, to date the BLM's NPMD program has received only $27.3 million. The BLM strategy works with a nationwide collaboration of partners to secure seed, and has engaged many organizations. Positive collaborative partnerships for public lands have been fostered nationwide, and partners have invested over $5 million of non-federal match, making the program cost effective.

In addition to the fire rehabilitation program, other BLM programs will benefit from improved native plant materials (oil and gas, range, wildlife and recreation) and current funding could be increased through their fiscal participation. We request an appropriation of $10 million for the BLM Native Plant Materials Program appropriation. In the President's budget $0 has been recommended for the U.S. Forest Service Program. Abandonment of this USFS program which has made significant progress in developing new stocks for public and private benefit is fiscally wasteful. We request continued funding for the USFS Native Plant Materials Development program (line item NFN3 in their budget) as well, in the amount of $5 million.

BLM PLANT CONSERVATION PROGRAM NEEDS

The President's energy plan will increase significant disturbance of large areas of BLM lands for energy development. Challenges to the integrity and productivity of BLM lands from invasive species and global climate change have also increased potential impacts to significant numbers of federally listed and BLM special status plant species.

The BLM is one of our largest Federal landholders, and therefore one of our most significant agencies in conserving plant biodiversity. The CPC recognizes the leadership of the BLM in establishing a Plant Conservation Program to take an integrated approach to these significant issues. This agency needs increased funding to evaluate impacts, secure wild populations, and plan and implement restoration and management practices to preserve valuable plant biodiversity on the 262 million acres of BLM lands.

Additional botanists are needed for BLM field offices, as well as funds to support planning and implementation of identified program needs. We request an increase of $5 million in BLM Endangered Species Program funds (approximately 2 cents an acre) to help address these emerging needs, and recommend these funds be administered through the Plant Conservation Program.

U.S. FISH AND WILDLIFE SERVICE RECOVERY PROGRAM

The President's budget would cut the U.S. Fish and Wildlife Service Recovery Program by 7.5 percent, over $5 million. This would be catastrophic for our federally listed plants, which are historically under-funded and under-served in recovery programs. While 57 percent of the federally listed species under the Endangered Species Act (ESA) are plants, they historically receive only 3–5 percent of federal agency expenditures for listed species recovery.

Our research has demonstrated that approximately 75 percent of our federally listed plant species have fewer than 100 individuals remaining in the majority of remaining sites, and are at a high risk of extinction within 20–25 years unless intervention is initiated quickly. We have also shown that 87 percent of federally listed plant species are very closely related to agronomically important species. Given the high natural resource value of our wild plants for healthy air and water, mediating global climate change, the raw material for plant breeding in support of sustainable agriculture, and potential medically and economically significant products, this imbalance presents a real threat to the future economic well-being of our nation. More botanists and more dollars for recovery actions are needed.

As noted above, the Center for Plant Conservation renders tremendously valuable public benefits in recovery efforts for our most imperiled plants, but we cannot garner the resources to solve this problem for the nation solely through private efforts. The backlog of work needed to properly respond to recovery needs for all federally listed species has been estimated to be well over $300 million.

Rather than reducing recovery efforts, an increase in the USFWS Recovery Program Budget is needed to begin to address the most critically imperiled plant and animal species. We are requesting an increase of $100 million in the USFWS Recovery Program Budget. Further, we believe $80 million should be dedicated to implementation of recovery activities for priority listed plant species, which have been so long neglected. At least $20 million of this appropriation should be designated for recovery for Hawaiian plant species, as Hawaii has long been documented as our greatest national treasure for plant biodiversity.

Thank you for the opportunity to present testimony regarding the proposed Department of the Interior Appropriations. We hope you will be able to respond to these urgent needs for these valuable national resources.

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## PREPARED STATEMENT OF THE CHOCTAW NATION OF OKLAHOMA

Mr. Chairman and distinguished members of the committee, I thank you for allowing me an opportunity to submit the Choctaw Nation of Oklahoma testimony that outlines our funding requests for fiscal year 2009 budgets of the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) in the bill making appropriations for interior, environment and related agencies.

CHOCTAW SPECIFIC REQUEST

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

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

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

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

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

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

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

This limitation on funding of "new" or "expanded" programs has been interpreted as an absolute bar to any discussion of academic programs with Tribes, including the resumption of our terminated academic program. While we have met in the past 5 years with BIA officials who sympathize with our problem and admit they see the dichotomy, the BIA says we must start with the appropriations members.

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

—We have completed construction and equipping of a new $10.2 million state of the art facility for grades 1–6. The Choctaw Nation paid for this facility and asks for no federal construction/facilities or improvement and repair funding. We are proud of this achievement and excited about what it means for the future of our students.

The moratorium purpose does not apply to us.

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

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

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

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

While we mean no disrespect, it is a fact that such performance has not been achieved in the past or in other settings. It is made possible because of an on-site

program run by personnel over whom we have day to day management. However, for the basic policy, we are still under limits set by the HSD. Imagine what we could do if we were free to determine all programs, set new academic courses and horizons and to renew our Choctaw heritage in education. Imagine this in a setting, which renews and continues our unique relationship with the Federal Government. We ask for your permission for such a chance.

NATIONAL FUNDING CONCERNS

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

*Indian Health Service*

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

*Bureau of Indian Affairs*

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

On behalf of the Choctaw People, again, we thank you for this opportunity to submit our requests for fiscal year 2009 in the Bureau of Indian Affairs and Indian Health Services Appropriations.

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PREPARED STATEMENT OF THE CHUGACH REGIONAL RESOURCES COMMISSION

The Chugach Regional Resources Commission requests that the subcommittee restore $350,000 in recurring base funding in the BIA Trust-Natural Resources budget. The Commission also seeks an additional $150,000 to support the Alutiiq Pride Shellfish Hatchery.

The Chugach Regional Resources Commission (CRRC) is an Alaska Native nonprofit organization that was created by the seven Villages of the Chugach Region (Tatitlek Village IRA Council, Chenega IRA Council, Port Graham Village Council, Nanwalek IRA Council, Native Village of Eyak, Qutekcak Native Tribe, and Valdez Native Tribe) to address environmental and natural resource issues and to develop culturally-sensitive economic projects at the local level that support the sustainable development of the natural resources. The mission of CRRC is to work with our seven member villages to promote and develop sound economic resource-based projects and to work collectively to address any natural resource and environment-related issues that affect the Native people of the Chugach Region.

FUNDING HISTORY

CRRC normally receives its base funding through a self-determination contract with the Department of the Interior. The Indian Self-Determination and Education Assistance Act, Public Law No. 93–638, authorizes the Secretary of the Interior to enter into contracts with Indian tribes and tribal organizations to deliver services that would otherwise have been delivered by the BIA. CRRC entered into its original three-year contract in 1993, and that contract has been renewed several times by the Secretary in the years since.

The act requires Interior to provide "not less than the appropriate Secretary would have otherwise provided for the operation of the programs" covered by the contract (the so-called "Secretarial Amount") plus additional "contract support

costs." 25 U.S.C. § 450j–1(a)(1)–(2). The act further specifies that Interior generally cannot reduce the contract funding amount from one year to the next. Despite this legal obligation to provide consistent annual funding to CRRC through the contract, the BIA has in recent years tried to avoid its funding obligation by failing to request funding for CRRC in its budget. We ask Congress to restore this funding in order to assist BIA in meeting its legal obligation.

CRRC received $350,000 as part of the BIA's base budget from fiscal year 1994 though fiscal year 2002. Beginning in fiscal year 2003, CRRC was not included in the BIA budget (despite contractual obligations), but the program was restored each year with the help of Congress. In fiscal year 2006, the BIA unilaterally reduced CRRC's funding to $300,000—a significant cut from our previous level of funding. After across-the-board reductions, CRRC received approximately $270,000 in fiscal year 2006.

In fiscal year 2007, Congress again provided $300,000 for CRRC, but the BIA seized on the absence of associated earmark language to redirect CRRC's funding elsewhere in its budget. Despite repeated appeals to the agency and despite its contractual obligation to pay, the BIA did not provide CRRC with any funding in fiscal year 2007. As a result, CRRC was forced to take out a bank loan of $100,000 just to avoid closing its operations entirely. We were also forced to lay off many employees, and several of our projects were put on hold because of the lack of employees.

In fiscal year 2008, the BIA again sought to withhold all funding and in fact tried to cut off CRRC's contract (which is illegal under the Self-Determination Act). CRRC was forced to expend several thousand dollars in legal fees to file suit in order to obtain its rightful funding for fiscal year 2008. We fear that without congressional assistance in the form of an earmark, we will be forced to sue the BIA every year in order to obtain the funding that CRRC should rightfully receive pursuant to its contract.

EMPLOYMENT

CRRC has provided employment for 35 Native people in the Chugach Region, an area where Native people face high levels of unemployment. As a result of the reduction and elimination of funding in fiscal year 2006 and fiscal year 2007, CRRC had to lay off several employees, including most of our Village employees. The impact of approximately six families per village losing this income in a village with an average population of 100 strikes a devastating blow to the local community economy. If funding is not restored, CRRC will be unable to resume village projects and rehire our employees. These families will create a much larger burden on State and Federal financial resources, as they will be forced to depend upon State and Federal welfare programs to provide funding for necessary living expenses.

COMMUNITY PROJECTS

Over the past 16 years, CRRC funding has supported the development and operation of many programs that have assisted communities in providing meaningful employment opportunities as well as valuable services and products, including:

—*Alutiiq Pride Shellfish Hatchery*.—The Alutiiq Pride Shellfish Hatchery is the only shellfish hatchery in the State of Alaska. A 20,000 sq. ft. shellfish hatchery located in Seward, Alaska, the hatchery houses shellfish seed, brood stock, and algae production facilities. The hatchery employs four individuals and is operated by CRRC. Alutiiq Pride is undertaking hatchery, nursery and grow out operations research to adapt mariculture techniques for the Alaskan shellfish industry.

—*King Crab Research*.—Recently, CRRC staff have begun conducting scientific research on blue king crab and red king crab. This research is part of a larger federally-sponsored program. Because Alutiiq Pride is the only hatchery in the state, CRRC is the only organization in Alaska that can carry out this research.

—*Natural Resource Curriculum Development*.—Partnering with the University of Alaska, Fairbanks and the National Oceanic and Atmospheric Administration, CRRC is developing and implementing a model curriculum in natural resource management for Alaska Native students, integrating traditional knowledge and Western science. The goal of the program is to encourage more Native students to pursue careers in the sciences. So far, there are 15 students enrolled in the program who have earned a total of nine university credits each that can be applied toward a certificate in natural resource management.

—*Alaska Migratory Bird Co-Management Council*.—CRRC is a member of the Council responsible for setting regulations governing the spring harvest of migratory birds for Alaska Natives.

HATCHERY OPERATIONS FUNDING

CRRC also seeks annual funding of $150,000 for hatchery operating expenses and research and development funding to develop new shellfish species until we are self-sustaining. Once the hatchery is self-sustaining, CRRC plans to expand its production so that it can support some of CRRC's base operating costs as well. Alutiiq Pride has been successful in culturing geoduck and razor clam species but additional research and development funding is needed to assist in the nursery, growth and marketing stages. Last year, Alutiiq Pride produced 4 million oyster seed. This year, the Hatchery anticipates sales of 8 million oyster seed. Revenue from such sales, however, is quite modest ($40,000). The geoduck shellfish farming industry is expected to grow rapidly. If Alutiiq Pride can sell geoducks and razor clam seeds, the production potential from only 2 million seed sales can approach $400,000, a tenfold revenue increase.

The shellfish industry in Alaska has not yet grown to the point where seed sales cover the cost of operations. Oyster sales have matured and geoduck seed sales will coincide with the expected growth of that industry. Alutiiq Pride is undertaking hatchery, nursery and grow out operations research to adapt mariculture techniques for the Alaskan shellfish industry. The hatchery has recently become involved in king crab research, as described above. Until the hatchery is self-sufficient in 3–5 years, however, it requires operations and research and development funds if it is to meet the State's growing demand for shellfish seed.

BUDGET

CRRC's base operating funding supports the continued operation of the various community projects. The total operating budget for CRRC, Alutiiq Pride, and the community projects is close to $2 million. Specific projects receive independent funding from sources such as the Administration for Native Americans, Environmental Protection Agency, NOAA, and the U.S. Fish & Wildlife Service. However, base operating funding is essential to continue work on these projects. Building on its base funding, CRRC has been able to build several community programs and partnerships, as described above. Our base budget is as follows:

| | Projected cost |
|---|---|
| A. Chugach Region Shellfish Mariculture Development | $75,000 |
| —Oyster grow-out operations in Tatitlek | |
| —Oyster marketing | |
| B. Nanwalek Sockeye Salmon Development Project | 20,000 |
| —Seek funds for disease free water engineering study | |
| —Operate smolt out-migration weir | |
| C. Port Graham Pink Salmon Hatchery | 75,000 |
| —Broodstock development | |
| —Sockeye and pink salmon fry production | |
| —Training and education for hatchery crew | |
| D. Program Development/Regional Office Operations | 180,000 |
| —1 staff person/supplies/quarterly board meetings | |
| —Biological Professional Assistance | |
| —Project development and Planning | |
| —GIS Mapping | |
| —Resource Evaluation and Management | |
| Total Direct Costs | 350,000 |
| Indirect Cost (27.7 percent) | 96,950 |
| TOTAL PROJECTED BASE BUDGET | 446,950 |
| Alutiiq Pride Shellfish Hatchery Operations | 150,000 |
| TOTAL | [1] 596,950 |

[1] $500,000 requested.

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## Prepared Statement of the Citizens Committee to Complete the Refuge

The Citizens Committee to Complete the Refuge (Don Edwards San Francisco Bay National Wildlife Refuge) appreciates the opportunity to comment on the fiscal year 2009 Budget, and strongly urges the subcommittee to appropriate $514 million for operations and maintenance of National Wildlife Refuges.

Senior members of our organization have advocated for refuges, locally and nationally, for more than 40 years. The magnificent American wildlife that existed historically has survived because of President Theodore Roosevelt's remarkable idea in 1903 to establish protected regions for indigenous plant and animal life.

We have become aware of the esteem in which our 100 million-acre National Wildlife Refuge System is held worldwide, having been visited by people from all continents who have sought to learn American methods of protecting wildlife and valuable habitats. With that in mind, we deeply regret what inadequate funding for years has brought about in refuges nationwide. In some, staffing has been greatly reduced or even eliminated; decreased maintenance has led to unsafe conditions; vital biological research has been hampered; and fewer programs are available to the public.

We are members of the National Wildlife Refuge Association, and wish to support the testimony of its president, Evan Hirsche. In addition to operations and maintenance funds, he requests funding for other important programs listed here:

Partners for Fish and Wildlife Program ($55.1 million)
Volunteers and Invasives Program ($1 million)
LWCF ($100 million or more)
Infrastructure ($25 million)
State and Tribal Grants ($85 million)
NFWF ($10 million)
Climate Change Planning ($30 million)
Prevent land exchange at Izembek NWR

Finally, I wish to thank the subcommittee for its support of refuges, our own included, the San Francisco Bay National Wildlife Refuge Complex. In the midst of 7 million people, it has contributed remarkably to our quality of life. It has provided flood control, clean air and clean water, places of peace and serenity, preservation and restoration of extremely endangered species, and great recreational opportunities.

This Complex also offers a rare opportunity to respond to the threat of climate change and rising sea level because it preserves so much of the shoreline of San Francisco Bay. At this moment, the bay is the site of one of the most remarkable restoration projects undertaken in the United States. The restoration of thousands of acres of salt ponds can bring back the biodiversity that existed decades ago.

Surely the actions of your subcommittee in supporting the National Wildlife System is government at its finest. This is a legacy that we' are leaving for those that come after us.

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## PREPARED STATEMENT OF MICHAEL S. CLARK

Madam Chairman and honorable members of the subcommittee: Thank you, Madam Chairman, for the opportunity to present this testimony in support of an appropriation of $4 million from the Land and Water Conservation Fund (LWCF) to acquire the first of two phases of 1,470 acres of patented mining claims on Montana forestlands near the boundaries of Yellowstone National Park. These funds would protect roughly half of the claims, which lie on the headwaters of three major tributaries of the Yellowstone River, immediately adjacent to Yellowstone National Park and the Absaroka-Beartooth Wilderness Area.

As you know, Madam Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately, since fiscal year 2002, funding for LWCF has diminished by about 75 percent and the fiscal year 2009 Budget proposes further cuts despite a rising need for funds to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources and other important features. I urge the subcommittee to increase overall LWCF funding to at least $278 million for this important program in fiscal year 2009.

My testimony today is directed toward acquisition of land lying within the New World Mining District, an area that lies within the Custer and Gallatin Forests, immediately adjacent to our Nation's first national park and one of our largest wilderness areas in the Lower 48 States. The District lies at the very heart of the Greater Yellowstone Ecosystem, an 18-million acre region in Montana, Idaho and Wyoming that includes Yellowstone and Grand Teton national parks and portions of seven different national forests and three national wildlife refuges.

The Greater Yellowstone Ecosystem contains some of the best wildlife habitat in the country. Living within its boundaries are grizzlies, lynx, moose, mountain lions, wolverines, big horn sheep, black bears and the largest elk herds in North America. With the successful reintroduction of the gray wolf, the region now contains the full range of mammals that lived in the region during the time of Lewis and Clark.

The lands we wish to acquire with this appropriation are old mining claims that form the core of the New World Mining District near Cooke City, a historic mining town and now a center of recreational tourism near the northeast entrance to Yellowstone National Park.

The New World Mining District was created in recognition of the historic concentration of gold, silver and copper mines that operated around Cooke City beginning in the 1870s. Over time, the New World Mining District became the second largest producer of gold in Montana and remained an active producing area until the mid-1950s. Industrial-scale mining ceased in the area around 1958 and did not appear to be viable until new exploration technologies revealed that up to 2 million ounces of recoverable ore still remained in the ground.

In 1989, Crown Butte Mines, a subsidiary of Canadian mining giant Noranda, Inc, proposed a massive gold mine in this location, in the midst of the headwaters of three major tributaries that flow through either Yellowstone Park or the Absaroka Beartooth Wilderness Area or into the Clarks Fork River that flows from Montana into Wyoming. The proposal sparked an international controversy because of the threat the mine posed to Yellowstone National Park and the surrounding wild lands.

In 1996, after years of controversy, law suits, international media attention, and scientific debate, the mining company reached an agreement with the Clinton Administration and a coalition of environmental groups to cease development of the mine. As part of the settlement, the company would receive $65 million to stop the mine development. In return, the company would set aside $22.5 million to clean up past contamination of the mine sites.

One of the company's key partners in the mining venture was a retired schoolteacher named Margaret Reeb, who had acquired a range of mining claims including some that she had inherited from her father who was a gold prospector for many years in the Cooke City area. Ms. Reeb was an outspoken advocate for mining in the area, and the mining company was unable to convince her that she should sell her claims as part of the original settlement agreement between the company, the Federal Government and the various environmental organizations, who had banded together to stop the mine. In the wake of the agreement to stop the mine, Ms. Reeb continued to hold on to her land, although she did agree to stop her efforts to mine gold there. The lands owned by the Canadian mining company were turned over to the Forest Service. And, in a key follow-up move, Congress also passed legislation, formally withdrawing all of the land that the Federal Government owned in the district (including all of the claims that it had acquired from the mining company) from Federal mineral location and entry, effectively wiping out the threat of other mining companies trying to patent the land again. At her death 2 years ago, Ms. Reeb's lands passed into the hands of her nephews who have now agreed that their aunt's mining claims should be put into public ownership as was originally proposed by the agreement in 1996 to stop development of the New World Mine.

In the years since the agreement was signed, the Forest Service has carried out an excellent reclamation effort to clean up the historic mine waste sites, which had contaminated the land and water in the area. Using the $22.5 million, which had been set aside under the agreement, the reclamation project has turned the area into what is perhaps the finest high-altitude hard rock mine reclamation effort in the western United States.

Now, with this opportunity to acquire the Reeb lands, the final chapter in this dramatic story can be brought to a successful conclusion. With the Reeb lands passing into public ownership, the threat of an industrial mining operation next to Yellowstone Park and the Absaroka-Bearthooth Wilderness area will completely disappear. In addition, the threat of these lands succumbing to second-home developments in the middle of very wild country above 8,000 feet in elevation will also be erased.

Over the past 136 years since the creation of Yellowstone National Park, our government has wisely invested enormous resources in the management and protection of the park and the surrounding national forest lands. Today, this concentration of public wild lands contains one of the most diverse and intact ecosystems on the face of the earth. As our people continue to use our national public lands for recreation and as our scientists continue to expand their knowledge of the genetic and natural diversity of these lands, the need to ensure their comprehensive and permanent protection becomes ever more important.

LWCF monies are critical to achieving public ownership of these lands and ensuring that these high-altitude resources are forever protected and preserved.

As the lead negotiator for the conservation groups who fought against Crown Butte Mines' plans and who has subsequently watched the amazing transformation of these lands over the past decade as they have been cleaned up and restored, I

respectfully urge the committee to approve the $4 million appropriation that is needed to complete the first phase of this 2-year project We owe it to ourselves and to future generations.

Thank you, Madam Chairman, for the opportunity to present this testimony.

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PREPARED STATEMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL FORUM

In support of $5,900,000 to assist in Colorado River Salinity Control, Title II from the Soil, Water and Air Management effort, and with support for the President's request for that activity. Also a request that $1,500,000 be spent on identified salinity control related projects and studies.

This testimony is in support of funding for the Bureau of Land Management (BLM) for the subactivity that assists the Colorado River Basin Salinity Control Program authorized by the Congress. The BLM budget, as proposed by the administration in the BLM budget justification document, calls for five principal program priorities within the Soil, Water, and Air Management Program. One of these priorities is reducing saline runoff to meet the interstate, Federal and international agreements to control salinity of the Colorado River.

The BLM's Budget Justification documents have stated that the BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation (USBR) and the U.S. Department of Agriculture (USDA), and report salt-retaining measures in order to further the Plan of Implementation of the Federal Salinity Control Program in the Colorado River Basin. The Colorado River Basin Salinity Control Forum (Forum) believes that fiscal year 2009 funds appropriated by the Congress for the Soil, Water, and Air Management Program should be used, in part, for reducing saline runoff in the Colorado River Basin.

The seven Colorado River Basin States, through the Forum, have engaged the BLM in a partnership with the Basin States as has been done previously with the two other Federal agencies implementing salinity control in the Basin. The Forum has requested and the BLM has selected a salinity control coordinator for this basinwide effort. This person now serves with the two full-time coordinators in place for the USBR and the USDA efforts. This enhanced working relationship has taken advantage of the availability of Basin States' cost-sharing monies to leverage Federal funds. The Forum is encouraged by the words in the BLM budget document. The Forum supports the funding request for the Soil, Water, and Air Management Subactivity. As one of the five principal Soil, Water, and Air Program priorities, the Forum believes that the BLM needs to specifically target $5,900,000 to activities that help control salt contributions from BLM managed lands in the Colorado River Basin. In the past, the BLM has used $800,000 of the Soil, Water and Air Program funding for proposals submitted by BLM staff to the BLM's salinity control coordinator for projects that focus on salinity control. The Colorado River Basin Salinity Control Advisory Council has recognized that the BLM has now identified projects that in fiscal year 2009 could use $1.5 million. For years, Congress has dedicated $800,000 on the effort and now the Forum believes $1.5 million should be so designated.

The success of the BLM in controlling erosion and, hence, salt contributions to the Colorado River and its tributaries is essential to the success of the Colorado River Basin Salinity Control Program, including adherence to the water quality standards adopted by the seven Colorado River Basin States and approved by the U.S. Environmental Protection Agency (USEPA). Inadequate BLM salinity control efforts will result in very significant additional economic damages to water users downstream. The Forum submits this testimony in support of adequate funding so that the BLM program can move ahead at a pace that is needed to sustain these water quality standards.

OVERVIEW

This testimony is in support of funding for a portion of the Title II program. The Colorado River Basin Salinity Control Program was authorized by the Congress in 1974. The Title I portion of the Colorado River Basin Salinity Control Act responded to commitments that the United States made, through a minute of the International Boundary & Water Commission, to Mexico specific to the quality of water being delivered to Mexico at the international boundary. Title II of the act established a program to respond to salinity control needs of Colorado River water users in the United States and to comply with the mandates of the then newly enacted Clean Water Act. Initially, the Secretary of the Interior and the USBR were given the lead Federal role by the Congress.

After a decade of investigative and implementation efforts, the Basin States concluded that the Salinity Control Act needed to be amended. In response to the Basin States' requests, the Congress revised the act in 1984 to give new salinity control responsibilities to the USDA and to the BLM. That revision, while leaving implementation of the salinity control policy with the Secretary of the Interior, gave new salinity control responsibilities to the USDA and to the BLM. The Congress has charged the administration with implementing the most cost-effective program practicable (measured in dollars per ton of salt removed). The Basin States are strongly supportive of that concept and have proceeded to implement salinity control activities for which they are responsible in the Colorado River Basin.

Since the congressional mandates of over two decades ago, much has been learned about the impact of salts in the Colorado River system. The USBR estimates that the quantified economic impacts and damages to United States' water users alone is about $330 million per year and there are very significant additional damages yet to be quantified. Damages occur from:

—a reduction in the yield of salt sensitive crops and increased water use for leaching in the agricultural sector,

—a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector,

—an increase in the use of water for cooling, and the cost of water softening, and a decrease in equipment service life in the commercial sector,

—an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector,

—a decrease in the life of treatment facilities and pipelines in the utility sector,

—difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and fewer opportunities for recycling due to groundwater quality deterioration, and

—increased use of imported water for leaching and the cost of desalination and brine disposal for recycled water.

For every 30 mg/l increase in salinity concentrations, there is $75 million in additional quantified damages in the United States.

The Forum is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The Forum has become the seven-state coordinating body for interfacing with Federal agencies and the Congress in support of the implementation of the Salinity Control Program. In close cooperation with the USEPA and pursuant to requirements of the Clean Water Act, every 3 years the Forum prepares a formal report analyzing the salinity of the Colorado River, anticipated future salinity, and the program elements necessary to keep the salinities at or below the concentrations in the river system in 1972 at Imperial Dam, and below Parker and Hoover Dams.

In setting water quality standards for the Colorado River system, the salinity concentrations at these three locations have been identified as the numeric criteria. The plan necessary for controlling salinity and reducing downstream damages has been captioned the "Plan of Implementation." The 2005 Review of water quality standards includes an updated Plan of Implementation. The level of appropriation requested in this testimony is in keeping with the agreed upon plan. If adequate funds are not appropriated, significant damages from the higher salt concentrations in the water will be more widespread in the United States and Mexico.

JUSTIFICATION

The BLM is, by far and away, the largest land manager in the Colorado River Basin. Much of the land that is controlled and managed by the BLM is heavily laden with salt. Past management practices, which include the use of lands for recreation; for road building and transportation; and for oil, gas, and mineral exploration have led to man-induced and accelerated erosional processes. When soil and rocks heavily laden with salt erode, the silt is carried along for some distance and ultimately settles in the streambed or flood plain. The salts, however, are dissolved and remain in the river system causing water quality problems downstream.

The Forum believes that the Federal Government has a major and important responsibility with respect to controlling salt contributions from public lands. The Congress has explicitly directed specific Federal agencies, including the BLM, to proceed with measures to control the salinity of the Colorado River, with a strong mandate to seek out the most cost-effective options. It has been determined that rangeland improvements can lead to some of the most cost-effective salinity control

measures available. These salinity control measures may be more cost-effective than some now being considered for implementation by the USBR and by the USDA. They are very environmentally acceptable as they will prevent erosion, enhance wildlife habitat, increase dependable stream flows and increase grazing opportunities.

Through studying hundreds of watersheds in the States of Utah, Colorado, and Wyoming, consortiums of Federal and State agencies, including the BLM, have selected several watersheds where very cost-effective salinity control efforts could be implemented immediately. In keeping with the congressional mandate to maximize the cost-effectiveness of salinity control, the Forum is requesting that the Congress appropriate and the administration allocate adequate funds to support the BLM's portion of the Colorado River Salinity Control Program as set forth in the Forum's adopted Plan of Implementation.

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## PREPARED STATEMENT OF THE COLORADO RIVER COMMISSION OF NEVADA

As a Nevada representative of the Colorado River Basin Salinity Control Forum and Advisory Council, the Colorado River Commission of Nevada (CRC) supports funding for the Bureau of Land Management (BLM) for the Soil, Water, and Air Management Subactivity that assists the Colorado River Basin Salinity Control Program. As one of the five principal Soil, Water, and Air Program priorities, the CRC believes that the BLM needs to specifically target $5,900,000 to activities that help control salt contributions from BLM managed lands in the Colorado River Basin.

Salinity remains one of the major problems in the Colorado River. Congress has recognized the need to confront this problem with its passage of Public Law 93–320 and Public Law 98–569. Your support of the current funding recommendations that support the Colorado River Basin Salinity Control Program is essential to move the program forward so that the congressionally directed salinity objectives are achieved.

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## PREPARED STATEMENT OF THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

On behalf of the Confederated Tribes of the Colville Reservation (Colville Tribe or the "Tribe"), I appreciate the opportunity to provide testimony to the subcommittee on two programs of interest of the Colville Tribe and to other Indian tribes nationally: (1) restoration of $630,000 for the Lake Roosevelt Management-Enforcement program; and (2) a $1.5 million programmatic increase for the Bureau of Indian Affairs' (BIA's) Indian energy programs. Both of these programs are administered in the Trust-Natural Resources Management account and the Tribe has worked, and continues to work, with Senator Patty Murray's and Senator Maria Cantwell's offices on these requests.

Before discussing these programs, I would like to take this opportunity to provide some brief background on the Colville Tribe. Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of 12 smaller aboriginal tribes and bands from all across eastern Washington State. The Colville Reservation encompasses approximately 1.4 million acres and is located in north central Washington State. The Colville Tribe more than 9,300 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of the Tribe's members live on or near the Colville Reservation.

### RESTORATION OF $630,000 IN FUNDING FOR THE LAKE ROOSEVELT MANAGEMENT–ENFORCEMENT PROGRAM

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

The law enforcement patrols funded by Lake Roosevelt Management/Enforcement funds have become increasingly critical since the September 11 terrorist attacks. Tribal personnel funded by Lake Roosevelt Management funds have in recent years worked cooperatively with the Bureau of Reclamation and the National Parks Serv-

ice to increase their patrols to correspond with the heightened security of the Grand Coulee Dam. To this end, Lake Roosevelt Management/Enforcement funds play a direct role in protecting public safety by ensuring that a key access point to the Grand Coulee Dam, Lake Roosevelt, remains patrolled.

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

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

$1.5 MILLION PROGRAMMATIC INCREASE FOR THE BUREAU OF INDIAN AFFAIRS' INDIAN ENERGY PROGRAMS

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

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

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

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

Thank you for the opportunity to provide this testimony and for your consideration of these issues. Should the subcommittee have any questions, please feel free

to contact me directly via e-mail at mike.marchand@colvilletribes.com, by phone at (509) 634–2218, or via facsimile at (509) 634–4116.

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PREPARED STATEMENT OF THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

Honorable Chairwoman Dianne Feinstein, ranking member Wayne Allard, and members of the committee: I am Antone C. Minthorn, chairman of the board of trustees of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), home of the Umatilla, Cayuse and Walla Walla Tribes.

Once again the proposed budget for Indian Affairs does not support strong tribal self-government and self-determination. In fact, the fiscal year 2009 proposed budget goes in the opposite direction as there is $100 million in proposed budget cuts. The proposed budget does not help meet the trust responsibilities the Federal Government owes to treaty tribes because the total Office of Indian Programs budget is still below the fiscal year 1994 enacted level, without adjusting for inflation.

Tribal governments are like State governments in many ways—providing critical services, shaping values, and promoting jobs and growth. Though Federal spending for Indians has lost ground compared to spending for the U.S. population at large, tribal self-government has proven that the Federal investment in tribes pays off. Unfortunately, tribal governments are treated differently than States because we are forced to compete for funds to address local needs rather than directly receiving those funds. Real per capita income of Indians living on reservations is still less than half of the national average. Indian unemployment is nearly quadruple the rest of the country and the poverty rate is three times the national average. Thus, while the work of tribal self-determination is well under way, much work remains. These long enduring socio-economic disparities, and the success of tribes in addressing them, warrant continued Federal investment in tribal self-determination.

With respect to the Indian Affairs budget, the CTUIR will address several issues beyond the total amount of funds that are currently proposed. These include:

—Proposed reductions to specific line items in the Tribal Priority Allocations (TPA) will have disproportionate impacts on different tribes;

—The CTUIR is adamantly opposed to any redistribution of TPA funds based upon a needs analysis and asks that Congress prohibit the Department from pursuing any such plan.

*The CTUIR Requests That the Water Rights Negotiation/Litigation and Litigation Support/Attorney Fees Programs be Restored to at Least Fiscal Year 2004 Budget Levels*.—Apparently this administration does not consider water an important resource or a trust asset of tribes. In fiscal year 2004 the Water Rights Negotiation/Litigation and Litigation Support/Attorney Fees component of the BIA budget was $15.5 million. By fiscal year 2008 the funding dropped to $9.95 million and there is a further proposed $1.0 million reduction for fiscal year 2009, a 42 percent reduction since fiscal year 2004. The justification for this cut was "to ensure other core responsibilities to American Indians/Alaska Natives were met". The CTUIR has a strong interest in the BIA budget for Water Rights Negotiations. In 2007, after CTUIR requests pending for a decade to assess the water rights of the CTUIR and the prospect for settling those water rights in the Umatilla Basin, Secretary Kempthorne appointed a Federal Water Rights Assessment Team. The CTUIR has been working closely with the State, Irrigation Districts and other stakeholders for the past 25 years to restore salmon and to meet the water needs of the CTUIR without harm to existing water rights holders. In 2009, the CTUIR expects to be requesting the appointment of a Federal negotiation team for a comprehensive settlement of the Tribe's water rights in the Umatilla Basin. The CTUIR will need BIA financial assistance under the Water Rights Negotiation line item to be successful in our negotiations. The success the CTUIR has had in the Umatilla and Walla Walla basins is recognized as a national model for bringing together diverse water interests and cooperatively solving the multi-dimensional problems around use of water.

*The CTUIR Requests That the Water Management Program be Restored to at Least Fiscal Year 2004 Budget Levels*.—Water Management Planning and Pre-Development is another component of the BIA budget that now plays a significant role in tribal efforts to adjudicate their water rights. Again this program has seen sharp decreases, going from $8.1 million in fiscal year 2004 to $5.6 million in fiscal year 2008, a 30 percent reduction. According to the budget justifications, these "funds are being used to conduct water management and planning projects for the purpose of managing and conserving Indian water resources." At the CTUIR these funds play an important role in our water management program, in determining the amount of water available on the Reservation and the amount of water required for various

purposes such as municipal service, agricultural irrigation, fish passage and measuring water quality standards.

*The CTUIR Strongly Objects to the Continuing Decline in Resources for Trust—Natural Resources Management and Requests That Funding be Restored to at Least Fiscal Year 2006 Levels*.—The budget justifications indicate that these programs support the goal of fulfilling Indian fiduciary trust responsibilities and assisting tribes in the management, development and protection of Indian trust land and natural resource assets. The justification further States that a significant portion of these activities are carried out by tribes under contracts/compacts—in other words, these programs are having a positive impact at the reservation level. In the fiscal year 2007 Operating Plan the BIA reduced funding for these activities by $7.5 million or 5 percent. While Congress restored $2 million of the reduction in fiscal year 2008 the proposed fiscal year 2009 budget still includes $5.4 million in cuts. We have identified a need for an increase of $310,000 for 6.5 additional FTE's to our local budget. These funds are required to implement the Forestry, Agriculture, and Range Management Plans that will be adopted this year. It does not make sense to build up a system to track funds when the natural resources cannot be managed in such a way as to generate those funds.

*The CTUIR Requests That Under the Trust—Real Estate Services Budget Category the TPA Trust Services be Increased by at Least $5 Million and the $7.4 Million Requested for Probate Backlog be Added to the TPA Probate line Item*.—Increases to the TPA base directly increase services to individuals and tribes at the local level where the needs are most acute and the greatest benefits are achieved. In fiscal year 2006 the BIA conducted a review of the local services and recommended that two additional real estate staff be added to meet the work load. More recently we conducted a review of the staffing needs and found that three additional real estate staff and one additional probate staff were needed to meet the increasing work load demands being created by the implementation of the To Be Trust Model and to reduce the current probate and realty backlogs.

*The CTUIR Requests That $3 Million Over the FIscal Year 2008 Enacted Level be Added to the Tribal Court TPA Line Item to Increase Resources at the Local Level*.—In fiscal year 2008 Congress increased this line item by $2.3 million but the proposed budget removes this increase. The increases to law enforcement have not been accompanied by increases to the tribal court budget even though it has resulted in increasing the court's work load. Additionally, as the Tribe has grown its economy, the demands on the court system have increased. The Tribe has adopted a number of codes, all of which call for final dispute resolution to be heard by the Tribal Court. In fiscal year 2006 an independent review of our Tribal Court system showed it is working, but additional resources to support the basic infrastructure that allows for the timely adjudication of criminal cases as well as for the expanded role in civil matters needs to be provided.

*The CTUIR Requests That Welfare Assistance Funding be Restored to at Least the Fiscal Year 2005 Enacted Level*.—A $14.4 million reduction in fiscal year 2009 is being proposed on top of the $5 million reduction imposed in fiscal year 2007. The budget justifications indicate this represents the removal of able bodied adults from the roles. However, that program change cannot be made until the regulations are amended, a process to our knowledge that has not begun. As pointed out above, Indian Country remains the poorest of the poor in this country. This program is not duplicative of other Federal and State programs as claimed because clients must apply for services from all other sources that they are eligible for before receiving assistance. Due to the already extremely constrained resources, the CTUIR can serve less than 50 percent of the eligible clients per month.

*The CTUIR Requests That the JOM and Scholarships/Adult Education Programs be Restored at a Minimum to the Fiscal Year 2004 Budget Levels and That These Programs be Moved Back to the BIA Structure*.—The budget justifications for the newly created Bureau of Indian Education (BIE) make it very clear that the entire focus of the new Bureau will be on BIE operated and funded schools. While such improvements are clearly needed, the BIE is completely leaving out the 93 percent of Indian children that receive their education from public schools. If the BIE does not want to contend with tribally controlled TPA funding, then the programs need to be moved to an environment that supports tribal self-determination. The Johnson O'Malley (JOM) program is again proposed to be completely eliminated despite Congress's continuing support. The assertion that these funds are duplicative of the Title VII program is simply not true. These funds go to tribal governments to provide support and services to Indian children, while Title VII funds generally go to school districts and tribes have little or no say over how they are used. Recent data shows that of the 552 tribal students from our reservation who attend local schools, 40 percent are not meeting the statewide standards in English/Language or in Math

and are in need of the additional services provided by the JOM program. The fiscal year 2009 proposed budget also calls for a $5.9 million or 20 percent reduction to the TPA scholarship/adult education line item. As tribes build their local economies, these programs are essential to having a well educated work force and to provide basic skills and opportunities to adults to participate in those economies.

*The CTUIR Requests the Restoration of the Housing Improvement Program*.—The budget justification States that this program is being eliminated to meet higher priority items in the budget. What could be a higher priority than providing safe housing to the least well off individuals on the reservation? The assertion that these needs can be met through the HUD program demonstrates a lack of understanding by Washington bureaucrats of how programs operate in the field.

*With respect to non Indian Affairs components of the bill the CTUIR would like to offer the following comments*

*The CTUIR Opposes the Proposed Elimination of the Land Consolidation Program in the Office of Special Trustee*.—This program is recognized as being highly successful in reducing the fractionation of Indian allotments, thereby reducing the accounting nightmare and saving the government substantial sums of money by not having to track very tiny interests. The elimination of this program does not meet the needs of the United States or tribes. The OST has given some indication it will be rolling out some form of new concept for land consolidation, but to date we are unaware of any discussions with Tribal leaders.

*The CTUIR Supports an Increase to the National Park Service's NAGPRA Activities*.—These funds have remained constant over the past several years while the number of tribes trying to access the funds has continued to grow. There has been a large increase in the number of NAGPRA activities with the return of many museum collections and the increased awareness.

*The CTUIR Adamantly Opposes the Proposed 8 Percent Reduction to the U.S. Forest Service budget*.—In the 1855 Treaty the CTUIR ceded 6.4 million acres of land to the U.S. Government but reserved the rights to hunt, fish, gather foods and medicines and graze livestock on "unclaimed lands" within the aboriginal area. The majority of the open lands are now under the control of three different National Forests. Past staffing and funding cuts already prevent the Forest Service from meeting even their most fundamental mission. Proposed budget cuts will only make the problems worse for future administrations, magnifying the damage and increasing the cost to repair. Over the past several years the Tribe has worked diligently to develop a cooperative relationship with the USFS and to educate them about the Tribe's treaty rights and their responsibility to protect those rights. A 10 percent staff reduction would jeopardize that relationship as USFS personnel would just not have the time to deal with these matters. Finally such a reduction would put the CTUIR and all rural communities at risk because of the reduced capacity to implement fire prevention projects.

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## PREPARED STATEMENT OF THE CONSERVATION SYSTEM ALLIANCE [1]

Mr. Chairman, the Conservation System Alliance would like to thank you for the opportunity to provide recommendations and comments on the fiscal year 2009 Department of the Interior and Related Agencies Appropriations bill. On behalf of our millions of members, we provide below our fiscal year 2009 funding recommendation for $70 million, and increased budget clarity and accountability, for the Bureau of Land Management's National Landscape Conservation System.

The Conservation System is comprised of the most spectacular lands and waters under the stewardship of the BLM, like National Monuments, Wild and Scenic Rivers, and National Scenic and Historic Trails, that have been designated for protection by Congress or the President. Created in 2000, the System provides economic benefits to neighboring communities across the West through unparalleled opportunities for solitude, adventure and recreation such as hunting, fishing, and wildlife watching. These lands and waters offer opportunities for science, education, economic growth and recreation, and uses as diverse as hunting and archaeological research. Yet with bare-bones funding for management and land stewardship, the

[1] The Conservation System Alliance is a coalition of over 75 conservation, historic preservation, faith-based, recreation, business and place-based friends groups representing millions of Americans nationwide. The Alliance aims to protect, restore and expand the National Landscape Conservation System by making it permanent, well-funded, well-managed, and inclusive of the best natural and cultural resources under the care of the Bureau of Land Management (BLM). This testimony is submitted by John Garder, Public Lands Associate at The Wilderness Society, on behalf of the Alliance.

BLM is unable to keep its most extraordinary 26 million acres healthy, wild, and open.

Adequate funding for the Conservation System is vital to protect BLM landscapes that are vital components of America's natural and cultural heritage. These lands and waters are a network of the last places where visitors can still experience the history and wild beauty of the American West. These areas provide a uniquely American visitor experience; they are places where people can bring their families to escape the crowds and create their own adventure. Furthermore, they are a living classroom for academic researchers and outdoor educators. Congress can ensure that Conservation System lands and waters will remain valuable resources for present and future generations of recreators, ecologists, archaeologists, educators, and others by protecting these intact landscapes for public enjoyment, scientific research and outdoor education.

However, Conservation System lands will not remain resource-rich without active stewardship. These extraordinary places are being ruined by vandalism, reckless off-road vehicle use, irresponsible resource extraction, and neglect. With an average of less than one ranger for every 200,000 acres, BLM lacks sufficient staff to adequately protect these lands. As a result, the agency spends more to repair damage than it would to provide the necessary staff and other resources to protect and restore invaluable cultural sites, riparian habitat, and other culturally and naturally significant places. Continuing damage to System lands and waters poses considerable threats to the integrity of these historically and biologically extraordinary landscapes.

CONSERVATION SYSTEM BUDGET ACCOUNTABILITY AND TRANSPARENCY

Clarity in the System's budget is critical to ensuring that its units receive needed resources. The Alliance commends BLM for providing new Subactivities for Monuments and National Conservation Areas in the fiscal year 2009 budget, and for giving this spectacular System increased attention in budget documents, important first steps towards giving the System needed budgetary attention and clarity. However, we are disappointed that BLM failed to provide line item program elements for the Conservation System's Wild and Scenic Rivers and National Scenic and Historic Trails, though directed to do so in the fiscal year 2008 Omnibus Appropriations Committee Report. Budget clarity for all System units is needed to ensure that all System managers can adequately plan and accurately track expenditures and to ensure accountability to Congress and the American public. We ask the Appropriations Committee to direct the Bureau to provide Subactivities for the Conservation System's Trails and Rivers and provide greater clarity for the Conservation System in future budget documents.

FISCAL YEAR 2009 OPERATIONS, MAINTENANCE AND PLANNING BUDGET NEEDS FOR THE SYSTEM

If enacted, the President's fiscal year 2009 budget would be the lowest level of funding ever for the Conservation System: $51.8 million, or less than $3 an acre. This constitutes a destructive cut of over $8 million from the final fiscal year 2008 enacted budget, after one-time additions (source: BLM). The System warrants funding of at least $70 million in fiscal year 2009—a modest increase over historic funding levels when accounting for the growth of the System, growth in visitation, inflation and significant uncontrollable costs, such as insurance increases. The administration's total proposed budget of just $51.8 million would leave critical BLM responsibilities and needs unmet, including law enforcement, management of illegal off-road vehicle traffic, archaeological site protection, control of invasive species, and the implementation of new Resource Management Plans.

We respectfully request that the Committee provide $70 million as permanent base funding for operations and management of the Conservation System. Priority needs include additional rangers and field staff, investments in monitoring and restoration to sustain the System's unique resources, cultural and historical site protection, and volunteer program support.

This funding level would enable the BLM to restore needed services lost to recent funding cuts, while providing additional capacity to address areas of acute need, including:

—*Law Enforcement and Visitor Management*.—A 2005 survey of 15 Monuments and Conservation Areas in the System found that only one-third has more than one full-time law enforcement ranger. On average, one ranger patrols 200,000 acres. Enforcement staff capacity needs to keep pace with growth in use; in some areas, visitor numbers have quadrupled in the past 5 years.

—*Science and Natural Resource Monitoring*.—The BLM cannot meet its responsibility to obtain adequate information on the health of flora and fauna, riparian condition, water quality, and other resources—a problem recently highlighted by the Heinz Center and the Government Accountability Office.

—*Cultural Resource Management*.—BLM does not have the personnel to meet its congressionally mandated responsibility to identify, evaluate, and nominate historic properties to the National Register of Historic Places, and to protect cultural sites.

—*Support for Volunteer Programs and Conservation Partnerships*.—The Conservation System relies heavily on volunteers to help educate visitors, restore areas damaged by illegal off-road vehicle use, monitor cultural sites, and more. While volunteers provide free work, BLM still needs at least modest resources to create, run, and expand volunteer programs; "partner" groups need support for their work as well. Few areas have adequate resources to capitalize on the good will and free labor that volunteers supply.

The System offers innumerable examples where currently bare-bones funding is leading to irreparable resource damage. For example, Arizona's Grand Canyon-Parashant National Monument, spanning over a million acres, needs $1.2 million for stabilization of twelve of its historic and cultural sites, including old ranches and homesteads. Colorado's McInnis Canyons National Conservation Area, where visitor use has increased nearly 90 percent in the last 5 years, needs $150,000 to hire a full time law enforcement officer and two seasonal rangers to protect resources and ensure visitor safety.

We also respectfully ask the Committee to give serious consideration to any member requests for increasing programmatic funding or land acquisition funding for Conservation System units in the fiscal year 2009 appropriations bill. These increases should be allocated in addition to, not in lieu of, funding already budgeted for each System unit in the BLM's fiscal year 2009 budget.

CONSERVATION SYSTEM LAND AND WATER CONSERVATION FUND PRIORITIES

The President's fiscal year 2009 budget would provide less than $4.5 million for BLM land acquisition via LWCF, which would be the lowest level ever and far below historic levels. We support the projects proposed for funding from the Land and Water Conservation Fund in the President's request, but they are insufficient. We strongly recommend at least an additional $16 million for projects in Santa Rosa and San Jacinto Mountains National Monument and California Desert Wilderness (CA), Las Cienegas National Conservation Area (AZ), Nez Perce National Historic Trail (MT), Kasha-Katuwe Tent Rocks National Monument (NM), Cascade Siskiyou National Monument and the Crooked and Sandy Wild and Scenic Rivers (OR). These projects offer willing sellers, local support, and opportunities to resolve inholder/access issues and protect recreational opportunities and biological integrity.

SUPPORT THE PROTECTION OF CULTURAL RESOURCES ON LAND MANAGED BY THE BLM

The fiscal year 2009 budget proposes only $13.5 million for BLM's 1050 account for cultural resource management and protection. This is a 16 percent reduction from the fiscal year 2008 enacted level and a 19 percent decline from 2007. In fact, the $13.5 million request would be below fiscal year 1991 funding levels after adjusting for inflation. The administration's request for cultural resource management fails to keep pace with increased energy development and recreational uses that have the potential to damage or destroy significant archaeological sites on BLM lands. We encourage the Interior Appropriations Subcommittee to increase funding for the BLM's cultural resource program by at least a modest $3 million for a total of at least $16.5 million. Funds from the 1050 account pay for archaeologists in BLM Field Offices but have never been sufficient to pay for proactive surveys and the protection of significant cultural resources. A reduction in funds only exacerbates this problem and insures there will be costly conflicts between energy development and recreational use and the protection of cultural sites on BLM land.

RESTORE NEEDED FUNDING FOR THE NATIONAL TRAILS SYSTEM AND RECREATION MANAGEMENT

BLM created a 10-year Strategy to ensure safe public access to its 13 National Scenic and Historic Trails while preserving their critical natural, historic, and cultural resources. Funding is needed to implement this Plan, including actions to administer the Iditarod, El Camino Real de Tierra Adentro, and Old Spanish National Historic Trails, to continue progress toward completing the Continental Divide National Scenic Trail, and to protect the Pacific Crest National Scenic Trail. To implement the Trail Plan, we urge Congress to allocate at least $6 million as permanent

base funding for the National Scenic and Historic Trails, an increase of $3.5 million over the permanent base shown in the President's request. This funding should be established in a new National Scenic and Historic Trails Subactivity account. Alternatively the funding should be allocated within the Recreation Management 1220, Cultural Resources 1050, Annual Maintenance 1652, and Challenge Cost Share 1770 Subactivities. We urge the Conservation System office to prioritize Recreation Management Subactivity funding for planning, establishment, and maintenance of hiking trails on the ground throughout the Conservation System.

APPENDIX.—ADDITIONAL EXAMPLES OF FUNDING NEEDS IN FISCAL YEAR 2009 FOR THE BLM'S NATIONAL LANDSCAPE CONSERVATION SYSTEM

The list of Conservation System funding needs assembled in the accompanying fact sheet (Support our Western Heritage: Invest in the BLM's National Landscape Conservation System) is by no means intended to be comprehensive. This appendix, though also not intended to be all-inclusive, lists some additional examples that further convey the need for increased funding for the Conservation System.

*Funding Priority #1: Cultural Resources Research and Protection*

Additional needs include:

—Arizona's Agua Fria National Monument has over 400 recorded sites, among them multi-room pueblos dating from 1250 to 1450 that provide crucial archaeological pieces to the Southwest's historic puzzle. Located within an hour of fast-growing Phoenix, the Monument needs funding for two critical positions: an outdoor recreation planner (to help manage off-road vehicle use and other visitor pressures) and a full-time archaeologist.

—Other examples include Arizona's Sonoran Desert National Monument, which lacks a full-time archaeologist; Ironwood Forest National Monument, which is home to two historic districts, yet has no archaeologist to solicit needed public involvement in protecting cultural resources there; Las Cienegas NCA, which has a several million dollar backlog for historic site preservation; and California's Carrizo Plain National Monument, which needs $100,000 to stabilize cultural and historical sites.

*Funding Priority #2: Rangers for the Conservation System*

Additional needs include:

—Widespread marijuana cultivation on BLM lands—including Conservation System lands—is causing significant resource damage and threatening public safety. The problem has grown extensively, such that BLM law enforcement from other areas are re-assigned to help with detection and enforcement. However, even with reassignments, the BLM cannot keep up with this important public safety issue. At least nine BLM California law enforcement staff positions are needed to restore affected areas and protect public safety. This would prevent the temporary transfer of much-needed officers from Conservation System and other lands. $2 million would allow for twenty additional BLM officers to focus on this important public safety problem, relieving full or part-time Conservation System officers and allowing them to focus on other needed management priorities.

—Colorado's Gunnison Gorge National Conservation Area struggles to curb illegal trash dumping, target shooting, theft from fee stations, and vandalism. Just one enforcement officer patrols all 64,000 acres, in addition to areas outside the NCA. $100,000 would fund an officer.

—Other examples include Agua Fria, Carrizo Plain and Cascade Siskiyou National Monuments, which each need an additional law-enforcement officer; Headwaters Forest Reserve, which needs a ranger; and the Wild and Scenic Rivers, which need four seasonal rangers. These positions require approzimately $680,000.

*Funding Priority #3: Sound Science, Monitoring, and Restoration*

Additional needs include:

—Oregon's Cascade-Siskiyou National Monument is an ecological wonder with high biological diversity at the nexus of three different ecosystems. An unmet priority is to monitor the impacts of grazing and rangeland health on biological objects that the Monument was created to protect, including a rich mosaic of grass and shrublands, black oak woodlands and more. Other priority needs include mapping to inform invasive species control and road decommissioning to restore landscapes.

—Alaska's Steese National Conservation Area was established to protect habitat for wildlife, including Dall sheep and caribou. $200,000 would enable BLM to

carry out baseline caribou monitoring as land managers attempt to rebuild the population, as well as fund two seasonal staff to assess the interactions between caribou health, recent wildfires, and invasive species.

—Other examples include Wild and Scenic Rivers, which are in need of $335,000 for inventorying, monitoring and restoration; Sonoran Desert National Monument, which needs a natural resources specialist; Las Cienegas NCA, which has an unfunded operational need of $350,000 for recreation site maintenance, implementation of recreation site construction, biological monitoring, road maintenance, interpretive supplies and more; San Pedro Riparian NCA, which is in need of $40,000 for water gap construction to prevent livestock, off-road vehicle and flash flood damage to critical riparian areas; Carrizo Plain National Monument, which is in need of $100,000 to contract university wildlife research to better determine the needs of numerous threatened and endangered species; Headwaters Forest Reserve, which needs a natural resources specialist, as well as $15,000 for monitoring of numerous bird species; and King Range NCA, which has a priority need of $85,000 for the monitoring of Pacific Salmon.

*Funding Priority #4: Support for Volunteer Programs and Conservation Partnerships*

Additional examples of substantial benefits from volunteers through partnership funding are:

—In Red Rock Canyon National Conservation Area near Las Vegas, volunteers provide the equivalent of 8–9 full-time staff people.

—At Colorado's Canyons of the Ancients National Monument, a volunteer workforce contributes more than 10,000 hours annually at the Monument's Anasazi Heritage Center, as well as outdoors in the Monument gathering data, monitoring archaeological sites, and restoring lands—time worth $174,000.

—Friends of Nevada Wilderness organizes volunteer restoration projects in Conservation System wilderness to eliminate unnecessary roads and disguise illegal routes with rocks and vegetation.

—However, Headwaters Forest Reserve benefits from a supportive regional coalition but lacks capacity to perform outreach and establish a place-based friends group.

*Funding Priority #5: Ensuring Adequate Recreation Management*

Other examples include:

—In Arizona, in BLM's Phoenix District, which includes several flagship Conservation System units in the fastest growing county in America, in one of the fastest growing States in America, there are only four permanent outdoor recreation planners. This lack of Outdoor Recreation Planners hinders their ability to keep recreational trails safe, accessible and enjoyable.

—Arizona's San Pedro Riparian NCA is in need of funds for site improvement and maintenance on the eleven regularly visited trailheads and two major facilities that receive high visitor use.

—Other examples include the Vermilion Cliffs National Monument, which is in need of two recreation positions; the Carrizo Plain National Monument, which needs ongoing maintenance and enhancement of recreational programs; the King Range NCA, which needs additional funding to facilitate special recreation permits and collect camping fees; Santa Rosa and San Jacinto Mountains National Monument, which needs $200,000 to upgrade existing camping sites and add additional sites, and to upgrade the public water system; Pompeys Pillar National Monument, which needs operating funds for its visitors' center; the Upper Missouri River Breaks National Monument, which needs funding for plan implementation, including travel planning; and Kasha-Katuwe Tent Rocks National Monument, which needs $140,000 for recreation maintenance and other materials.

*Funding Priority #6: Educational Outreach*

Additional needs include:

—The California Coastal National Monument would like to initiate kiosks and other public educational materials to minimize coastal damage and enhance resource education and development. Local groups are raising financial support for a series of public "gateways," but BLM staff lack funds and staff to fully pursue the opportunities that come with working to involve local people in the management of their resources.

—A University of Utah student has volunteered to write a public geology guide for Arizona's Vermilion Cliffs National Monument but lacks $12,000 in BLM funding.

SUPPORT OUR WESTERN HERITAGE: INVEST IN THE BLM'S NATIONAL LANDSCAPE CONSERVATION SYSTEM IN FISCAL YEAR 2009

The Bureau of Land Management's (BLM) National Landscape Conservation System is a network of the last places to experience the history and beauty of the American West. The System brings together BLM lands and waters designated for protection by Congress or the President, like National Monuments, National Historic Trails and Wild and Scenic Rivers. Yet with bare bones funding for management and land stewardship, the BLM can't keep its most extraordinary 26 million acres healthy, wild, and open.

If enacted, the proposed funding level for fiscal year 2009 would be the lowest since the Conservation System's inception in 2000: just $51.8 million, or less than $2 an acre. Meanwhile, needs have increased and staff is minimal. Historic sites are vandalized and resources lost before they are even identified. With eleven of the 15 fastest growing States in the country in the West, the Conservation System is people's new backyard for recreation. These sites are also natural draws for local tourism and sustain local economies. While representing just 10 percent of BLM lands, the System receives about a third of all visitors to BLM's 260 million acres. In some parts of the System, visitor use has more than tripled in the past 5 years. Yet the System receives less than 3 percent of BLM's funding.

The BLM's Conservation System warrants funding of at least $70 million in fiscal year 2009—a modest increase over historic funding levels when adjusting for inflation and uncontrollable costs, such as unemployment and health insurance, workers' compensation, and salary increases. Priority funding needs include additional rangers, field staff, investments in monitoring and restoration to sustain the System's unique resources, cultural and historical site protection, volunteer program support, recreation management and community educational programs.

*Funding Priority #1: Cultural Resources Research and Protection*

The Conservation System includes thousands of cultural sites—from entire settlements of ancient peoples to historic ranches; there is a tremendous need for rangers and outreach professionals to discourage vandals and prevent off-road vehicle incursions on sensitive sites. Most monuments lack a full time archaeologist to assess and monitor archaeological resources. Examples include:

—Arizona's Vermilion Cliffs National Monument staff has identified the first evidence of interacting Puebloan cultures, which previously were not known to have co-existed, but do not have adequate staffing to inventory the resources, which are known to vandals and at a continuous risk of being looted. Two archeologists—at a total cost of $180,000—are needed to proactively inventory and protect these invaluable sites.

—Arizona's Grand Canyon-Parashant National Monument spans over a million acres. Twelve of its historic and cultural sites, including old mines, ranches and homesteads, are in need of stabilization. $1.2 million would restore and prevent loss of these important sites.

*Funding Priority #2: Rangers for the Conservation System*

On average, each ranger in the Conservation System patrols 200,000 acres. With that scant presence, irreparable damage results from vandals, pothunters and uninformed but well-meaning visitors who simply lack guidance from signs, maps, or staff on how and where to recreate safely and responsibly.

—At Colorado's McInnis Canyons National Conservation Area, visitor use has increased nearly 90 percent in the last 5 years. The NCA needs a full time law enforcement officer and two seasonal rangers, but budget freezes have prevented filling the positions. $150,000 is needed.

—Arizona's Ironwood Forest National Monument has an abundance of natural and archaeological resources in need of protection, but management is challenged by traffic from undocumented immigrants. A second ranger—at a cost of $70,000—is needed to ensure public and staff safety and to educate visitors.

—The 15-million acre California Desert District, including the Santa Rosa and San Jacinto Mountains National Monument, parts of the California Desert Conservation Area, and 67 wilderness areas, has numerous vacant positions due to funding shortages, many in highly populated areas. Tens of thousands of weekly visitors pose extensive challenges for managing off-road vehicles and other recreation and some areas have been determined to be unsafe for family recreation due to high drug and alcohol use. BLM employees are also subjected to life-threatening situations, experience a high burnout rate and frequently seek reassignment. $1.5 million would fund twelve needed positions to ensure public safety and the protection of cultural and natural resources.

*Funding Priority #3: Sound Science, Monitoring, and Restoration*

The BLM must protect the natural and cultural resources for which its Conservation System units were designated—like threatened and endangered species, clean water, wetlands, and fragile deserts. Protection requires monitoring. Yet, the BLM does not have adequate resources to collect and assess high-quality data about the state of Conservation System ecosystems and resources, and to incorporate that data into management decisions. An investment in this area is also an opportunity to allow the Conservation System to function as an outdoor laboratory for science and best management practices across the BLM-managed lands—offering insights on geology, land and wildlife health, and invasives. Nearly every area would benefit from investments in monitoring programs and science-focused partnerships, including:

—Arizona's Grand Canyon-Parashant National Monument requires $100,000 per year for needed staff to monitor cultural sites, wildlife and off-road vehicle use. An additional $100,000 annually is needed to manage the restoration of native vegetation that is being lost as a result of fire. $250,000 annually is needed for ecosystem restoration.

—California's Santa Rosa and San Jacinto Mountains National Monument is in need of $1 million for adaptive trails planning for research that will facilitate recreation while proactively protecting wildlife including bighorn sheep. $100,000 annually is also needed for the eradication of tamarisk, which depletes invaluable water resources and competes with native vegetation.

—National Scenic and Historic Trails are in need of more accurate trails mapping. Of the nearly 5,500 miles of National Scenic and Historic Trails managed by BLM (more than any other agency), only 400 miles have been mapped to a reasonable standard of accuracy, complicating the location—and therefore protection—of natural and cultural resources, as well as BLM's ability to provide a safe and quality experience for recreational users.

*Funding Priority #4: Support for Volunteer Programs and Conservation Partnerships*

Like the National Parks, BLM's Conservation System relies heavily on volunteers to help educate visitors, restore areas damaged by off-road vehicle use, monitor cultural sites, remove invasive plants, and more. While volunteers donate their time and labor, BLM still needs at least modest resources to create, run, and expand volunteer programs; "partner" groups need support for their work as well. Few areas have adequate resources to capitalize on the goodwill and free labor that volunteers supply. Examples of substantial benefits from volunteers through partnership funding are:

—The WildCorps program establishes youth work crews at $200,000 each annually to assist with the management of National Monuments, Wilderness Areas and more. The program reconnects youth with America's natural treasures while training the next generation of land managers and efficiently using Federal dollars to perform needed restoration at a fraction of the cost.

—In Utah's Grand Staircase-Escalante National Monument, volunteers donate 6,000 to 10,000 hours annually to assist BLM staff and scientists with projects ranging from fence repair to prepping specimens for exhibits. Monument funding has dropped 26 percent over the last 5 years. Due to this decrease in budget, they are heavily dependent on interns and volunteers.

Yet, many Conservation System units lack sufficient staff to coordinate willing volunteers and nourish partnerships. For example, the California Coastal National Monument, with more than 20,000 small islands and the full 1,100 miles of the California coast, has only one full-time staff, so is unable to focus resources on developing partnerships with key management partners such as the California Fish and Game. Six additional staff are needed at $100,000/person to perform outreach. BLM also needs funding to establish several "Gateways" along the California coast. By coordinating with management partners, museums, marine labs and other local groups, Monument staff hopes to use the Monument as a way to develop stewardship partnerships through the State of California and enhance public education and development.

*Funding Priority #5: Ensuring Adequate Recreation Management*

The Conservation System receives about a third of all BLM visitors, yet lacks the resources to adequately manage recreational opportunities to protect valuable cultural and natural resources while ensuring unparalleled recreational opportunities such as river rafting, hiking, hunting and more.

—$10 million is needed for the National Trails System: The BLM administers 5,454 miles of three National Historic Trails and manages 5,485 miles of thirteen National Scenic and Historic Trails. There are only two employees to fulfill

BLM's administrative responsibilities for the 5,454 miles of Historic Trails. These three trails have no stable operating funding, greatly hindering planning and the ability to coordinate with Park Service co-administrators and non-profit partners that perform the bulk of trail maintenance and purchase basic administrative supplies. Funding is also lacking for the implementation of congressionally mandated Comprehensive Management Plans for these trails. $1.6 million is also needed for completing Trail Visitor Centers to complete exhibits interpreting the historical and recreational resources of the trails for visitors. $2.8 million is needed to fully operate four Trail Visitor Centers.

—Alaska BLM's Eastern Interior Field Office has lost numerous staff over the last 5–6 years. With five Conservation System units to manage, the staff shortage makes it especially difficult to manage the world-renown rafting and other recreational opportunities there. For example, there is only one half of one position to monitor the entire 392 miles of the Fortymile Wild and Scenic River.

—At Arizona's Grand Canyon-Parashant National Monument, BLM needs $50,000 annually to implement the Monument's Resource Management Plan (e.g., to manage roads, post signs and implement route designations).

*Funding Priority #6: Educational Outreach*

Increased attention has recently been placed on the important public health and conservation benefits of reconnecting America's youth with public lands. The House Interior Appropriations Committee noted in their fiscal year 2008 report that they "recognize that the growing disconnection of America's children from the natural world impacts the children's health as well as the future of natural resource conservation. Within the . . . National Landscape Conservation System [budget], the Bureau should implement projects that help connect children and their families with nature." Conservation System lands offer a critical opportunity for public education of youth and other visitors, but programs are difficult or impossible to sustain or initiate without funding.

—California's Headwaters Forest Reserve has active educational programs for youth in nearby schools, who comprise 8 percent of Headwaters visitation. BLM environmental education staff has developed programs in local schools to promote interest in land stewardship for the Reserve. Teachers have optional curriculum packets with lesson plans directly tied to State standards. Rangers teach at local schools, and then have children explore lessons in the Reserve.

—Utah's Grand Staircase-Escalante National Monument staff has an active community educational program building relationships with local schools in surrounding counties, but is increasingly unable to fulfill the schools' requests due to a 26 percent funding decrease over the last 5 years. Monument staff developed State-approved curricula for schools, but have lost their environmental education position due to funding cuts. $100,000 is needed to refill the position. Monument staff also seeks to build on a biology program through partnerships with local universities.

—Colorado's Gunnison Gorge NCA receives far more requests for education programs than it can accommodate. Visitors and local residents would benefit from an interpretive/education specialist who would develop improved signs and educational materials, including school curricula.

For more information, contact John Garder, The Wilderness Society, at 202–429–2641 or john__garder@tws.org, Denise Ryan, National Wildlife Federation at 202–797–6864 or ryand@nwf.org or Seth Levy, American Hiking Society, at 301–565–6704 Ext. 302 or slevy@americanhiking.org

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PREPARED STATEMENT OF THE COOPERATIVE ALLIANCE FOR REFUGE ENHANCEMENT

The Cooperative Alliance for Refuge Enhancement (CARE) represents over 14 million people that care deeply about America's National Wildlife Refuge System. This testimony is submitted on behalf of CARE's 22 member organizations:

American Birding Association, American Fisheries Society, American Sportfishing Association, Assateague Coastal Trust, Association of Fish and Wildlife Agencies, Congressional Sportsmen's Foundation, Defenders of Wildlife, Ducks Unlimited, Izaak Walton League of America, National Audubon Society, National Rifle Association of America, National Wildlife Federation, National Wildlife Refuge Association, Safari Club International, The Corps Network, The Nature Conservancy, The Wilderness Society, The Wildlife Society,Trout Unlimited, U.S. Sportsmen's Alliance, Wildlife Forever, and the Wildlife Management Institute.

Chairwoman Feinstein, ranking member Allard, and members of the subcommittee: Thank you for the opportunity to offer comments on the fiscal year 2009

Interior Appropriations bill. The National Wildlife Refuge System stands alone as the only land system in the world with a mission that prioritizes wildlife conservation over all other activities. Since 1995, CARE has worked to showcase the needs of the remarkable Refuge System and to secure a strong congressional commitment for protecting America's shorelines, wetlands, deserts, tundra, and forests. CARE wishes to express our deep gratitude to the subcommittee for the funding increase in fiscal year 2008 and the dramatic turnaround it represented. To continue enacting the conservation vision that President Theodore Roosevelt first espoused more than a century ago, CARE respectfully requests a funding level of $514 million for the Operations and Maintenance accounts of the National Wildlife Refuge System in fiscal year 2009.

A recent detailed analysis by CARE found that our National Wildlife Refuge System needs $765 million in annual Operations and Maintenance funding to properly administer its nearly 100 million acres, educational nature programs, habitat restoration projects, and much more. Reaching a level of $514 million in fiscal year 2009 is the next essential step along the pathway toward $765 million, and will enable wildlife refuges across the country to shelve the downsizing plans that call for a devastating 20 percent reduction in staff and return to what refuges do best: protecting America's wildlife and water quality, providing a haven for threatened and endangered species, and guaranteeing a positive experience for 40 million annual visitors, whether hunting, fishing, birding, or learning from educational programs.

When refuges are short-staffed, it doesn't only affect activities inside refuge boundaries. Refuges are also unable to dedicate sufficient attention to threats beyond refuge boundaries, such as water rights disputes, upstream contamination, adjacent landfill sites, or planned developments. And as in recent years, when staff levels are reduced to only one or a few staff per refuge, opportunities to partner with other interested stakeholders are lost, dramatically and adversely affecting volunteer involvement and the leveraging of additional dollars. For example, consider that the reasonably well-staffed San Luis Refuge Complex in central California is often able to effectively triple its annual budget through creative partnerships. With this extra income, more trees are planted, invasive species are being eradicated, hunting programs are thriving, and staff can closely monitor outside threats. This situation demonstrates how much is possible with a critical mass of staff able to capitalize on funding and partnering opportunities, and how much is now being lost at other refuges.

In addition to their integral role in American wildlife conservation, refuges are critically important on local and regional scales, as visitors in 2006 generated more than $1.7 billion in sales to local economies, creating over 27,000 U.S. jobs and $543 million in personal income. While these figures are undeniably significant, it is widely recognized that the Refuge System's potential remains largely untapped. In addition to being local economic engines, America's wildlife refuges also provide innumerable environmental benefits to communities. For example, many refuges in urban or suburban settings filter storm water before it runs downstream to municipal water supplies and, in many areas, reduce flooding by capturing excess rainwater and attenuating coastal storm surges. The native vegetation on many of America's refuges helps absorb pollution and captures carbon from the air, while natural filtration and sound water management promotes healthy fisheries within and beyond refuge boundaries. And importantly, refuges provide a way for children to connect with the natural world.

There is a national wildlife refuge within an hour's drive of every metropolitan area in the United States. As children spend more and more time inside on computers, watching television or playing video games, the need for a place to bring our youth to experience and explore the outdoors has never been more important. Many refuges work with local volunteer organizations such as "Friends" to provide environmental education programs to local schools; but when budgets are tight, they are often the first programs to be curtailed.

Prior to the generous fiscal year 2008 appropriation, many years of inadequate budgets rapidly ballooned the Operations and Maintenance backlog to $3.5 billion and forced many refuges to eliminate all staff. Today, over one-third of America's wildlife refuges have no staff; nobody to open the gates, teach the school children, repair the levees, pull the weeds, or even clean the bathrooms. While the increase in fiscal year 2008 helped immensely, many years of decline and degradation cannot be undone overnight. So refuge visitors still show up to find roads and visitor centers closed, viewing platforms and hiking trails in disrepair, and habitat restoration and school education programs eliminated. Non-native, invasive plants have degraded over 2.3 million acres and crime is on the rise as only 180 full-time law enforcement officers are asked to do the job of over 840.

Unfortunately, President Bush's fiscal year 2009 budget proposal for the National Wildlife Refuge System does not improve the situation. The administration's request does not consider rapidly rising inflationary costs. Each year, just to keep fuel in the trucks, pay for rising utilities and building rent, allow for salary adjustments and other fixed costs, the Refuge System needs a $15 million increase. With the current surge in fuel prices expected to continue through the year, that number is certain to climb dramatically. Therefore, to return the Refuge System to inflation-adjusted fiscal year 2004 levels and ensure a "no net loss" budget, the Refuge System needs a minimum of $466 million in fiscal year 2009.

In a Nation with ever-shrinking natural areas, we must act quickly to safeguard our unique natural heritage for the benefit of wildlife and millions of present and future Americans. It was Teddy Roosevelt who reminded America that "our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations." CARE agrees that 40 million refuge visitors and all future Americans deserve the opportunity to see 100 million acres of the most visually stunning and biologically rich lands and waters in North America. Quite simply, the only way to ensure a future with clean water, thriving wildlife populations, and hunting and fishing opportunities is to increase the Refuge System's fiscal year 2009 appropriation to $514 million.

On behalf of our over 14 million members and supporters, CARE thanks the subcommittee for the opportunity to offer comments on the fiscal year 2009 Interior Appropriations bill and extends our sincere appreciation for the Subcommittee's strong commitment to America's National Wildlife Refuge System.

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## PREPARED STATEMENT OF THE CORPS NETWORK

The Corps Network urges you to fully fund the Public Lands Corps Healthy Forests Restoration Act of 2005 (Public Law 109–154), which was signed into law in 2005. It authorizes $12 million for the Secretaries of Agriculture and Interior to contract with qualified youth and conservation Corps to carry out projects on public lands that are consistent with the goals of the Healthy Forests Act. It authorizes $8 million for priority projects and $4 million for other appropriate conservation projects.

When funded, the act will enable the Departments of Agriculture and Interior to engage Service and Conservation Corps in projects: "(A) To reduce wildfire risk to a community, municipal water supply, or other at-risk Federal land; (B) To protect a watershed or address a threat to forest and rangeland health, including catastrophic wildfire; (C) To address the impact of insect or disease infestations or other damaging agents on forest and rangeland health" and for other purposes. In addition, to these conservation and protection aims, The Act also seeks to provide opportunities for disadvantaged and the communities in which they reside by creating two preferences; one for projects and the other for Corps.

The Public Lands Corps provides five important benefits:

—*Helps to Improve and Protect Public Lands and the Environment*.—PLC Corpsmembers join the fight against wildfires, invasive species, other threats to our public lands and other disaster prevention and relief activities.

—*Helps to Reduce the Impacts of Climate Change*.—By planting and managing vegetation to restore ecological processes and functions, including the recharging of streams and aquifers.

—*Engages Disadvantaged Young Adults*.—The PLC engages young people, particularly those who are disadvantaged, in these efforts and connects young people with nature.

—*Is Cost-Effective*.—Federal land managers will be able to deploy resources in a more cost-effective manner—to fight the effect of fires and invasive species as well as completing backlogged maintenance projects—because in the PLC, government cannot pay more than 75 percent of the cost of any project. The remaining 25 percent must be provided in cash or in-kind from nonfederal sources.

—*Creates a new Generation of Diverse Environmental Stewards*.—Because the statute contains language providing for non-competitive hiring status for PLC Corpsmembers, the PLC also creates a pipeline of skilled and diverse recruits; the next generation of environmental stewards that the National Park Service can hire non-competitively.

The Public Lands Corps can, and should, play a key role in the implementation of the National Fire Plan, especially with regard to rehabilitation, hazardous fuels reduction, and community assistance. Corps can help to insure that the necessary

resources are available to respond to fires. Across the Nation, they participate in emergency stabilization and rehabilitation activities like reforestation, road and trail rehabilitation, fence replacement, fish and wildlife habitat restoration, and replanting and reseeding with native or other desirable vegetation. They have experience reducing hazardous fuels to reduce the risks of fires to people, communities, and natural resources. Corps also have experience in helping communities that have been or are at-risk of fire by educating citizens on the effects of fire and doing community fire protection planning.

According to the Climactic Data Center of the Department of Commerce, in 2007 some 85,583 fires consumed 9.3 million acres; the second worst year for fires since mid 1990s and well above the 10 year average of 7.9 million acres burned. Federal agencies spent more than $2 billion on fire suppression in 2007. One factor that increases the wildfire threat is the growing number of new homes in the wildland/urban interface; about 8.4 million new homes, or 60 percent of new homes, were built in the interface during the 1990s.

In 2004 the National Fire News noted that "After a wildland fire . . . land management specialists and volunteers jumpstart the renewal of plant life through seeding and planting with annuals, trees, and native species that help retain soils and fight invasive weeds. It's a long term process that comes alive as the wildland fires die down."

Reducing the impacts of climate change, restoring balance to the ecology, and connecting young people to nature is the kind of work at which Corps excel and can play an even greater role. Corps are an experienced, cost-effective, and valuable resource in the fight against fires and infestation. Corps do fuels reduction work, create firescapes around new communities as cities spread into previously rural areas, provide logistical support to firefighters, and educate homeowners and others about how to prevent fires. They also partner with community-based organizations in disaster preparedness and relief activities. Examples of Corps service include:

—*Reducing Maintenance Backlogs*.—The Northwest Youth Corps works with the Washington Trails Association to brush, clear, repair, and extend trails in Mount Rainier National Park and Mount Baker-Snoqualmie National Forest, among other sites. In August 2007, park officials reported that they were still fixing damage caused by storms in October 2003.

—*Restoring the Environment*.—The Nevada Conservation Corps works with The Nature Conservancy to return the Truckee River and wetlands to a more natural condition.

—*Disaster Relief*.—Eleven Corps have sent more than 250 young people and staff to the Gulf Coast. Corps from across the country helped residents rebuild their homes and their lives by clearing debris, repairing roofs in Mississippi, managing a supply warehouse in Louisiana, serving displaced residents aboard ships in Alabama, and installing temporary "hard roofs" on historic buildings in New Orleans.

—*Wildfire Prevention*.—In 2004, the Montana Conservation Corps (MCC) completed over 600 acres of wildfire fuels reduction projects in partnership with national parks, State agencies on private lands, and local conservation districts. Its priority has been to create defensible space around historic buildings in the national parks and around campgrounds. In West Yellowstone, MCC partnered with the Chamber of Commerce to remove 300 hazardous trees lining the popular Rendezvous Ski Trails, site of national ski races, and an important economic asset in a community trying to diversify from the traditional snowmobile-based economy.

—*Emergency Response And Prevention*.—The Western Colorado Conservation Corps (WCCC) has done work in the urban interface in the Black Canyon of the Gunnison National Park housing area to insure safe passage for emergency response workers. Corpsmembers have been trained in firescaping around new suburban neighborhoods as cities spread into rural areas. They help to provide both visually aesthetic and fire resistant landscape around structures and along the avenues of emergency response.

—*Fire Prevention and Community Improvement*.—The Coconino Rural Environment Corps located in Flagstaff, Arizona, thins hundreds of acres of Federal, State, county, city, and private lands every year. The Corps has created multiple partnerships in local communities to mitigate the hazards of catastrophic wild fires including one to provide local Native American communities with more than 400 cords of firewood.

Invasive species are another large and growing threat to our public lands. Almost half of the plants and animals listed as endangered species by the Federal Government have been negatively affected by invasive species. Purple loosestrife, for example, diminishes waterfowl habitats, alters wetland structure and function, and

chokes out native plants. The Asian long horned beetle destroys valuable city trees and could spread. Invasive plants are estimated to infest 100 million acres in the United States. A Bureau of Land Management study (1996) estimated that 4,600 acres of additional Federal public natural areas in the Western United States are negatively affected by invasive plant species every day. According to one study, in 1999 the United States spent an estimated $590 million to prevent and control invasive species.

Corps have also been mobilized in a number of States including Washington, California, Montana, Colorado, New Mexico, and Utah to remove invasive species and to combat agricultural pests and insects. For example:

—The Western Colorado Conservation Corps (WCCC), based in Grand Junction, Colorado, have been actively involved in tamarisk removal for several years. The WCCC has partnered with the Colorado State Parks Department and the State Division of Wildlife, the Audubon Society, and the Tamarisk Coalition to eradicate tamarisk and Russian Olive from a 50 mile stretch of the Colorado River and from the Utah State line to Palisade, Colorado.

—Working under the direction of the California Department of Food and Agriculture, Corpsmembers have fought the Mediterranean fruit fly, gypsy moth, white fly, red imported fire ants and the glassy-winged sharpshooter.

—The Montana Conservation Corps is partnering with the National Forest Foundation, Gallatin National Forest, and Gallatin/Big Sky Weed Management Area Committee to undertake an extensive invasive weed mapping and removal project in the Lee Metcalf Wilderness.

Established in 1985, The Corps Network is the voice of the nation's 116 Service and Conservation Corps. Currently operating in 41 States and the District of Columbia, Corps annually enroll more than 21,000 young men and women who contribute almost 17 million hours of service every year. Corps annually mobilize almost 300,000 community volunteers who contributed millions of additional hours of service.

Our member Corps are direct descendents of the Civilian Conservation Corps (CCC) of the Depression-era that provided work and vocational training for unemployed single young men through conserving and developing the country's natural resources. Between 1933 and 1941 the CCC had employed almost 3.5 million men who planted an estimated 2.5 billion trees, protected 40 million acres of farmland from erosion, drained swamp land, replanted almost a million acres of grazing land, built 125,000 miles of roads, fought fires, and created 800 State parks and 52,000 acres of campgrounds. But the biggest legacy of the CCC may have been the hope it provided both the young men and their families.

Today's Corps are a proven strategy for giving young men and women, many of whom are disadvantaged and out-of-work and/or out-of-school, the chance to change their own lives and those of their families, as well as improve their communities. Of the Corpsmembers enrolled in 2007, 57 percent had no High School diploma, 53 percent reported family income below the Federal poverty level, 30 percent had previous court involvement and, at least 5 percent had been in foster care. Corps provide thousands of young people the opportunity to earn a second chance in life.

In the Corps model, Corpsmembers are organized into crews of 8–12 to carry out these projects while being guided by adult leaders who serve as mentors and role models as well as technical trainers and supervisors. For the past 25 years Corps have re-engaged society's most vulnerable young people through a comprehensive approach of full-time service, a minimum-wage based stipend, job training, life skill development, career counseling and education. Most importantly, these young men and women learn to value their personal contribution, learn the importance of teamwork and experience the recognition that comes from making a positive investment in their community.

In return for their efforts to restore and strengthen their communities, Corpsmembers receive: (1) a living allowance, (2) classroom training to improve basic competencies and, if necessary, to secure a GED or high school diploma, (3) experiential and environmental service-learning based education, (4) generic and technical skills training, and (5) a wide range of supportive services. Research has shown that youth who complete Corps programs have higher rates of employment and earn more than their counterparts. Corpsmembers also score higher on measures of personal and social responsibility and are more likely to earn a college degree. Corps generate a positive return for every dollar invested.

The Public Lands Corps will provide work experience to disadvantaged Corpsmembers between the ages of 16–24, giving them the chance to develop the skills and habits they will need to become employed and productive citizens. It offers them a pipeline into Federal service, a win-win situation for the Forest Service and for the Corpsmember. This experience will help Corpsmembers help themselves, their

families, and their communities. It will also enable Federal land managers to cost-effectively complete critical backlogged maintenance projects.

We urge you to provide $12 million to support this program and we appreciate your attention to this request.

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## PREPARED STATEMENT OF THE COUNCIL OF ENERGY RESOURCE TRIBES

On behalf of the Council of Energy Resource Tribes (CERT), I am pleased to submit for the subcommittee's consideration the following statement on Indian energy funding needs as the subcommittee begins its work on its fiscal year 2009 spending bill. I appreciate the opportunity to provide testimony to the subcommittee on two programs of interest to CERT and its member tribes: (1) a $1.5 million programmatic increase for the Bureau of Indian Affairs' (BIA's) Indian energy programs; (2) funding the Indian Guaranteed Loan Program account at the $12,186,000 level; and (3) restoration of funding for the Office of Minerals Evaluation.

By way of background, CERT was founded in 1975 by Indian Tribes to chart a new course for the prudent, tribally-driven development of tribal energy resources. CERT's mission is to support member Tribes as they develop their management capabilities and use their energy resources as the foundation for building stable, balanced, self-governed economies. CERT is governed by a Board of Directors comprised of the principal elected leadership of CERT's 57 member Indian tribes. The Board directs CERT's policy and the Board has made Federal appropriations CERT's top priority for this year. Against this backdrop, CERT has the following funding priorities for fiscal year 2009 for the Interior and Related Agencies spending bill:

### $1.5 MILLION PROGRAMMATIC INCREASE FOR THE BIA'S INDIAN ENERGY PROGRAMS

CERT respectfully requests that the subcommittee consider a $1.5 million programmatic increase for the BIA's Indian energy programs. The BIA's Indian energy programs are administered by the Office of Indian Energy and Economic Development (IEED). These programs bring much needed technical assistance and capacity building to Indian country and enable Indian tribes to maximize, leverage, and develop energy resources on tribal lands in two critical ways:

—*Grants*.—The IEED provides grants to Indian tribes to assess energy resources on tribal lands, build capacity, conduct feasibility studies, and for other purposes. Since fiscal year 2000, 70 Indian tribes have received grants for energy related activities under this program. A programmatic increase for this activity would enable more Indian tribes to receive grants for energy development activities.

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

The tribal energy programs carried out by the IEED are administered in the Minerals and Mining account within the BIA's Trust-Natural Resources Management budget activity. Within that account, the President's budget includes a total of $2 million for tribal energy activities for fiscal year 2009. Of that $2 million, $1.4 million is for grants (encompassed within the $6.93 million requested in the Minerals and Mining Projects line item), and $600,000 is for the IEED to consult with Indian tribes and begin the TERA review process (encompassed within the $1.49 million requested in the Minerals and Mining Central Oversight line item). CERT seeks an increase of $1 million for grants to Indian tribes and $500,000 for TERA implementation. To this end, CERT suggests the following report language: Changes to the Request include increases to Minerals and Mining of $1,000,000 for grants for tribal energy activities and $500,000 for implementation and approval of Tribal Energy Resource Agreements. Other Indian tribes support this programmatic increase, including, among others, the Confederated Tribes of the Colville Reservation and the Southern Ute Indian Tribe.

INDIAN GUARANTEED LOAN PROGRAM

CERT also asks respectfully requests that the subcommittee fund the Indian Guaranteed Loan Program account at the $12,186,000 level, a $4 million increase over the President's fiscal year 2009 Request. While CERT is pleased that the President's fiscal year 2009 Request includes a $2 million increase for this account over fiscal year 2008 enacted levels, more funding is needed to facilitate economic development in Indian country and encourage private investment on Indian lands.

The Indian Guaranteed Loan Program is among the most flexible and efficient tools to encourage tribal economic development, including energy development. The BIA provides approximately 50 new loans annually under the program. Existing loans range from $250,000 to $18 million. Every dollar appropriated to the program is leveraged at least 16-fold, thereby maximizing the funding available to Indian country from private lenders. A $4 million increase would therefore result in at least $64 million in new loan funding being available to Indian country for energy development or other economic development projects.

THE OFFICE OF MINERALS EVALUATION

The President's fiscal year 2009 request does not include funding for the Office of Minerals Evaluation (OME). CERT respectfully requests that the subcommittee fund this activity at at least the fiscal year 2008 enacted level. OME performs subsurface economic evaluation to determine the value of the subsurface estate for Indian trust restricted property. For Indian tribes and individual Indian land owners, this is an important step to obtain Secretarial approval for mineral leases. Without this evaluation, it is impossible for the Secretary to determine that the Indian interest owner is obtaining fair value. CERT understands that the Department is considering outsourcing these appraisals, a move that CERT opposes. The OME is uniquely situated to utilize data from Indian tribes and within the Department to generate fair appraisals that the Indian landowners have confidence in. Any plan to outsource this function would erode this confidence.

I appreciate the opportunity to provide this written testimony. Should the subcommittee have any questions, please feel free to contact me via e-mail at adlester@certredearth.com, via telephone at (303) 282–7576, or via facsimile at (303) 282–7584.

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PREPARED STATEMENT OF THE COUNCIL OF WESTERN STATE FORESTERS

The Council of Western State Foresters (CWSF) is pleased to submit the following testimony on the proposed fiscal year 2009 U.S. Forest Service Budget related to the funding of the State Fire Assistance program. The State Fire Assistance Program is funded through both State and Private Forestry and Wildland Fire Management under the U.S. Forest Service. The CWSF and the National Association of State Foresters (NASF) recommend that the fiscal year 2009 budget for the State Fire Assistance Program be funded at a combined $145 million.

The Council of Western State Foresters supports NASF's fiscal year 2009 Appropriations recommendation testimony that has been submitted to the U.S. Senate Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies. The State Fire Assistance program is of primary importance to the West. For this reason, the CWSF submits the below text from a letter sent to Congress on April 9, 2008 that highlights the SFA program and the broad and diverse support that has rallied around this USDA Forest Service program. A complete list of the organizations that support increased funding for the SFA program is at the bottom of the letter.

Chairman Byrd, ranking member Cochran, Chairman Feinstein, and ranking member Allard: The respective organizations identified in this letter represent a coalition with the shared goal of improved State and community wildfire protection. This coalition was formed in early 2007 to advocate on behalf of the State Fire Assistance Program (SFA). The SFA budget is funded through the U.S. Forest Service's State and Private Forestry (S&PF) and Wildland Fire Management budget areas. The program provides critical cost-share grants to State forestry agencies to facilitate wildland fire preparedness, by integrating State and private lands into landscape-scale fuel mitigation and planning.

In recent years SFA has been the subject of recurring reductions proposed by the administration. The administration proposed a 30 percent reduction in SFA for fiscal year 2007, a 14 percent reduction for fiscal year 2008 and a 25.5 percent reduction for fiscal year 2009. We appreciate that your committee has consistently provided stable appropriations in response to on-the-ground needs. This coalition again

requests your leadership to restore and enhance SFA funding. The National Association of State Foresters has estimated SFA funding needs at $145 million for fiscal year 2009 to reflect current and emerging community wildland fire preparedness and protection needs. Although the diverse undersigned groups individually support varying levels of funding for SFA, all agree that the SFA program is a vital component of effective community wildland fire preparedness and mitigation.

The State Fire Assistance Program is the fundamental Federal assistance program that States use to develop preparedness and response capabilities for wildland fire. Improved response efficiency provided through State Fire Assistance funding is critical to reducing suppression costs, which have continued to skyrocket, reaching over $1 billion in 5 of the last 7 years. In fiscal year 2007, 12,080 communities increased their capacity through local fire department training, upgrades of equipment and formation of new departments, due in large part to SFA funding. This training and capacity building has enhanced interagency coordination for wildland fire management on State, Federal, and private lands. Moreover, wildland-urban interface hazardous fuel reduction is a major component of the SFA program and funds have been used by communities to mitigate high-priority hazard fuel loads on over 470,000 acres within the Wildland Urban Interface (WUI).

Lastly, SFA is an essential funding source for the development of Community Wildfire Protection Plans (CWPPs). As of 2007, thanks in part to significant SFA funding, over 4,700 communities at risk have developed CWPPs, a 46 percent increase over 2006. Many of these communities also received funding through SFA to accomplish their fire plans and implement fuels reduction priorities on both private and federal lands, as shown by the 3,814 communities that reduced risk through fuel mitigation and firewise activities.

However, current analyses such as the SFA-funded Southern Wildfire Risk Assessment and the NASF report on SFA and Volunteer Fire Assistance (VFA) estimate that more than 51,612 communities are still at risk. At current funding levels, that would mean each of these communities would receive only about $1,560. In addition, Western State Fire Managers were only able to fund 47 of the 171 applications for mitigation assistance provided by SFA in fiscal year 2008. These examples clearly indicate a need for enhanced SFA funding.

As you know, in 2001 the Secretaries of Agriculture and the Interior, western Governors, counties, State foresters and diverse stakeholders developed a 10-year collaborative strategy for reducing wildfire risk and improving forest health nationwide. The Strategy was updated by these partners in December, 2006 and calls for increasing collaboration between all levels of government and interest groups, improving fire prevention and suppression, reducing hazardous fuels, restoring ecosystems and promoting community assistance. These important goals are only achievable through substantial and sustained levels of funding for the State Fire Assistance program.

In these fiscally constrained times, effective wildland fire management requires partnerships between agencies and communities. Funding hazardous fuels reduction on Federal lands is critical, especially when these lands are in the WUI. However, an exclusive focus on Federal lands is an incomplete solution and will ultimately undermine success. State and private lands must be considered through a landscape-scale approach to reduce hazardous fuels if we are to effectively meet the highest priority of federal fire policy—protecting lives and communities threatened by wildland fire.

The President's fiscal year 2009 budget proposes cutting the USFS' budget by 8 percent overall and includes a drastic 58 percent cut to the S&PF programs. Due to the reduced capability, effectiveness and size of the USDA Forest Service, a viable State Fire Assistance program is crucial to providing funding for necessary State and community wildfire protection. The very programs proposed for virtual elimination are the programs that can help reduce the wildland fire suppression costs straining the USFS' declining budget. Ever increasing emergency wildland fire suppression costs consume a larger portion of the USFS budget every year, and reduce investment in key S&PF programs, such as SFA. The USFS emergency wildland fire suppression budget problem needs to be solved in order to eliminate the drain on the S&PF programs, but a commitment to increased financial investment must also be part of the solution.

We appreciate your continued leadership and support for the State Fire Assistance Program and respectfully request that you consider increased funding for State Fire Assistance in fiscal year 2009 in line with the needs outlined in the 10-Year Strategy.

Allegheny Defense Project, Alliance of Forest Workers and Harvesters, American Forests, American Forest Foundation, American Lands Alliance, Applegate Partnership & Watershed Council, California Fire Safe Council, Center for Biological Diver-

sity, Colorado Firecamp, Colorado Wild, Conservation Northwest, Denver Water, Environmental Protection Information Center, Firefighters United for Safety, Ethics, and Ecology, Flathead Economic Policy Center, Forest Landowners Association, Framing Our Community, Idaho Conservation League, Idaho Association of Counties, Idaho Fire Chiefs Association, International Association of Fire Chiefs, Klamath Forest Alliance, Klamath-Siskiyou Wildlands Center, Lomakatsi Restoration Project, National Association of Counties, National Association of Forest Service Retirees, National Association of State Foresters, National Woodland Owners, New Mexico Forest Industry Association, Republicans for Environmental Protection, Resource Innovations, Salmon Valley Stewardship, Siskiyou Project, Society of American Foresters, Sustainable Northwest, Swan Ecosystem Center, Taos Pueblo Department of Natural Resources, The Forest Guild, The Lands Council, The Nature Conservancy, The Wilderness Society, Watershed Research and Training Center, Western Governors' Association, WildEarth Guardians, and WildWest Institute.

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## PREPARED STATEMENT OF DANCE/USA

Madame Chairman and distinguished members of the subcommittee, Dance/USA is grateful for this opportunity to submit testimony on behalf of our members across the United States. We urge the committee to designate a total of $176 million to the National Endowment for the Arts (NEA) for fiscal year 2009. This testimony is intended to highlight the importance of the Federal investment in the arts to sustaining a vibrant cultural community and to our national character.

Dance/USA, the national service organization for not-for-profit professional dance, believes that dance is essential to a healthy society, demonstrating the infinite possibilities for human expression and potential, and facilitating communication within and across cultures. Dance/USA sustains and advances professional dance by addressing the needs, concerns, and interests of artists, administrators, and organizations. By providing services and national leadership, Dance/USA enhances the infrastructure for dance creation, education and dissemination. To fulfill its mission, Dance/USA offers a variety of programs, including data research and regional professional development, and works with organizations within and outside the arts field with whom common goals are shared. Dance/USA's membership currently consists of over 350 ballet, modern, ethnic, jazz, culturally specific, traditional and tap companies, dance service and presenting organizations, artist managers, individuals, and other organizations nationally and internationally. Dance/USA's member companies range in size from operating budgets of under $100,000 to over $50 million.

The NEA makes it possible for everyone to enjoy and benefit from the performing arts. Before the establishment of the NEA in 1965, the arts were limited mostly to a few big cities. The Arts Endowment has helped strengthen regional theater, opera, ballet and other artistic disciplines that Americans now enjoy. NEA funding provides access to the arts in regions with histories of inaccessibility due to economic or geographical limitations. The endowment embodies the ideal that no one should be deprived of the opportunity to have art in their lives. The Arts Endowment has helped the arts become accessible to more Americans, which in turn has increased public participation in the arts.

Despite diminished resources, the NEA awards more than 1,000 grants annually, to nonprofit arts organizations for projects that encourage artistic creativity. These grants help nurture the growth and artistic excellence of thousands of arts organizations and artists in every corner of the country. NEA grants also preserve and enhance our Nation's diverse cultural heritage. The modest public investment in the Nation's cultural life results in both new and classic works of art reaching all 50 States.

NEA grants are instrumental in leveraging private funding. On average, each NEA grant generates at least eight dollars from other sources. Government cultural funding plays a catalytic leadership role that is essential in generating private support for the arts.

*The NEA is a great investment in the economic growth of every community*

The return of the Federal Government's small investment in the arts is striking.

The nonprofit arts industry generates $166.2 billion annually in economic activity, supports 5.7 million full-time equivalent jobs, and returns $12.6 billion to the Federal Government in income taxes. Measured against direct Federal cultural spending of about $1.4 billion, that's a return of nearly nine to one. Few other federal investments realize such economic benefits, not to mention the intangible benefits that only the arts make possible. Even in the face of tremendous cutbacks in recent years, the NEA continues to be a beacon for arts organizations across the country.

*NEA Grants at Work*

NEA grants are awarded to dance organizations through its core programs: Access to Artistic Excellence; Challenge America: Reaching Every Community; Federal/State Partnerships; and Learning in the Arts, as well as through initiatives such as American Masterpieces: Dance. The following are some examples of the impact of NEA funding on dance programs in 2008 from the NEA's 2008 Access to Artistic Excellence Program:

*Headlong Dance Theater*

Philadelphia, PA
$10,000
To support a choreographic lab with choreographer Tere O'Connor and the creation of a new work by Headlong Dance Theater's co-artistic directors. O'Connor will teach Headlong Dance Theater his strategies and language for composition, dance dramaturgy, and movement invention.

*Jacob's Pillow Dance Festival, Inc.*

Becket, MA
$70,000
To support residencies and performances of dance companies. The project will include a Creative Development Residency, presentation of national and international dance companies, and audience engagement and educational programs.

*NewArt New Mexico, Inc.*

Albuquerque, NM
$10,000
To support the Global DanceFest 2009, an annual festival of national and international contemporary dance. The 2009 festival, titled 60 North, will celebrate contemporary dance and dance theater from Scandinavia, Russia, and Canada.

*Pacific Northwest Ballet Association*

Seattle, WA
$30,000
To support the presentation of comedic works by established and emerging choreographers during the Comedy Festival. There will be a variety of outreach events including lectures, demonstrations, and question-and-answer sessions with dancers and artistic staff.

*The Non-Profit Professional Dance Community*

America's dance companies perform a wide range of styles and genres. These include both classical and contemporary ballet, classical and contemporary modern, as well as jazz, tap, cross-disciplinary fusions and traditional to modern work rooted in other cultures. Over two-thirds of America's professional dance companies are less than 45 years old; as an established art form with national identity and presence, dance has burst onto the scene almost entirely within living memory. And, yet, America can boast some of the greatest dance companies of the world and can take credit for birthing two indigenous dance styles—tap and modern dance.

One key to this spectacular achievement has been the creation of a national marketplace for dance. When the National Endowment for the Arts instituted its Dance Touring Program in the 1970's, great dance became accessible to every community in America. What used to be a handful of professional companies and a scattering of "regional" dance has become a national treasure spread across cities and through communities, schools and theaters in all 50 States. NEA programs today, like the National College Choreography Initiative, continue to ensure that the best of American dance is for all of America and a showpiece for the rest of the world as well. In 2005, the State Department collaborated with Dance/USA to replicate on a smaller, targeted scale the National College Choreography Initiative in five Middle Eastern countries. It was a great success. There are now over 600 professional dance companies in America as well as over 1,000 pre-professional and semi-professional groups. Based on recent surveys, Dance/USA estimates that the 81 largest and most visible non-profit dance companies in the United States do the following:

—Employed over 6,000 people in a mix of full-time and part-time positions;
—Performed for total home audiences of nearly 2.9 million people;
—Paid approximately $237.5 million in wages and benefits;
—Had operating expense budgets totaling $452.2 million;
—Earned $156.7 million, or 38 percent of their income, from performances;
—Earned $76.2 million from sales, tuitions and activities other than performances;
—Received $16.7 million, from state, local and government contributions;

—Received $21.6 million from corporate contributions;
—Received $46.2 million from private foundations;
—Received $98.7 million from individual contributions through donations, benefit events, guilds, and United Arts drives; and
—Had over 24,300 volunteers, including over 2,700 members of Boards of Trustees.

CONCLUSION

Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40 percent budget cut in the mid-nineties, and its programs are seriously underfunded. Dance/USA and other performing arts service organizations work hard each year to strengthen support for the NEA in Congress. As the NEA banner underscores, "a great nation deserves great art." Last year, Congress began to lay the foundation for full restoration of the agency with a $20.3 million increase for the NEA. However, in order for there to be great art, organizations need stronger infrastructure and stability. Therefore, we urge you to increase the fiscal year 2009 NEA funding allocation to $176 million.

On behalf of Dance/USA, thank you for considering this request.

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PREPARED STATEMENT OF THE DEFENDERS OF WILDLIFE

Madam Chairman, ranking member and members of the subcommittee, thank you for the opportunity to submit this testimony for the record. I am Mary Beth Beetham, Director of Legislative Affairs for Defenders of Wildlife. Founded in 1947, Defenders of Wildlife has more than 1 million members and activists across the Nation and is dedicated to the protection and restoration of wild animals and plants in their natural communities.

Defenders continues to be greatly concerned that the U.S. Fish and Wildlife Service (FWS) and the wildlife related programs in other natural resource management agencies have reached a breaking point. The President's budget again cuts funding for lands and wildlife. Bright spots such as "Safe Borderlands" and "Birds Forever" are paid for by cuts in other programs, with the result a net conservation loss. We deeply appreciate increases provided by the subcommittee in S. 1696, the fiscal year 2008 Senate the Interior, Environment and Related Agencies appropriations bill and are also very grateful for the increases that were maintained in the final omnibus bill after negotiations with the administration reduced the subcommittee's allocation. Funding provided has begun to stabilize our land and wildlife programs. However, significant additional amounts will be needed in the coming years to reverse the damage to the FWS and other agencies, to make them once again whole and critically important, to equip them to deal with the growing crisis of climate change. We know that the subcommittee must operate within the constraints of its 302(b) allocation, but we ask you to do as much as possible. Defenders has again worked during the development of the fiscal year 2009 congressional budget resolutions to support the environment and natural resources budget function, and we will continue to do so in the coming years.

We urge the subcommittee to continue to rebuild the FWS workforce which has suffered substantial losses, nearly 800 staff from 2004–2007, an 8 percent reduction. We are particularly concerned about the loss of biological capability.

—The endangered species program continues to experience a 30 percent overall vacancy rate, yet the president's fiscal year 2009 budget cuts the program by $3.7 million, 2.5 percent.
—The National Wildlife Refuge System has lost 300 staff and will eliminate at least another 250 if funding increases are not forthcoming. A comprehensive staffing model developed by the International Association of Chiefs of Police recommended 840 law enforcement officers for the System which currently can afford only 180 full time officers.
—The Office of Law Enforcement (OLE) is down to 191 special agents down from a high of 238 in 2002, far below the authorized level of 260, and is expected to lose another 20 to 25 through retirement in the next year. The OLE also is in desperate need of both scientists for its world renowned wildlife crime forensics laboratory and port inspectors.
—In the International Wildlife Trade Program, under International Affairs, the Division of Scientific Authority's already small staff continues to be short by one third and the Division of Management Authority still suffers a 15–20 percent staffing shortfall. Still, the President's budget cuts International Affairs by $1.2 million, 10.3 percent. In addition, the important International affairs program

is currently buried in the General Operations Activity—Defenders recommends that it be moved and given equal status with other programs such as Migratory Birds and OLE.

We urge the subcommittee to continue its effort to fully fund agency fixed costs which typically increase by 3–5 percent yearly and to restore the integrity of the National Wildlife Refuge System, one of the crown jewels in our Nation's conservation heritage. The fiscal year 2007 and 2008 bills took excellent first steps in correcting the damage done by years of funding below fixed costs that had forced severe erosion of programs. We deeply appreciate the nearly $40 million increase provided in the final fiscal year 2008 bill which has given the Refuge System breathing room to put on hold plans for massive staff downsizing; however, with the $434.1 million level in the request, refuges still would slide backward. The Refuge System needs $15 million each year just to keep pace with fixed costs, and the inflation adjusted level for the peak funding achieved in fiscal year 2004, now totals $466 million. Moreover, even if fixed costs were fully funded, the FWS still would not have the resources to ensure that the System envisioned in the landmark 1997 National Wildlife Refuge System Improvement Act would be realized. Defenders supports the recommendation of the Cooperative Alliance for Refuge Enhancement, a diverse coalition of 22 national conservation, sporting, and scientific organizations for a yearly level of $765 million for Refuge Operations and Maintenance by fiscal year 2013 and, to make progress toward this goal, $514 million for fiscal year 2009.

To address the needs of our Nation's most vulnerable plants and animals, we urge the subcommittee to rebuild the FWS endangered species program. The budgets of this administration have further damaged this most important of programs that already was suffering from chronic funding shortfalls. Currently, 280 candidates await proposal for protection under the Endangered Species Act—many have been candidates for years. Further, the loss of staff has left the FWS without the needed biological capability to oversee recovery of listed species, to adequately address the workload of consultations, or to effectively monitor hundreds of Habitat Conservation Plans covering millions of acres.

We urge the subcommittee to provide increases to important FWS grant programs where it will not take needed funding from core operations, and continue to provide direction that maximizes their efficiency. Our highest priorities among the grant programs are the State and Tribal Wildlife Grants (STWGP) and the Cooperative Endangered Species Fund. The STWGP was established to serve the federal interest by conserving species before they decline to the point where they need Endangered Species Act protection. We appreciate the subcommittee's strong oversight of the implementation of the Action Plans created through STWGP and ask that it be continued.

We urge the subcommittee to continue efforts to refocus the Bureau of Land Management (BLM) on its multiple use mission, and, in particular, halt the diversion of wildlife program resources to support energy and other programs. We appreciate language in the final fiscal year 2008 bill that attempts to limit the amount of appropriated dollars devoted to energy development on BLM lands and to address the diversion of resources from wildlife programs to pay for compliance activities of BLM's energy, grazing and other non-wildlife related programs, which should instead come from benefiting programs. Unfortunately, no information has emerged to suggest that the situation has been rectified. This practice significantly undermines the wildlife programs which already are grossly underfunded; for example, more than $60 million is needed annually just to implement actions assigned to BLM in recovery plans for listed species, and the recent court action overturning the FWS decision failing to list the sage grouse under the Endangered Species Act will likely lead to a need for substantially increased resources for its protection. Moreover, the diversion of resources has increased the importance of the Challenge Cost Share program, with reports that it is the primary means through which proactive wildlife conservation work is accomplished. In addition, we strongly support the Native Plant Materials Development program which will become more crucial in the face of the climate change threat and recommend that the subcommittee examine the need for a separate Plant Conservation Activity or Subactivity under Management of Lands and Resources.

We urge the subcommittee to continue restoration of the Land and Water Conservation Fund (LWCF). Habitat loss is one of the main threats to wildlife and will be greatly exacerbated by climate change. According to a recent Forest Service report, "Cooperating Across Boundaries—Partnerships to Conserve Open Space in Rural America," the United States loses 6,000 acres of open space a day. The administration has repeatedly cut LWCF funding by increasingly greater levels each year, and even though the unspent balance in the Fund on paper exceeds $16 billion, pro-

posed just $50 million for fiscal year 2009, more than 67 percent below fiscal year 2008.

We urge the subcommittee to give attention to addressing impacts of illegal immigration and related enforcement on sensitive land and wildlife resources along the border. We support the administration's "Safe Borderlands" initiative; however we believe greater increases are needed to adequately address the situation. To date, there has been no assessment by the land management agencies of the costs to fully address the situation—we ask the subcommittee to include language in the bill requesting this information. In addition, the Department of Homeland Security (DHS) is expediting plans to start construction of border walls in Texas that will have devastating impacts on one of the most biologically diverse areas in America, including the Lower Rio Grande Valley National Wildlife Refuge, in which approximately $90 million and three decades has been invested purchasing land and restoring habitat for ocelots, jaguarundi and other rare wildlife and plants. Recently, DHS has begun to pursue an even more damaging alternative formerly dismissed in a Draft Environmental Impact Statement (EIS) to build a wall into the existing levee without revising the EIS, doing hydrologic modeling, or formally consulting on impacts to refuges or endangered species. On April 3, 2008, DHS Secretary Chertoff issued a sweeping waiver of 36 Federal laws along 470 miles of the SW border to expedite wall construction. We ask the subcommittee to do everything in its power to protect its investment in the refuge by working with the DHS appropriations subcommittee to ensure that a thorough assessment to select the least harmful alternative and full mitigation plan is completed before any construction proceeds.

We urge the subcommittee to reject the proposed cut to Forest Service (FS) Wildlife and Fisheries Habitat Management. Although more than 425 listed species and 3,200 at-risk species occur on FS lands, the budget proposes a 10.6 percent cut ($14 million) and reduction of 130 staff.

We urge the subcommittee to restore the integrity of the U.S. Geological Survey (USGS) Cooperative Fish and Wildlife Research Units. One fifth of all CFWRU scientist positions 24 are vacant due to erosion of funding since fiscal year 2001. The Research Units provide critical scientific capability to the four land management agencies, yet the president's budget reverses the fiscal year 2008 $1 million increase provided by the subcommittee.

We are deeply grateful for the establishment of the National Global Warming and Wildlife Science Center (Center). We ask that you maintain your support for this important new initiative. The new Center will be a critical front in the battle to help wildlife adapt to climate change, supporting research needs of both federal and state agencies in dealing with a threat in which we have no analogous experience. While the subcommittee allocated up to $2.5 million for fiscal year 2008 for the Center, we were disappointed to find that the administration has allocated only $1.5 million and has requested only that amount for fiscal year 2009. We urge $10 million for fiscal year 2009. In addition, comprehensive bills are moving forward that likely will dedicate significant sums to the natural resource agencies for climate change adaptation; the agencies need to start planning now to spend these sums strategically and effectively. We ask the subcommittee to include funding and specific direction for the development of a national strategy to ensure a coordinated interagency framework to address impacts of climate change on fish, wildlife, and habitat.

RECOMMENDED FISCAL YEAR 2009 PROGRAM FUNDING LEVELS

[In millions of dollars]

| Program | President's request | Recommended level |
|---|---|---|
| FWS Endangered Species Total | 146.8 | 185.2 |
| Candidate Conservation | 8.7 | 12 |
| Listing | 18.2 | 25.2 |
| Recovery | 68.4 | 84.8 |
| Consultation | 51.6 | 63.2 |
| FWS National Wildlife Refuge O&M | 434.1 | 514 |
| FWS Office of Law Enforcement | 57.4 | 69.5 |
| FWS Migratory Bird Management | 53.2 | 53 |
| FWS International Affairs | 10.3 | 20.4 |
| FWS State and Tribal Wildlife Grants | 73.8 | 100 |
| FWS Cooperative Endangered Species Fund | 75.5 | 96.2 |
| FWS Multinational Species Conservation Fund | 4.3 | 12 |
| FWS Neo-tropical Migratory Bird Cons. Fund | 4 | 6 |
| BLM Wildlife and Fisheries | 43.8 | 65.4 |

RECOMMENDED FISCAL YEAR 2009 PROGRAM FUNDING LEVELS—Continued

[In millions of dollars]

| Program | President's request | Recommended level |
|---|---|---|
| BLM Threatened and Endangered Species | 20.6 | 29.9 |
| BLM Native Plants | 4.6 | 15.8 |
| BLM Challenge Cost Share | 9.2 | 19.3 |
| FS Wildlife and Fisheries Habitat Management | 118 | 176.5 |
| USGS Coop. Fish and Wildlife Research Units | 15.4 | 19.4 |
| USGS National Global Warming Wildlife Ctr. | 1.5 | 10 |
| Land and Water Conservation Fund | 50 | [1] 403 |

[1] $278 Federal and $125 stateside.

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PREPARED STATEMENT OF THE DELAWARE HIGHLANDS CONSERVANCY

Madam Chairman and honorable members of the committee: I appreciate the opportunity to testify on behalf of an important Land and Water Conservation Fund request of $1.4 million to allow National Park Service acquisition of the 96-acre Santos Farm property within the legislated boundary of the Delaware Water Gap National Recreation Area.

As you know, Madam Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

The Delaware Highlands Conservancy is a non-profit land trust dedicated to working with landowners, other conservation organizations and local and State government to conserve the natural and cultural heritage of the Upper Delaware River region. Specifically the Conservancy serves Pike and Wayne Counties in PA, as well as Sullivan and Delaware Counties, NY. We are members of the National Land Trust Alliance and follow their best management standards and practices.

To date the Conservancy has helped landowners protect over 10,000 acres for the benefit of future generations. Located within easy driving distance of the Nation's most populous metropolitan area, New York City, and within a 5-hour drive of one-third of the population of the United States, the primary industry in this area is tourism.

Protecting our natural areas is of vital economic importance to the region. The Pocono Mountain Visitors Bureau (PMVB), reports that the travel and tourism industry produces $1.073 billion in expenditures to the four primarily rural counties they serve. The Bureau recently completed extensive research with visitors and determined that the top values were: preservation of the natural environment; preservation of the authentic small town charm; and responsible development.

A coalition of diverse groups—including local elected officials, the Pike County Commissioners, local planning commissions, watershed groups, the Conservancy, and like-minded organizations—have identified key parcels in the region that need to be protected to maintain the scenic rural character. The Santos Farm is viewed by all to be a critical component of the landscape and critical for protection.

Please allow me to provide some background on the area. After flowing south to Port Jervis, New York, the Delaware River turns along the long ridge of the Kittatinny Mountain. For 40 miles the River runs southwest in a valley confined by the Kittatinny Mountain in New Jersey and the Pocono Mountains in Pennsylvania. Just east of Stroudsburg, the river breaks through the Kittatinny Mountain creating a dramatic "water gap" in the ridge. The forested and craggy mountains on both sides of the Delaware River tower over it by more than 1,200 feet.

Geologists believe the water gap was created by separate rivers on both sides of the Kittatinny Mountain. For thousands of years the two rivers, assisted by wind and rain, eroded the mountain, carrying away more earthly material at weak spots in the rock than at stronger spots. Several million years ago, the rivers linked at a particularly weak spot in the mountain's geology. This action created both the water gap and the current Delaware River. The creation of the water gap increased

erosion by the more powerful single river, which led to the dramatic chasm that is today referred to as the Delaware Water Gap.

In the 1960s the Army Corps of Engineers planned to dam the Delaware River and create the Tocks Island Reservoir. Congress approved the proposal in 1965 and instructed the Corps and the Interior Department to acquire lands around the proposed reservoir for "public outdoor recreation use and enjoyment of the proposed Tocks Island Reservoir . . . and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters." This 1965 legislation created the present Delaware Water Gap National Recreation Area, covering nearly 70,000 acres in New Jersey and Pennsylvania. However, controversy over the dam blocked its construction for nearly 15 years. Many critics found the two purposes of the authorizing law, damming the River and preserving the land and water, contradictory.

Congress resolved the issue by designating the portion of the Delaware River within the Recreation Area as a National Wild and Scenic River, ending the possibility of building a dam and making the conservation of the natural, recreational, historical, and cultural attributes of the water gap and the River valley the primary mission of the park.

Today the Delaware Water Gap National Recreation Area is a natural and recreational treasure in the mid-Atlantic section of the Appalachians Mountains. It is the largest park unit between Maine and Virginia. Its proximity to the metropolitan areas of northern New Jersey, New York City, and Philadelphia places it within reach of tens of millions of people. Its accessibility to these populations—Interstate 80 runs through the water gap—brings more than 5 million annual visitors. Attractions include scenic viewpoints in the water gap on I–80 and in the valley along US 209, waterfalls, hiking, biking, rock climbing, horseback riding, hunting, fishing, camping, canoeing, kayaking, rafting, tubing, swimming, wildlife observation, and the opportunity to learn about the many historical and cultural sites in the park. River recreation and wildlife thrive on the exceptionally clean waters of the Delaware River throughout the valley. Additionally the Recreation Area includes 27 miles of the Appalachian Trail.

Within the legislative boundary, there are a number of privately owned properties that could be potentially sold for development. Acquisition of these inholdings from willing sellers allows the National Park Service to consolidate ownership and improve management of forest, wildlife habitat, and recreational resources. In fiscal year 2009 the National Park Service has the opportunity to acquire the 96-acre Santos Farm property in Milford, Pike County, Pennsylvania.

The Santos Farm property is located along the Delaware River at the northern end of the National Recreation Area. The property is one of the last undeveloped farmland tracts in Pike County and provides significant wildlife habitat. Milford Borough, Township, and county officials have expressed strong support for protecting this property. If developed, the loss of scenic, recreational, and habitat resources would be significant.

The Delaware Highlands Conservancy together with the Pike Conservation Partnership, a coalition of non-profit organizations and local and state agencies, and the Pike County Commissioners have identified the Santos Farm as a high priority property for conservation. And, Pike County voters recently approved the Scenic Rural Character Preservation Bond for the protection of natural areas in the County, with a yes majority of 68.2 percent. Support for the conservation of this land is high, but there are insufficient funds locally to raise the entire purchase price.

An appropriation of $1.4 million to the National Park Service for the acquisition of the Santos Farm property would consolidate ownership and improve management of forested areas within the park, protect wildlife habitat, enhance local park and trail networks, and protect the watershed of the Delaware River within the National Recreation Area.

Madam Chairman, and distinguished subcommittee members, I wish to thank you for this opportunity to provide testimony in support of this critical land acquisition funding need at the Delaware Water Gap National Recreation Area.

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PREPARED STATEMENT OF THE DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL

| | Requested |
|---|---|
| Indian School Equalization Formula | $382,783,800 |
| Administrative Cost Grants | 53,000,000 |
| Student Transportation | ([1]) |

[1] $3.15 per mile.

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

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

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

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

*Administrative Cost Grants.*—BIE seeks no increase for Administrative Cost Grants, the account that is supposed to provide funding for the administrative costs incurred in tribal operation of school programs. Five more schools will convert to tribal operation in SY 2009–2010 (the school year funded by this budget request). This means that instead of the 125 schools now being supported by the $43.4 million AC Grant budget, 130 schools will have to be supported by that same amount. The budget request does not tell you that in the current school year, BIE was only able to supply 65.7 percent of the funding required by the formula for calculation of AC Grants set out in Federal law (25 USC 2008). With 5 more schools in the mix, the percentage paid will probably drop below 60 percent.

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

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

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

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

Here again our costs are ever increasing—for fuel, bus repairs and bus driver salaries. In our area of New Mexico, diesel fuel now costs over $4/gallon. A fill-up that a year ago cost $115 now runs $200. Our buses travel 100 miles round-trip per day. Much of their routes are over very rough dirt roads which enormously increases the cost of vehicle maintenance. Plus, we compete with the local oil field for drivers with the required CDL licenses. This means we must offer competitive bus driver salaries or we lose the ones with needed credentials.

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

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

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

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

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

—Low ISEF funding puts us at the bottom of teacher pay scales which means we can't effectively compete for qualified teachers with public schools, and certainly cannot compete with BIE-operated schools which have to pay at Federal wage rates.

—We fund professional development opportunities for teachers, but often lose this investment when the additional skills they acquire qualify them for better-paying jobs at other schools. Then we have to start all over again with our professional development programs.

—Teacher recruitment is also adversely impacted by the remoteness of and poor housing options in reservation communities. We have to supply on-campus housing for teachers, but these quarters units are old, unattractive and lacking in basic comforts.

—Many school buildings are old, in disrepair, and incapable of supporting modern educational technology as they were not built with computer cabling in mind.

—Our children face many impediments to learning such as poverty, poor housing, poor nutrition and long distances between home and school. Many Navajo children also face the challenges of learning english as a second language.

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

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

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

FOOD SERVICES AND FACILITIES OPERATION AND MAINTENANCE

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

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

CONCLUSION

As long as woefully inadequate support for the BIE school system persists, the objective of NCLBA remains only a dream—and a broken promise. For our schools, Congress is the equivalent of the county government and state legislature, the two sources of basic financial support for public schools. We hope this Congress will produce a better school operations budget than the one proposed by the Bureau of Indian Affairs. Should you have any further questions, you may contact either of us via phone at 505.632.1697 or you can reach Ms. Blue Eyes via email at heywoman87417@yahoo.com. Thank you for helping our Indian children.

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## PREPARED STATEMENT OF THE EMISSIONS CONTROL TECHNOLOGY ASSOCIATION

### INTRODUCTION

Thank you for the opportunity to provide written testimony proposing fiscal year 2009 funding for EPA's Diesel Emission Reduction Act (DERA) program at $70 million and for the EPA's State and local quality grants program at $270 million.

My name is Tim Regan. I'm the president of the Emissions Control Technology Association (ECTA) and an executive with Corning Incorporated. ECTA is a trade association that promotes public policies to improve air quality by reducing mobile source emissions through the use of advanced technologies.

ECTA represents the companies that have been at the cutting edge of mobile source emissions control technology for three and a half decades. Our members invented and developed the core, specifically the substrate and the catalyst, of the catalytic converter. Our technology has had a profound impact on the environment both here and abroad, removing 1.5 billion tons of pollution from American skies and 3 billion tons of pollution worldwide since 1975.[1]

Thirty years ago, when the catalytic converter was first introduced, our industry was faced with the challenge of reducing nitrogen oxides from the transportation sector. Today, the challenge is to reduce the black smoke and smell from diesel exhaust. Once again, our industry has risen to the challenge by developing a full range of devices, commonly known as "after-treatment" technology that remove fine particulate matter and other pollutants in diesel exhaust.

Our technology is required equipment on all new on-road heavy duty vehicles entered into service after January 1, 2007. This will make a significant contribution toward cleaner air and better health. In fact, EPA estimated at the time the so-called 2007 Heavy Duty Rule was promulgated that the technology would generate $66 billion in economic and health benefits annually when the new vehicles significantly penetrated the fleet after the year 2020.[2]

Obviously, there is a cost associated with installing this equipment on new vehicles, but the payoff is significant. EPA estimates that for every dollar spent on the technology $16 of economic benefit will be generated.[3]

### THE CHALLENGE

The challenge before us now is how to retrofit this new technology onto existing vehicles and engines that are being used today. These vehicles and engines do not have the emissions control technology that is required for new vehicles. Consequently, they are the "dirtiest" diesel devices in use, and there are a lot of them.

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[1] *See* Corning Press Release citing the Manufacturers of Emission Controls Association (MECA) (February 15, 2005), http://www.corning.con/environmentaltechnologies/media-center/press-releases/2005021501.aspx.

[2] *See* Environmental Protection Agency (July 7,2005), "2007 Heavy-Duty Highway Final Rule," i.e. http://www.epa.gov/OMSWWW/diesel.htm.

[3] Ibid.

EPA estimates there are currently 11 million heavy duty diesel engines in use today. This compares to about 500,000 new clean diesel engines that are normally put in to use annually. In other words, there are 22 existing engines in the fleet for every new clean diesel engine that is added each year.

Because diesel engines are so durable, the existing equipment in the fleet will not be fully replaced until the year 2030.[4] The best way to clean up these 11 million vehicles and engines is to retrofit them with the same kind of technology that is being installed in new ones. This retrofit equipment could include after-treatment devices, such as a diesel particulate filter or a diesel oxidization catalyst. It also could include vehicle replacement, engine replacement, engine rebuilds, and engine repair.

Unfortunately, the cost of purchasing and installing diesel retrofits oftentimes does not introduce enough operational efficiency to generate a return on the investment. So, equipment owners are understandably reluctant to invest in a retrofit unless they are given some form of financial assistance to help defray the cost. And, it makes sense for the public to help finance retrofits because they generate benefits in the form of cleaner air for all of society.

CONGRESSIONAL ACTION

To the credit of Congress, it has acted to provide the necessary financial assistance to promote the deployment of diesel retrofits. Congress started to address this problem as far back as fiscal year 2003. At the time, Congress appropriated $5 million to provide the original funding for the Clean School Bus USA program.

This program was founded to improve the health conditions of the 25 million children who ride diesel-powered school buses every day. EPA estimates that 40,000 school buses have been cleaned up during the lifetime of the Clean School Bus USA program, reducing the exposure of more than 1.5 million school children to the potential harmful effects of diesel exhaust. It marks a good beginning, but we still have a long way to go to clean up over 400,000 school buses that are currently on the road today.

Based on the positive experience with the Clean School Bus USA program, Congress took another big step in 2005 to advance the deployment of diesel retrofits. Specifically, as part of the Energy Policy Act, Congress proposed and passed the Diesel Emissions Reduction Act (DERA). This provision of law authorized the expenditure of $1 billion over 5 years to finance diesel retrofits through grants and revolving loans. The authorization calls for the appropriation of $200 million per year for fiscal year 2007 through fiscal year 2011.

This subcommittee has done a valiant job in trying to find the resources to fund DERA in fiscal year 2008. These are difficult financial times. All Federal accounts are under stress, especially those under the jurisdiction of this subcommittee. But under your leadership, your subcommittee approved $50 million in funding for this program last year, a 40 percent increase above the President's request. We appreciate the subcommittee's efforts.

THE PROBLEM

Unfortunately, the resources available to fund diesel retrofits far exceeds the demand. The best example of this is what has happened with the Clean School Bus USA program. During the first 3 years of the program, 292 grant applications for a total of $106 million were submitted to EPA. Because of funding constraints, only 72 awards were made from the 292 applications, a 25 percent grant rate. In terms of funding, only $17.3 million was awarded from the $106 million requested, a 16 percent success rate.

This shortfall affected much of the country, and especially the States represented on this subcommittee. For example, applicants from the 17 States represented on the subcommittee filed 92 grant applications with EPA under the first 3 years of the school bus program and only 22 (or 24 percent) were funded. These grant requests amounted to a total of $32.1 million, of which $4.2 (or 13 percent) was funded.

OUR REQUEST

In light of this strong demand for funding, we respectfully request that the subcommittee increase the level of funding for DERA above the amount requested by the President. The President proposed $49.2 million. We urge the subcommittee to

[4] *See* Senator Voinovich Press Release (June 16, 2005), http://voinovich.senate.gov/news__center/record.cfm?id=238996&.

increase funding for DERA by the same proportion that it did last year, that is, by 40 percent to a total of $70 million for fiscal year 2009. Last year, the President requested $35 million and the subcommittee appropriated $50 million, a 40 percent increase.

RATIONALE

We believe that this proposed increased level of funding is reasonable and appropriate for several reasons. First, it is fully consistent with the action taken by the Subcommittee last year when you increased DERA funding by 40 percent above the President's request.

Second, the demand for funding to purchase diesel retrofits far exceeds the supply of funds, as witnessed by our experience with the Clean School Bus USA program.

Third, the money will be well spent because diesel retrofits have been proven to be one of the most cost-effective emission reduction strategies. Studies have shown that emission reduction strategies which involve the use of diesel retrofit technology can, in almost every case analyzed, achieve the lowest cost-per-ton of emissions reduced compared to a long list to other strategies for reducing emissions from the transportation sector.[5] For example, installing a diesel particulate filter on a Class 7 heavy duty truck is 15 times more cost-effective than replacing a conventional bus and 46 times more cost-effective than building an HOV lane.[6]

Fourth, spending on diesel retrofits generates a substantial return on an investment of 13 to 1. When DERA was enacted, EPA estimated that, if fully implemented, the program would generate $20 billion of economic and health benefit for $1.5 billion of cost. This cost includes both the Federal funding of $1 billion and anticipated State and private sector matching of $500 million. In other words, for every dollar of government money spent $13 of economic and health benefit would be generated.[7]

Fifth, because DERA sets aside 30 percent of its funds for a State Grant Program, it can be used to help States bring their air quality in to conformity with Federal standards for particulate matter. Moreover, by providing additional Federal monies to States that match the DERA funds, the DERA State Grant program provides incentives to States to more proactively address diesel emissions in their region.

Finally, there is a very broad base of support for DERA and a level of funding for the program that far exceeds the President's request. From the beginning, DERA enjoyed strong support from both sides of the aisle in Congress and from the entire range of private interests and non-profit public interest groups. As evidence of this, more than 250 businesses, associations, and environmental groups cosigned a letter asking the President to fully fund DERA in fiscal year 2009. Few environmental programs enjoy such widespread support.

STATE AND LOCAL AIR QUALITY GRANTS

We would also like to endorse the request for increased funding to support State and local air quality grants that is being requested by the National Association of Clean Air Agencies (NACAA). State and local governments hold primary responsibility for preventing and controlling air pollution. They rely on grants to carry out their core obligations under the Clean Air Act, including monitoring air quality, assessing emissions impacts, permitting and inspecting sources, and enforcing environmental regulations.

Unfortunately, because of funding constraints, the State and air quality agencies grants have been on the decline. Last year, the grants were funded at $216 million and the President has proposed reducing funding to $185.6 million in fiscal year 2009. We urge the subcommittee to increase funding for these grants to $270 million, the level being proposed by NACAA.

CONCLUSION

Thank you again for the opportunity to provide testimony to the subcommittee. We urge you to fund DERA at $70 million for fiscal year 2009 because it consistent with the proportional increase adopted by the subcommittee last year and will result in the most cost-effective use of Federal funds to achieve emission reductions from the transportation sector.

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[5] *See* ECTA comments (February 20, 2007) in Federal Highway Addministration Docket No FHWA-2006-26383, http://dmses.dot.gov/docimages/p89/454896.pdf, http://dmses.dot.gov/docimages/p89/454899.pdf

[6] Ibid, Table 4, p.10, http://dmses.dot.gov/docimages/p89/454896.pdf

[7] *See* Supra, Note 4.

## PREPARED STATEMENT OF THE ENDANGERED SPECIES COALITION

On behalf of the undersigned organizations and the millions of members we represent nationwide, we urge you to fully fund programs of the Endangered Species Act at the levels outlined below during the fiscal year 2009 appropriations process.

The Endangered Species Act is a safety net for wildlife, plants and fish that are on the brink of extinction. The act has been successful in preventing the extinction of many of our Nation's species, including Bald Eagles, Peregrine Falcons, wolves, grizzly bears and wild salmon. In today's era of global warming, it is needed more than ever. However, for years the Endangered Species Act has been under funded, making it increasingly difficult for the U.S. Fish and Wildlife Service experts to carry out their responsibilities under the Endangered Species Act. The funding levels outlined below are designed to be the first step in addressing this problem over the next 5 years.

### CORE ENDANGERED SPECIES PROTECTIONS

The four Fish and Wildlife Service endangered species operating accounts are key to effective implementation of the Endangered Species Act. All four program areas are currently experiencing at least a 30 percent staffing shortage due to budget constraints, an unacceptable vacancy rate. To adequately implement the endangered species program, a total of at least $305.8 million is needed for the four main accounts by 2013, an increase of $155 million over fiscal year 2008.

*Listing*.—This account funds the protection of new plants and animals under the Endangered Species Act, as well as habitat critical to recovery. Currently, more than 280 species sit on the candidate waiting list for protection, creating an estimated backlog of more than $160 million. Candidate species wait an average of 19 years to be listed and since 1975, 64 have gone extinct while waiting—seven times the number that have disappeared under the full protection of the ESA. To eliminate this backlog over the next 5 years, we request a $7.2 million increase this year for a fiscal year 2009 appropriation of $25.2 million.

*Recovery*.—While the Endangered Species Act has been extremely successful at preventing wildlife from going extinct, the purpose of the act is to protect and recover endangered and threatened fish, plants and wildlife. It is difficult to estimate the true needs for the recovery program—current estimates place it at approximately $100 million. The conservation community would like to see the recovery program funded at no less than $121.6 million by 2013 (the increased level over $100 million accounts for fixed costs increases needed over that time period) therefore, we request recovery be funded at $84.8 million for fiscal year 2009 as a first step, an increase of $13.8 million.

*Consultation*.—The consultation program is an important part of the checks and balances system to ensure that endangered fish, wildlife, and plants are protected on the ground. There has been a dramatic increase in demand for consultations recently, jumping from 40,000 in 1999 to 67,000 in 2006. Shortage of personnel in this program area causes delays of project reviews thus creating conflicts between agencies. The consultation budget also funds the Service's work with non-federal entities for permitting and development of Habitat Conservation Plans; lack of funding prevents the Fish and Wildlife Service from ensuring that these plans are properly developed, implemented and monitored. To adequately implement the consultation program would require an overall program budget of $122.4 million by 2013. We request $63.2 million for fiscal year 2009, an increase of $11.4 million.

*Candidate Conservation*.—This program protects species before they are actually listed, thus in theory averting the need to ever list them at all. As mentioned above though, fish, plants and wildlife on the candidate list go extinct at a much higher rate than those with full protection—in part because of severe understaffing for this program. A doubling of this program's staff is justified to ensure adequate implementation. This would require $25.4 million. The conservation community again requests this increase be accomplished over the next 5 years and, therefore, requests the program be funded at $12 million for fiscal year 2009, an increase of $2.3 million over fiscal year 2008 levels.

### ADDITIONAL ENDANGERED SPECIES PROTECTIONS

*Cooperative Endangered Species Fund*.—This fund provides grants to States for wildlife and habitat conservation activities on non-Federal lands for listed and candidate species. At least 65 percent of federally listed species are found on non-Federal land. Without the proposed increases States will fall further behind in their ability to independently work to protect at risk species. Crucial conservation activities funded by these grants include: research, species status surveys, habitat res-

toration, captive propagation and reintroduction, planning assistance, and land acquisition by States for Habitat Conservation Plans and recovery. To adequately fund State endangered species conservation activities a total of at least $160 million is needed by 2013. We therefore request an increase of $22.4 million this year for a total appropriation of $96.2 million in fiscal year 2009.

*Landowner Incentive and Private Stewardship Grants*.—These grants provide funding for voluntary conservation actions taken by landowners to conserve at-risk plants and animals on private lands, which benefits us all. The Landowner Incentive program awards competitive grants to state and tribal conservation agencies for their work with private landowners and tribal lands, while the Private Stewardship program provides funding directly to individuals and groups implementing private land conservation actions. In 2007, funding was awarded to efforts in 46 States. Regrettably, neither program was funded in the fiscal year 2008 Interior appropriations bill due to budget constraints; these important programs should be re-started in fiscal year 2009. The demonstrated need for these programs has far outstripped available funding in the past—the amount requested for worthy projects on average totaled two to three times the yearly available funding. To support private landowners in their voluntary conservation efforts, a gradual increase to $77 million is needed by fiscal year 2013 in these two incentive programs. We request that these programs be restored to their fiscal year 2007 levels of $23.7 million for the private landowner and tribal lands grants and $7.3 million for the stewardship grants. However, while these voluntary incentives programs are important for the recovery of our Nation's imperiled species, they should not be funded at the expense of the Fish and Wildlife Service's core endangered species programs.

*BLM Threatened and Endangered Species Management*.—The Bureau of Land Management (BLM) controls habitat that supports more than 300 federally listed or candidate species. This program, along with their Fisheries and Wildlife Management program, funds inventory and monitoring, habitat restoration, endangered species recovery, and other proactive conservation activities vital to maintaining healthy, functioning ecosystems and fish, wildlife, and plant populations. Recently, an average of 30 percent of these funds have been used to pay for the compliance activities of the BLM's energy, grazing, and other non-wildlife related programs. Traditionally, funding for compliance work has come from benefiting programs. In addition, the programs are substantially understaffed. For example, the BLM has only one biologist per 591,000 acres of land, and more than $60 million is needed annually just to implement actions assigned to BLM in recovery plans for listed species. In addition to restoring the funds diverted to benefit other program areas, we request an increase of $7.6 million in fiscal year 2009 to begin meeting this program's needs, for a total appropriation of $29.9 million in fiscal year 2009.

The Endangered Species Act is a broadly supported law and has been very successful in preventing extinctions. But without the necessary funding, the act's true goal of restoring endangered species to healthy populations will be much more difficult to accomplish. We ask you, as a member of the Appropriations Committee, to fully fund Endangered Species Act programs this year. Thank you.

American Bird Conservancy, American Rivers, Center for Biological Diversity, Defenders of Wildlife, Endangered Species Coalition, National Wildlife Federation, Natural Resources Defense Council, Wildlife Alliance of Maine, and Xerces Society for Invertebrate Conservation.

ENDANGERED SPECIES RELATED FUNDING FISCAL YEAR 2009

[In thousands of dollars]

| | Fiscal year 2008 enacted | POTUS fiscal year 2009 recommendation (vs. enacted) | Green budget proposal [1] | Green budget compared to fiscal year 2008 enacted |
|---|---|---|---|---|
| Candidate Conservation | $9,731 | $8,659 (−1,072) | $12,000 | $2,269 |
| Listing | 17,978 | 18,188 (+210) | 25,200 | 7,222 |
| Consultation | 51,758 | 51,577 (−181) | 63,200 | 11,442 |
| Recovery | 71,041 | 68,417 (−2,624) | 84,800 | 13,759 |

ENDANGERED SPECIES RELATED FUNDING FISCAL YEAR 2009—Continued

[In thousands of dollars]

| | Fiscal year 2008 enacted | POTUS fiscal year 2009 recommendation (vs. enacted) | Green budget proposal [1] | Green budget compared to fiscal year 2008 enacted |
|---|---|---|---|---|
| Eco Services Total | 150,508 | 146,841 (−3,667) | 185,200 | 34,692 |
| Cooperative Endangered Species Fund | 73,831 | 75,501 (+1,670) | 96,200 | 22,369 |
| Landowner Incentive Grants | | | 23,700 | (2) |
| Private Stewardship Grants | | | 7,300 | (2) |
| BLM Threatened & Endangered Species Mgmt | 22,302 | 20,582 (−1,720) | 29,900 | 7,598 |

[1] The Green Budget is endorsed by 21 conservation and environmental organizations and designed to help assist appropriators with meeting America's most pressing environmental needs.
[2] Equal to fiscal year 2007 levels.

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PREPARED STATEMENT OF THE ENVIRONMENTAL COUNCIL OF THE STATES

In this document, the States respectfully submit their budget proposal for the portion of the U.S. Environmental Protection Agency's budget that supports States, tribes, and local governments, the State and Tribal Assistance Grants (STAG). States request $3.867 billion for these purposes. These funds are used for categorical grants and infrastructure support.

The States request $1.219 billion for 24 categorical program grants for State and tribal governments.

We request $2.648 billion for infrastructure support to be spent on wastewater, drinking water, Brownfields, and other environmental infrastructure needed to meet the goals of the core environmental statutes.

The States are integral partners and co-regulators with the U.S. Environmental Protection Agency (EPA) in the implementation of the Nation's environmental laws. States in fact conduct most of the permitting, enforcement, inspections, monitoring, and data collection required by those laws on EPA's behalf. To assist the States, Congress provides a portion of the States' costs through EPA's budget in STAG.

Additionally, Congress provides Federal funding to capitalize vital water and wastewater infrastructure needs.

Unfortunately, EPA has once again proposed cuts for support of the States' work on its behalf. These cuts reduce STAG to the levels received in 1998—over 10 years ago. During the period 2000–2009 EPA has asked (or is asking) the States to implement about 400 new rules with a "State or local impact." These are significant rules that are discussed in hearings before Congress, written about by the press, and for which the public is counting on States to do the job entrusted to them by Congress.

EPA has asked States to participate in its budget development for the last 3 years, and ECOS did so in the development of the administration's budget as it was being worked on in 2007. Unfortunately, our recommendations, such as those presented herein, were not heeded.

The proposed cuts threaten to undermine the States' ability to provide the environmental protection mandated by Congress. We ask Congress, on behalf of the citizens of our States, not to accept the President's recommendations for STAG, but instead to give consideration to this proposal.

This year, we also ask Congress to prohibit EPA from the pernicious practice seen in recent EPA budget proposals in which the agency interferes with the States' ability to exercise its obligations by stipulating that funds must be spent on specific activities. Examples of this include the so-called "Permit Fees Rule," the 106 set-asides for "probabilistic monitoring" and the proposal to prohibit States from using the "State bond match" for the revolving loan funds. Most of these EPA requests have been restricted by Congress in report language, which the agency then interprets to its liking and, in our opinion, thwarts the clear will of Congress in the process.

The States' budget proposal is based on three primary principles:

1. In times of fiscal crisis, when resources are in short supply, the core mandated environmental programs funded through STAG, including infrastructure capitalization, must be funded first;

2. Reductions in EPA's budget, if they must occur, should be shared proportionately by EPA and the States after STAG levels are returned to their 2004 levels; and

3. States should be afforded the flexibility to run their core programs in a manner that will obtain the highest level of attainment with the standards set by Congress and EPA without undue hindrance from EPA, but within its oversight responsibilities.

ECOS' budget does not propose cuts for the non-STAG portions of EPA's budget.

1. EPA staffing can remain intact as presented in the President's 2009 budget proposal.

2. No non-STAG programs need be eliminated beyond those described in the President's 2009 budget proposal.

3. No decrease in protection of human health or the environment will result—in fact, it will be improved.

ECOS is prepared to present additional details and suggestions as requested, including in testimony on any hearings as might be held on the President's budget proposal.

## STATE AND TRIBAL ASSISTANCE GRANTS

[Dollars in thousands]

| Programs | Fiscal year | | ECOS' proposal 2009 | Brief rationale | Percent change | |
|---|---|---|---|---|---|---|
| | 2004 enacted | 2008 enacted | | | (2008 enacted to 2009 proposal) | (2004 enacted to 2009 proposal) |
| **Highest Priority** | | | | | | |
| State and Local Air Quality Management | $237,297 | $216,825 | $270,300 | Increase for new requirements and inflation | 24.7 | 13.9 |
| Public Water System Supervision (PWSS) | 101,904 | 97,554 | 124,404 | Increase for new requirements and inflation | 27.5 | 22.1 |
| Brownfields CG | 50,000 | 48,723 | 50,000 | Increase for inflation | 2.6 | ..... |
| Hazardous Waste Financial Assistance | 103,689 | 101,734 | 103,768 | Increase to meet requirements and inflation | 2.0 | 0.1 |
| Underground Storage Tanks [1] | 11,725 | 2,461 | 2,510 | Increase for inflation | 2.0 | −78.6 |
| Nonpoint Source (sec. 319) | 241,542 | 200,857 | 204,874 | Increase for inflation | 2.0 | −15.2 |
| Pollution Control (sec. 106) | 202,937 | 218,206 | 270,300 | Increase for new requirements and inflation | 23.9 | 33.2 |
| **Moderate Priority** | | | | | | |
| Environmental Information | 19,474 | 9,844 | 10,000 | Increase to meet requirements and inflation | 1.6 | −48.7 |
| Beaches Protection | 8,826 | 9,746 | 9,746 | Same as previous year | ..... | 10.4 |
| Homeland Security | 4,051 | 4,873 | 7,000 | Assists states in dealing with "all hazards" approach, as opposed to past practice of "biohazards" only, and new directives and EPA requirements. | 43.7 | 72.8 |
| Lead | 14,100 | 13,352 | 13,352 | Same as previous year | ..... | −5.3 |
| Pesticides Enforcement | 19,776 | 18,419 | 18,419 | Same as previous year | ..... | −6.9 |
| Toxics Substances Compliance | 5,036 | 5,019 | 5,019 | Same as previous year | ..... | −0.3 |
| Pesticides Program Implementation | 13,225 | 12,768 | 12,768 | Same as previous year | ..... | −3.5 |
| Pollution Prevention | 6,150 | 4,863 | 4,863 | Same as previous year | ..... | −20.9 |
| Radon | 8,062 | 7,948 | 7,948 | Same as previous year | ..... | −1.4 |
| Tribal Air Quality Management | 12,385 | 10,769 | 10,769 | Same as previous year | ..... | −13.0 |
| Tribal General Assistance Program | 62,196 | 56,037 | 56,037 | Same as previous year | ..... | −9.9 |
| Unnderground Injection Control (UIC) | 10,800 | 10,721 | 10,721 | Same as previous year | ..... | −0.7 |
| Water Quality Cooperative Agreements | 16,608 | ..... | 9,844 | For program as described in statute | n/a | 40.7 |
| Wetlands Program Development | 17,110 | 16,567 | 16,567 | Same as previous year | ..... | −3.2 |
| **Low Priority** | | | | | | |
| Wastewater Operator Training | ..... | ..... | ..... | Eliminated | ..... | ..... |
| Sector Program | 1,838 | 1,209 | ..... | Eliminated | −100.0 | −100.0 |
| Targeted Watersheds | 7,472 | 9,844 | ..... | Eliminated in favor of WQCA above | −100.0 | −100.0 |

STATE AND TRIBAL ASSISTANCE GRANTS—Continued

[Dollars in thousands]

| Programs | Fiscal year | | ECOS' proposal 2009 | Brief rationale | Percent change | |
|---|---|---|---|---|---|---|
| | 2004 enacted | 2008 enacted | | | (2008 enacted to 2009 proposal) | (2004 enacted to 2009 proposal) |
| Subtotal, Categorical Grants | 1,176,203 | 1,078,339 | 1,219,211 | | 13.1 | 3.7 |
| Highest Priority | | | | | | |
| Clean Water SRF | 1,397,785 | 689,080 | 1,500,000 | Increase to address gap issues | 117.7 | 7.3 |
| Drinking Water SRF | 881,524 | 829,029 | 1,000,000 | Increase to address gap issues | 20.6 | 13.4 |
| Moderate Priority | | | | | | |
| Brownfields Projects | 87,380 | 93,518 | 93,518 | Same as last year | ..... | 7.0 |
| Diesel Emissions Reduction Grant Program | ..... | 49,220 | ..... | ECOS suggests this cost item be moved to the EPM account, as EPA controls the majority of these funds, not States. ECOS supports full funding of this program as part of the EPM budget. | −100.0 | ..... |
| Congressional Priorities (STAG Infrastructure Grants)[2] | 263,524 | 132,894 | ..... | ([2]) | −100.0 | −100.0 |
| Infrastructure Assistance: Alaska Native Villages | 37,434 | 24,610 | 24,610 | Previous year; no recommendation | ..... | −34.3 |
| Infrastructure Assistance: Mexico Border | 64,846 | 19,688 | 19,688 | Previous year; no recommendation | ..... | −69.6 |
| CA Reduction Project Grants | ..... | 9,844 | 9,844 | Previous year; no recommendation | ..... | n/a |
| Subtotal, Infrastructure | 2,732,493 | 1,847,883 | 2,647,660 | | 43.3 | 3.1 |
| Total, all items | 3,908,696 | 2,926,223 | 3,866,871 | | 32.1 | −1.1 |

[1] In the 2008 budget, a substantial amount of the funding for this program was shifted to the LUST Trust Fund. We recommend retaining that approach with the same $31 million in the UST fund for UST Grants as last year.

[2] These are included here as part of the CW SRF funds. ECOS follows EPA's practice of not budgeting these, but we do not oppose the use of Congressional Priorities. 2004 data is presented as a comparison because it was the most recent peak year of funding. All figures are post-rescission, including 2008. These are actual-year dollars, not adjusted.

PREPARED STATEMENT OF THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

I am Karen R. Diver, Chairwoman of the Fond du Lac Band of Lake Superior Chippewa. Thank you for considering our testimony on fiscal year 2009 Appropriations. Our Tribe occupies a 100,000 acre reservation in northeastern Minnesota. It is part of our aboriginal homeland and was established by Treaty in 1854. We provide health, education, social and other governmental services to 6,500 Indian people living on or near our Reservation. We are deeply concerned that the President's budget would cut funding for programs that are essential to our ability to educate our children, care for our elderly and infirm, prevent crime, and protect and manage natural resources. We urge Congress to restore or increase the funding for these critical programs.

*BIE: Education*.—The Fond du Lac Band depends on BIE funding for the operation of the Band's Ojibwe School. We oppose the President's proposed $25.6 million reduction to funding for BIE programs as they are contrary to the government's trust responsibilities for the education of Indian people. The proposed cuts simply cannot be reconciled with the President's stated goal of closing the education achievement gap for Indian students. Nor can those cuts be reconciled with the BIE's own findings that for the past 3 years, 60 percent of BIE-funded schools have failed to achieve Adequate Yearly Progress (AYP) under the No Child Left Behind Act and that student performance at BIE-funded schools is lower than that for students at public schools. As Indian students are the most at-risk group of students in our Nation, funding for Indian education must not be further reduced. These programs should be funded at no less than fiscal year 2008 levels.

The proposed cuts include a drastic reduction in Education Program Enhancements even though, as BIE points out, this funding is used for teacher training, strengthening math and reading skills, tutoring and mentoring, which BIE-funded schools need if they are to achieve AYP. The proposed cuts also include a reduction in Early Childhood Development, even though, as BIE again recognizes, early childhood education continues to be a very effective investment providing comprehensive reading skills that prepare our American Indian students to become successful learners. The proposed cuts also include the complete elimination of the Johnson O'Malley program. Restoration of this funding is essential as JOM is critical to sustaining Native language and cultural education in public schools serving Indian students. With the demands of achieving the goals of the No Child Left Behind Act, it becomes more important to integrate our native culture and teachings into the school curriculum. Not funding JOM will jeopardize the public schools' ability to do this.

The President's proposal would also reduce funds for student transportation, even though steadily increasing fuel costs and an already inadequate funding level have severely handicapped our ability to provide safe and reliable transportation to our students. In addition, the President would cut Education Construction from the fiscal year 2008 enacted level. We urge Congress to appropriate funds to support the new construction projects currently being funded, and ask that the proposed reduction ($27.6 million) be restored and allocated to facilities improvement and repair so that we can extend the lives of the buildings and ensure that that they are safe.

*BIA: Public Safety and Justice*.—While we support the administration's Safe Indian Communities Initiative, the funding proposed for this still falls very far short of what is needed and should be increased. We also ask that Congress increase the Band's base funding by $1.5 million for court operations and law enforcement, and provide a one-time appropriation of $6 million to allow us to expand the facility that houses our law enforcement and natural resources departments but which is inadequate for those purposes.

The Fond du Lac Band faces massive unmet needs for law enforcement. We had to assume responsibility for law enforcement after the Minnesota Supreme Court ruled that the State did not have jurisdiction to enforce traffic laws on roads within Indian reservations, *State* v. *Stone*, 572 N.W.2d 725 (Minn. 1997). We have done this using a combination of tribal and Federal funds (made available through the Community Oriented Policing Services (COPS) program and the Bureau of Indian Affairs), and by cooperative agreements with local law enforcement agencies. But because of the insurgence of methamphetamine, alcohol, illegal prescription drug use, and gang-related activities on our Reservation our law enforcement responsibilities continue to grow. In 2007, our police responded to over 4,000 calls, more than any prior year. Prescription drug abuse is becoming an epidemic, with increasing numbers of our elders and others the victims of more frequent assaults, burglaries and robberies that are prescription drug related. We also face increasing numbers of juvenile offenses involving drugs, alcohol, thefts, assaults and burglaries.

To address these problems, we need to increase our law enforcement staff so that we can station police officers in specific locations, such as near elderly housing, and ensure effective law enforcement coverage 24/7. But we do not have the funds to do this. We currently employ 13 officers and 3 administrative staff. Two officers are assigned to needed day shift duties, a School Resource Officer (to try and stem the tide of juvenile crime), and an investigator. Officers work 12-hour shifts. We try to maintain at least two officers for each night shift and two on the weekend day and night shifts. Ultimately, for officer safety and timely responses, we should schedule three officers per shift around the clock. However, lack of funding prevents us from meeting this goal. As such, there are times when only one officer is on duty to cover the entire Reservation. With officer backup from other agencies as far as a 20–30 minute drive, this becomes a serious safety issue for both officers and the people we need to protect. Our limited staff also means that we are handicapped in our ability to implement pro-active measures, such as youth education and outreach programs, and assistance to the clinics in developing means for identifying and preventing prescription drug abuse. We need 15 to 20 officers, but this requires funding which we do not have.

Federal funding is also vital for law enforcement equipment. Our ability to effectively address crime requires that we periodically upgrade patrol cars including SUV 4×4 vehicles to respond to remote areas within our Reservation. Other equipment is needed as well. For example, because the Band does not own an intoxilyzer, our officers must transport persons arrested for DWI on our Reservation an hour each way to the St. Louis County Jail for DWI processing—pulling our limited number of officers away from other responsibilities for long periods of time. In addition, while we recently accessed the on-line law enforcement reporting system (NEMISIS SHEILDS) which serves seven area counties, it will cost us $400 per year per officer to use that system—a cost not previously budgeted. Further, to make effective use of this system, we should have a secure T–1 line (rather than the current key-fob system), but we do not have the funds ($20,000) for this. We also need substantial additional funds to buy new digital car radios and software to integrate the Band's dispatching system with the more advanced system being adopted by the counties.

Finally, we need a new facility for our law enforcement department. The department is now housed in a 6-room building which has no room for investigative interviews, nor office space for specialty positions such as investigators and school resource officers. The evidence room, reception area, and parking lot are all inadequate, and because of the building's age, staff must double-up phone lines. A new building is essential.

We also urge Congress to increase Tribal Court funding. As the demands on the Band's law enforcement have grown, so too has our Tribal Court docket. While the President, in his budget, recognizes that Tribal Courts are unable to meet needs, his proposed cut to Tribal Court funding will only make matters worse. Modest increases for Law Enforcement Programs should not come at the expense of a reduction in funds for historically under-funded Tribal Courts.

*BIA: Natural Resources*.—We urge Congress to reject the President's proposal to cut funding for Natural Resources Management but to instead increase funds for these programs. Related to the Band's law enforcement work are the Band's responsibilities for enforcing conservation laws that protect natural resources and regulate Band members who hunt, fish and gather those resources within and outside the Reservation pursuant to rights reserved under Treaties with the United States. The Band is responsible for enforcing regulations over approximately 8,000,000 acres in northern and central Minnesota. Funding is essential for that work, as well as for the Band's management of natural resources both on and off-reservation. These resources provide the foundation for our culture, subsistence, employment and recreation. We request that $1.5 million to be added to our base budget for Resource Management programs, as funds for this program have not been increased since 1991.

*BIA: Natural Resources, Circle of Flight*.—We ask Congress to restore the Circle of Flight Wetland/Waterfowl Enhancement Program to at least fiscal year 2008 levels and to consider providing $1,000,000 to cover actual program needs. Circle of Flight has been one of Interior's top trust resource programs since its inception. Through this program, Great Lakes Tribes have restored or enhanced more than 66,000 wetland, grassland and native prairie acres. Circle of Flight has invested more than $9.7 million in habitat projects, and has leveraged these dollars for an additional $27 million in Federal, State, private, and tribal funding, yielding an impressive match ratio of nearly 3 to 1. Because of the importance of wild rice to our members and to the wildlife of the area, Fond du Lac has used these funds to restore over 200 acres of wild rice habitat and has identified another 550 acres of wild rice habitat that is restorable given adequate funding.

*BIA: Human Services*.—We urge Congress to reject the administration's proposal to decrease Human Services funding. Although the President, in the proposed budget recognizes the need to increase funding for social services to address the impact that the methamphetamine epidemic has on not only public health and safety, but also child protection, child welfare and foster care services, his proposed modest increase for social service funding is far too little, and most certainly should not be offset by reductions in funding for the BIA's welfare assistance, Indian Child Welfare Act, and Housing Improvement programs. If Tribes are to have any realistic hope of protecting Indian children, preventing domestic violence, and fostering Indian families in the face of this crisis, funding for Social Services and ICWA programs must be increased.

*Indian Health Service*.—We oppose the President's proposal to decrease total funding for Indian Health Services by $21 million from the fiscal year 2008 enacted level. While the proposed budget includes small increases for clinical health services, contract health care, preventive care and contract support costs, those only bring funding to pre-rescission fiscal year 2008 levels and still fail to address the high rates of medical inflation and the substantial unmet need for health care among Indian people. Indians at Fond du Lac, like Indians throughout the Nation, continue to face disproportionately higher rates of diabetes and the complications associated with diabetes, than the rest of the population. Heart disease, cancer, obesity, chemical dependency and mental health problems are also prevalent among our people. As found by Minnesota Department of Health, in its Populations of Color Health Status Report for 2007, diabetes among Indians is 5 times that for Caucasians; infant mortality among Indians is more than twice that for Caucasians and higher than that for any ethnic group; and Indians are more likely than any ethnic group to die from cancer, cirrhosis, diabetes, and suicide. While other Federal programs, like Medicare and Medicaid, have seen annual increases in funding of 5–10 percent to address inflation, the budget for IHS has never had comparable increases, and, as a result, IHS programs have consistently fallen short of meeting the actual needs. All Indian tribes should receive 100 percent of the Level of Need Formula (LNF), which is absolutely critical for tribes to address the serious and persistent health issues that confront our communities. The Band serves approximately 5,900 Indian people at our clinics, but the current funding level meets only 38 percent of our health care funding needs. In addition, the Band requests an increase in funding for substance abuse and mental health programs in order to combat the growing methamphetamine problem on our Reservation.

*EPA: Tribal Air Quality Management*.—We support the President's proposal to increase funding for Tribal air quality management, and urge Congress not to offset this by cuts to other environmental programs. We operate an air quality monitoring program, and the demands on our program are increasing as industrial activity continues to grow. There are a number of major facilities within 60 miles of our Reservation that affect our air quality and which we must monitor—including Excelsior Energy (a coal-gasification plant), Minnesota Steel (new taconite plant), Polymet (Cu-Ni mine), Enbridge pipeline expansion, Mittal Steel (taconite plant issues), and U.S. Steel-Keetac (taconite mine expansion)—as well as smaller local facilities which also impact regional haze. We collect wet deposition samples to test for mercury and operate ambient monitors for nitrous oxides, ozone, and fine particulate matter. And Fond du Lac is only one Tribe. Many other tribes face the same issues. Because of the critical need to protect reservation air quality, increased funding for tribal air quality programs is essential.

In conclusion, the needs at Fond du Lac and throughout Indian Country remain massive. Your support on these funding issues is essential to our ability to maintain vitally important programs and improve the delivery of services to Band members. Miigwech. Thank you.

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## PREPARED STATEMENT OF THE FRIENDS OF VIRGIN ISLANDS NATIONAL PARK

Madam Chairman and honorable members of the committee: I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need at Virgin Islands National Park. An appropriation of $4.5 million from the Land and Water Conservation Fund (LWCF) is requested in fiscal year 2009 to begin Park Service acquisition of the unique Maho Bay property.

I represent the Friends of VI National Park, a 501(c)(3) non-profit organization, dedicated to the protection and preservation of the natural and cultural resources of Virgin Islands National Park and to promoting the responsible enjoyment of this unique national treasure. We have more than 3,000 members—20 percent of whom live in the Virgin Islands and the balance represent every state in the union.

We carry on the rich tradition of using private philanthropy for the betterment of this park as well as mobilize volunteers and community participation. In our 19 years of work in support of Virgin Islands National Park we have been involved in many initiatives, projects and activities that help this park be a model of natural resource protection and cultural preservation—but none have been as important as our work in support of the acquisition of Estate Maho Bay and its incorporation within the park.

We have played the important role of informing and motivating the community about the issues related to the preservation of Estate Maho Bay. But motivation was hardly needed; the preservation of Estate Maho Bay and ensuring unimpeded access to this spectacular area enjoys near unanimous support among native St. Johnians, residents who have moved here from mainland United States and visitors alike—no easy feat for a community that prides itself in its diversity of opinions.

Virgin Islands National Park, located on the island of St. John, is a tropical paradise preserved for the enjoyment and edification of the public. Beautiful white sand beaches, protected bays of crystal blue-green waters, coral reefs rich in colorful aquatic life, and an on-shore environment filled with a breathtaking variety of plants and birds make St. John a magical place. More than 800 species of trees, shrubs, and flowers are found in the park, and more than 30 species of tropical birds breed on the island, which was designated an international Biosphere Reserve by the United Nations in 1976. St. John is also home to two species of endangered sea turtles, the hawksbill and the green. In addition, the park contains archeological sites indicating settlement by Indians as early as 770 B.C. The later colonial history of St. John is also represented by remnants of the plantations and sugar mills established by the Danes in the 18th and 19th centuries.

One of St. John's most popular eco-campgrounds sits on a cliff overlooking Maho Bay and its pristine white sand beaches. The bay's campgrounds create memorable vacations in the beautiful setting of St. John without sacrificing the delicate ecosystem of the island. Few places on earth match the breathtaking beauty of Maho Bay. A lush forested slope rising nearly 1,000 feet rims its crystal waters and soft white beaches. Hundreds of tropical plant species and more than 50 species of tropical birds fill these lands on the island of St. John, at the heart of the American paradise of Virgin Islands National Park. Just offshore are seagrass beds, green turtles and magnificent coral reefs. This fragile area contains large nesting colonies of brown pelicans, as well as the migratory warblers and terns that winter on St. John. In addition to its natural treasures, the largest concentration of historic plantations and ruins on the island is found within this area.

Available within the Virgin Islands National Park boundaries in fiscal year 2009 is the first phase of a 207-acre acquisition at Maho Bay. This Maho Bay property offers spectacular views of the bay and includes some beachfront. It is extremely important because of their relationship to the whole undeveloped area and its cultural resources. What most people do not know about this property is that it is not owned by the park, even though it has every appearance of being so.

Though the park boundaries cover a broad area of St. John, the National Park Service actually owns two separated blocks of land. A smaller block covers the northeastern shore of the island, and a larger, more contiguous block extends from the southern to northwestern side. The Maho Bay property is what divides these two section of the park and its acquisition would be the first step in linking these two blocks, ensuring future access, resource connectivity, and seaside protection.

Wetlands in the lower portion of the watershed provide adequate sediment retention for the undeveloped nature of this area. As a result of long-term geological processes, the topography created by these processes and the historical rise of sea level during the past 5,000 years, a large, rare and complicated freshwater dominated wetland developed throughout the basin. It represents a natural stage wetland typical of large watersheds with relatively flat basin topography. The Maho Bay wetland is the largest of this type on St. John and along with the Magens Bay wetland on St. Thomas, one of only a few of this type in the Territory. These wetlands provide habitat to numerous species of shorebirds, water fowl and other wildlife, several listed as endangered under the V.I. Endangered and Indigenous Species Act. Others are protected under various federal laws and treaties.

To the people who live on St. John—both native St. Johnians and those who have chosen to make St. John their home, and the millions of visitors who come annually to experience and enjoy this remarkable place, Maho beach is the most accessible beach on the island and one of the most popular. Due to its close proximity to the road, the nearly flat beach and the shallow water it is particularly popular with families with small children, people with mobility concerns, non-swimmers and, of course, those who just love a beautiful beach.

The land was historically used during the plantation era for agricultural activities such as sugar cane, coconut, and cotton cultivation. The lands included in the Phase I area include portions of several historic plantation era sugar estates. The Maho Bay area contains the highest density of plantation era estates on St. John. Preservation of these sites is important in reconstructing the history and heritage of St. John. With increasing growth and investment throughout the Caribbean—including places not far from the unspoiled beauty of St. John—this vulnerable land has been the focus of intense development threats. In recent years, more than one investor envisioned private development along these shores, which would have jeopardized the natural and cultural resources of the Maho Bay area and access to the beach.

The total estimated fair market value of the 207 acres is $18.6 million. This property is being made available to the National Park Service for a total of $9 million over 2 years, with the balance to be provided through private donations of cash and land value. This year, an appropriation of $4.5 million is needed from the Land and Water Conservation Fund toward the purchase of the first phase (105 acres) of these valuable lands.

As you know, Madam Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

Madam Chairman and distinguished committee members, I want to thank you for this opportunity to testify on behalf of this important national protection effort in Virgin Islands National Park. The protection of Maho Bay has spurred great interest on St. John and in the Virgin Islands because of the multiple scenic, cultural, historic, and ecologic values it holds. On behalf of the Friends of Virgin Islands National Park and the over one million visitors to the Park each year, I appreciate your consideration of this funding request.

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## PREPARED STATEMENT OF THE FORT RIVER PARTNERSHIP

Madame Chairman and honorable members of the subcommittee: Thank you for the opportunity to present this testimony in support of an appropriation of $2.5 million from the Land and Water Conservation Fund to acquire the 66-acre Zuckerman property at Silvio Conte National Fish and Wildlife Refuge in Massachusetts.

The Fort River Partnership coordinates the work of Federal, State, and nonprofit partners to protect wildlife habitat, working farms, and water quality in the Fort River region of the Connecticut River valley in Massachusetts. As president of the Kestrel Trust, a nine town regional land trust, I strongly support the efforts of the U.S. Fish and Wildlife Service to expand the Fort River Division of the Conte NFWR through land acquisitions that protect grassland bird habitat along and near the Fort River.

This project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified as necessary to the protection and enhancement of recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

Silvio O. Conte was a conservationist, fisherman, and champion of the Connecticut River. From 1959 until his death in 1991, he served as a U.S. Representative for Massachusetts' 1st District. Just before he died, Congressman Conte introduced legislation to establish a unique national wildlife refuge in the Connecticut River watershed, and his congressional colleagues paid tribute to his conservation legacy by authorizing the U.S. Fish and Wildlife Service (USFWS) to establish the Silvio O. Conte National Fish and Wildlife Refuge in 1991.

The refuge protects native and endangered fish, wildlife, and plant species and their habitats throughout the 7.2 million-acre Connecticut River watershed, providing opportunities for scientific research, environmental education, recreation, and access. In its 1995 Refuge Action Plan, the USFWS identified 48 special focus areas in Massachusetts, Connecticut, Vermont, and New Hampshire. Nearly 80,000 acres were targeted for protection through refuge acquisition and partnership, including

over 16,000 acres in Massachusetts. Thus far, over 32,000 acres have been acquired, but fewer than 400 acres are in Massachusetts. There is a concerted effort underway to enhance refuge protection efforts in critical parts of western Massachusetts where development pressures are increasing.

Available for acquisition in Massachusetts in fiscal year 2009 is the 66-acre Zuckerman tract in Hadley, Massachusetts. This parcel is part of the Grasslands Complex Special Focus Area in Hadley, now established as the Fort River Division. The focus area is prized for its habitat potential for grassland bird species such as the grasshopper sparrow, bobolink, and upland sandpiper and its frontage on the Fort River. The Fort River is the longest free-flowing tributary of the Connecticut River in Massachusetts, and is one of the top seven rivers in the entire four-State watershed for freshwater mussel diversity, a key indicator of river habitat value. A viable population of the federally endangered dwarf wedgemussel was identified in the Fort River system in 2007, making conservation efforts all the more compelling. In addition to mussels, the Fort River and its riparian zone are home to many other rare species, including the bridle shiner dragonfly and several species of state-protected turtles.

The FWS conserved 82 acres adjacent to the Zuckerman property this month, with funds made available by Congress in fiscal year 2008. Members of the Fort River Partnership are extremely grateful for this critical investment, as well as for an earlier purchase of 22 acres in 2005. Unfortunately, many other properties in the area remain threatened by conversion to non-conservation purposes and additional funds are needed to ensure the success of the Fort River Division of the Refuge. The Zuckerman parcel has been identified by our partnership as the most urgent acquisition to pursue. The addition of this parcel to the refuge's Fort River Division will contribute strongly to the creation of a viable land base for grassland bird species and to the health of other critical Fort River species. Failure to protect it will inevitably lead to housing developments in this sensitive area thereby diminishing both the historic and natural resource values of the region. There have been active efforts to permit construction of 44 homes on this parcel.

Hadley, a traditional farming town rich in prime soils, is increasingly facing the challenge of losing its rural character to residential development. The USFWS and its partners are working closely with local land trusts to ensure that the refuge addition is leveraged through local, State, and Federal investments in farmland protection, creating a conservation mosaic in the focus area that preserves its rural, historic, and scenic character and protects the quality of the town's drinking water aquifer. The Hadley Board of Selectmen has stated its support for refuge acquisitions in this focus area.

The estimated value of the Zuckerman tract is $2.5 million, and is part of a larger fiscal year 2009 need for the entire four-State refuge. Acquisition of this parcel will allow the Conte NFWR to continue to provide valuable resource protection within the Connecticut River Valley in Massachusetts. This amount is part of a larger $5.065 million request to fund other conservation opportunities throughout the four Conte NFWR states in fiscal year 2009, including the Salmon River in Connecticut, the Pondicherry Division in New Hampshire, and the Nulhegan Division in Vermont.

I respectfully request that you include an appropriation of $2.5 million for the Silvio O. Conte NFWR in Massachusetts in the fiscal year 2009 Interior and Related Agencies Appropriations bill. I also support the request of the Friends of the Silvio O. Conte National Fish and Wildlife Refuge for a total of at least $5.065 million for the entire four-state refuge. This amount will help fund the current high-priority Conte NFWR projects that are at risk of being lost in the Connecticut River watershed, a region comprising one sixth of New England's land mass and providing over 70 percent of the freshwater inflow to Long Island Sound. With roughly 2.3 million people in the Connecticut River watershed and ongoing exurbanization of the landscape, the threat from development poses a challenge to the mission of the refuge and the protection of the valley's resources.

Thank you again for the opportunity to present this testimony in support of this important conservation project at Silvio Conte National Fish and Wildlife Refuge.

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PREPARED STATEMENT OF FRIENDS OF BACK BAY NATIONAL WILDLIFE REFUGE

I am Molly Brown from Virginia Beach, Virginia. I am the President of Friends of Back Bay, a group of over 400 dedicated volunteers who are committed to the protection of the Back Bay National Wildlife Refuge. Located in southeastern Virginia Beach, Back Bay National Wildlife Refuge (Refuge) was established on February 29, 1938, as a 4,589-acre refuge and breeding ground for migratory birds. We

thank Congress for their continued support of this project. The Director of the U.S. Fish and Wildlife Service approved a Refuge boundary expansion on May 7, 1990. The expansion area includes 6,340 acres of important wildlife habitat. To date the Fish and Wildlife Service has been able to acquire 4,980 acres.

In order to continue the Back Bay Refuge expansion project, we respectfully request $1.5 million for fiscal year 2009. This money will help to fill in the mosaic pattern of small land parcels from willing sellers who have been waiting patiently to sell their land to the Refuge.

The enclosed map gives a visual description of the Acquisitions through 2007 and the remaining parcels by priority to be purchased from willing sellers within the Back Bay National Wildlife Refuge proposed acquisition boundary. Here is a brief description of each parcel.

*Priority 1—Sanford*.—26 acres, much of which is valuable riparian/wetland habitat on the northern bank of Nanney's Creek This Creek has been identified as one of Virginia Beach's "impaired waterways" by the State DEQ. Cooperative efforts by private landowners (mostly farmers), the City of Virginia Beach, the State of Virginia and Back Bay NWR are ongoing to restore the water quality of this tributary of Back Bay. Existing Refuge property is immediately adjacent to this tract on its east and west boundaries.

*Priority 2—Griffith*.—105 acres of emergent marsh habitat on the east side of Back Bay This property already supports a wide variety of nesting and wintering migratory birds, especially waterfowl.

Because this parcel is located on the bay side of the highly developed Sandbridge area of Virginia Beach, failure to acquire this piece could result in increased private recreational boating facilities by individuals who own lots/houses adjacent to this property.

*Priority 3—Van Nostrand*.—15 acres of timbered wetlands on the west side of Back Bay This property has been cleared, and is ready for farming and/or development. Although the current habitat has little wildlife value, reforestation of this parcel, as Back Bay NWR has done with so many other parcels, will serve as quality habitat for a variety migratory birds, especially neotropical migrants. This property has an approved appraisal, and the landowner has been presented with an option to buy.

*Priority 4—Rice*.—8 acres, much of which is valuable riparian/wetland habitat on the southern bank of Nanney's Creek This Creek has been identified as one of Virginia Beach's "impaired waterways" by the State DEQ. Cooperative efforts by private landowners (mostly farmers), the City of Virginia Beach, the State of Virginia and Back Bay NWR are ongoing to restore the water quality of this tributary of Back Bay. This property is adjacent to existing Refuge property on its north and east boundaries.

Good things continue to happen at Back Bay! A new educational project to enhance the wildlife viewing opportunities of the public is the "windows on wildlife." This one-way glass will allow the public to watch migratory birds without being seen by and thus disturbing the waterfowl. This project opened this winter. On a recent January day, the pond featured a visual smorgasbord of tundra swans, Canada geese, black sucks, snow geese, mallards and pied-billed grebes. A red-tail hawk flew close to the building and landed on the branch of a near by tree.

This March the Back Bay Restoration Foundation is conducting "Back Bay Forum 2008". There will be presentations on research and data collected within the Back Bay watershed, followed by an opportunity for participants to identify future research and action needed for the health of the bay system.

I wish to extend my appreciation for the funding that you appropriated through fiscal year 2008. The $505,000 that was appropriated in fiscal year 2008 has purchased 47 acres of a key parcel along Nanney's Creek. To date we have purchased 4,980-acres of the proposed 6,340-acre expansion. This means that this project is over 78 percent completed in seventeen years. Thank you for the opportunity to comment on this important project. Bravo to Back Bay!

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PREPARED STATEMENT OF FRIENDS OF BLACKWATER NATIONAL WILDLIFE REFUGE

Madam Chairman and members of the subcommittee: On behalf of the Friends of Blackwater National Wildlife Refuge located near Cambridge, Maryland, I am submitting testimony for the Senate Appropriations Subcommittee on the Interior and Related Agencies concerning the fiscal year 2009 budget for the National Wildlife Refuge System. We respectfully request that the subcommittee support the following funding levels:

—$514 million in fiscal year 2009 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account;
—$55.1 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated to conduct strategic habitat conservation around national wildlife refuges in strategic partnerships among the FWS, refuge Friends and other national, regional and local interests;
—$1 million for the Volunteer Invasive Monitoring Program and grants for invasive species work with Friends;
—$100 million for the FWS land acquisition budget to acquire habitat and marshlands from willing sellers across the country;
—$10 million for the National Fish and Wildlife Foundation (NFWF) in the FWS's Resource Management General Administration budget.

It is necessary that the National Wildlife Refuge System budget by $15 to $20 million each year in order to maintain services and programs from the previous year. The $15 to $20 million increase accounts for cost-of-living increases for FWS personnel, growing rent and real estate costs and other cost increases, while sustaining current levels of visitor services and wildlife management. Funding the O&M account at $514 million would allow the Refuge System to avoid further employee layoffs and reductions in services that are important at the Blackwater NWR, and the over 150,000 who visit the Blackwater NWR each year, while also preventing the approximately $3.5 billion National Wildlife Refuge System O&M backlog from growing larger. While refuges received a $39 million increase for fiscal year 2008, the National Wildlife Refuge System is still not funded at the level it was in fiscal year 2003 when adjusted for inflation. Because of this, refuges such as ours, the Blackwater NWR, struggle to meet their most basic wildlife conservation objectives.

Refuges are also vital economic engines in the local economy, fueling hotel stays, restaurant patronage and much, much more. According to Banking on Nature, a 2007 report by the U.S. Fish and Wildlife Service, recreational visits to national wildlife refuges generate substantial economic activity. Nearly 35 million people visited national wildlife refuges in 2006, generated over $1.7 billion for local economies—including 27,000 jobs and $185 million in tax revenues. Eighty-seven percent of all economic activity generated by refuges is from non-resident visitation. These visitors contribute to the local economy through patronage of local hotels, restaurants, outfitters and gas stations to name just a few examples. We simply cannot afford to lose these local economic engines. Supporting our refuges with adequate funding is an effective method of resisting the possible recession with which the nation is currently struggling.

While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to achieve their conservation mission and objectives alone. Their integrity depends on the health of surrounding State, Federal and private lands and waters. Consequently, there is a growing need to provide funding to ensure that lands and waters beyond refuge boundaries are conserved. Today, the alarming rush to convert rural land to subdivisions and strip malls has caught wildlife managers off guard and requires quick action. Accordingly, for fiscal year 2009 we respectfully ask that the Subcommittee appropriate $55.1 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated specifically to conduct strategic habitat conservation around national wildlife refuges that engages refuge Friends and other national, regional and local interests that work with States, counties and municipalities to identify, prioritize and implement land and water conservation opportunities beyond refuge boundaries. These local initiatives will result in strategic visions which will serve as blueprints for use of State, Federal, and private conservation dollars, and will expedite implementation of State Wildlife Action Plans.

The Senate Appropriations Subcommittee on the Interior and Related Agencies should provide strong funding for Refuge System Visitor Services programs and Visitor Facility Enhancement Projects. Visitor Services funding pays for many Friends and volunteer programs. We depend on this funding for programs that allow us to remain effective stewards of our refuge.

Recognizing invasive species as a top threat to our refuge lands, we also ask the Committee to continue their support by again providing $1 million "for cooperative projects with Friends groups and volunteers on invasive species control". This funding supports worthy programs like competitive grants for Friends groups and the Volunteer Invasives Monitoring Program. Utilizing the energy and enthusiasm of Friends and volunteers is a proven, effective and economical partnership for the National Wildlife Refuge System and U.S. Fish and Wildlife Service.

We encourage the subcommittee to allocate sufficient funding to assess and purchase high-priority water rights and high-priority lands and conservation easements

through the Land and Water Conservation Fund (LWCF), $100 million. Inadequate water quantity and quality represent some of the biggest obstacles for refuges to overcome and unfortunately, many refuges do not own the water rights on the refuge or they are not guaranteed an allocation of water from a river or stream. The FWS is currently compiling a needs-based priority database of where water rights need to be secured, and we urge the subcommittee to allocate sufficient funding to allow the FWS to acquire these essential rights while they are available and affordable. Also, The Refuge System land acquisition backlog is estimated at more than $4 billion, with over 15 million acres remaining to be acquired within approved refuge boundaries. While a full suite of conservation strategies should be employed in working with private landowners, in cases where fee title acquisition is preferred by the landowner and the refuge has identified it as a top priority, the FWS should acquire the land.

We encourage the subcommittee to allocate $10 million for the National Fish and Wildlife Foundation through the FWS' Resource Management General Administration appropriation. Each year, NFWF receives more project proposals than they are capable of funding. Adequate funding will ensure NFWF has the ability to leverage resources to fund projects that directly benefit diverse species in, around and outside of national wildlife refuges across the country.

In this era of uncertainty related to climate change, we urge the Subcommittee to allocate $30 million in dedicated funding to allow the FWS to create a plan for how to manage refuges in such a way that would allow them to adapt to anticipated changes. Work currently conducted by scientists including Dr. Michael Scott, Senior Scientist with the U.S. Geological Survey and Professor of Wildlife Biology at the University of Idaho, show how models for individual refuges can be made that simulate rising water levels, increased temperatures, and how species are expected to react. While these innovative tools are now readily available, without dedicated funding, refuge staff is simply unable to take full advantage of it. Refuges are perhaps our best natural laboratories on a national level to assess impacts to wildlife and habitat as a result of global climate change; a small investment could yield valuable insights that will guide wildlife management and land use planning well into the future.

Again, on behalf of the Friends of Blackwater National Wildlife Refuge Association, Inc., we thank you for your consideration of our requests. If you have any questions, we would certainly be happy to help in any way.

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PREPARED STATEMENT OF FRIENDS OF THE BOUNDARY WATERS WILDERNESS

Madam Chairman and honorable members of the committee: I appreciate the opportunity to present this testimony in support of a $2.25 million appropriation from the Land and Water Conservation Fund for the acquisition of two parcels in the Superior National Forest in northeastern Minnesota. The tracts are the 30-acre Chainsaw Sisters property and the 60-acre Wolf Island property.

As you know, Mr. Chairman, this is one among many worthy proposals nationwide for land acquisition funded from the LWCF. Unfortunately, funding of the LWCF has diminished by about 75 percent since fiscal year 2002, and the fiscal year 2009 Budget proposes further cuts. These reductions have left the agencies responsible for our national parks, forests and wildlife refuges unable to acquire—from willing sellers—key parcels, within and adjoining public lands, that have been identified as critical to protecting these national treasures and enhancing their recreational, historic and conservation values. So I also urge the subcommittee to increase overall funding for the LWCF .

Friends of the Boundary Waters Wilderness is devoted to protecting, preserving and restoring the wilderness character of the Boundary Waters Canoe Area Wilderness and the surrounding Quetico-Superior ecosystem. We are a nonprofit, membership organization formed in 1976 to advocate for full wilderness protection of the Boundary Waters, which the Congress established in 1978. We have more than 2,500 members and a large cohort of additional supporters and allies nationwide.

The Superior National Forest spans 150 miles along the U.S.-Canadian border in northeastern Minnesota and features boreal forests, lakes, streams, bogs and rocky outcrops. Within the national forest lies the Boundary Waters Canoe Area Wilderness (BWCAW), a million-acre maze of unrivaled opportunity for seekers of solitude and wild places. Established by Congress in 1978, the Boundary Waters Wilderness is the Nation's only large lake-land wilderness outside Alaska.

Outdoor enthusiasts can enjoy camping, canoeing, fishing, hiking, cross-country skiing and dog-sledding in the wilderness. The deep foliage and plentiful water also make homes for a wide variety of wildlife, including bald eagles, loons, moose, tim-

ber wolves, black bears, lynx and myriad migratory birds. The BWCAW draws some 250,000 overnight visitors annually, making it the most visited of the wilderness areas established by Congress.

Through the U.S. Forest Service's Minnesota Wilderness acquisition program, two properties are available for acquisition in fiscal year 2009 in the Superior National Forest. Both are important to the future of the wilderness.

The 30-acre Chainsaw Sisters property is on Picket Lake and Mudro Creek, within the Superior National Forest and at an entry point into the BWCAW. Such properties are in high demand for second homes and recreational properties; in this case, development could threaten public access at an especially popular entrance to the Wilderness.

Since 1988, the Chainsaw Sisters Saloon—so named for its owners, two sisters who had worked on a Forest Service crew—has been a pilgrimage site for canoeists, snowmobilers, hunters and others. The Chainsaw Sisters property, where the saloon sits, has long been a priority acquisition for the Superior National Forest and the Friends of the Boundary Waters Wilderness. Maintaining public access at this BWCAW entryway will ensure access for up to 72 overnight campers and canoeists each day and an unlimited number of day-use visitors.

The 60-acre Wolf Island property is located in Lake Vermilion, and is also a high priority for protection this year by the U.S. Forest Service. Twenty-four miles long, Lake Vermilion is one of Minnesota's largest vacation destination lakes. It is home to healthy populations of walleye, northern pike, muskie, bass and bluegill, and was once named by National Geographic as one of the Nation's 10 most scenic lakes.

Wolf Island's location affords beautiful views of the beloved lake as well as the national forest. Its 60 acres are mostly high, rolling land that is densely forested with mature aspen, pine and maple. Its rich history was well documented by John Jaeger, a prominent Minneapolis architect who homesteaded the island after first visiting in 1906. Jaeger's drawings identified cultural resources, including burial mounds and a canoe-building workshop plaza.

The Bois Forte Band of Chippewa and the Superior National Forest plan to conduct a formal cultural resource inventory of the island. The acquisition of the island by the Superior National Forest will bring into public ownership an outstanding scenic resource and access for paddlers, boaters and other recreational users who follow in the footprints of both Native Americans and the fur-trading French voyageurs of years gone by.

Public acquisition of the Chainsaw Sisters property and Wolf Island will ensure that the attributes of the northwoods region so treasured by its many visitors—the solitary sound of the common loon, the serenity of an evening paddle, the call of the wolf—will be better protected in perpetuity. It will also maintain key access for thousands of visitors each month to the waterways of the BWCAW.

Thank you, Madam Chairman, for the opportunity to present this testimony.

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## PREPARED STATEMENT OF FRIENDS OF BUENOS AIRES NATIONAL WILDLIFE REFUGE

Madame Chairwoman and members of the subcommittee: On behalf of the Friends of Buenos Aires National Wildlife Refuge (Friends of BANWR) and its membership composed of individuals who are concerned about our Nation's wildlife and public lands, we want to thank you for your leadership and strong support for the National Wildlife Refuge System (NWRS) including the enacted $39 million increase for fiscal year 2008.

Thank you for the opportunity to offer comments on the fiscal year 2009 Interior Appropriations bill.

We strongly support the detailed testimony that was submitted by the National Wildlife Refuge Association (NWRA).

Our refuge is located in Arizona on the Mexican border.

We are aware that you cannot consider allocations to specific refuges. However, we wish to give specific examples on our refuge to corroborate a few of the comments made in the NWRA request.

—Border issues are a particular problem here, but funding for Law Enforcement has been adequate, for which we thank you.

—*Operations and Maintenance*.—We have no adequate housing for staff. Given the remoteness of our refuge, this causes problems in the recruitment and maintenance of staff. Personnel must either live in trailers or commute long distances, which takes time and more and more money as the price of gasoline goes up.

Our administration and visitor centers are inadequate.

—*Land Acquisition*.—The drought in the Southwest is causing nearby ranchers to begin to sell their private land. We recently missed an opportunity to obtain a ranch near an important wetland. Development, with its attendant polluted runoff and human traffic now threatens this sensitive habitat. More such sales are sure to come and we have no acquisition funds.

These are just a few specific examples to illustrate the need for protecting our wonderful natural heritage. We truly appreciate the opportunity to offer testimony and thank you for your consideration.

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PREPARED STATEMENT OF FRIENDS OF CONGAREE SWAMP

On behalf of: American Rivers, Archaeological Society of South Carolina, Audubon South Carolina, Carolina Bird Club, Carolinas' Nature Photographers Association, Columbia Audubon Society, Congaree Land Trust, Friends of Congaree Swamp, League of Women Voters of the Columbia Area, League of Women Voters of South Carolina, National Audubon Society, National Parks Conservation Association, Palmetto Conservation Foundation, Palmetto Paddlers, Inc., Richland County Conservation Commission, Sierra Club—John Bachman Group, South Carolina Coastal Conservation League, South Carolina Native Plant Society, South Carolina Nature-Based Tourism Association, South Carolina Wildlife Federation, The Sierra Club of South Carolina, The Trust for Public Land, and The Wilderness Society.

Madam Chairman and honorable members of the subcommittee: We appreciate this opportunity to present testimony in support of an appropriation of $5.38 million from the Land and Water Conservation Fund—to enable the National Park Service to purchase the 1,840-acre Riverstone tract for Congaree National Park in South Carolina.

Congaree Swamp National Monument was authorized as a National Park Service unit in 1976. In 2003, Public Law 108–108 elevated Congaree to a National Park—South Carolina's first and only National Park—and authorized a boundary expansion of 4,576 acres.

Congaree National Park—on the floodplains of the Congaree and Wateree rivers—is recognized as an International Biosphere Reserve, a National Natural Landmark, a Wilderness Area, and a Globally Important Bird Area. All waters within the park's pre-2003 boundary have been designated Outstanding Resource Waters, and much of Cedar Creek within the park is designated Outstanding National Resource Waters.

With more than 75 species of trees, Congaree hosts the Nation's largest tract of old-growth bottomland hardwood forest. The trees growing in this floodplain forest are some of the tallest in the eastern United States, forming one of the tallest temperate deciduous forest canopies in the world—taller than old-growth forests found in Japan, the Himalayas, southern South America, and eastern Europe.

More than 195 species of birds have been observed within the park. Following rediscovery of the Ivory-billed Woodpecker in Arkansas, Congaree National Park is considered prime habitat for recovery of this species. The South Carolina Ivory-billed Woodpecker Working Group coordinates research within Congaree National Park.

Congaree National Park also offers excellent opportunities for recreation. A 2.5-mile boardwalk loop provides easy access into Congaree's forest, and more than 20 miles of trails are available for hiking. Visitors enjoy canoeing and kayaking on Cedar Creek, the only Outstanding National Resource Waters in South Carolina. Outdoors enthusiasts can also enjoy fishing, camping, birding, and picnicking.

In fiscal year 2005, Congress appropriated $6 million from the Land and Water Conservation Fund to purchase the 2,395-acre Bates Fork tract—at the confluence of the Congaree and Wateree rivers. This is the largest tract within the Congaree park boundary expansion authorized in 2003. The National Park Service completed this acquisition in November 2005.

Fiscal year 2009 presents the opportunity to purchase the 1,840-acre Riverstone tract—the second-largest tract within the park boundary expansion authorized in 2003. The Riverstone tract will connect the previously-acquired 21,786 acres of Congaree National Park with the recently-acquired 2,395-acre Bates Fork tract. The Bates Fork tract, in turn, adjoins the 16,700-acre Upper Santee Swamp Natural Area, owned by the South Carolina Public Service Authority. So, the Riverstone tract is the link to connect a conservation corridor of more than 42,000 acres along the Congaree, Wateree, and upper Santee rivers.

In addition to its biological resources, the Riverstone tract has significant geological and hydrological resources, including Running Lake, Little Lake, Big Lake, Running Creek, and Bates Old River. Bates Old River is a 4-mile-long oxbow lake, the

former channel of the Congaree River. This oxbow is flanked by the best-defined ridge and swale topography in the Congaree floodplain. No other oxbow lake in the Congaree floodplain can compare to Bates Old River in size, hydrological dynamics, accessibility, or as a recreational resource.

The Riverstone tract also has significant cultural and historical resources, including a prehistoric mound from the Woodland Period (1000 B.C. to A.D. 1000). The history of McCord's Ferry (established before 1750 as Joyner's Ferry) is intertwined with the Riverstone tract. Patriot and British forces used McCord's Ferry during the American Revolution.

Accordingly, acquisition of the Riverstone tract will add to Congaree National Park's opportunities for visitor access, education, recreation, and research.

The Trust for Public Land (TPL) has committed to acquire Phase I of the Riverstone tract this spring 2008, and has signed an option agreement with the private landowner to secure the remainder of the tract until March 31, 2009 for Park Service acquisition. The price of the Riverstone property is $5.88 million, based on a federally-approved appraisal. Recognizing this tract as a key priority for acquisition, the Park Service has identified and dedicated $500,000 in existing funds toward Phase I.

For the first time ever, the Park Service has the authorization and the opportunity—and the urgent necessity—to acquire the entire Riverstone tract from a single willing seller. Prompt funding is the key. If this opportunity is missed, the Riverstone tract would be sold to another buyer, or subdivided and sold to multiple buyers. The Park Service would have to acquire multiple parcels, thereby increasing total purchase cost and reducing the probability of acquiring all parcels.

The 23 organizations which join in this testimony urge you to provide full funding this year to protect this critical tract at Congaree National Park. A fiscal year 2009 appropriation of $5.38 million from the Land and Water Conservation Fund will enable the Park Service to complete acquisition of the Riverstone tract, thereby ensuring permanent protection of its outstanding natural and cultural resources, and connecting the 22,000 acres upriver with the 19,000 acres downriver.

Thank you, Madam Chairman, for the opportunity to present this testimony and for your consideration of our request.

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## PREPARED STATEMENT OF FRIENDS OF HYDE FARM

Madam Chairman and honorable members of the committee: I appreciate the opportunity to provide testimony on behalf of a request for a $3.031 million Land and Water Conservation Fund appropriation in fiscal year 2009 to permit the National Park Service to acquire the 95-acre Hyde Farm property at the Chattahoochee River National Recreation Area in Georgia.

Flowing in a southwesterly direction from the Appalachian Mountains in northeastern Georgia, the Chattahoochee River is a significant recreational and ecological corridor in the Atlanta metropolitan area. Between Atlanta and Chattanooga a series of mountain ridges separated by river valleys cross the landscape. The Chattahoochee River valley is the southernmost in this chain. The river's length and breadth provides an excellent corridor for river recreation and open space for wildlife habitat. With substantial headwaters in the forested mountains of northern Georgia, the protection of the river's water quality for drinking water and recreation is an important regional and national objective.

The Chattahoochee River National Recreation Area provides much needed recreational opportunities in the Atlanta metropolitan area for all Georgians. The park was created in 1978 to protect the watershed, provide opportunities for river and land recreation, and to conserve important tracts in the river's floodplain. The park extends along the river for nearly 50 miles from Buford Dam at Lake Sidney Lanier to the entrance of Peachtree Creek tributary by Marietta Boulevard in Atlanta. Annually the park averages about 2.75 million visitors; many are from the burgeoning Atlanta metropolitan area. In recent years, the population in the State of Georgia has grown rapidly to about 9 million residents and half of these residents live in the Atlanta area. The population growth has placed tremendous pressure on lands important to the region's water quality, recreation, and historical and agricultural heritage. In 1999 Congress passed Public Law 106–154 expanding the boundaries of the park to protect additional lands in this "nationally significant" river corridor.

In fiscal year 2009 the National Park Service has the opportunity to acquire the 95-acre Hyde Farm property in Cobb County. The farm has been in agricultural use since the 1830s when a log cabin was built on the site downstream from a Cherokee village. As the Chattahoochee River is the last natural barrier to entering Atlanta from the northwest, the Confederate army established its last defensive line in front

of the Atlanta fortifications along the river southwest of the farm before the advancing Union armies of General Sherman in 1864. The Hyde Family first became involved in the farm in the 1870s and has owned the property since 1919. Until his death in 2004 in his early nineties, the farm was cultivated for family use by J.C. Hyde and his older brother, Buck. J.C. Hyde had a deep attachment to his land and its cultivation, and he wished to see the farmland forever protected. In 1993 the Hyde family sold approximately 35 acres of the property directly on the banks of the Chattahoochee River to the National Park Service for inclusion into the park. The entire Hyde Farm property is within the authorized boundaries of the park and is located between the Gold Branch and Johnson Ferry units.

If acquired for the national recreation area, Hyde Farm would provide visitors with a window into the traditional farming culture that has largely disappeared in Cobb County and the Atlanta area. The property is adjacent to the northern end of the Johnson Ferry unit, which hosts seasonal visitor services, 2.5 miles of trails, and a boat launching site. In the 1999 legislation, Congress stated its intention to "increase the level of protection of the open spaces . . . along the Chattahoochee River." The acquisition of the Hyde Farm represents one of the "dwindling opportunities to protect the scenic, recreational, natural, and historic values" of the Chattahoochee River corridor referred to by Congress in the act.

Private contributions will enable the National Park Service to acquire Hyde Farm for less than half of its estimated fair market value. Already, the National Park Service has $900,000 available from previous fiscal years and just under $2 million from a fiscal year 2008 appropriation. Thank you for your support last year to secure this initial funding; it was critical to the project. In fiscal year 2009, the final appropriation needed from the Land and Water Conservation Fund is $3.031 million.

As you know, Madam Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

Madam Chairman, thank you for this opportunity to provide testimony on this important land acquisition opportunity in Georgia.

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## PREPARED STATEMENT OF FRIENDS OF THE POTOMAC RIVER REFUGES

Mr. Chairman and members of the subcommittee: On behalf of the Friends of the Potomac River Refuges, we are submitting testimony for the Senate Appropriations Subcommittee on the Interior, Environment and Related Agencies. We support a funding level of $514 million in fiscal year 2009 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account and an add to FWS' construction budget of $750,000 for the design and engineering of an administrative/visitor contact building at Occoquan Bay National Wildlife Refuge (NWR).

Currently, the National Wildlife Refuge System suffers from a $3.5 billion operations and maintenance stewardship funding backlog, which will only grow larger if current funding levels continue. While refuges received a substantial $39 million increase for fiscal year 2008, the National Wildlife Refuge System is still NOT funded at the level it was in 2003, adjusted for inflation. Because of this, refuges such as ours, the Potomac River Complex of which Occoquan is a part, struggle to meet even their most basic wildlife conservation objectives. In fact, funding shortfalls have led to the decline of refuge habitats and wildlife populations, aging facilities and infrastructure, the cancellation of many refuge public use programs and even increased crime on our public lands.

The National Wildlife Refuge System budget must increase by $15 million each year just to maintain the same level of services and programs as in the previous year. The $15 million increase accounts for cost-of-living increases for FWS personnel, growing rent and real estate costs and other cost increases, while sustaining current levels of visitor services and wildlife management. Funding the O&M account at $514 million would allow the Refuge System to avoid additional employee layoffs and reductions in services that are important to our refuge, our members and the over 40,000 people who visit the refuges that make up the Potomac Com-

plex each year, while also preventing the current $3.5 billion O&M backlog from growing larger.

Budget reductions over the last 3 years have severely impacted the Potomac River Refuges in Northern Virginia. The complex is comprised of Elizabeth Hartwell Mason Neck NWR, Occoquan Bay NWR, and Featherstone NWR. This complex is approximately 20 miles from Capitol Hill. Each refuge was established through strong public support and effort in recognition of their importance as representative pieces of this region's distinctive, but fast disappearing, natural environment. Mason Neck's woodlands and Potomac shoreline has been instrumental in the recovery of the bald eagle, Featherstone provides sanctuary for native flora and fauna dependent on tidal wetlands, and Occoquan Bay includes unique habitats of great importance to migratory waterfowl and songbirds and other wildlife. Each refuge and the complex plays an indispensable role in preserving the natural character of Northern Virginia.

As part of FWS Region 5's workforce plan the 71 national wildlife refuges in the Northeast region have been classified as "stay strong", targeted, or de-staffed. The region has chosen to direct resources to "stay strong" refuges to avoid "across-the-board mediocrity that would result from proportionately equal budget cuts at each refuge." To our dismay the Potomac River NWR Complex is classified as a targeted reduction refuge.

The Potomac River Complex was de-staffed in fiscal year 2006. The Complex lost its only biologist and one of the two maintenance workers. Staff cuts resulted in program elimination therefore impacting FWS' ability to manage wildlife and their habitat. Wildlife surveys, research and investigations, biological monitoring, and invasive species control have been curtailed or eliminated. The lack of a biological program leave invasive species unchecked adversely impacting native plant and animal species. In addition, maintenance and support of public use facilities/activities including trails, roads, and programs have been reduced. At this point, even if additional maintenance funds were made available the current staffing level impedes the completion of additional work projects.

Our local refuges are also threaten by illegal activities occurring on them. Documented activities are: trespass, gangs including MS–13, drugs, felonies, and undocumented aliens establishing camps. We believe some of these activities can be curtailed if refuge staff had an increased presence on the refuges. As mothers we are concerned about the safety of children and other visitors. Currently, the staff is housed miles away from any of the refuges in a strip mall along Route 1 in Woodbridge. Vehicles and other equipment are stored at a rented garage a mile away from the office. Response to habitat, wildlife or visitor needs can take hours given the notorious Northern Virginia traffic. This situation creates numerous inefficiencies and safety issues.

USFWS Region 5 has acknowledged the need for an administrative/visitor contact station at Occoquan Bay NWR by listing it as their number one priority for building construction funds. However, even with this acknowledgment there is no funding in the President's fiscal year 2009 budget for construction of this facility. We are urging this subcommittee to provide $750,000 for the design and engineering of this facility. Locating an administrative/visitor facility on the Occoquan NWR is estimated to improve the efficiency of daily refuge operations by twenty percent. For preservation of the habitat and wildlife, safety of the visitors and enhancing the efficiencies of the staff, planning of this facility needs to occur now.

According to Banking on Nature, a 2007 report by the USFWS, recreational visits to national wildlife refuges generate substantial economic activity. Nearly 35 million people visited national wildlife refuges in 2006, generated over $1.7 billion for local economies—including 27,000 jobs and $185 million in tax revenues. Eighty-seven percent of all economic activity generated by refuges is from non-resident visitation. These visitors contribute to the local economy through patronage of local hotels, restaurants, outfitters and gas stations to name just a few examples. We simply cannot afford to lose these local economic engines.

In conclusion, the Potomac River Refuges provide a wonder environment for plants and animals that we must treat with care and vigilance. The flora and fauna utilizing these refuges and the entire Refuge System are fundamental to our Nation. When Teddy Roosevelt established the Refuge System in 1903, he recognized these lands and the creatures dependent upon them were essential to our nation's development and would continue to be a vital part of our children's futures. The Friends of the Potomac River Refuges ask you to provide adequate funding for this refuge complex and the entire Refuge System to conserve our children's natural heritage.

Friends of the Potomac River Refuges respectfully request the Interior Appropriations Subcommittee to add $750,000 to USFWS's construction budget for the design and engineering of an administration/visitor facility on Occoquan River NRW and

increase funding for the National Wildlife Refuge System in fiscal year 2009 to $514 million. We hope you will support the Potomac River Refuges and others across the country by securing strong funding for the National Wildlife Refuge System. On behalf of the Friends of the Potomac River Refuges we thank you for your consideration of our requests. If you have any questions, we would certainly be happy to help in any way. If you have any questions regarding this request please call Joan Patterson at 703–791–3458 or send an email to joan@thepattersonfamily.us.

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PREPARED STATEMENT OF FRIENDS OF RACHEL CARSON NATIONAL WILDLIFE REFUGE

Madam Chairman and honorable members of the subcommittee: I thank you for the opportunity to present to the subcommittee written testimony in support of the acquisition of the 110-acre Timber Point property at the Rachel Carson National Wildlife Refuge in Kennebunkport, Maine. An appropriation of $3.5 million from the Land and Water Conservation Fund, to be matched by an equal amount of private funds, is needed to protect this exceptional coastal property.

As you know, Madam Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

The Rachel Carson National Wildlife Refuge is named in honor of one of the nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitat, leading her to write the international best-seller The Sea Around Us. This landmark study, in combination with her other writings, The Edge of the Sea and Silent Spring, led Rachel Carson to become an advocate on behalf of this Nation's vast coastal habitat and the wildlife that depends on it. With the celebration of the 100th anniversary of Rachel Carson's birth in 2007, her legacy lives on today at the refuge that bears her name and is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast.

Consisting of meandering tidal creeks, coastal upland, sandy dunes, salt ponds, marsh, and productive wetlands, the Rachel Carson NWR provides critical nesting and feeding habitat for the threatened piping plover and a variety of migratory waterfowl, and serves as a nursery for many shellfish and finfish. The salt marsh habitat found at Rachel Carson NWR is relatively rare in Maine, which is better known for its dramatic, rocky coastline. Upland portions of the landscape in and around the refuge host a unique, unusually dense concentration of vernal pools that provide habitat for several rare plant and animal species. Located along the Atlantic flyway, the refuge serves as an important stopover point for migratory birds, highlighted by shorebird migration in the spring and summer, waterfowl concentrations in the winter and early spring, and raptor migrations in the early fall. In fact, southern Maine contains a greater diversity of terrestrial vertebrates, threatened and endangered species, and woody plants than any other part of the State.

Previous years' appropriations have allowed the USFWS to conserve several properties within the refuge at Biddeford Pool and Parson's Beach, providing an important buffer between the intense development pressure along the southern Maine coast and its fragile coastal estuaries. With towns in the area growing rapidly—at rates ranging between 11 percent and 32 percent over the next 10 years—development pressures continue to spiral upwards and additional coastal properties are under threat.

This year, an opportunity exists to significantly enhance the mission of the Rachel Carson NWR and its role in protecting coastal natural resources. Available for immediate acquisition from a single willing landowner in fiscal year 2009 is the 110-acre Timber Point property, one of the last large undeveloped properties along the 50 miles of coastline from Kittery to Cape Elizabeth and a longstanding priority for the refuge. It is being offered to the USFWS at a significant discount through the generosity of the landowner and the support of the local community.

Located in the Little River Division of the refuge near Kennebunkport, Timber Point is comprised of a large peninsula and a small island that is effectively connected to the peninsula at low tide. All told, the property includes over 2.25 miles of undeveloped coastline, an enormous amount for southern Maine. Unlike much of

the State's southern coastal areas, Timber Point's coastline is mostly rocky, making it an ideal location for eider nesting and wintering purple sandpipers. The Timber Point peninsula hugs the mainland, offering both rocky oceanfront shoreline and a sheltered, sandy cove. Wintering black ducks, assorted sea ducks, and migratory shorebirds feed and roost along the shoreline while sanderlings frequent the sandy cove during migration. In addition, the rocky offshore habitat serves as a productive lobster nursery.

In addition to the abundant wildlife which benefits from this virtually undeveloped coastline, upland habitats harbor many species of conservation concern as well. Habitats represented on Timber Point are diverse and include shrubby wetlands, early successional thickets and grassy openings, forested wetlands, and mature white pine forests. Early successional habitats are home to breeding American woodcock, willow flycatcher, eastern towhee, chestnut-sided warblers, gray catbirds, and bobolink. Upland forests and forested wetland habitats are likely to be used by breeding scarlet tanagers, northern flickers, and Baltimore orioles.

Refuge-owned lands already protect the headwaters of the Little River, which empties into the Atlantic at Goose Rocks Beach—a popular public swimming area adjacent to Timber Point. Once acquired, the Timber Point parcel will enhance the refuge's ability to protect water quality in the estuary and important wildlife habitat by linking it to already conserved refuge lands in the Little River Division of the refuge. Currently, the USFWS holds an easement on just 35 of the 110 acres at Timber Point, this proposed acquisition would recombine the easement with full fee ownership and permanently protect the entire property—save 11 acres, which members of the family would retain with a conservation easement preventing any further development of the parcel. Located in a rapidly developing part of Maine, this acquisition offers the refuge an outstanding opportunity to conserve southern Maine's coastal landscape and further consolidate the fragile habitat that exists on the marshes, uplands, creeks, and the estuaries of the coast.

Given the development pressures in this part of the State, the opportunity to permanently protect this unique coastal property exists only for a limited time. An appropriation of $35 million for the Rachel Carson NWR in fiscal year 2009 will be matched by an equal amount of private philanthropy, offering a once-in-a-lifetime opportunity that will yield enormous public benefits for generations to come.

Thank you again, Madam Chairman, for the opportunity to present this testimony in support of this important project.

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PREPARED STATEMENT OF THE FRIENDS OF VIRGIN ISLANDS NATIONAL PARK

Madam Chairman and honorable members of the committee: I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need at Virgin Islands National Park. An appropriation of $4.5 million from the Land and Water Conservation Fund (LWCF) is requested in fiscal year 2009 to begin Park Service acquisition of the unique Maho Bay property.

I represent the Friends of VI National Park, a 501(c)(3) non-profit organization, dedicated to the protection and preservation of the natural and cultural resources of Virgin Islands National Park and to promoting the responsible enjoyment of this unique national treasure. We have more than 3,000 members—20 percent of whom live in the Virgin Islands and the balance represent every state in the union.

We carry on the rich tradition of using private philanthropy for the betterment of this park as well as mobilize volunteers and community participation. In our 19 years of work in support of Virgin Islands National Park we have been involved in many initiatives, projects and activities that help this park be a model of natural resource protection and cultural preservation—but none have been as important as our work in support of the acquisition of Estate Maho Bay and its incorporation within the park.

We have played the important role of informing and motivating the community about the issues related to the preservation of Estate Maho Bay. But motivation was hardly needed; the preservation of Estate Maho Bay and ensuring unimpeded access to this spectacular area enjoys near unanimous support among native St. Johnians, residents who have moved here from mainland United States and visitors alike—no easy feat for a community that prides itself in its diversity of opinions.

Virgin Islands National Park, located on the island of St. John, is a tropical paradise preserved for the enjoyment and edification of the public. Beautiful white sand beaches, protected bays of crystal blue-green waters, coral reefs rich in colorful aquatic life, and an on-shore environment filled with a breathtaking variety of plants and birds make St. John a magical place. More than 800 species of trees, shrubs, and flowers are found in the park, and more than 30 species of tropical

birds breed on the island, which was designated an international Biosphere Reserve by the United Nations in 1976. St. John is also home to two species of endangered sea turtles, the hawksbill and the green. In addition, the park contains archeological sites indicating settlement by Indians as early as 770 B.C. The later colonial history of St. John is also represented by remnants of the plantations and sugar mills established by the Danes in the 18th and 19th centuries.

One of St. John's most popular eco-campgrounds sits on a cliff overlooking Maho Bay and its pristine white sand beaches. The bay's campgrounds create memorable vacations in the beautiful setting of St. John without sacrificing the delicate ecosystem of the island. Few places on earth match the breathtaking beauty of Maho Bay. A lush forested slope rising nearly 1,000 feet rims its crystal waters and soft white beaches. Hundreds of tropical plant species and more than 50 species of tropical birds fill these lands on the island of St. John, at the heart of the American paradise of Virgin Islands National Park. Just offshore are seagrass beds, green turtles and magnificent coral reefs. This fragile area contains large nesting colonies of brown pelicans, as well as the migratory warblers and terns that winter on St. John. In addition to its natural treasures, the largest concentration of historic plantations and ruins on the island is found within this area.

Available within the Virgin Islands National Park boundaries in fiscal year 2009 is the first phase of a 207-acre acquisition at Maho Bay. This Maho Bay property offers spectacular views of the bay and includes some beachfront. It is extremely important because of their relationship to the whole undeveloped area and its cultural resources. What most people do not know about this property is that it is not owned by the park, even though it has every appearance of being so.

Though the park boundaries cover a broad area of St. John, the National Park Service actually owns two separated blocks of land. A smaller block covers the northeastern shore of the island, and a larger, more contiguous block extends from the southern to northwestern side. The Maho Bay property is what divides these two section of the park and its acquisition would be the first step in linking these two blocks, ensuring future access, resource connectivity, and seaside protection.

Wetlands in the lower portion of the watershed provide adequate sediment retention for the undeveloped nature of this area. As a result of long-term geological processes, the topography created by these processes and the historical rise of sea level during the past 5,000 years, a large, rare and complicated freshwater dominated wetland developed throughout the basin. It represents a natural stage wetland typical of large watersheds with relatively flat basin topography. The Maho Bay wetland is the largest of this type on St. John and along with the Magens Bay wetland on St. Thomas, one of only a few of this type in the Territory. These wetlands provide habitat to numerous species of shorebirds, water fowl and other wildlife, several listed as endangered under the V.I. Endangered and Indigenous Species Act. Others are protected under various federal laws and treaties.

To the people who live on St. John—both native St. Johnians and those who have chosen to make St. John their home, and the millions of visitors who come annually to experience and enjoy this remarkable place, Maho beach is the most accessible beach on the island and one of the most popular. Due to its close proximity to the road, the nearly flat beach and the shallow water it is particularly popular with families with small children, people with mobility concerns, non-swimmers and, of course, those who just love a beautiful beach.

The land was historically used during the plantation era for agricultural activities such as sugar cane, coconut, and cotton cultivation. The lands included in the Phase I area include portions of several historic plantation era sugar estates. The Maho Bay area contains the highest density of plantation era estates on St. John. Preservation of these sites is important in reconstructing the history and heritage of St. John. With increasing growth and investment throughout the Caribbean—including places not far from the unspoiled beauty of St. John—this vulnerable land has been the focus of intense development threats. In recent years, more than one investor envisioned private development along these shores, which would have jeopardized the natural and cultural resources of the Maho Bay area and access to the beach.

The total estimated fair market value of the 207 acres is $18.6 million. This property is being made available to the National Park Service for a total of $9 million over 2 years, with the balance to be provided through private donations of cash and land value. This year, an appropriation of $4.5 million is needed from the Land and Water Conservation Fund toward the purchase of the first phase (105 acres) of these valuable lands.

As you know, Madam Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, ref-

uges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

Madam Chairman and distinguished committee members, I want to thank you for this opportunity to testify on behalf of this important national protection effort in Virgin Islands National Park. The protection of Maho Bay has spurred great interest on St. John and in the Virgin Islands because of the multiple scenic, cultural, historic, and ecologic values it holds. On behalf of the Friends of Virgin Islands National Park and the over one million visitors to the Park each year, I appreciate your consideration of this funding request.

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## PREPARED STATEMENT OF FRIENDS OF WALLKILL RIVER NATIONAL WILDLIFE REFUGES

Madam Chairman and honorable members of the committee: I am grateful to have the opportunity to submit testimony. I request that you approve $514,000,000 for the United States Fish and Wildlife Operations and Maintenance budget. In the final budget, our National Wildlife Refuge System received $39 million above the Presidents budget, and it was stated: "Increased Funding for the refuge operations should be used to re-establish basic operating capacity and staffing shortfalls at all refuges nationwide. In addition, these funds should be distributed outside the Refuge Operations Needs System and other traditional allocation formulas.", (page 7 of the fiscal year 2008 budget, passed on December 27, 2007). Thank you, that increase has made a difference by increasing available funds throughout the refuge system. Unfortunately, this amount remains inadequate for the U.S. Fish and Wildlife Service to implement the requirements of the 1997 Refuge Improvement Act. My testimony will highlight a few examples of how underfunding the system results in the National Wildlife Refuge System falling short in both fulfilling the will of Congress and the needs of the American people. It is imperative to remember that the refuge system is a system and that Every Refuge Matters.

### DE-STAFFED REFUGES

Now, I want to share with you what has happened in a year's time, and provide you a reality check of how those funds are being used to carry out the National Wildlife Refuge System's mission. This situation represents only the Northeast Region; other regions have more refuges that have been, or will soon be, de-staffed. I cannot imagine the purpose of the Refuge Improvement Act was to de-staff and close refuges. While Service management may not call these refuge closed, in terms of their accessibility to the American people, they are closed; let's call a spade, a spade. All the refuges I stated above have been de-staffed, except the two whose Friends Groups I represent—Wallkill River, and its satellite, Shawangunk Grasslands—refuges whose staff have been collectively cut from six to one. The manager of that refuge has been told to look for another job for more than 2 years now, all while being charged to write the refuge's master plan and a plan to more than double the size of the Wallkill River refuge.

Great Bay NWR, in New Hampshire, was de-staffed on January 31 of this year. It does not have a Friends organization to advocate for it. It is a classic case of when the System gives up on the refuge much of the community gives up as well. Indeed, it had a Friends group but there was little they could do with out a building to hold functions in and without the leadership of management, they disbanded.

Sunkhaze Meadows in Maine, was also de-staffed January 31 of this year, it is in better shape; it still has a Friends group to advocate for it.

Supawna Meadows in southwestern New Jersey, was de-staffed and its doors were closed 2 years ago. It has a Friends group on the struggling with the idea of giving up. They were told their refuge, supported by their tax dollars and their volunteer hours, would be the last refuge to be re-staffed in the region; how can a community have hope and continue to spend their weekends working on a refuge when they see no future? Volunteer hours for the nation last year were 1,489,890 hours, that equates to $27,785,418.00, the equivalent to 716 full time employees, that's some serious numbers. We Friends love our refuges and we can do great work but we really have to have USFWS staff to supervise what we do, we cannot, and should not, run these refuges ourselves.

For the past several weeks, I have studied the eight Strategic Workforce Plans of each region of National Wildlife Refuge System. Rising personnel and operational costs combined with several years of flat budgets have triggered a nationwide 20

percent reduction in the workforce. As cost of living raises, energy inflation, and non-mission administrative workloads continue to increase, the ability to staff refuges to do on-the-ground work diminishes.

COMPLEXING

In many cases Regional offices chose to "Complex," meaning they combine refuges that are geographically and ecologically similar, but they share a staff. In most cases the "Parent Refuge" is hours away from the "Satellite Refuges." Some refuges have always been Complexed because they were many small areas or islands. In many more recent cases, these Satellite Refuges have buildings that no longer have staff. They no long have visitor centers and community services are cut with no one there to administer programs. In the words of USFWS Region 3 Workforce Plan:

"Experience with Complex offices in the Midwest has shown that staffs in complex offices are often higher graded than staffs of the prior stand alone refuges. Instead of Reducing costs, the complex office may actually be more expensive. Span of control and responsibility for managers can grow beyond an individual's capability, with a resulting loss of attention to employee and resource issues. In addition, as refuges are reformed into a complex, individual refuge units lose identity and individual recognition. And, as refuges lose identity, they may lose the support from local community. Volunteer and Friends groups, who have a loyalty and pride in their refuge, find it harder to support geographically anonymous complex offices."

Region 3 clearly recognizes the futile nature of Complexing. This is exactly what happens when refuges are de-staffed, and this is happening across the country. The community cannot reach staff on the phone or in person and they give up. The knowledge of local issues is minimal at best. Often more harm than good comes of these contacts. The worst thing that could happen to a refuge is when it is de-staffed and its community abandons hope, and let me assure you this is happening.

NATIONWIDE STAFF REDUCTIONS

Region 1, The Pacific Region, will have a staff reduction of 49 positions, 64 refuges.

Region 2, Southwest Region, will be reduced by 38 positions, 45 refuges.

Region 3, Midwest Region, will be reduced by 71 positions, 54 refuges.

Region 4, Southeast Region, will be reduced by 79 positions, 128 refuges.

Region 5, Northeast Region, will be reduced by 24 field positions, 71 refuges.

Region 6, Rocky Mountain Prairie Region, 44. positions, 117 refuges.

Region 7, Alaska, 21 positions, 16 refuges, 76,774,229 acres.

Region 8, California and Nevada, no cuts, 51 refuges, 11 complexes and 3 individual refuges.

Many reductions were made in the years preceding these plans simply not refilling positions as staff were transferred or retired. Some were buy outs and early retirements.

Some regions are more remote and there is no need to have a large staff. In the Northeast and Southeast there are more refuges and more people and a greater need for staff at these refuges. Alaska is remote and has a great quantity of land but the costs of maintaining there are higher so the need is for less manpower and more on-the-ground resources.

California and Nevada, Region 8, were a newly created region and already at a desired ratio of staff and maintenance, reflecting its creation in this austere budget climate. The Southeast has many areas that are vulnerable to hurricanes, and as we all learned from Katrina and Rita sometimes extra resources are needed to address the damage from hurricanes.

LAW ENFORCEMENT

There are 400 total Law enforcement officers nationally for 548 refuges and 37 wetland management districts. There are 234 full time Law Enforcement officers and 164 dual-function, officers meaning some have a regular position such as biologist or refuge manager and they are also performing the duties of law enforcement. These officers have the responsibility to prevent destruction of habitat, maintain safe conditions for visitors and personnel. At my local refuges, we have one law enforcement officer for 3 refuges, each an hour apart from one another. Many working hours are lost on all Complexed refuges because staff have to drive to distant refuges that they would normally spend working, but now spend driving and adding to the nation's carbon emissions. And then there is the cost of gas. Without law enforcement presence there are big problems with ATV and Snowmobile damage all over the Nation. There is vandalism and poaching. When refuges are also without on site staff management there is not even anyone to report damage to. The public

can try but the nearest staff person, might be reached by phone, who is hours away. Our National Wildlife Refuges are our National Treasures; it is quite an embarrassment to us all when a family goes to a refuge to see nature and instead they see beer bottles, condoms and drug paraphernalia. It takes dedicated on site staff—literally and figuratively—to display a presence, and give out a few tickets here and there. Simply stated, we need more law enforcement officers.

MAINTENANCE

There is a backlog on maintenance of $3.5 billion. Specifically, this is for repairing buildings, other facilities, keeping vehicles maintained, keeping refuge assets in good condition, maintaining trials and other public use areas safe, maintained, and accessible. When there is no one to maintain equipment, it sits there unusable and decaying. But that doesn't really matter when there is no one to use the equipment does it? . . . except that these are taxpayer vehicles and taxpayers are losing out. Volunteers have to try and pick up the slack for maintenance. But again, if there are no staff to guide, supervise or allow access to maintenance equipment, the maintenance can't get done by volunteers either. All government facilities are required to be handicap accessible. This requires staff to regularly maintain these places for handicapped people's use. With out people on refuges that option can be totally lost, no one to open gates for parking, no one to make sure facilities are functioning and safe, no one to respond when problems arise.

PARTNERSHIPS

When refuges lose management, many partnerships dissolve such as those with other Federal agencies, such as NASA, the Army Corps of Engineers, as well as state fish and wildlife and environmental agencies. There have been years and many manpower hours into building these programs. Relationships simply fall apart when the management positions are eliminated.

There are hunting organizations that volunteer their manpower to do invasive species maintenance on refuges. In some cases, it is Ducks Unlimited, Audubon, Trout Unlimited, and the Ruffed Grouse society biologists who do biological research. Refuges need staff biologists who are familiar with the local area to supervise and keep data centralized and uniform for the research to be credible and meaningful, and to provide context for the biological research performed by interns and bio-technicians. Without a biologist on site, little, if any, research gets done. These are the people monitoring invasive and endangered species. It is much more financially prudent to keep invasive species under control than to have to come in later after the invasives have taken over and eliminated native species.

We can not keep expecting the volunteers to pick up more and more of the work staff used to do. As I have stated before, when there is no staff to supervise the volunteers the work can not get done by them either. USFWS staff need to be around to make decisions about Refuge property; those decisions cannot and should not be made by volunteers.

When offices are closed, the community no longer has access, and the only interpretive and educational programs are provided by volunteers if any are available and willing. This decreases services to hunters and other wildlife recreationalists. Un-maintained trails mean less birdwatching. Americans paid for these refuges, but are they losing more and more of their ability to participate in hunting fishing, wildlife observation, photography, environmental education and interpretation. Under these conditions, it is very easy for these support groups to lose hope and give up. When a refuge's community gives up it is the worst thing that can happen to a refuge.

Although too dedicated and willing to admit it, many refuge staff know the maintenance, biological research and community services are so far beyond what they can do they are overwhelmed. Realistically, they can not begin to accomplish all the work that needs to be done. Right now, only a select few can see a light at the end of the tunnel.

LAST YEAR'S $39 MILLION ADDITION

Last year there was $39 million added to the President's budget, with the statement that it was to be used to address staffing shortages. In the Southwest Region, they were able to stop eliminating positions. California and Nevada were able to meet their inflationary costs. The Southeast will still have to cut positions, but not nearly so many. In the Northeast, we had already cut many of the positions, and the fate for those still in delete positions remains tenuous at best. Included among those is the refuge manager at my local refuges. I was also told that two Law Enforcement officers were being added in Maine, a State that never had any Law En-

forcement officers. Midwest was able to achieve 75–25 and to freeze further staff reductions. Some of the other regions were able to stop eliminating positions altogether, others were simply able to meet the ratio of 75–25. This ratio means 75 percent salary and benefits to 25 percent management capabilities, considered ideal for most of the country. (Alaska is 70–30 because their expenses are so high, meaning they get even less staff.) the $39 million was significant in stopping the hemorrhaging caused by previous years stagnant funding and increased costs. It has made big difference. Perhaps the system will not tread water for a year or two, whereas before we were in danger of drowning.

Please support increased funding of $514 million, for the National Wildlife Refuge System, so that all its refuges may be adequately staffed and cared for, and that the American people get a fair return on their investment in America's natural treasures. I also ask that you follow up with the USFWS to ensure that Congress's desire to have lost positions funded not be ignored or discounted. Clearly, Congress intended for our Nation to have a first-class refuge system when it passed the Refuge Improvement Act. Now we all need to do our part, whether we be a Congressional Representative, Senator, Friends Group member, Service staff, or American citizen to visit, support, and take care of our National Wildlife Refuge System. Remember, Every Refuge Matters.

LAND AND WATER CONSERVATION FUND

The Wallkill River NWR has focused its land acquisition on protection of the river and its major tributaries through consolidation of forested wetland, wetland and upland properties. In fiscal year 2009, the Wallkill Refuge is working to acquire an 86 acre property contiguous to existing refuge lands. The parcel includes a small canyon,stream and excellent forest interior for migratory birds and other species. This site protects area water quality and adds additional recreation opportunities. An appropriation of $630,000 from the Land and Conservation Fund in fiscal year 2009 is needed to protect this important property.

Thank you for your time and consideration.

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PREPARED STATEMENT OF FRIENDS OF WERTHEIM NATIONAL WILDLIFE REFUGE

On behalf of Friends of Wertheim National Wildlife Refuge, I am submitting testimony for the Senate Subcommittee on Interior and Related Agencies. We support a funding level of $514 million in fiscal year 2009 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account, adequate funding for Visitor Services and $1,135,300 for phase I (total cost is $7.9 million) for the Long Island NWR Complex's Visitor Learning Center/Administrative Headquarters to be located at its headquarters, Wertheim NWR. The $514 million accounts for cost-of-living increases for FWS personnel, while maintaining current levels of visitor services and wildlife management. Funding the O&M account at $514 million would allow the Refuge System to do its job of protecting habitat and wildlife in a much more responsible way. It is of the utmost importance that our Nation protects and enhances our National Wildlife refuge System for future generations.

The Senate Subcommittee on the Interior and Related Agencies should provide strong funding for Refuge System Visitor Services programs and Visitor Facility Enhancement Projects. Visitor Services funding pays for many Friends and volunteer programs. We depend on this funding for programs that allow us to remain effective stewards of our refuge.

Recognizing invasive species as a top threat to our refuge lands, we also ask the committee to continue their support "for cooperative projects with Friends groups on invasive species control". This funding supports worthy programs like competitive grants for Friends groups and the Volunteer Invasive Monitoring Program. Utilizing the energy and enthusiasm of Friends and volunteers is a proven, effective and economical partnership for the National Wildlife Refuge System and U.S. Fish and Wildlife Service.

The $7.9 million for the Visitor .Learning Center/Administrative Headquarters for the Long Island National Wildlife Refuge Complex to be located at Wertheim NWR is a key focal point of LINWR Complex's 15 year Comprehensive Conservation Plan. It is important to note that $1,135,300 for Phase I: Planning and design would enable us to start this project. Phase I includes: Site work, A/E Services and Regional Engineering Services. The Visitor Learning Center would serve as a catalyst for educational opportunities, wildlife conservation partnerships and collaborative efforts. In an effort to reduce cost, time and energy consumption, the service has developed a standard conceptual design for the building. Designed with "green tech-

nology" (the plans are consistent with LEED certification requirements) the Center will be a state-of-the-art energy efficient model. The $7.9 million includes all phases of the project: planning, site design, construction, and interpretive exhibits.

Friends of Wertheim NWR feels this project deserves Federal funding because United States Fish and Wildlife is the Federal agency charged with conserving, protecting and enhancing the Nation's fish, wildlife and plants for the continuing benefit of the American people. Another top priority of the Service is connecting people with nature: ensuring the future of conservation. Therefore a priority of Federal funding must be to take action. While there is no doubt that our public lands need to be managed through community partnerships/community resources, the Federal Government should be the catalyst on Federal lands to make this happen.

When the funding for the National Wildlife Refuge System is compared to the entire national spending it is not even a "blip on the radar screen". The National Wildlife Refuge System is one of our "National Treasures" and the dedicated Refuge staff, Friends and volunteers do so much with so little. It is our hope that in 2009 and beyond there is increased funding that will do more than maintain what we had last year; we need your help to address the $2.7 billion O&M backlog. Only by being "faithful stewards" of all of the National Wildlife Refuges in the United States will we ensure that they will be here for our children and our children's children.

The Refuges in the Long Island Complex may be small compared to others; but they are so important!! As a fifth grade science teacher in the local school district I took 4 science classes on field trips to Wertheim each year. One year one of the boys was standing on the trail just looking up and he stayed this way for some time. Since the rest of the students were eager to move on I went over to him and asked what he was doing. He replied, "Look—the trees make a tunnel—I can't see the sky!" What a beautiful discovery!!! This is the reason why we must give our Refuge System adequate funding (fiscal year 2009—$514 million) and why the Long Island NWR Complex needs a Visitor Learning Center/Administrative Headquarters (fiscal year 2009—Phase 1 $1,135,300).

On behalf of Friends of Wertheim NWR we thank you for your consideration of our requests.

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PREPARED STATEMENT OF THE FRIENDS OF THE WILLAMETTE VALLEY NATIONAL WILDLIFE REFUGE COMPLEX

Madame Chairwoman and members of the subcommittee: We are the Friends of the Willamette Valley National Wildlife Refuge Complex, a non-profit of local volunteers who care for the habitat and wildlife on the 10,625 acres within the William L. Finley, Ankeny, and Baskett Slough National refuges, as well as 50-acre Snag Boat Bend, operated as a unit of William L. Finley. The refuges of the WVNWRC are not as understaffed as many of the refuges, yet the limited staffing is still an issue during critical periods created by drought, flooding, and intense waterfowl use during winter. W.L. Finley NWR has attempted to stem small occurrences of false brome, which is widespread in native habitats in Benton County. Current levels of surveillance are inadequate to detect newly arrived species before they become firmly established. The impacts of nonnative species are often not well—understood, and appropriate and cost-effective control is often by trial and error. Although a volunteer team is being recruited to battle invasive plants, no Refuge staff positions are dedicated to this major problem. It is a problem also for the private commercial farms surrounding all three refuges. A shortage of fuel and staff time to use and maintain existing heavy equipment owned by the Refuge is also a serious limitation.

The Willamette Valley refuges are the critical wintering area for the Dusky Canada goose, and during winter, our refuges provide the major habitat areas that support their survival until the spring flight back to Alaska. Refuge habitat is limited, and the refuge staff have been pursuing a partners program with local landowners, to provide private lands as the additional winter habitat required by the Duskies. Additional staff support for this program would be a win-win for both the Duskies, and local agriculture, as it would prevent some of the depradations of wintering geese on neighboring agricultural lands.

Road maintenance is another serious issue where funding and staff limitations result in deterioration of Refuge facilities. Finley Road, for one example, is in a state of bad disrepair and is eroding at every significant rain event. The runoff enters the aptly-named Muddy Creek, the main body of water through the refuge, causing sedimentation and pollution. There are also safety issues concerning the roads, including the lack of safe entry lanes off US 99W for entry to the Finley Refuge. Increased warning signs would provide a short-term solution, but construction of an exit lane is the only safe option.

More signage would help also in the way of interpretation. There are trails on the complex that could use interpretive signage, but little progress has been made, largely due to lack of funding. Although environmental education is one of the dedicated uses of the refuge system, limited staff time has prevented Refuge staff from providing refuge tours requested by local teachers. As the Friends, we are organizing to develop such a program, but we need the leadership and expertise that only a dedicated staff member can provide, at least part time. Similarly, local teachers have requested tours for class groups, but staff workload has prevented the development of an environmental education program to properly handle these requests.

In summary, the Refuge System is facing a tremendous task in carrying on at the funding levels being provided today. We ask that the subcommittee increase O&M funding for the National Wildlife Refuge System to $514 million in fiscal year 2009. In addition, we ask that the subcommittee allocate additional funds from the Land and Water Conservation Fund in fiscal year 2009 to allow acquisition of critical areas beneficial to the protection of wildlife within the Refuge system.

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PREPARED STATEMENT OF THE GATHERING WATERS CONSERVANCY

Madam Chairman and honorable members of the subcommittee: Thank you for the opportunity to present testimony in support of an appropriation of $3.5 million to acquire more than 1,400 acres of forest inholdings within the Chequamegon-Nicolet National Forest in Wisconsin. The Forest Service has prioritized these acquisitions through its Wisconsin Wild Waterways program.

As you know, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

The Chequamegon-Nicolet National Forest, located in northern Wisconsin, covers more than 1.5 million acres of northern forests and lakes. The variety of forest types is virtually unmatched anywhere else in the United States, and the combination of this feature with the abundance of lakes, rivers, and streams ensures that the forest boasts some of the best recreational opportunities in the country. With its 1,200 lakes, the national forest offers plenty of paddling, prize fishing, canoeing, boating, and swimming, in addition to opportunities afforded by its 800 miles of trails.

The Forest Service has recognized the unique attributes of the Wisconsin forests by undertaking a land protection program that is focused on the protection of undeveloped lakefront properties and consolidation of publicly owned land for the benefit of recreation and natural resources. The Wisconsin Wild Waterways program has been supported through annual funding from the Land and Water Conservation Fund. In the past few years, over 10,000 acres of undeveloped shoreline along several critical lakes and streams have been protected through this program.

This year, there are numerous key inholdings available for acquisition.

First, in Bayfield County, there is an 881-acre assemblage of inholding parcels consisting of nine tracts ranging in size from 33 to 240 acres. These inholdings are nearly surrounded by national forest land and share a 12.25-mile boundary with the forest. They include one quarter mile of creek frontage, a tributary to Trapper Lake, 40 acres of wetland, an entire small lake, and the remaining private ownership on three other small lakes. The tracts also include the territory of a wolf pack and are within the planned habitat range of the released Wisconsin elk herd. The mixture of forest and riparian areas makes these properties a haven for recreation as well as for wildlife, including important habitat for the bald eagle, goshawk, and pine martin.

Ideal for multi season recreation, visitors to this area can enjoy hiking, camping, birding, hunting, fishing, cross-country skiing, and snowshoeing. Two of these inholdings are located in the Big Brook and Marengo semi-primitive non-motorized areas, and their protection will help consolidate these protected lands. Protecting these nine properties are critically important to maintaining the natural character of the area, while insuring long-term elk habitat for Wisconsin's growing elk herd. If these properties are not protected, habitat loss is imminent, as easy road access to these areas makes them particularly susceptible to second home development.

Also available for acquisition are 548 acres of multiple small inholdings throughout the forest. Since many of these inholdings have good quality water frontage, the

properties are highly threatened by development. The properties include the last privately owned parcel on Zarling Lake. Completely surrounded by national forest land, this 40-acre property includes one-third mile of frontage on the 38-acre lake. One historic and three prehistoric archeological sites have been identified on adjoining Forest Service land, and it is likely that this parcel will also contain significant archeological resources. Another parcel consists of 31 acres on the western shore of Wabikon Lake and has 1,000 feet of shoreline, important wetland habitat, and numerous springs that feed the lake. Conserving these threatened inholdings within the boundaries of the national forest help meet Forest Service goals to consolidate land for better management, enhance public access to these resources, and protect water quality and recreational values.

There is strong public support for public ownership of these tracts as part of the Chequamegon-Nicolet National Forest. An appropriation of $3.5 million from the Land and Water Conservation Fund in fiscal year 2009 will continue the success of the Wisconsin Wild Waterways program in protecting these important properties from development while enhancing diversity of habitat and recreational opportunities in the Chequamegon-Nicolet National Forest.

Thank you, again, for the opportunity to present this testimony in support of the funding needed to acquire these forest inholdings.

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PREPARED STATEMENT OF THE GEORGIA RIVER NETWORK

Madam Chairman and honorable members of the subcommittee: I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need in the Oconee National Forest in Georgia. I am supporting an appropriation of $4 million from the Land and Water Conservation Fund (LWCF) in fiscal year 2009 for the Chattahoochee/Oconee Riparian Project.

Georgia River Network is a statewide organization working to protect and restore rivers across Georgia. We represent over 500 Georgia citizens and 30+ river protection organizations. Land conservation is vital to our watershed conservation efforts. One of the organizations we work with, the Central Georgia Rivers Partnership, places middle Georgia land conservation as its cornerstone. A University of Georgia study found an area of middle Georgia encompassing Oconee National Forest areas to be the third wildest place in Georgia, behind the Okefenokee Swamp and the Chattahoochee National Forest. The area is also under unprecedented development pressures. Conserving Central Georgia rural and natural areas are important to our quality of life, our cultural and historic heritage and community economic wellbeing. From the headwaters to where they join to form the Altamaha, the Ocmulgee and Oconee river corridors possess natural, historic and prehistoric treasures and has many citizens, agency personnel, and businesses interested in conserving land throughout the area. A variety of management plans and conservation areas already exist in Central Georgia, and the CGRP strives to connect these areas and plans together in order to conserve this special place.

As you know, Madam Chairman, these projects included in the program are some of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

The Chattahoochee-Oconee National Forests encompass the ridges and valleys of the southern Appalachians in north Georgia as well as significant recreational, historical, and natural resources in the Georgia Piedmont. These forests provide important habitat for over 500 wildlife species, including many unique mountain species of plants, and contain over 1,000 miles of primary trout and warm-water streams.

The watersheds within the Chattahoochee and Oconee National Forests supply the drinking water for the largest urban areas in the State of Georgia. These watersheds not only provide recreational opportunities, but also critical habitat for dozens of threatened, endangered, and sensitive aquatic species. The Chattachoochee-Oconee National Forests are featured in the 2007 Forest Service publication, National Forests on the Edge, a report that examines the challenges faced by the national forest system due to the high growth in housing density projected to occur on adjacent private land between 2000 and 2030. This area in Georgia is at very high risk for development due to its close location to Atlanta, Athens, and Macon. Already, the building of second homes threatens the forests by fragmenting wildlife

habitat, complicating wildfire management, and increasing the amount of nonpoint source pollution in the area.

Within the Oconee National Forest, the Ocmulgee River watershed is threatened by such growth. The Ocmulgee is one of the most productive and diverse fisheries in the Georgia Piedmont. There are a variety of microhabitats throughout its wide channel, including shoals, riffles, and pools. This riparian corridor provides many water-based recreational opportunities, which include some of the best shoal bass fishing in the state as well as excellent canoeing, camping, hiking, hunting, swimming, and horseback riding.

Among the priorities of the Chattahoochee/Oconee Riparian Project is the Cedar Creek parcel. Its acquisition will further the consolidation of Oconee National Forest lands and protect the water quality of Cedar Creek and the Ocmulgee River. The Forest Service designated Cedar Creek as an "outstandingly remarkable stream" within the Chattahoochee-Oconee NF. Preventing the development of this land will also protect more habitat for wildlife such as the red-cockaded woodpecker, wood stork, and gray bat—all federally listed endangered species. The current owner of the Cedar Creek property is a timber company seeking to sell off its inholdings. Unless the Forest Service is able to acquire and protect this land, it will very likely be developed in the near future. In fiscal year 2009, $4 million is required from the Forest Service through the Land and Water Conservation Fund to acquire and conserve the Cedar Creek property, as well as other worthy land acquisition projects within the Chattahoochee and Oconee national forests. This acquisition will protect important cultural, recreational and wildlife areas, protect clean drinking water, and facilitate improved management of national forest lands in Georgia.

Thank you, Madam Chairman, for the opportunity to present testimony in support of these important acquisition projects.

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## PREPARED STATEMENT OF THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

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

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

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

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

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

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

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

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

As Congress has recognized for almost 25 years, funding for GLIFWC's conservation, natural resource protection, and law enforcement programs honors Federal treaty obligations to 11 Ojibwe Tribes and provides a wide range of associated public benefits. GLIFWC seeks an inflation-adjusted secure funding base to: (i) implement Federal court orders and intergovernmental agreements governing the exercise of treaty-guaranteed hunting, fishing and gathering rights; and (ii) participate in management partnerships in Wisconsin, Michigan and Minnesota.

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

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

ELEMENTS OF GLIFWC'S FUNDING REQUEST

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

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

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

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

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

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

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

CEDED TERRITORY TREATY RIGHTS—GLIFWC'S ROLE AND PROGRAMS

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

GLIFWC operates a comprehensive ceded territory hunting, fishing, and gathering rights protection/implementation program through its staff of biologists, scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists. Its activities include: (i) natural resource population assessments and studies; (ii) harvest monitoring and reporting; (iii) enforcement of tribal conservation codes in tribal courts; (iv) funding for tribal courts and tribal registration/permit stations; (v) development of natural resource management plans and tribal regulations; (vi) negotiation and implementation of agreements with state, federal and local agencies; (vii) invasive species eradication and control projects; (viii) biological and scientific research, including fish contaminant testing; and (ix) development and dissemination of public information materials.

JUSTIFICATION & USE OF THE REQUESTED FUNDS

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

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

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

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

2. REMAIN A TRUSTED ENVIRONMENTAL MANAGEMENT PARTNER AND SCIENTIFIC CONTRIBUTOR IN THE GREAT LAKES REGION: With the requested EPA funding base, GLIFWC would maintain its ability to bring a tribal perspective to the interjurisdictional mix of Great Lakes managers.[6] It also would use its scientific expertise to study issues and geographic areas that are important to its member Tribes but that others may not be examining.[7]

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

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

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

OTHER RELATED APPROPRIATIONS CONCERNS

1. *Fully Funded BIA Contract Support Costs.*—GLIFWC seeks full funding of its contract support costs. In 2007, for the first time ever, GLIFWC received full funding of its indirect costs and a portion of its direct contract support costs. GLIFWC strives to maintain a low indirect cost rate, thereby enabling the majority of federally contracted funds to go directly toward program services, not administrative costs. In fiscal year 2008, GLIFWC's fixed-carry forward indirect cost rate is 17.59 percent.

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

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

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

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

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

PREPARED STATEMENT OF THE GREEN MOUNTAIN CLUB

Madam Chairman and honorable members of the subcommittee: Thank you for the opportunity to present this testimony in support of an appropriation of $4 million from the Forest Legacy Program to protect the 5,727-acre Eden Forest property in Eden, Vermont.

I also urge your support for a significant increase in funding for the Forest Legacy Program in fiscal year 2009 to enable the protection of more forest resources than are included in the President's Budget. The Budget for this year proposes a cut of 75 percent and sets aside funds for only three Forest Legacy projects nationwide out of 87 submitted by the States. Without additional funds, the program will not be able to continue its successful partnerships with States, local communities, and landowners to protect valuable forestlands, while retaining, in many cases, private ownership.

The Forest Legacy Program in Vermont seeks to achieve significant conservation goals for the State by protecting the following types of land: large contiguous and productive forest blocks, wildlife habitat dependent on large contiguous forest blocks, threatened and endangered species habitat, State fragile areas and undeveloped shoreline, significant wetlands, and important recreation corridors.

The State's top Forest Legacy Program priority for fiscal year 2009 is the 5,727-acre Eden Forest. Situated on the spine of the northern Green Mountains in Eden and Johnson. This large contiguous timber tract is truly a high-quality forest, which contains two unique natural communities known as red spruce hardwood swamp and semi-rich northern hardwood forest. The property has been managed for timber for over 50 years and, given the excellent condition of the forest and forest roads, is well positioned to continue providing forest products far into the future.

Eden Forest is adjacent to 24,188 acres of conserved land and shares a common boundary with the Long Trail State Forest and the Long Trail corridor itself for approximately four miles. The Long Trail is the Nation's oldest long-distance hiking trail and one of Vermont's most cherished cultural resources. The property also contains portions of both Bowen and Butternut Mountain summits. Its protection would create a 30,000-acre block of protected land, a significant unfragmented "core" forest in Vermont's northern woods.

Eden Forest's close proximity to such ecological hotspots as the Babcock Nature Preserve, the Atlas Timberlands, and Green River Reservoir State Park coupled with the large unfragmented nature of the property will provide a haven for many wildlife species such as black bear, bobcat, gray and red fox, moose, and deer. Over 5,000 acres of the property is considered "core" habitat and has received a high wildlife-linkage-value rating by the Vermont Department of Fish and Wildlife due in part to it being a "black bear production habitat" area. These areas support a relatively high density of cub-producing females. This property also has 120 acres of beaver wetlands that provide habitat for wood ducks, wood turtles, and many species of warblers. A rookery for great blue herons, a rare species in Vermont, was found at one of the property's wetland complexes.

The Eden Forest property encapsulates almost the entire watersheds of two Gihon River headwater streams, Stony Brook and Wild Brook. It also contains approximately one-half mile of frontage on both sides of the Gihon River itself, which is a tributary of the Lamoille River, and abuts Vermont's scenic Route 100. The property includes more than 46 miles of streams and rivers that make up part of the Gihon River headwaters. The Lamoille County watershed plan recognizes the importance of protecting the Gihon River headwaters area for its near-pristine natural condition, wildlife and fish habitat value, timber value, and location adjacent to a core of protected land. Numerous wetlands dot the extensive property, including the six-acre Lanpher Meadow.

Historically, the Eden Forest property has also provided numerous recreational activities such as hiking, hunting, and cross-country skiing. Snowmobiling is also allowed, and the property hosts trails that are managed by the Vermont Association of Snow Travelers (VAST). Lamoille County also has the largest connected network of cross-county ski trails in the world, and this project could help expand that network in the future. These activities all make up an important part of the local tourist economy.

Eden Forest is under immediate pressure from development. According to 2000 census data, the town of Eden has the second highest percentage of population growth in Lamoille County, and its projected population growth through 2015 is expected to continue at a higher rate than almost any other town in the county. Eden also had a 25 percent increase in the number of housing units from 1990 to 2000, indicating a high demand for new homes in the area. This type of sprawl is largely to blame for the fragmentation of Vermont's forests and farms. With its first-rate

access to Route 100, low-elevation open meadows, well-developed road network, southern exposure, scenic views, and proximity to the major cities in Vermont, Eden Forest is a prime spot for development.

Thank you again, Madam Chairman for the opportunity to present this testimony in support of an appropriation of $4 million from the Forest Legacy Program in fiscal year 2009 to protect the vast 5,727-acre Eden Forest property.

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PREPARED STATEMENT OF THE HANOVER COUNTY BOARD OF SUPERVISORS, HANOVER COUNTY, VIRGINIA

On behalf of the Hanover County, Virginia Board of Supervisors, I thank you Senator Feinstein and Senator Allard for the opportunity to submit testimony regarding Hanover County's efforts to protect the Chesapeake Bay. To further our efforts to protect the Bay, Hanover County respectfully requests $1.884 million through the Environmental Protection Agency (EPA), State and Tribal Assistance Grants (STAG) for the Sharon Park Septic Tank Elimination and Public Sewer Extension Project. Failing septic systems have been shown to be a contributor to the current impaired status of the Bay. Completion of this project will not only protect the health of Hanover County residents, but will also further Hanover County's efforts to protect the Chesapeake Bay.

Hanover County, located in the east-central Piedmont and Coastal Plain areas of Virginia between the Chickahominy and Pamunkey Rivers, is part of the greater Richmond metropolitan area. The County land area is 471 square miles bordered by the Counties of Caroline, King William, New Kent, Henrico, Goochland, Spotsylvania and Louisa. Hanover County is a vibrant rural and suburban locality. The County has two interstate highways, I–95 and I–295, which are among the busiest in the eastern United States. The County has a population of approximately 100,000, and is an excellent environment in which to live, for it offers a taste of rural America (it is the home of the internationally renowned Hanover Tomato) in the greater Richmond area. Hanover County is great horse country and boasts some of the finest livestock farms in central Virginia. The County, one of the fastest growing in the state, continues to be an exciting community where history is preserved for the future.

Hanover County is dedicated to protecting the Chesapeake Bay. The County was the first jurisdiction in the metro Richmond region to adopt the revised Chesapeake Bay Regulations, and voluntarily included Biological Nutrient Removal in the design of the new wastewater treatment plant. The County also implemented a growth management program (Smart Growth) well before such programs became popular. Under Hanover's Smart Growth program, 78 percent of the County's 471 square miles will remain rural in nature (agricultural, forestall and low density residential). The remaining 22 percent will be suburban style development. Hanover is managing its Smart Growth program through funding incentives and the construction of public water and wastewater facilities. Hanover's water and sewer rates are among the highest in the region due in part to the investment in infrastructure to support the growth management program.

Hanover County requests Federal assistance in order to complete another important step in the County's plan to protect the Chesapeake Bay watershed by extending public sewer to the Sharon Park subdivision which currently relies on a septic system. The Sharon Park subdivision is located in the Chesapeake Bay watershed. Point source discharges such as industrial and wastewater treatment plan discharges are currently regulated, and managers of these entities are working to reduce pollutant discharges. However, septic systems are unregulated. To fully achieve the goals of the Chesapeake Bay 2000 Agreement, programs to eliminate failing septic systems, like Sharon Park, are necessary. The Sharon Park project provides an approach to advance the goals of the 2000 agreement by eliminating failing septic systems.

Sharon Park is a mature subdivision dating back to 1950. Approximately 85 of the subdivision's 120 lots, which range in size from half an acre to one acre, are developed. Under normal conditions the life expectancy for a septic system is between 20 and 30 years and the older septic systems in Sharon Park are now failing—creating both health and environmental hazards. Because of the lot sizes, the Sharon Park residents are precluded from rectifying the problem through replacement of the septic systems. Because many in Sharon Park rely on individual wells for drinking water, the septic tank failures and their impact on the surrounding soil present a significant public health threat.

Providing wastewater service to Sharon Park Subdivision involves the construction of approximately 10,500 linear feet of 8-inch gravity sewer, a new pump station,

and an approximately 3,300 foot long force main. The estimated cost to retrofit Sharon Park is approximately $3.425 million or $28,500 per household (approximately $119 per month for 20 years assuming 0 percent interest loan—total sewer bill would be approximately 2.1 percent of median household income). Hanover County is requesting $1,884,000 in Federal funding, 55 percent of the project cost.

The Chesapeake Bay Program has determined that nitrogen and phosphorous are the major contributors to the impaired status of the Chesapeake Bay, and septic systems are significant contributors to the nitrogen load. According to the 1990 Bureau of the Census data, 24.7 percent of housing units in the Chesapeake Bay watershed rely on septic tanks or cesspools to treat their household wastewater. Population is expected to increase by 18 percent between 1997 and the year 2020 (from 15.1 million to nearly 17.8 million). Nitrogen loads from septic systems are expected to increase as population increases. Because increase in nitrogen loads from septic systems is generally attributed to growth, the increase in load due to the failing systems may be even greater. The York River Tributary Strategy data shows nitrogen discharges from septic systems into the York River Basin will increase by 38 percent between 1985 and 2010 due to growth. This assumes all other septic systems are in good working order and being maintained properly.

Hanover County proposes to support reduced nitrogen loads by eliminating the failing septic systems in the Sharon Park subdivision. A resident hooked to an advanced wastewater treatment plant sends about two pounds of nitrogen into the Chesapeake Bay waterways annually, whereas a septic tank produces about nine pounds annually. With previous support from this subcommittee, Hanover County has nearly completed a similar project in the Atlee Manor subdivision, a neighborhood very similar to Sharon Park that also lies in the Chesapeake Bay watershed. The completion of these projects will have a profound and recognizable impact on the health of the Chesapeake Bay.

On behalf of Hanover County, I would like to thank the subcommittee for its commitment to protecting the Chesapeake Bay. Hanover County requests that this subcommittee again support the County's efforts to protect the Bay by providing additional support to eliminate the septic tanks in the Sharon Park subdivision. Thank you again for the opportunity to submit testimony on behalf of Hanover County. We look forward to continuing to work with the subcommittee to achieve our mutual goal of enhancing and protecting the health and beauty of the complex ecosystem of the Chesapeake Bay.

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## PREPARED STATEMENT OF THE HAWAII AUDUBON SOCIETY

Madam Chairman and honorable members of the subcommittee: Thank you, Madam Chairman for the opportunity to present this testimony in behalf of the Hawaii Audubon Society in support of an appropriation of $6 million for the U.S. Fish and Wildlife Service (USFWS) to continue the protection of an 850-acre tract at the James Campbell National Wildlife Refuge on O'ahu in Hawai'i.

Founded in 1939, the Hawai'i Audubon Society is the State's oldest conservation organization, and it has played a proactive role in furthering its primary mission of fostering community values that result in the protection and restoration of native ecosystems and conservation of natural resources through education, science and advocacy in Hawai'i and the Pacific.

The James Campbell National Wildlife Refuge is a strategic landfall for migratory birds coming from as far away as Alaska, Siberia, and Asia. It is also the largest of O'ahu's national wildlife refuges, providing both research and educational opportunities. Established in 1976, the refuge serves as one of the last reservoirs for Hawai'i's four endangered waterbird species—Hawaiian coot, Hawaiian duck, Hawaiian moorhen, and Hawaiian stilt—and as winter haven for migratory waterfowl and shorebirds. A total of 117 bird species have been documented on the refuge since its inception. The refuge currently includes 260 acres in two units—Ki'i and Punamanō, separated by nearly a mile. The Punamanō unit includes a natural spring-fed pond, whereas the Ki'i unit, a remnant of a formerly larger marsh, has been drastically modified by agriculture. Due to the sensitivity and small acreage, access to the refuge is restricted, but guided tours periodically are offered to the general public and environmental education groups. In addition, school groups are accommodated on a regular basis during the non-nesting season.

As the members of this committee know, in May 2006, Congress passed the James Campbell National Wildlife Refuge Expansion Act in response to longstanding public concerns about protecting O'ahu's natural resources and open space on the Kahuku coastal plain.

This authorization allows the USFWS to acquire lands within the expanded refuge boundary from the Estate of James Campbell. The refuge expansion will protect the natural coastal wetlands and natural dune habitats of the Kahuku coastal area and ensure a protected haven for all four species of endangered Hawaiian waterbirds and a variety of migratory shorebirds and waterfowl that use coastal wetlands and surrounding lands. Protection of the dune and strand vegetation near the coast will conserve resting areas for the endangered Hawaiian monk seal, and nesting habitat for the threatened green sea turtles that use Kahuku beaches.

As one of the few scattered remnants of wetland habitat that still exist on O'ahu, the James Campbell National Wildlife Refuge is one of the most productive waterbird wetlands for resident and migratory species. The expansion of the refuge will also provide visitors increased opportunities to view native Hawaiian wildlife and some of the last remaining pristine coastal habitat on O'ahu. Expansion will offer year-round wildlife viewing opportunities as well as the eventual establishment of an outdoor education center for students. Activities would focus on the importance of wetlands, their cultural significance, the plight of native plants and birds, and efforts to conserve and restore essential wetland habitat to save these species from extinction. Further, acquisition of this coastal site will aid in cultural resource protection, as it is believed the land encompasses ancient Hawaiian burial grounds.

In previous fiscal years, $8 million has been appropriated to help implement the expansion. An appropriation of $6 million from the Land and Water Conservation Fund in fiscal year 2009 will bring closer to completion the permanent protection of 850 acres of diverse habitat lands within the expanded refuge boundary. This project will provide habitat for some of Hawai'i's most endangered species and will expand on existing wildlife viewing opportunities to the multitude of visitors who are expected to come to the James Campbell National Wildlife Refuge annually.

Madam Chairwoman, I'm sure that you are well aware that this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical holdings in adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. On behalf of the Hawai'i Audubon Society and its members I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

Mahalo for the opportunity to present this testimony in support of this important conservation project in Hawai'i.

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## PREPARED STATEMENT OF THE HIGHLANDS COALITION

On behalf of the regional Board of the Highlands Coalition, which includes over 180 organizations working together to conserve nationally important natural resources in the Highlands region of Connecticut, New York, New Jersey, and Pennsylvania, we would like to thank you for the opportunity to comment on the fiscal year 2009 Department of the Interior, Environment and Related Agencies Appropriations bill.

Our top priorities for fiscal year 2009 include:

—$11 million for the Highlands Conservation Act, including $10 million for land conservation partnership projects through the U.S. Fish & Wildlife Service, and $1 million for USDA Forest Service technical assistance and research programs in the Highlands

—$120 million in land acquisition funding for the Forest Legacy program

—$403 million for the Land and Water Conservation Fund Act Federal and stateside land acquisition program.

### HIGHLANDS CONSERVATION ACT

*Priority Land Acquisition*

Just over 3 years ago, Congress enacted and President Bush signed the Highlands Conservation Act, recognizing the national significance of the 3.5 million acre Highlands region as a source of drinking water, productive forests and working farms, wildlife habitat and recreational opportunities for the 25 million people who live within an hour of its resources. The Highlands shadows the major metropolitan areas of the east coast from Harrisburg, Philadelphia, Allentown, New York City and Hartford. The act authorized $100 million over 10 years to assist the Highlands States in conserving priority lands from willing landowners, and $10 million over

10 years to continue vital USDA Forest Service research and assistance to private landowners in the Highlands. Under the act, the four States acquire the lands with Federal assistance and are required to match those Federal funds for land conservation partnership projects on an equal basis to greater leverage these funds. These lands are evaluated and identified in three separate Forest Service studies of the Highlands in 1992, 2002, and 2008.

As happened in the President's budget for fiscal year 2008, no funding has been provided for the Highlands Conservation Act (HCA) in the fiscal year 2009 budget. This means that none of the analytically selected and prioritized land conservation partnership projects in the four Highland States can be accomplished in fiscal year 2009 without action by Congress. We strongly urge the committee to provide full funding for the HCA at a total of $11 million with $10 million in land acquisition funding for the U.S. Fish and Wildlife Service, and $1 million for the USDA Forest Service's technical assistance program in the Highlands. The USDA Forest Service has been a valuable partner and catalyst in the region and $1 million is needed to allow the Forest Service to provide increased technical assistance to State agencies, private landowners and local communities to advance sound stewardship and management of important resources in the region.

The Governors of the four Highlands States have jointly submitted land conservation projects totaling $10 million to the Department of the Interior for funding in fiscal year 2009, including:

*Cooks Creek Watershed & South Mountain (PA)*

Funding for the Highlands Conservation Act program in fiscal year 2009 would fund land acquisition efforts on 567 acres in the Cooks Creek area of Pennsylvania (Durham Township, Bucks County). Cooks Creek originates in the diabase and quartzite hills of Springfield Township and flows through the limestone valley at Springtown to empty into the Delaware River. The area's steep forested hills, unique to Bucks County, are due to this geology. Cooks Creek Watershed has a long colonial history, dating to 1698, when British settlers sought the area's iron deposits. Pioneer families settled by the 1730's and many of their historic structures along Cooks Creek, including mills, bridges, homes, churches and schools, still stand. Durham Mine, now abandoned, is the State's second largest bat hibernaculum, an Important Mammal Area home to six bat species. The surrounding forest is important bat and rare bird habitat. Cooks Creek is Bucks County's only viable coldwater fishery, supports naturally reproducing trout and is a PA DEP Exceptional Value waterway. The watershed's rural valley has working prime farmland and numerous rare and endangered species. The 1999 Bucks County Natural Areas Inventory rates the area Priority 1, Heritage Conservancy includes Cooks Creek Watershed as part of its Lasting Landscapes Program, and the Highlands Coalition has designated it an area of special concern.

Wildlands Conservancy, the City of Allentown, the County of Lehigh, Salisbury Township and Emmaus established Lehigh County's South Mountain-Robert Rodale Reserve, comprised mostly of Allentown's South Mountain Park and Wildland Conservancy's South Mountain Preserve, to protect the Lehigh Valley's scenic viewshed and important wildlife habitat, and to provide residents with nearby recreational opportunities. The reserve contains maturing second-growth forest, rare and threatened species, including two plant species of special concern, and nesting habitat for more than 59 bird species. Vernal pools here are thought to be the State's most active for salamanders, and are surrounded by intact forest, which is critical for amphibians. Lehigh County has designated the Robert Rodale Reserve site a top-priority natural area, and South Mountain preservation efforts have been ongoing for more than a decade. South Mountain is a prominent landscape within the Highlands of Lehigh and Northampton counties.

*Wyanokie/Farny Highlands & Ramapo Mountains (NJ)*

The Wyanokie and Farny Highlands were identified as a Conservation Focal Area in the USDA Forest Service NY–NJ Highlands Regional Study: 2002 Update. The Wyanokie and Farny Highlands contain critical watersheds that protect New Jersey's most significant and most threatened water supply—the Wanaque Reservoir—on which nearly two million people rely. The Wyanokies contain the headwaters of Burnt Meadow and West Brooks, waterways of exceptional ecological significance, which flow directly into the Wanaque Reservoir. Acquisition will provide essential protection for this critical water supply, which the U.S. Forest Service identified as highly threatened by development. In addition, preservation will help complete a missing greenway link between Norvin Green State Forest and Long Pond Ironworks State Park, and extend a direct connection to New York's Sterling Forest State Park along the route of the Highlands Millennium Trail, which travels 150

miles between the Hudson and Delaware Rivers. The Wyanokie Highlands boast an extensive network of historic hiking trails and dramatic scenic overlooks, as well as significant ecological values. The Wyanokie Highlands Project consists of 855 acres in Passaic County in three parcels: 400 acres on Saddle Mountain in Ringwood Borough and West Milford Township, 155 acres on Westbrook Mountain and 300 acres on Buck Mountain, both in West Milford.

The Ramapo Mountains were identified as a Conservation Focal Area in the USDA Forest Service NY–NJ Highlands Regional Study: 2002 Update. Located in Bergen and Passaic counties, the Ramapo Mountains contain important watersheds and outstanding parklands that protect the easternmost ridge of the Highlands, with its breathtaking views of Manhattan, for significant public recreational use Acquisition of the Camp Yaw Paw property will finally close a critical gap in existing protected lands and assure the preservation of significant unfragmented forest that is home to threatened and endangered species including barred owl, Cooper's hawk, northern goshawk, red-shouldered hawk, timber rattlesnake and wood turtle. Preservation of 209-acre camp Yaw Paw in Mahwah Township, Bergen County and Ringwood Borough, Passaic County will enlarge Ramapo Mountain State Forest and adjoining Ringwood State Park, which total 8,300+ acres, by acquiring an inholding which also connects to over 2,000 acres of County parklands.

*Ethel Walker (CT)*

The State of Connecticut requests Highlands Conservation Act funds to protect Phase II of the Ethel Walker Property—91 acres of ecologically rich forest, streams, meadows and floodplains. Phase I, 336 acres, is expected to close soon in a fee and conservation easement deal with the Town of Simsbury, which will make a $1 million non-refundable deposit on an option to purchase the remaining 91 acres. Ethel Walker contains Class I watershed land and the primary recharge area for the Stratton Brook Aquifer which provides 10,000+ residents with drinking water. The property lies within Simsbury's Aquifer Protection Zone (APZ) and CT DEP's Preliminary APZ. There are extensive pubic hiking and equestrian trails here. Large stands of mature conifers support more than 60 forest nesting and migratory bird species, including a high density of northerly or higher elevation bird species. The American Bittern, a CT endangered species, has been documented here by the Hartford Audubon Society. Stratton Brook supports native Eastern Brook Trout, in decline throughout CT. Ethel Walker is contiguous with several preserved properties; if all 427 acres here are preserved, the property would form the core of 1,400 acres of open space. CT's 2003 Regional Plan of Development identifies Ethel Walker as high conservation value and a key piece to protect.

*Great Swamp and Greater Sterling Forest Areas (NY)*

The Great Swamp is one of NY's most important wetland complexes and one of NY's largest and highest quality red maple hardwood swamps. This project consists of a 647-acre parcel in Putnam County's Harlem Valley, in the East Branch Reservoir Watershed of the NYC Croton Reservoir System. An Audubon Society-designated "Important Birding Area," the Great Swamp constitutes a 63,000-acre watershed and is breeding habitat for more than 90 bird species and migratory habitat for more than 180 species of waterfowl and other birds. Great blue heron, red-tailed hawk, marsh wren, osprey, wood duck, thrushes, vireos, warblers, and scarlet tanager make their home here. Located less than 70 miles from New York City, this vast and fragile wetland provides numerous benefits to residents of New York and Connecticut, including drinking water, flood control, recreation, open space, and wildlife habitat. The Great Swamp contains a south-flowing section of the East Branch Croton River, a critical part of New York City's water supply system, and a north-flowing section of the Swamp River which flows into the Housatonic and, ultimately, to Long Island Sound. This project is a New York State Open Space Conservation Plan (2006) priority site.

The Sterling Forest Fairgrounds, the Sterling Forest Ski Center, the Torsoe property, Arrow Park, the former Kings College property, Tuxedo Reserve and the Shirazi property are inholdings and adjacent to Sterling Forest. These lands buffer the park, which citizens have worked tirelessly to preserve. In close proximity to the Appalachian National Scenic Trail, these 1,630 acres contain scenic lakes, woodlands, and wetlands, as well as frontage on Orange Turnpike. The properties may be developed if not protected. Sterling Forest State Park is a great accomplishment of public-private land conservation between the Federal Government, the States of New York and New Jersey, and private organizations. Preservation of private inholdings and adjacent properties, such as these, will safeguard this $78-million investment while protecting drinking water, wildlife habitat, and recreational, his-

toric, cultural, and scenic resources. This project is a New York State Open Space Conservation Plan (2006) priority site.

*Forest Legacy Program and Projects*

In order to ensure that there is adequate program funding for these critical projects in the Highlands, we urge your support for funding Forest Legacy at $120 million in fiscal year 2009. We support this funding as it will serve to provide support for important Forest Legacy projects in the Highlands region including four exemplary projects: Lake Waubeeka (CT), Fishkill Ridge (NY), Passaic Ramapo Watershed (NJ) and Tree Farm #1—Mount Hope Tract (PA). These two represent very high priorities for conservation that would protect unique and critical forests in the eastern United States.

The Forest Legacy Program is an outstanding example of prioritized, strategic Federal conservation program, and a hallmark for how the Federal Government can help accomplish sound partnership conservation projects with States, municipalities, and nonprofits. Unfortunately, funding for this program has decreased significantly over the past decade. The fiscal year 2009 President's budget includes just $12.5 million—representing just three projects nationwide, which would protect only 300 acres. Clearly there is a much larger demand as evidenced by the States' submissions for the program, totaling over $200 million in demonstrated need.

*Land and Water Conservation Fund*

The proposed cuts to the Land & Water Conservation Fund for fiscal year 2009, which continue the trend of gravely declining budget for this critically important program. The program is the core Federal conservation program enabling both the Federal and State governments to target and protect vitally important natural resources. While LWCF ought to be fully funded at its authorized amount—$900 million—we are requesting that this subcommittee and Congress fund LWCF at $403 million, including $278 for Federal acquisition programs and $125 for State programs. This funding would include support for the critical acquisitions at the Wallkill National Wildlife Refuge in New Jersey.

Without adequate funding to the Highlands Conservation Act, Forest Legacy Program and Land & Water Conservation Fund, precious natural treasures of the Highlands may be developed and lost to conservation forever.

Thank you for the opportunity to submit this testimony on the fiscal year 2009 Interior Environment and Related Agencies Appropriations bill.

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PREPARED STATEMENT OF THE INTERSTATE MINING COMPACT COMMISSION

My name is Gregory E. Conrad and I am executive director of the Interstate Mining Compact Commission. I appreciate the opportunity to present this statement to the Committee regarding the views of the Compact's member States on the fiscal year 2009 Budget Request for the Office of Surface Mining (OSM) within the U.S. Department of the Interior. In its proposed budget, OSM is requesting $63.7 million to fund Title V grants to States and Indian tribes for the implementation of their regulatory programs and $30.8 million to fund discretionary spending for the Title IV abandoned mine land (AML) program, which includes some State grants. Our statement will address both of these budgeted items.

The Compact is comprised of 24 States that together produce some 95 percent of the Nation's coal as well as important noncoal minerals. The Compact's purposes are to advance the protection and restoration of land, water and other resources affected by mining through the encouragement of programs in each of the party States that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources and to assist in achieving and maintaining an efficient, productive and economically viable mining industry.

OSM has projected an amount of $62.6 million for Title V grants to States in fiscal year 2009, an amount which is matched by the States each year. [The figures we will use in this statement reflect grants to States only, not Indian tribes. The tribes have recently seen significant increases in their Title V grants due to the tribal primacy provisions contained in the 2006 Amendments to SMCRA.] As you know, these grants support the implementation of State regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA) and as such are essential to the full and effective operation of those programs.

For fiscal year 2008, Congress approved an additional $5 million over the President's budget request of $60.5 million for State regulatory programs in OSM's budget, for a total of $65.5 million. The States are greatly encouraged by and are most appreciative of the significant increase in Title V funding approved by Congress in the fiscal year 2008 Omnibus Appropriations bill. Even with the 1.5 percent rescis-

sion and the allocation for tribal primacy programs, the States saw a $6 million increase for our regulatory programs over fiscal year 2007 levels. As we noted in our statement on last year's budget, State Title V grants had been stagnant for over 12 years and the gap between the States' requests and what they received was widening. This debilitating trend was compounding the problems caused by inflation and uncontrollable costs, thus undermining our efforts to realize needed program improvements and enhancements and jeopardizing our efforts to control the impact of coal extraction operations on people and the environment.

In its fiscal year 2009 budget, OSM is reversing the positive trend established by Congress last year. While OSM attempts to paint a picture of increased funding for Title V grants, its argument is disingenuous as the agency refers to fiscal year 2007 numbers in making its case. The fact is, OSM's proposed amount of $62.6 million for State Title V grants is $1 million less than what was allocated in fiscal year 2008 (after the rescission and tribal allocation). Our estimate of actual need for fiscal year 2009 is $68 million, leaving a difference of almost $6 million. This difference would be reduced by $2 million if Congress' approved amount for fiscal year 2008 was used as the base.

This is not the time to reverse course and upset the effort to restore the efficacy of State regulatory programs. The States are finally in a position of seeing some meaningful recognition of their program expenses through the upward adjustments approved by Congress last year. The States are just now beginning to put last year's improved funding to work in their programs through the filling of vacant positions and the purchase of much needed equipment and supplies (including computers and vehicles). As States prepare their budgets for the next few years, there is an expectation that the amount approved by Congress will become the new base on which we will build into the future—otherwise we create a situation where layoffs would occur for those who were just hired. The States continue to face significant cost increases in their programs due to inflation, especially increased fuel and equipment costs. Health insurance premiums and cost of living adjustments are also significant factors in the annual operation of State programs, especially with personnel expenses representing some 80 percent of total program costs. A new challenge has come in the form of retirements, where States are faced with buy-outs, paying for unused annual leave, and replacing an aging work force. These are substantial, often unanticipated, costs that are wreaking havoc on State budgets.

It is essential that we maintain consistent funding from year to year in order to deploy resources for our programs. This is especially true with regard to hiring new staff to fill vacancies or to supplement under-staffed areas of the programs. We cannot afford to invest money in these positions and then face potential layoffs the next year because funding is not maintained. Sending these types of mixed signals to State legislatures and budget officers will undermine their ability to support their respective regulatory programs through matching State funds and may cause them to reexamine their commitment to these programs. A clear message from Congress that reliable, consistent funding will continue will do much to ensure that States can continue to implement these vital programs.

As we have stated before, and as OSM notes in its budget justification document, the State regulation of coal production continues to be a tremendous bargain for the Federal Government since States are able to issue permits and regulate mines for far less than it would cost for Federal permitting and regulation. It must be kept in mind that State coal regulatory program permitting and inspection workloads are in large part related to coal mine production. In general, as coal production increases, the need for additional permitting and operational inspections also increases. State programs must be adequately funded and staffed to insure that permitting and inspection duties are both thorough and timely as States experience the reality of accelerating coal mine production and expansion activities. If program funding shortfalls continue, the Nation risks the possibility of delayed production of a critical energy source and negative impacts to the environment. Stressing existing program resources also results in the delay or elimination of lower priority program functions.

There continues to be no disagreement about the need demonstrated by the States. In fact, in OSM's budget justification document, the agency States that: "the States have the unique capabilities and knowledge to regulate the lands within their borders. Providing a 50 percent match of Federal funds to primacy States in the form of grants results is the highest benefit and the lowest cost to the Federal government. If a State were to relinquish primacy, OSM would have to hire sufficient numbers and types of Federal employees to implement the program. The cost to the Federal Government would be significantly higher." (Page 76 of OSM's Budget Justification) For all the above reasons, we urge Congress to increase funding for State Title V regulatory grants in OSM's fiscal year 2009 budget to $68 million, as

fully documented in the States' estimates for actual program operating costs. This represents a $1 million increase over our request for fiscal year 2008 and a $2.5 million increase over the amount approved by Congress last year.

With regard to funding for State Title IV Abandoned Mine Land (AML) program grants, Congressional action in 2006 to reauthorize Title IV of SMCRA has significantly changed the method by which State reclamation grants are funded. Beginning with fiscal year 2008, State Title IV grants are funded primarily by permanent appropriations. As a result, the States will receive mandatory funding in fiscal year 2009 of $298.4 million for AML reclamation work. OSM also proposes to continue its support of the Watershed Cooperative Agreement program in the amount of $1.5 million, a program we strongly endorse.

OSM also proposes an amount of $30.8 million for discretionary funding related to OSM operations under the Title IV program, which includes supplemental funding needed for minimum program States. Under the funding formula contained in the 2006 amendments to SMCRA, all of the States and tribes will receive funding increases except for minimum program States. They remain stagnant for the next fiscal year at $1.5 million, a level of funding that greatly inhibits the ability of these States to accomplish much in the way of substantive AML work. It is unfair and inappropriate for these States to have to wait yet another year to receive funding increases when they are the States most in need of AML moneys. We urge Congress to fund these States at the statutorily authorized level of $3 million in fiscal year 2009 so as to level the playing field and allow these States to get on with the critical AML projects awaiting funding.

We also urge Congress to approve continued funding for the emergency program. OSM's budget would eliminate funding for state-run emergency programs and also for Federal emergency projects (in those States that do not administer their own emergency programs). Funding the OSM emergency program should be a top priority for OSM's discretionary spending. This funding has allowed the States and OSM to address the unanticipated AML emergencies that inevitably occur each year. In States that have federally-operated emergency programs, the State AML programs are not structured or staffed to move quickly to address these dangers and safeguard the coalfield citizens whose lives and property are threatened by these unforeseen and often debilitating events.

Section 410 of SMCRA establishes an emergency reclamation procedure for AML sites that pose a "sudden danger with a high probability of substantial physical harm to the health, safety or general welfare of people before it can be abated under normal program operation procedures". (OSM Directive AML–4). In a Federal Register notice dated March 6, 1980 (45 Fed. Reg. 14810), OSM noted that "the Secretary of the Interior working through OSM has the *responsibility* for projects administered under these authorities." (emphasis added). Therefore, the authority for the implementation of the emergency program is placed solely on the Secretary. The same Federal Register notice States that emergencies are differentiated from priority one problems in section 403 of SMCRA.

Additionally, the funding for the emergency program is separate from the State and tribal non-emergency AML grant funding since it comes from the Secretary's "discretionary share". Funding for emergencies is provided for in section 402(g)(3) of SMCRA and is used for the purposes described therein and with monies remaining after the distributions required under sections 402(g)(1), (g)(2) and (g)(5). Section 402(g)(1)(C) specifically requires that the non-emergency State share be used only for annual reclamation project construction and administration costs. The non-emergency Federal share allocated to the States in Section 402(g)(5) is used to supplement the State share received under 402(g)(1) until the priorities set forth in section 403(a)(1) and (2) are met. Emergencies do not fall under section 403, but are provided for only in section 410. This matter was spoken to very directly in a report to the Interior Subcommittee of the House Appropriations Committee entitled "Cleaning Up the Damage: An Analysis of the Operation of the AML Program" in 1992. Rep. Carl C. Perkins (D-KY) stated in the report: "The AML emergency program has existed separately and been run differently from normal AML programs for very good reason: it deals with separate types of problems. Indeed, the Congress recognized this distinction when it devoted a special section (410) of SMCRA to the Secretary of the Interior with special powers to cope with AML emergencies. Reversing this division of responsibility cannot be accomplished simply by reallocating funds. There are a number of other hurdles which have to be negotiated."

While there were several significant changes to the AML program under SMCRA as a result of the 2006 amendments recently passed by Congress, there were absolutely no changes to the emergency program under section 410 of the Act. In fact, significant funding increases were approved by Congress that would allow the States to address long overdue reclamation problems including landslides, contami-

nated drinking water, refuse piles, dangerous highwalls, mine fires, and exposed mine portals. Diverting these monies to the emergency program, as suggested by OSM's budget, would impede the progress the States are now making to address AML problems that have been awaiting funding for years. In this regard, new section 402(g)(1)(D)(2) requires that the Secretary ensure "strict compliance" by the States in their use of non-emergency grant funds for the priorities listed in section 403(a). For the States to do otherwise would require at the least a rulemaking by OSM, if not legislative adjustment. It would also reverse 30 years of official guidance and practice by OSM. We therefore request that Congress restore $21 million for the AML emergency program in OSM's fiscal year 2009 budget.

We also urge the committee to support adequate funding for OSM's training program, including monies for State travel. These programs are central to the effective implementation of State regulatory programs as they provide necessary training and continuing education for State agency personnel. IMCC also urges the Committee to support adequate funding for TIPS, a program that directly benefits the States by providing needed upgrades to computer software and hardware. In this regard, we strongly support the proposed amounts for the training program and TIPS in OSM's fiscal year 2009 budget. Finally, IMCC requests continuing support for the Acid Draining Technology Initiative (ADTI), a nationwide technology development program with a guiding principle of building consensus among Federal and State regulatory agencies, universities and the coal industry to predict and remediate acid drainage from active and inactive coal and metal mines. We support continued funding for this vital initiative.

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## PREPARED STATEMENT OF THE INTER-TRIBAL BISON COOPERATIVE

### INTRODUCTION AND BACKGROUND

Chairman Feinstein, ranking minority member Allard and members of the subcommittee, thank you for considering this testimony of the Inter-Tribal Bison Cooperative (ITBC). This is submitted in conjunction with the request recently delivered to the subcommittee from Senators Bingaman, Thune, Tester, Johnson, Salazar, Coleman, Baucus, and Kohl. ITBC is a Native American non-profit organization, headquartered in Rapid City, South Dakota, comprised of 57 federally recognized Indian Tribes in 18 States. On behalf of the member Tribes of ITBC I would like to address the following issues: (1) request an appropriation of $4,000,000.00 for fiscal year 2009, from the Department of the Interior, Bureau of Indian Affairs, Operation of Indian Programs, to continue our bison restoration efforts; (2) explain to the Committee the unmet needs of the members of ITBC; and (3) update the committee on the present initiatives of ITBC.

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

Federal appropriations have allowed ITBC to successfully restore buffalo to over 50 reservations, thereby preserving the sacred relationship between Indian people and the buffalo. The respect that Indian Tribes have maintained for the buffalo has fostered a very serious, high level of commitment by ITBC member Tribes for successful buffalo herd development. With healthy, viable buffalo herds, opportunities now exist for Tribes to utilize buffalo for prevention and treatment of the diet related diseases that gravely impact Native American populations such as diabetes, obesity, cardio-vascular disease and others. Viable buffalo herds also offer Tribes the opportunity to develop sustainable economic development projects. This will allow the Tribes to utilize a culturally relevant resource as a means to achieve self-sufficiency.

### FUNDING REQUEST

The Inter-Tribal Bison Cooperative respectfully requests an appropriation for fiscal year 2009 in the amount of $4,000,000. This amount would restore ITBC to the fiscal year 2006 appropriation level and provide for ITBC's continued growth as more Tribes join. The requested funding level will allow our member Tribes to con-

tinue their successful restoration efforts, to restore our marketing initiative and to restore the health initiative for the prevention and treatment of diet related diseases among Native American populations, while simultaneously building economic sustainability for the Tribal projects.

FUNDING SHORTFALL AND UNMET NEED

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

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

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

ITBC GOALS AND INITIATIVES

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

*Economic Development*

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

Many of these Tribal buffalo programs have developed herds large enough to justify plans for marketing products as a step towards self sufficiency. Because of the depressed economies on the reservations, jobs are scarce and our buffalo restoration efforts on the reservations have created hundreds of direct and indirect jobs relating to buffalo management and production. As a result, a significant amount of revenue derived from buffalo products is beginning to circulate through Indian reservation economies.

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

*Tribal Buffalo Marketing Initiative*

ITBC member Tribes face a multitude of obstacles when trying to get their buffalo to market. The remoteness of the reservations means having to transport buffalo long distances to processing plants and this results in higher operating costs. The quality of meat is also negatively impacted by introducing an increased amount of stress on the buffalo. Further compounding the problem is the reluctance of some processing plants to process range fed buffalo and the requirements of some buyers that animals be corn finished in a feedlot situation. Some buyers also require USDA

certification, which means USDA inspected processing plants must be used, which increases transport time. ITBC believes this lack of a constant supply chain that is cost effective is what is limiting the economic development of Tribal buffalo herds.

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

*Preventive Health Care Initiative*

ITBC is committed to providing buffalo meat to Indian reservation families both as an economic development effort for Native American producers and, more critically, as a healthy food option. Current research indicates that the diet of most Indian reservation families includes large amounts of high cholesterol, processed meats that contribute to diabetes, obesity, cardio-vascular disease and other diet related illnesses.

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

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

CONCLUSION

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

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

ITBC and it member Tribes are appreciative of past and current support from the Congress and the administration. I urge the committee to consider restoring ITBC funding to the fiscal year 2006 level of $4,000,000, which will allow ITBC to continue the restoration efforts and restore the marketing and health initiative program started in fiscal year 2006. We respectfully request that the subcommittee not include the type of restrictive language you inserted last year. While the vast majority of our funding does go directly to our member tribes, it is nearly impossible to operate our organization—including the many direct services we provide our members—without any funding. If you discuss this matter with the BIA, you will find that we made a number of administrative changes since some concerns were raised a few years ago and are spending these funds wisely, efficiently and in conjunction with all applicable regulatory requirements.

I would like to thank this committee for the opportunity to submit this testimony and the members of ITBC invite the honorable members of the committee to visit our Tribal buffalo projects and experience first hand their successes. Questions and/or comments regarding any of the issues presented within this testimony may be

directed to Mr. Ervin Carlson, President, or to Mr. James Stone, executive director, (jstone@itbcbison.com) at InterTribal Bison Cooperative, 2497 West Chicago Street, Rapid City, SD 57702; 605–394–9730.

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PREPARED STATEMENT OF THE IRRIGATION ASSOCIATION

The Irrigation Association supports the movement to increase the EPA WaterSense program budget to $5 million. This program is delivering solid results in their mission to enhance the marketplace for water efficient technologies. Given the serious nature of concerns over our nation's water supply, one might consider this a modest investment on behalf of the federal government. One only need look to the southeastern United States to recognize how quickly and how severely a water crisis can impact U.S. citizens.

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PREPARED STATEMENT OF THE INDEPENDENT TRIBAL COURTS REVIEW TEAM

Thank you for the opportunity to address the serious issues involving Tribal Courts and funding needs for the fiscal year 2009 Budget. I am the team leader for the Independent Tribal Court Review Team. Our requests and recommendations for the fiscal year 2009 Budget for Public Safety and Justice in the Bureau of Indian Affair's (BIA) Budget that is included in the Department of the Interior.

*Budget Priorities, Request and Recommendations—$52.46 Million*

1. +$2.461 million, restore the proposed cuts in fiscal year 2009 President's Budget, (includes the $2.3 million fiscal year 2008 additional appropriations)
2. +$50.0 million new additional funds for tribal courts, through BIA Office of Justice Services, Division of Tribal Justice Support

For the past 30 months, our Independent Review Team has been traveling throughout Indian Country reviewing Tribal and Federal Courts of Indian Offenses (CFR Courts). We feel safe in saying that there are no individuals with more awareness of the current needs of Tribal Courts than our Review Team. During this time, we have completed some 34 court reviews. We have come into contact with every imaginable type of Tribe; large and small, urban and rural, wealthy and poor. We have NOT encountered any Tribe whose Court system receives adequate Federal funding. We have identified the following decrease in the President's budget.

ITEM.—DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS

| Fiscal year | Amount |
|---|---|
| President's budget: | |
| 2008 enacted | $14,338,000 |
| 2009 request | 12,047,000 |
| Program change | −2,461,000 |

Cuts for tribal courts of $2,461,000 are not justified in President's budget. This reduction will be the second such budget cut in two consecutive years.

Further, our research indicates Tribal courts are at a critical stage in terms of financial need. Nationwide, there are 156 Tribes with Courts that receive Federal Funding. Those Tribes divide a mere $14.3 million in Federal funds. It is the strong recommendation of the Independent Tribal Courts Review Team that the Federal Tribal Courts budget be substantially increased, not decreased as in the President's Budget. We strongly urge Congress and the Appropriations Committee to increase funding for Tribal Courts by at least $50 million through the BIA Office of Justice Services, Division of Tribal Justice Support, to assure funds go to tribal courts.

A frequent observation as a result of the Tribal Court reviews is that Tribes and the Federal Government fund Court operations as if they were a program that is capable of adjusting to budget reductions and not as a branch of government that is required to provide services irrespective of budget cuts. As everyone knows, a functional, independent and fully funded Court system is essential to the dispensation of justice on reservations and everywhere. Tribal Courts are under funded; they have little hope of increased funding; they are expected to make do with too little funding; and they are depressed from the weight of years and even decades of funding deficiency.

We have seen the poorest Courts in the United States. We have seen Courts where holding a jury trial means laying off staff. We have seen Courts with no criminal procedure updates for 30 years. We have seen Courts where 1,000 defend-

ants a year are prosecuted, by one Judge and one prosecutor. We have seen Courts where a significant number of the staff is paid below the poverty level; as low as $14,000 per year. We've seen courts funded as low as $12,000 per year.

In many cases, the common denominator is funding. These courts need additional funding. Yet, there are many Tribal Court funding fallacies. We address some of those here.

A STUDY OF TRIBAL COURTS WILL REVEAL WHAT NEEDS TO BE DONE TO FIX THEM

No amount of studying these Courts will cure deficient funding. Any study will find Tribal Courts need the things that funding will buy, i.e. more staff, more resources, more computers, more training, better software, better facilities, etc.

TRIBES WOULD BENEFIT FROM MOVING TRIBAL JUDICIAL MATTERS TO FEDERAL OR STATE COURT

Federal and State Courts are already overburdened. They don't want additional jurisdiction or cases. The Federal Courts of Indian Offenses are perhaps the most overburdened courts in the Country, even in a poorer situation than many Tribal Courts. The Public Law 83–280 states, Indian reservations receive the worst level of law enforcement service. So bad, in fact, that when the Public Law 83–280 Tribes receive gaming funds, the first thing they do is start local law enforcement. Finally, Tribal Courts exercise laws and traditions specific to their populations, which no non-Tribal Court could, or would do. This assists to keep the peace when other means are unavailable.

GAMING MEANS THE FEDERAL GOVERNMENT NO LONGER HAS TO FUND TRIBAL COURTS

There are perhaps 25–30 Tribes in Indian Country that make substantial amounts of money from gaming. The remainder only make enough to sustain a few Tribal programs or, as we have seen, just barely enough to sustain gaming. The Tribes that profit from gaming do not need Federal Court funds and DO NOT SEEK THEM! (Our research has revealed several Tribes who have turned down, or will turn down, Federal dollars for Tribal Courts because, among other reasons, other Tribes have more necessity of these funds). Why put up with the headache and the reporting if it is easier for the Tribal government to simply support their Court operation out of Tribal funds?

There are, however, many positive aspects about Tribal Courts. It is clear that Tribal Courts and justice systems are vital and important to the communities where they are located. Tribes value and want to be proud of their Court systems. Tribes with even modest resources tend to send additional funding to Courts before other programs. After decades of existence, many Tribal Courts, despite minimal funding, have achieved a level of experience and sophistication approaching, and in some cases surpassing, local non-Indian Courts. Tribal Courts, through the Indian Child Welfare Act, have mostly stopped the wholesale removal of Indian children from their families. Indian and Non-Indian Courts have developed formal and informal agreements regarding jurisdiction. Tribal governments have recognized the benefit of having law-trained Judges, without doing away with Judges who have cultural/traditional expertise. Some Tribal Court systems have Appellate Courts, jury trials, well-appointed Courthouses, and Tribal Bar listings and fees. Perhaps most importantly, Tribes recognize the benefit of an independent judiciary and have taken steps to insulate Courts and Judges from political pressure. No longer, in Indian Country, are Judges automatically fired for decisions against the legislature.

However, Tribal Courts continue to have many needs, the greatest of which are funding related. We comment today to express our very deep concern with the Federal funding levels for Tribal Courts. In particular, the President's budget would devastate Tribal Justice Systems. We respectfully request that Congress take a close look at these funding levels. Our research indicates that they are extremely low and should be increased.

We find these cuts unjustifiable and unsupportable. The Budget provides increases in Law Enforcement and Detention (which we support as needed and necessary costs for Tribes). How does the President suppose those individuals get to detention from law enforcement? The most probable answer is through Tribal Courts. The Budget proposes $6.34 million in increases in funds to fight Methamphetamine. How does the President propose we keep those individuals off the street after they are arrested? The most probable answer is through Tribal Courts. The Budget proposes $2.67 million in increases in funds for an IMARS Reporting system to track convictions. How does the President propose we document those convictions? The most probable answer is through Tribal Courts.

There are other examples, but none are necessary to show that this budget simply does not make sense. It ignores Tribal Courts, which is the primary means for carrying out justice and enforcement of the laws on Indian reservations. It relegated Tribal Courts to program status . . . essentially stating to Courts, ". . . we know the numbers [of cases] will increase but make do with what you have. Or, in this case, less than what you have".

Courts, however, are not able to make changes like Tribal programs. There are minimum standards that Courts must meet. And every time the New York Times (as has occurred) publishes a story about justice in Indian Country suggesting a violation of speedy trial requirements or bonding or adequate representation, Tribes will suffer the comparison with non-Indian Courts. Ideally, Courts should be funded on an individual basis and not compete with Tribal Programs for funds. Increases for law enforcement should be tied on a percentage basis to increases for Tribal courts. The ability of Tribal Courts to do more with less and adapt to this inept programmatic analogy should not be interpreted as meaning the analogy works.

The Independent Tribal Court Review Team completed the Tribal & CFR Court Reviews Project Final Report in 2006. The report contains 132 Findings regarding all areas involving Tribal Courts. Many of the Findings support the recommendations made above, including several indicating that Tribal Courts are under-funded. We list some of these below.

*Finding #38: The Federal Funds are inadequate to fund most Court needs*.—Other Court needs, technology, supplies, travel, training, are usually assumed by the Tribe. These needs are often provided by decreasing available funds for Tribal Programs. Or, the needs are simply not provided and the Courts must make due without these services.

*Finding #32: Almost all Courts are under-funded*.—Court budgets vary widely. When you get beyond the few Tribes with very successful economic development ventures, the substantial number of Courts, approximately 90 percent, is underfunded. They are missing staff positions and common items such as a safe, a Court recording systems, telephone systems, or security systems. Almost every Court that is under-funded is still mostly functional.

*Finding #33: Many are under-funded at a critical level*.—Some contracted Courts are very poor. There are Courts with only a part-time Judge and a Clerk. They must rely [Tribal] Administration for simple items, such as printer ink. There is no training. Salaries are below the poverty level. We have seen Courts that operate on less than $25,000 per year. We have seen groups of Tribes with low Federal funding numbers joined into a single overworked Court system that can only provide limited service.

*Finding #6: A very small number of Tribes have large amounts of available economic development funds*.—These Tribes (about 10 percent) are those few with very successful economic development ventures. These Tribes contribute 90 percent or more of the funding to their Courts. These Tribes pay well; they have several Attorneys on staff, including Attorneys on the Tribal Court staff and have fully funded law enforcement. These Tribes are better trained and experientially and financially able to deal with Court matters, including criminal matters, than local city, county and state governments.

*Finding #5: Most Tribal economic development funds provide jobs and pay for a modest amount of other governmental services*.—The biggest fallacy about Indian Nations is that gaming has made all Tribes rich. (This fallacy isn't always bad. It often encourages non-Indian governments and law enforcement to work with the Tribe.) The vast majority of Tribes have limited economic development that 1) funds itself and 2) can modestly assist Tribal programs and the Court budgets. A majority of Tribes have no economic development or economic development that only funds itself.

On behalf of the Independent Tribal Court Review Team, Charles D. Robertson Jr., Honorable Philip D. Lujan, Ralph E. Gonzales, Myrna Rivera, court reporter and myself, thank you again for your consideration. If you have any questions, please feel free to contact Elbridge Coochise at 602–418–8937 or Charles D. Robertson, Jr. at 605–390–0061.

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## PREPARED STATEMENT OF THE IZAAK WALTON LEAGUE OF AMERICA

The Izaak Walton League of America appreciates the opportunity to submit testimony concerning appropriations for fiscal year 2009 for various agencies and programs under the jurisdiction of the subcommittee. The League is a national, nonprofit organization founded in 1922. We have more than 35,000 members and nearly 300 community-based chapters nationwide. Our members are committed to advanc-

ing common sense policies that safeguard wildlife and habitat, support community-based conservation, and address pressing environmental issues. The following pertains to programs administered primarily by the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency.

FISH AND WILDLIFE SERVICE, NATIONAL WILDLIFE REFUGE SYSTEM

The League joins the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters, in requesting $514 million for operations and maintenance of the National Wildlife Refuge System in fiscal year 2009. We appreciate the steps Congress took in fiscal year 2008 to boost Refuge System funding above the administration's request to $434 million and encourage it to build on this foundation in the coming fiscal year.

National Wildlife Refuges across the country provide some of the most important habitat for fish, wildlife and waterfowl, and offer incredible recreational opportunities for hunters, anglers, birdwatchers and countless others who enjoy the outdoors. In addition, refuges contribute to local and regional economies generating $1.7 billion in sales and supporting 27,000 private-sector jobs. In spite of these and other benefits, funding for essential refuge operations and maintenance has not kept pace with inflation and pressing environmental, conservation and law enforcement challenges. Today, the System has a $3.5 billion backlog in basic operations and maintenance projects. As eroding budgets have forced the Fish and Wildlife Service to cut hundreds of staff, visitor services at many refuges have declined. Moreover, the Service faces a growing number of law enforcement challenges, including poaching and illegal drug trafficking and cultivation, with too few full-time law enforcement personnel.

In 2007, CARE released a comprehensive assessment of the funding needs of the Refuge System. This report documented how stagnant budgets, inflation and growing demands negatively impact the system as a whole. This analysis concluded that the Refuge System needs $765 million in annual operations and maintenance funding by 2013 to properly administer nearly 100 million acres, provide educational and recreational programs and services, and conserve critical fish and wildlife populations. In order to reach this reasonable goal, we urge the Subcommittee to provide $514 million for the Refuge System in fiscal year 2009.

FISH AND WILDLIFE SERVICE, STATE WILDLIFE GRANTS

As a member of the Teaming with Wildlife National Steering Committee, the League urges the subcommittee to provide $85 million for the State Wildlife Grants Program in fiscal year 2009. In fiscal year 2008, the final appropriation for Wildlife Grants totaled $73.8 million.

The State Wildlife Grants Program supports proactive conservation projects aimed at preventing wildlife from becoming endangered. Experience shows that efforts to restore imperiled wildlife can be particularly contentious and costly when action is taken only after species are formally listed as threatened or endangered pursuant to the Endangered Species Act. State Wildlife Grants support State and community-based efforts to safeguard habitat and wildlife before either reaches the tipping point. This program also provides States with an important source of Federal funds to address non-game species. Finally, the Federal investment leverages significant funding from private, State, and local sources.

When Congress established the program, it required States to develop comprehensive Wildlife Action Plans that evaluate wildlife conservation needs and identify action steps to address those needs. In early 2007, the Fish and Wildlife Service completed the process of reviewing and approving plans for every State. With approved plans in place, State wildlife management agencies and their many partners, including Izaak Walton League chapters, are beginning to implement them. On-going Federal support, including $85 million for fiscal year 2009, is critical to effective implementation and to conserving a wide array of non-game species and their habitat.

FISH AND WILDLIFE SERVICE, NATIONAL FISH PASSAGE PROGRAM

The League opposes the administration's proposal to reduce the budget for the National Fish Passage Program by nearly $6 million compared to the fiscal year 2008 appropriation of approximately $11 million. We urge the subcommittee to provide at least level funding in fiscal year 2009.

The National Fish Passage Program represents a highly valuable partnership between the Fish and Wildlife Service, States, localities and community groups. Local citizens and partners identify barriers that block access to historic habitat and, according to the Service, contribute approximately 60 percent of the funding and in-

kind support for projects designed to remove or bypass those barriers. The Service provides technical assistance at the project level and helps to prioritize projects for Federal financial assistance.

The administration's proposal to reduce funding by more than 50 percent is clearly at odds with the well-documented need for Federal investment in this area. In its fiscal year 2009 Budget Justification, the Service States that: "[M]ore than 2.5 million dams, and millions of other poorly designed culverts and other structures, impede fish passage across the American landscape."(page FAR–30) Within this much larger universe, the Service has identified more than 460 priority passage projects with a total estimated cost of nearly $87.5 million. The Service further indicates in its Budget Justification that addressing these priorities would "remove or bypass 464 barriers and open access to 4,831 miles and 42,143 acres of historical spawning and rearing habitats . . ." (page FAR–30)

The dramatic reduction proposed by the administration would undermine efforts to return many fish species to their native habitat, limit recreational fishing opportunities and short-circuit community-driven conservation efforts. We applaud the subcommittee for making an important investment in the program in the past and urge it to continue this effort in fiscal year 2009.

FISH AND WILDLIFE SERVICE, NATIONAL FISH HABITAT ACTION PLAN

The League is a strong proponent of the National Fish Habitat Action Plan and regional Fish Habitat Partnerships. We support the administration's request for approximately $5.1 million for fiscal year 2009, which is essentially level with the fiscal year 2008 appropriation.

The National Fish Habitat Action Plan provides a national framework for restoring critical habitat. Regional partnerships provide geographic focus and create opportunities for citizens and groups to play active and constructive roles in developing strategies to safeguard resources near where they live. The Fish and Wildlife Service is the lead Federal agency working with Fish Habitat Partnerships and the National Fish Habitat Board. The Service uses limited funding very efficiently allocating approximately 60 percent of program dollars to on-the-ground restoration projects and most of the remaining funds to supporting the regional partnerships. The League is pleased to support the request for this important initiative.

ENVIRONMENTAL PROTECTION AGENCY, CLEAN WATER STATE REVOLVING FUND

The League joins the Healing Our Waters Coalition in urging the subcommittee to reestablish funding for the Clean Water State Revolving Fund (SRF) at the historic high of $1.35 billion with $490 million allocated for the Great Lakes States. The Great Lakes, which provide drinking water to 40 million people and provide jobs and recreational opportunities for millions more, are at risk from combined sewer overflows and aging wastewater treatment plants. In fact, the EPA estimates that more than 150 municipalities or sewer districts in the United States with combined sewer systems operate on the Great Lakes or their tributaries—all of which are subject to overflows during significant storm events.

The Clean Water SRF is a highly successful program that provides the funds needed to reduce sewage contamination. The administration's fiscal year 2009 budget includes $555 million for the SRF, which is $134 million below the fiscal year 2008 appropriation, and would target $201 million toward the Great Lakes States, which is approximately $48 million less than current funding. The request is inadequate and would undermine efforts to reduce sewage contamination throughout the Great Lakes region and across the country. The League supports reinvigorated investment in the SRF in fiscal year 2009 and beyond.

ENVIRONMENTAL PROTECTION AGENCY, TARGETED WATERSHED GRANTS

We urge the Subcommittee to reject the administration's proposal to terminate Targeted Watershed Grants and to provide $35 million in fiscal year 2009 compared to $9 million in fiscal year 2008.

We further recommend that $10 million of the total be allocated to support projects in the Chesapeake Bay watershed.

Targeted Watershed Grants fund projects that expand collective knowledge on the most innovative, sustainable and cost-effective strategies to reduce excess nutrient loads to the Chesapeake Bay and other important waterways throughout the country. This program has helped to reduce nutrient, sediment and bacteria pollution, protect drinking water supplies, increase aquatic habitat and enhance recreational opportunities. Terminating this program would directly undermine successful efforts to address long-standing challenges facing the Bay. We encourage the Subcommittee to maintain the program and increase the Federal investment.

ENVIRONMENTAL PROTECTION AGENCY, CHESAPEAKE BAY PROGRAM

The League urges the subcommittee to increase funding for the Chesapeake Bay Program Office from $22.6 million in fiscal year 2008 to $30 million, including $3 million for Small Watershed grants, in fiscal year 2009.

The Chesapeake Bay is the largest estuary on the Atlantic coast and one of the largest in the world. EPA's Chesapeake Bay Program Office (CBPO) is the primary facilitator of restoration activities by partners throughout the watershed. Although the Chesapeake Bay Program has made significant progress toward pollution reduction, habitat restoration, fisheries management and watershed protection goals, much more work is needed to restore the Bay. For example, habitat restoration efforts are collectively less than half way to Program goals and there is concern about the overall quality of habitats that remain. Achieving these goals will require participation from citizen groups and local governments. The Chesapeake Bay Program supports stakeholder involvement through the Chesapeake Bay Small Watershed Grants. In the past nine years, the Small Watershed Grants Program has provided $17.7 million to support 544 water quality improvement and wildlife habitat restoration projects. These grants have been used by recipients to leverage an additional $50.7 million from other funding sources. The League supports additional investment in the Program Office with particular emphasis on boosting support for Small Watershed grants.

ENVIRONMENTAL PROTECTION AGENCY, NON-POINT SOURCE MANAGEMENT PROGRAM

The League opposes the administration's proposal to reduce funding for section 319, the Non-point Source Management Program, by $16 million compared to the fiscal year 2008 funding of $200 million. We strongly urge the subcommittee to increase funding for this critical program.

This program provides grants to States, territories and tribes for non-point source pollution reduction activities. Non-point source pollution is the leading cause of water quality problems and the primarily reason that approximately 40 percent of surveyed rivers, lakes and estuaries are not clean enough to support fishing or swimming. Through this program, States identify impaired waters and implement non-point source management programs to address these impairments. Since 1990, this program has improved water quality so dramatically that 66 watersheds in 28 States have been removed from the impaired waters list. In light of the importance and success of this program, we join with American Rivers in urging the Subcommittee to appropriate $250 million for section 319 in fiscal year 2009.

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## PREPARED STATEMENT OF THE JAMESTOWN S'KLALLAM TRIBE

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

Tribal-Specific Appropriation Priorities:

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

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

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

NATIONAL REQUESTS AND RECOMMENDATIONS

BIA requests:

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

IHS requests:

5. Provide $486 million for IHS mandatory, inflation and population growth increase to maintain existing health care services;

6. $152 million increase for Contract Health Services (CHS);

7. $160 million increase for IHS to fully fund Contract Support Cost (CSC), including Direct CSC;

8. Increase $5 million to the Indian Health Service (IHS) Office of Tribal Self-Governance.

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

TRIBAL-SPECIFIC APPROPRIATION JUSTIFICATION

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

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

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

Local/Regional Requests and Recommendations:

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

National Requests and Priorities:

The President's fiscal year 2009 budget included numerous decreases for Indian programs. We are deeply disappointed that once again this annual budget does not support strong Tribal Self-Government and Self-Determination. The following highlights our top priorities:

BIA REQUESTS1. Restore Johnson O'Malley funds ($21.4 million); and Housing Improvement Funds ($13.6 million) to Tribal base programs

—The JOM is a critical Indian-specific education program, which targets Indian students.

—The HIP program provides much needed housing repairs for Tribal citizens

—These programs have long been part of our Tribal Self-Governance base and we strongly full restoration of these programs in our base budgets.

2. Provide $25 million for General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs.

—For the past 10 years in a row, TPA funding has remained flat and continues to lose ground to inflation. In fiscal year 2009, the administration's request not only contains no general increase for TPA, but TPA allocations would decline 8.3 percent.

—This activity includes the majority of the funds used to support core tribal community services and programs such as housing, education, natural resources management and tribal government services.

—It is not reasonable to expect the Tribes and the Bureau to maintain these critically needed services to their communities when inflation continues to erode the purchasing power of the dollar and these programs are already severely under funded.

3. Provide $45 million increase for BIA to fully fund Contract Support Cost (CSC), including Direct CSC.

—The BIA recently implemented a new CSC Policy, which includes indirect and direct CSC.

—This funding is required to fully fund and implement this policy.

4. $500,000 for BIA Data Management to fund the Office of Program Data Quality (OPDQ).

—A persistent problem affecting all areas of Indian Country is the lack of efficient and effective data management and reporting. Tribes and Federal agencies badly need to improve capacity to identify existing needs and deficiencies. For instance, in the Department of Interior, Indian Affairs programs do not maintain collected data in a ready accessible format for instant analysis and reporting, which results in weeks or months of staff time to compile a report on standard program practices.

—The Bureau's lack of data management also leads to duplicate data calls, missed deadlines, and incomplete reporting. It appears that all programs collect standard program data on a regular basis, but fail to maintain it.

—We strongly urge an increased investment in data management to more efficiently and effectively use program funding and enhance data credibility and analysis for use by decision makers in critical processes (including GPRA and PART). We request $500,000 to establish a centralized office within the BIA for data management.

IHS REQUESTS

5. Provide $486 million for IHS mandatory, inflation and population growth increase to maintain existing health care services.

—Mandatory costs increases are necessary to maintain the current level of services. These "mandatories" are unavoidable and include medical and general inflation, pay costs and population growth.

—This year's President's budget proposes to cute $21.3 million in funding. This will have a detrimental effect on health services to Indian people and diminish any gains that the Indian health system has made over the years to address health disparities.

6. Provide $152 million increase for Contract Health Service (CHS)

—$152 million increase is needed for contract health funding. This level will allow those Tribes who are not served by an IHS Hospital to provide health care services at the same level as those Tribes who are served by an IHS Hospital.

7. Provide $160 million for IHS to fully fund Contract Support Cost (CSC), including Direct CSC.

—On March 1, 2005, the United States Supreme Court issued a unanimous decision in *Cherokee Nation and Shoshone-Paiute Tribes* v. *Leavitt* lawsuit, which powerfully reaffirms the enforceability of government contracts between Indian Tribes and agencies such as IHS and BIA.

—The Court's ruling compels corrective action from Congress, where historically insufficient funds have been appropriated to pay government contracts with Tribes, while all other government contracts are fully paid (through supplemental appropriations, if necessary).

8. Increase $5.0 million to the Indian Health Service (IHS) Office of Tribal Self-Governance.

—In 2003, Congress reduced funding for this office by $4.5 million, a loss of 43 percent from the previous year. In each subsequent year, this budget was further reduced due to the applied congressional rescissions. There are over 330

Self-Governance Tribes with funding totaling approximately $1.0 billion; this is 57 percent of all federally-recognized Tribes and 33 percent of the overall IHS funding. Tribes continue to enter into SG resulting in a need for additional OTSG staffing.

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

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

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

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## PREPARED STATEMENT OF THE KERN COUNTY VALLEY FLOOR HABITAT CONSERVATION PLAN

Mr. Chairman and members of the subcommittee: On behalf of the California Industry and Government Coalition for the Kern County Valley Floor Habitat Conservation Plan (KCVFHCP), we are pleased to submit this statement for the record in support of our funding request for the Interior appropriations bill for fiscal year 2009.

First, the Coalition supports the President's budget request for the Department of Interior's Cooperative Endangered Species Conservation Fund, especially funding for HCP land acquisition.

Second, the Coalition urges the subcommittee to appropriate additional funding for land acquisition above the funding requested by the President. The additional funding requested by the Coalition anticipates that $1 million will be needed by the Kern County program to be used for purposes of acquiring and maintaining habitat preserves.

The Coalition's request is supported by the timely need to implement the KCVFHCP. The County's local oil and gas production industry and Water Districts have contributed over $500,000 to the development of this program. In 1997, the U. S. Fish and Wildlife Service allocated $500,000 of Federal Endangered Species Act Section 6 funds to assist in program implementation. The California State government has authorized $1 million to augment the Federal funds. In order to secure the $3 million total necessary to assist in the implementation of the plan, we will require $1 million for fiscal year 2009 and $500,000 for fiscal year 2010.

The Coalition requests that the subcommittee appropriate the maximum possible amount for this program, so that the funding pool can accommodate our request and need. We are confident that the plan's merits and urgency support this request.

Kern County's program is unique from other regions in the Nation in that it contains some of the highest concentrations of plant and animal species protected by the Endangered Species Act (ESA) within the continental United States. The region is occupied by 11 wildlife species and 14 plant species covered as threatened or endangered under the program. The potential for conflict with the Federal ESA is great in Kern County because of the extensive oil and gas production activities, water conveyance efforts and the urbanization that is occurring. Since Kern County is the top oil producing county in the Nation and experiencing rapid urban growth, potential conflicts with the ESA and their resolution through a proactive conservation program has significant national importance.

In recognition of the conflicts posed to economic growth by Federal and State endangered species laws, a joint agency Memorandum of Understanding was entered into by the U.S. Fish and Wildlife Service, Bureau of Land Management, California Energy Commission, California Division of Oil and Gas and Geothermal Resources, California Department of Fish and Game and Kern County. The participating agencies agreed to develop a unified conservation strategy with the goal of providing a streamlined and consistent process of complying with State and Federal endangered species laws, yet at the same time allow important industry activities such as oil and gas, water conveyance and other industry activities to continue.

Preparation of the KCVFHCP began in 1989 and involved a number of Federal, State and local government agencies, as well as the oil and gas industry, agricultural interests, utilities and environmental groups.

Kern County's Valley Floor Habitat Conservation Plan is one of the largest and most diverse endangered species conservation programs under development in the

Nation encompassing over 3,110 square miles. The program represents a departure from traditional endangered species conservation programs which utilize prohibitory controls to assure conservation of species habitat. Instead, it is based on an incentive-based system of selling or trading habitat credits in an open market. This innovative approach, for the first time, provides landowners with real incentives and more importantly, the ability to choose how best to manage their own private property. The KCVFHCP is in the final stages of preparation. The HCP document is completed. An environmental impact statement is being prepared for public review in the near future. Final approval will occur in 2008.

Numerous agencies, in concert with the State of California and local government entities, as well as the private oil and gas industry have contributed funding, time and other resources toward developing the KCVFHCP. The KCVFHCP program will be completed in 2009, provided there is the necessary Federal funding for the acquisition of habitat to mitigate for oil and gas operations and development. Additional funding is critical to completing the HCP. This is one of the final steps necessary to implement the conservation strategy. Because of the extensive private, local and State government financial support that went into the development of this program, Federal participation in program implementation will demonstrate that the burden of ESA compliance is not being placed exclusively on private property owners. Program funding will also contribute to eventual species recovery.

PROGRAM FUNDING NEEDS

In order for the KCVFHCP to be implemented, the program requires funding in the amount of $1.5 million (augments the $1.5 million in State and Federal funding received in 1997) that could be funded in increments over the first two years of the program. The purpose of this funding is described as follows:

*Oil Development Issue*

A mitigation strategy has been devised that is intended to acknowledge existing oil field activities within Kern County. The strategy proposes to acquire 3,000 acres of endangered species habitat to mitigate for species loss resulting from oil field development outside of established oil field production areas, but within proximity of those areas. This is to allow for reasonable expansion of oil field activities over the life of the HCP program. The program strategy allocates $3.0 million for acquisition and perpetual maintenance of species reserve areas. With this type of strategy, oil field expansion activities would be provided for in the program. This strategy would be of great benefit to the small independent oil and gas companies within the program area.

*Urban Development/County Infrastructure Issue*

The conservation program includes an Urban Development/County Infrastructure mitigation strategy that mitigates for species habitat loss through the use of an incentive-based system of selling or trading habitat credits in an open market. This innovative program will add market value to land that is needed by project proponents to comply with endangered species laws which will encourage the owners of such properties to offer lands for the benefit of species conservation. Protected species of plants and animals will benefit from a program that promotes private property owners to conserve permanent habitat preserves consistent with the objectives of the ESA.

*Water District Activity Issue*

A Water District Strategy is included in the program to address Covered Species protection due to the construction of new facilities and the operation and maintenance of existing water management and conveyance facilities. The Covered Species will benefit from reduced and less intrusive operation and maintenance measures than have been conducted historically due to concerns for conflicts with endangered species laws.

*Federal Funding Support will Augment Local Government and Private Industry Efforts to Comply with the Endangered Species Act*

The $1.5 million required for the oil field strategy would help contribute to satisfying the program's endangered species conservation goals, while also providing for continued economic growth of Kern County's oil and urban development activities. Protected species would benefit from a comprehensive long-term program that promotes the creation of permanent habitat preserves.

Numerous private businesses, in concert with the State of California and local government entities, are attempting to do their part, and we come to the appropriations process to request assistance in obtaining a fair Federal share of financial sup-

port for this important effort. This unique cooperative partnership involving State and local government, as well as private industry, has contributed substantial funds to date, to assist in the development of this program.

The California Industry and Government Coalition appreciates the subcommittee's consideration of this request for a fiscal year 2009 appropriation to support implementation of this significant program.

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## PREPARED STATEMENT OF THE LAC DU FLAMBEAU TRIBE OF LAKE SUPERIOR CHIPPEWA INDIANS

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

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

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

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

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

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

### BUREAU OF INDIAN AFFAIRS PROGAMS

*Education*.—Because the Tribe's member children attend public schools, Johnson O'Malley funding forms the core of the Tribe's education program. The JOM program provides funding for supplemental education programs for Indian students attending public schools. At Lac du Flambeau, JOM money funds a counselor/mentor position at the local high school. Most of our children attend an elementary school that is over 90 percent Indian, and transition to a high school in which they are

a minority. The counselor/mentor provides academic support and assistance with this transition. The administration attempts to justify the cut by claiming that the Department of Education provides enough funding for all youth attending public school, including Indian children, so JOM funding is "duplicative." This is not true. The Department of Education provides some funds for Indian students under Title VII, but the Department has not increased funding for Indian student programs for several years. If the JOM program were eliminated, we would lose our counselor/mentor. We urge the subcommittee to restore full funding to the JOM program and to reject the proposed $5.9 million cut to higher education scholarships.

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

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

*Natural Resources*.—Tribes are leaders in natural resource protection and BIA natural resource funding is essential to maintain our programs. Lac du Flambeau has a comprehensive Natural Resources Department and dedicated staff with considerable expertise in natural resource and land management. Our activities include raising fish for stocking, conservation law enforcement, collecting data on water and air quality, developing well head protection plans, conducting wildlife surveys and administering timber stand improvement projects on the 86,000-acre Reservation. Unfortunately, natural resource programs have been cut or flat-funded for many years now, and tribes have been forced to lay off staff and shut down programs, leaving critical resources in jeopardy. Worse yet, this year's cuts are proposed in order to fund internal BIA programs like the proposed $900,000 increase to Integrated Resource Information Program, taking limited funding from tribes in order to fund more agency bureaucracy. We ask the subcommittee to use this funding instead to restore cuts and provide cost of living increases for natural resources programs so that these programs can continue to operate.

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

Another area of concern is Water Management, Planning & Development funding, which supports tribes in their efforts to establish Clean Water Act standards. The Tribe was recently granted "Treatment as a State" status under the Clean Water Act, and this funding is essential to us. The program has seen more than $2 million in cuts over the past several years, which severely impacts tribes. We ask the Subcommittee to restore this program to fiscal year 2005 levels ($7.4 million). We also ask that you add language preventing the BIA from transferring Water Resources

money to fund Water Rights Litigation. This practice has created a severe drain on the budget for water management. It is important that the subcommittee understand that protecting the quality of water resources is as important as securing the right to those resources—rights are of little use if the resource is contaminated.

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

*Law Enforcement*.—Conservation law enforcement officers are a significant part of the Tribe's police force. These officers are primarily responsible for enforcing hunting and fishing regulations related to the exercise of treaty rights, but they also have a much larger role in law enforcement. They are often first to respond to an emergency situations, and would be the first line of defense for any meth labs found on or near the Reservation. Our conservation officers are now 100 percent dependent on tribal funds. This costs the Tribe $343,000 annually, in addition to the $893,000 the Tribe pays for its non-conservation law enforcement programs. We appreciate the increase provided for law enforcement in fiscal year 2008. We ask that the Subcommittee direct a portion of any increases in law enforcement funding to conservation officers.

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

ENVIRONMENTAL PROTECTION AGENCY PROGRAMS

*Clean Water Program*.—The Clean Water Program provides grants to tribes under Section 106 of the Clean Water Act to protect water quality and aquatic ecosystems. The Lac du Flambeau Clean Water program maintains and improves water quality as development continues for the tremendous amount of surface water within the exterior boundaries of the Reservation. According to the 2000 Census, the Lac du Flambeau Reservation includes nearly one-half of all of the water area (56.34 square miles) within Wisconsin Indian Reservations. The Tribe's GIS Program indicates that there are 260 lakes covering 17,897 acres, 71 miles of streams, and 24,000 acres of wetlands cover within the Reservation. Surface waters cover nearly one-half of the Lac du Flambeau Reservation. We received $171,000 in fiscal year 2005, the minimum required to support the Tribe's program. In fiscal year 2008, we will receive $161,000. We request restoration of full funding to the Clean Water Program, including restoration of $171,000 from this fund for the Tribe's Water Resources Program.

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

NATIONAL PARK SERVICE PROGRAMS

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

INDIAN HEALTH SERVICE PROGRAMS

*Contract Health*.—Federal funding for health services has fallen dramatically behind the rising cost of health care over the past 5 years. We anticipate the fiscal year 2009 shortfall to be in excess of $3 million. A much more substantial increase is needed to address the need across Indian county. We urge the subcommittee to significantly increase funding for Contract Health Services, and not to limit this increase to emergency CHEF funding, which can be difficult for tribes to access.

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

*Contacts*.—Mary J. Pavel or Addie C. Rolnick at Sonosky, Chambers, Sachse, Endreson & Perry, LLP 1425 K Street NW, Ste. 600, Washington D.C. 20005; 202–682–0240 (tel); 202–682–0249 (fax) mpavel@sonosky.com; arolnick@sonosky.com.

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PREPARED STATEMENT OF THE LAMOILLE COUNTY NATURAL RESOURCES CONSERVATION DISTRICT AND NATURE CENTER

Madam Chairman and honorable members of the subcommittee: Thank you for the opportunity to present this testimony in support of an appropriation of $4 million from the Forest Legacy Program to protect the 5,727-acre Eden Forest property in Eden, Vermont.

I also urge your support for a significant increase in funding for the Forest Legacy Program in fiscal year 2009 to enable the protection of more forest resources than are included in the President's budget. The budget for this year proposes a cut of 75 percent and sets aside funds for only three Forest Legacy projects nationwide out of 87 submitted by the States. Without additional funds, the program will not be able to continue its successful partnerships with States, local communities, landowners and grassroots organizations like the Lamoille County Natural Resources Conservation District & Nature Center to protect valuable forestlands, while retaining, in many cases, private ownership.

The Forest Legacy Program in Vermont seeks to achieve significant conservation goals for the State by protecting the following types of land: large contiguous and productive forest blocks, wildlife habitat dependent on large contiguous forest blocks, threatened and endangered species habitat, State fragile areas and undeveloped shoreline, significant wetlands, and important recreation corridors.

The State's top Forest Legacy Program priority for fiscal year 2009 is the 5,727-acre Eden Forest. Situated in Lamoille County on the spine of the northern Green Mountains in Eden and Johnson, this large contiguous timber tract is truly a high-quality forest, which contains two unique natural communities known as red spruce hardwood swamp and semi-rich northern hardwood forest. The property has been managed for timber for over 50 years and, given the excellent condition of the forest and forest roads, is well positioned to continue providing forest products far into the future. Because the Forest Legacy Program allows for and encourages sustainable stand management the Eden Forest represents a potential balance of preservation and utilization. Funding of the Eden Forest, and other similar Forest Legacy Projects, bring together ecological and egalitarian needs of communities.

Eden Forest is adjacent to 24,188 acres of conserved land and shares a common boundary with the Long Trail State Forest and the Long Trail corridor itself for approximately 4 miles. The Long Trail is the Nation's oldest long-distance hiking trail and one of Vermont's most cherished cultural resources. The property also contains portions of both Bowen and Butternut Mountain summits. Its protection would create a 30,000-acre block of protected land, a significant unfragmented "core" forest in Vermont's northern woods.

Eden Forest's close proximity to such ecological hotspots as the Babcock Nature Preserve, the Atlas Timberlands, and Green River Reservoir State Park coupled with the large unfragmented nature of the property will provide a haven for many wildlife species such as black bear, bobcat, gray and red fox, moose, and deer. Over 5,000 acres of the property is considered "core" habitat and has received a high wildlife-linkage-value rating by the Vermont Department of Fish and Wildlife due in part to it being a "black bear production habitat" area. These areas support a relatively high density of cub-producing females. This property also has 120 acres of beaver wetlands that provide habitat for wood ducks, wood turtles, and many species of warblers. A rookery for great blue herons, a rare species in Vermont, was found at one of the property's wetland complexes.

The Eden Forest property also encapsulates almost the entire watersheds of two Gihon River headwater streams, Stony Brook and Wild Brook. It also contains ap-

proximately one-half mile of frontage on both sides of the Gihon River itself, which is a tributary of the Lamoille River, and abuts Vermont's scenic Route 100. The property also includes more than 46 miles of streams and rivers that make up part of the Gihon River headwaters. The Vermont Department of Environmental Conservation's draft Lamoille Basin Plan recognizes the importance of protecting the Gihon River headwaters area for its near-pristine natural condition, wildlife and fish habitat value, timber value, and location adjacent to a core of protected land. Numerous wetlands dot the extensive property, including the six-acre Lanpher Meadow. Protection of the Eden Forest property and associated waters directly contributes to the water quality of Lake Champlain which is already impacted by elevated phosphorus levels associated with developed and mismanaged sub watersheds. Lake Champlain is often called "North America's most historic lake" in addition to offering an abundance of recreational and natural features.

Historically, the Eden Forest property has also provided numerous recreational activities such as hiking, hunting, and cross-country skiing. Snowmobiling is also allowed, and the property hosts trails that are managed by the Vermont Association of Snow Travelers (VAST). Lamoille County also has the largest connected network of cross-county ski trails in the world, and this project could help expand that network in the future. These activities all make up an important part of the local tourist economy.

Eden Forest is under immediate pressure from development. According to 2000 census data, the town of Eden has the second highest percentage of population growth in Lamoille County, and its projected population growth through 2015 is expected to continue at a higher rate than almost any other town in the county. Eden also had a 25 percent increase in the number of housing units from 1990 to 2000, indicating a high demand for new homes in the area. This type of sprawl is largely to blame for the fragmentation of Vermont's forests and farms. With its first-rate access to Route 100, low-elevation open meadows, well-developed road network, southern exposure, scenic views, and proximity to the major cities in Vermont, Eden Forest is a prime spot for development.

The Lamoille County Natural Resources Conservation District & Nature Center, incorporated in 1945 to represent landholders, is committed to maintain and improve the natural resources of Lamoille County and to provide our cooperators with resources and tools, like the Forest Legacy Program, to encourage responsible and sustainable management and development of natural spaces within our communities. Since the District's incorporation over 60 years ago, the greatest change has been in land use; no longer are our cooperators agricultural producers and the forestry sector despite the fact that much of the Lamoille County economy is based on the natural environment. To respond appropriate, the Lamoille County Natural Resources Conservation District & Nature Center has prioritized all projects that support the traditional working landscape of agriculture and forestry. Protection of working forest lands like the Eden Forest will ensure the continuation of the rural character and wild flavor that the local communities of Lamoille County depend on.

Thank you again, Madam Chairman for the opportunity to present this testimony in support of an appropriation of $4 million from the Forest Legacy Program in fiscal year 2009 to protect the vast 5,727-acre Eden Forest property.

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## PREPARED STATEMENT OF THE LEAGUE OF AMERICAN ORCHESTRAS

The League of American Orchestras urges the subcommittee to approve fiscal year 2009 funding for the National Endowment for the Arts (NEA) at a level of $176 million. Congressional support for the NEA has strengthened in recent years, evidenced by meaningful funding increases, particularly in fiscal year 2008 when Congress approved a $20.3 million restoration of NEA funds. Still, the NEA has never fully recovered from a 40 percent budget cut in fiscal year 1996 and the current level of funding for the NEA is still well below the 1992 appropriation of $176 million.

Founded in 1942, the League of American Orchestras is the national service organization for symphony, chamber, youth, and collegiate orchestras. Orchestras exist in all 50 states, in virtually every community. We estimate that there are approximately 1,800 orchestras in the United States, with annual budgets ranging from less than $12,000 to more than $77 million. Orchestras in this country are supported by a network of citizens that advance the presence of music in their communities—instrumentalists, conductors, managers, board members, volunteers, staff members, and business partners.

The arts are essential to life in American communities nationwide. From small towns to urban centers, communities look to the arts to generate economic activity and educate our Nation's citizenry. Most significantly, as a Nation we also turn to

the arts for their unique capacity to offer comfort in times of distress, provide meaning amidst uncertainty, spark unity during conflict, and to mark many of our most historically significant moments. More than 40 years of support from the National Endowment for the Arts has fostered the development of many orchestras and has increased the capacity of the arts to serve and strengthen communities across our country.

A significant increase in funding will expand the NEA's ability to serve the American public through grants supporting and promoting the creation, preservation, and presentation of the arts in America through the NEA's core programs—Access to Artistic Excellence, Challenge America: Reaching Every Community, Learning in the Arts for Children and Youth, and Federal/State partnerships—and through important national initiatives.

In the most recently completed grant year, fiscal year 2007, the NEA's Grants to Organizations included 127 grants to orchestras and the communities they serve, supporting arts education for children and adults, preserving great classical works, fostering the creative endeavors of contemporary classical musicians, composers, and conductors, and expanding public access to performances.

NEA FUNDING LEADS TO INCREASED PUBLIC ACCESS TO THE ARTS

The NEA, together with the arts organizations that receive Federal support, is committed to improving public access to the arts. NEA grants reach every Congressional district in the country. Grants awarded to orchestras through the Access to Artistic Excellence program support educational activities, concerts, festivals, professional development, and residencies in communities across the country. With Federal support, orchestras are extending the reach of their activities beyond their home cities, bringing music to communities in surrounding towns and regions.

—The New Mexico Symphony Orchestra, assisted by an NEA grant, has been able to bring its touring program to rural and underserved communities. The audiences for the public and school performances included first-time attendees and reflected the diversity of the local communities, which are predominantly Native American and Hispanic. The orchestra is committed to continuing to provide the diverse population of New Mexico with the highest quality live performances of symphonic music, to present a broad repertoire in a variety of venues, and to be an important educational force. NEA funding lends credibility to their ongoing efforts to secure critical operating funds, and the orchestra was able to attract funding from community partners, the Mellon Foundation, and helped persuade New Mexico legislature to re-institute touring funds for the orchestra's next fiscal year.

—An NEA grant supports the Vermont Symphony Orchestra's (VSO) annual "Made in Vermont Music Festival" statewide tour, which takes a chamber orchestra to nine small, rural communities across the state during foliage season. The VSO also partners with the Vermont State College (VSC) system, with three of the concerts taking place on VSC campuses. Because several of the performances take place on college campuses, there is always a new audience in attendance, year to year. Further, an expanded "Green Room Program," which reaches local high school students, draws new student attendees. Support from the NEA is critical and irreplaceable to this project and assists in the orchestra's application to the Vermont Council on the Arts for state arts support. The "Made in Vermont Music Festival" will embark on its 15th annual tour September 25-October 5, 2008, with Music Director Jaime Laredo conducting and performing as violin soloist.

—An NEA grant will enable the Nashville Symphony to perform for children and adults through outdoor concerts and participate in community-wide events in different communities, drawing many new audience members who are not usual attendees of symphony concerts in Nashville. The Nashville Symphony has been a grateful recipient of NEA support for almost 20 years, and the community engagement program has doubled over the last 6 years. The orchestra is asked by new communities on a regular basis to perform, and it makes every effort to accommodate these requests. In 2007–2008, the Nashville Symphony will visit seven counties in Middle Tennessee. NEA awards are matched by community sponsorships, and community engagement concerts are offered free of charge to the public, or are offered for a minimal fee that the communities themselves charge so that funds raised go to local arts programs and initiatives.

NEA-FUNDED ARTS PROGRAMS NURTURE THE CREATIVE POTENTIAL OF YOUNG LEARNERS

Arts education is proven to boost the capacity of young people to succeed in school, work, and life. Children gain the "arts advantage" through NEA-funded projects that engage them in the creative process, spark their skills of imagination, and develop their capacity for self-discipline, perseverance, and teamwork. Young people benefit from participating in the vibrant network of youth orchestras in America.

The youth orchestra field is growing—among reporting orchestras, the average number of students participating in conducted ensembles increased by 25.9 percent between the 1989–1990 and the 2004–2005 seasons. We look to youth orchestras as a place where young people come together from a wide variety of backgrounds—from countries all over the world, and from a variety of economic, social, religious and ethnic backgrounds. Music is a positive force for teaching people to work creatively together. Among America's orchestras our youth orchestras are the most diverse.

Orchestras are essential and active partners in increasing access to lifelong music education, improving the quality of life in their communities by collaborating with school systems and other local partners to deliver a wide array of education and community programs.

—The Dubuque Symphony Orchestra received its first NEA grant to support a series of concerts featuring Gareth Johnson, a winner of the International Sphinx Competition that recognizes young, ethnically diverse string instrumentalists. This support from the NEA enabled the orchestra to support young talent and promote artistic diversity as part of a city-wide Multicultural Festival organized by the Dubuque Symphony Orchestra to commemorate Black History Month. Furthermore, the orchestra was able to engage underserved groups in the community while inspiring and educating audiences, many of whom experienced classical music for the very first time.

NEA GRANTS UNIQUELY SUPPORT CREATIVITY IN COMMUNITIES NATIONWIDE

The NEA identifies and supports projects that connect the arts—and artists—to their broader communities, encouraging creative collaboration and building artistic strength. Projects supported by the NEA must demonstrate artistic excellence and a strong capacity to reach new audiences. Audiences across the country are currently experiencing an NEA-funded project that exhibits the hallmarks of the agency: reaching new audiences, attracting additional financial support, and providing access to the arts to communities nationwide.

—An NEA grant to the Reno Chamber Orchestra supports the second round of the "Ford Made in America" project, a collaborative commissioning, performance, and outreach project that involves 60 smaller-budget orchestras, including at least one from each of the 50 States, providing an opportunity to achieve together what no one of them could afford to do on their own. For orchestras with smaller budgets, commissioning and presenting a major new work by a nationally recognized composer can be difficult, due to budget constraints and limited staff resources. The largest consortium commission ever planned by American orchestras, Ford Made in America gives ensembles in smaller communities the capacity to premiere a new work by Joseph Schwantner, one of the most frequently performed composers in the United States. Alongside the NEA, the Ford Motor Company Fund has again contributed major funding, and the program is a partnership of the League of American Orchestras and Meet the Composer. On the local level, Ford Made in America has opened up new potential funding streams for participating orchestras.

Thank you for this opportunity to illustrate the value of NEA support for orchestras and communities across the nation. The Endowment's unique ability to provide a national forum to promote excellence, both through high standards for artistic products and the highest expectation of accessibility, remains one of the strongest arguments for a federal role in support of the arts. We urge you to support creativity and access to the arts by approving $176 million in funding for the National Endowment for the Arts.

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PREPARED STATEMENT OF THE LOWER ELWHA KLALLAM TRIBE

Thank you for allowing the Lower Elwha Klallam Tribe an opportunity to submit our written testimony that lists the funding needs for fiscal year 2009 before this highly esteem committee.

My name is Frances Charles and I am the chairwoman of the Lower Elwha Klallam Tribe. Our Reservation is located on and near the mouth of the Elwha

River on the North Coast of the Olympic Peninsula, about 5 miles west of the City of Port Angeles, Washington. I am here today to request full funding for the Indian Health Service in Fiscal 2009, including :

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

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

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

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

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

Ever-increasing medical costs are affecting the criteria we use to select treatment options. For example, in fiscal year 2007 the Contract Health Service budget was severely impacted by two cancer patients. Because of the high cost of the medical treatment for one of the patients—$200,000 per month just for cancer center care, not including hospital and physician fees or medication—the Tribe was forced to go into Priority I, meaning all medical referrals were stopped except for patients requiring hospitalization or at risk for life and limb. As you can see, the medical needs of just one tribal member can put a substantial strain on the yearly budget, leaving other tribal households in jeopardy. We need more realistic funding levels.

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

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

Mr. Chairman, you can see that we have the same health care problems as the country at large: increasing uninsured or under-insured veteran, eldercare and pediatric caseloads. If anything, our service population has greater health-care needs than the general population. But because of cuts, rather than growth, in the Indian Health Services budget, and because IHS requires us to subsidize contract support costs, we are actually forced to treat our children, elders and veterans with diminished funding. This is causing a health-care crisis, for our Tribe and for our region.

We hope that your subcommittee will not let this happen, that Congress will be able to provide health care funding at more realistic levels in the coming years.

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

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## PREPARED STATEMENT OF THE LUMMI INDIAN NATION

On behalf of the Lummi Indian Nation, I would like to thank the chairman and the distinguished committee members for the opportunity to share with you the funding priorities and requests of the Lummi Indian Nation for the fiscal year 2009 Budgets for the Bureau of Indian Affairs and the Indian Health Service.

The Lummi Indian Nation is located on the northern coast of Washington State, and is the third largest tribe in Washington State serving a population of over 5,200. The Lummi Indian Nation is a fishing Nation. We have drawn our physical and spiritual sustenance from the marine tidelands and waters, which as surrounded us for hundreds of thousands of years. Now the abundance of wild salmon is gone. The remaining salmon stocks do not support commercial fisheries. Our fishers have trying to survive with shellfish products. In 1999 we had 700 licensed fishers who supported nearly 3,000 tribal members. Today, we have about 350 remaining. This means that over 400 small businesses in our community have gone bankrupt in the past 9 years. This is the basic inescapable reality of the Lummi Indian Nation. We are culturally a fishing society. Our people have contracted diseases that were unknown to us at the beginning of the 20th Century. Our people are seeking a return to traditional health and to practice our traditional healthy lifestyles. Our families are struggling to hold traditional values against the onslaught of poverty, drug abuse, mental and physical illness. Domestic violence among our people is three times the rate experienced by our non-Indian neighbors. Our children and elders go without the food clothing, shelter and community support that they desperately need.

### TRIBAL SPECIFIC REQUESTS

*Bureau of Indian Affairs*

—+$5 million—BIA General Assistance Program
—+$500,000—Tribal Community Safety Center
—+$850,000—Water Resources Protection
—+$1.5 million—Wetland and Habitat Mitigation Bank Land Acquisition
—+$1.6 million—Salmon Hatchery Program Maintenance
—+$1 million—BIA Realty
—+$2.5 million—Slater Road Bridge Project

*Indian Health Service*

—+$2 million—Contract Health Funds
—+$600,000—Lummi Dental Facility Staffing and Equipment

### LUMMI INDIAN NATION SPECIFIC REQUESTS—BUREAU OF INDIAN AFFAIRS

*+$5 million.—BIA General Assistance Program*

The Lummi Indian Nation worked with the BIA General Assistance Staff to develop a plan for emergency services for our fishers. This assistance did help some fishers make the transition from salmon to other commercial fisheries, until the BIA administrative decision was made not to allow Tribes to seek assistance for economic disaster, even though it is allowable under the program regulations. Lummi Indian Nation is requesting that the Committee direct the Bureau to reverse this decision and provide the BIA General Assistance Program with an additional $5million to address the needs of those Tribes impacted by economic distress, such as the economic disaster facing the Lummi Indian Nation.

*+$500,000.—Tribal Community Safety Center (Office of Indian Services)*

The Lummi Indian Nation has been able to organize eight federally recognized Tribal governments to support the development and operation of a Community Public Safety Center, which would serve as a regional alternative jail. The facility would feature a variety of incarceration services from the least restrictive forms of commu-

nity-based services through limited maximum-security incarceration services. With proper planning and contract obligations the Tribes could support this operation.

*+$850,000.—Water Resources Protection (Division of Water)*

Pursuant to the 1855 Treaty of Point Elliot, an adequate quantity and quality of water is needed both on the Lummi Reservation to support an economically viable homeland for the Lummi People and in the Nooksack River watershed to support a sustainable, harvestable surplus of salmon and shellfish. In November 2007 the Federal judge approved the negotiated settlement to the lawsuit *United States, Lummi Nation* v. *Washington State Department of Ecology*, et al, Civil Action No. C01–0047Z (U.S. District Court, Western District of Washington). The negotiated settlement resolved water rights conflicts for only a portion of the Lummi Indian Reservation; it did not resolve on-going conflicts for the northern half of the Reservation and it did not resolve on-going conflicts over water allocation in the Nooksack River watershed, which discharges through the Reservation. In addition, the negotiated settlement created obligations on the parties including paying for a Federal water master, metering all water uses, and performing additional monitoring and reporting. The Lummi Indian Nation is requesting $150,000 to pay the cost of these obligations due the Lummi Indian Nation. Efforts to resolve the water rights conflicts have been underway for many years and additional technical, legal, and policy support is needed to resolve these conflicts. The estimated additional annual cost for this support is $700,000.

*+$1.5 million—Wetland and Habitat Mitigation Bank Land Acquisition*

The Lummi Indian Nation is developing a wetland and habitat mitigation bank on the Reservation to restore high-value and relatively rare saltwater marsh habitat and to ensure no net loss of wetland areas or functions as a result of residential, commercial, municipal, and industrial growth on the Reservation and in surrounding areas. Although the Lummi Indian Nation already owns about half of the land that will be used in the wetland and habitat mitigation bank, individual tribal members own the remainder of the targeted land in the Lummi River flood plain. Purchasing this land, at fair market value, which has marginal value for agricultural purposes due to saline soils and brackish water supplies, will consolidate ownership and allow the land to be used for a purpose that provides a substantial benefit to the ecosystem and supports the residential and economic development of the Lummi Indian Nation and surrounding communities.

*+$1.6 million.—Salmon Hatchery Program Maintenance (Hatchery Maintenance & Rehabilitation)*

The Lummi Indian Nation currently operates three salmon hatcheries that support tribal and other fisheries in the region. The tribal hatchery facilities were originally constructed in the early 1970's. The original infrastructure needs to be repaired or replaced as it approaches the end of its useful life and other infrastructure needs to be developed or modified to ensure compliance with the Clean Water Act and/or the Endangered Species Act. The existing pump station along the Nooksack River needs to be upgraded at a cost of approximately $600,000 and the existing approximately 4 mile long, 10-inch diameter asbestos-cement water supply line needs to be replaced with a 12-inch diameter pipeline at a cost of approximately $1 million.

*+$1 million.—BIA Realty (Division of Realty)*

Funding is requested to support BIA processing the backlog of Tribal fee to trust applications that have been accumulating for nearly 20 years. This backlog is a significant barrier to Tribal development today.

*+$2.5 million.—Slater Road Bridge Project (Division of Transportation)*

The Lummi Indian Nation is partnering with the Federal Emergency Management Agency and neighboring Whatcom County to elevate a frequently flooded section of Slater Road. When this section of Slater Road is flooded, access to the Lummi Reservation, Lummi Island, the Cherry Point heavy impact industrial zone, and the City of Ferndale are severely limited, which threatens public health and safety and has substantial economic impacts. The FEMA provided a $3 million grant for the project through the Pre-Disaster Mitigation Program (the maximum grant allowable) and Whatcom County has committed $3.66 million to the project based on initial project cost estimates. The design for the project has been completed but, due to unforeseen costs and increase material costs, the engineer's cost estimate based on the 100 percent design is approximately $2.5 million greater than the available budget. Value engineering efforts did not substantially lower the costs and would have a greater environmental impact. An additional $2.5 million is needed

to construct this important project, from Indian Reservation Roads (IRR) Road and Bridge funds.

LUMMI INDIAN NATION SPECIFIC REQUESTS—INDIAN HEALTH SERVICE

*+$2 million.—Contract Health Funds*

The Lummi Indian Nation has endured a shortage of contract health care funds for many years due to constantly increasing health care and health care administrative costs and a budget that does not keep pace. The Lummi Indian Nation is requesting that the Committee direct the IHS to develop an allocation plan for contract health care funds that recognizes that Tribes who are not served by an IHS Hospital incur greater contract health costs than those tribes who are provided services by such a facility. The Lummi Indian Nation has incurred approximately $2 million annually in costs that are not covered by the current allocation level.

*+$600,000.—Lummi Indian Nation Dental Facility Staffing and Equipment*

In 2008 the Lummi Indian Nation is completing the process of expanding is dental clinic facility and services. Funding for this project was generated through a combination of IHS facility and tribal funds. The Tribal Health Planner has determined that the Dental Clinic needs at least 12 chairs. Currently there are only four chairs and a 4 month waiting list for both youth and adult to see the dentists even though the Lummi Indian Nation has prioritized dental services for school age children. Lummi Indian Nation funds have been used to create dental clinic space sufficient for 12 chairs. The Lummi Indian Nation is requesting that the Committee direct the IHS to provide the Lummi Indian Nation with additional equipment (4 operatories at $100,000 each) and staffing (two dentists at the rate of $100,000 annually each).

REQUESTS AND RECOMMENDATIONS SUPPORTING ALL TRIBAL NEEDS

*BIA Requests*

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

*IHS Requests*

—Provide $486 million for IHS mandatory, inflation and population growth increase to maintain existing health care services (President's budget proposes a cut of $21.3 million)
—$152 million increase for Contract Health Services (CHS)
—$160 million increase for IHS to fully fund Contract Support Cost (CSC), including Direct CSC
—Increase $5 million to the Indian Health Service (IHS) Office of Tribal Self-Governance
—Restore $21 million for health care facilities construction
—Maintain annual funding for Special Diabetes Program for Indians (SDPI) at $150 million until new authority is enacted (Current extended authority for Special Diabetes Program for Indians will expire in 2009.)

*The Lummi Indian Nation Supports the Regional Requests and Recommendations for*

Affiliated Tribes of Northwest Indians
Northwest Portland Area Indian Health Board
Northwest Indian Fisheries Commission

*The Lummi Indian Nation Supports the National Requests and Recommendations for*

National Congress of American Indians
National Indian Health Board

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PREPARED STATEMENT OF THE MOTHER LODE CHAPTER, SIERRA CLUB

The Mother Lode Chapter of the Sierra Club supports an appropriation of $5 million from the Land and Water Conservation Fund to the U.S. Forest Service to purchase lands in Tahoe National Forest, California. Some of these lands are in the

canyon of the Middle Yuba River, and the remainder are in the canyon of the North Yuba River.

The Mother Lode Chapter also urges the subcommittee to recommend total appropriations from the Land and Water Conservation Fund much larger than the miniscule appropriations in the President's budget. Increased appropriations are urgently needed to reduce the enormous nationwide backlog of critical private inholdings that should be acquired.

Land grants to the Central Pacific Railroad created an irrational square-mile checkerboard pattern of public and private lands around the railroad's route across the Sierra Nevada. The checkerboard pattern of ownership makes efficient and effective management of public lands in the checkerboard to enhance forests, water quality, wildlife habitat, and recreation impossible. There are numerous areas in the checkerboard with exceptional wildlife, recreation, and scenic values. Consolidation of public ownership in these exceptional areas will prevent degradation of their values by development on the intervening private lands.

Consolidation of public ownership of areas with exceptional values in the checkerboard has been a high priority of the Mother Lode Chapter for decades.

Thanks to the foresight of past Congresses, thousands of acres of private land in the exceptional checkerboard areas—for example, the Castle Peak area and the North Fork American Wild River—have been acquired by LWCF appropriations. The Chapter urges you to build on these achievements by recommending the requested appropriation for fiscal year 2009.

Checkerboard parcels along the Middle Yuba River and parcels in the watershed of the North Yuba River with a total area of 3,700 acres are available for acquisition in fiscal year 2009.

MIDDLE YUBA RIVER LANDS

These lands lie along 12 miles of the canyon of the Middle Yuba River, a deep rugged canyon that includes three sheer-walled inner box canyons. This 12-mile stretch is the upstream end of the 39 miles of the Middle Yuba that Tahoe National Forest has found eligible for designation in the Wild and Scenic River System by virtue of its exceptional scenic qualities. Most of the parcels are on the lower slopes and in the bottom of the canyon.

Bald eagles and northern goshawks reside in the canyon, which is a critical wildlife corridor. The canyon contains nesting and foraging areas for California spotted owls. Most of the national forest lands in the canyon are included in Tahoe National Forest's Carnivore Network, lands that are to be managed to benefit habitat for marten and Pacific fisher.

The entire 39 mile stretch of the Middle Yuba is considered to be a good to excellent trout stream. The first 4 miles downstream from Milton Reservoir are more accessible than the canyons further downstream, and acquisition of lands along this stretch would help ensure public access to almost all of it. The available lands include a stretch of Macklin Creek, which contains a self-sustaining population of Lahontan cutthroat trout, a federally-listed threatened species. Macklin Creek is an important contributor to California's Lahontan cutthroat trout recovery program.

The Middle Yuba canyon offers excellent opportunities for fishermen, hikers, and canyon explorers who enjoy solitude, strenuous adventure, and highly scenic primitive settings. There are several historic trails into the canyon. Some of them are presently usable, and others could be reconstructed to provide additional access.

Acquisition of the available Middle Yuba River lands would significantly increase and consolidate public ownership within the canyon, facilitating coordinated management to preserve the canyon's important wildlife habitat, watershed, and wild river values. If these lands are not acquired, some parcels might be sold to individuals desiring unusually isolated second-home sites. Development of these sites would gravely damage the pristine canyon.

NORTH YUBA RIVER LANDS

Most of the 11 scattered parcels lie on the middle and upper slopes of the canyon of the North Yuba River, a few miles upstream from the town of Downieville. These parcels are in the middleground and background views from the North Yuba River canyon and heavily traveled State Highway 49, which is designated as a California Scenic Highway. The North Yuba River canyon is also a very popular recreation area. Protection of the highly scenic views from the canyon and highway is a significant public benefit.

Acquisition of the North Yuba River parcels will substantially consolidate public ownership in several drainages tributary to the North Fork and facilitate coordi-

nated management to preserve the scenic, watershed, and wildlife habitat values of these drainages, which are included in Tahoe National Forest's Carnivore Network.

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## PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

As the president of the National Association of Abandoned Mine Land Programs I submit this statement on the proposed fiscal year 2009 Office of Surface Mining budget.

The NAAMLP is a tax-exempt organization consisting of 31 States and Indian tribes with a history of coal mining and coal mine related hazards. These States and tribes are responsible for 99.5 percent of the Nation's coal production. A majority of the States and tribes within the NAAMLP administer abandoned mine land (AML) reclamation programs funded and overseen by the Office of Surface Mining (OSM) pursuant to Title IV of the Surface Mining Control and Reclamation Act (SMCRA, Public Law 95–87). Since the enactment of the SMCRA by Congress in 1977, the AML program has reclaimed thousands of dangerous sites left by abandoned coal mines, resulting in increased safety for millions of Americans. Specifically, more than 285,000 acres of abandoned coal mine sites have been reclaimed through $3.5 billion in grants to States and tribes under the AML program. This means hazards associated with more than 27,000 open mine portals and shafts, 2.9 million feet of dangerous highwalls, and 16,000 acres of dangerous piles and embankments have been eliminated and the land reclaimed. Despite these impressive accomplishments, $3 billion priority 1 and 2 problems threaten public health and safety and remain unreclaimed. These hazardous sites require safeguarding by State and tribal AML programs.

The 2006 Amendments to Title IV of the (SMCRA extended the Interior Department's authority to collect Abandoned Mine Land (AML) fees through September 30, 2021 and made the majority of the funding available to States and Tribes mandatory and without further appropriation by Congress. The 15-year extension coupled with increased funding will provide the States and tribes with the ability to carry-out the remaining AML reclamation work. It is the intention of the States and tribes to continue to focus on the protection of the public health and safety to ensure restoration of abandoned mines.

Beginning with fiscal year 2008, State Title IV grants are funded primarily by permanent appropriations. States will receive mandatory funding in fiscal year 2009 of $298.4 million for AML reclamation work. With the funding off-budget, this will finally allow the States and tribes to make staffing decisions and in turn begin planning for long range design and reclamation activities.

However, several issues remain unresolved and these items from the OSM proposed budget are of a concern to the NAAMLP.

### MINIMUM PROGRAM FUNDING

OSM proposes an amount of $30.8 million for discretionary funding related to OSM operations under the Title IV program, which includes funding needed for minimum program States. Under the new funding formula, all of the States and tribes will receive funding increases except for minimum program States. Under the 2006 Amendments to SMCRA all States and tribes will receive increases in AML funding beginning in fiscal year 2008 (29 percent to 269 percent increases), while Minimum Program States will receive limited funding for fiscal year 2008 and fiscal year 2009. The Minimum Program States are Alaska, Arkansas, Iowa, Kansas, Maryland, Missouri, and Oklahoma. For the last 14 years, Minimum Program States have been critically under funded in respect to the number of Priority 1 and Priority 2 AML hazards that need to be reclaimed. For 3 years (fiscal year 1992, fiscal year 1993, and fiscal year 1994) the Minimum Program States received $2 million annually, the amount mandated by SMCRA. Since that time the Minimum Program States have been limited to an annual allocation of only $1.5 million, except for a very small increase of $60,000 to $345,000, depending on the State. The 2006 amendments increased the Minimum Program distribution to $3 million annually, a move supported by the NAAMLP. OSM has interpreted the 2006 amendments in a manner that holds the Minimum Program distribution to the previous level of $1.5 million per year. We urge Congress to fund these States at the statutorily authorized level of $3 million in fiscal year 2009 and allow these States to get on with the critical AML projects awaiting funding.

EMERGENCY PROGRAM FUNDING

Continuation of the OSM Emergency program fulfills the promise to ensure the highest response from Federal and State AML programs for protecting the public against the most serious and hazardous problems associated with abandoned mines. Many States and tribes continue to have AML emergencies that annually cost millions of dollars; between 2003–2007, $92.4 million was spent on funding for emergency projects in 19 States. OSM's 2009 budget would eliminate funding for State-run emergency programs and also for Federal emergency projects (in those States that do not administer their own emergency programs). The AML program is first and foremost designed to protect public health and safety. The majority of State and tribal AML projects specifically correct AML features that threaten someone's personal safety or welfare. While State and tribal AML programs do complete significant projects that benefit the environment, the primary focus has been on eliminating health and safety hazards. Acting as an unfunded Federal mandate, the elimination of Federal funding for the AML emergency program would require State and tribal AML programs to fund emergencies from non-emergency and waterline project grant funding. Because of the 2006 Amendments, States will be receiving significant funding increases that would allow the States to address long overdue reclamation problems including landslides, contaminated drinking water, refuse piles, dangerous highwalls, mine fires, and exposed mine portals. Coupled with the prior loss of funding for the Appalachian Clean Streams Initiative, diverting these monies to the emergency program, as suggested by OSM's budget, would impede the progress the States are about to make in addressing AML problems that have been awaiting funding for years. This diversion of funding will have a significant and disproportionately harmful effect on minimum program States that are currently being funded at a lower level.

Prior to the proposed Federal fiscal year 2009 budget, the Federal Office of Surface Mining has complied with section 410 and funded all AML emergency program reclamation since the inception of SMCRA. Section 410 of SMCRA establishes emergency reclamation procedures for AML sites that pose a high risk of physical harm to the public health and safety and recognizes the difference between an AML problem and an AML Emergency. Also, the funding for the emergency program is separate from the State and tribal non-emergency AML grant funding since it comes from the Secretary's "discretionary share". Funding for emergencies is provided for in section 402(g)(3) of SMCRA. It is unclear whether non-emergency funds received by the States can be used to fund emergency projects due to funding stipulations found in section 402(g). Furthermore, the 2006 SMCRA Amendments (Public Law 109–432) did not include any language that would mandate or authorize the States and tribes to fund and/or take sole responsibility for the AML Emergency Program. And finally, the 2006 SMCRA Amendments (Public Law 109–432) mandate the continued collection of sufficient revenue by OSM to cover necessary expenditures under section 402(g)(3), including emergencies. So, at the same time OSM proposes to eliminate emergency funding it continues to collect sufficient revenue to fund the emergency program. If OSM is not going to distribute the collected revenue to the States to fund the emergency program, it should discontinue collecting the revenue.

The NAAMLP urges Congress to once again include at least $21 million for the AML Emergency Program in OSM's fiscal year 2009 budget and to direct the agency to continue this funding into the future in order to address the AML emergencies that require immediate action to abate the threat to the public health and safety. (Attached is a Resolution passed by the NAAMLP in support of this funding)

TECHNOLOGY AND TRAINING

The NAAMLP continues to support funding for OSM's National Technical Training Program (NTTP) and the Technical Innovation Professional Services Program (TIPS). The NTTP has been very successful in pooling resources from OSM, States and tribes to provide the necessary technical expertise and training needed to enhance the skills of State and tribal abandoned mine reclamation program staffs. TIPS is another successful partnership between OSM, States and tribes that provides the needed upgrades to computer software and hardware along with training and expertise in the computer technology field. Both of these programs need continued funding. The States and tribes also need funding in order to travel to training and to technology transfer events.

Thank you for the opportunity to present the NAAMLP perspective. Please contact me if the NAAMLP can provide more information in any way.

A RESOLUTION CONCERNING RESTORATION OF FUNDING FOR THE AML EMERGENCY PROGRAM

WHEREAS, The passage of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87 (Title IV—Section 410) provided the Secretary of the U.S. Department of the Interior the authorization to expend moneys from the Abandoned Mine Land (AML) Reclamation fund for AML emergencies; and

WHEREAS, many States and tribes continue to have AML emergencies that annually cost millions of dollars; and

WHEREAS, prior to the proposed Federal fiscal year 2009 budget, the Federal Office of Surface Mining has complied with section 410 and funded all AML emergency program reclamation since the inception of SMCRA; and

WHEREAS, the President's proposed fiscal year 2009 budget eliminates all funding for the AML Emergency Program and anticipates the elimination of AML Emergency Program funding in the future; and

WHEREAS, the elimination of Federal funding for the AML emergency program would necessitate that State and tribal AML programs divert funding from non-emergency reclamation and AML waterline projects to fund emergencies; and

WHEREAS, the passage of the 2006 SMCRA Amendments (Public Law 109–432) did not include any language that would mandate or authorize the States and tribes to fund and/or take sole responsibility for the AML Emergency Program; and

WHEREAS, the 2006 SMCRA Amendments (Public Law 109–432) mandate the continued collection of sufficient revenue to cover necessary expenditures under section 402(g)(3), including emergencies;

NOW THEREFORE BE IT RESOLVED, that the National Association of Abandoned Mine Land Programs urges Congress to restore at least $21 million for the AML Emergency Program in OSM's fiscal year 2009 budget and to direct the agency to continue this funding into the future in order to address the AML emergencies that require immediate action to abate the threat to the public health and safety.

Signed this 28th day of February, 2008

LORETTA PINEDA, President

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PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES

The National Association of Clean Air Agencies (NACAA) represents the State and local air quality agencies in 53 States and territories and over 165 metropolitan areas across the country. NACAA appreciates the opportunity to provide testimony on the fiscal year 2009 proposed budget for the United States Environmental Protection Agency (EPA), particularly Federal grants for State and local air pollution control agencies under sections 103 and 105 of the Clean Air Act, which are part of the State and Tribal Assistance Grant (STAG) program. NACAA recommends that grants within the STAG program for State and local air pollution control agencies under sections 103 and 105 of the Clean Air Act be increased in fiscal year 2009 by $84.7 million above the President's request, for a total of $270.3 million. This represents a restoration of the $31.2-million cut contained in the President's request, along with an increase of $53.5 million. Additionally, NACAA requests that grants for the fine particulate matter monitoring program not be shifted from section 103 authority to section 105 authority, as the administration's budget proposal recommends. The increase NACAA is recommending would not be an earmark because these expenditures are authorized under the Clean Air Act and the funds would be awarded to State and local air pollution control agencies in all 50 States.

Thank you very much for restoring in fiscal year 2008 the grants for State and local air agencies that were targeted for a reduction in the President's request last year. The members of NACAA were extremely gratified by your commitment to clean air and public health and hope you will again restore the grants that would be cut under the President's request and provide an increase above last year's amount to support important air quality activities that are described below.

RESTORATION OF STATE AND LOCAL AIR GRANTS IS ESSENTIAL TO CLEAN AIR EFFORTS

For the third straight year, the administration's budget request calls for $185.6 million for grants to State and local air quality agencies, which is a significant reduction compared to the fiscal year 2008 appropriated level—a cut of over 14 percent. These grants, provided under sections 103 and 105 of the Clean Air Act, are critical to State and local agency efforts to implement the many complex requirements of our Nation's clean air program. Reductions of this magnitude would have a devastating effect on our clean air efforts across the country.

When EPA proposed similar cuts in each of the last 2 years, NACAA members analyzed the specific impacts the reductions would have on their programs and reported very disturbing results (see www.4cleanair.org/StateandLocalExamplesofImpactsofCuts.pdf and www.4cleanair.org/documents/FY2008budgetanalysisfinal022607.pdf). Because the proposed budget for fiscal year 2009 is the same, similar negative impacts would be expected. For example, most State and local air agencies reported that the reductions would force them to lay off valuable staff or leave current vacancies unfilled. Many agencies would shut down existing monitors or otherwise curtail monitoring programs. Many inspection and enforcement activities would be impaired. Permits for minor sources would take longer to process and customer service would diminish. Some smaller local agencies might even be forced to cease operations entirely—a loss with significant negative consequences for those areas. Finally, the proposed cuts would deprive the Regional Planning Organizations of necessary tools and resources to help State and local agencies carry out technical activities related to regional haze that they have done so successfully for years.

The impact of the proposed decreases would be exacerbated by the proposal to shift grants for the fine particulate matter ($PM_{2.5}$) monitoring program from section 103 authority (which does not require a 40-percent match from State and local recipients) to section 105 authority and reduce them by the amount of the 40-percent match. Because of the inability of some State and local air agencies to provide matching funds specifically dedicated to $PM_{2.5}$ monitoring, there would be significant cuts to this important program, and some agencies could be forced to turn away much-needed grant funds and cease monitoring efforts for this pollutant. $PM_{2.5}$ is very damaging to public health, even leading to thousands of premature deaths. The air quality monitoring program is the foundation of State and local air agencies' efforts to understand the nature of the $PM_{2.5}$ problem and address it. Dedicated funding under section 103 has enabled States and localities to build a strong $PM_{2.5}$ monitoring program. NACAA urges you to retain the $PM_{2.5}$ monitoring program under section 103 authority.

ADDITIONAL FUNDS ABOVE FISCAL YEAR 2008 LEVELS ARE NEEDED FOR CONTINUING AND NEW ACTIVITIES

In addition to restoring the proposed cuts, NACAA recommends that Federal funding for State and local air programs be increased. While the need for additional funding for air programs is great, we recognize that there are many competing claims on Federal resources and that full funding is not possible in the current economic climate. Therefore, NACAA is requesting only a portion of the optimal amount. However, the following information is provided as context, to illustrate that the amount NACAA is requesting is truly a fraction of what is needed.

Section 105 of the Clean Air Act authorizes the Federal Government to provide grants for up to 60 percent of the cost of State and local air quality programs, while States and localities must provide a 40-percent match. In reality, the Federal Government provides only about 25 percent of the total (not including Title V permit fees, which State and local agencies collect from major sources and can use to fund only permit-related activities). The total amount needed to fund State and local efforts to implement the Clean Air Act is estimated at over $1 billion each year. If the Federal Government were to provide 60 percent of that amount, as the Clean Air Act envisions, Federal grants would equal approximately $600 million annually. However, Federal grants have been only about one-third of this total in recent years. To make matters worse, over the past 15 or 20 years, Federal grants for State and local air pollution control agencies to operate their programs have decreased by approximately one-third in terms of purchasing power.

While significant grant increases are needed to carry out State and local agencies' existing obligations, they are facing several important new responsibilities that will even further strain their budgets. For example, State and local agencies are in the midst of developing State Implementation Plans for haze, $PM_{2.5}$ and ozone, requiring new activities for each program, all of which are time-consuming, labor intensive and costly. These include, among others, emission inventory development, emissions and air quality modeling to determine what reductions are needed, development of strategies to decrease emissions, adoption of regulations, stakeholder outreach, and coordination with EPA to ensure the plans are acceptable.

Additionally, EPA has just tightened both the $PM_{2.5}$ and ozone standards. The new standards will require States and localities to greatly expand their ambient monitoring networks, necessitating additional equipment and staff. With regard to ozone, over 250 additional counties are expected to violate the just-promulgated primary health standard. Additional monitors will be needed in these areas, as well

as in numerous counties across the country where there is currently no data being collected. Further, as a result of the lower standard, a month has been added to the ozone season in many areas, meaning that more staff and resources will be needed to sample during the longer season. It is estimated that an additional $15–20 million will be needed for these ozone monitoring activities. The existing $PM_{2.5}$ network is also inadequate, especially in light of the recently tightened daily standard. An estimated $10–15 million in additional funds are needed to ensure that the $PM_{2.5}$ monitoring network is sufficient.

Another example of additional workload is the implementation of standards for smaller—or "area"—sources of hazardous air pollutants (HAPs), many of which have not been regulated before. Pursuant to a court order, EPA is issuing 50 standards to reduce HAP emissions from area sources that, in the aggregate, are responsible for significant emissions. For State and local agencies that will implement the standards, locating facilities, providing compliance assistance and outreach, permitting and enforcing requirements will be labor intensive. Because most of these sources are too small for the Title V permit program, they will not pay permit fees. Thus, State and local agencies will need additional grant funds to take delegation of this new program.

WHY IS AIR POLLUTION A CONCERN?

With all the competing requests facing Congress, it is appropriate to ask why air pollution activities should receive additional funding. The answer is that dirty air poses a significant risk; tens of thousands of people die prematurely every year and many more suffer ill-health as a result of air pollution. In fact, it would be fair to say that more people die from exposure to air pollution than from almost any other problem that this subcommittee addresses.

While great progress has been made under the Clean Air Act, millions of people in this country continue to breathe unhealthful air. Over 150 million people live in areas that violate at least one of the six health-based National Ambient Air Quality Standards (NAAQS). Exposure to these pollutants causes a host of problems including aggravation of existing respiratory and cardiovascular disease, damage to lung tissue, impaired breathing, irregular heart beat, heart attacks, lung cancer and death. The pollutants covered by the NAAQS are not the only problems this country faces. EPA's own data on toxic air pollution estimate that more than 270 million people in this country live in census tracts where the combined upper-bound lifetime cancer risk exceeds 10 in 1 million (1 in 1 million is generally considered "acceptable"). Further, over 92 percent of the population lives in areas with "hazard index" values for respiratory toxicity above 1.0—the level above which adverse effects to the respiratory system occur.

DIESEL RETROFIT FUNDING SHOULD BE INCREASED

NACAA is a member of a broad coalition of over 200 groups, representing public-interest, environmental, business and governmental organizations, among others. The coalition recognizes the importance of adequate funding for State and local air quality agencies and recommends that Federal grants to them be increased. The coalition also recommends that Congress provide $70 million in fiscal year 2009 for programs authorized by the Diesel Emissions Reduction Act (DERA). The DERA programs are intended to decrease the amount of harmful microscopic particles in the ambient air resulting from diesel exhaust. NACAA urges Congress to provide this funding to these important efforts. Additionally, because the funds provided for the DERA activities will support more than just State and local air agencies, NACAA recommends the program be funded through an EPA account other than STAG.

EPA SHOULD OBTAIN STATE AND LOCAL CONCURRENCE FOR EARMARKS

NACAA believes Congress' intention in providing grant funds is to support the activities of State and local air agencies. Accordingly, EPA should not dictate precisely how these funds must be spent without considering the recommendations of State and local air agencies and the fact that each area may have different air quality priorities. When EPA earmarks new or existing grant funds for very specific projects or initiatives without first consulting with State and local agencies, the result can be an allocation of resources that is inefficient and ineffective. It would be helpful if this subcommittee reminded EPA of the need to discuss with and obtain prior concurrence from State and local air agencies on any earmarks for specific activities or programs.

CONCLUSION

The President's budget request calls for a significant decrease in grants to State and local air agencies at a time when these entities are required to take on significant new responsibilities. This would make it difficult, if not impossible, for many State and local clean air agencies to carry out the tasks that are essential to their mission, which is protecting public health by achieving and maintaining improvements in air quality. Not only would budget decreases at this time be intolerable, but air agencies require additional resources to meet their responsibilities.

NACAA recommends that the fiscal year 2009 budget for Federal grants to State and local air quality agencies under sections 103 and 105 of the Clean Air Act be increased above the President's request by $84.7 million (from $185.6 million to $270.3 million). This represents a restoration of the $31.2 million cut contained in the President's request, along with a modest increase of $53.5 million. Additionally, grants for the $PM_{2.5}$ monitoring program should not be shifted from section 103 authority to section 105 authority.

Thank you for this opportunity to provide testimony on this important issue and for your careful consideration of the impacts that deficient funding will have on air quality and public health.

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## PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF FOREST SERVICE RETIREES (NAFSR)

The following recommendations relate to all programs of the U.S. Forest Service. In developing these recommendations, we used the fiscal year 2008 Omnibus appropriation, as enacted, as the starting point. We find the administration's fiscal year 2009 budget proposals for the Forest Service to be irresponsible. We believe the base funding for all programs should be the fiscal year 2008 appropriation level adjusted for pay act and other uncontrollable costs (an increase of $77 million across all program areas). We recommend the following increases to the base funding level:

[In millions of dollars]

| | Amount |
|---|---|
| Wildland Fire Management: Fully fund implementation of the National Fire Plan | ..... |
| National Forest System: | |
| Land Management Planning | 10 |
| Inventory and Monitoring | 10 |
| Recreation, Wilderness, and Heritage Management | 20 |
| Wildlife and Fisheries Management | 10 |
| Forest Products | 10 |
| Vegetation and Watershed Management | 15 |
| Land Ownership Management | ..... |
| Research: | |
| Resource Management and Use | 10 |
| Water, Air, Soil | 10 |
| State and Private Forestry: | |
| Forest Stewardship | 10 |
| Forest Health—Federal Lands | 10 |
| Forest Health—Coop Lands | 5 |
| Capital Improvements and Maintenance | 25 |

### WILDLAND FIRE MANAGEMENT

*Fire Operations—Suppression*

The most critical issue that needs to be addressed in the Forest Service budget is the funding of fire suppression. The current procedure of including the 10-year average cost of fire suppression within the agency's discretionary budget is destroying the capability of the Forest Service to carryout the remainder of its statutory missions. From 25 percent in fiscal year 2000, fire funding is now approaching 50 percent of the budget. The suppression cost trend means the 10-year average is going to continue to grow, further cannibalizing funding for other programs. While the overall Forest Service budget has increased 9 percent over the last 6 years, the diversion of funds to fire suppression has had a major impact on the workforce available to carry out the multiple-use mission of the agency. The number of foresters, biologists, and other resource specialists, along with supporting technicians, is a good measure of the capability of a resource management agency to carry out

its mission. As illustrated in the following table, the capability of the Forest Service has been seriously compromised.

FOREST SERVICE STAFF LEVEL (FTE)

| | Fiscal year | | Percent reduction |
|---|---|---|---|
| | 2002 | 2008 | |
| Research | 2,494 | 2,283 | −9 |
| State and Private Forestry | 909 | 739 | −19 |
| National Forest System | 17,094 | 11,156 | −35 |

THE NATIONAL ASSOCIATION OF FOREST SERVICE RETIREES (NAFSR) RECOMMENDS THAT FIRE SUPPRESSION COSTS BE SEGREGATED FROM THE OTHER DISCRETIONARY PROGRAMS OF THE FOREST SERVICE. NAFSR RECOMMENDS FULL FUNDING OF THE NATIONAL FIRE PLAN

*National Forest System*

*Land Management Planning*

The National Forest Management Act requires that all activities on the National Forests be conducted in accordance with approved Land Management Plans. It requires revision of these plans at 10 to 15 year intervals in order to reflect changing conditions, new knowledge, and changing public needs and desires. Revisions of 60 percent of the Plans are overdue. Revisions must be completed to comply with the law, avoid legal challenges, and to keep National Forest management relevant to the needs of the people.

NAFSR RECOMMENDS AN INCREASE OF $10 MILLION FOR LAND MANAGEMENT PLANNING

*Inventory and Monitoring*

Regular monitoring of forest resource conditions and the results of management activities is fundamental to sound forest management. It is particularly important during this period of climate change. Further implementation of ecosystem management and use of adaptive management, key to obtaining public acceptance of vegetation management projects, cannot be accomplished without assurance of appropriate inventory and monitoring of resources and project outcomes. The number of resource specialists and technicians available for inventory and monitoring declined by 44 percent between fiscal year 2002 and fiscal year 2008.

NAFSR RECOMMENDS AN INCREASE OF $10 MILLION FOR INVENTORY AND MONITORING

*Recreation, Wilderness, and Heritage Management*

The National Forests include some of the most scenic, historic, and culturally important recreation areas of our country. Some 192 million visitors enjoy camping, hiking, fishing, hunting, skiing, visits to cultural sites and visitor centers, and other activities each year. But the quality of facilities is declining and access to recreation opportunities is being lost. Personnel available to administer and care for recreation facilities and resources dropped by 28 percent between 2002 and 2008. The capacity of recreation sites managed to standard declined from 93,600,000 PAOT in fiscal year 2002 to 70,230,000 in fiscal year 2008. Priority Heritage Sites managed to standard declined from 8,112 to 2,294, and the miles of trail maintained to standard has declined 30 percent in this period.

NAFSR RECOMMENDS AN INCREASE OF $20 MILLION FOR RECREATION, WILDERNESS, AND HERITAGE MANAGEMENT

*Wildlife and Fisheries Habitat Management*

The National Forest System includes some of the most important wildlife and fish habitat in the nation. There are thousands of miles of streams, millions of acres of big game habitat, and thousands of species of plants and animals. Proper stewardship of these resources requires on the ground management by biologists and technicians. But while the pressure on these important resources continues to grow, the personnel available to care for the habitat has declined. From 2002 to 2008 the wildlife and fisheries staff was reduced by 39 percent.

NAFSR RECOMMENDS AN INCREASE OF $10 MILLION FOR WILDLIFE AND FISHERIES MANAGEMENT

*Forest Products*

There is wide spread recognition of the need to thin our overstocked forests to reduce their vulnerability to fire, insects, and disease. Funding for hazardous fuel reduction is important and must be continued, but it is only scratching the surface. Annual growth on the currently roaded portion of the timberlands on the National Forests is about 4 billion cubic feet. Not all of the material that needs to be removed has economic value, but portions are suitable for conventional wood products. Much more is suitable for energy production, including ethanol. Capturing these economic values is essential for making real progress in improving the conditions of our forests. It can also contribute to meeting our energy needs.

NAFSR RECOMMENDS THE FOREST SERVICE ASSESS THE OPPORTUNITY TO MARKET MATERIAL THAT NEEDS TO BE REMOVED FROM THE FOREST FOR CONVENTIONAL WOOD PRODUCTS, ENERGY, AND OTHER USES. NAFSR RECOMMENDS AN INCREASE OF $10 MILLION FOR CONVENTIOAL SALES OR STEWARDSHIP CONTRACTING FOR MATERIAL THAT NEEDS TO BE REMOVED FROM THE FOREST TO PROMOTE FOREST HEALTH

*Vegetation and Watershed Management*

One of the primary purposes for which the National Forests were established is to provide favorable conditions of water flow. Our forested watersheds provide much of the water that meets the needs of our growing population, particularly in the West. Resource management specialists and supporting technicians available to protect and enhance our watersheds have declined by 44 percent in the last 6 years. This decline must be reversed.

With the serious fire seasons of recent years, the backlog of reforestation needs is growing, but the reforestation program is shrinking. The Forest Service estimates the backlog of needed reforestation at more than one million acres, but reporting is not up to date. The capacity to monitor reforestation needs, maintain adequate nursery capacity, and operate a program to eliminate the backlog in a reasonable time must be redeveloped and maintained.

NAFSR RECOMMENDS THAT THE CONGRESS REQUIRE THE FOREST SERVICE TO REPORT REGULARLY ON ITS CAPACITY TO MONITOR REFORESTATION NEEDS AND TO PROMPTLY REFOREST AREAS FOLOWING DEFORESTATION. NAFSR RECOMMENDS AN INCREASE OF $15 MILLION FOR VEGETATION AND WATERSHED MANAGEMENT

*Land Ownership Management*

The National Forest System is a vast estate. Millions of acres of land share thousands of miles of property boundaries with other agencies, small, and large property owners. Proper stewardship of this Federal estate requires maintenance of property lines, monitoring for trespass, and administering thousands of special use permits. The National Forests should be good neighbors to adjacent landowners and communities. With a 19 percent reduction in staffing for this activity in the last 6 years, it is instead becoming an unresponsive, absentee landlord.

NAFSR RECOMMENDS AN INCREASE OF $10 MILLION FOR LAND OWNERSHIP MANAGEMENT

*Research*

Quality management of our forest resources requires up to date scientific knowledge. Forest research in this country has declined substantially as major forest product companies have divested ownership of their timberlands and terminated their research efforts. Funding for research at universities has declined. With retrenchment elsewhere, the 9 percent reduction in research scientists and support personnel in the Forest Service research organization has been particularly untimely. We urgently need more information on the response of forest resources to changing climate and the refinement of management practices to respond to these changes. We urgently need to develop forest products that use the immense volume of small material that needs to be removed from our forests to reduce their vulnerability to fire, insects, and disease. Economically viable uses for this material for energy, such a cellulosic ethanol, would permit treatment of the thousands of acres that need thinning and at the same time help meet the energy needs of our country.

NAFSR RECOMMENDS AN INCREASE OF $20 MILLION FOR RESEARCH WITH EMPHASIS ON RESPONSE TO CLIMATE CHANGE AND DEVELOPING ECONOMIC USES FOR SMALL DIAMETER MATERIAL

*State and Private Forestry*

Two-thirds of our Nation's forests are in small non-industrial ownerships. This land is vital to meeting our Nation's needs for wood products and for providing other forest values. The importance of proper management of these forest lands is growing as the forest industry continues to divest its timberlands. The continued fragmentation of ownership of these lands presents serious challenges to assuring proper stewardship and sustainable management. The State and Private Forestry program, in cooperation with State Foresters, has a proven record in helping to promote sustainable forest practices on these lands. Continuing drought conditions have increased fire, insect, and disease problems on private lands, just as they have for Federal lands. Continued attention is needed so that private owners can be encouraged to make long-term investments in the management of these lands.

NAFSR RECOMMENDS AN INCREASE OF $10 MILLION FOR THE STATE AND PRIVATE FORESTRY PROGRAM FOR FOREST STEWARDSHIP. NAFSR RECOMMENDS FULL FUNDING FOR THE NATIONAL FIRE PLAN. NAFSR RECOMMENDS AN INCREASE OF $10 MILLION FOR FOREST HEALTH ON FEDERAL LANDS AND $5 MILLION FOR FOREST HEALTH MANAGEMENT ON COOP LANDS

*Capital Improvements and Maintenance*

Over the years the Congress has made substantial investments in developing the infrastructure necessary for the protection and use of the National Forests and Grasslands. Unfortunately, funds have not been provided to maintain these facilities adequately. The public is losing access and use through deterioration of roads, trails, campgrounds, and visitor centers. One-third of the recreation facilities are in poor condition. Inadequately maintained roads and other facilities result in damage to watersheds and fisheries habitat. Inadequate access increases the cost of management activities.

NAFSR RECOMMENDS AN INCREASE OF $25 MILLION FOR CAPITAL IMPROVEMENTS AND MAINTENANCE

*Miscellaneous*

*NAFSR Recommends that Restrictions on Contracting out be Retained*

The National Association of Forest Service Retirees believes that the National Forests and Grasslands should be managed so they are an asset to the communities within and adjacent to these lands. In too many instances, rather than being an asset, the overstocked, insect-infested, poorly maintained, understaffed Forests are becoming a liability. We believe the funding increases recommended above will begin the process of restoring the capability of the Forest Service to provide proper stewardship for these national treasures.

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PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS

Madam Chair and members of the subcommittee, I am Dub Taylor of Texas, and Chair of the National Association of State Energy Officials (NASEO). NASEO represents the energy offices in the States, territories and the District of Columbia. NASEO is submitting this testimony in support of funding for the Energy Star program (within the Climate Protection Division of the Office of Air and Radiation) at the U.S. Environmental Protection Agency (EPA). NASEO supports funding of at least $103 million, including specific report language directing that the funds be utilized only for the Energy Star program. We were extremely disappointed with the $44.2 million fiscal year 2009 request and the $48.2 million funding level established in fiscal year 2008. At the present time, Congress is seriously considering climate legislation. The Energy Star programs are successful and cost-effective. They should be expanded, not reduced. With oil prices at $117/barrel, gasoline prices nearing $4/gallon, and large spikes in natural gas, heating oil and propane, Energy Star can help consumers quickly.

The Energy Star program is focused on voluntary efforts that reduce the use of energy, promotes energy efficiency and renewable energy, and works with States, local governments and business to achieve these goals in a cooperative manner. NASEO has worked very closely with EPA and over 40 States are Energy Star Partners. In 2005, EPA and NASEO announced a new Clean Energy and Environment State Partnership program, which already has almost 20 State members, including

California. We are working closely with EPA on the new National Action Plan for Energy Efficiency, the Energy Star Challenge, Home Performance with Energy Star, etc. We worked with EPA to have over half the States declare "Change a Light" Day. With very limited funding, EPA's Energy Star program works closely with the State energy offices to give consumers and businesses the opportunity to make better energy decisions, without regulation or mandates.

Energy Star focuses on energy efficient products as well as buildings. In 2006, 300 million Energy Star products were purchased. The Energy Star label is recognized across the United States. It makes the work of the State energy offices much easier, by working with the public on easily recognized products, services and targets. In order to obtain the Energy Star label a product has to meet established guidelines. Energy Star's voluntary partnership programs include Energy Star Buildings, Energy Star Homes, Energy Star Small Business and Energy Star Labeled Products. The program operates by encouraging consumers, working closely with State and local governments, to purchase these products and services. Marketplace barriers are also eradicated through education.

In addition to the State partners, the program has more than 9,000 company partners. More than 750,000 families now live in Energy Star homes, saving $170 million annually. The "Home Performance with Energy Star" activity allows us to focus on whole-house improvements, not simply a single product or service. This will be extremely beneficial to homeowners. Pilots have already been undertaken in New York, Illinois, Maryland, Texas and Wisconsin. A Mid-Atlantic regional effort has just started. We are also working closely with EPA in the implementation of the Energy Star Challenge, which is encouraging businesses and institutions to reduce energy use by 10 percent or more, usually through very simple actions. We are working with the building owners to identify the level of energy use and compare that to a national metric, establish goals and work with them to make the specified improvements. Again, this is being done without mandates.

The State energy offices are very encouraged with progress made at EPA and in our States to promote programs to make schools more energy efficient, in addition to an expanding Energy Star business partners program. This expansion will continue. EPA has been expanding the technical assistance work with the State energy offices in such areas as benchmark training (how to rate the performance of buildings), setting an energy target and training in such areas as financing options for building improvements and building upgrade strategies.

The State energy offices are working cooperatively with our peers in the State environmental agencies and State public utilities commissions to ensure that programs, regulations, projects and policies are developed recognizing both energy and environmental concerns. We have worked closely with this program at EPA to address these issues. The level of cooperation from the agency has been extraordinary and we encourage these continued efforts.

STATE EXAMPLES

Considering Alaska's extreme climate, Energy Star has been a very helpful tool in promoting energy efficiency. Approximately 11,400 Alaska homes have earned Energy Star. In Alaska the penetration rate of Energy Star homes for single-family site-built housing is 20 percent, well above the 12 percent national average. 12 million square feet of buildings have also been rated utilizing the EPA performance rating system and the Alaska Housing Finance Corporation has utilized its rating software to qualify more than 10,000 Energy Star homes.

In California, residents and businesses are projected to save over $14 billion through the Energy Star investments that have already been made. Approximately 110,000 California homes have earned the Energy Star. California also has a tax credit for the construction of a new, or purchase of an existing, Energy Star Home. The State Green Building Action Plan requires State agencies to only lease Energy Star space and purchase Energy Star equipment. The State also has an Energy Star Residential Fixture promotion program.

In Colorado, Energy Star investments in qualified products, homes and buildings are projected to save over $2 billion over the life of these efforts. 9,000 homes in the State have earned the Energy Star and another 900 buildings (over 130 million square feet) have been rated utilizing the performance rating system. Eighty-six Colorado companies are now building Energy Star rated homes. Aggressive Energy Star efforts are occurring in Stapleton, Jefferson County Public Schools, Poudre School District, Colorado Springs School District and Falcon School District. With the passage of new State legislation and actions by the Governor, aggressive new Energy Star promotion activities have had a significant impact.

Maryland has just passed a group of major energy bills promoted by the Governor. The Maryland Energy Administration is tasked with leading the charge to promote energy efficiency and reduce energy consumption quickly. 140 companies and public entities are participating in Energy Star in the State. 130 million square feet of buildings in Maryland have been rated for energy efficiency. Tax incentives are also available to consumers for the purchase of Energy Star qualified products.

Thirty companies and public entities in Mississippi are participating actively in Energy Star product promotions. 11 million square feet of buildings have been rated for energy efficiency. The State is also working with other southeastern States to promote energy efficiency in commercial buildings through the Southeast Rebuild Collaborative. The State Energy Office (Mississippi Development Authority) has been providing training to schools and government agencies in Energy Star tools.$600 million will be saved in the Energy Star investments that have already been made in Nebraska. 21 million square feet of buildings in the State have been rated using energy performance rating system tools. The Nebraska Energy Office has also been promoting the program and sponsored an energy-efficient prototype home in Lincoln that is demonstrating affordable yet energy-efficient housing techniques. The Energy Office provides loans to finance residential energy efficient improvements. 22 companies are now building Energy Star homes in the State.

Seventy-eight companies and public entities in New Hampshire have been actively promoting Energy Star. 2,000 homes so far have earned the Energy Star and 14 million square feet of buildings have been rated. The Governor announced (Executive Order 2005–4) a specific State commitment to encourage the purchase of Energy Star products and participation in the Energy Star challenge. Forty-three New Hampshire companies are building Energy Star homes and the first three residence halls in the country to earn the Energy Star are located on the University of New Hampshire campus in Durham.

In New Mexico, businesses and residents will save more than $500 million through Energy Star investments that have already been made. This will reduce emissions by 1 million metric tons. Thirty-nine companies participate in Energy Star and over 3,300 homes are Energy Star compliant. New Mexico has 63 buildings with over 9 million square feet that have been rated for energy efficiency, with 6 buildings earning the Energy Star for superior efficiency. Public Service Company of New Mexico offers cash rebates for water heater wraps and Energy Star programmable thermostats.

Rhode Island businesses and residents will save more than $390 million through Energy Star investments they have already made. Approximately 2,000 homes have been rated utilizing Energy Star tools. The State has held a sales tax holiday for Energy Star labeled products. The State, in cooperation with National Grid, has been promoting Home Performance with Energy Star.

Five million square feet of building space in South Dakota has been rated for energy efficiency utilizing EPA's performance rating system. The State has been aggressively promoting a variety of Energy Star efforts, including Energy Star Change a Light Day. Two of the entities that have taken advantage of energy savings through Energy Star, include Yankton Public Schools and Watertown Middle School.

In Tennessee, 120 companies and public entities, including significant numbers of small businesses, have been participating in Energy Star. Businesses and residents are projected to save $2 billion through Energy Star investments that have already been made. The State Energy Office has taken the lead in promoting the Energy Star Challenge and the Change a Light campaign, urging consumers to shift to CFLs. Participants in the program range from Nashville Habitat for Humanity to Clayton Homes, Inc.

Utah residents and businesses will save $700 million through investments they have already made in Energy Star products, homes and buildings. 120 companies are actively participating in the Energy Star program. 7,500 Utah homes have earned the Energy Star and over 17 million square feet has been rated for energy efficiency in the State. Energy Star success stories have included Ence Homes, Rocky Mountain Power, the Cottonwood Corporate Center, etc.

Vermont has aggressively promoted energy efficiency for many years and 58 public entities and companies have been involved in the program. 4,600 homes in the State have earned Energy Star, which is a high percentage. In addition, 120 buildings covering 8 million square feet have been rated for energy efficiency utilizing EPA's energy performance rating system. As a result of an Executive Order (14–03), State agencies are only permitted to purchase Energy Star products.

Residents and businesses in West Virginia will save over $400 million as a result of Energy Star investments that they have already made. Over 13 million square feet of building space has been rated utilizing EPA's energy performance rating system. The State Energy Office (West Virginia Development Office) has been helping

county school systems throughout the State by providing both Energy Star benchmarking tools and other financial mechanisms to help implement improvements. Giant Eagle and Food Lion have been Energy Star leaders in the State.

Wisconsin has 490 companies and public entities that have been promoting Energy Star. 8,000 homes have earned Energy Star and 180 million square feet of building space, across 1,500 buildings, have been rated for energy efficiency. Energy Star is now part of the State's procurement guidelines. A 2005 study found that Wisconsin Energy Star new homes utilize 23 percent less energy per square foot for heating than older Wisconsin homes, even though the new homes are generally 22 percent larger.

We can provide a myriad of other State examples at your request.

CONCLUSION

Significant increases in funding for the Energy Star programs are justified. NASEO endorses these activities and the State energy offices are working very closely with EPA to cooperatively implement a variety of critical national programs.

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PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES (NASULGC), BOARD ON NATURAL RESOURCES (BNR)

On behalf of the NASULGC Board on Natural Resources (BNR), we thank you for your support of science and research programs within the United States Geological Survey (USGS) and the Environmental Protection Agency (EPA). We appreciate the opportunity to provide detailed recommendations for: $1.3 billion for the USGS and $781 million for the EPA Science and Technology budget. Within USGS, we ask for support of $8.8 million for the Water Resources Research Institutes, $32.1 million for the National Cooperative Geologic Mapping Program, and $61 million for the Mineral Resources Program, including $5 million for a Mineral Resources External Grants program. Within EPA, we ask for support of $100 million for the EPA Science to Achieve Results competitive grants and $10 million for the STAR Graduate Fellowships.

*NASULGC Recommends $1.3 Billion for the United States Geological Survey*.—The fiscal year 2008 enacted level was $1.01 billion while the President's fiscal year 2009 request is $969 million. This increase is necessary to cover inflation and rising fixed costs such as salaries and rent and to accomplish core tasks that have been under-funded for years.

NASULGC supports this amount in coordination with the USGS Coalition, an alliance of organizations united by a commitment to the continued vitality of the unique combination of biological, geographical, geological, and hydrological programs of the USGS.

In the wake of Hurricane Katrina, the USGS was praised for quickly arriving on the scene and providing reliable data that assisted recovery teams. As members of academic community that have partnered with the USGS for the past several decades, we were very pleased with their performance during this catastrophe.

We have worked with the USGS to provide the public and private sector, as well as policymakers, with crucial information about natural resources, natural hazards and wildlife diversity. Furthermore, the USGS provides geospatial data, from maps to satellite images, for improved land and wildlife management. The USGS plays a key role in assessment of global climate change. Our universities provide necessary expertise to complement the USGS workforce. We further recommend that part of the $1.3 billion request be used to support the following requests:

*The NASULGC BNR Requests $8.8 Million for the Water Resources Research Institutes (WRRI)*.—The fiscal year 2008 enacted level is $6.404 million and the President's fiscal year 2009 request is $0. The NASULGC BNR request is based on the following: $7,000,000 in base grants for the WRRI as authorized by section 104(b) of the Water Resources Research Act, including state-based competitive grants; and $1,500,000 to support activities authorized by section 104(g) of the act, and a national competitive grants program.

The administration's proposal to eliminate funding for this excellent partnership with State governments and universities is unjustified. Federal funding for the WRRI program is the catalyst that moves States and cities to invest in university-based research to address their own water management issues. State WRRI take the relatively modest amount of Federal funding appropriated, match it 2:1 with State, local, and other funds and use it to put university scientists to work finding solutions to the most pressing local and State water problems that are of national importance. The Institutes have raised more than $15 in other funds for every $1 funded through this program.

The added benefit is that often research to address State and local problems helps solve problems that are of regional and national importance. Many of the projects funded through this program provide the knowledge for State or local managers to implement new Federal laws and regulations. Perhaps most important, the Federal funding provides the driving force of collaboration in water research and education among local, State, Federal, and university water professionals.

This program is essential to solving State, regional, and inter-jurisdictional water resources problems. Institutes in Louisiana, California, and North Carolina, for example, made major contributions in emergency planning and hurricane recovery, protecting groundwater aquifers from sea water intrusion and reducing water treatment costs. The institutes also train the next generation of water resource managers and scientists.

*The NASULGC Board on Natural Resources also supports funding at a level of $32.1 million for the National Cooperative Geologic Mapping Program (NCGMP) within the USGS budget*.—The fiscal year 2008 enacted level is $26.6 million while the President's fiscal year 2009 request is $27.4 million. The mission of the NCGMP is to provide accurate geologic maps that help sustain and improve the quality of life and economic vitality of the United States and mitigate geologic hazardous events and conditions. Universities are involved in this program in two ways. First, universities participate through the production of new geologic maps to meet needs in stewardship of water, energy, and mineral resources; risk reduction from natural hazards such as earthquakes and landslides; and environmental protection. Second, through EDMAP, universities train the next generation of geologic mappers through a competitive matching-fund grant program. Since EDMAP's inception in 1996, more than $5 million from the NCGMP have supported geologic mapping efforts of more than 600 students working with more than 220 professors at 136 universities in 44 States plus Puerto Rico and the District of Columbia. A 2007 survey by NCGMP demonstrated that students who participated in EDMAP (1) fall well above the national average for pursuing advanced academic degrees in the geoscience field, (2) easily obtain geoscience positions due to the knowledge gained through EDMAP, and (3) frequently use the skills gained through EDMAP.

*The NASULGC Board on Natural Resources supports $61 million for the Mineral Resources Program (MRP)*.—The fiscal year 2008 enacted level is $50.8 million, while the administration's fiscal year 2009 request is $26.3 million. The 2008 National Research Council's (NRC) report "Minerals, Critical Minerals, and the U.S. Economy" clearly lays out the danger of continuing cuts to the services this program provides to our nation's economy. Items such as LCDs, catalytic converters, rechargeable batteries, and other electronics all use minerals designated as "critical" based on the risk that they may become unavailable for any number of reasons. The role of minerals information is becoming ever more vital as the Nation works to remain competitive and searches for emerging technologies to solve some of our most pressing environmental issues.

The administration's fiscal year 2009 request cuts by 63 percent (210 FTE) the number of professionals in the MRP. This is on top of substantial cuts to this program since 1996. At the same time, the NRC report cited above calls for the "need to maintain adequate, accurate and timely information and analysis on minerals at a national level in the Federal Government with additional, not fewer, professionals having appropriate backgrounds to perform the work." For example, as society pushes toward sustainability, the importance of experts designing products with an eye toward recycling minerals will only increase. Currently, only a few formal training programs have emerged to train a new generation in the field. For this reason, we request support for Mineral Resources External Grants programs of at least $5 million. The USGS committed $1,000,000 toward Mineral Resources External Research for fiscal year 2006, but cut the program to $0 in fiscal year 2007 and committed only $250,000 in fiscal year 2008. The administration again proposes to cut the program to $0 for fiscal year 2009. Sustained and additional funds are needed to expand upon the first step in fiscal year 2006. Apart from this small program, there is virtually no funding to sustain applied science research and education related to mineral resources.

Furthermore, the establishment of a consistently well-funded Minerals Resources External Grants program would follow the recommendations of three recent NRC reports and would help arrest the dramatic decline of minerals expertise in the United States. Funding levels of $5 million in fiscal year 2009, and $8 million in fiscal year 2010, is an appropriate ramp-up for the external grants program, which ideally should reach a level of $20 million per year. Modest levels of external research funding by the MRP in fiscal year 2006 ($1,000,000) to 15 universities and in fiscal year 2008 ($250,000) to 3 universities supported graduate student research and education.

*With regard to EPA, NASULGC supports a request of $809 million in fiscal year 2009 for Science and Technology (S&T).*—The fiscal year 2008 enacted level is $785.7 million while the administration's fiscal year 2009 request is $790 million. The BNR requested amount provides an increase of 3 percent to maintain ongoing programs and keep up with inflation. Without sound science, EPA will be unable to correctly identify and develop sound management and mitigation strategies for critical environmental problems.

*NASULGC recommends that the Committee restore STAR funding to $100 million for competitive grants and $10 million for STAR graduate fellowships*.—The fiscal year 2008 enacted levels are $54.7 million and $7.3 million respectively, while the President's fiscal year 2009 budget request is $55.3 million and $5.9 million respectively. One of the most effective programs for improving the agency's science capabilities is the Science to Achieve Results (STAR) program. In 2003, the National Research Council strongly endorsed STAR in its report, "The Measure of STAR." The investment EPA ORD makes in STAR is especially significant and effective, because STAR is not a stand-alone grants program. It is coordinated with EPA program and regional offices, and targeted at high-priority needs that support the agency's mission. The program is leveraged by the participation of other Federal agencies and the private sector, and involves thousands of research scholars in universities.

NASULGC universities have used STAR extramural research funding to accomplish the following: develop evaluations of U.S. estuarine and coastal water quality degradation; analyze ecosystem health and impairment; establish effective multi-university research collaborations; and develop techniques to assess the risks to fish in the Great Lakes associated with exposure to endocrine disrupting chemicals

STAR graduate fellowships are also an excellent investment in the next generation of scientists and engineers, and provide opportunities for some of the brightest minds to develop the skills to enhance and replenish this Nation's environmental science expertise. Moreover, these grants are often a way to get minority graduate students engaged in high-level scientific research. STAR funding is a very important tool in the effort to address the future workforce needs of EPA. These investigator-initiated research grants are significantly expanding the number of scientists conducting EPA-related research and enhancing the overall quality of EPA S&T.

Thank you for the opportunity to share our views with the committee.

ABOUT NASULGC

NASULGC is the Nation's oldest higher education association. Currently the association has over 200 member institutions—including the historically black land-grant institutions—located in all 50 States. The Association's overriding mission is to support high quality public education through efforts that enhance the capacity of member institutions to perform their traditional teaching, research, and public service roles.

ABOUT THE BOARD ON NATURAL RESOURCES

The Board's mission is to promote university-based programs dealing with natural resources, wildlife, ecology, energy, and the environment. Most NASULGC institutions are represented on the Board. Present membership exceeds 500 scientists and educators, who are some of the Nation's leading research and educational expertise in environmental and natural-resource disciplines.

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## PREPARED STATEMENT OF THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

REQUEST

—$50,000,000 for State Historic Preservation Offices, and
—$5,000,000 for competitive grants to States for historic site survey fieldwork and digitization of documents.

The programs are funded through the U.S. Department of the Interior's, National Park Service Historic Preservation Fund and authorized by the 1966 National Historic Preservation Act.

The National Conference of State Historic Preservation Officers (NCSHPO) appreciates the opportunity to submit this statement for the record regarding the funding request for State Historic Preservation Offices and for historic site survey fieldwork and digitization. NCSHPO is the professional association of the State government officials who carry out the national historic preservation program as delegates of the Secretary of Interior pursuant to the National Historic Preservation Act of 1966 (NHPA). The NCSHPO acts as a communications vehicle among the State Historic

Preservation Offices (SHPOs) and their staffs and represents the SHPOs with Congress, Federal agencies and national preservation organizations.

NATIONAL HISTORIC PRESERVATION ACT—NPS LEADERSHIP RESPONSIBILITY

In 1966 Congress recognized the importance of preserving our past by passing the National Historic Preservation Act (NHPA16 USC 470), which established today's Historic Preservation program. The NHPA directs State Historic Preservation Offices (SHPOs) to carry out the Federal preservation program: (1) Locate and record historic resources; (2) Nominate significant historic resources to the National Register of Historic Places; (3) Foster historic preservation programs at the local government level and the creation of preservation ordinances; (4) Provide funds for preservation activities; (5) Comment on federal preservation tax projects; (6) Review all federal projects for their impact on historic properties; and (7) Provide technical assistance to Federal agencies, State and local governments, and the private sector.

SHPO FUNDING—DOLLARS WELL SPENT

For such a small program, SHPOs have extensive and wide ranging support—from within Congress, to State and local governments, community organizations and individuals across the country. Brent Warr, Mayor of Gulfport Mississippi said that through the Historic Preservation Fund's hurricane Relief Grant Program, "The historical character of our community is being renewed, distinguishing us from others and preserving our heritage so that it can be shared with future generations."

Historic preservation is a sound investment and as an economic tool has proved its worth. Since 1981, rehabilitation activities in Colorado have created almost 29,000 jobs and generated a total of over $2 billion in direct and indirect economic impacts. In Florida, an examination of the assessed values of mainly residential property in eighteen historic districts found that in at least 15 cases, property in historic districts appreciated greater than comparable, targeted non-historic districts and that there was no case where historic district designation depressed the property values. In 2007, HPF programs such as the Rehabilitation Tax Credit stimulated $4.35 Billion in private investment and at the same time produced 6,553 low and moderate income housing units, a 17 percent increase over 2006, and created an estimated 40,755 jobs.

Though often unglamorous, SHPOs work is fundamentally essential to the preservation of our heritage. From 2002 to 2007, the number of section 106 reviews conducted increased 104 percent to 129,200 while SHPO funding decreased by nearly 5 percent over the same time period. In 2007, SHPOs also provided nearly 82,000 National Register eligibility opinions, assisted in creating 58 new Certified Local Governments and provided technical assistance and preservation policy guidance to hundreds of thousands of communities and individuals nationwide.

INVENTORY FUNDING—NPS STEPS UP TO THE PLATE

Many of the programs discussed above could be done much more effectively and efficiently if States had an accurate inventory of their historic resources in a digitized format. Knowing what you have and defining the location and significance of the Nation's historic assets, is fundamental for all historic preservation activity. Further, having electronic access to that data is essential for Federal project planning. We are pleased and encouraged that the NPS is "stepping up to the plate" and fulfilling its 40-year old commitment to find America's historic places by acknowledging and responding to the strong recommendations of the 2006 Preserve America Summit and by requesting inventory funding in fiscal year 2008 and for fiscal year 2009.

While, a select few SHPOs have made remarkable progress assembling a patchwork of funding to initiate digital access to inventory information, other SHPOs around the country are not as fortunate. After 40 years of the national preservation program we, as a Nation, still don't know the location of hundreds of thousands of our historic resources.

Support for inventory funding exists within Congress, State and local governments, and the private sector and while we are pleased that the Administration has requested funding we are disappointed in the proposed amount of $2 million. We believe a minimum of $5 million (the administration's fiscal year 2008 unfulfilled request) a year for 5 years is needed.

Specifically, inventory funds would be used for two purposes (1) to conduct inventory fieldwork, filling in the current patchwork of identified sites which is essential for Federal project review (section 106) and lays a foundation of every future preservation activity, e. g., National Register) and (2) to convert existing paper records to electronic formats (data bases, GIS).

Recent natural disasters have also exposed the adverse consequences of the void in historic resources information. In the Gulf, in 2005 aid to victims and FEMA responses were delayed because digitized historic site locations were not available. The NPS detailed staff to do after the fact digitization of the location of historic places. The result of the work—on line access to maps of historic sites—led to a dramatic reduction in project review, from weeks to hours.

NATIONAL ACADEMY OF PUBLIC ADMINISTRATION REPORT—CONFIRMS NCSHPO REQUEST

Federal funding for SHPOs is money well spent. Under the administration's Program Assessment Rating Tool, management of Historic Preservation Programs received a score of 89 percent indicating exemplary performance of mandated activities. Reinforcing this finding is the December 2007 National Academy of Public Administration (NAPA) report "BACK TO THE FUTURE: A Review of the National Historic Preservation Program."

NAPA, a non-profit, independent coalition of top management and organizational leaders, found that the National Historic Preservation Program "stands as a successful example of effective Federal-State partnership and is working to realize Congress' original vision to a great extent. And while the program's basic structure is sound, it continues to face a number of notable challenges." The Panel concluded "that a stronger Federal leadership role, greater resources, and enhanced management are needed to build upon the existing, successful framework to achieve the full potential of the NHPA on behalf of the American people." [1]

Report recommendations specific to SHPOs included the following:

—the NPS request funding and FTE increases sufficient to address the increased workload since fiscal year 1981 in National Register eligibility opinion, tax credit reviews, section 106 reviews, and HPF grants administration and to redress, at least in part, the significant decline in inflation adjusted funding;

—the NPS build upon the National Preservation program's success by providing a stronger national leadership role in consultation with the Advisory Council on Historic Preservation (ACHP) and other national partners as appropriate;

—the NPS expand its mission to make building the capacity of State Historic Preservation Officers and Tribal Historic Preservation Officers a top priority and that it pursue this goal aggressively in cooperation with its national partners;

—the Department of the Interior and the NPS strengthen the performance of the National Historic Preservation program and expand resources based on its demonstrated effectiveness in cooperation with the ACHP; and

—the NPS improve the efficiency of national historic preservation efforts by taking full advantage of information technologies.

On behalf of the States, NCSHPO is working in concert with the NPS to strategize on implementing the recommendations. However, Congress ultimately decides funding levels and without additional funding, many of these recommendations are unattainable.

CONCLUSION—HPF: A WISE FEDERAL INVESTMENT AND THE RIGHT THING TO DO

Congress stated in 1966 that "The spirit and direction of the Nation are founded upon and reflected in its historic heritage." Historic preservation recognizes that was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary, 50, 100 or 500 years from now.

NCSHPO thanks the committee for the opportunity to provide testimony and for their commitment to historic preservation. The Federal Government plays an invaluable role in preserving our Nation's history and through our partnership, State Historic Preservation Officers stand committed to identify, protect, and maintain our Nation's historic heritage.

Thank you.

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## PREPARED STATEMENT OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

On behalf of the tribal nations of the National Congress of American Indians (NCAI), we are pleased to present our recommendations on the administration's fiscal year 2009 budget for Indian programs. At the recent State of Indian Nations address, NCAI President Joe Garcia spoke about the special place of honor children hold in American Indian and Alaska Native cultures. He discussed the community's

[1] NAPA, "BACK TO THE FUTURE: A Review of the National Historic Preservation Programs" December 2007, p. 29.

sacred obligation to instill in them the traditional knowledge of past generations so their innocence and laughter may develop into wisdom as they become the leaders of the future. He stressed our belief that every Indian child should have the right to community-based, culturally appropriate services that help them grow up safe, healthy, and spiritually strong—free from abuse, neglect, and poverty. Unfortunately, all too often Native children are born into circumstances that may be rich in culture and love, but fail to meet their basic needs of health, shelter, safety, and education. Our communities have a vision of a restored, safer, healthier Indian Country for our children, but the President's budget request fails to move us in the direction of that vision and will leave Indian children in poverty and at risk.

This NCAI fiscal year 2009 testimony highlights key aspects of the vision tribal leaders have expressed to create a safe, healthy Indian Country for our children. In developing these recommendations we recognize that chipping away at the years of under-funding and backlogs that plague Indian Country will be accomplished over time. The requests that follow do not reflect the full need in Indian Country, but rather are achievable first steps that we believe Congress and the President should be able to support this year.

PUBLIC SAFETY AND JUSTICE

The administration of justice in Indian Country is clearly in crisis. Across the Nation, tribal leaders have called for more resources, making public safety and justice the top priority in budget consultations over the years. The current lack of resources for public safety poses a direct threat to Native children and the future of Indian Country.

Recent media attention has highlighted the unconscionable breakdown in public safety in tribal communities. Although U.S. attorneys have the sole authority to prosecute felony crime on most reservations, the Denver Post's article, "Lawless Lands," details how U.S. attorneys declined to prosecute 65 percent of all reservation cases between 1997 and 2006, twice the rate of declination for all other federally prosecuted crime.[1] Federal agents focus on terrorism and organized crime, while the investigation of serious crimes on reservations sits for years, leaving suspects free to commit other crimes. Tribal leaders point out that Federal prosecutors respond least to the kinds of crime that most affect Indian reservations: aggravated assault, domestic assault, sex crimes, and drug crimes. The Department of Justice simply is not meeting its responsibilities to Indian Country. Hundreds of these serious cases are sent through tribal misdemeanor courts instead, over-taxing the tribal courts and jails.

*Law Enforcement*.—Although tribal law enforcement officers have limited authority under Federal law, they are often the first responders to reservation crime. Yet, according to the Bureau of Indian Affairs, Indian Country has a 42 percent unmet staffing need for police departments. To put this in perspective, 2,555 Indian country law enforcement officers make up about 0.004 percent of the total 675,734 State, city, and county law enforcement officers in the United States, yet they patrol approximately 2 percent of the landmass of the United States and 1 percent of the population.

In fiscal year 2008, the Department of Interior (DOI) launched a Safe Indian Communities initiative, with much needed increases for law enforcement funding. DOI States it proposes to continue this initiative for fiscal year 2009, however, the actual funding overall for the BIA public safety and justice category would decline by $882,000. Meanwhile, at the Department of Justice, the President's proposal would eliminate all of the tribal set-asides that currently exist in any of the DOJ grant programs and would effectively zero out a number of programs critical to tribal governments including: COPS, Byrne Grants, Grants to Tribal Governments under the Violence Against Women Act, incarceration on tribal lands, and tribal courts funding. NCAI urges Congress to include a 10 percent increase for BIA law enforcement in fiscal year 2009 and in the future until the gap in law enforcement funding for tribal communities is closed.

*Tribal Courts*.—Tribal courts are overwhelmed with hundreds of serious cases declined by U.S. attorneys as well as increasing meth and drug crimes. Tribal courts have been level funded for at least the last five years. The fiscal year 2008 Omnibus spending bill increased tribal court funding by $2.3 million. However, the fiscal year 2009 budget request would eliminate $2.3 million. NCAI urges Congress to reject this cut to tribal courts and add 10 percent to this item.

[1] Riley, M. (2007, November 11–14). Lawless Lands. The Denver Post. Retrieved February 11, 2008, from www.denverpost.com.

*Detention Facilities*.—In September 2004, the U.S. Department of Interior Inspector General's Office issued a report, Neither Safe Nor Secure: An Assessment of Indian Detention Facilities, which outlined the deplorable and life-threatening conditions of Indian jails. The report detailed the stark realities: 79 percent of facilities fall below minimum staffing levels on a regular basis; poorly maintained facilities that provide ample opportunity for escape are common; unusually high rates of suicide, a trend that generally correlates with reduced staff supervision and the influence of drugs and alcohol; and jails dilapidated to the point of condemnation. Recent testimony by the BIA suggests that as many as 90 percent of tribal detention facilities operated by the BIA may need to be closed because of their condition. Indian tribes report having to let dangerous criminals go free because of a lack of bed spaces in tribal jails. NCAI urges adequate funding to address the backlog of detention facility construction and staffing in Indian Country. To address the DOJ-documented crisis in Indian Country detention facilities, funding for at least 15 new facilities, including both tribal and BIA facilities, should be provided in the upcoming year.

*Johnson O'Malley*.—Once again, the President proposed to completely eliminate the JOM program at the BIA. JOM provides supplemental funds to address the unique educational and cultural needs of Native children attending public school. What is different about JOM is that its "special and unique needs" are determined not by the school boards, but instead through parent committees that each JOM program is required to have, as well as completing need assessments where parents have a say in what their children need to complete for the school year. NCAI urges full restoration of JOM to $21.4 million in fiscal year 2009, including the self-governance compacts and Consolidated Tribal Government Program contracts that fund JOM.

*Tribal Colleges*.—Funding for the United Tribes Technical College (UTTC) and Navajo Technical College (NTC) were eliminated entirely from the budget. The BIA funding (eliminated from the President's budget since fiscal year 2003) and the Carl Perkins funds (Section 117 for Tribally Controlled Postsecondary Career and Technical Institutions) are eliminated from the President's budget for fiscal year 2009. These funds form the core of the operating budgets for both UTTC and NTC. Taken together, the funds eliminated from the budget represent the entire core operating budgets for UTTC and NTC. This is the first year the Carl Perkins funds were also eliminated for UTTC and NTC. NCAI urges Congress to work out how to restore funding for these two colleges. NCAI also supports the requests of the American Indian Higher Education Consortium for tribal colleges and universities.

*Bureau of Indian Education*.—NCAI recommends Congress restore $5.9 million reduction proposed for scholarships as well as restore $5.9 million for the Scholarships and Adult Education in the BIE budget.

*Indian Health Service*.—The 2008 budget request for IHS is $4.3 billion, maintaining fiscal year 2008 levels. The administration's budget proposes $21 million reduction in construction costs due to the completion of project stages funded in fiscal year 2008. NCAI urges Congress to fund the IHS at a level in fiscal year 2009 to maintain existing services and accommodate population growth.

*Facilities Construction*.—This section of the budget includes construction of new facilities, such as inpatient hospitals, outpatient hospitals, staff quarters for health professionals, regional treatment centers and joint venture construction programs. It also includes the small ambulatory program and the construction of dental facilities. These elements constitute the entire physical infrastructure of the health care delivery system in American Indian and Alaska Native communities. NCAI urges Congress to restore the facilities construction funding.

*Contract Support Costs*.—An increase in contract support costs (CSC) is necessary as tribal governments continue to assume control of new programs, services, functions, and activities under Self-Determination and Self-Governance. Tribal programs have increased the quality and level of services in their health systems under these policies. Failure to adequately fund CSC defeats the very programs that appear to be helping improve health conditions for American Indians and Alaska Natives. NCAI urges Congress to fully fund BIA and IHS contract support costs in fiscal year 2009.

*Urban Indian Health*.—Urban Indian Health Programs have a profound effect on their communities by providing culturally sensitive, non-duplicative services. They promote good family living essential to the prosperity of Native children. They help to educate local health care providers about the needs and the cultural conditioning of the urban Indian population. The President once again proposes to eliminate this program in fiscal year 2009. NCAI urges Congress to restore the program and provide $40 million in fiscal year 2009 to help close the gap in funding for Urban programs.

Indian Land Consolidation: One of the most disappointing proposed cuts in the President's fiscal year 2009 budget for Indian programs is the proposal to eliminate the budget for Indian land consolidation. Land consolidation is critical for addressing the problem of fractionation, which creates an accounting nightmare for the Federal Government and enormous difficulties for Indian land owners in putting land to economic use. Land consolidation improves Federal administration and management, and saves substantial Federal dollars that currently go to tracking tiny land interests. The investment in land consolidation will do more to save on future trust administration costs than any other item in the trust budget.

It is particularly surprising that the administration would propose to completely eliminate this budget. Over the past decade, even in years when there was little attention paid to land consolidation, the budget always received $8 to $13 million annually. But during the passage of the American Indian Probate Reform Act (AIPRA) in 2004, the administration realized the importance of land consolidation and agreed to significantly increased budgets. Both Interior and the Office of Management and Budget negotiated and agreed to authorizations of $75,000,000 for fiscal year 2005, $95,000,000 for fiscal year 2006, and $145,000,000 for each of fiscal year 2007 through fiscal year 2010. The increased commitment to land consolidation was a part of the agreement to AIPRA, where tribes and individual land owners have also taken on increased responsibility for land consolidation.

But the increases came for only 2 years—$34.5 million in fiscal year 2006 and the same in fiscal year 2007. The land consolidation funding did a great deal of good in those years, buying back millions of fractionated interests, and the program was scaling up its efforts in anticipation of increased budgets in the future. During the formation of the fiscal year 2008 budget, Indian country was in serious negotiations with the administration and Congress for settlement of the Cobell trust fund accounting litigation, and it was widely anticipated that land consolidation funds would be included in the settlement—perhaps a billion or more. This was the rationale we were given for the decrease in the fiscal year 2008 land consolidation budget to $10 million—a sufficient amount to keep the program operating while the new funds from the settlement were negotiated.

But the settlement did not materialize, and now the administration wants to eliminate the program. We have not seen any analysis by the administration which warrants a drastic change in direction from the AIPRA agreement. We also do not believe that a tribal effort at land consolidation will be supported unless there is a commitment from the Federal Government to do its part in addressing fractionation. We strongly urge Congress to return to the levels anticipated under AIPRA, and fund land consolidation at $50 million for fiscal year 2009.

*BIA Rights Protection Implementation*.—This program in the BIA budget supports the exercise of off-reservation hunting, fishing, and gathering rights for 49 tribes located in the Pacific Northwest and Great Lakes regions and their 5 umbrella intertribal fish and wildlife organizations. Despite the critical role tribes play in managing the resources on tribal land and surrounding areas, BIA resources have eroded in recent years. The administration proposed reducing this item by $3.5 million in fiscal year 2009. NCAI urges Congress to restore the base funding for Rights Protection Implementation.

*Endangered Species*.—The President proposed reducing Endangered Species Act funding by nearly $1 million. Funding for Endangered Species Act compliance must be increased to $6.6 million so the BIA can meet its otherwise unfunded mandates under the ESA.

*BIA Indian Reservation Roads*.—The Department of Interior intends to reduce the Bureau of Indian Affairs Road Maintenance budget by $13 million, or 50 percent. The justification for this reduction is that "Tribes could use about $100 million in Department of Transportation funds for Indian Reservation Roads." As Congress and the President consider how to stimulate our economy, providing more funds—not less—to address the multi-billion dollar BIA road maintenance backlog will increase jobs in often impoverished reservation economies and will allow the BIA and Tribal governments to replace inefficient and antiquated road maintenance equipment. By cutting the budget request for the BIA Road Maintenance Program in half—and by justifying the reduction by reference to Tribal authority to use IRR Program construction funds for maintenance—the President's budget ignores a Congressional mandate and seeks to shift responsibility for maintaining Indian reservation roads to the overburdened Highway Trust Fund. As far back as 2003, the BIA formally acknowledged that at least $120 million per year was needed to maintain BIA-owned roads and bridges to a safe standard and $50 million per year was needed for bridge rehabilitation and replacement. This estimate does not take into account the millions needed to address the road maintenance backlogs that have accumulated as a result of the BIA's inability to meet existing need under its current

budget. NCAI urges Congress to at least restore the $13 million to IRR funding in the fiscal year 2009 budget.

CONCLUSION

The NCAI has gathered the input of tribal leaders and native organizations in the creation of these budget recommendations and we are honored to submit this document on their behalf. Native peoples have endeavored to live and work along side non-native peoples as well as defend our freedoms and communities in this diverse nation. We are determined to address the long-standing challenges in our communities and provide for the health, education, public safety and economic development needs of our tribal citizens.

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PREPARED STATEMENT OF THE NATIONAL COOPERATORS' COALITION

Madam Chairwoman and Senator Allard: We write to ask that you increase the fiscal year 2009 funding for the U.S. Geological Survey's Cooperative Fish and Wildlife Research Units (CFWRUs) $8 million above the budget request. The continued austere budget requests by USGS and the administration for the system are inadequate to maintain this highly valued partnership.

The CFWRUs are crucial to successfully addressing the natural resource management challenges posed by climate change, energy development needs, invasive species, infectious diseases, wildfire, and increased demand for limited water resources. These challenges also include replacing the unprecedented number of natural resource professionals who will be retiring over the next 10 years. CFWRU's have established a record of educating new natural resource professionals who are management-oriented, well-versed in science, grounded in State and Federal agency experience, and able to assist private landowners and other members of the public.

As you know, each of the CFWRUs in 38 States is a true Federal-State-university-private partnership among the U.S. Geological Survey, a State natural resource agency, a host university, and the Wildlife Management Institute. The CFWRUs build on these partner contributions to leverage more than three dollars for every dollar appropriated to the program by Congress.

Finding workable solutions to our natural resource challenges requires the CFWRU's management-oriented, community-based approach to research, which relies on interdisciplinary efforts, collaborations and accountability. The role of the Cooperative Research Unit System in facilitating these kinds of solutions and training the wildlife managers of tomorrow, who will be leading the way, should not be compromised. The Unit's contribution to natural resource agencies through its scientific capabilities, expertise, technical assistance and the training of personnel is required for responsive, science based management.

To begin meeting these high priority research and training needs in fiscal year 2009, we ask that you establish a competitive, matching fund program within existing CFWRU legislative authority that would make available $5 million annually in new funds beyond base operational costs. These new funds would support future cooperative, high priority research efforts and essential training of new natural resource professionals to replace the large number who will retire within the next decade.

We greatly appreciate the addition by Congress of nearly $1 million to the fiscal year 2008 USGS requested funding level. Those added funds are making it possible to begin the process of filling current scientist vacancies and restoring seriously eroded operational funds for each CFWRU. Unfortunately, the fiscal year 2009 USGS budget request fails to retain this increase, which jeopardizes the continued integrity of the CFWRUs. Approximately one fifth of all Coop Unit scientist positions are vacant due to erosion of funding since fiscal year 2001. To restore the necessary capacity in the CFWRU program for it to meet the Nation's research and training needs, the fiscal year 2009 USGS appropriation needs to provide approximately $3 million more than the fiscal year 2008 appropriated level. An increase in funding also would ensure that the Interior Department provides the Federal scientist staffing agreed to with partners so that the return on their continuing investment in the CFWRUs is realized and fully leveraged.

We urge you to make greater use of this important research and training partnership, which already brings together State fish and wildlife agencies, State universities, and Federal agencies around a local, applied research agenda. With your assistance, the Cooperative Fish and Wildlife Research Units can make the best use of Federal funds, becoming even more effective in using science and collaboration to address the natural resources challenges facing the Interior Department, other Federal, State, local agencies and this country's citizens.

Thank you for consideration of our request.

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PREPARED STATEMENT OF THE NATIONAL ENVIRONMENTAL SERVICES CENTER, WEST VIRGINIA UNIVERSITY, MORGANTOWN, WV

Chairwoman Feinstein, ranking member Allard, and members of the subcommittee: We request an appropriation of $2 million in fiscal year 2009 to assist small communities in meeting their wastewater treatment needs under the programs of the National Small Flows Clearinghouse and the National Environmental Training Center for Small Communities. Both programs are administered by the U.S. Environmental Protection Agency (EPA) under the Environmental Programs and Management (EPM) account.

INTRODUCTION

My name is Richard Bajura and I serve as executive director of the National Environmental Services Center. Our center is home to both EPA and USDA funded programs that provide comprehensive environmental services to small communities and rural areas. Our work is focused mainly on drinking water, wastewater, and municipal solid waste. Two of our major programs, the National Small Flows Clearinghouse (Clearinghouse) and the National Environmental Training Center for Small Communities (Training Center) are the subjects of this testimony. These first two pages outline the need and justification for our request; the last two pages of our testimony provide background information about the Clearinghouse and Training Center programs.

NEED

According to EPA's Clean Watersheds Needs Survey 2004 Report to Congress, small communities in the United States (populations less than 10,000) need $17 billion for wastewater services. However, State and Federal funds available to help meet these needs have decreased, and competition among the communities for these monies has intensified. Small and rural communities require assistance in developing, maintaining, and managing infrastructure for municipal wastewater treatment facilities that protect public health and meet environmental regulations. These communities are most often characterized as being rural, having few financial resources, and as being overseen by elected officials who have limited time and support personnel to make decisions in these matters.

Given the limited funding available to assist communities, our programs provide information, services, and access to expertise that enable these communities to maximize the benefits from their available funds. The congressionally directed funding requested in our testimony will enable us to help these communities with services they will not otherwise obtain.

EPA is charged with developing implementation and management strategies and technical assistance services for decentralized wastewater treatment systems for small and rural communities. However, EPA has an insufficient number of staff to carry out this responsibility. EPA has relied on the Clearinghouse and the Training Center to provide information services, technical assistance, and training for small communities and for service providers. While Congress has charged the EPA with these responsibilities, the administration routinely does not provide financial support for such programs and congressional action is required each year to support Clearinghouse and Training Center services.

SUPPORT FOR EPA NATIONAL PRIORITIES

As part of a Memorandum of Understanding (MOU) initiated by EPA, the National Environmental Services Center, which houses both programs, joined with 7 other national organizations to assist the agency in meeting its strategic goals under its Decentralized Treatment Program. Services provided by both programs are the underpinning for the activities of many of the MOU partners in achieving their respective goals in the MOU partnership. Continued support for the Clearinghouse and the Training Center is important to EPA in meeting its national goals under its water programs.

REQUEST

Congressional support to continue the work of the Clearinghouse and Training Center is imperative because the State agencies and communities these programs assist cannot pay on a fee-for-service basis to obtain assistance. By virtue of the congressional appropriation, we are able to offer most of our services free of charge.

Without congressional support, the Clearinghouse and Training Center programs will be unable to attain sufficient funding to continue in the near term. In the longer term, the Clearinghouse can be supported under the funding formula provided for the Clearinghouse through renewal of the State Revolving Loan Fund (SRF) financing section of the Clean Water Act [H.R. 720] that was passed by the House in March of 2007. While EPA has a mandate to protect drinking water and manage wastewater discharges, the administration budget request typically does not include funding for water programs that serve small and rural communities. Given the absence of funding in the President's budget, Congress regularly adds funds each year to the EPA budget to continue service provider programs to meet the goals established by EPA. In the past, funding for the Clearinghouse and Training Center has been included among the congressional priorities for water-related programs such as the National Rural Water Association, Rural Community Assistance Partnership, Groundwater Protection Council, and similar organizations. The Clearinghouse and the Training Center are national programs that serve the same constituencies as the aforementioned programs by providing complementary services and should be similarly supported.

We are requesting funding at a total of $2.0 million for the National Small Flows Clearinghouse and the National Environmental Training Center for Small Communities programs to support our work until the Clean Water SRF legislation is reauthorized and enacted. Thank you for considering our request.

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## PREPARED STATEMENT OF THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES LOCAL 1957

As officers of the National Federation of Federal Employees (NFFE) Local 1957, we are once again writing on behalf of the bargaining unit for the Minerals Information Team (MIT), Geologic Division, U.S. Geological Survey (USGS), Reston,VA. We are concerned that the President's proposed fiscal year 2009 budget for the USGS includes a $5.1 million cut (33 percent) to the MIT's current funding level of $15.4 million, and $25.5 million (48 percent) from the entire Mineral Resource Program (MRP), of which we are a part.

NFFE is concerned that the proposed MRP budget cut would irrevocably harm MIT through a Reduction in Force and elimination of valuable information for analysis of global mineral supply. This is a 50 percent slash from fiscal year 2006 levels. The USGS could not fulfill its mandate by Congress to assure there is an adequate and reliable supply of mineral materials for national defense, as established by The Defense Production Act of 1950, as amended (1980 and 1992).

MIT is relied upon as an objective source of minerals information and expertise by Federal, State, and Local Governments, as well as by private, academic, and nongovernmental organizations. MIT produces more than 500 publications per year covering most nonfuel minerals, including Mineral Commodity Summaries for the Congressional Offices. Our web site provides approximately 1.4 million publication downloads per year and nearly double the number of hits.

The proposed fiscal year 2009 budget would decimate MIT and MRP by eliminating at least 210 of 334 occupied scientific positions from across the country, about 43 of which would be from MIT. MIT would have to severely reduce its core function—the collection and dissemination of data on domestic and international production and consumption of mineral commodities—and cease research on mineral and material life cycles, flows, and future demand and uses.

MIT is already laboring under a severely constrained budget that has declined by about 27 percent in real dollars to $11.6 million since 1996, the year the group was moved to the USGS. The proposed fiscal year 2009 budget would reduce MIT funding 51 percent from that of fiscal year 1996 to $7.8 million (real dollars). Compounding the problem, MIT has had to absorb mandated increases in salaries and cost of living adjustments. Not surprisingly, filled FTE positions have fallen by about 27 percent (47). Quite frankly, MIT is now at the point that even flat levels of funding will prevent the group from fully accomplishing its mission.

All this is occurring at a time of increasing globalization and materials competition from developing countries such as China and India that has led to global supply constraints, record-high metals prices, and increasing concern over the adequacy of mineral materials necessary to fuel technological innovation. Currently, the United States import dependence for most strategic and critical nonfuel minerals exceeds 75 percent, which is greater than the country's dependence on foreign oil. Information and analysis of domestic and international markets is increasingly important to assure an adequate supply of minerals for the Nation's economic and defense needs. In 2006, MIT found that the Nation relied more than 50 percent on imports

to meet their needs for 45 of 81 nonfuel mineral commodities essential to the economy, and of those, was 100 percent import reliant for 17 and 80 percent for another 13.

The administration's continuous lack of support is summed up by the Office of Management Budget's (OMB) position ". . . if the work of the MRP is truly of great value another non-Federal entity will pick up the work. The expertise does exist within state geological surveys and universities to conduct this work, however the funding does not. OMB believes that other entities can find the money to conduct the research through partnerships with private industry. Some say that this may call the impartiality of the research into question."

We are puzzled by OMB's reasoning. Like other Federal agencies that collect and analyze statistical information, MIT provides a fundamental service to the Nation that cannot be duplicated in the private sector or by other levels of government. It takes a Federal organization to coordinate and analyze mineral surveys data on a national level, including that from foreign sources. Mineral companies and foreign governments would understandably be reluctant to report proprietary or business sensitive data to private sector organizations.

MIT's mission is similar to that of the Energy Information Administration (EIA) under the Department of Energy (DOE). EIA was, in fact, part of MIT prior to its creation in 1977. Like MIT, the EIA has become a recognized provider of data and value-added analysis on the Country's and the world's supply of energy minerals. Unlike MIT, however, EIA has had increased funding from $78 million in fiscal year 2001 to $95.5 million in fiscal year 2008 (22.4 percent).

The National Academies of Sciences (NAS) in an October 2007 report "Minerals, Critical Minerals, and the U.S. Economy" recommended that "the Federal Government should enhance the types of data and information it collects, disseminates, and analyzes on minerals and mineral product, especially as these data and information relate to minerals or mineral products that are or may become critical. . . . Decision makers in both the public and private sectors need continuous, unbiased, and thorough information on the uses and possible supply restrictions of nonfuel minerals. The U.S. Geological Survey's Minerals Information Team is the most comprehensive source for this sort of information." The NAS further recommended "that the Federal Government give the necessary authority and funding to USGS or whichever agency will ultimately be responsible to collect minerals information."

In 2006, Congress rejected a similar reduction proposed by the administration. In rejecting that proposed cut, the congressional joint committee wrote "[we] strongly disagree with the administration's proposed reductions to the mineral assessment program and believe it irresponsible for the administration to decrease or eliminate funding for what is inherently a Federal responsibility." NFFE now urges Congress to do the same in fiscal year 2009, and restore the group's ability to function effectively by further increasing MIT's budget to $23 million.

We thank you for your consideration of these issues that affect both our Union's and the Nation's interests.

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## PREPARED STATEMENT OF THE NATIONAL FISH AND WILDLIFE FOUNDATION

Madam Chairman and members of the subcommittee: Thank you for the opportunity to submit testimony regarding fiscal year 2009 Department of Interior Appropriations and funding for the National Fish and Wildlife Foundation (Foundation). We appreciate the subcommittee's past support and respectfully request your approval of funding at the following levels:

—$10 million through the U.S. Fish and Wildlife Service's Resource Management General Administration appropriation;

—$3 million through the U.S. Fish and Wildlife Service's Resource Management Endangered Species appropriation to conserve and restore Pacific salmon in Washington State;

—$4 million through the Bureau of Land Management's Management of Lands and Resources appropriation; and

—$4 million through the Forest Service's National Forest System appropriation.

This funding request for fiscal year 2009 is well within the authorized levels and would allow the Foundation to uphold our mission and expand our successful partnerships with the U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and Forest Service (FS). Madam Chairman, I want to make one very important point: we are asking for your support of well-established conservation programs with national significance. The Foundation is an honest broker for the Federal agencies and we have a remarkable track record of bringing private partners together to leverage Federal funds and maximize conservation impacts.

Since the Foundation's establishment by Congress in 1984, the Foundation has built strong partnerships with the FWS, BLM, and FS by convening cooperative efforts to further the conservation of fish, wildlife and plants. The Foundation continues to excel in grant-making while providing thought leadership, accountability and sustainable conservation outcomes. Our unique ability to organize Federal agencies and private partners to work together to achieve mutual conservation goals through on-the-ground and in-the-water grant programs is notable and there is significant potential to advance these efforts in fiscal year 2009 and beyond.

In addition to FWS, BLM and FS, the Foundation works closely with other Department of Interior agencies, the Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration (NOAA), and USDA's Natural Resources Conservation Service (NRCS), among others. On average, every Federal dollar is leveraged with three or more matching dollars from the non-Federal sector. Therefore, an appropriation of $21 million in fiscal year 2009 would turn into a minimum of $42 million, according to the Foundation's Congressional Charter which requires a minimum of a 1:1 match, and have the potential to turn into $84 million or more for on-the-ground conservation. Funds appropriated by this subcommittee are exclusively dedicated to grants and are not spent on overhead expenses of the Foundation.

This subcommittee's funding has been critical to our success in attracting additional funding for conservation through corporate sponsorship, legal settlements, and direct gifts. Through our targeted grants, the Foundation strategically invests the Federal funds entrusted to us to achieve measurable success in "moving the needle" on collaborative conservation objectives over the next 5- to 10-year period.

In fiscal year 2007, the Foundation awarded $12.2 million of our FWS, FS, and BLM appropriations to support 267 projects. FWS, BLM and FS funds were leveraged with $41 million in other Foundation Federal funds, corporate contributions, and matching funds. The remaining $1.7 million in appropriated funds will be obligated for our spring 2008 projects. When these projects are approved, the FWS, BLM and FS appropriations of $13.9 million for fiscal year 2007 will have been leveraged into more than $65 million in on-the-ground projects.

CONSERVING FISH, WILDLIFE, PLANTS AND HABITATS

Fiscal year 2009 appropriations through FWS, BLM and FS will be focused on mutually agreed upon projects across the country according to our Keystone Initiatives and the objectives of the Foundation's Special Grant Programs, which are specific to a geographic area, group of species, or conservation concern. The Keystone Initiatives represent the new core portfolio of the Foundation's grant making with clearly defined long-term goals, well-articulated strategies, and defined budgets to reach desired outcomes. In 2007 the Foundation continued implementing a new strategic plan and developing targeted Keystone Initiatives, with the goal of achieving sustainable and measurable conservation impacts.

Four Keystone Initiatives were launched by the Foundation in 2007: (1) Birds (2) Wildlife and Habitats (3) Fish and (4) Marine and Coastal Conservation. Each grant approved under a Keystone Initiative will be designed to provide a measurable outcome that brings us one step closer to the final long-term conservation goal of the Initiative. Achieving success through our Keystone Initiatives will also help to fulfill the objectives of the National Fish Habitat Action Plan, North American Waterfowl Management Plan, and Partners in Flight, among others.

With continued support through FWS, BLM, and FS appropriations, the Foundation can accelerate our collaborative efforts to achieve long-term conservation impacts for fish and wildlife through our Keystone Initiatives. Increased funding in fiscal year 2009 will also help to strengthen the Foundation's Special Grant Programs, a few of which are highlighted below:

—The Washington State Community Salmon Fund was established in 2000 to award community-based grants to assist rural communities, farmers, ranchers and other private landowners with salmon habitat conservation projects. With continued support from this subcommittee, the program has expanded to include funding and participation from the Washington Salmon Recovery Funding Board, the Washington Conservation Commission, King County, WA and Pierce County, WA. More than 300 grants have been awarded through the partnership to benefit every major salmon-bearing watershed across Washington. The program helps to implement local salmon recovery projects identified as priorities in Federal and State agency approved recovery plans. Projects also provide numerous benefits for other aquatic and riparian wildlife species as well as improved water quality.

—The Great Lakes Watershed Restoration Fund is a partnership between FWS, FS, EPA, NOAA and NRCS to promote ecosystem restoration in the Great Lakes watershed. Since 2005, the Foundation has leveraged $1.9 million in Federal funds with $3.8 million in partner contributions and matching funds to support 36 projects throughout the watershed. In 2008, the program is anticipated to award an additional $1.5 million to restore and enhance fish and wildlife habitat in the Great Lakes Basin. In January, the Foundation announced a new corporate partnership with ArcelorMittal, an international steel company, who will provide an additional $2.1 million over the next 3 years for grants in the watershed and help to implement the habitat objectives of the Great Lakes Regional Collaboration.

—The International Sea Turtle Conservation Fund supports projects for the six species of sea turtles found in the Western Hemisphere, all of which are considered endangered or threatened. Since 1998, grants have been awarded for more than 100 projects in over 25 countries, representing a total of $6.2 million in funding from both Federal and non-Federal sources. Projects focus on key nesting and foraging areas for species survival as well as local capacity building and outreach with fisherman to increase awareness and minimize damage caused by certain fishing techniques to marine turtle populations. This collaborative effort with NOAA and FWS is the leading source of funding for sea turtles in the Western Hemisphere.

Other Special Grant Programs, including Bring Back the Natives, Pulling Together Initiative, Long Island Sound Futures Fund, Delaware Estuary Watershed Grants Program, and Chesapeake Bay Stewardship Fund, continued positive results in 2007 with grantee requests far exceeding available funds. The Foundation strongly supports collaborative efforts that integrate conservation practices on agricultural, ranching, and forestry operations, with the goal of improving the ecological health of working lands. fiscal year 2009 appropriations through FWS, BLM and FS will allow the Foundation to continue our investment in common-sense, innovative, cooperative approaches that directly benefit diverse habitats and a wide range of fish and wildlife species.

A TRADITION OF SUCCESSFUL AND ACCOUNTABLE PERFORMANCE

Since 1984, the Foundation has awarded nearly 9,500 grants to over 3,000 organizations in the United States and abroad and leveraged—with our partners—more than $400 million in Federal funds into over $1.3 billion for conservation. NFWF is recognized by Charity Navigator with a 4-star rating for efficiency and effectiveness.

The Foundation has taken important strides to improve our grant review and contracting process to ensure we maximize efficiency while maintaining strict financial and evaluation-based requirements. Interactive tools through our website have improved communication with our stakeholders and helped to streamline our grant-making process. We expect that as of spring 2008, the Foundation will be operating under a paperless application system.

Grant-making through our Keystone Initiatives and Special Grant Programs involves a thorough internal and external review process. Peer reviews involve Federal and State agencies, affected industry, non-profit organizations, and academics. Grants are also reviewed by the Foundation's Keystone Initiative staff, as well as evaluation staff, before being recommended to the Board of Directors for approval. In addition, according to our Congressional Charter, the Foundation provides a 30-day notification to the Members of Congress for the congressional district and State in which a grant will be funded, prior to making a funding decision.

Once again, Madam Chairman, we greatly appreciate your continued support and hope the subcommittee will approve funding for the Foundation in fiscal year 2009.

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PREPARED STATEMENT OF THE NATIONAL HUMANITIES ALLIANCE

Chairwoman Feinstein and members of the subcommittee: On behalf of the National Humanities Alliance and its 93 member organizations and institutions, I am pleased to testify for the record in support of the National Endowment for the Humanities (NEH). Our members, and the thousands of teachers, scholars, humanities organizations and institutions they represent, use NEH grants to maintain a strong system of academic research, education and public programs in the humanities. The Alliance respectfully urges the subcommittee to support funding of $177 million for NEH in fiscal year 2009, an increase of about $32 million above the fiscal year 2008 appropriation and the President's request.

SUMMARY

The President's fiscal year 2009 budget requests $144.4 million for NEH in fiscal year 2009, approximately the same amount as in fiscal year 2008. The President would offset increases for overhead costs and administration priorities with nearly $7 million in cuts to two of NEH's core programs, Preservation & Access and Challenge Grants. NEH's other core programs, which include Education, Public Programs, Research, and the Federal-State Partnership, would receive level funding in the President's Budget. We strongly oppose the President's proposed cuts and urge increased funding for all core programs.

As the single largest source of humanities funding in the United States, NEH plays a pivotal leadership role in the education of our Nation's citizens; the creation and dissemination of new knowledge; and the preservation and enrichment of American intellectual and cultural life. Our Nation's schools and universities are falling behind in almost every aspect of humanities education and research. A serious reinvigoration of the Nation's investment in the humanities is desperately needed if we are to keep pace with the rapidly transforming global environment, and its pressures on our economy, citizens and civic institutions.

Increased NEH funds will enable the agency to sustain its core programs, while extending the reach of its two major initiatives: We the People (along with a new WTP program, Picturing America), and the Digital Humanities Initiative. The Alliance applauds the agency's responsiveness to national needs. We support the increased funding for special initiatives included in the President's fiscal year 2009 Budget. However, we believe funding for these initiatives should be in conjunction to, not in competition with, NEH's core programs. We are extremely concerned about the proposed elimination of a critical Preservation grant competition, Stabilizing Humanities Collections, and urge Congress to instruct the agency not to terminate or substantially reduce this program in fiscal year 2009.

FUNDING ANALYSIS

NEH is funded at a level of $144.7 million in fiscal year 2008, an increase of $3.6 million over the previous fiscal year (a 2.6 percent increase over fiscal year 2007), including an additional $2.5 million for program funds and $1.1 million for administration. The humanities community deeply appreciates this increase. The combined impacts of inflation and budget cuts over the last two decades have seriously eroded NEH's ability to carry out its congressional mandate. NEH reached its nominal funding peak of $177.5 million in fiscal year 1994, the benchmark set by the humanities community to begin restoration of the agency's budget. However, NEH reached its real historical peak in fiscal year 1979; if funded at the 1979 level, NEH today would have a budget of more than $400 million.

The NEH's current funding level is not adequate to meet the needs of humanities practitioners and the communities they serve. There is significant, unmet demand in this country for new knowledge and programming in the humanities—from history and literature, to world cultures, foreign languages, philosophy, and ethics. In fiscal year 2007, NEH was only able to make $118 million in new awards, but it received more than $440 million in funding requests.

NATIONAL CORE PROGRAMS

The NEH's national, core program competitions are at the center of the agency's mission to create, preserve, and disseminate knowledge in the humanities. However, since 1994, these programs have suffered disproportionately from budget cuts and inflation. In fiscal year 1994, appropriations for the national NEH core program divisions (Research, Education, Preservation & Access, Public Programs and Challenge Grants) totaled $116.3 million. In fiscal year 2008, appropriations for these divisions totaled only $66.0 million—a 43 percent decline in nominal funding.

*Preservation and Access Programs.*—The NEH Preservation and Access Division supports the preservation of materials important to research, education, and public programming, including: books, journals, newspapers, manuscript and archival collections, maps, photographs, films, sound recordings, oral histories, and objects of material culture. NEH works with the community to preserve these resources and supports the creation of reference materials and new methods to increase access to them.

The President's fiscal year 2009 budget requests $13.9 million for the Preservation and Access Division, a decrease of $4.5 million from the fiscal year 2008 level. In addition, the administration proposes to eliminate an important grant competition, Stabilizing Humanities Collections—a program funded at a level of $3.6 million in fiscal year 2007. We are extremely concerned about the President's proposal, and

ask for Congress' assistance in restoring funds to the Preservation & Access Division, and in ensuring that the Stabilization grants are not cancelled in fiscal year 2009.

The President's proposed reduction is an inappropriate response to documented needs for the preservation and dissemination of our Nation's cultural heritage. In fiscal year 2007, the Preservation Division reviewed 564 applications, representing more than $100 million in requested funding. Of these requests, 56 applications were submitted for Stabilization grants, totaling more than $15.7 million (only 11 were funded). Stabilization grants provide libraries, museums, and historical societies with hard-to-raise funds necessary to improve housing and storage, environmental conditions, security, lighting, and fire protection of collections. According to the Heritage Health Index, a 2004 survey conducted by Heritage Preservation, only 37 percent of collecting institutions in the United States report adequate storage and over one-half report damage to collections due to poor environmental conditions for their collections.

*Challenge Grants.*—The Challenge Grant program helps local, State and national institutions secure their humanities resources and activities for the long term through fundraising as a means of building permanent resources for the future. Grant uses include: establishing or augmenting an endowment to pay for humanities staff and programming, renovation or construction of facilities, purchase of capital equipment, upgrade of technology, and additions to collections. Challenge grants are a cost-effective investment of taxpayer dollars. First-time challenge grant recipients must match every $1 Federal with $3 non-Federal; recipients of subsequent awards must raise $4 non-Federal for every $1 Federal. Since the program started, NEH Challenge grants have leveraged $1.58 billion in non-Federal support.

Over the years, Challenge Grants have made an extraordinary contribution toward strengthening the institutional base of the humanities. Unfortunately, the President's fiscal year 2009 Budget requests $7.1 million in funding for Challenge Grants, a decrease of $2.2 million from the fiscal year 2008 level. In fiscal year 2009, the administration plans to decrease both the number (reduced to 10) and size of challenge grants, particularly de-emphasizing endowment grants. We oppose these cuts. Challenge Grants are among the most valued NEH grants by our members. In fiscal year 2007, NEH received 113 application requests for this division totaling more than $63 million (20 were funded)—nearly nine times the amount recommended by the administration.

We also strongly disagree with the administration's assessment that endowment-building grants "consume a significant amount of Federal resources in their first few years while returning only modest benefits as the endowment accumulates earnings". Endowment building allows institutions to realize years of return on an initial investment, as opposed to a one-time expenditure. Moreover, the increased organizational capacity afforded by the annual return on endowment funds often allows institutions to further expand humanities programming and activities well beyond the scope of the original challenge grant.

*Research.*—NEH Research grants are among the most coveted and prestigious awards for scholars. They support fellowships, stipends, collaborative research, and scholarly editions. Investing in humanities research yields new knowledge, consumed by the public in the form of books, TV/radio documentaries, museum exhibits, course materials, and web resources. The President's fiscal year 2009 Budget requests level funding of $13.0 million for Research. Research has been among the hardest hit areas of the Endowment. In fiscal year 1994 NEH made 1,054 research awards, including fellowships and stipends, totaling $31.6 million. In fiscal year 2007, the NEH Research Division made only 309 new awards totaling $15.6 million (including additional We the People funds). NEH research grants are the most competitive offered by NEH, with demand far outstripping supply. In fiscal year 2007, NEH considered 2,537 research applications representing over $107 million—a 12 percent success rate. By comparison, in fiscal year 2006, the National Science Foundation made awards to 25 percent of proposals.

*Education.*—The Division of Education Programs supports professional development opportunities for teachers and faculty members, model curricula, and classroom resources for the humanities. Education grants strengthen teaching and learning in the humanities through all grade levels, from kindergarten to graduate level education. The President's fiscal year 2009 Budget requests level funding of $12.6 million for Education programs. In contrast, the fiscal year 1994 budget allowed NEH to award $29.1 million for 352 education projects, including seminars and institutes. In fiscal year 2007, NEH was only able to make 104 new education awards totaling $13.3 million (including additional We the People funds). The division received 429 applications in fiscal year 2007 for $54 million in requested funds.

*Public Programs.*—It is through NEH-funded public humanities programs that the Endowment works most directly with the American public. From traveling exhibits in local museums and libraries to film, television and radio productions, NEH public programs reach literally millions of Americans each year. The President's fiscal year 2009 Budget requests level funding of $12.7 million for Public Programs. In contrast, the fiscal year 1994 budget allowed NEH to award $27.5 million for 201 public program projects. In fiscal year 2007, NEH was only able to make 113 new public program awards totaling $13.7 million (including additional We the People funds). The division received 494 applications in fiscal year 2007 representing more than $70 million in requests.

We support significantly increased funding for NEH's competitive, peer-reviewed grant programs through each of the agency's national core programs.

STATE PROGRAMS

*Federal/State Partnership.*—The NEH Federal/State Partnership is a collaborative effort of the NEH and the 56 State humanities councils to ensure the delivery of high-quality humanities programming to communities throughout the country. State councils are nonprofit 501(c)(3) organizations governed by local volunteer boards; every Federal dollar received by a council for operating support is matched equally by local contributions of cash, goods, or services. The President's fiscal year 2009 Budget requests flat funding for the Federal/State Partnership at $31.7 million. We support significantly increased funding for the State councils through NEH.

NEH PROGRAM INITIATIVES

*Digital Humanities Initiative (DHI).*—Launched in fiscal year 2007, DHI offers grants to support the use of digital technologies in conducting research and presenting scholarship. This area has been identified as a high priority by the National Humanities Alliance membership. The President's fiscal year 2009 Budget recommends essentially flat funding of $2 million for the newly renamed Office of Digital Humanities. We support the agency's modest request for this initiative and encourage further investment in the digital humanities throughout NEH.

*We the People (WTP).*—We the People is an NEH initiative established in 2002 to boost the teaching, study, and understanding of American history and culture. Over the last 5 years, We the People funds have been used largely to support grants made through the agency's regular program divisions. The President's fiscal year 2009 budget requests an additional $5 million to support We the People and allow full implementation of the NEH's new Picturing America initiative—an agency-directed program to distribute reproductions of American masterpieces to schools and libraries nationwide beginning in 2008. We support the requested increase for We the People, but urge that new funds be found without drawing resources away from other NEH programs.

INTERNATIONAL EDUCATION

The well-being of this country depends now, as perhaps never before, on our ability to understand the history, cultures and languages of the world's diverse societies. We appreciate Congress' request last year for an evaluation by NEH of its global society activities. We look forward to the release of the agency's report, and to working with Congress and the NEH on the future enhancement of the agency's international education programs.

We recognize that Congress faces difficult choices this year. We are asking the subcommittee to recommend a significant funding increase for the National Endowment for the Humanities of $32 million in fiscal year 2009, as a necessary investment in the Nation's education and research infrastructure. We appreciate the subcommittee's outstanding support for the arts and humanities in America. Thank you for your consideration of our request.

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PREPARED STATEMENT OF THE NATURAL SCIENCE COLLECTIONS ALLIANCE

The Natural Science Collections Alliance (NSC Alliance) encourages Congress to provide the United States Geological Survey (USGS) with at least $1.3 billion for fiscal year 2009. From this amount, we encourage you to provide at least $230 million for the programs and functions of the Biological Resources Discipline (BRD).

The NSC Alliance is a nonprofit association that supports natural science collections, their human resources, the institutions that house them, and their research activities for the benefit of science and society. Our members are part of an international community of museums, botanical gardens, herbariums, universities and

other institutions that house natural science collections and utilize them in research, exhibitions, academic and informal science education, public service, service to governmental entities such as public health, agriculture, homeland security, defense, natural resource conservation, and outreach activities for the betterment of society.

The USGS provides independent research, data, and assessments needed by public and private sector decision-makers. A unique combination of biological, geographical, geological, and hydrological research programs enable USGS scientists to utilize innovative interdisciplinary research techniques to answer important questions. For instance, USGS data are essential to informing our understanding of how species and ecological systems may respond to climate change and how ecological systems may be able to help ameliorate the effects of environmental change. Moreover, the USGS collects data that other Federal agencies and nongovernmental scientists do not collect. We cannot afford to sacrifice this information; rather, we should increase our investments in this work for it is vital to scientific, social, and commercial advancement.

Natural resource managers demand reliable, relevant, and timely information. The Biological Informatics Program develops and applies innovative technologies and practices to the management of biological data, information, and knowledge. For instance, the NSC Alliance has worked with USGS personnel to try to identify barriers to the digitization of data associated with the tens of millions of specimens in natural science collections. Such specimens become increasingly valuable each year as new techniques permit the vast storehouse of information locked in these specimens to be accessed for scientific research. These efforts offer the potential for USGS and academic researchers to use these data to improve our understanding of the distribution and habitat requirements of species, thus improving our ability to efficiently and effectively develop conservation and management policies.

Increased funding for the USGS would enable the Biological Informatics Program to continue on-going activities and begin to implement initiatives that the resource management and research communities have identified as priorities. For example, the National Biological Information Infrastructure (NBII) program within the Biological Informatics office provides scientists and managers access to existing data. In the President's fiscal year 2009 budget request, NBII was cut by $2.9 million. This cut will have a significant negative impact on this important program. Full funding for NBII would permit the establishment of a more interconnected and accessible information system and would provide for the continued operation of important efforts, such as the National Framework for Early Detection, Rapid Assessment, and Rapid Response to Invasive Species (EDDR). The National EDDR framework would assist scientists and resource managers in correctly identifying invasive species, which are estimated to cost the United States $138 billion each year in health care, lost income, and environmental consequences.

USGS scientists work collaboratively and are vital members of the research community. Through offices and science centers located in every State and through partnerships with more than 2,000 Federal, State, local, tribal, and private organizations, the USGS has built the capacity to leverage additional research expertise. For example, through the Cooperative Research Units program USGS scientists are stationed at many universities. This proximity to academic researchers heightens the intellectual and technical resources devoted to answering biological and natural resource questions. Moreover, Cooperative Research Units are a vital component of our Nation's education and training infrastructure, helping to develop the skills that graduate students need to become the natural resource professionals that government agencies require.

Biological science programs within the USGS gather long-term data not available from other sources. Such data have contributed in a fundamental manner to our understanding of bird migratory patterns and the status and dynamics of biological populations, and have improved our understanding of how ecosystems function. This array of research expertise not only serves the core missions of the Department of the Interior, but also contributes to management decisions made by other agencies and private sector organizations. In short, we need to increase our investments in these important research activities.

The USGS is uniquely positioned to address many of the Nation's biological and environmental challenges, including energy independence, climate change, water quality, endangered species, introduced pest species, emerging diseases, and conservation of biological diversity. USGS research in biology and ecosystem science provides data on the potential impacts to ecosystems that could result from global climate change or from particular land management practices. Additional studies conducted by the USGS related to global change indicate that sea-level rise will continue to impact coastal areas. These studies will provide critical data for resource

managers as they develop adaptive management strategies for restoration and long-term use of the Nation's natural resources, including its coastlines.

Funding for the USGS has remained flat for nearly a decade. The situation is even more critical when the budget is adjusted for inflation. The President's fiscal year 2009 budget request for the USGS is $969 million, $38 million below the fiscal year 2008 enacted budget and more than $6 million below the fiscal year 2008 operating plan. Despite inadequate budget requests from the present and prior administrations, Congress has demonstrated its recognition of the importance of USGS science by restoring proposed cuts. In response, the USGS has made every effort to be responsible stewards of public funds and has sought to leverage its limited human and financial resources to the greatest extent possible.

There is growing concern from within the government and from outside that funding for the USGS must improve if it is to continue to serve its mission. Without an increased investment in USGS science, core missions and national priorities will suffer. Thus, any effort that Congress can make to fundamentally improve funding for the USGS will be appreciated.

Thank you for your thoughtful consideration of this request. If you require additional information, please contact us at 202–628–1500 x 250.

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PREPARED STATEMENT OF THE NATIONAL WILDLIFE REFUGE ASSOCIATION

Madam Chairwoman and members of the subcommittee: On behalf of the National Wildlife Refuge Association (NWRA) and its membership comprised of current and former refuge professionals, 154 refuge Friends organization affiliates and thousands of concerned citizens throughout the United States, thank you for your leadership and strong support for the National Wildlife Refuge System (NWRS) including the enacted $39 million increase for fiscal year 2008. Thank you for the opportunity to offer comments on the fiscal year 2009 Interior Appropriations bill. Specifically, we respectfully request that the subcommittee support the following:

—An overall funding level of $514 million for the operations and maintenance (O&M) budget of the National Wildlife Refuge System, managed by the U.S. Fish and Wildlife Service (FWS);
—An allocation of $55.1 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated to conduct strategic habitat conservation around national wildlife refuges through partnerships among the FWS, refuge Friends and other national, regional and local interests that work with States, counties and municipalities to identify, prioritize and implement land and water conservation opportunities beyond refuge boundaries;
—An allocation of $1 million to continue to support the Volunteers and Invasives Program which utilizes Friends and volunteers to identify and eradicate invasive species on and in connection with refuges;
—An allocation of $100 million in the FWS land acquisition budget through the Land and Water Conservation Fund (LWCF) to acquire vital habitat from numerous willing sellers across the country;
—An allocation of $25 million for the NWRS construction budget to prevent further degradation of Refuge System infrastructure;
—An allocation of $85 million for the State and Tribal Wildlife Grants Program;
—An allocation of $10 million for the National Fish and Wildlife Foundation (NFWF) in the FWS' Resource Management General Administration appropriation;
—Include language prohibiting use of funds for a land exchange at the Izembek NWR in Alaska;
—An allocation of $30 million for Climate Change Planning for refuges.

The NWRA is the chair of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 wildlife, hunting, fishing, conservation, and scientific organizations representing more than 14 million members and supporters. A comprehensive analysis by CARE determined that the Refuge System needs $765 million in annual operations and maintenance funding by 2013 to properly administer its nearly 100 million acres and provide the full spectrum of wildlife dependent recreation identified in the Refuge Improvement Act of 1997. To reach this reasonable goal, we respectfully request that you provide $514 million in fiscal year 2009 for Refuge System Operations and Maintenance (O&M).

Recent years of stagnant budgets have caused the System O&M backlog to rapidly escalate to more than $3.5 billion. This huge backlog has forced the FWS to initiate plans for a dramatic 20 percent workforce downsizing. Visitors often show up to find roads and visitor centers closed, parking lots and boat launches in disrepair, and habitat restoration projects put "on-hold" or eliminated. Invasive plant species con-

tinue to encroach on the Refuge System lands and undermine their ability to fulfill their mission. In addition, a serious staffing deficiency in biologists and law enforcement officers has caused biological monitoring and habitat management to diminish and allowed illegal activities such as poaching and trespassing to increase. All of these shortcomings have reduced the opportunity for wildlife dependent recreational opportunities on Refuge System lands. Creating and enhancing these opportunities is critical to connecting people to our natural resources. We are grateful for the much-needed budget increase that Congress provided the Refuge System for the current fiscal year, and we respectfully urge the Congress to build upon this important step toward restoring the Refuge System by carefully considering our request in the fiscal year 2009 budget.

While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to achieve their conservation mission and objectives alone. Their integrity depends on the health of surrounding State, Federal, and private lands and waters. Consequently, there is a growing need to provide funding to ensure that lands and waters beyond refuge boundaries are conserved. Today, the alarming rush to convert rural land to subdivisions and strip malls has caught wildlife managers off guard and requires quick action. In response, NWRA launched Beyond the Boundaries, a campaign designed to identify and prioritize crucial additions to the nation's conservation estate, improve connectivity between refuges and other conservation lands, and protect buffer zones. Beyond the Boundaries employs sound conservation science to integrate State Wildlife Action Plans (SWAP), refuge Comprehensive Conservation Plans (CCP) and other conservation planning tools, and engages diverse stakeholders at the State and local levels to develop bold strategies for protecting critical wildlife habitat. All while strengthening economies through improved quality of life, clean water and outdoor recreation and appreciation.

Accordingly, for fiscal year 2009 we respectfully ask that the subcommittee appropriate $55.1 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated specifically to conduct strategic habitat conservation around national wildlife refuges that engages refuge Friends and other national, regional and local interests that work with States, counties, and municipalities to identify, prioritize and implement land and water conservation opportunities beyond refuge boundaries. These local initiatives will result in strategic visions which will serve as blueprints for use of State, Federal, and private conservation dollars, and will expedite implementation of State Wildlife Action Plans.

We also encourage the subcommittee to continue its strong support "for cooperative projects with [F]riends groups on invasive species control" in the Volunteers and Invasives Program by again appropriating $1 million for this valuable program. With annual allocations by Congress since fiscal year 2003, more than 207 separate refuges have taken actions to control invasives, and the Refuge System has identified approximately $166 million of invasive species projected needs. A competitive grants program for cooperative invasive species projects with refuge Friends and volunteers constitutes the majority of previous allocations. Over the past 3 years, funding awarded to refuges through this program for engaging volunteers in invasive species management has enabled 2,750 volunteers to contribute more than 49,000 hours to the treatment, inventory, and restoration of over 211,000 acres of refuge lands. In fiscal year 2006, a total of 917 volunteers contributed 22,239 hours and participated in the treatment, inventory and restoration of 73,909 refuge acres.

Likewise, the Cooperative Volunteer Invasives Monitoring Program has demonstrated powerful results at the 32 participating refuges. A partnership among the NWRA, FWS, United States Geological Survey (USGS) and The Nature Conservancy, the program trains refuge volunteers to identify invasives and collect extensive data using inexpensive but sophisticated global positioning system (GPS)/geographic information system (GIS) data-collection equipment. To date, an estimated 24,000 acres of refuge lands, in addition to hundreds of water bodies, have been inventoried and mapped by a corps of nearly 200 trained volunteers contributing 8,000 hours. Refuges participating in the program have used the data to engage an additional 887 volunteers in invasive plant management actions such as control and restoration measures. Importantly, the Chairs and Vice-Chairs of the Wildlife Refuge Caucus have recognized the value of this program, including it as a component of the House passed "REPAIR Act" (H.R. 767) that directs the Secretary to establish a Cooperative Volunteer Invasives Monitoring and Control Program to document and combat invasive species in and near national wildlife refuges.

The NWRA encourages the subcommittee to allocate sufficient funding to assess and purchase high-priority water rights and high-priority lands and conservation easements through the Land and Water Conservation Fund (LWCF). Inadequate water quantity and quality represent some of the biggest obstacles for refuges to

overcome and unfortunately, many refuges do not own the water rights on the refuge or they are not guaranteed an allocation of water from a river or stream. The FWS is currently compiling a needs-based priority database of where water rights need to be secured, and we urge the subcommittee to allocate sufficient funding to allow the FWS to acquire these essential rights while they are available and affordable. In some cases, if we fail to act, refuges will be left high and dry.

The Refuge System land acquisition backlog is estimated at more than $4 billion, with over 15 million acres remaining to be acquired within approved refuge boundaries. While a full suite of conservation strategies should be employed in working with private landowners, in cases where fee title acquisition is preferred by the landowner and the refuge has identified it as a top priority, the FWS should acquire the land. The NWRA believes that $100 million should be allocated toward Refuge System land acquisition, yet even at that annual rate, it would take at least 40 years to acquire priority lands. Within this request, the NWRA encourages the subcommittee to provide funding for the following projects which have willing sellers and are immediately available for purchase: $5.6 million for Crystal River NWR (FL); $6 million for Stewart B. McKinney NWR (CT); $2.15 million for Rappahannock River Valley NWR (VA); $1 million for Lake Umbagog NWR (NH); $2.5 million for Silvio O. Conte NFWR (MA); $1.1062 million for Bayou Sauvage NWR (LA); $3.5 million for Rachel Carson NWR (ME); $2 million for Pelican Island NWR (FL) and $6 million for James Campbell NWR (HI).

We encourage the subcommittee to resist the zeroing out of the Refuge System's construction budget proposed in the president's fiscal year 2009 budget request and instead allocate $25 million. The FWS has identified over $1 billion in construction projects, which in many cases will result in replacement of quickly deteriorating structures that are becoming more expensive to maintain.

The NWRA urges the subcommittee to appropriate at least $85 million for the State and Tribal Wildlife Grants Program in fiscal year 2009 to implement statewide conservation plans, supporting projects to keep common species common and develop partnerships. These State-based plans can dovetail with refuge Comprehensive Conservation Plans (CCPs) and help fulfill the shared Federal/State responsibility for keeping our Nation's wildlife from becoming endangered.

We encourage the subcommittee to allocate $10 million for the National Fish and Wildlife Foundation through the FWS' Resource Management General Administration appropriation. Each year, NFWF receives more project proposals than they are capable of funding. Adequate funding will ensure NFWF has the ability to leverage resources to fund projects that directly benefit diverse species in, around and outside of national wildlife refuges across the country.

The NWRA is strongly opposed to a proposed land exchange at the Izembek NWR on Alaska's peninsula, which would allow a road to be built through the biological heart of the refuge. This exchange is in the President's fiscal year 2009 budget justification and has also been introduced as legislation in both the House and Senate (H.R. 2801 and S. 1680).

And perhaps most importantly in this era of uncertainty related to climate change, we urge the subcommittee to allocate $30 million in dedicated funding to allow the FWS to create a plan for how to manage refuges in such a way that would allow them to adapt to anticipated changes. Work currently conducted by scientists including Dr. Michael Scott, Senior Scientist with the U.S. Geological Survey and Professor of Wildlife Biology at the University of Idaho, show how models for individual refuges can be made that simulate rising water levels, increased temperatures, and how species are expected to react. While these innovative tools are now readily available, without dedicated funding, refuge staff is simply unable to take full advantage. Refuges are perhaps our best natural laboratories on a national level to assess impacts to wildlife and habitat as a result of global climate change; a small investment could yield valuable insights that will guide wildlife management and land use planning well into the future.

In conclusion, the National Wildlife Refuge Association believes the National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge volunteers. We extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System.

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## PREPARED STATEMENT OF THE NEW MEXICO DEPARTMENT OF GAME AND FISH

Madam Chairman and honorable members of the subcommittee: On behalf of the New Mexico Department of Game and Fish (Department), I appreciate the opportunity to present this testimony in support of a $2.6 million appropriation from the

Land and Water Conservation Fund for critical land protection efforts by the Forest Service in the Cibola National Forest near Gallup, New Mexico.

The Department completed the Comprehensive Wildlife Conservation Strategy for New Mexico in 2005, combing input from over 125 public, private, and tribal interests, as a guide to collaborative and coordinated conservation activities in the State. Identified through the planning process were Species of Greatest Conservation Need and key wildlife habitats throughout New Mexico. One of those Species of Greatest Conservation Need is Zuni bluehead sucker, a species listed as endangered by the State of New Mexico and a candidate for Federal listing under the Endangered Species Act. Zuni bluehead sucker is found only in about 9 miles of habitat in the headwaters and isolated springs of the upper Zuni River watershed. Preservation of existing habitat and reduction of threats to the population from habitat destruction, fragmentation, and demands on the water supply to the river and springs are critical to keeping this species from extinction.

The Department, under the guidance of the Comprehensive Wildlife Conservation Strategy for New Mexico and the Zuni Bluehead Sucker Recovery Plan, is working closely with State, Federal, and Tribal agencies and private organizations and individuals to forward our common wildlife conservation initiatives. The partnerships that have formed to protect habitat in the headwaters of the Zuni River are some of the broadest and most diverse in the State, including The Nature Conservancy, U.S. Fish and Wildlife Service, U.S.D.A Forest Service, and the Pueblo of Zuni. Priorities include restoration of the watershed and protecting habitat by purchase to prevent imminent threats of water and housing development. Among ongoing efforts, the Department is working with The Nature Conservancy to acquire 440 acres of land along the Rio Nutria, the major tributary to the Zuni River. This purchase, using the State Natural Lands Protection Act and funded by a special land conservation appropriation and the Duke Foundation, will add to the 1,300-acre Rio Nutria Preserve previously acquired by the State of New Mexico and The Nature Conservancy. Additionally, the Pueblo of Zuni, The Nature Conservancy, and the Department are working to restore and manage habitat for protection of the sucker on both the Preserve and within Zuni tribal lands. This is a unique opportunity to engage tribal government in support of the State's Comprehensive Wildlife Conservation Strategy.

The proposed Forest Service acquisition will continue the partners' efforts to acquire and preserve habitat for the Zuni bluehead sucker and other important species. The two sections of land that make up the proposed Forest Service acquisition are important tributary drainages in the Zuni River watershed. Tampico Draw bisects the section that would be acquired in the first phase of the acquisition and drains directly into the Rio Nutria. The second section is on the headwaters of Grasshopper Canyon that also drains into Rio Nutria. Protection of these areas will help to protect downstream habitat occupied to by Zuni bluehead sucker.

In fiscal year 2009, $2.6 million is required for the Forest Service from the Land and Water Conservation Fund to acquire and conserve the first 640 acres of the 1,280-acre Tampico Spring property. This will preserve critical wildlife habitat, protect an important watershed, and facilitate improved management of national forest lands in New Mexico.

Thank you again, Madam Chairman, for the opportunity to present this testimony in support of this important Land and Water Conservation Fund project in New Mexico.

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## PREPARED STATEMENT OF THE NEW MEXICO INTERSTATE STREAM COMMISSION

### SUMMARY

This statement is submitted in support of fiscal year 2009 appropriations for Colorado River Basin salinity control program activities of the Bureau of Land Management. I urge that $5,900,000 be appropriated for the Bureau of Land Management for activities that benefit the control of salinity in the Colorado River Basin, and of that amount, $1,500,000 be marked specifically for the Colorado River Basin Salinity Control Program. In addition, I support the President's requested appropriation of $34,029,000 for the Land Resources Subactivity: Soil, Water, and Air Management, but request an increase of $700,000 in that amount to provide for the needed Colorado River Basin salinity control activities of the Bureau of Land Management for a total appropriation of $34,729,000.

The Colorado River Basin Salinity Control Forum (Forum) is comprised of representatives of the seven Colorado River Basin States appointed by the respective Governors of the States. The Forum has examined all of the features needed to con-

trol the salinity of the Colorado River. Those features include activities by the cooperating States, the Bureau of Reclamation, the Department of Agriculture, and the Bureau of Land Management (BLM). The salinity control program has been adopted by the seven Colorado River Basin States and approved by the EPA as a part of each State's water quality standards. Also, water delivered to Mexico in the Colorado River is subject to Minute 242 of the United States treaty with Mexico that sets limits on the salinity of the water.

About 75 percent of the land in the Colorado River basin is owned, administered or held in trust by the Federal Government. BLM is the largest landowner in the Colorado River Basin, and manages public lands that are heavily laden with salt. When salt-laden soils erode, the salts dissolve and remain in the river system, affecting the quality of water used from the Colorado River by the Lower Basin States and Mexico. BLM needs to target the expenditure of at least $5.9 million for activities in fiscal year 2009 that benefit salinity control in the Colorado River Basin. In addition, BLM needs to target the expenditure of $1,500,000 of the $5.9 million specifically for salinity control projects and technical investigations. Experience in past years has shown that BLM projects are among the most cost-effective of the salinity control projects.

As 1 of the 5 principal Soil, Water and Air Management program activities, BLM needs to specifically target $5.9 million to activities that benefit the control of salinity on lands of the Colorado River Basin. In the past, BLM has allocated $800,000 of the Soil Water and Air Management appropriation for funding specific project proposals submitted by BLM staff to the BLM salinity control coordinator. However, some of that funding has been eliminated in recent years by budget rescissions or transfers to other uses to balance budget needs. Consequently, the $800,000 allocated by BLM from the Soil, Water and Air Management Subactivity for Colorado River Basin salinity control has been reduced, limiting the implementation of needed salinity control efforts. The recently released annual report of the federally chartered Colorado River Basin Salinity Control Advisory Council reports that BLM has identified projects that could utilize funding in the amount of $1.5 million for fiscal year 2008. Consequently, I request that $1.5 million of the Soil, Water and Air Management Subactivity be marked specifically for Colorado River Basin salinity control activities. Achieving this level of appropriation for the critically needed cost effective salinity control work by BLM requires an increase of $700,000 in the BLM budget request of $34,029,000 for the Soil, Water and Air Management Subactivity.

I believe and support past Federal legislation that finds that the Federal Government has a major and important responsibility with respect to controlling salt discharge from public lands. Congress has charged the Federal agencies to proceed with programs to control the salinity of the Colorado River Basin with a strong mandate to seek out the most cost-effective solutions. BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. In addition, these programs are environmentally acceptable and control erosion, increase grazing opportunities, produce dependable stream run-off and enhance wildlife habitat.

The water quality standards adopted by the Colorado River Basin States contain a plan of implementation that includes BLM participation to implement cost effective measures of salinity control. BLM participation in the salinity control program is critical and essential to actively pursue the identification, implementation and quantification of cost effective salinity control measures on public lands.

Bureau of Reclamation studies show that quantified damages from the Colorado River to United States water users are about $330 million per year. Unquantified damages increase the total damages significantly. For every increase of 30 milligrams per liter in salinity concentration in the waters of the Colorado River, an increase in damages of $75 million is experienced by the water users of the Colorado River Basin in the United States. Control of salinity is necessary for the Basin States, including New Mexico, to continue to develop their compact-apportioned waters of the Colorado River. The Basin States are proceeding with an independent program to control salt discharges to the Colorado River, in addition to up-front cost sharing with Bureau of Reclamation and Department of Agriculture salinity control programs. It is vitally important that BLM pursue salinity control projects within its jurisdiction to maintain the cost effectiveness of the program and the timely implementation of salinity control projects to avoid unnecessary damages in the United States and Mexico.

At the urging of the Basin States, BLM has created a full time position to coordinate its activities among the BLM State offices and other Federal agencies involved in implementation of the salinity control program. The BLM's Budget Justification documents have stated that BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation and the U.S.

Department of Agriculture and reports salt retention measures to implement and maintain salinity control measures of the Federal salinity control program in the Colorado River Basin. BLM is to be commended for its commitment to cooperate and coordinate with the Basin States and other Federal agencies. The Basin States and I are pleased with the BLM administration's responsiveness in addressing the need for renewed emphasis on its efforts to control salinity sources and to comply with BLM responsibilities pursuant to the Colorado River Basin Salinity Control Act, as amended. While it is commendable that BLM's budget focuses on ecosystems and watershed management, it is essential that funds be targeted on specific subactivities and the results of those expenditures reported. This is necessary for accountability and effectiveness of the use of the funds.

I request the appropriation of at least $5.9 million in fiscal year 2009 for Colorado River salinity control activities of BLM, and that $1,500,000 of that amount be marked specifically for the Colorado River Basin Salinity Control Program, including projects and technical investigations. In addition, I request the appropriation of a minimum of $34,029,000 for the Land Resources Subactivity: Soil, Water, and Air Management as requested by the President. However, I request that $34,729,000 be appropriated for the Land Resources Subactivity: Soil, Water, and Air Management to provide for the increase of $700,000 needed for a total of $1.5 million marked specifically for Colorado River salinity control activities without causing any reduction of other activities funded from the Soil, Water and Air Management appropriation. I very much appreciate favorable consideration of these requests. I fully support the statement of the Colorado River Basin Salinity Control Forum submitted by Jack Barnett, the Forum's Executive Director, in request of appropriations for BLM for Colorado River salinity control activities.

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## PREPARED STATEMENT OF THE NORTHWEST INDIAN FISHERIES COMMISSION

Mr. Chairman and the other honorable members of the committee, I am Billy Frank, Jr., chairman of the Northwest Indian Fisheries Commission (NWIFC). It is indeed a privilege and an honor to be able to submit written testimony of our present funding requests to this committee on behalf of Native American people. On behalf of the membership of the NWIFC, our natural resource management funding requests for the fiscal year 2009 Budget for the Bureau of Indian Affairs (BIA) and the Environmental Protection Agency (EPA) are as follows:

### SUMMARY OF NWIFC SPECIFIC APPROPRIATIONS REQUESTS

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

### SUPPORT OF NATIONAL TRIBAL APPROPRIATIONS

—Support Tribal requested funding levels within BIA for Trust Responsibility, Tribal Priority Allocation (TPA) and Self-Governance that pertains to Fisheries Management and Implementation of the U.S.-Canada Pacific Salmon Treaty

—$160 million to fully fund BIA Contract Support Cost
—Provide necessary pay cost adjustments for existing and emerging programs
—Support full funding of EPA's Indian General Assistance Program (GAP)

THE NORTHWEST INDIAN FISHERIES COMMISSION

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

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

—*$1.8 MILLION RESTORATION OF CUT IN THE PRESIDENT'S BUDGET.*—This reduction, which targeted the U.S.-Canada Pacific Salmon Treaty, would affect the Northwest Indian Fisheries Commission, as well as the Columbia River Inter-Tribal Fish Commission and the Metlakatla Indian Community. The NWIFC portion of this cut is about 67 percent, or a reduction of $1.2 million. Tribes receive important value from the PST monies through direct contracts from the BIA for research and monitoring work, as well as from NWIFC policy coordination, technical assistance, and personnel contract support. These monies are critical for the successful renegotiation of portions of the treaty that are set to expire.

—*$7.5 MILLION ENHANCEMENT OF WESTERN WASHINGTON FISHERIES MANAGEMENT BASE FUNDING.*—The Tribes and the NWIFC request an increase of $4.0 million for the base program funding due to increased management obligations and costs. Base funding levels for Tribal Natural Resources was initially set more than 30 years ago. Funding declines in recent years are attributable to many reasons; inflationary costs, rescissions and the overall appropriations climate. Hence, today we are receiving less funding than we did three decades ago but the level of management responsibility has dramatically outpaced the level of funding. There have been occasional cost of living adjustments and some new monies have been added to core base, level funding over the years.

The tribes request an increase of $2.0 million for base program funding to support increased shellfish management needs. In 1999, the Supreme Court denied cert. and let stand the favorable decision of the 9th Circuit Court which included guaranteed Tribal rights to harvest and gather shellfish for their commercial, ceremonial and subsistence needs. Tribes need monies to implement this right, in much the same way as they did after the original *U.S.* v. *Washington* case was decided. Several dozen regional shellfish management plans have been successfully negotiated with Tribal and State agencies, and Tribes have redirected efforts to conduct the minimum management needed for their fisheries. Tribes need new resources to collect information to assess treaty/non-treaty sharing arrangements, to implement the shellfish sanitation consent decree and to better monitor and enforce Tribal regulations on deep-water fisheries. Without new resources our current successful implementation of the agreement will be short-lived.

The tribes request an increase of $1.5 million for base program funding to support increased groundfish management needs. This appropriation would fund groundfish management activities for the four coastal Treaty Tribes who

do not currently receive funds for these activities such as data collection, analysis and monitoring. These activities are funded from other existing fishery program funds which are inadequate and pose challenges to Tribes to meet their management needs and responsibilities. The transition to greater regional- and species-specific management increases the demand for information and staff. Groundfish biologists, technicians and enforcement personnel are all critical for an effective groundfish management program.

—*$1.74 MILLION TO MAINTAIN TIMBER-FISH-WILDLIFE (TFW) PROGRAM*.—TFW has served as the cornerstone-funding source for Tribal habitat management capabilities for almost 20 years. Since 2000, Congress has provided an allocation for additional Tribal participation in TFW and the Forest and Fish Report (FFR) development. Originally at $3.08 million, this level was decreased in fiscal year 2006, but has been supplemented by a special request for funds from the State of Washington. In an effort to make the TFW program whole and allow Tribes to continue to implement TFW and the adaptive management provision in the FFR plan, which has been adopted as a HCP under the Endangered Species Act, an additional $1.74 million is needed to supplement the funds received by the Tribes from the State of Washington.

—*$2.4 MILLION TO MAINTAIN THE MASS MARKING PROGRAM*.—These funds are needed to fully mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations and watersheds in Western Washington. Federal requirements to mass mark Pacific Salmon raised in facilities funded in whole or in part by Federal dollars require program funding for Tribes. Tribes have agreed to mark salmon at their facilities, but require necessary funding to do so. It is also critically important to scientifically monitor salmon populations through spawning escapement studies to determine how the marking program and marked selective fisheries may be affecting existing data and assumptions. New plans to implement more extensive selective fisheries require additional funding and the cost for this task has increased since initial funding levels, and is expected to be at least $2.4 million in fiscal year 2009.

—*$5.0 MILLION TRIBAL WILDLIFE MANAGEMENT—TREATY HUNTING RIGHTS*.—Wildlife Management is a new initiative. Existing sources within the BIA to address wildlife management issues have been eliminated at the same time Tribal treaty rights to hunt are being constantly challenged either through unfriendly legal processes or through loss of important habitat and access to open and unclaimed lands. An appropriation of $5.0 million would provide each of the member Tribes with a basic infrastructure to deal with Tribal wildlife management and treaty hunting rights. We also recognize that the USFWS Tribal Wildlife Grants, by themselves, are neither adequately funded nor are they designed to support long-term tribal staff infrastructure. This package supports basic infrastructure at each tribe and the NWIFC, as well as provides a pool of project monies for competitive grants. Further, the continued elimination of $320,000 from the Unresolved Hunting and Fishing Rights line item will impact the Tribes ability to develop in-common and co-management databases with the State of Washington to work through hunting and wildlife management issues.

BUREAU OF INDIAN AFFAIRS/NATURAL RESOURCE/FORESTRY PROGRAMS

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

BUREAU OF INDIAN AFFAIRS/HATCHERY MAINTENANCE/REHABILITATION & REFORM

—*$1.5 MILLION SALMON HABITAT RESTORATION*.—BIA HATCHERY MAINTENANCE & REHABILITATION

—*$2.43 MILLION SALMON HABITAT RESTORATION*.—BIA/NATURAL RESOURCE MANAGEMENT/FISH AND WILDLIFE PROJECTS HATCHERY REFORM IMPLEMENTATION OR NOAA/PACIFIC SALMON/PACIFIC COASTAL SALMON RECOVERY FUND [PCSRF]

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

ENVIRONMENTAL PROTECTION AGENCY/NATIONAL ESTUARIES PROGRAM/PUGET SOUND PARTNERSHIP

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

ENVIRONMENTAL PROTECTION AGENCY/GENERAL ASSISTANCE PROGRAM (GAP)

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

Again, thank you for allowing me to submit these requests to you today.

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## PREPARED STATEMENT OF OPERA AMERICA

Madam Chairman and distinguished members of the subcommittee, I am grateful for the opportunity to submit testimony on behalf of OPERA America, its board of directors, and its 114 American member companies. We strongly urge you to support an increased appropriation of $176 million for the National Endowment for the Arts. This testimony and the funding examples described below are intended to highlight the importance of Federal investment in the arts so critical to sustaining a vibrant cultural community throughout the country.

Opera is a continuously growing art form that can address the diverse needs and backgrounds of our communities. New opera companies are being established in communities that have never before had access to live performances. Seventy percent of the opera companies in existence today have been established since 1960. The growth of the field corresponds to the establishment and growth of the NEA. Over the last 20 years, a rich repertoire of American operas has been created by composers who communicate the American experience in contemporary musical and dramatic terms. The growth in the number and quality of American operas corresponds directly to the investment of the NEA in the New American Works program of the former Opera-Music Theater Program.

Past NEA funding has directly supported projects in which arts organizations, artists, schools, and teachers collaborated to provide opportunities for adults and children to create, perform, and respond to artistic works. NEA funding has also made the art form more widely available in all States, including isolated rural areas and inner cities, indeed, NEA funded projects cross all racial, geographic, and socioeconomic lines.

The following are some examples of the impact of NEA funding on opera programs in 2008 from the NEA's 2008 Access to Artistic Excellence Program:

Amarillo Opera, Inc.
Amarillo, TX
$7,500

To support a production of Carlisle Floyd's Cold Sassy Tree. The work will be conducted by James Lowe who worked with the composer on the original production.

Cedar Rapids Opera Theatre
Cedar Rapids, IA

$10,000

To support a production of Verdi's Aida. An admission-free performance will be presented for youth and adult participants of three nonprofit organizations that support underserved communities; Big Brothers Big Sisters, Osada, and the McAuley Center for Women.

Central City Opera House Association

Denver, CO

$17,500

To support a new production of Britten's The Rape of Lucretia. The opera will take place during the National Performing Arts Convention, a convening of the national service organizations and their memberships of arts professional from across the performing arts, including opera, music, dance, and theater.

Intermountain Opera Association of Bozeman

Bozeman, MT

$10,000

To support performances of Bizet's Carmen and related educational activities. Three performances will take place at Willson Auditorium utilizing a core group of professional singers, augmented by local instrumentalists and singers.

Michigan Opera Theatre

Detroit, MI

$35,000

To support a revival of Margaret Garner by composer Richard Danielpour and librettist Toni Morrison. The three-act opera is based on the true story of a slave woman's quest for freedom.

Opera Company of Philadelphia

Philadelphia, PA

$25,000

To support the East Coast premiere of Cyrano by composer David DiChiera and French librettist Bernard Uzan. The project is a collaboration among the Opera Company of Philadelphia, Michigan Opera Theatre, and Florida Grand Opera.

Opera Omaha, Inc.

Omaha, NE

$12,500

To support a new production of Verdi's Aida. As part of the company's 50th anniversary season, the production will be designed by local sculptor and installation artist Catherine Ferguson.

Pensacola Opera, Inc.

Pensacola, FL

$18,000

To support the commissioning and premiere of The Widow's Lantern by composer and librettist David Ott and based on Florida history. Collaborations with. West Florida History Preservation, the University of West Florida, and Okaloosa-Walton College will provide performance venues and production support.

Pittsburgh Opera, Inc. (Consortium)

Pittsburgh, PA

$25,000

To support the creation of a new production of Saint-Saens' Samson and Delilah. Co produced with Minnesota Opera, the project will draw upon the shared expertise of both companies and will provide a creative opportunity that will strengthen both organizations.

Portland Opera Association Inc.

Portland, OR

$10,000

To support the Portland Opera Studio Artists (POSA) and the POSA Chamber Opera. The training program provides education and performance opportunities for young artists while the chamber ensemble presents more intimate chamber operas.

San Francisco Opera Association

San Francisco, CA

$100,000

To support the world premiere of The Bonesetter's Daughter by composer Stewart Wallace and librettist Amy Tan. Education and outreach programs will include a panel discussion with members of the cast and the creative team, preview lectures at Bay Area locations, pre-performance lectures.

Seattle Opera

Seattle, WA

$45,000

To support a production of Bellini's I Puritan. Performances of the opera will be accompanied by preview talks, lectures, and radio broadcasts.

Tacoma Opera Association
Tacoma, WA
$10,000
To support performances of Rossini's Il Barbiere di Siviglia (The Barber of Seville). Educational outreach to the community includes teacher workshops and Student Night at the Opera.
Union Avenue Opera Theatre
St. Louis, MO
$7,500
To support productions of Donizetti's L'Elisir d'Amore, Massenet's Werther, Puccini's Il Tabarro, and Gilbert and Sullivan's The Sorcerer. The first two works will be fully staged and orchestrated operas, and the latter two works will be minimally staged with piano accompaniment.
Virginia Opera Association, Inc.
Norfolk, VA
$12,500
To support a new production of Tchaikovsky's Eugene Onegin to be part of Virginia Celebrates Russia, an initiative to encourage collaborative programming statewide during an event celebrating the 200th anniversary of the establishment of U.S.-Russia relations.

Despite overwhelming support by the American public for spending Federal tax dollars in support of the arts, the NEA has never recovered from a 40 percent budget cut in the mid-nineties, and its programs are seriously underfunded. With a $20.3 million increase for the NEA in fiscal year 2008, Congress began to lay the foundation for full restoration of the agency. We urge you to continue towards restoration and increase the NEA funding allocation to $176 million for fiscal year 2009.

On behalf of OPERA America, thank you for considering this request.

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## PREPARED STATEMENT OF THE OREGON WATER RESOURCES CONGRESS

I am Anita Winkler, executive director, Oregon Water Resources Congress. This testimony is submitted to the United States Senate Appropriations Committee, Subcommittee on Interior and Related Agencies, regarding the fiscal year 2009 budget for the Department of Interior Fish and Wildlife Service.

The Oregon Water Resources Congress (OWRC) was established in 1912 as a trade association to support member needs to protect water rights and encourage conservation and water management statewide. OWRC represents non-potable agriculture water suppliers in Oregon, primarily irrigation districts, as well as other special districts and local governments that deliver irrigation water. The association represents the entities that operate water management systems, including water supply reservoirs, canals, pipelines, and hydropower production.

### RE: FRIMA PROGRAM—U.S. FISH AND WILDLIFE SERVICE FISCAL YEAR 2009 REQUEST

*Request*

The Oregon Water Resources Congress is requesting $25 million for the full funding in fiscal year 2009 for the U.S. Fish and Wildlife Service Fish Restoration Irrigation Mitigation program as authorized in the Fish Restoration Irrigation Mitigation Act (FRIMA) in November 2000 as Public Law 106–502 (H.R. 1444). The administration has not requested any funding in the fiscal year 2009 Budget submission for this program.

FRIMA created a new Federal partnership fish screening and passage program in the Pacific Ocean drainage areas of Idaho, Oregon, Washington and western Montana, administered by the Fish and Wildlife Service and partnered through State fishery agencies.

The original legislation was supported and requested by the Pacific Northwest Partnership, a coalition of local governmental entities in the four Northwest States. As one of the members of that coalition, we appreciate your consideration of this request.

*Need*

Our association has represented irrigation districts in Oregon since 1912. About half of those districts are affiliated with the U.S. Bureau of Reclamation. The remainder of the districts were not developed under the Reclamation program. There are over 200 irrigation districts in Oregon that provide water supplies to over one million acres of cropland in the State. Almost all of these districts are affected by either State or Federal Endangered Species Act listings of Salmon and Steelhead, Bull Trout or other sensitive, threatened or endangered species.

Fish passage and fishscreen needs have become critical to fishery protection:
—to keep protected fish species out of water canals and delivery systems;
—to allow fish to be safely bypassed around reservoirs and facility structures; and
—to eliminate water quality risks to fish species.

Oregon irrigation districts anticipate no less than $500 million in funding will be required to develop fish passage and fishscreen needs. Limited cost-share funds are available from the Oregon Watershed Enhancement Board (OWEB) program in Oregon, but primarily the cost share for passage and screening needs has been provided by the districts and their water users. Although many districts already have screening facilities in place, requirements for screening have changed to meet Federal agency requirements of the NOAA Fisheries Service and the Fish and Wildlife Service, driven by implementation of the Federal Endangered Species Act (ESA) so that existing facilities must be upgraded at significant cost.

*Background of Public Law 106–502*

FRIMA was enacted November 2000, creating a voluntary cost-share fish screen construction program for water withdrawal projects in Idaho, Oregon, Washington and western Montana. The Fish and Wildlife Service is to implement this program through the fishery agencies in the four States. The funding is to go to local governments for construction of facilities. Irrigation districts and other local governments that divert water for irrigation, can access the funding; individual irrigators can access funding through their local Soil and Water Conservation District. (SWC Districts are local governments affiliated with the Natural Resources Conservation Service).

*Funding*

The legislation calls for $25 million annually, to be divided among the four States, from 2001 forward. The Service has never included funding in its budget requests since passage of the legislation. Congress provided the first funding in 2001 through a write-in of $4 million to be shared among the four States. The agency did not get the program up and running until late 2002, so the first monies were distributed then. In the following years, funding for FRIMA was provided as a congressional write-in in each year. OWRC appreciates Congress' continued funding for the FRIMA program each year. That funding has begun to address the need for fish screens and fish passages to protect sensitive, threatened, and endangered fish species in the States in the Northwest, but there is still significant need.

In 2000, in its report accompanying the legislation, the Congressional Budget Office (CBO) estimated outlays of $70 million between 2001 and 2004. The actual appropriation was only $8.8 million during that time period and all of the money was a write-in. For fiscal year 2005, Congress provided $2 million for the program in the Consolidated Appropriations Act and, $2 million in fiscal year 2006. The fiscal year 2007 funding of $1 million was part of an appropriation to the Fish and Wildlife Service but was not a separate, designated appropriation. As you can see from the total amount of money that Congress has written in for the program, such amounts are woefully inadequate for what was anticipated for the program, yet still appreciated. The Administration did not request funding for the program for fiscal year 2009, consistent with its past budget submittals, despite widespread benefits from the money that Congress has provided.

A recently produced report by the U.S. Fish and Wildlife Service covering the program years fiscal year 2002–2004 provides State-by-State coverage of how the congressionally provided funding has been used in the program. The program has been extremely beneficial in the State of Oregon.

Funding funneled through the Service to State fishery agencies is distributed on the basis of an application and approval process that is based on a ranking system implemented uniformly among the States, including the following factors:
—fish restoration benefits;
—cost effectiveness; and
—feasibility of planned structure

Each State is allocated 25 percent of the annual program funding. Agency administrative costs cannot exceed 6 percent of the funding.

*Project Benefits*

The project must provide improved fish passage or fish protection at water diversion structures and must benefit fish species native to and present in the area, including those listed on State or Federal endangered species or conservation lists.

The project must meet applicable State and Federal requirements for project construction and operation. Projects will increase the survival of many native fish species in a relatively short period of time. Compared to other recovery strategies, the risks posed by these activities are low and the assurance of success in increasing

numbers of fish is high. Dislocation of existing social and economic activities is minor. Screening and passage can make a very substantial contribution utilizing existing implementation mechanisms and methods well accepted by landowners and rural communities.

*Cost Share*

FRIMA provides for a maximum Federal cost-share of 65 percent. The applicant's cost-share is 35 percent plus the on-going maintenance and support of the structure for passage or screening purposes. Applicants operate the projects and the State agencies monitor and review the projects. For more information, see the Service's Fishery Resources website for the Pacific Region at http://www.fws.gov/pacific/Fisheries/FRIMA. This program is headquartered in the Portland, Oregon regional office of the Service.

*Oregon's Project Benefits*

Twenty-five fish screens or fish passage projects in Oregon have been funded using funding from FRIMA for part of the project since the start of the FRIMA program. In addition, the Oregon Department of Fish and Wildlife has used some of the FRIMA funding to develop an inventory of need for fish screens and passages in the State. In that time, the local match has averaged 51.5 percent, well over the amount required under the act. In other words, each Federal $1 invested in the FRIMA program generates a local investment of just over $1 for the protection of fish species in the Pacific Northwest.

The following are examples of how Oregon has used some of its FRIMA money:

*Santiam Water Control District Project*.—Fishscreen project on a large 1050 cfs multipurpose water diversion project on the Santiam River (Willamette Basin) near Stayton, Oregon. Partners are the Santiam Water Control District, Oregon Department of Fish and Wildlife, Marion Soil and Water Conservation District, and the City of Stayton. Approved FRIMA funding of $400,000 leverages a $1,200,000 project. Species benefited include winter steelhead, spring Chinook, rainbow trout, and cutthroat trout.

*South Fork Little Butte Creek*.—Fishscreen and fish passage project on a 65 cfs irrigation water diversion in the Rogue River Basin near Medford, Oregon. Partners are the Medford Irrigation District and Oregon Department of Fish and Wildlife. Approved FRIMA funding of $372,000 leverages a $580,000 total project cost. Species benefited include listed summer and winter steelhead, coho salmon, and cutthroat trout.

*Running Y (Geary Diversion) Project*.—Fishscreen project on a 60 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Wocus Drainage District, Oregon Department of Fish and Wildlife, and Jeld-Wen Ranches. Approved FRIMA funding of $44,727 leverages a $149,000 total project cost. Species benefited included listed red-band trout and short-nosed sucker.

*Lakeshore Gardens Project*.—Fishscreen project on a 2 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Lakeshore Gardens Drainage District and Oregon Department of Fish and Wildlife. Approved FRIMA funding of $5,691 leverages a $18,970 total project cost. Species benefited include red-band trout, short-nosed sucker and Lost River sucker.

*Oregon Department of Fish and Wildlife Inventory Project*.—An inventory to be conducted by Oregon Department of Fish and Wildlife to identify FRIMA-eligible passage and screening projects within the Rogue and Klamath basins of southwestern Oregon. Approved FRIMA funding is $76,000. Estimated total project cost is $125,000.

WHY FUND NOW

Dollar-for-dollar, providing screening and fish passage at diversions is one of the most cost-effective uses of restoration dollars, creating fishery protection at low cost, with low risk and significant benefits. That is why it is important that this program be funded now. We urge the full authorization funding of $25 million for fiscal year 2009 and urge Congress' oversight in encouraging the Service to budget for this successful program in the future.

Thank you for the opportunity to provide this statement for the hearing record.

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PREPARED STATEMENT OF THE OUTDOOR INDUSTRY ASSOCIATION

On behalf of the Outdoor Industry Association I would like to thank the committee for the opportunity to present this written testimony. Outdoor Industry Association respectfully recommends the following funding levels for fiscal year 2009:

—The U.S. Forest Service's Recreation Management, Heritage and Wilderness programs should be funded at $285 million; Capital Improvement and Maintenance/Trails program at $85 million; and fire suppression should be taken "off-budget" so that Forest Service leadership can undertake strategic planning for other important programs managed by the agency, including placing a needed focus on the Recreation and Travel planning that is occurring in forests across the nation

—Fund the Land and Water Conservation Fund (LWCF) State Assistance program at $125 million

—Fund the Bureau of Land Management National Landscape Conservation System (NLCS) at $70 million

—Support the proposed operating increase ($161 million) for the National Park Service under the Centennial Initiative

Outdoor Industry Association (OIA) is a national trade association whose mission is to ensure the growth and success of the outdoor industry. OIA's members include the leading manufacturers and retailers of outdoor recreation equipment and services such as The North Face, Columbia Sportswear, Timberland, Patagonia, WL Gore, Cabela's, REI, LL Bean and many more.

Active outdoor recreation plays a large role in the lives of Americans. Three out of four Americans participate in active outdoor recreation each year. Popular outdoor activities such as hiking, biking, camping and wildlife viewing generate enormous economic power.

The numbers tell the story. Active outdoor recreation:

—Contributes $730 billion annually to the U.S. economy

—Supports 6.5 million jobs across the United States

—Generates $88 billion in annual State and national tax revenue

—Rings up $289 billion annually in direct retail sales and services.

In summary, active outdoor recreation touches more than $1 in every $12 circulating in the economy.

U.S. FOREST SERVICE

The vast majority of outdoor recreation occurs on our magnificent public lands and in order for the recreation economy to continue to grow as well as for Americans to enjoy the health and spiritual benefits of outdoor recreation, we as a nation must invest in the management of these wonderful resources.

One of USDA Forest Service's seven goals in its fiscal year 2009 budget proposal is to "Sustain and Enhance Outdoor Recreation Opportunities." Unfortunately, the administration's budget fails to provide the resources required to meet this important goal. Although recreation generates the greatest use and economic product of U.S. Forest System lands, the Recreation Program continues to be chronically under funded.

The administration's budget recommends a 10 percent decrease for recreation which amounts to a reduction of $25.6 million. This includes the elimination of 296 employees.

The Forest Service trails program is slated to be cut by 34 percent from $76 million to $50 million. This proposed cut will further increase the maintenance backlog as the Forest Service struggles to keep up with the 140,000 miles of trails it manages.

Finally, the Forest Service will once again face uncertainty and an inability to undertake meaningful long-term planning as fire suppression costs dominate the budget, making planning difficult and distracting the leadership of the Forest Service.

Appropriate funding will ensure that forests such as the Allegheny National Forests in Pennsylvania, the George Washington National Forest in Virginia, as well as the Mark Twain National Forest in Missouri will receive the proper maintenance so citizens will be able to enjoy these special places for years to come.

Outdoor Industry Association strongly urges Congress to fund the U.S. Forest Service's Recreation Management, Heritage and Wilderness programs at $285 million; the Capital Improvement and Maintenance/Trails program at $85 million; and fire suppression taken "off budget" so that leadership can manage other programs more efficiently.

LAND AND WATER CONSERVATION FUND STATE ASSISTANCE PROGRAM

The Stateside Land and Water Conservation program is the government's primary investment tool for ensuring that kids and families have access to close-to-home recreation. The LWCF stateside program has funded over 41,000 projects including sports fields, outdoor recreation facilities and trails. Outdoor Industry Association

is working to rejuvenate the program as part of its goal to bring quality parks and trails within 15 minutes of every child in the United States.

The Land and Water Conservation Fund (LWCF) was established by Congress in 1964 to meet America's needs for outdoor recreation opportunities, wildlife habitat conservation and open space. The LWCF Act directed Congress to allocate royalties from offshore oil and gas development for the purchase of land, waterways, wetlands, and other resource lands and to provide matching grant assistance for State and community open space and recreation projects.

Despite this strong record of success, our Nation's need for recreation infrastructure continues to grow. In its 2007 Annual Report on the LWCF State assistance program, the National Park Service reported that States estimated their unmet need for outdoor recreation facilities and parkland acquisition at $15.6 billion. Additionally, 42 of 50 States meet only 20 percent or less of their total estimated need for local outdoor recreation facilities and parkland acquisition. Clearly the need for matching Federal investment is profound.

The bottom line is that Congress still has a responsibility to dedicate funding for stateside LWCF through the annual appropriations process.

The stateside LWCF program is authorized by Congress to receive $450 million annually in funding, a level that has been met only once in its 30 year history despite a designated funding source.

Between 2002 and 2005, the President requested, and Congress appropriated between $89 million and $140 million per year for the LWCF stateside program. In contrast, between 2006 and 2008, funding averaged only $27 million. Therefore we find the elimination of all funding for this program, as called for in the President's fiscal year 2009 budget, completely unacceptable.

A few examples of successful recreational areas that were a direct result of the LWCF Stateside Program include: Reid Park in Riverside County, California; the Rio Grand Trail in Eagle County, Colorado; Sand Hill Park Sprayground in Chittenden County, Vermont; Harborside Park in Rockingham County New Hampshire; Rolling Mill Farm in Baltimore County, Maryland; Grand Vue Park in Marshall County, West Virginia; and Henry Horton State Park in Marshall County, Tennessee.

Outdoor Industry Association strongly urges Congress to fund the Land and Water Conservation Fund State Assistance Program at $125 million for fiscal year 2009.

BUREAU OF LAND MANAGEMENT NATIONAL LANDSCAPE CONSERVATION SYSTEM

Over the past 50 years, recreation has clearly emerged as a major use of Bureau of Land Management lands. Unfortunately, staffing and funding for recreation doesn't match up to this reality.

In June 2000, the National Landscape Conservation System was established to encompass the crown jewels of these BLM lands. The 26 million acres that comprise the NLCS represent just 10 percent of BLM lands, yet account for one-third of BLM's total recreation use and generate one-half of the BLM's total recreation fees. However, less than 4 percent of BLM's funding is invested back into the Conservation System. A lack of funding means that vandalism, unmanaged recreation, increasing energy development, and neglect are harming these special places.

Legislation has been recently introduced to give the NLCS congressional recognition which will ensure these lands remain a high priority for BLM and the Department of Interior. Unfortunately the legislation does not address budget shortfalls. The proposed funding level for fiscal year 2009 is set at $51.8 million, which if enacted, would be the lowest funding for the Conservation System since its creation in 2000.

With 11 of the 15 fastest growing States in the country in the west, the NLCS is a new backyard for recreation and should be adequately funded.

While the Conservation system is exclusively found in the Western part of the United States they are some of our most beautiful places. They include California Coastal National Monument in California; as well as the El Camino Real de Tierra Adentro National Historic Trail, the Old Spanish National Historic Trail, the Continental Divide National Scenic Trail, and the Kasha-Katuwe Tent Rocks National Monument in New Mexico.

Outdoor Industry Association strongly urges Congress to fund the Bureau of Land Management National Landscape Conservation System at $70 million for fiscal year 2009.

NATIONAL PARK SERIVCE

OIA supports the administration's proposed increase of $161 million for the operations of the National Park Service. However, we are concerned that the proposed operations increase is offset by cuts to other important NPS programs such as recreation and preservation, land acquisition and maintenance.

Outdoor Industry Association strongly urges Congress to increase funding for the National Park Service at the administration requested $161 million for fiscal year 2009.

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PREPARED STATEMENT OF THE PACIFIC SALMON COMMISSION

Mr. Chairman, and honorable members of the committee, my name is W. Ron Allen and I serve as an Alternate Commissioner on the Pacific Salmon Commission (PSC) and as the Chair of the U.S. Section's Budget Committee. The U.S. Section prepares an annual budget for implementation of the Treaty. The integrated budget details program needs and costs for Tribal, Federal, and State agencies involved in the Treaty. Under the Bureau of Indian Affairs budget, the U.S. Section recommends that Congress:

Fund the tribes' program at a restored funding level of $4,800,000 for tribal research projects and participation in the U.S.-Canada Pacific Salmon Treaty process, an increase of $730,500 over fiscal year 2008, plus pay-cost adjustments for the U.S./Canada Salmon Treaty line item, a subcategory under the Rights Protection Implementation, Wildlife and Parks, Other Recurring Programs Area.

Under U.S. Fish and Wildlife Service programs, the U.S. Section recommends that Congress:

Provide base funding of $445,000 for USFWS participation in the Treaty process, and provide funding of $250,000 for the Pacific States Marine Fisheries Commission's Regional Mark Center.

This base funding for the U.S. Fish and Wildlife Service will pay for the critically important on-going work. The funding for Pacific States Marine Fisheries Commission's Regional Mark Center is utilized to meet Treaty requirements concerning data exchange with Canada. These program recommendations are integrated with those of the State and Federal agencies to avoid duplication of effort and provide for the most efficient expenditure of scarce funds.

A copy of the integrated U.S. Section Budget Justification has been made available to the Committee. The budget summary justifies the funding we are recommending today. All of the funds are needed for critical data collection and research activities directly related to the implementation of the Treaty and are used in cooperative programs involving Federal, State, and Tribal fishery agencies and the Department of Fisheries in Canada. The monetary commitment of the United States is matched by the commitment of the Government of Canada.

The U.S. Section of the Pacific Salmon Commission is recommending a substantial adjustment to the funding for the work carried out by the twenty-four treaty tribes' that participate in the implementation of the Treaty. Programs carried out by the tribes are closely coordinated with those of the States and Federal agencies, but the tribes' efforts are now being hampered by forced staff reductions due to continuing reductions in funding for the Treaty program.

We are strongly recommending maintaining base funding of $445,000 for the U.S. Fish and Wildlife Service so the United States can maintain the critical database to implement the Treaty. We also strongly recommend funding of $250,000 to allow continuation of work carried out by the Regional Mark Processing Center. This work, maintaining and updating a coastwide computerized information management system for salmon harvest and catch effort data as required by the Treaty, has become even more important to monitor the success of management actions at reducing impacts on ESA-listed salmon populations. Canada has a counterpart database. The database will continue to be housed at the Pacific States Marine Fisheries Commission. The U.S. Fish and Wildlife Service will contract with the PSFMC to provide this service.

Mr. Chairman, the United States and Canada established the Pacific Salmon Commission, under the Pacific Salmon Treaty of 1985, to conserve salmon stocks, provide for optimum production of salmon, and to control salmon interceptions. After more than 20 years, the work of the Pacific Salmon Commission continues to be essential for the wise management of salmon in the Northwest, British Columbia, and Alaska. For example, upriver Bright fall Chinook salmon from the Hanford Reach of the Columbia River are caught in large numbers in Alaskan and Canadian waters. Tribal and non-tribal fishermen harvest sockeye salmon from Canada's Fraser River in the Strait of Juan de Fuca and in Puget Sound. Canadian trollers off

of the west coast of Vancouver Island catch Washington coastal coho salmon. In the Northern Boundary area between Canada and Alaska, fish from both countries are intercepted by the other country in large numbers. The Commission provides a forum to ensure cooperative management of salmon populations. In 1999, the United States and Canada successfully concluded lengthy negotiations to improve this management, including the adoption of coastwide abundance-based management for Chinook salmon and a framework for abundance based management for southern coho populations. That agreement expires at the end of 2008 and negotiators are diligently working to complete a revised agreement.

Before the Treaty, fish wars often erupted with one or both countries overharvesting fish that were returning to the other country, to the detriment of the resource. At the time the Treaty was signed, chinook salmon were in a severely depressed state as a result of overharvest in the ocean as well as environmental degradation in the spawning rivers. Under the Treaty, both countries committed to rebuild the depressed runs of chinook stocks, and they recommitted to that goal in 1999 when adopting a coastwide abundance based approach to harvest management. Under this approach, harvest management will complement habitat conservation and restoration activities being undertaken by the States, tribes, and other stakeholders in the Pacific Northwest to address the needs of salmon listed for protection under the Endangered Species Act. The combination of these efforts is integral to achieving success in rebuilding and restoring healthy, sustainable salmon populations.

Finally, you should take into account the fact that the value of the commercial harvest of salmon subject to the Treaty, managed at productive levels under the Treaty, supports the infrastructure of many coastal and inland communities. The value of the recreational fisheries, and the economic diversity they provide for local economies throughout the Pacific Northwest and Alaska, is also immense. The value of these fish to the twenty-four treaty tribes in Washington, Oregon, and Idaho goes far beyond their monetary value, to the cultural and religious lives of Indian people. A significant monetary investment is focused on salmon as a result of listings of Pacific Northwest salmon populations under the Endangered Species Act. Given the resources, we can continue to use the Pacific Salmon Commission to develop recommendations that help to ensure solutions that minimize impacts on listed stocks, especially if we are allowed to work towards the true intent of the Treaty: mutually beneficial enhancement of the shared resource.

Mr. Chairman, that concludes my written testimony submitted for consideration by your Committee. I want to thank the Committee for the support that it has given the U.S. Section in the past. Please feel free to contact me, or other members of the U.S. Section, through the Office of the U.S. Section Coordinator to answer any questions you or Committee members may have regarding the U.S. Section of the Pacific Salmon Commission budget.

SUMMARY OF TRIBAL AND FISH AND WILDLIFE SERVICE PROGRAMS UNDER THE U.S.-CANADA PACIFIC SALMON TREATY

| | Fiscal year | | Base increase |
|---|---|---|---|
| | 2008 actual appropriation | 2009 recommendation | |
| Department of the Interior | | | |
| Bureau of Indian Affairs, Wildlife and Parks, Rights Implementation: | | | |
| BIA | $4,069,500 | $4,800,000 | $730,500 |
| | 2006 actual appropriation | 2007 recommendation | |
| U.S. Fish and Wildlife Service, Anadroumous Fisheries: | | | |
| USFWS | $445,000 | 695,000 | $250,000 |

PREPARED STATEMENT OF THE PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM

Madame Chairwoman and members of the subcommittee: The Partnership for the National Trails System appreciates your support over the past 14 years, through operations funding and dedicated Challenge Cost Share funds, for the national scenic and historic trails administered by the National Park Service. We also appreciate

your increased allocation of funds to support the trails administered and managed by the Forest Service and your support for the trails in the Bureau of Land Management's National Landscape Conservation System. To continue the progress that you have fostered, the Partnership requests that you provide annual operations funding for each of the 25 national scenic and historic trails for fiscal year 2009 through these appropriations:

—*National Park Service*.—$14.546 million for administration of 20 trails and for coordination of the long-distance trails program by the Washington office. Construction: $2.095 million for the Appalachian, Ice Age, Overmountain Victory, Continental Divide and Pacific Crest Trails. Feasibility Studies & Plans: $1.061 million for the Lewis & Clark, Overmountain Victory, and North Country Trails.

—*USDA Forest Service*.—$4.49 million to administer four trails and $1 million to manage parts of 16 trails administered by the NPS or BLM; Construction: $2.505 million for the Continental Divide Trail, $1.35 million for the Florida Trail, and $1 million for the Iditarod Trail.

—*Bureau of Land Management*.—To coordinate its National Trails System Program: $250,000; to administer the Iditarod National Historic Trail: $648,000, the Camino Real de Tierra Adentro National Historic Trail: $230,000, the Old Spanish National Historic Trail: $331,000 and $2.379 million to manage portions of 10 trails administered by the Park Service or the Forest Service; $1,640,000 for operating five National Historic Trail interpretive centers; Construction: $300,000 for the Continental Divide and $200,000 for the Pacific Crest Trails.

—We ask that you appropriate $4.5 million for the National Park Service Challenge Cost Share Program and continue to direct one-third ($1,500,000) for national scenic and historic trails or create a separate $1.5 million National Trails System Challenge Cost Share Program.

—We ask that you add $500,000 to the Bureau of Land Management's Challenge Cost Share Program and allocate it for the national scenic and historic trails it administers or manages.

—We ask that you appropriate $1.253 million to the National Park Service Conservation and Outdoor Recreation office to support the second year of a five-year interagency project to develop a consistent system-wide National Trails System Geographic Information System (GIS).

We ask that you appropriate from the Land and Water Conservation Fund for land acquisition:

—to the Forest Service: $16.25 million for the Pacific Crest Trail, $7 million for the Florida Trail; $10.645 million for the Appalachian Trail; $8.25 million for three National Forests for the North Country Trail;

—to the Bureau of Land Management: $5 million for the Oregon Trail in Oregon and $2 million for the Nez Perce Trail in Montana;

—to the Park Service: $4.75 million to grant to the State of Wisconsin to match state funds for the Ice Age Trail and $2 million to grant to 7 states for the North Country Trail; $4.275 million for the Appalachian Trail; $1 million for the Overmountain Victory Trail.

NATIONAL PARK SERVICE

We request $1.253 million to fund the second year of a 5-year interagency effort to develop a consistent GIS for all 25 national scenic and historic trails as described in the August 2001 report (requested by Congress in the fiscal year 2001 appropriation) "GIS For The National Trails System." This builds upon work underway on the Ice Age, Appalachian, Florida, Oregon, California, Mormon Pioneer and Pony Express Trails to develop consistent information gathering and mapping that can be applied across the National Trails System. This funding will be shared with the Bureau of Land Management and the Forest Service.

We support the administration's proposed $837,000 for the Connect Trails to Parks project to enhance the public's understanding of the National Trails System and its relationship to the National Park System.

The $14.546 million we request for Park Service operations includes increases for some of the trails to continue the progress and new initiatives made possible by the $975,000 funding increase provided for nine of the trails in fiscal year 2001, the $500,000 increases provided in fiscal year 2004, fiscal year 2005, and fiscal year 2006, and the $2,421,000 increase in fiscal year 2008—all provided by Congress.

We request an increase of $727,000 to continue and expand Park Service efforts to protect cultural landscapes at more than 200 sites along the Santa Fe Trail, to develop GIS mapping, and to fund public educational outreach programs of the

Santa Fe Trail Association. An increase of $826,000 for the Trail of Tears will enable the Park Service to work with the Trail of Tears Association to develop a GIS to map the Trail's historical and cultural heritage sites to protect them and to develop interpretation of them for visitors. Our requested increase of $298,000 for the Ala Kahakai Trail will enable the Park Service to work with E Mau Na Ala Hele and other community organizations to care for resources on the land and with the University of Hawaii to conduct archaeological and cultural landscape studies along the trail.

The $921,000 we request for the 4,200 mile North Country Trail will enable the Park Service and Forest Service to collaborate more effectively while also providing greater support for the regional GIS mapping, trail building, trail management, and training of volunteers led by the North Country Trail Association, hastening the day when our nation's longest national scenic trail will be fully opened for use.

The $898,000 we request includes an $110,000 increase to enable the Park Service to develop and begin to implement an Interpretive Plan for the Ice Age Trail. The other ongoing funding will help further development of the Trail GIS and continue to assist the Ice Age Park & Trail Foundation to better equip, train and support the volunteers who build and maintain the Trail and manage its resources.

*Feasibility and Planning Studies*.—We request $250,000 to study the feasibility of an eastern extension of the Lewis & Clark Trail and $200,000 for a feasibility study of the location for a headquarters and visitor contact site for the Overmountain Victory Trail. We also request $611,000 for route planning, NEPA compliance work, a natural and cultural resource inventory, and community economic impact studies for the North Country Trail.

*Construction*.—We request that you appropriate for construction and land stewardship projects $1.39 million for the Appalachian Trail, $250,000 for the Ice Age Trail, $100,000 for the Overmountain Victory Trail, $155,000 for the Continental Divide Trail, and $200,000 for the Pacific Crest Trail.

Challenge Cost Share programs are one of the most effective and efficient ways for Federal agencies to accomplish a wide array of projects for public benefit while also sustaining partnerships involving countless private citizens in doing public service work. The Partnership requests that you appropriate $4.5 million in Challenge Cost Share funding to the Park Service for fiscal year 2009 as a wise investment of public money that will generate public benefits many times greater than its sum. We ask you to continue to direct one-third of the $4.5 million for the national scenic and historic trails to continue the steady progress toward making these trails fully available for public enjoyment. We suggest, as an alternative to the annual allocating of funds from the Regular Challenge Cost Share program, that you establish a separate National Trails System Challenge Cost Share program with $1.5 million funding.

USDA—FOREST SERVICE

As you have done for several years, we ask that you provide additional operations funding to the Forest Service for administering three national scenic trails and one national historic trail, and managing parts of 16 other trails. We ask you to appropriate $4.49 million as a separate budgetary item specifically for the Continental Divide, Florida and Pacific Crest National Scenic Trails and the Nez Perce National Historic Trail. Full-time managers have been assigned for each of these trails by the Forest Service. Recognizing the on-the-ground management responsibility the Forest Service has for 838 miles of the Appalachian Trail, more than 650 miles of the North Country Trail, and sections of the Ice Age, Anza, Caminos Real de Tierra Adentro and de Tejas, Lewis & Clark, California, Iditarod, Mormon Pioneer, Old Spanish, Oregon, Overmountain Victory, Pony Express, Trail of Tears and Santa Fe Trails, we ask you to appropriate $1 million specifically for these trails. We also request$1 million for the Chugach National Forest to begin to develop the Southern Trek of the Iditarod National Historic Trail.

Work is underway, supported by funds you provided over the past seven years, to close several major gaps in the Florida National Scenic Trail. The Florida Trail Association has built 100 miles of new Trail across Eglin Air Force Base, in the Ocala National Forest, Big Cypress National Preserve and along Lake Kissimmee and the Choctawahatchee River. FTA volunteers helped clear trees and other debris scattered across 850 miles of trail by four hurricanes in 2004. The Partnership requests an additional $1.35 million for trail construction in fiscal year 2009 to enable the Forest Service and FTA to build 21 more miles and to manage 3,418 acres of new Florida Trail land.

The Continental Divide Trail Alliance, with Forest Service assistance and funding from the outdoor recreation industry, surveyed the entire 3,200 mile route of the

Continental Divide Trail documenting $10.3 million of construction needed to complete the Trail. To continue new CDT construction, begun with fiscal year 1998 funding, we ask you to appropriate $2.505 million to build or reconstruct 220 more miles.

BUREAU OF LAND MANAGEMENT

While the Bureau of Land Management has administrative authority only for the Iditarod, El Camino Real de Tierra Adentro, and the Old Spanish National Historic Trails, it has on-the-ground management responsibility for 641 miles of three scenic trails and 3,115 miles of seven historic trails administered by the National Park Service and U.S. Forest Service. The significance of these trails was recognized by their inclusion in the National Landscape Conservation System and, for the first time, in fiscal year 2002, by provision of specific funding for each of them. The Partnership applauds the decision of the Bureau of Land Management to include the national scenic and historic trails in the NLCS and to budget specific funding for each of them. We request that you provide funding for the Bureau to begin to implement its 10 Year "National Scenic & Historic Trails Strategy and Work Plan."

We ask that you increase funding by $18.2 million to provide$70 million as new permanent base funding for the National Landscape Conservation System and that you appropriate as new permanent base funding $250,000 for National Trails System Program Coordination, $648,000 for the Iditarod Trail, $230,000 for El Camino Real de Tierra Adentro Trail, $331,000 for the Old Spanish Trail, and$2,379,000 for management of the portions of the 10 other trails under the care of the Bureau of Land Management. We request $300,000 for construction of new sections of the Continental Divide Trail, $200,000 for maintenance of the Pacific Crest Trail; $1,640,000 to operate five historic trails interpretive centers and $1,500,000 for exhibits for the new California Trail Center in Elko, Nevada.

We ask you to add $500,000 to the Challenge Cost Share program and direct the money for the National Trails System as you have done for many years with the Park Service's Challenge Cost Share program.

To promote greater management transparency and accountability for the National Trails and the whole National Landscape Conservation System, we urge you to request expenditure and accomplishment reports for each of the NLCS Units for fiscal year 2008 and to direct the Bureau to include unit-level allocations by major subactivities for each of the scenic and historic trails, and wild and scenic rivers—as the Bureau is proposing to do for the monuments and conservation areas—within a new activity account for the National Landscape Conservation System in fiscal year 2009. Existing accounts for Wilderness Areas and Wilderness Study Areas should also be included in this new National Landscape Conservation System activity account. The Bureau's lack of a unified budget account for National Trails prevents the agency from efficiently planning, implementing, reporting, and taking advantage of cost-saving and leveraging partnerships and volunteer contributions for every activity related to these national resources.

LAND AND WATER CONSERVATION FUND

The Partnership requests that you fully appropriate the $900 million annual authorized appropriation from the Land and Water Conservation Fund and that you make the specific appropriations for national scenic and historic trails detailed at the beginning of this statement, below, and in Attachment #2.

*Forest Service*.—The $16.25 million we request for the Pacific Crest Trail will continue to support the work and acquisition underway by the Forest Service Lands Team and the Park Service National Trail Land Resources Program Center, protecting 12 miles of PCT in Washington and taking 34 miles off of roads in southern California. The $7 million requested for the Florida Trail will continue another successful collaboration between these two agencies to protect another 13 miles of Trail and the $10.645 million requested will protect sections of the Appalachian Trail in three national forests in two States. The $8.25 million requested for the Ottawa, Superior, and Chequamegon-Nicolet National Forests will protect areas adjoining the North Country Trail in Michigan, Minnesota, and Wisconsin.

*Bureau of Land Management*.—The $5 million requested for the Sandy River project will also preserve a section of the Oregon National Historic Trail in Oregon and the $2 million requested for the Upper Missouri River Breaks National Monument in Montana will preserve a significant site along the Nez Perce National Historic Trail.

*Park Service*.—The National Trails System Act encourages States to assist in the conservation of the resources and development of the national scenic and historic trails. Wisconsin has matched $12.3 million of fiscal year 2000 fiscal year 2006 and

fiscal year 2008 LWCF funding with $18 million to help conserve the resources of the Ice Age National Scenic Trail by purchasing 35 parcels totaling 6,539 acres. Another 40 parcels are under negotiation, appraisal or option to purchase. All of the LWCF funds appropriated for the Ice Age Trail have been spent. The requested $4.75 Million Land and Water Conservation Fund grant to Wisconsin will continue this very successful Federal/State/local partnership for protecting land for the Ice Age Trail.

We also request $2 million to provide similar grants to the seven states along its route to close gaps in the North Country Trail and $4.275 million for the Park Service to acquire one parcel in New Hampshire and two in Virginia for the Appalachian Trail. The $1 million requested for the Overmountain Victory Trail will protect key links and sites in North Carolina, Tennessee, and Virginia.

The essential funding requests to support the trails are detailed in Attachment #2.

PRIVATE SECTOR SUPPORT FOR THE NATIONAL TRAILS SYSTEM

Public-spirited partnerships between private citizens and public agencies have been a hallmark of the National Trails System since its inception. These partnerships create the enduring strength of the Trails System and the trail communities that sustain it by combining the local, grass-roots energy and responsiveness of volunteers with the responsible continuity of public agencies. They also provide a way to enlist private financial support for public projects, usually resulting in a greater than equal match of funds.

The private trail organizations' commitment to the success of these trail-sustaining partnerships grows even as Congress' support for the trails has grown. In 2007 the trail organizations fostered 720,935 hours—an increase of 5 percent over 2006—of documented volunteer labor valued at $13,540,396 to help sustain the national scenic and historic trails. The organizations also raised private sector contributions of $8,064,293 to benefit the trails. These contributions are documented in Attachment #1.

ATTACHMENT 1.—CONTRIBUTIONS MADE IN 2007 TO SUPPORT THE NATIONAL TRAILS SYSTEM BY NATIONAL SCENIC AND HISTORIC TRAIL ORGANIZATIONS

| Organization | Volunteer hours | Estimated value of volunteer labor | Financial contributions |
|---|---|---|---|
| Appalachian Trail Conference | 196,620 | $3,690,557 | $3,856,000 |
| Camino Real Trail Association | 1,717 | 32,228 | 3,104 |
| Continental Divide Trail Society | [1] 1,500 | 28,155 | 3,000 |
| Continental Divide Trail Alliance | 37,490 | 703,687 | 641,877 |
| Florida Trail Association | 69,900 | 1,312,023 | 374,296 |
| Ice Age Park & Trail Foundation | 48,188 | 904,489 | 382,842 |
| Iditarod National Historic Trail, Inc. | 1,900 | 35,663 | [1] 80,000 |
| Amigos De Anza & others | 6,789 | 127,430 | ..... |
| Anza Trail Coalition of Arizona | 3,232 | 60,665 | ..... |
| Lewis & Clark Trail Heritage Foundation | 24,038 | 451,193 | 227,404 |
| Mormon Trails Association | 3,164 | 67,835 | 7,318 |
| Iowa Mormon Trails Association | 750 | 14,078 | [1] 1,820 |
| Nebraska Mormon Trails Association | 125 | 2,346 | [1] 2,580 |
| National Pony Express Association | 34,275 | 643,342 | 146,180 |
| Nez Perce Trail Foundation | 8,250 | 154,852 | 12,256 |
| North Country Trail Association | 44,000 | 825,880 | 273,000 |
| Old Spanish Trail Association | 23,718 | 445,187 | 110,024 |
| Oregon-California Trails Association | 56,400 | 1,058,628 | 729,500 |
| Overmountain Victory Trail Association | 8,960 | 168,179 | 19,324 |
| Pacific Crest Trail Association | 62,515 | 1,173,406 | 867,000 |
| Potomac Heritage Trail Association | 3,686 | 69,186 | 820 |
| Santa Fe Trail Association | 47,115 | 884,349 | 277,626 |
| Trail of Tears Association | 36,603 | 687,038 | 48,322 |
| TOTALS | 720,935 | 13,540,396 | 8,064,293 |

[1] Estimate.

ATTACHMENT 2.—PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM REQUESTED FISCAL YEAR 2009 APPROPRIATIONS FOR THE NATIONAL TRAILS SYSTEM

| Agency/Trail | Fiscal year | | | Project/programs possible with increased funding |
|---|---|---|---|---|
| | 2008 Congressional appropriation | 2009 Administration request | 2009 Partners request | |
| PARK SERVICE | | | | |
| Ala Kahakai | $420,000 | $422,000 | $720,000 | Work with community partners to preserve resources; archaeological & cultural studies; |
| Appalachian | 1,327,000 | 1,481,000 | 1,719,000 | Support ''A Trail to Every Classroom'' project with teachers and children, resource monitoring through AT Mega-Transect project, & Comprehensive Facility Management; |
| Natchez Trace | 29,000 | 29,000 | 29,000 | Planning & building new trail & bridges; backlog maintenance with SCA; |
| El Camino Real Tejas | 176,000 | 176,000 | 176,000 | Start up administration for new national historic trail; |
| El Camino Real Tierra | 271,000 | 271,000 | 271,000 | Full-time administrator; implement CMP with Bureau of Land Management |
| California | 323,000 | 323,000 | 323,000 | Prepare & print Four Trails Auto Tour Route Guides for Wyoming, Utah/Idaho, Nevada; |
| Captain John Smith | 349,000 | 351,000 | 351,000 | Begin administration & Comprehensive Management Plan for new national historic trail; |
| Ice Age | 788,000 | 796,000 | 898,000 | Develop and begin to implement a Trail-wide Interpretive Plan; |
| Juan Bautista de Anza | 505,000 | 510,000 | 510,000 | Trail site protection, interpretation & development projects; Outreach to schools; |
| Lewis & Clark | 2,026,000 | 2,036,000 | 2,036,000 | Planning, coordination & support for local L&CNHT projects after the Bicentennial; |
| Mormon Pioneer | 205,000 | 205,000 | 205,000 | Prepare & print Four Trails Auto Tour Route Guide for Wyoming, Utah/Idaho, Nevada; |
| North Country | 873,000 | 869,000 | 921,000 | Provide regional services, GIS, and technical assistance for volunteers and partners; |
| Old Spanish | 227,000 | 227,000 | 227,000 | Full-time administrator; continue preparing CMP with Bureau of Land Management; |
| Oregon | 378,000 | 387,000 | 387,000 | Prepare & print Four Trails Auto Tour Route Guides for Wyoming, Utah/Idaho, Nevada; |
| Overmountain Victory | 273,000 | 275,000 | 275,000 | New route signs & interpretive exhibits; Historic Preservation Study of Gilbertown; |
| Pony Express | 229,000 | 229,000 | 229,000 | Prepare & print Four Trails Auto Tour Route Guides for Wyoming, Utah/Idaho, Nevada; |
| Potomac Heritage | 278,000 | 397,000 | 397,000 | Assistance to local agencies & organizations for planning & educational projects; |
| Santa Fe | 935,000 | 974,000 | 1,701,000 | Preserve cultural resources; GIS mapping; produce interpretive media with SFTA; |
| Selma to Montgomery | 584,000 | 699,000 | 699,000 | Trail interpretation in collaboration with citizen support organizations & local agencies; |
| Trail of Tears | 424,000 | 424,000 | 1,250,000 | Develop GIS mapping, interpret Trail sites & provide new visitor facilities with TOTA; |
| National Trails to Parks | 837,000 | 837,000 | 837,000 | Projects to connect National Scenic or Historic Trails to National Parks. |
| NTS-Washington Office | 366,000 | 371,000 | 385,000 | Program coordination and funding for special projects and training for staff & partners. |
| National Trails System | 11,823,000 | 12,289,000 | 14,546,000 | Total National Trails System operations funding |
| Challenge Cost Share | 2,343,000 | 2,380,000 | 4,500,000 | One-third of $4.5 million for the National Trails System |
| Feasibility Studies, Plans & Projects | ..... | ..... | 1,061,000 | Feasibility Studies: Lewis & Clark NHT—$250,000; Overmountain Victory NHT—$200,000; Route Planning, NEPA, Studies: North Country NST—$611,000 |
| Trail Construction | ..... | ..... | 2,095,000 | Appalachian NST—$1.39 million; Ice Age NST—$250,000; Overmountain Victory NHT—$100,000; Continental Divide NST—$155,000; Pacific Crest NST—$200,000; |
| Interagency GIS Project | ..... | ..... | [2] 1,253,000 | Development of GIS for National Trails System; |

| | | | | |
|---|---|---|---|---|
| BLM | | | | |
| Iditarod Trail | 599,000 | 248,000 | 648,000 | Collaborative management with other Federal agencies, Iditarod Trail organizations and State of Alaska; bridges and cabins; Interpretive Plan; Iditarod Centennial activities; |
| El Camino Real de Tierra Adentro | 15,000 | 15,000 | 230,000 | Collaborative administration and management with National Park Service; Full-time Trail Administrator; Site certification and protection; |
| Old Spanish | 331,000 | 325,000 | 331,000 | Full-time Trail Administrator; Collaborative administration and management with National Park Service; Comprehensive Management Plan; Site interpretation; |
| Continental Divide | 383,000 | 280,000 | 450,000 | Planning 71 miles of CDNST in Idaho, Montana and New Mexico; Full-time Liaison; |
| Pacific Crest | 189,000 | 65,000 | 100,000 | PCNST maintenance in California and Oregon; Interagency management collaboration; |
| Juan Bautista de Anza | 116,000 | 76,000 | 100,000 | Interpretive exhibits for Anza Trail in Arizona and California; |
| California | 179,000 | 126,000 | 179,000 | California NHT resource inventories in Utah, Nevada and California; |
| Lewis & Clark | 620,000 | 647,000 | 750,000 | Revise Comprehensive Management Plan; Coordinate with Nez Perce NHT & CDNST; |
| Mormon Pioneer | 307,000 | 227,000 | 250,000 | Mormon Pioneer NHT resource inventories in Utah and Wyoming; |
| Nez Perce | 179,000 | 76,000 | 190,000 | Revise Comprehensive Management Plan; Develop Interpretive Plan for Trail; |
| Oregon | 40,000 | 24,000 | 210,000 | Interagency management collaboration and Oregon NHT resource inventories; |
| Pony Express | 115,000 | 105,000 | 147,000 | Marking Pony Express Trail in Utah and Nevada; |
| Potomac Heritage | 3,000 | 3,000 | 3,000 | |
| NTS—Coordinator | ..... | ..... | 250,000 | Program coordination and funding for special projects and training for staff & partners; |
| National Trails System | 3,076,000 | 2,216,000 | 3,838,000 | Total National Trails System operations funding |
| Challenge Cost Share | ..... | ..... | 500,000 | Projects along the various national scenic and historic trails; |
| Interpretive Centers | 2,628,000 | 1,240,000 | 3,140,000 | Operating California, Casper, Oregon, and Sacajawea Interpretive Centers; Includes $1.5 million for exhibits for California NHT Center in Elko, Nevada; |
| Construction of: | | | | |
| Pacific Crest Trail | ..... | ..... | 200,000 | Funding for maintenance and re-construction of Pacific Crest NST in California; |
| Continental Divide Trail | ..... | ..... | 300,000 | Funding for construction and re-construction of 71 miles of Continental Divide NST in Idaho, Montana, and New Mexico; |
| FOREST SERVICE | | | | |
| Continental Divide | 2,000,000 | 1,200,000 | 1,200,000 | Continued support for full administrative responsibility and for consistent interagency collaboration for each trail; support for consistent management with trail organization and local agency partners; trail brochures, signs, project planning etc.; Also $250,000 to administer new miles of CDT; $200,000 for work of full-time Trail administrator and $100,000 for Optimal Location Planning for PCT and $100,000 to increase Trail maintenance by volunteers coordinated by PCTA; $650,000 to certify 150 miles of the Florida Trail and continue collaboration with Florida Trail Association to inventory 430 miles and further develop Trail GIS; $92,000 for Nez Perce Trail Foundation education and public outreach work and other projects; |
| Florida | 1,500,000 | 1,000,000 | 650,000 | |
| Pacific Crest | 2,000,000 | 1,200,000 | 2,000,000 | |
| Nez Perce Trails | 640,000 | 300,000 | 640,000 | |

ATTACHMENT 2.—PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM REQUESTED FISCAL YEAR 2009 APPROPRIATIONS FOR THE NATIONAL TRAILS SYSTEM—Continued

| Agency/Trail | Fiscal year | | | Project/programs possible with increased funding |
|---|---|---|---|---|
| | 2008 Congressional appropriation | 2009 Administration request | 2009 Partners request | |
| Total | [3] 6,140,000 | [3] 3,700,000 | [3] 4,490,000 | |
| Appalachian, North Country, Ice Age, Iditarod, California, Juan Bautista de Anza, Caminos Real Tierra Adentro & Tejas, Lewis & Clark, Oregon, Old Spanish, Mormon Pioneer, Overmountain Victory, Pony Express, Santa Fe, Trail of Tears. | 1,015,000 | 300,000 | 1,000,000 | Improved trail maintenance, marking, interpretation, archaeological studies, historic site protection and trailhead facilities for trail segments in National Forests; $200,000 to address deferred maintenance, remove blowdown trees on 30 miles of trail, make improvements and provide liaison for collaborative management of the North Country Trail with National Park Service; Re-location and reconstruction of sections of the Appalachian Trail, replacement of major bridges and installation of toilets at shelters; |
| Construction of: | | | | New trail construction and re-construction throughout these national trails. |
| Continental Divide Trail | ..... | ..... | 2,505,000 | Trail construction projects along the Continental Divide Trail: reconstructing or building 220 miles of trail in Montana, Idaho, Wyoming, Colorado and New Mexico; |
| Florida Trail | ..... | ..... | 1,350,000 | Trail construction projects totaling 21 miles of new trail, three bridges and boardwalks, two trailheads and management of 3,418 acres in 33 tracts acquired by the Forest Service for the Florida National Scenic Trail; |
| Iditarod Trail | ..... | ..... | 1,000,000 | Construction of the Southern Trek of the Iditarod NHT in the Chugach National Forest; |
| National Trails System | 7,155,000 | 4,000,000 | 10,345,000 | Total: National Trails System funding. |
| Nat. Forest System Capital Improvement & Maintenance—Trails. | 76,365,000 | 50,041,000 | 85,000,000 | Trail maintenance and new trail construction throughout the National Forest System. |
| LWCF grant—FS Pacific Crest | 1,600,000 | ..... | 16,250,000 | Forest Service acquisition of lands in southern California (Tejon Ranch & Agua Dulce), Oregon, and Washington to preserve the scenic integrity of the Pacific Crest Trail. |
| LWCF grant—FS Florida | 580,000 | ..... | 7,000,000 | Forest Service acquisition of lands in the Northwest Florida Greenway near Eglin Air Force Base, along Suwannee River, and adjacent to St. Marks National Wildlife Refuge. |
| LWCF grant—FS Appalachian | 3,100,000 | ..... | 10,645,000 | Forest Service acquisition of 10,020 acres in the Cherokee NF in Tennessee, 442 acres of Roan Highlands in the Pisgah NF in North Carolina, and 75 acres at Wesser Bald in North Carolina. |
| LWCF grant—NPS Appalachian | ..... | ..... | 4,275,000 | Park Service acquisition of 4,772 acres at Mahoosucs Gateway in New Hampshire, 485 acres at New River Crossing and the 170 acre Nelson Tract in Virginia. |
| LWCF grant—FS North Country | 1,000,000 | ..... | 8,250,000 | Forest Service acquisition of 2,000 acres in the Sturgeon River Gorge Wilderness Area in the Ottawa NF in Michigan; 90 acres at Chainsaw Sisters/Wolf Island in the Superior NF in Minnesota; and 1,429 acres in the Chequamegon-Nicolet NF in Bayfield County, Wisconsin will protect viewsheds along the North Country Trail. |

| | | | | |
|---|---|---|---|---|
| LWCF grant—NPS North Country—States | ..... | ..... | 2,000,000 | Assistance provided to the States of Wisconsin, Michigan, Minnesota, New York, North Dakota, Ohio, and Pennsylvania to protect threatened North Country Trail corridor and connect trail segments across private land. |
| LWCF grant—NPS Ice Age—Wisconsin [4] | 1,378,000 | ..... | 4,750,000 | Assistance provided to State of Wisconsin to protect threatened Ice Age Trail corridor and connect trail segments across private land in Dane, Chippewa, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Polk, Portage, Sheboygan, Taylor, Washington, Waupaca and Waushara Counties. |
| LWCF grant—BLM Oregon | ..... | ..... | 5,000,000 | BLM acquisition of land along the Sandy River and Oregon Trail in Oregon. |
| LWCF grant—NPS Overmountain Victory | ..... | ..... | 1,000,000 | Park Service acquisition of land to protect key links in the Overmountain Victory Trail near North Cove in North Carolina and other sites in Tennessee and Virginia. |
| LWCF grant—BLM Nez Perce | ..... | ..... | 2,000,000 | BLM acquisition of land at Cow Island (a major site along the Nez Perce Trail) in the Upper Missouri Breaks National Monument in Montana. |
| Total | 7,658,000 | ..... | 61,170,000 | |

[1] Includes $261,000 for operations of Santa Fe Park Service office, not related to the Santa Fe Trail.

[2] Funding request reflects budget detailed in Park Service GIS report delivered to Congress in January 2002.

[3] Appropriation includes: funding for administration of the Continental Divide, Florida, and Pacific Crest National Scenic Trails and the Nez Perce National Historic Trail by full-time administrators for each trail and land acquisition teams for the Florida and Pacific Crest Trails.

[4] This would be a grant to the State of Wisconsin to be matched at least 1:1.

PREPARED STATEMENT OF THE PELICAN ISLAND PRESERVATION SOCIETY

REQUEST

(1) Increase operations and maintenance funding for the National Wildlife Refuge System to $514 million in fiscal year 2009

(2) Provide $2 million of LWCF funding for land acquisition at the Pelican Island National Wildlife Refuge in fiscal year 2009 The Pelican Island Preservation Society, an all volunteer friends group with over 350 members, mission is to support the Pelican Island National Wildlife Refuge. Our organization is greatly concerned about the major funding deficit for operations and maintenance (O&M) facing the National Wildlife Refuge System (NWRS), and the severe impact this is having on the Pelican Island National Wildlife Refuge and other refuges in the System. Our request is that O&M funding for the NWRS be increased to $514 million in fiscal year 2009, an increase of $80 million over the fiscal year 2008 funding level.

The Fish and Wildlife Service reacted to the current funding crisis by developing workforce management plans last year. That process identified a total of 565 positions within the Refuge System which would either be left vacant or eliminated by 2009. Staff reductions of this magnitude are of special concern since most refuges were already understaffed when the process began. As an example of local impacts, the comprehensive conservation plan for the Pelican Island Refuge calls for a staff of nine permanent full time employees. As part of the build up to the 2003 centennial celebration of the establishment of the NWRS, and the Pelican Island Refuge, the staff was increased to six. Since then two positions have been lost. The workforce plan calls for the elimination of two more positions by 2009. In total, this represents a loss of 66 percent of the staff positions since 2003, and will leave only two employees to manage two urban refuges (the Pelican Island staff also manages the Archie Carr National Wildlife Refuge). Also, as part of the workforce plan, these refuges have been complexed under the Merritt Island Refuge which is located 50 miles to the north—not an effective management arrangement. No one on the Pelican Island Refuge staff has law enforcement authority.

These kinds of personnel losses, plus the general lack of O&M funding, has resulted in major impacts on the protection and management of our magnificent wildlife refuges. Refuges cannot absorb personnel reductions of the magnitude being experienced and be expected to meet their wildlife objectives and their obligations to the American public. For example, public use programs will be reduced on many refuges, and eliminated on others. Environmental education programs for our children will be reduced. Habitat management needed to improve conditions for wildlife will be severely diminished. Surveys needed to monitor wildlife populations will be reduced. The control of invasive species will be cut back, resulting in the degradation of wildlife habitat. The ability to enforce regulations concerning trespass, dumping, boundary encroachment, etc., will be diminished.

We are concerned regarding the inequitable distribution of resource management dollars among the four major Federal land management agencies. On a per acre basis, funding to manage national wildlife refuges is significantly lower than that allocated to manage national forests, national parks, and BLM lands. For example, The NWRS receives slightly over $4 per acre while the National Parks are allocated about five times that amount. We are not suggesting that the funding level should be the same, as the missions vary; however, the current disparity is totally unreasonable and the Congress should restore some equity as it contemplates future allocations.

Invasive species are a major continuing problem facing refuge managers. Despite added emphasis on identification and control, valuable wildlife habitat continues to be lost. We urge the subcommittee to continue its strong support for the control of invasives. There is a critical need for land acquisition at the Pelican Island National Wildlife Refuge. In the late 1990's the integrity of the refuge was threatened by the proposed development of approximately 300 acres of private lands which were surrounded by refuge and other public lands. In response to the emergency, the Congress, beginning in fiscal year 1999, appropriated sufficient funds to acquire most of the acreage. Unfortunately, one key tract of 47 acres was purchased by a developer and could not be acquired at that time. Fortunately, the tract has not been developed and is now available. In its comprehensive conservation plan, the refuge ranked the property as its highest priority for land acquisition. Containing 1,500 feet of natural mangrove shoreline along the Indian River Lagoon, the tract will serve as an important wildlife corridor to other refuge and public lands. The property has a high potential for habitat restoration based on work on similar properties. A contribution of Federal and nonfederal sources will be used to protect the 47 acres in its entirety. A $2 million appropriation from the Land and Water Con-

servation Fund in fiscal year 2009 will begin the acquisition of this important property.

In summary, the NWRS is facing a severe funding crisis which must be addressed quickly. We ask that the Subcommittee increase O&M funding for the NWRS to $514 million in fiscal year 2009. Further, we ask that the subcommittee support the goal of reaching an O&M funding level of $765 million by fiscal year 2013. Also, we ask that the subcommittee allocate $2 million from the LWCF in fiscal year 2009 to begin acquisition of a key parcel adjacent to the Pelican Island National Wildlife Refuge.

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## PREPARED STATEMENT OF THE PENOBSCOT RIVER RESTORATION TRUST

The Penobscot River Restoration Trust, a not-for-profit organization whose members include the Penobscot Indian Nation and six conservation organizations, respectfully seeks your support for the request from Senator Snowe (ME) and Senator Collins (ME) for $1,000,000 from the USFWS Recovery Resource Management Account and $1,000,000 from the National Fish Passage Program. As part of this request, we urge you to restore the Fish Passage Program to its fiscal year 2008 level of $11 million and reject the administration's attempt to cut $6 million from this successful program for fiscal year 2009.

The Penobscot River Restoration Project is a nationally significant, large-scale, private-public collaboration to vastly improve migratory access to nearly 1,000 miles of historic habitat for sea-run fish. Working together, industry, the Penobscot Indian Nation, State and Federal Government, conservation groups and a diversity of public and private interests seek to restore the Nation's last, struggling runs of Atlantic salmon and 10 other species of sea-run fish to the Penobscot River. The project is designed to both maintain hydropower generation and restore native sea run fisheries, with benefits to fish, people and wildlife throughout the river ecosystem to the sea.

To date, more than $10 million in private funds and $15 million in public funds (NOAA, USFWS) have been raised for dam purchase. The Penobscot Trust aims to exercise its option to purchase the dams as soon as possible, then implement the project by removing two dams and installing a fish bypass around a third as key steps to open up access to key fisheries habitat.

A 2004 National Academy of Sciences report specifically mentioned the Penobscot Project as a key step towards restoring endangered Atlantic salmon. The project also promises to diversify and improve river-based recreation and related economic opportunities, and has received strong support from the public, communities and businesses within the Penobscot watershed. This project provides the USFWS and other Federal partners, with an effective plan to restore Atlantic salmon by opening up vast amounts of their blocked spawning habitat in the Penobscot.

The project will also provide unique benefits to the Penobscot Indian Nation; a federally recognized sovereign tribe whose Reservation literally consists of islands and surrounding waters in the river. The project will render meaningful the Tribe's federally recognized sustenance fishery rights and reinvigorate river-dependent cultural and spiritual practices.

The Penobscot River Restoration Project was recently awarded the Department of Interior's 2008 Cooperative Conservation Award and has been hailed as a landmark project of national significance. Given its potential use as a national model and its far reaching benefits, we urge the committee to continue its strong support for the project by funding it in fiscal year 2009.

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## PREPARED STATEMENT OF THE PUYALLUP TRIBE OF INDIANS

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

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

recognized Tribes who utilize our services are included in the fiscal year 2009 budget.

*Puyallup Nation Law Enforcement*.—The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation and related urban service area contains 25,000+ Native Americans from over 355 Tribes and Alaskan Villages. The Puyallup Nation Law Enforcement Division currently has a Chief of Police, 26 commissioned officers and two reserve officers to cover 40 square miles of reservation in addition to the usual and accustomed areas. Due to limited federal funding for law enforcement in Indian Country, only two officers are funded with Public Law 93–638 funds. The officers are charged with the service and protection of the Puyallup Reservation seven days a week, 24 hours a day. With the continuing increase in population, increase in gang related activities on the Puyallup Reservation and the impact of the manufacturing of methamphetamines in the region, the services of the Puyallup Nation Law Enforcement Division are exceeding maximum levels.

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

—Request subcommittee support to fund the BIA Public Safety and Justice Law Enforcement activities at the $229 million level proposed in the fiscal year 2009 budget to operate law enforcement services. While this amount only funds 60 percent of law enforcement needs in Indian Country, the Subcommittee is encouraged to issue directive language to the BIA to include additional funding for law enforcement staffing in the fiscal year 2010 budget;

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

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

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

—Tribal Fisheries Resource Management, Hatchery Operation and Maintenance funding via Public Law 93–638 contracts have not increased substantially since establishment of base budgets in 1984. The demand on Puyallup Tribal Fisheries Program has grown exponential since the eighties and is currently faced by Endangered Species Act listings on numerous species. This demand is increased due to the urbanized setting of the Tribe's Usual and Accustomed treaty

areas in the Pacific Northwest Tribe. We request Committee support to increase base contract funding in the amount of $350,000 for additional fisheries staff. We further support the existing BIA hatchery maintenance budget be increased to $1.5 million per year for the next decade to meet basic infrastructure maintenance costs for tribal hatcheries;

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

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

*Operation of Indian Programs & Contract Support Costs*.—The President's fiscal year 2009 budget calls for $2.2 billion to be allocated to the Bureau of Indian Affairs, which is $100 million less than the fiscal year 2008 enacted level. Specifically for the Operation of Indian Programs, the Budget provides $1.98 billion, which is an overall decrease of $60 million from current levels. For the fiscal year 2009 budget, the Department of Interior reformulated its presentation of the Operation of Indian Programs funding. Previous formulations were based on Tribal Priority Allocations (TPA). The Interior's new format groups program funding according to functions which are; Tribal Government; Human Services; Trust-Natural Resources Management; Trust-Real Estate Services; Education; Public Safety and Justice; Community and Economic Development; and Executive Direction and Administrative Services. These budget functions include the majority of funding used to support on-going services at the "local tribal" level, including; law enforcement, natural resources management (fisheries), child welfare, housing, tribal courts and other tribal governmental services. These functions, as detailed in previous "TPA" allocations have not received adequate funding to allow tribes the resources to fully exercise self-determination and self-governance. Further, the small increases "TPA" has received over the past few years has not been adequate to keep pace with inflation. At a minimum, we request your support and endorsement in the following;

—Support by Congress to fund the Operation of Indian Programs fiscal year 2009 request, at a minimum, at the enacted level in fiscal year 2008 of $2,047,809, an increase of $59,519,000 over the fiscal year 2009 President's request;

—Support by Congress to restore funding for the Johnson O'Malley Program in the amount of $16 million.

Another concern the Puyallup Tribe has with the fiscal year 2009 budget request is the on-going issue of contract support costs. The President's fiscal year 2009 budget request for contract support is for $147,294,000 which is the same as the enacted level in fiscal year 2008. At a minimum, we request your support and endorsement in the following;

—The Puyallup Tribe requests support by Congress to fund BIA Contract Support Costs for fiscal year 2009 at $186,628,000, a $39,334,000 increase over the President's fiscal year 2009 budget request. Full funding of Contract Support is a mandate towards the full realization of Self-determination and Self-governance.

*DHHS Indian Health Service.*—Funding for the Indian Health Service fails to meet the needs of health services for Native Americans. The Puyallup Tribe has been operating their health care programs since 1976 through the Indian Self-determination Act, Public Law 93–638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to an expanding population in Tacoma and Pierce County, Washington. There are no IHS hospitals in the Portland Area so all specialties and hospital care have been paid for out of our contract care allocation. In recent years our Health Authority has had the highest patient visits in both medical and dental services in the Portland Area of Washington, Oregon and Idaho. It is operating at twice the capacity it was designed and staffed for. The Puyallup Tribe is now faced with having to subsidize the Puyallup Tribal Heath Authority when it's own tribal members constitute only 14 percent of the patient population. Because of the excessive demand for service we have added staff without the IHS funding to match the workload. An additional $5,317,945 million is needed to operate at this rate. The IHS Budget request is for $4.3 billion, an overall decrease of $21 million from the fiscal year 2008 enacted level. Budget analysis by the Northwest Portland Area Indian Health Board indicate that it will take an increase of $455 million to maintain current facilities and services in fiscal year 2009. We request congressional support for the fiscal year 2009 IHS budget in the following areas;

—Fund IHS Contract Support Costs at 100 percent. While the President's budget includes an increase of $4.238 million for Contract Support Costs funding, this will not fund tribe's actual contract support costs. It is estimated that Contract Support Costs shortfall has accumulated over the years in the amount of $158.3 million. Support from the subcommittee is requested to eliminate the Contract Support Costs shortfall in the amount of $158.3 million and fund IHS Contract Support Costs at $280.8 million;

—We oppose the proposed elimination of the Urban Indian Health Program, which was funded at $34.547 million in fiscal year 2008. We urge the subcommittee to restore funding in the fiscal year 2009 budget for the Urban Indian Health Program, at a minimum $34.547 million, and issue directive language to the Indian Health Service to include this amount in their fiscal year 2010 budget;

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

—Index Contract Care to population growth and the medical inflation rate. Contract care is most vulnerable to inflation since services are provided by vendors constrained by IHS guidelines. There are no IHS hospitals in the Pacific Northwest which makes our clinic dependent on Contract Care for necessary specialty referrals and hospital care. Contract Health Services should be funded at $605.7 million for fiscal year 2009;

—We oppose the elimination of the Diabetes Grant program and request the Subcommittee to restore funding for this important and effective program in the fiscal year 2009 budget in the amount of $150 million;

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

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## PREPARED STATEMENT OF THE QUINAULT INDIAN NATION

As the President of the Quinault Indian Nation, I am submitting the priorities and funding requests for the 2009 Bureau of Indian Affairs and Indian Health Services Budgets as identified by my Tribal membership.

### SUMMARY OF QUINAULT INDIAN NATION TRIBAL SPECIFIC REQUESTS

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

—$762,000 for Blueback Restoration—BIA/Natural Resource Management/Rights Protection

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

REGIONAL AND NATIONAL REQUESTS AND RECOMMENDATIONS:

BIA Requests:

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

IHS Requests:

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

THE QUINAULT INDIAN NATION (QIN)

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

TRIBAL SPECIAL REQUESTS JUSTIFICATION

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

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

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

Major portions of this route are at sea level. What is particularly important to understand is that the portions of this road above sea level are susceptible to mudslides. Two such mudslides have occurred in the past 2 years; the most recent occurrence was early December 2007. The road blocked access for 3 days. Medical needs for village people became an issue, while those in need of kidney dialysis were particularly affected. Some tribal members were able to evacuate the village by using another, longer alternate route. Still, this application is unsafe for use by the

general public because the forest roads are not patrolled, well maintained, have limited signage and cell reception.

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

*$762,000 for Blueback Restoration—BIA/Natural Resource Management/Rights Protection*

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

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

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

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

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

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

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

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

*QIN Facts:*

—In 2004, tribal youth accounted for more than 40 percent of the drug and alcohol related arrests

—80 percent of students miss school because of alcohol or drug abuse problems in the home

—An Estimated 2 of every 5 children experiment with drugs or alcohol by the age of 10 years old

—The youngest self admitted user of Meth on our Reservation was 14 years old

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

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

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

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PREPARED STATEMENT OF THE RED RIVER NATIONAL WILDLIFE REFUGE

Chairman Feinstein, ranking member Allard, and members of the subcommittee: I wish to thank you for providing the opportunity to testify regarding the fiscal year 2009 appropriations for the National Wildlife Refuge System. On behalf of the over 100 members of the Red River Refuge Alliance, the friends organization that supports the Red River National Wildlife Refuge in northwestern Louisiana, we request that the subcommittee support an overall funding level of $514 million for the operations and maintenance budget of the National Wildlife Refuge System.

The National Wildlife Refuge System (NWRS) is vitally important to our Nation's wildlife and provides unparalleled opportunities to hunt, fish, watch wildlife, and educate children about the environment. Our 548 refuges encompass almost 100 million acres; without increased funding, wildlife conservation and public recreation opportunities will be jeopardized. The NWRS suffers from a $3.5 billion operations and maintenance funding backlog. This backlog will only grow larger if current funding levels continue. While refuges received a substantial $39 million increase for fiscal year 2008, this funding level when adjusted for inflation still does not equal that of the refuge system centennial year of 2003. Because of this, refuges such as Red River struggle to meet basic wildlife conservation objectives. Funding shortfalls have led to downsizing of the refuge system workforce, the decline of refuge habitats and wildlife populations, aging facilities and infrastructure, the cancellation of many of the refuge system's public use programs, and increased crime on our public lands. Some refuges have been forced to close their doors to the public. Others have lost their onsite refuge managers. In many cases, one refuge manager has the responsibility for managing the operations and maintenance of multiple, often far-flung, refuges.

According to the U.S. Fish and Wildlife Service's 2007 Banking on Nature report, nearly 35 million people visited national wildlife refuges in the lower 48 States in fiscal year 2006, generating over $1.7 billion of sales in regional economies and $185 million in tax revenues and supporting over 27,000 private sector jobs and almost $543 million in employment income. This economic benefit is almost four times the amount appropriated to the Refuge System in fiscal year 2006. Eighty-seven percent of all refuge visitors travel from outside the local area. These visitors contribute to the local economy through patronage of local hotels, restaurants, outfitters, and gas stations, to name just a few examples. Refuges as local economic engines are especially important in Louisiana, the sixth poorest State in the Nation, according to the most recent information from the U.S. Census Bureau.

Our refuges are much more than economic engines and their value can't be measured in purely economic terms. In a world where development continues to encroach

on what remains of our wild places, refuges provide havens for wildlife and places of peace and beauty where people can go to renew their spirits.

Our own refuge, the Red River National Wildlife Refuge, was created by Congress at the request of local citizens and the act creating it was signed into law on October 13, 2000. The refuge was established on August 22, 2002. According to the legislation, the refuge shall consist of approximately 50,000 acres of Federal lands and waters. To date, only one fifth of the total area authorized, or approximately 10,000 acres, has been acquired. These lands were made unprofitable for agriculture due to the construction of the Locks and Dams on the Red River which raised the water table in low-lying adjacent farms. Continuation of the land acquisition process seems the fair thing to do for the land owners who are willing sellers to the refuge system. Tax increases were imposed on land owners adjacent to the waterway to fund many waterway improvement projects, due to the increased value of the land. The longer funding is delayed for the remaining authorized acreage, the more costly these acquisitions will be.

Situated at the confluence of the Central and Mississippi Flyways, Red River NWR is the only refuge located in northwestern Louisiana, serving an area with a population of over 500,000 people. The congressionally mandated purpose of the Red River NWR is to provide for the restoration and conservation of native plant and animal communities on suitable sites in the Red River basin; provide habitat for migratory birds; and provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife.

Currently, the refuge consists of four management units: Headquarters in Bossier Parish, Bayou Pierre in Red River Parish, and Spanish Lake Lowlands and Lower Cane River in widely separated corners of Natchitoches Parish. These four separate noncontiguous units are spread out along 100 miles of the Red River. The North Louisiana Refuges Complex that provides additional support for our refuge is 100 miles from the closest refuge unit of the Red River NWR and 200 miles from the farthest unit. All this presents major logistical and maintenance challenges for Red River's refuge manager, challenges that have been magnified by the lack of funding for any additional personnel for the refuge. Recently, our refuge manager took a position in the FWS Southeast Regional Office and Red River Refuge currently has no staff at all until a new manager is selected. This situation, coupled with the limited resources of the Complex, which must provide support for four other refuges in the northeastern part of Louisiana, means that needed wildlife habitat maintenance and restoration, infrastructure maintenance, and visitor services projects are suffering.

The Red River Refuge Alliance, which I am honored to serve as President, is one of more than 230 refuge Friends groups, representing over 40,000 individuals throughout the United States who provide volunteer support for the U.S. Fish and Wildlife Service (FWS) and the National Wildlife Refuge System. The Alliance's members are dedicated wholeheartedly to the Red River National Wildlife Refuge and its mission. Our former refuge manager often worked many hours above and beyond what was required of him, including working weekends and on his day off, to carry out the mission of the refuge. We supported him in his efforts in any way we could as we will continue to do with his successor. To that end, we have contributed major financial support and manpower for the complete renovation of a building on the refuge for use as a temporary office and visitor center at the Headquarters unit of the refuge. We have contributed significant volunteer hours cleaning and landscaping a farm house on the Bayou Pierre unit of the refuge. We conduct bird surveys on the refuge; conduct outreach and environmental education in the local community on behalf of the refuge, and sponsor and staff public events on the refuge. One of our members spent many hours last year repairing and maintaining the irrigation system, water control structures, and refuge moist-soil impoundments that provide resting areas for waterfowl and wading birds.

Friends groups can only do so much; the refuge cannot operate efficiently if it is too dependent on volunteer labor and outside funding. In order to provide the support and management needed to provide visitor services and wildlife protection at Red River, there is currently a need to secure sufficient, permanently assigned personnel. The personnel needs of the refuge include an administrative assistant, an assistant refuge manager, an outdoor recreation specialist, a wildlife biologist, a refuge law enforcement officer, an engineering equipment operator, and a maintenance worker. In contrast with its needs, Red River has been operating with a staff of one, the refuge manager, who has had the sole responsibility for caring for the refuge's widely distributed 10,000 acres.

Because of this, many programs necessary to carry out the mandates of the refuge have not been possible or have not been able to be implemented on a timely basis. For example, active moist-soil management for the benefit of wintering waterfowl

and other birds that utilize this type of habitat has not been attainable to date. Currently, grain production is used to address the shortages to effectively manage moist-soil habitat on the Lower Cane River unit. Under current funding/staffing limitations, cooperative farming is the only option available to the refuge to produce crops. Cooperative farmers for the Spanish Lake Unit and the Bayou Pierre Unit have not been located. These units both have moist-soil impoundments and the refuge does not have the funding to plant without assistance from local farmers. .

The earliest explorers of the Red River Valley characterized the area as a floodplain forest rich in biological diversity. Over a period beginning in the late 1700's and early 1800's, some of this forest was gradually cleared. Then, in the 1960's and 1970's, mass clearing of marginal bottomlands took place to make way for agriculture, mostly soybeans. Most of the land that is now part of the Red River NWR consists of these degraded former agricultural lands, some of which have already been replanted in bottomland hardwood trees through carbon sequestration partnerships. This renewed forest on refuge lands will remove carbon from the atmosphere, providing cleaner air, in addition to providing shelter and food for refuge wildlife. New funding is necessary to continue the reforestation where appropriate and to restore other types of natural habitat on refuge land, including native prairies, which once grew in lush abundance.

Invasive species control has been instituted but without personnel and funding for adequate and consistent control, invasive species, such as Chinese tallow trees and kudzu, will continue to crowd out native vegetation, resulting in habitat degradation. Ongoing biological monitoring is needed to protect and preserve native species of flora and fauna on the refuge and the FWS has partnered with local universities to conduct biological studies on the refuge.

The Red River National Wildlife Refuge is located at the confluence of the Central and Mississippi Flyways and, as such, is part of a corridor of public and private lands and waters throughout Louisiana that provides critical stopover habitat for migrating birds. It is estimated that as many as half of all land birds that breed in eastern North America pass through Louisiana during migration. Habitat loss is the primary factor in the decline of both migratory and resident birds. Without funding for native plant community restoration and preservation and control of invasive species, the refuge might fail in its mission to provide habitat for these birds.

Refuge roads and the area around buildings must be mowed regularly and hundreds of acres of moist-soil impoundments must be mowed and/or bush hogged annually so that willows will not grow up in the impoundments; in 2007 this was able to be accomplished only with the major assistance of a volunteer and the impoundments had to be flooded for the fall influx of wintering waterfowl area with an incomplete job. This will make the 2008 maintenance work more difficult because the willows are capable of surviving flooding and will be a year older.

There are currently no facilities open for public use on Red River NWR; however, funding has been secured to build an education and visitor center at the Headquarters unit. This facility will be located within the Shreveport-Bossier metropolitan area with an estimated population of almost 400,000 people, and has the ability to attract thousands more annually because of its convenient location near the convergence of two interstate highways. The center is planned to be an educational resource for all visitors and especially school children to learn about, experience, and appreciate the unique Red River Valley and the natural world. The center with associated nature trails and other visitor amenities is expected to be completed by late 2010. Without increased funding for operations and personnel, including educational and outdoor recreation staff, there will be no way to serve the thousands of visitors expected when the center opens.

Additional staff, equipment, and funding is also needed to adequately maintain existing needs and develop future infrastructure for public use activities and habitat management, including maintenance and construction of new roads and trails, construction of observation platforms, maintenance of water control structures, levees and refuge facilities, and maintenance of equipment and vehicles. Some refuge boundaries remain unmarked, which has created a law enforcement problem. At a minimum, roads must be maintained for access for FWS personnel for habitat maintenance and law enforcement. Although additional funding and personnel have been allocated by the North Louisiana Refuges Complex in years past for very minimal maintenance, a total of $20,000 a year, it is far from what is needed to meet FWS management goals. Routine maintenance jobs go undone for the simple lack of anyone to oversee them.

The Red River National Wildlife Refuge although unique in several ways among refuges is not unique in its struggle to survive and thrive with insufficient staff and funding. On behalf of the Alliance, the Red River National Wildlife Refuge, and the

entire National Wildlife Refuge System, I respectfully request that members of the Subcommittee will agree with us and increase funding for the NWRS in fiscal year 2009 to $514 million. This funding is so very vital for conserving and maintaining America's beautiful wildlife and natural resources not only for our generation to enjoy, but for future generations as well. Thank you for all that you do to ensure this.

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## PREPARED STATEMENT OF THE ROCK POINT COMMUNITY SCHOOL, NAVAJO NATION, ARIZONA

Rock Point Community School asks you to fund the following Bureau of Indian Education Programs at the levels noted:

| | Requested |
|---|---|
| Indian School Equalization Formula (ISEF) | $382,783,800 |
| ISEF Program Enhancements | 12,000,000 |
| Administrative Cost Grants | 66,000,000 |
| Student Transportation | ([1]) |
| Facilities Operations | 67,000,000 |

[1] $3.15 per mile.

On behalf of the Rock Point Community School Board, I appreciate the opportunity to submit these views on the fiscal year 2009 budget request for the Bureau of Indian Education. Rock Point is a K–12 school responsible for the education of more than 400 Navajo children. Rock Point is a small community near Chinle in a remote part of the vast portion of the Navajo Reservation located in Arizona. For over 30 years the school has been operated by an elected all-Navajo school board through an Indian Self-Determination Act contract issued by the Bureau of Indian Affairs. Rock Point relies exclusively on Federal appropriations as the school is not part of the Arizona public school system.

### INDIAN SCHOOL EQUALIZATION FORMULA (ISEF)

The ISEF appropriation funds our educational program. But year after year the amount supplied is insufficient to enable our school to provide the quality education program we want for Navajo children. It was most discouraging to learn that the fiscal year 2009 request—which will fund our SY2009–2010 programs—does not request any boost in program funding; its only increase is to cover "fixed costs." Compared with the funding supplied 6 years ago, the fiscal year 2009 request of $364.5 million is a mere 5.3 percent higher. This means that we are not even keeping up with inflation, so the allotment we will get for SY2009–2010 will effectively be less than the amount supplied 6 years ago. Our costs, on the other hand, steadily increase. Quite frankly, it's as if the Federal officials who prepared this budget are saying that Indian children do not matter.

Rock Point has not made Adequate Yearly Progress for the last 6 years. The biggest impediment in our drive to meet AYP goals is our inability to attract and hold on to experienced, high quality teachers, as academic achievement must occur in the classroom or it does not occur at all. Without a sizeable increase in ISEF funding, we cannot hope to compete for staff with BIA-operated schools and public schools which pay far higher salaries than we are able to afford.

For us, teacher recruitment is made even more difficult by our remote location. The small Rock Point community offers no housing market. Fortunately, some of our teachers come from Rock Point or nearby communities, but for those who do not we must provide housing in the Federally-owned quarters units on our campus. These rental units are very old and badly in need of repairs and upgrades, but they are all we have to offer. The housing units are literally crumbling and have become severe health hazards, as they were constructed using asbestos-containing materials. By most of today's construction codes, these units would be condemned. The substandard condition of our housing and the remoteness of the school from the amenities offered by even a small town compound our recruitment issues. Why do we continue to stay here despite these deplorable conditions? We believe that Indian children do matter. Please don't mistake the dedication we hold to our students as complacency with or acceptance of our situation, though. We continue despite our conditions because our children are important to us. We firmly believe that we should not be subjected to and persist with the conditions under which we currently live and work. We cannot do justice to either our staff or our students under the current budget constraints.

Even a modest increase of 5 percent to the ISEF would greatly help Rock Point and other schools in the BIE system to meet their obligation to offer challenging academic programs, provide remedial education services for children who need extra help, and enable our students to achieve at the high levels we know they are capable of. We can put every additional dollar to use immediately—to fill chronic vacancies in the teaching staff, reduce staff turnover, and provide our students with modern educational tools.

*Our request*.—We hope this committee will heed our prayers by increasing the ISEF budget by at least 5 percent this year and in the coming years as well. We need the Federal Government to make a firm commitment to the education of Indian children and to sustain that commitment over the long term. Please do not send the message that Indian children do not matter to you.

ISEF PROGRAM ENHANCEMENTS

Rock Point applauds the committee for the "education program enhancements" funds it has supplied and strongly urges you to continue this funding. We cannot understand why BIE seeks to cut these enhancement funds by more than 50 percent.

Our School received $150,000 in enhancement funds this year. With these resources and with the support of BIE program personnel, we are developing a Navajo reading program for our K–3 classes. Our theory is that by enhancing Navajo reading and literacy skills and fostering a love of reading in young children, their ability to become proficient readers in both Navajo and English will be enhanced. We hired a reading coach/translator who is translating reading materials into Navajo, and the teachers selected for the program are receiving professional development in the Reading First model. We are very excited about launching this innovative approach. But if funding for it is not continued in the new budget, we cannot offer the program and the investment we and you have made in it will have been wasted!

*Our request*.—Please continue to fund "educational program enhancements" at least at the $12 million level set in the fiscal year 2008 budget.

ADMINISTRATIVE COST GRANTS AND BIA EMPLOYEE SEVERANCE PAY

Once again, the BIA budget ignores the Federal law that requires the agency to fund the administrative costs of tribal organizations such as the Rock Point School Board who have taken over operation of schools under the Indian Self-Determination Act. The agency requests only level funding for these Grants—$43.4 million—despite the fact that five more schools will be taken over by tribes next year. This means that the agency thinks it is acceptable to support 130 schools next year with the same amount used to support 125 this year.

As it is, BIA is only paying AC Grants at 65 percent of the level Federal law directs. See 25 USC Sec. 2008. When five more schools have to be supported from the same amount of money, the percentage supplied will likely fall below 60 percent. On the one hand the Indian Self-Determination Act encourages tribes to have direct, hands-on responsibility for program operations, but on the other hand, and in defiance of the law, BIA consistently refuses to supply administrative funds to make those program operations possible. This is unconscionable.

It is ironic that the only budget impact the agency mentions about the five schools that will convert to tribal operation is the need to pay the severance costs of the Federal employees at those schools who will be laid off. The $1.5 million BIA seeks for this is an administrative cost to the agency. How discouraging it is that BIA expects full funding for its administrative obligations, but pays no heed to the administrative cost needs of tribes and tribal organizations who operate the agency's programs. We hope you will move the $1.5 million requested for employee severance to the AC Grant account instead.

AC Grant funding is supposed to cover all aspects of administering the school program, such as executive direction; accounting; auditing; financial, personnel and property management; and contract compliance. Our administrative budget is already at a bare-bones level. The further reductions the budget request would produce will severely compromise tribal schools' ability to properly administer programs and maintain prudent internal controls.

*Our request*.—Please increase the AC Grant appropriation and require BIA to pay our administrative costs at 100 percent. Full funding will require at least $66 million so we ask you to consider that figure.

STUDENT TRANSPORTATION

We don't understand how the BIA can ask to cut $1 million from student transportation when it knows that the cost of vehicle fuel continues to escalate and it

will be even higher next year when SY2009–2010 begins. Rock Point school buses travel approximately 600 miles every day; 60 percent of those miles are over rough, unpaved roads which means we have constant bus maintenance issues. When we do not receive sufficient resources to cover our transportation costs, we have to make up the shortfall out of our education dollars from the ISEF.

Please increase student transportation funding to a level that enables us to receive $3.15/mile for our bus routes. We should not have to use our scarce education funds to help cover bus fuel, maintenance and driver salary costs.

FACILITIES OPERATIONS

This is another account where BIA provides far less than the amount of calculated need. In the SY07–08 constrained budget, Rock Point received only 52 percent of the amount the facilities formula says we need to properly operate the buildings on our campus. Nearly every dollar we receive must be used to pay utility costs—which leaves very few dollars for other facilities operations, maintenance, and repairs. We are unable to conduct preventative maintenance, which poses great risk, as our boilers and other essential equipment are also old. We are so far behind in our upkeep and preventative maintenance, and we are getting further behind with each passing year because of insufficient funding and the OFMC backlog. Our school buildings, like our housing units, were constructed with asbestos-containing materials. We have had two incidents with asbestos being released at school, the most recent occurring the summer of 2006. Although the U.S. EPA determined in the 90s the health risk that asbestos poses in most Navajo schools, the issue persists still to this day.

We urge the committee to give this long-ignored facilities operations account renewed attention. It has had no meaningful increase in many years. Our schools are Federally-owned buildings and were built with Federal funds. They should be as safe, clean, well-maintained and comfortable for our occupants as any other Federally-owned building, including the Department of the Interior and Congressional office buildings.

*Our request*.—Our suggestion is to add $10 million to the Facilities Operations item and fund it at $67 million.

CONCLUSION

We at Rock Point do not take pleasure in having to beg Congress for funding year after year. But since the BIA school system is the exclusive responsibility of the United States (not of any State), it is our obligation to tell you what our true needs are since the BIA does not do so. Please carry out the United States' responsibility through its treaty obligations and its ethical duty to properly fund this school system so Indian children have an equal chance as that of their peers to learn and succeed in their educational pursuits and compete in the job market.

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## PREPARED STATEMENT OF SHORELINE EDUCATION FOR AWARENESS

The United States Fish and Wildlife Service needs a minimum operating budget of $514 Million for the National Wildlife Refuge System. This funding is essential for implementing the National Wildlife Refuge System Workforce Plan. Many refuges are critically understaffed. The ability of individual refuges to deal with research, wildlife habitat restoration and protection, invasive species, encroachments, and a multitude of other issues has been greatly compromised due to past years budget cuts. As a result, wildlife populations are under stress with limited "safe havens" to recover.

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## PREPARED STATEMENT OF THE SKOKOMISH TRIBE OF WASHINGTON STATE

My name is Dave Hererra, I serve as the Fish and Wildlife Policy Representative for the Skokomish Tribe. I am here to present testimony on behalf of Denese LaClair, Chair of the Skokomish Tribe of Washington State. The Skokomish Indian Reservation is a rural community located at the base of the Olympic Peninsula with a population of over 1,000 people. The 5,300 acre Reservation is a fraction of the 2.2 million acre of the Tribe's Treaty area. The Skokomish Tribe appreciates the work of the Subcommittee and asks that you provide increased funding in areas that are key to the continuing development of tribal communities.

BUREAU OF INDIAN AFFAIRS PROGRAMS

*Indian Reservation Road Maintenance*.—While many of the cuts in the President's fiscal year 2009 Budget proposal we have seen in the past, for the first time the administration has proposed a 50 percent reduction in the BIA road maintenance funds, from $26 million to $13 million. The administration's justification for this cut is that SAFETEA–LU provided that 25 percent of the funding available to tribes for construction can now be used for road maintenance. Not only is the administration's proposal contrary to SAFETEA–LU but to the overwhelming statistics regarding the State of roads in Indian country. For the period between 1975–2002, while the incident of fatal crashes on Federal highways decreased by 2.2 percent, the number of fatal crashes on Indian reservations increased by 52.4 percent. The National Congress of American Indians has asked for the IRR maintenance program to be funded at $100 million. While this may not be possible, it certainly illustrates the absurdity of the administration's cut.

For Skokomish, we have made road improvements and maintenance a high priority, because we know too well the impacts of having unsafe roads. Just last month, a 10-year-old boy was hit by a car riding his bicycle. If we had a shoulder and a sidewalk where the little boy entered the road, it is very likely that he would not have been hit by the car. However, under the administration's proposal instead of making these important road improvements, we will be forced to use these limited resources for road maintenance.

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

In the last 11 years, the Skokomish Department of Public Safety has grown from 1 untrained officer, to a force of 10 Washington State certified/Washington State equivalency trained or BIA certified law enforcement officers. To be fully staffed at a baseline minimum for the area and scope of service that the Skokomish Department of Public Safety is tasked with, we need a total of 18 officers. Thus, we are almost 50 percent below what is needed to safely serve our community.

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

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

While the responsibility and scope of tribal courts have greatly increased in the 45 years since Mrs. Pavel's first hearing, the Bureau of Indian Affairs has not provided these important institutions with the commensurate level of funding. Today, Tribal Courts handle huge criminal, civil and juvenile dockets, which could not be handled by the already over burdened State and Federal courts. It is a sad reality that many tribal courts are still housed in ramshackle buildings. Most of our courts cannot afford to provide public defenders and many do not have law trained prosecutors. Fortunately, through the dedicated work our Tribal leaders most of our judges are now law trained. Nevertheless, the administration proposes a $2.5 million cut to this program. We urge the committee to reject this cut and to fund this program to at least $15 million—which is $700,000 more than last year's level.

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

enough to be accepted into a 4 year college or a community college, it is important that the Tribe have some resources to help them succeed.

ENVIRONMENTAL PROTECTION AGENCY

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

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

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

INDIAN HEALTH SERVICE

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

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

CONTRACT SUPPORT COSTS

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

TRIBAL HISTORIC PRESERVATION PROGRAMS

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

CONCLUSION

I want to thank the subcommittee for the opportunity to present testimony on these important issues.

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PREPARED STATEMENT OF THE SOCIETY OF AMERICAN FORESTERS

The Society of American Foresters (SAF), with over 14,000 forestry professionals located across the country in all segments of the profession, believes in sound and scientifically-based management and stewardship of the nation's public and private forests. Funding for the Department of the Interior (DOI) and the USDA Forest Service (USFS), both contained within the Interior, Environment, and Related Agencies Appropriations bill, play particularly important roles in maintaining, conserving, and improving the Nation's forests.

The 755 million acres of forests in the United States are undergoing constant pressures from wildfires, insect infestations, and other catastrophic disturbances, conversion to competing non-forest land uses, and the effects of climate change on forest types and health, as well as on wildlife habitat. Simultaneously, our Nation's forests are expected to provide recreational opportunities (more than 137 million annual visits to national forests alone), as well as supply the economic services and goods demanded by society. However, the direction in which Federal budgets are moving makes resisting these pressures and delivering these forest goods all the more difficult—in large part due to the increasing percentage of the agencies' budgets consumed by wildfire preparedness and suppression.

The SAF remains concerned and committed to the sustainability of our Nation's forests. Such sustainability implies and demands a balance of the social, environmental and economic values realized from forests—a balance that is presently at risk of being upset. To help resist these pressures, to ensure the sustainable delivery of forest-related goods and services, and to ensure the future of this critical natural resource, the SAF urges a focus in three funding areas and the range of programs within the DOI and USFS budgets that address these key areas (as outlined below). The SAF's key priorities are:

1. Forest health on both public and private forests
2. Forest research and inventory
3. Private forest conservation

FOREST HEALTH

Today, more than 190 million acres of Federal forests and over 90 million acres of non-federal forests are threatened by a potent combination of wildfire, insects, diseases, invasive species, and other factors. To address these ongoing threats, sufficient resources must be allocated to management programs capable of preparing and mitigating for their effects. To adequately address these issues, the SAF urges funding levels above the administration's fiscal year 2009 proposed budgets for the forest health programs and wildland fire accounts in both the Forest Service and the Department of the Interior as outlined in detail below.

*Wildfire Suppression.*—The SAF remains deeply concerned over the rising costs of wildfire suppression efforts, and more importantly, the increasing percentage of the agencies' budgets devoted to that activity.

The borrowing of funds from non-wildfire accounts during the course of each fire season presents severe challenges to the agencies' other programs. This leads directly to the inability to deliver the goods and services demanded by society, and that are crucial to the agencies' missions. This is no more apparent than in the case

of the Forest Service: the percentage of the agency's budget dedicated to wildland fire suppression has risen to 43 percent for fiscal year 2009. Suppression costs in the Forest Service alone are nearly $1 billion, up from less that $600 million only 7 years ago. This trend is forcing the agency to retreat to what it considers its "core" missions—which will in turn force undesirable effects on a large portion of the agency's programs, and on the forests that depend on those programs. Congress must, therefore, both address the consumption of critical agency programs by the ever-expanding wildfire budget, as well as continue to urge the agencies to adopt cost-containment measures and increased accountability for wildfire suppression activities.

*Reducing Hazardous Fuels.*—Any effort to address wildfire threats mandates addressing the accumulation of hazardous fuels on the forested landscape. The USFS and the DOI programs to do so are critical components to ensuring forest health and reducing suppression costs over the long-term. Efforts by the agencies to treat such fuels should be prioritized to focus on Condition Class 3 lands, on restoring natural fires regimes, on mitigating and adapting to the anticipated effects of climate change on fire hazards, and on protecting at-risk communities where appropriate. The agencies should also be encouraged to better coordinate the expanded use of wildland fire to meet fuel reduction goals where suitable. The SAF supports the fiscal year 2008 enacted levels for hazardous fuels accounts for both the USFS and DOI, and suggests fiscal year 2009 funding at or above those levels.

FOREST RESEARCH AND INVENTORY

With 58 million acres of forest at significant risk for insect or disease mortality and with the available dollars for forest-related research falling nationwide, it is imperative that the funding for research provided by both the USFS and DOI not likewise diminish. Investments in forestry research are investments in the future health and suitability of both public and private forests nationwide. The Nation's forestry research is conducted by a number of entities, including Federal agencies, universities and private industry, with the majority of the Federal funding focused within the USDA Forest Research and Development Program. USFS R&D conducts essential research on pressing topics such as climate change, insect infestations and pathogen treatments, renewable energy development and woody biomass conversion technology, forest products research to maintain the competitiveness of the U.S. industry, and in areas such as social science to better understand how to improve the agency's relationship with the public and to better meet the public's needs. SAF urges a moderate elevation in funding to a level of $290 million for the USFS Research and Development program.

*Forest Inventory and Analysis.*—Though now included within the broader Inventory and Monitoring R&D, the USFS Forest Inventory and Analysis (FIA) program is the backbone of forestry knowledge in the United States providing the only national census of forests across all forest ownerships. The program forms the foundation of much of the analysis that is occurring on national trends affecting forest lands, including forest fragmentation, forest health, and climate change effects. Through FIA, the USFS partners with State forestry agencies and the private sector in a unique data sharing relationship whereby the Nation as a whole truly benefits from this research. We strongly urge Congress to fully support the administration's proposed increase of $1.9 million and fully fund the FIA program at $73 million in fiscal year 2009—any FIA decreases resulting from proposed decreases in State and Private Forestry should be considered so that the FIA program does not see a net decline in funding.

PRIVATE FOREST CONSERVATION

Private forests comprise some 427 million acres in the United States. All of these forests face a suite of challenges: forest health concerns, pressures to convert to nonforest uses as land values rise, and changing markets for forest products and overseas competition. Forty-four million acres of these forests are at substantial risk of increases in housing density in the next 30 years. In many ways these private forest are some of the nation's most important, as they can be managed for the broadest array of outputs—they are the source of the majority of the nation's wood supply, and provide recreational opportunities, wildlife habitat, and are a source of clean air and water, as well as an important aesthetic component to urban, suburban, and exurban regions. Programs within the USFS State and Private Forestry help encourage private forest landowners to continue to manage their lands as forests, and in a sustainable fashion. Maintaining these forests is becoming even more critical in light of the role of forests in carbon sequestration, and the resultant carbon emissions when those forests are lost. We are deeply concerned that the administration proposes such a drastic cut in the programs critical to private landowners within

the State and Private area. The SAF strongly urges restoring the State and Private forest program to $207.5 million.

U.S. DEPARTMENT OF THE INTERIOR

[In millions of dollars]

| Program | Fiscal years | | |
|---|---|---|---|
| | 2008 enacted | 2009 proposed | 2009 SAF recommendation |
| DOI Wildland Fire Management Total | 808.0 | 850.1 | 941.1 |
| Preparedness | 276.5 | 277.7 | 300.7 |
| Suppression | 289.8 | 335.2 | 350.2 |
| Hazardous Fuels | 199.6 | 202.8 | 250.8 |
| Joint Fire Science | 5.9 | ..... | 5.0 |
| BLM Public Domain Forest Management | 10.6 | 9.5 | 10.6 |
| BLM OR and CA Grant Lands Total | 108.5 | 108.3 | 109.0 |
| Forest and Rangeland Research (R&D) | 285.9 | 263.0 | 290.9 |
| State and Private Forestry | 262.8 | 109.5 | 207.5 |
| Forest Health Management—Fed | 54.1 | 45.0 | 50.0 |
| Forest Health Management—Coop | 44.5 | 10.0 | 40.0 |
| State Fire Assistance | 32.6 | 25.0 | 30.0 |
| Volunteer Fire Assistance | 5.9 | 5.0 | 5.0 |
| Forest Stewardship | 29.5 | 5.0 | 20.0 |
| Forest Legacy | 52.3 | 12.5 | 45.0 |
| Urban and Community Forestry | 27.7 | 5.0 | 15.0 |
| Economic Action Programs | 4.2 | ..... | ..... |
| International Forestry | 7.4 | 2.0 | 2.0 |
| National Forest System Total | 1,469.6 | 1,344.5 | 1,358.5 |
| Land Management Planning | 48.8 | 52.6 | 52.6 |
| Inventory and Monitoring | 166.6 | 146.5 | 160.5 |
| Recreation, Wilderness & Heritage | 262.6 | 237.0 | 237.0 |
| Forest Products | 322.5 | 322.7 | 322.7 |
| Vegetation and Watershed Management | 177.4 | 165.3 | 165.3 |
| Wildland Fire Management Total | 1,943.5 | 1,976.6 | 2,107.6 |
| Preparedness | 665.8 | 588.4 | 675.4 |
| Suppression | 845.6 | 993.9 | 993.9 |
| Hazardous Fuels | 310.1 | 297.0 | 325.0 |
| Rehab & Restoration | 10.8 | ..... | 10.0 |
| Fire Research and Development | 23.5 | 22.0 | 23.0 |
| Joint Fire Sciences Program | 7.9 | 8.0 | 8.0 |
| NFP Forest Health—Fed | 14.0 | 14.3 | 14.3 |
| NFP Forest Health—Coop Lands | 9.9 | 10.0 | 10.0 |
| NFP State Fire Assistance | 50.0 | 35.0 | 40.0 |
| NFP Volunteer Fire Assistance | 7.9 | 8.0 | 8.0 |
| Capital Improvement & Maintenance | 488.8 | 405.8 | 410.8 |
| Facilities | 121.8 | 119.6 | 119.6 |
| Roads | 227.9 | 227.0 | 227.0 |
| Trails | 76.4 | 50.0 | 55.0 |
| Deferred Maintenance | 9.0 | 9.1 | 9.1 |

PREPARED STATEMENT OF THE SOUTHERN APPALACHIAN HIGHLANDS CONSERVANCY

Madam Chairman and honorable members of the subcommittee: As a Trustee of the Southern Appalachian Highlands Conservancy I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need in the Pisgah National Forest in North Carolina. I am supporting an appropriation of $1.875 million from the Land and Water Conservation Fund (LWCF) in fiscal year 2009 to acquire the 290-acre Roan/Atria parcel in the Roan Highlands.

As you know, Mr. Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

Modern American forestry began in what is now the Pisgah National Forest. This "Cradle of Forestry" came into being when the Biltmore Forest School—the first American school of forestry—was opened in 1898 on property owned by George Vanderbilt. After Vanderbilt's death in 1914, the area was sold to the Federal Government and became one of the first portions of the Pisgah National Forest. The first forest supervisor was Gifford Pinchot, who later became the first chief of the U.S. Forest Service.

The Toecane Ranger District of the Pisgah National Forest lies north of Asheville between the Blue Ridge Parkway just and the Tennessee State line. Its name is a combination of the names of the two main rivers in the area, the Toe River and the Cane River. With its spectacular wildflowers, the Toecane Ranger District contains some of the most beautiful mountain scenery in the east. Some of the main identifying features of the district are Roan Mountain, which straddles the North Carolina-Tennessee border, and Mt. Mitchell, the highest point in North Carolina.

The Appalachian National Scenic Trail is the Nation's oldest and most revered long-distance trail. Established in 1925, it was designated the Nation's first national scenic trail in 1968. The Appalachian Trail crosses six national parks, eight national forests, 14 States, and numerous State and local forests and parks. Recreation opportunities along the trail include hiking, camping, hunting, fishing, observing wildlife, rock climbing, and picnicking. The trail as a whole includes lands containing more than 2,000 rare, threatened, endangered, and sensitive plant and animal species. The Appalachian Trail covers 17 miles over the Roan Highlands, which include Roan Mountain in the Toecane Ranger District of the Pisgah National Forest. This section of the trail over the Roan Highlands contains some of the most scenic views on the entire trail.

The Roan Highlands are home to the best remaining examples of three endangered high-elevation ecosystems: grassy balds, red spruce/Fraser fir forests, and granite outcrops and cliffs. On the Roan massif there are more nationally or regionally ranked rare species then at any other site in the Southern Appalachians. The Roan Highlands also contains the world's largest natural rhododendron garden, covering 600 acres.

The 290-acre Roan/Atria tract on Big Yellow Mountain is located within the Roan Highlands and makes up fifty-percent of the viewshed from the Appalachian Trail's Overmountain Shelter. Additionally, it is within the viewshed—and joins the corridor—of the Overmountain Victory National Historic Trail, which follows the Revolutionary War route of Patriot militiamen. The tract comprises much of the east slope of Roaring Creek Valley, which was identified as the "Prettiest Valley in America" by Backpacker Magazine in October 2007. The Roan/Atria tract is comprised of northern hardwood forest, old-growth beech and oak groves, and includes portions of the globally imperiled Southern Appalachian Grassy Bald ecosystem. Home to black bear, ruffed grouse, wild turkey, the tract is part of a critical wildlife corridor identified in the State Wildlife Action Plan. It also contains Sandbank Creek, which holds the native Southern Appalchian Brook Trout, and hosts the upper watershed of the North Toe River, a high quality trout stream. The entire tract is identified as an Audubon IBA (Important Bird Area.) The Roan/Atria acquisition would join 17,000 acres of already protected lands, including adjacent Pisgah National Forest lands, the Nature Conservancy's Big Yellow Mountain Preserve, and preserves owned by the Southern Appalachian Highlands Conservancy.

This subject land is under immediate threat of development into vacation homes. The landowner has already received county approval on plans for 107 home lots. In fiscal year 2009, $1.875 million from the Land and Water Conservation Fund di-

rected to the Pisgah National Forest is needed to permanently acquire and protect the Roan/Atria tract and preserve the Appalachian Trail viewshed for future generations. These funds will be matched by $1.85 million in private donations, significantly reducing the cost of acquisition to the federal agency. In addition, the funds will leverage a 150 acre donated conservation easement from the landowner, bringing to 442 acres the area under protection. The contract agreement, which is currently being reduced to writing, secures the site until December 31, 2008.

Thank you again, Madam Chairman, for the opportunity to present this testimony in support of protecting this important property in western North Carolina.

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PREPARED STATEMENT OF MARIE SPRINGER

Madam Chairman and Honorable Members of the Committee: I am grateful to have the opportunity to submit testimony for public witness on Department of the Interior agencies. I write to you in support of $1,006,500,000.00 last year's level and $38 million more than the $968,500,000.00 of the Presidents budget for the United States Geological Survey, fiscal year 2009. Their focus is on research as a priority for fiscal year 2009. I would like to see the Biological Information Management and Delivery Department be funded at $22,596,000 at last years level with a staff of 72, this department is suffering staffing cuts as every other department in the USGS is. The information these people produce is essential to the overall well being of the citizens of this country, just as the Centers for Disease Control is essential to the health an well being of the American public. The USGS is the one Federal Agency that conducts and maintains data in a uniform consistent system available for all agencies and the general public.

I am a Beekeeper. By now, I am sure you have all heard of Colony Collapse Disorder, of the Honey Bee. There have been many hearings on this issue and some funds have been awarded for research on this matter. The Honey Bee is only one pollinator of many in our country. Many researchers feel they are all in decline.

Bees and wasps are a linchpin species in the ecological system, meaning the rest of the food chain depends on them for their food sources. Seventy five percent of all human food sources are pollinated by bees or wasps. Honey bees are just one of about two dozen introduced species of bees to this continent. Besides the honey bees there are about 800 native bees on the Eastern side of the United States and more than 2,000 on the West coast of our country. Wasps are another family that also pollinate and serve a beneficial purpose in the food chain. We need accurate counts on all these pollinators, in order to fully understand declines in populations and their influence on pollination of crops.

The United States Geological Survey, with many partners, is conducting a Native Bee Survey, nationwide. This research sampling collecting and compiling is being done by the USGS, the United States fish and Wildlife Service, national Parks Service Army Scientists, Smithsonian, the American Museum of Natural History many Universities and their Graduate and Doctoral students, Interns as well as average Joe-citizen volunteers, like me.

This research requires individuals going out into the field every few weeks to trap and collect bee specimens. After cleaning drying and pinning the specimens there are hours of identification under a microscope. The USGS, with its partners, have held and continue to hold Bee Identification courses for free in order to have enough researchers with the skills to identify the many bee species.

The research is not only significant to the over all environment but also specifically to agriculture industry. Honey Bees will always be vulnerable to pathogens and parasites because they are not native and their immune systems are more vulnerable than native species. CCD has made it clear we must ready our selves with alternative sources for pollinating crops. The USGS is conducting that research in coordination with other agencies. We must perform more research on the types of bees and the quantities of native bee species. We need accurate numbers to determine if we have lost species since the last studies were performed 40 years ago. With this information we can begin to chart what bees pollinate what plants. There are plant species that are also diminishing, we can begin to look at whether or not those plant species are loosing their pollinators. We also need this data to determine what invasive plant species are being pollinated by which bee species.

The USGS is charged with performing Surveys and data collection that are used by other Federal agencies such as United States Fish and Wildlife, Department of Agriculture, Department of Forestry, National Parks, Army Corp of Engineers, Department of Defense, the Bureau of Land management, Department of Commerce, NASA, Water Resources, many non-governmental environmental organizations as well as State and local governments and private industry. Just as the bees are a

linchpin species in the environment, the USGS is a linchpin in Federal Agencies and the source for scientific data. The USGS data collection is the basis for much of the scientific and environmental priorities in our Nation. This country is completely dependent on the research and data collection of the USGS. Please take this into consideration in your funding priorities.

Thank you for taking the time and consideration.

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## PREPARED STATEMENT OF THE SQUAXIN ISLAND TRIBE

Thank you distinguished members of this subcommittee for allowing me to submit my testimony on behalf of the Squaxin Island Tribe for our funding requests in the fiscal year 2009 Budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

### TRIBAL SPECIFIC REQUESTS

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

### SUPPORT REGIONAL REQUESTS AND RECOMMENDATIONS

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

### SUPPORT SELF-GOVERNANCE AND NATIONAL REQUESTS AND RECOMMENDATIONS

*Indian Health Service*

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

*Bureau of Indian Affairs*

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

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

### RESCISSIONS ON FUNDING FOR INDIAN PROGRAMS

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

TRIBAL SPECIFIC REQUESTS JUSTIFICATIONS:

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

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

2. *$750,000 for the Squaxin Island Department of Public Health and Safety to hire six (6) additional FTE officers for 24-hour coverage in order to ensure the safety of the community and a Public Defender*.—Public Safety is a high priority for the Squaxin Island Tribe. The Squaxin Island Tribal Public Safety and Justice Department is dedicated to protecting lives, maintaining peace and ensuring that the property and resources of the Squaxin Island Tribe are protected through the enforcement of the laws and regulations set forth by the Squaxin Island Tribal Council. Law enforcement officers patrol the reservation, South Puget waterways and usual and accustomed hunting areas, protecting human life and natural resources upon which Tribal members rely on for cultural and economic sustenance.

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

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

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

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

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

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

*Squaxin Island Tribe Supports Regional Requests and Recommendations*

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

SQUAXIN ISLAND TRIBE SUPPORTS SELF-GOVERNANCE AND NATIONAL REQUESTS AND RECOMMENDATIONS

*Bureau of Indian Affairs*

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

*Indian Health Service*

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

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

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PREPARED STATEMENT OF STANDING ROCK SIOUX TRIBAL

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

The Standing Rock Sioux Tribe is situated in North and South Dakota. The Reservation comprises 2.3 million acres, of which 1.4 million acres is Tribally owned and Tribal owned allotted lands. About 10,000 Tribal members and non-members

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

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

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

PUBLIC SAFETY NEEDS

Last month, I traveled to Washington, D.C. with members of the Tribal Council to meet with our elected representatives and officials of the BIA to request funding to combat the breakdown in public safety on our Reservation. At Standing Rock, we have 10 staffed, full time police officers to patrol our 2.3 million acre reservation and 2,500 miles of roads. That averages to about 2–3 officers per eight-hour shift. Nearly one-half of our resident Tribal members are under the age of 25. There is no effective law enforcement for youth offenders at Standing Rock, who are released if there are no facilities to house them. Violent crime rates are increasing. From January to June 2006, BIA police documented the commission of 1,247 offenses on our reservation, the vast majority involving alcohol and drugs. We are a rural community, but our crime rate parallels that of a major city.

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

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

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

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

EDUCATION NEEDS

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

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

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

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

ECONOMIC DEVELOPMENT NEEDS

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

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

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

Standing Rock testified last summer before the Senate Indian Affairs Committee regarding the unacceptable high rate of traffic accidents and deaths on Indian Reservation Roads caused in part by poor road maintenance. Statistics from the Center for Disease Control (CDC) and the National Highway Traffic Safety Administration (NHTSA) show that injury and death rates among Native American motorist and pedestrians are two and three times the national average. We support the request by NCAI to increase funding for the BIA Road Maintenance Program to at least $100 million annually.

NATURAL RESOURCES NEEDS

We are working with the Bureau of Reclamation to extend irrigation systems to cover 1,550 acres of 2,380 eligible acres as part of the Garrison Diversion Unit Reformulation Act. We have received about one-half of the $20 million in BOR funds required to construct irrigation lines for all 2,380 acres. With more lines, however, our operation, maintenance and repair (OM&R) costs increase. The BIA provides no funds for our annual OM&R costs ($750,000). Standing Rock Farms is becoming one

of North Dakota's premier agricultural producers with a multi-million dollar impact on the economy. It is a producer of jobs and revenues on our reservation.

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

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

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

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

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PREPARED STATEMENT OF THE STATE OF COLORADO, OFFICE OF THE GOVERNOR

The State of Colorado is an active participant in Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, both of which are recognized throughout the country as models for endangered species conservation and recovery. These Programs have developed collaborative solutions to pursue endangered species recovery while allowing water development to continue in our arid Rocky Mountain States.

I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for both of these Programs. The President's recommended budget for fiscal year 2009 includes FWS funding for these programs at the levels I am requesting. I request support and action by the Subcommittee that will provide the following, as authorized by Public Law 106–392, as amended.

1. Appropriation of $697,000 in "recovery" funds (Resource Nianagement Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; $697,000 within the $68,067,000 item entitled "Recovery Program") to the U.S. Fish and ldlife Service (FWS) for fiscal year 2009 tp allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program. This is the same level of funding provided to the Recovery Program in fiscal years 2004 through 2008.

2. Appropriation of $475,000 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery System Operations Sub activity; $475,000 within the $45,147,000 item entitled "National Fish Hatchery Operations") to support theongoing operation of the FWS' Our-ay National Fish Hatchery in Utah during fiscal year 2009.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to the FWS for fiscal year 2009 to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

Substantial non-federal cost-sharing funding exceeding 50 percent is embodied in both of these programs.

These highly successful, cooperative programs are ongoing partnerships among the States of Colorado, New Mexico, Utah and Wyoming, Indian tribes, Federal agencies and water, power and environmental interests. The Programs' objectives

are to recover endangered fish species while water use and development proceeds in compliance with the Endangered Species Act. These recovery programs have become national models for collaboratively working to recover endangered species while addressing water needs to support growing western communities. Since 1988, these programs have provided ESA compliance for over 1,600 Federal, tribal, state and privately managed water projects depleting more than 3 million acre-feet of water per year.

The Upper Colorado and San Juan Programs bring a diverse group of people and interests together to resolve potential conflicts over endangered species recovery and water development. The endangered fish species are returning, and water development is proceeding in accordance with State law and interstate compacts. These arc the kinds of programs that I support.

The past support and assistance of your subcommittee has greatly facilitated the success of these multi-state, multi-agency programs—I thank you for that support and request the subcommittee's assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

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PREPARED STATEMENT OF THE STATE OF NEW MEXICO, OFFICE OF THE GOVERNOR

Chairman Feinstein and Senator Allard: I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The President's recommended budget for fiscal year 2009 includes FWS funding for these programs at the levels I am requesting. The State of New Mexico requests support and action by the subcommittee that will provide the following:

1. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to the FWS for fiscal year 2009 to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

2. Appropriation of $697,000 in "recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the $68,417,000 item entitled "Recovery") to the FWS for fiscal year 2009 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program. This is the same level of funding appropriated to the Recovery Program for this purpose in fiscal years 2004 through 2008.

3. Appropriation of $475,000 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery System Operations Subactivity; within the $43,507,000 item entitled "National Fish Hatchery Operations") to support the ongoing operation of the FWS Ouray National Fish Hatchery in Utah during fiscal year 2009.

These highly successful cooperative programs are ongoing partnerships among the States of New Mexico, Colorado, Utah and Wyoming, Indian tribes, Federal agencies, and water, power and environmental interests. The programs continue to meet their objectives of working to recover endangered fish species while water use and development proceeds in compliance with the Endangered Species Act. The Department of the Interior has recognized the Upper Colorado and San Juan recovery programs as national models for collaboratively working to recover endangered species while addressing water needs to support growing western communities. These programs have provided ESA compliance (without litigation) since 1988 for over 1,600 Federal, tribal, State, and privately managed water projects depleting more than 3 million acre-feet of water per year. Substantial non-federal cost-sharing funding exceeding 50 percent is embodied in both of these programs as authorized by Public Law 106–392, as amended.

The past support and assistance of your subcommittee has greatly facilitated the success of these multi-state, multi-agency programs. On behalf of the citizens of New Mexico, I thank the Subcommittee for your past assistance and again seek the subcommittee's assistance this year to ensure adequate FWS funding for the upcoming Federal fiscal year.

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PREPARED STATEMENT OF THE STATE OF WYOMING, OFFICE OF THE GOVERNOR

Chairman Feinstein and Senator Allard: I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The President's recommended budget for fiscal year 2009 includes FWS funding for these programs at the levels I am requesting.

The State of Wyoming requests support and action by the subcommittee that will provide the following.

1. Appropriation of $697,000 in "recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the $68,417,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2009 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program. This is the same level of funding appropriated to the Recovery Program for this purpose in fiscal years 2004 through 2008.

2. Appropriation of $475,000 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery System Operations Subactivity; within the $43,507,000 item entitled "National Fish Hatchery Operations") to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah during fiscal year 2009.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to the FWS for fiscal year 2009 to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

These highly successful, cooperative programs are ongoing partnerships among the States of New Mexico, Colorado, Utah and Wyoming, Indian tribes, Federal agencies, and water, power and environmental interests. The programs continue to be meeting their objectives of working to recover endangered fish species while water use and development proceeds in compliance with the Endangered Species Act. The Department of the Interior has recognized the Upper Colorado and San Juan recovery programs as national models for collaboratively working to recover endangered species while addressing water needs to support growing western communities. Since 1988, these programs have provided ESA compliance (without litigation) for over 1,600 Federal, Tribal, State, and privately managed water projects depleting more than 3 million acre-feet of water per year. Substantial non-Federal cost-sharing funding exceeding 50 percent is embodied in both of these programs as authorized by Public Law 106–392, as amended.

The past support and assistance of your subcommittee has greatly facilitated the success of these multi-state, multi-agency programs. We in Wyoming gratefully thank you for that support and request the subcommittee's assistance for fiscal year 2009 funding to ensure FWS' continuing financial participation in these vitally important programs.

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## PREPARED STATEMENT OF THE SWAN ECOSYSTEM CENTER

Madam Chairman and honorable members of the committee: Thank you for the opportunity to testify in support of continued Federal investment in the Swan Valley, Montana and to specifically urge a fiscal year 2009 appropriation of $1.92 million to the State of Montana from the Forest Legacy Program (FLP) and an $8.0 million appropriation to the U.S. Forest Service from the Land and Water Conservation Fund (LWCF) for the Swan Valley conservation effort. The Swan Valley is unique in Montana because the land is exceptionally good at growing trees, the rich and diverse habitat provides for a diversity of species, and the scenic and recreation amenities are superb. The people in the Swan Valley care deeply about this place and need your help protecting it.

Swan Ecosystem Center formed in 1996 as an inclusive 501(c)(3) nonprofit watershed group in the Swan Valley of northwest Montana. Anyone who lives in the Swan Valley and participates is a member. Swan Ecosystem Center has an office and visitor center in the U.S. Forest Service Condon Work Center through a partnership with the Forest Service. According to surveys, most people in the Swan Valley want to protect forests, wildlife and public access. This request is for funding to fulfill a multi-stakeholder conservation strategy, in keeping with the Swan Ecosystem Center Mission: We, citizens of the Upper Swan Valley, Montana, have a self-imposed sense of responsibility to maintain a strong, vital community, one involved in setting its own destiny through partnerships that encourage sustainable use and care of public and private land.

The Swan Valley conservation effort is a cooperative venture among private landowners, public land management agencies, public resource management agencies, the community, and non-governmental organizations. These groups are working to protect the significant ecological and recreational resources of the Swan Valley, while promoting the sustainable management of the valley's forest resources. This process has included a science-based assessment of wildlife and fisheries resources, timber productivity, and recreational activities, as well as considerable input from a broad base of Swan Valley residents. Conservation strategies include:

—Land and Water Conservation Fund program to protect critical habitat and public recreation opportunities through Forest Service acquisitions.
—Forest Legacy Program to protect working timberlands with multiple resource values through conservation easements and limited acquisitions by the State of Montana.
—Residential land conservation easement program through local land trusts.
—Habitat Conservation Plan program and other mitigation programs to protect core habitat for threatened or endangered species.
—Special conservation areas to be managed by a nonprofit community group with a broad representation of interests and backgrounds.
—Private foundation funding and investment capital to further conservation objectives.

This year, three properties totaling 1,222 acres are available for acquisition through the Land and Water Conservation Fund to continue the conservation efforts in the Swan Valley. The parcels are located within grizzly bear habitat and are important for species recovery. Some parcels also contain stream reaches important for bull trout habitat and other native species, important habitat for elk and other big game, and/or recreation resources important to Montana residents and visitors alike. These acquisitions will prevent further fragmentation of forestland ownership and land uses, and improve coordinated land management through blocking up of public ownership in areas of checkerboard ownership. This proposal was ranked third priority by the USFS—Northern Region.

The Swan Forest Legacy Program conservation easements and acquisitions will promote a sustainable working forest in the Swan Valley in order to maintain the forest-based economy of the Valley by protecting the most productive forestlands from conversion to non-forest uses. This year's proposal helps to protect access to public lands, maintain traditional outdoor recreation activities and conserve important wildlife and fisheries habitats. The proposal includes acquisition of 446 acres of Plum Creek lands within the Swan River State Forest checkerboard area, which would be conveyed to the State of Montana for on-going forest management. This proposal was ranked first by the State of Montana ranking committee and ninth by the USFS national ranking committee.

It should be noted that private investment and commitment to conservation in the Swan Valley plays a significant role alongside the public conservation efforts. There is growing recognition that the conservation resources of the area blanket much of the Swan Valley, regardless of land ownership boundaries and that effective resource protection requires a multi-faceted approach. The efforts of private landowners, the Swan Ecosystem Center, other organizations, and private foundations are all contributing toward successful implementation of the conservation strategy.

The funding this committee has most generously provided for fee and easement acquisitions in the Swan Valley in previous fiscal years has reduced the checkerboard ownership pattern in the area, protected sensitive habitat and recreation lands from development, and protected forestlands from conversion to non-forest uses. We are extremely grateful for those past appropriations, and we ask you for your continued support as the committee considers the fiscal year 2009 Interior, Environment and Related Agencies Appropriation bill.

Please support the Swan Valley conservation effort. Thank you for the opportunity to present this request.

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## PREPARED STATEMENT OF THE TAMARAC INTERPRETIVE ASSOCIATION

Madam Chairman and members of the subcommittee: On behalf of the Tamarac Interpretive Association, the friend's organization of the Tamarac National Wildlife Refuge in Minnesota, I am submitting testimony for the Senate Appropriations Subcommittee on Interior, Environment and Related Agencies. We support a funding level of $514 million in fiscal year 2009 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account and adequate funding for Visitor Services.

Last year Congress responded to years of inadequate funding with an increase of $39 million, bringing funding to the National Wildlife Refuge System to $434 million. The Presidents proposed budget for fiscal year 2009 of $434.1 million represents the same level of funding as the current fiscal year. In order to maintain services and programs from the previous year, the National Wildlife Refuge System budget must increase by $15 million each year. The $15 million amount is derived from increases for cost-of-living for FWS personnel, growing rent and real estate costs, increasing energy prices, and other cost increases, while sustaining current levels of visitor services and wildlife management. The crisis that the Refuge Sys-

tem faces is that multiple years of stagnant budgets prior to fiscal year 2007 have resulted in a $3.5 billion Operations and Maintenance backlog. Backlogs, and what amounted to budget cuts prior to fiscal year 2007, have forced plans for a 20 percent downsizing of the workforce. Across the Refuge System, refuge visitors often show up to find roads and visitor centers closed, observation platforms and hiking trails in disrepair, and habitat restoration and school education programs eliminated. Invasive plant species are taking over and with a deficiency of more than 500 law enforcement officers, illegal activities such as poaching and trespass are on the rise. The $514 million target includes the required annual $15 million increase plus begins to address the backlog crisis so that the Refuge System can fulfill its responsibility to administer nearly 100 million acres, nature programs, habitat restoration projects, and more.

Focusing on the challenges in the Midwest region, a year ago, the 20 percent workforce reductions required 71 positions to be cut, including 27 in Minnesota. These Minnesota lost positions included 9 managers/resource specialists, 6 park rangers, 6 biologists/biology technicians, 3 maintenance workers, and 3 administrative staff. In addition to position cuts in the field, reductions also included Region Office management divisions. Minnesota's 15 refuges alone have 441 unfunded, yet essential projects, totaling $51.5 million. In the maintenance area of operations for Minnesota overall, the backlog exceeds $64.0 million, which severely impedes refuge staff from protecting wildlife habitat and providing for recreational opportunities.

The impact of this budgetary operations and maintenance backlog is also felt at Tamarac National Wildlife Refuge. The loss of one of the station's maintenance positions (that has yet to be refilled), has resulted in creating a backlog of repairs and regular maintenance of facilities, vehicles, refuge roads, parking areas, and hiking trails. Since the remaining maintenance position is seasonal, there has been reduced snow removal on refuge roads, parking areas, and at the Refuge Headquarters/Visitor Center. With public lake accesses not being plowed on a regular bases, ice fishermen have had a more difficult time getting out on the ice to fish. During the muzzleloader deer season some hunters were unable to access portions of the refuge because of snow-blocked roads where no one was available to plow. Deer hunting on the refuge is not just a recreational opportunity, but it is critical for management of the deer population and conserving a healthy habitat. Maintenance backlogs include the need to repave our Visitor Center parking lot and our Chippewa picnic area restrooms need to be updated. At our Visitor Center/Refuge Headquarters, continuing water leakage has caused an assortment of damage and problems, including the lost productivity from moping up water after each heavy rain.

Our wider community, with Detroit Lakes, Minnesota, as its commercial and population center, is also host to Hamden Slough National Wildlife Refuge and the Detroit Lakes Wetland Management District. The budget crisis has resulted in the lost of one staff position at the nearby Detroit Lakes Wetland Management District causing the elimination of biological surveys used to influence wildlife habitat restoration and land protection activities. Local partnerships have been strained due to lack of staff. In addition, the entire staff of Hamden Slough National Wildlife Refuge was reassigned to Detroit Lakes Wetland Management District along with the elimination of the Hamden Slough's refuge manager position. This transfer of refuge staff has resulted in a diminished capacity to intensively manage Hamden Slough habitats. These staff reductions and reorganizations have also impacted Tamarac National Wildlife Refuge. Not only must Tamarac refuge staff deal with backlog and reduced operational funding, but their duties frequently now included those of Hamden Slough and the Detroit Lakes Wetland Management District, further decreasing wildlife management at Tamarac.

Tamarac National Wildlife Refuge was established in 1938 to serve as a breeding ground and sanctuary for migratory birds and other wildlife. Tamarac Refuge's 42,724 acres lies in the heart of one of the most diverse vegetative transition zones in North America, where tall grass prairie, northern hardwood and boreal forests converge. These transitional habitats provide a haven for a diversity of wildlife species and some, such as the timber wolf, are at the extreme edge of their range in Minnesota. While the needs of wildlife are the first priority, Tamarac Refuge also provides many opportunities for visitors to enjoy and learn about our natural world through wildlife-compatible activities. These six priority public uses, set by legislation, include hunting, fishing, wildlife observation and photography, environmental education and interpretation.

Banking on Nature 2006: The Economic Benefits to Local Communities of National Wildlife Refuge Visitation, found that national wildlife refuges are major economic engines for their communities. Tamarac National Wildlife Refuge generated final demand totaling nearly $1.6 million with associated employment of 24 jobs,

$491,200 in employment income and $235,600 in total tax revenue. Put another way, for every $1 of budget expenditure there was a $2.5 economic effect.

Public visitation at Tamarac National Wildlife Refuge continues to rise, going from 58,500 in fiscal year 2006 to 63,000 visitors in fiscal year 2007. Our Visitor Center received 6,950 visitors in fiscal year 2007. While the number of "visitors" are the actual count of people, the number of "visits" indicates the number of times people participate in an activity. The total estimated visits for the refuge in fiscal year 2007 were 87,146. Available data from fiscal year 2006, show 3,800 people visited the refuge for big game hunting, 1,300 for small game, 1,525 for migratory bird hunting, 4,000 for fishing, 31,700 for wildlife observation, 15,000 for birding, and 6,000 for hiking nature trails. The Banking on Nature 2006 study determined that this visitation resulted in $1,211,700 of recreation expenditures, of which $1,045,700 were from non-residents.

The lakes area in Northwestern Minnesota, like the areas around other refuges near populated areas, has been rapidly developing with lakeside and rural seasonal and year-round homes. With diminishing habitat, Tamarac's 42,724 acres are a key "refuge" for migratory bird and other wildlife production. Due to the same developmental pressures, the Tamarac NWR is also increasingly an island of relatively natural forests, lakes, marshes, and prairie. Development and "No trespassing or hunting" signs proliferating across the landscape also make Tamarac NWR an important remaining public hunting area. Several lakes on the refuge are open to fishing, providing a fishing experience on a more pristine lake. Tamarac NWR also has an active visitor services and education program, with interpretive trails, observation decks, guided tours, special weekend interpretive opportunities, and a visitor center. Last year, Tamarac staff provided programs for over 4,000 students and adults. With the refuge's primary purpose of migratory bird and wildlife production, these additional and sometimes competing uses are managed well. Tamarac NWR, as all refuges, is completing a Refuge Comprehensive Conservation Plan with input from public hearings, to better balance public use while maintaining its first priority of the protection of wildlife and habitat. Increasing visitation makes the job of balancing wildlife and people evermore important; a critical time for needing staff and resources.

Tamarac National Wildlife Refuge is also a key resource for area schools and science education. In fiscal year 2007, 4,100 school children participated in environmental education programs at Tamarac and 2,795 off-site. Other educational programs for families in 2007, accounted for 2,636 additional participants. For example, first graders from Frazee, Minnesota, come each May to plant trees, finding the funding themselves for the seedlings. Aida wrote back to the refuge the following: I learned about planting pine trees. I heard the male frogs singing a song to the lady frogs in the pond. I learned about ant hills. I learned how trees grow. I also learned about deer scat. I saw ducks in the pond. Last year, third graders visited Tamarac NWR from Moorhead, Minnesota, saw Eagles and Osprey for the first time, and marveled at a giant nine foot high beaver dam. The most creative were teachers and students from Detroit Lakes (Minnesota) Middle School that combined multiple subjects in completing several global positioning system exercises at the refuge. In addition to math, science, and technology, their work included writing, two examples follow: Tamarac, By Levi Johnson: As I stepped off the bus. To my wonder. Bright red and golden leaves hanging from the trees. Sun so bright. Crisp fall air. Crisp, crunchy leaves under my feet. Friends laughing as they walk. Back to the bus we go. Tamarac, By Rheanna Lind. I slowly strolled through the tall grasses; Hoping not to trip and fall, Listening to the leaves crack under my feet, watching a mouse, my heart skips a beat. I gaze around watching the grass sway; My director yells it's time to go away; I look around one last time; goodbye wildlife, goodbye Tamarac. Without needed refuge funding that deals with the operational deficit and maintenance backlog, for school groups, it could be a more permanent goodbye.

The Tamarac Interpretive Association, the friends group of the Tamarac National Wildlife Refuge, was founded in 1992. Our mission is to facilitate activities and programs that interpret, protect and restore the natural and cultural resources of the refuge. We work to support the refuge in any way we can and that is requested. We have been involved in assisting with interpretive and educational programs, improving of visitor center exhibits, assisting with special events, developing a library of educational materials, and we support the refuge's volunteer program. We operate a gift shop of wildlife and nature themed books, clothing, and other items. All proceeds, along with friends' group dues and other contributions, go to help us in our refuge supporting mission. With the mounting pressure on refuge budgets and staff, our friends group wrote and received a grant that helped to equip our friend's

office with needed technology and upgraded our gift shop cash register and inventory system, all with the goal of enabling to do more.

Our friends group has no paid employees; all our time is volunteer time. In fiscal year 2007, 109 volunteers at the Tamarac National Wildlife Refuge donated 4,584 hours, up from 3,860 the year before. Forty-eight people volunteered regularly. Individuals assist the refuge with biological field studies, environmental education, facility maintenance, visitor center hosts, leading tours, and many other functions. In 2006, a FWS funded observation deck was totally constructed with volunteer labor. With the savings, binoculars and spotting scopes were purchased for the visitor services program. Last fiscal year, I was able to provide 1,376 volunteer hours and this fiscal year I have 978 to date. I've only been volunteering a few years, but then there are others who have been volunteering for many years. Ruth Dienst, for example, has volunteered leading refuge tours since 1992, and organized refuge tours from area resorts starting 16 years earlier. Health almost stopped her volunteering, but last summer she was driven to the refuge for each week's refuge tour. She delights visitors with her knowledge of plants and wild edibles, and she always brings her wild jams and teas for visitors to sample. There are many individual stories of commitment from dozens of hours a year to hundreds a year. Across the refuge system in 2006, 36,169 volunteers contributed 1,447,421 hours with a value of $26,111,475.

We as volunteers and we as refuge friends groups can only do so much. Refuge system funding that amounts to annual cuts have not only eliminated any slack, but has produced maintenance and program backlogs. The refuge system faces a crippling budget backlog of more than $3.5 billion. Funding pressures on our Nation's wildlife refuge system are no longer a matter for refuge staff doing more with less, simply, less will be accomplished. As volunteers and members of friends groups, this situation severely stresses us. Our role is not to fill in staff and budget shortfalls. Yet, we try and do what we can.

We are exceedingly grateful for the subcommittee's support of $451 million for fiscal year 2008. As dedicated friends groups and volunteers, there is no greater affirmation of our work and our shared commitment to our Nation's refuges. We urge funding our refuge system in fiscal year 2009 at the $514 million level.

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## PREPARED STATEMENT OF THE TEAMING WITH WILDLIFE NATIONAL STEERING COMMITTEE

On behalf of the Teaming with Wildlife National Steering Committee, we urge you to support funding in the amount of $85 million for the State Wildlife Grants Program in the fiscal year 2009 Interior, Environment, and Related Agencies Appropriations Act.

Teaming with Wildlife is a coalition of more than 5,500 organizations, agencies and businesses who support increased funding for State-level wildlife programs of conservation, education, and recreation aimed at keeping wildlife from becoming endangered. The Teaming with Wildlife coalition includes wildlife biologists, hunters & anglers, birdwatchers, hikers, visitors' bureaus, nature-based businesses and other conservationists who believe that working together to advance proactive wildlife conservation will save both wildlife and tax dollars over the long term.

The State Wildlife Grants Program supports proactive on-the-ground conservation projects aimed at declining fish and wildlife species and their habitats. State Wildlife Grants is not just a grants program. It is the Nation's core program for preventing wildlife from becoming endangered in every State. As a coalition of conservation organizations, wildlife management professionals, outdoor enthusiasts, and other supporters of wildlife conservation we have seen the tangible benefits of these projects in the communities where we live and work. Now, in response to a charge from Congress, the State wildlife agencies and their many conservation partners have worked together to complete Wildlife Action Plans for every State and territory. These plans were all officially approved by the U.S. Fish and Wildlife Service in January 2007. Organizations like ours and the State wildlife agencies we work with are eager to take the next step and begin implementation, but we are counting on funding from the State Wildlife Grants Program to help us put these plans into action. It is the only funding nationwide that is dedicated for this purpose.

We understand the difficult decisions you have to make during this time of tight budgets. Now more than ever, Congress should be focusing limited resources on this kind of smart, proactive conservation investment. Experience shows that efforts to restore imperiled wildlife are difficult and costly. State Wildlife Grants enable States to be proactive and avert such conservation catastrophes, concurrently saving wildlife and taxpayer dollars, and improving our quality of life by conserving wild-

life for the benefit of millions of Americans. The program also leverages significant funding from private, State, and local sources to magnify the impact of Federal dollars. The Wildlife Opportunities Action Fund is one such effort that has helped support over 35 initiatives in 2006 and 2007 and disbursed more than $3.2 million to projects across all States and territories. Thanks to the Doris Duke Foundation and the Wildlife Conservation Society, efforts of this kind help to honor the commitment of the Federal Government to support projects on the ground in every State and territory.

Since the beginning of the State Wildlife Grants Program, almost $500 million has flowed to the States for the development of their wildlife action plans and for on-the-ground projects to benefit native wildlife and their habitats. Projects providing benefits for both wildlife and people are underway in every State across the Nation. This work could not be done without support from the State Wildlife Grant program.

—Henslow's sparrows and other grassland wildlife are species of greatest conservation need in Arkansas' wildlife action plan. Thanks to a State Wildlife Grants project, several unknown populations of breeding Henslow's sparrows were revealed in northwest Arkansas, with the largest in Cherokee Prairie Natural Area. This vital information will help biologists, land stewards, and conservation planners conserve important grassland habitat and wildlife before they become more rare and more costly to protect.

—Most of the freshwater mussels in Virginia are listed as species of greatest conservation need in the State wildlife action plan. The health of freshwater mussels is often an early indicator for disease and pollution that affect us all. Of the 81 species of mussels that live in Virginia, half are federally or State listed as endangered or threatened species and others are declining at an alarming rate. State Wildlife Grants are being used to propagate mussels in a hatchery and then release them into streams to bolster and restore these declining populations. This is a proactive approach that will prevent more mussels from becoming endangered, and benefit the health of wildlife and people while saving taxpayer money.

We are very pleased that the President has recognized the significance of this program and supported $73.8 million for State Wildlife Grants, which matches the level of funding provided in the final budget for fiscal year 2008. A funding level of $85 million would help bring this program back up to the highest level of funding it has ever received, in fiscal year 2002, and would send an important message about the Congress's commitment to following through on providing the support needed to implement the State wildlife action plans. By restoring funding to this program at this critical juncture in the program, the Congress would help protect the foundation of the investment it has made in this program to date. We are pleased that 62 Senators have formally signed on to this commitment in the form of a letter to the subcommittee and we hope you will match that strong demonstration of support.

We are very grateful for your leadership in funding this program over the last several years. You have helped make this program and its emphasis on preventive conservation a priority for the U.S. Fish and Wildlife Service. Although the budget is tight, we look forward to the U.S. Congress continuing to provide reliable and adequate funding to ensure the continued success of the State Wildlife Grants Program.

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## PREPARED STATEMENT OF THE NATURE CONSERVANCY

Mr. Chairman and members of the subcommittee, I appreciate this opportunity to present The Nature Conservancy's recommendations for fiscal year 2009 appropriations. My name is Thomas J. Cassidy, Jr. and I am Director of Federal Programs at the Conservancy.

The Nature Conservancy is an international, non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. We are best known for our science-based, collaborative approach to developing creative solutions to conservation challenges. Our on-the-ground conservation work is carried out in all 50 States and more than 30 foreign countries and is supported by approximately 1 million individual members. We have helped conserve nearly 15 million acres of land in the United States and Canada and more than 102 million acres with local partner organizations globally.

USGS—CLIMATE CHANGE

The Conservancy appreciates the subcommittee's leadership in highlighting the need for increased investments in climate change science through the National Global Warming and Wildlife Science Center. We support a robust increase in funding for this and other programs that will guide science-based investments necessary to meet the critical needs of fish and wildlife adaptation in a world whose climate is changing. We look forward to working with the subcommittee as it addresses this increasingly vital conservation challenge.

LAND AND WATER CONSERVATION FUND (LWCF)

Thank you for your action last year to reverse the decline in funding for key conservation programs, including LWCF. We look forward to the subcommittee providing far greater support for this program than is proposed in the President's budget, one of the lowest requests for Federal land acquisition funding in decades.

We recommend a funding level of $278 million for the Federal side of LWCF. This year, the Conservancy is specifically recommending 18 biologically rich land acquisition projects totaling $39 million. Priorities include completing the BLM's portion of a large multi-year project in Montana's Blackfoot River Watershed and continuing large-scale projects in New England's Silvio O. Conte NFWR and Montana's Rocky Mountain Front Conservation Area. We are also supporting projects in Hawaii's James Campbell NWR, Washington's Willapa NWR, Georgia's Chattahoochee NF, New Jersey's Delaware Water Gap National Recreation Area, Idaho's Henry's Lake ACEC and Iowa's Driftless Area NWR. We also urge the subcommittee to restore funding for the State-side of LWCF.

FOREST LEGACY

For fiscal year 2009, 87 projects were submitted by States to the Forest Service with a total funding request of $200.5 million to protect nearly 400,000 acres. The huge potential of this program to achieve conservation goals while maintaining sustainable use of private lands requires a significant funding increase. We strongly support $120 million for this program, and are specifically proposing 16 projects totaling $39 million. The 127,000 acre Northern Cumberlands project is the largest conservation deal in Tennessee since the creation of Great Smoky Mountains National Park. The State has provided $82,000,000 towards this 127,000 acre project, while private equity investers and philanthropy have leveraged an additional $45,000,000. Other priority projects include California's Chalk Mountain Area, West Virginia's South Branch, Michigan's Northern Great Lakes Forest Maine's Machias River project.

WILDLAND FIRE MANAGEMENT

Wildfire costs continue to rise with continued residential growth in forested and fire-prone areas, coupled with a lengthening fire season in a warmer climate. The Conservancy recommends focused investments in four Forest Service and Department of the Interior fire programs. First, increase Hazardous Fuel Reduction to $560 million to address the accumulation of forest fuels (USFS: $341.1 million; DOI: $219.6 million). Second, increase State Fire Assistance to $42.4 million to address the need for planning, treatments, education, and efficient fire response in the WUI (USFS: $35.9 million; DOI RFA:$6.5 million). Third, increase Rehabilitation and Restoration to $38.5 million to assure native seed supplies and prevent non-native plant invasions in burned areas (USFS: $11.9 million; DOI: $26.6 million). Fourth, develop market incentives to reduce the cost of mechanical treatments, including $7 million for biomass utilization grants. Finally, the Conservancy recommends setting clear priorities for hazardous fuel reduction and biomass utilization funding and focusing mechanical treatments where fuel loads and large populations intersect and to use managed fire to reduce fuels where it can be managed safely.

FOREST HEALTH MANAGEMENT

America's forests face a growing number of non-native pests and diseases. The Conservancy appreciates the subcommittee's leadership in consistently providing funding significantly above the President's request. The Forest Health Management program should receive at least last year's enacted level of $122.5 million so that it may effectively address economically and ecologically damaging pests, including the Asian Longhorned Beetle, Emerald Ash Borer, Hemlock Woolly Adelgid, Sudden Oak Death and Laurel (or Redbay) Wilt.

FOREST SERVICE RESEARCH PROGRAM

We recommend an increase of $3 million above the request for the "Invasives R&D" line item within the Forest Service Research program. This would permit maintaining at current levels research to improve detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid and other non-native forest pests and diseases.

ENDANGERED SPECIES

The Conservancy supports an increase for the FWS's Cooperative Endangered Species Conservation Fund (CESCF) to at least $96.2 million. Our requested increase reflects the unmet public funding needs of the CESCF, and recognizes the important role States, municipalities, and non-Federal partners play in conserving threatened, endangered and at-risk species on non-federal lands. The Conservancy and its partners, including multiple State and county governments, have used the Habitat Conservation Plan (HCP) and Recovery Land Acquisition Programs to secure key habitat for numerous threatened, endangered and at-risk species. In recent years, CESCF funds have been used to provide permanent habitat protection for California's Ramona Grasslands, ensuring intact habitats remain in place for numerous listed species. Washington's Tieton River Canyon and Montana's Blackfoot Valley have also been the focus of attention for fee-title and conservation easements under the CESCF program. The Conservancy has also worked with States to develop and implement HCP Plans funded by this program, including an ongoing multi-partner HCP effort in North Carolina's coastal region to protect the red-cockaded woodpecker and other native species. We also support the Administration's proposed funding for the Upper Colorado River Endangered Fish Recovery Program, recovery funds for the San Juan River Basin Recovery Implementation Program, and $475,000 for fish hatchery needs associated with the recovery plans in this region. We also support funding for the Platte River Recovery Implementation Program.

STATE WILDLIFE GRANTS

The Conservancy strongly endorses the Teaming with Wildlife Coalition's funding recommendation of $85 million. This continues to be a critical phase for implementation of the 56 approved Wildlife Action Plans. Strong Federal investments remain essential to ensure strategic actions are undertaken by State and Federal agencies and the conservation community to conserve wildlife populations and their habitats. We also support the continuation of a $5 million competitive grant program as a subset of the State Wildlife Grant Program. We encourage the subcommittee to provide direction to the Service on the use of these funds, including on-the-ground habitat restoration work on private lands, as well as climate change resiliency and adaptation needs identified as priorities by the States in their comprehensive wildlife conservation plans.

NATIONAL WILDLIFE REFUGE SYSTEM

The Conservancy applauds the subcommittee's significant increases in last year's budget for operations and maintenance of the National Wildlife Refuge System, a cornerstone of our commitment to fish and wildlife resources throughout the Nation. We urge sustained investments in these key accounts to reverse the loss of permanent refuge staff positions and capacity to maintain the refuge system. We also strongly support the $400,000 increase in the Refuge budget for the Palmyra Atoll National Wildlife Refuge and Palmyra Atoll Research Consortium.

MIGRATORY BIRD PROGRAMS

The Conservancy supports increasing funding for the North American Wetlands Conservation Act (NAWCA) to $50 million. NAWCA is one of the Nation's most successful conservation programs prompting more than 3,500 partners to match $836 million in Federal funds by leveraging $2.5 billion in partner contributions in order to protect 23 million acres of wetlands and associated upland habitats. The Conservancy also supports $15.1 million in funding for the Joint Ventures. We also support the Administration's Birds Forever proposal, particularly increases in funding to the Joint Ventures and Migratory Bird Management Program with an emphasis on reversing declines in bird populations through conservation and monitoring of focal bird species.

COOPERATIVE CONSERVATION

We support the fiscal year 2008 funding levels, at least, for both the FWS Coastal Program ($14 million) and the Partners for Fish and Wildlife Program ($50 million). The Conservancy supports the Administration's request of $5.2 million for the National Fish Habitat Initiative and the continued work of the Service to facilitate the development of Fish Habitat Partnerships and implementation of high-priority projects. Further, the Conservancy encourages the Subcommittee to increase funding for the FWS Fisheries Program to implement the Open Rivers Initiative/Fish Passage Program at the fiscal year 2008 enacted level of $11 million.

INTERNATIONAL PROGRAMS

The Conservancy, as part of an alliance of major international conservation groups, supports the International Conservation Budget, which calls for $12 million to the FWS' Multinational Species Conservation Fund. This includes funds for the African and Asian Elephant funds, the Great Apes fund, the Marine Turtle fund, and the Rhinoceros/Tiger fund. We and the alliance also strongly support $20.4 million for the FWS office of international affairs which includes Wildlife Without Borders; $6 million for the FWS' Neotropical Migratory Bird Conservation Fund; and $12 million for the U.S. Forest Service's International Programs.

HEALTHY LANDS INITIATIVE

The Conservancy supports funding equal to or greater than the President's request of $21.9 million to be used by BLM, FWS and USGS to landscape scale planning initiatives to improve wildlife habitat, water quality, invasive species control, and more informed management and planning activities. Agencies should be encouraged to use existing data sets so that funding can be focused on data gaps rather than creating duplicitous data sets.

USGS—WATER RESOURCES

We support $34 million for the National Streamflow Information Program and $70 million for the Cooperative Water Program. These programs provide scientific data needed by multiple public and private water managers and their partners. We support the administration's Water for America Initiative, however, we urge restoration of funding to programs reduced to enhance the Initiative. As climate change, drought and population growth increase the demands on our Nation's water resources, it is critical to invest in the integration of State and Federal water resource data and to better understand the water needs of both human communities and the environment. We recommend that $3 million be provided to support improved management of Federal reservoirs by increasing the scientific understanding of downstream river ecosystem needs.

OFFICE OF INSULAR AFFAIRS

We support $1 million for the Coral Reef Initiative.

ENVIRONMENTAL PROTECTION AGENCY

The EPA Geographic programs provide critical leadership, technical support and funding for on-the-ground actions to improve water quality and restore ecosystems. In particular, we support $10 million for the EPA Gulf of Mexico Program, which has been a catalyst in efforts to restore the Gulf of Mexico, as well as the President's request for the Great Lakes and Chesapeake Bay programs. We also support $30 million to support development and implementation of the Puget Sound Partnership's Action Agenda for restoration efforts in the Puget Sound. We strongly support restoring funding, at a level of $20 million, for the Targeted Watersheds Grants program proposed for elimination by the administration. Finally, we support $800 million for the Clean Water State Revolving Fund.

Payments in Lieu of Taxes and Refuge Revenue Sharing programs provide payments to counties where land has been taken off the local property tax rolls and put into Federal ownership. In some counties, protection of significant natural resources impacts the tax base that funds local government services, including schools and public safety. We urge the Committee to provide full funding for these programs and honor the Federal commitment to local communities.

Thank you for the opportunity to present The Nature Conservancy's recommendations for the Interior, Environment and Related Agencies appropriations bill.

## PREPARED STATEMENT OF THE TRUST FOR PUBLIC LAND

Chairman Feinstein, ranking member Allard, and distinguished members of the subcommittee: Thank you for this opportunity to present this testimony. My name is Alan Front, Senior Vice President of The Trust for Public Land (TPL), a national nonprofit land conservation organization. I am pleased to offer our views on a number of critical land conservation programs that the subcommittee will be considering as you draft your fiscal year 2009 bill.

We recognize that the subcommittee will face a variety of big-picture challenges, including a scarcity of dollars, in meeting the broad range of priority needs in the Interior and Environment bill this year. Recognizing as well the longstanding leadership and vision of Chairmen Byrd and Feinstein—and the effective balance that they, Ranking Member Allard, and other members of the subcommittee have managed in the past—we remain very hopeful that the fiscal year 2009 bill will provide enhanced funding for conservation programs.

### LAND CONSERVATION IN AMERICA—OUR PERSPECTIVE

From our Nation's threatened national parks, wildlife refuges, and forests to our vital State and local parklands and natural areas, The Trust for Public Land has seen firsthand just how important these programs are. Since 1972, TPL has worked in communities across the country to assist national, State, and local public agencies, private landowners and concerned citizens working to protect our country's heritage of natural, cultural, recreation and other vital resource lands. Our work runs the spectrum of conservation initiatives: creating community gardens to help revitalize urban neighborhoods; preserving working forests with public and private partners; maintaining wildlife corridors and enhancing public recreation opportunities in State parks; and acquiring critical inholdings in the magnificent landscapes that lie within Federal boundaries.

In total, TPL has completed more than 3,500 land conservation projects that together have protected some 2.3 million acres in 47 States. Roughly one-third of these special places were conserved either through outright Federal acquisition of lands or easements, or through critical Federal assistance to State and local governments. Given the importance of non-Federal public dollars for conservation, since 1994, TPL has helped States and localities craft and pass over 300 ballot measures, generating almost $25 billion in new conservation-related funding.

In partnership with concerned civic groups, willing seller landowners and public lands agencies, TPL brings practical conservation real estate expertise to help achieve land and resource protection. Given the limited public conservation funding at all levels of government, these transactions often require a creative blending of funding sources. TPL works to leverage limited Federal land acquisition dollars, bringing to bear private philanthropic support as well as State and local funding sources to forge workable solutions to complex conservation funding challenges.

But for the remarkable and gratifying efforts of many members of this Committee and other conservation leaders in Congress to maintain funding for land acquisition programs—and in particular to fund specific 'now-or-never' projects—successful land protection simply would not be possible. As we continue that work, and as the committee drafts its fiscal year 2009 bill, TPL respectfully requests that you maintain your commitment to Federal land conservation accounts. Specifically, we urge an increase in funding levels for the Land and Water Conservation Fund (LWCF) and the Forest Legacy Program, two key programs that have lost ground in recent years and that the President's Budget woefully underfunds in fiscal year 2009, and a renewed commitment to land conservation funding through the Cooperative Endangered Species account, the North American Wetlands Conservation Act, and the State and Tribal Wildlife Grants account.

### LAND AND WATER CONSERVATION FUND

The subcommittee is of course well aware of the imminent threat to our Federal public lands from incompatible development. Each day the news media reports on development encroaching upon our national parks, or subdivisions being built on checkerboard timberlands, contributing to dramatically escalating fire hazard and suppression costs. In our experience, private landowners within or adjoining our Federal public lands often are amenable to a conservation solution. Faced with uncertainty about the availability of Federal land acquisition dollars, however, they often determine that they cannot afford to pursue that win-win public disposition. The reasonable expectation of Federal land acquisition funding is critical to the ability to protect the nation's public lands heritage when these time-sensitive opportunities arise.

For over 40 years, LWCF has been the cornerstone that sustains our Federal public lands heritage. To preclude the loss of key inholdings, TPL, as part of the broad coalition of national, State and local groups working together as the Land and Water Conservation Task Force, recommends that you fund the annual Federal LWCF program at $278 million, with an additional $125 million for the LWCF State grants. These figures obviously fall far below LWCF's $900 million annual authorization, but they represent the minimum required to secure crucial inholdings that might otherwise be lost to private sale and development this year.

Among these immediate conservation needs is an historic opportunity to connect the two disjointed halves of Virgin Islands National Park by acquiring 207 acres of historic Estate Maho Bay, a magnificent expanse of white sand beach and forested hillsides. In the Sierra Nevada in California, TPL is working to consolidate the fragmented checkerboard ownership pattern to preserve recreational access and mountain wildlife habitat. Securing access for river recreation along the Arkansas River in central Colorado is a focus of an effort between TPL and the Bureau of Land Management. In New Mexico, BLM and TPL have joined with local landowners to acquire the sensitive Canyon River Ranch within the La Cienega Area of Critical Environmental Concern. Lakefront inholdings within the Chequamegon National Forest in northern Wisconsin have been prioritized for acquisition by the Forest Service's Wisconsin Wild Waterways program. These are just a few of the many urgent land acquisitions that must be funded this year to stave off incompatible development.

In these and other areas, TPL is proud to join forces with extraordinary partners who dedicate significant resources to protection of the places of their hearts and heritage. In Maine's Rachel Carson National Wildlife Refuge, a coalition of land trusts, public agencies, and advocacy groups is working to protect 110 acres at Timber Point; in fiscal year 2009 this coalition is requesting $3.5 million in LWCF funds and is raising $3.5 million in private matching funds that will be donated to the Federal acquisition effort. Groups including the Association for the Preservation of Cape Cod are working with us to protect the last large-acreage inholding at that National Seashore, where $2 million in fiscal year 2009 will complete funding of a key campground property whose public-spirited owner has endured financial hardship for 3 years while waiting for purchase funds to be assembled. In North Carolina a key tract in the beautiful Roan Highlands along the Appalachian Trail can be protected with just $1.875 million in LWCF funds, to be matched by almost $3 million in private funding and land value, thanks to a partnership that includes a generous landowner, the Appalachian Trail Conservancy, the Southern Appalachian Highlands Coalition and others.

LWCF's stateside program also faces an array of conservation opportunities and threats in fiscal year 2009. Since 1965, the stateside program has provided 41,000 grants to States and local communities for park protection and development of recreation facilities. This program reaches deep into communities across our nation, supporting citizen-led efforts to conserve places of local importance, many with TPL's help. In 2006, LWCF stateside funding contributed to the protection of the 225-acre tidal estuarine park on Hawaii's Ka'u Coast. Last year, a stateside LWCF grant helped the Town of Dunstable, MA to protect 149 acres of rolling forestland and an adjoining historic home. Stateside funds also were essential to a conservation easement over 37,000 acres of Maine's famed 100-Mile Wilderness, the northernmost and wildest stretch of the Appalachian Trail. To meet needs such as these as they continue to arise in all 50 States and in U.S. territories, we urge the restoration of funding to this program at the $125 million level.

FOREST LEGACY PROGRAM

The U.S. Forest Service Forest Legacy Program has provided extraordinary assistance to States and towns seeking to preserve working forests in their communities. Each Forest Legacy project tells a story of land or resource protection and collaboration among Federal, State, and local partners. Each also includes significant State, local and/or private matching funds and a long-term commitment to non-Federal management. Since its inception in 1990, the Forest Legacy Program has protected over 1.5 million acres of forestland. Despite this subcommittee's best efforts, the funding trend for this program is incrementally downward. For fiscal year 2009, 82 conservation projects were submitted (by 41 States and three territories) to the Forest Service; the requests total $202 million in Forest Legacy Program need to protect 400,000 acres of forestlands valued at almost $400 million. Yet the President's budget recommends only $12.5 million for three projects. Our continued inability to meet demand has a long-term impact on the multiple public benefits that derive

from forests—clean water, wildlife protection, public access to recreation, economic development and sustainable forestry.

In fiscal year 2009, Forest Legacy project requests include checkerboard forestlands in Montana's north Swan Valley that are threatened with conversion to subdivision. Another project will protect almost 20,000 acres of Katahdin Forest adjacent to Maine's Baxter State Park and within the viewshed of the Appalachian Trail, ensuring wildlife habitat protection and access for snowmobilers and other recreationists. A third initiative—Eden Forest—seeks to protect 5,000 acres of prime wildlife and recreation lands that represent the missing puzzle-piece in a 30,000-acre block of conserved land near the Long Trail Corridor in Vermont's Northern Forest. Yet another project will ensure the conservation of working ranchlands in Utah. To support these and other important fiscal year 2009 project needs, I urge your support for this important program at the level of $120 million in fiscal year 2009.

FISH AND WILDLIFE SERVICE—LAND CONSERVATION GRANT PROGRAMS

We are grateful for the subcommittee's continuing efforts to support U.S. Fish and Wildlife Service grant programs. While funding has remained relatively stable in recent years, these conservation programs are consistently oversubscribed and unable to meet the overwhelming demand for cooperative grants. Through your continuing leadership and commitment, funding for the Cooperative Endangered Species Conservation Fund—leveraged by State and private funds—has protected threatened and endangered species habitat across the nation. Support provided through the Fund's Habitat Conservation Plan (HCP) Land Acquisition grants are allowing for huge gains in habitat consolidation. In Washington State, for instance, these grants were key to the protection of lands along Interstate 90 that provide a wildlife corridor for five federally listed land species and help conserve the Yakima River's bull trout and steelhead populations. Also supported through the Fund, Recovery Land Acquisition grants are fostering resource-saving partnerships and are leveraging considerable non-Federal funds. In Arizona, for example, $2.25 million in grants were matched by over $4 million in non-Federal funds to allow the State to protect 4,300 acres of the most ecologically significant habitat on the historic Salero Ranch, sparing these sensitive lands from imminent development. We urge your support for funding of this program at the increased level of $96.2 million in fiscal year 2009.

Regarding other FWS grant programs, the North American Wetlands Conservation Act (NAWCA) provides much-needed matching grants to carry out wetlands conservation, restoration and enhancement projects in the United States, Canada, and Mexico. Since 1990, over $836 million in grants has leveraged about $1.6 billion in matching funds and $946 million in additional support to protect approximately 23.8 million acres of wetlands and associated uplands. TPL joins our many partners in utilizing these funds for wetlands conservation across the country. We commend your leadership in supporting continued level funding for this program at $42.6 million, as included in the President's budget. Finally, we urge you to consider an increase for the State and Tribal Wildlife Grants Program to a funding level of $85 million in fiscal year 2009. This strategic funding program supports grants aimed at preventing wildlife from becoming threatened and endangered through strategic conservation investments in every State and territory.

FOR THE FUTURE'S SAKE

These programs determine the fate of our most treasured public lands. Just as much, they make a real difference in the lives of countless Americans. Whether we walk in a local park, cross-country ski through a national forest, or canoe across a lake or a bayou, our daily lives are healthier and reinvigorated by the public land experiences these programs foster. Those experiences span the generations. A South Carolina middle school student, working with his classmates and teacher to create an outdoor classroom at Congaree National Park, put it this way: "I would like some day to maybe take my grand kids there. I would love to see their faces when they see that beautiful forest."

The Trust for Public Land continues to invest its resources, in concert with the Subcommittee, to protect our Nation's natural, cultural and recreational heritage. As ever, we are deeply thankful for the subcommittee's recognition of the importance of these efforts. We urge you to renew the investment in these programs and stand ready to work with you to accomplish great things. Thank you for help and support, and for your consideration of our requests.

PREPARED STATEMENT OF THE TOWN MANAGER, MILLINOCKET, MAINE

Madam Chairman and honorable members of the subcommittee: Thank you for the opportunity, Madam Chairman, to present this written testimony in support of the appropriation of $5.1 million from the Forest Legacy Program to conserve more than 19,600 acres of forestland in north central Maine.

I also urge your support, Madam Chairman, for a significant increase in funding for the Forest Legacy Program in fiscal year 2009 to enable the protection of more forest resource projects than are identified in the President's Budget. The Budget for this year proposes a cut of 75 percent and sets aside funds for only three Forest Legacy projects nationwide out of 82 submitted by the states. Without additional funds, the program will not be able to continue its successful partnerships with States, local communities, and landowners to protect valuable forestlands, while retaining, in many cases, private ownership.

With over 15 million acres of forestland, Maine remains one of this Nation's most heavily forested States. The white pine, spruce, fir, and northern hardwoods that characterize the Maine woods are a critical component in two of Maine's largest industries—forestry and tourism. They provide incredible recreational opportunities, including hiking, hunting, snowmobiling, fishing, camping, boating, and numerous other activities. This landscape also sustains valuable fish and wildlife habitat for many different animal species.

One of the greatest challenges facing Maine's forests is the fragmentation of ownership and the conversion of lands to non-forest uses. With most of Maine's woods being privately owned, the State of Maine and its nonprofit partners have been working to protect critical areas using a combination of Federal, State, local, and private funding to purchase targeted fee lands and large-scale conservation easements. In the past 8 years, these efforts have resulted in the conservation of almost 2 million acres of forestlands, providing Maine with permanent protection of valuable natural resources, public access to renowned recreation lands, and continued harvesting of timber resources in a sustainable fashion.

Continuing its focus on protecting strategically important lands for recreation, the State of Maine has proposed the 19,647-acre Katahdin Forest Expansion project for Forest Legacy Program funding in fiscal year 2009. The Katahdin Region, which is anchored by Baxter State Park, contains Maine's largest block of contiguous conservation lands: over 500,000 acres, stretching from the north end of Seboeis Lake, along the 100-Mile Wilderness, across Baxter State Park, and up the Allagash Wilderness Waterway. This project seeks to add five critical parcels to these conservation holdings. All five properties have traditionally been under active commercial forest management and are key contributors to the local wood-products industry, upon which nearby communities, such as Millinocket and Brownville, are heavily dependent. In addition, the properties contain critical wildlife habitat, including nesting areas for 29 loons on Seboeis Lake and a major deer-wintering area west of Northwest Pond. There is also extensive wading bird and waterfowl habitat both along the lakeshore as well as in open wetlands away from the lake. Recreation has always been a focus on these properties, and protection through the Forest Legacy Program would ensure not only recreational opportunities for sportsmen and anglers, but also opportunities for those who enjoy motorized recreation, including snowmobiling. Maine's popular snowmobile trail, ITS 85, runs across the properties and would otherwise be closed if this project falls through. These lands are also critical because they are part of the viewshed from the peak of Mount Katahdin, the northern terminus of the Appalachian Trail, and spectacular views of that iconic mountain can be seen from these properties as well.

The three northern tracts (Millinocket Forest, Lookout Mountain, and Hunt Farm) total over 11,600 acres and are located east of Baxter State Park on or near the East Branch of the Penobscot River. The East Branch has been described as the most spectacular wilderness river in the Northeast, having falls and gorges interspersed with majestic views of the Baxter Park mountains. In addition to protecting uplands along this popular whitewater river, acquisition of the East Branch tracts will secure critical portions of ITS 85.

The landmark 1982 Maine Rivers Study found that the East Branch had high ecological, hydrologic, scenic, and recreational resource values. The Maine Department of Environmental Protection also classified it as AA, its top water-quality rank. The East Branch supports fisheries for brook trout, landlocked salmon, and smallmouth bass, offering many different fishing experiences. The Millinocket Forest property has an expansive wetland with diverse cover types, such as spruce-fir swamp, dwarf shrub bog, mixed fern, alder swamp, and emergent marsh. Additionally, there are two major stream drainages, Sandy Stream and Mud Brook. One-third of the property is inland wading bird and wildlife habitat, home to species like Virginia rails,

black ducks, American bitterns, and great blue herons. Lookout Mountain includes uplands that command a spectacular view of Mount Katahdin and offers opportunities for both motorized and non-motorized recreation.

The two other tracts, totaling over 8,000 acres, are on the southern edge of the protected Katahdin Region lands surrounding Seboeis Lake, which is a wilderness lake with outstanding views of Mount Katahdin. The Seboeis tracts, Seboeis South and West, include 19 miles of shore and island frontage and will complete Maine's conservation ownership around Seboeis Lake. Five of the 19 miles of shoreline are wetlands that have been determined to be of "special significance" by the Maine Department of Inland Fisheries and Wildlife. Maine's "Wildlands Lake Assessment" rated Seboeis Lake to be of "statewide significance", the highest ranking, due to its significant fisheries, wildlife, scenery, and cultural values. In terms of wildlife habitat, there are two known bald eagle nesting sites located just off the Seboeis West tract, and the protection zone around one of the nests extends onto the property.

The Katahdin Forest Expansion project area is under critical threat of development or other conversion to non-forest uses. As recently as 5 years ago, most land in townships bordering the east side of Baxter State Park was owned by two industrial forest owners, but there have since been more than a half-dozen transactions that have left these lands fragmented and sold to non-forest interests. All the available properties have access to I–95 and Bangor International Airport. They are emblematic of the Maine wilderness experience that is in such high demand in today's market. While Seboeis Lake is still remarkably pristine, Schoodic Lake, immediately to the west of Seboeis, has over 400 camps, illustrating the demand for shorefront in the area. The current owner of the northern properties has indicated that barring acquisition by the State, future management will exclude forestry, hunting, and motorized access (including snowmobiling). This would have a significant negative impact on the local economy, which depends in large degree on forestry and tourism.

In fiscal year 2009, $5.1 million in needed from the Forest Legacy Program to protect the Katahdin Forest Expansion properties from conversion to non-forestry uses. Supporting parties include the Appalachian Mountain Club, the Millinocket Town Council, Katahdin Area Working Group—Connect ME Committee, the Millinocket Town Manager, the Northern Timber Cruisers, The Wilderness Society, the Katahdin Area Chamber of Commerce, and the Natural Resources Council of Maine.

Thank you again, Madam Chairman, for the opportunity to submit this testimony in support of the Katahdin Forest Expansion project.

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PREPARED STATEMENT OF THE TOWN OF OPHIR, COLORADO

Madam Chairman, Senator Allard, and honorable members of the subcommittee: Thank you Ms. Chairman for the opportunity to present public testimony in support of continued funding for the Ophir Valley Project and protection of important Federal lands. As the Mayor of the Town of Ophir, I am respectfully requesting the allocation of $2.5 million to the U.S. Forest Service's fiscal year 2009 budget from the Land and Water Conservation Fund for the Ophir Valley Project. These funds will be used for the third phase of public acquisition of 1,200 acres of privately owned forest service in-holdings in the Ophir Valley.

The Ophir Valley Project represents an enthusiastic partnership of private land owners, regional communities, not-for-profit organizations, State and Federal agencies, and most importantly, the general public. Located on the San Juan Skyway Scenic Byway, Ophir Valley offers pristine alpine scenery, abundant recreational opportunities, and valuable habitat for threatened and endangered species. Easy public access is currently available for hiking, biking, rock climbing, hunting, camping, skiing, jeep touring, motorized recreation, and wildlife viewing. Due to the checkerboard pattern of privately owned patented mining claims, the Ophir Valley Project seeks to acquire these private in-holdings and consolidate U.S. Forest Service lands to insure permanent public access to Federal lands.

The Town of Ophir has actively pursued a comprehensive, valley-wide land conservation program since 1992. Besides acquiring over 230 acres of mining claims and investing over $500,000.00 locally, the Town of Ophir has nurtured important relationships with private land owners and State and Federal agencies. The Pauls family has proven to be an invaluable resource and visionary partner with the Town of Ophir by supporting Ophir's land conservation goals and working with the Trust for Public Land. Now, after 16 years of dedicated land conservation efforts, the Pauls family is offering the last significant private land holdings in Ophir Valley for U.S. Forest Service acquisition.

The Ophir Valley Project protection effort is the natural extension of the successful Red Mountain project, located just to the north and east of Ophir Valley. Federal

funding for the Ophir Valley Project is complementing many regional projects along the 236 mile San Juan Skyway Scenic Byway (one of only 27 All American Roads in the National Scenic Byway program). The State's Great Outdoors Colorado Legacy Project program has pledged $5.7 million in grant funding to match local efforts to improve recreational opportunities and protect important lands along the San Juan Skyway.

The requested funding for the Ophir Valley Project will produce the following benefits:

1. Protect public access to many thousands of acres of U.S. Forest Service lands for diverse recreational opportunities;
2. protect habitat for the Canadian Lynx, a federally listed threatened species; protect the endangered Uncompahgre Fritillary butterfly; and protect the headwaters for the San Miguel River, which sustains native cutthroat trout;
3. improve U.S. Forest Service land management by consolidating ownership;
4. leverage Federal funding support with over $10 million in State and local funding for regional recreation and land protection projects along the San Juan Scenic Byway;
5. protect the historic character of this 1881 mining camp-town; and,
6. protect the rugged alpine scenery of this pristine mountain valley.

Thank you for your support and leadership in conserving Colorado's land and water resources. Land and Water Conservation Funding for the Ophir Valley Project will ensure future generations can enjoy this very special place in Colorado.

Thank you for your consideration of this request.

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## PREPARED STATEMENT OF THE WILDLIFE SOCIETY

The Wildlife Society appreciates the opportunity to provide comments on the proposed fiscal year 2009 budget for the Department of Interior, Environment, and Related Agencies. The Wildlife Society represents nearly 8,000 professional wildlife biologists and managers dedicated to excellence in wildlife stewardship through science and education.

### U.S. FISH AND WILDLIFE SERVICE

Funding assistance for State wildlife agencies is one of the highest priority needs for wildlife, providing essential resources to conserve wildlife, fish, and habitat, and to prevent further declines in at-risk wildlife populations in every State. We appreciate the administration's recognition of the importance of the State Wildlife Grants Program through the $73.8 million request, but we strongly encourage even greater funding to achieve species conservation. States have recently completed their comprehensive wildlife conservation plans as mandated by Congress. These Wildlife Action Plans detail each State's species of greatest concern, their remaining habitats, limitations, and needed conservation actions. With the completion of all 56 State and territorial Wildlife Action Plans, it is critical this program receive increased funding to assist States with the implementation of on-the-ground actions associated with the plans. As part of the Teaming with Wildlife coalition, we recommend that $85 million be appropriated for State Wildlife Grants in fiscal year 2009.

Equally essential for Wildlife Action Plan implementation is the Landowner Incentive Program (LIP), which acts in a unique way to bring a source of funds to landowners This program is both an essential tool for wildlife conservation and a cost-saving mechanism that institutes actions on the ground that prevent wildlife species from becoming threatened or endangered. Funds invested in LIP today mean potential savings of millions in the future, by preventing species from declining to a point that requires listing under the Endangered Species Act. Maintaining funding for LIP is essential to sustaining the investment in delivery infrastructure already in place at State agencies, as well as supporting participation by private landowners in cooperative conservation. TWS urges you to restore the Landowner Incentive Program to $23.7 million, the fiscal year 2007 enacted level.

The Wildlife Society is an active member of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters. A comprehensive analysis by CARE determined that the National Wildlife Refuge System needs $765 million in annual operations and maintenance funding by 2013 to properly administer its nearly 100 million acres, educational programs, habitat restoration projects, and much more. Many years of stagnant budgets have increased the Operations and Maintenance backlog to $3.5 billion, and forced plans for a dramatic 20 percent downsizing of the workforce. Refuge visitors often show up to find roads and visitor centers closed, observation platforms and hiking trails in disrepair,

and habitat restoration and education programs eliminated. Invasive plant species are taking over and with a deficiency of more than 500 law enforcement officers, illegal activities such as poaching and trespass are on the rise. We are grateful for the much-needed budget increase that Congress provided the Refuge System for the current fiscal year, and we urge the Congress to build upon this important step in the fiscal year 2009 budget. We request that you provide $514 million in fiscal year 2009 for the Operations and Maintenance of the National Wildlife Refuge System.

The North American Wetlands Conservation Act is a cooperative, non-regulatory, incentive-based program that has shown unprecedented success in restoring wetlands, waterfowl, and other migratory bird populations. We are pleased by the administration's support of this program through its $42 million request, but recommend that you appropriate $50 million for the North American Wetlands Conservation Fund in fiscal year 2009.

The Neotropical Migratory Bird Conservation Act provides a broad-spectrum approach to bird conservation. The Wildlife Society recommends that Congress fund the Neotropical Migratory Bird Conservation Act at its full authorization of $6 million in fiscal year 2009.

The Wildlife Society supports adequate funding levels for all subactivities within the Endangered Species Program, and is concerned with the proposed 2 percent budget reduction. Endangered species recovery efforts can ultimately lead to delisting actions that result in significant benefits to species through State management efforts. Currently, all subactivities are understaffed, as the costs for management of listed species continue to rapidly escalate. We recommend that Congress restore this program to the fiscal year 2008 level of $150.5 million.

The Wildlife Society is very disappointed that funding for the Science Excellence Initiative has zeroed out for a second year in a row. Discontinuing funding for this office will prevent FWS from expanding its on-the-ground scientific capacity in adaptive resource management (ARM), structured decision analysis, and conservation genetics. We are concerned that the elimination of these programs will reduce the Service's capacities in these key areas and prevent the expansion of these programs to other regions of the Service. The Wildlife Society strongly recommends that Congress reinstate the Science Excellence Initiative at $493,000 in fiscal year 2009.

A detailed peer review of the Draft Spotted Owl Recovery Plan by The Wildlife Society indicated the plan does not adequately avail itself of the depth and breadth of the extensive information available upon which to build a scientifically credible recovery plan. The result is a seriously flawed plan for recovery that weakens virtually every provision already in place for northern spotted owls. The Society recommends that FWS start over with a fundamental commitment to using the best available science and find real solutions to threats faced by spotted owls and their habitats. In doing so, FWS should reconstitute the membership of the recovery team so that it emphasizes biologists and ecologists with extensive expertise in the biology of the spotted owl and the ecology and management of Pacific Northwest forests.

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management (BLM) manages more public land than any other Federal agency. However, its programs to manage fish and wildlife are chronically understaffed: BLM has only one biologist per 591,000 acres. The agency needs at least $60 million annually to simply keep up with actions assigned to it by recovery plans for listed species.

The proposed budget for BLM's Wildlife Management Program is $31.443 million, a $719,000 increase over fiscal year 2008. However, this includes $6.0 million for the Healthy Lands Initiative. Therefore, an increase of $5.281 million is required to simply maintain the program at fiscal year 2008 levels. However, given the significant underfunding of the BLM's wildlife programs, combined with the tremendous expansion of energy development across the BLM landscape, an increase to $52.086 million for the BLM Wildlife Management Program is warranted. This will allow BLM to maintain and restore wildlife and habitat by monitoring habitat conditions, conducting inventories of wildlife resources, and developing cooperative management plans.

BLM's Threatened and Endangered Species Management Program would suffer a significant cut under the administration's request of $20.552 million in fiscal year 2009. The current budget is woefully inadequate for BLM to meet its conservation responsibilities in endangered species recovery plans that identify more than $300 million of recovery tasks to be accomplished by BLM in the next 5 years. In addition, the administration's request ignores the agency's March 2001 report to Congress which called for a doubling of the current Threatened and Endangered Species

budget to $48 million and an additional 70 staff positions over 5 years. In view of this gross inequity between resource needs and funding levels, we strongly encourage Congress to increase overall funding for the BLM endangered species program to $33.453 million.

U.S. GEOLOGICAL SURVEY

As a member of the USGS Coalition, The Wildlife Society supports $1.3 billion in funding for USGS in fiscal year 2009. This would enable USGS to meet new challenges while continuing to provide essential data for land-use management, sustainable natural resource development, and enhanced security from natural and man-made hazards. More investment is needed to strengthen USGS partnerships, improve monitoring networks, produce high-quality digital geospatial data and deliver the best possible science to address critical environmental and societal challenges.

The Wildlife Society is concerned that the proposed budget includes only 82 percent of uncontrollables for the Biological Resources Discipline (BRD). We strongly recommend that Congress increase the fiscal year 2009 budget for BRD to a level that fully funds uncontrollables in order to prevent further erosion to essential programs and services.

We are also concerned about the proposed $2,940,000 reduction to NBII funding and the impacts that this reduction may have on research focused on the critical issues of wildlife disease, invasive species, fire ecology, and migratory birds. The Wildlife Society recommends that Congress fund NBII at the fiscal year 2008 enacted level of $22.422 million.

We also support increased funding for the Cooperative Fish and Wildlife Research Units (CFWRUs). The CFWRUs are a jointly funded Federal/State partnership, where the Federal Government provides the funding for personnel and States provide funding to establish the units at a university. At funding levels proposed for fiscal year 2009, the Federal Government will not be able to meet its commitments outlined in existing agreements with States, and closure of one or more CFWRUs is a distinct possibility. fiscal year 2001 was the last time Congress fully funded the CFWRUs, allowing unit productivity to rise to record levels. Since then, budgetary shortfalls have caused an erosion of available fiscal resources, resulting in a current staffing vacancy of 23 researcher positions, nearly one quarter of the professional workforce. In order to fill current scientist vacancies, restore seriously eroded operational funds for each CFWRU, and enhance national program coordination, the fiscal year 2009 budget for the CFWRUs should be increased to $19.174 million. This would restore necessary capacity in the CFWRU program and allow it to meet the Nation's research and training needs. It would also ensure that the Interior Department provides the Federal scientist staffing agreed to with partners, so that the return on their continuing investment in the CFWRUs is realized and fully leveraged.

The CFWRUs are crucial to successfully addressing the natural resource management challenges posed by climate change, energy development needs, invasive species, infectious diseases, and wildfire. These challenges also include replacing the unprecedented number of natural resource professionals who will be retiring over the next 10 years. To begin meeting these high priority research and training needs in fiscal year 2009, we ask that you establish a competitive, matching fund program within existing CFWRU legislative authority that would make available $5 million annually in new funds beyond base operational costs.

The Wildlife Society appreciates the funding for the National Global Warming and Wildlife Science Center, which in fiscal year 2008 provided up to $2.5 million for the Center's establishment. This center will play a pivotal role in addressing the impacts of climate change on fish and wildlife. Additional funding is needed in fiscal year 2009 to continue establishment of the Center, begin to fund key research priorities, and enable USGS and its partners to develop a plan for moving forward. The Wildlife Society recommends that the National Global Warming and Wildlife Science Center be funded at $10 million in fiscal year 2009.

U.S. FOREST SERVICE

The Wildlife Society is deeply concerned that the President's budget proposes a 10 percent reduction for the Wildlife and Fisheries Habitat Management Program. We urge Congress to restore $36.4 million to this program, for a total of $154 million in fiscal year 2009.

Thank you for considering the recommendations of wildlife professionals. We are available to work with you and your staff throughout the appropriations process.

## PREPARED STATEMENT OF THE WILDERNESS SOCIETY

The Wilderness Society (TWS) appreciates this opportunity to provide recommendations and comments on the fiscal year 2009 appropriations for wildfire management for the Department of the Interior and the U.S. Forest Service in the Department of the Interior and Related Agencies Appropriations bill. There are four areas we will address: (1) Wildfire Suppression Funding; (2) Wildland Fire Use (WFU) and Appropriate Management Response; (3) insufficient funding for community fire assistance programs and (4) Hazardous Fuels funding language.

### WILDFIRE SUPPRESSION FUNDING

Federal fire suppression costs have increased significantly in recent years, exceeding $1 billion in five of the last 7 years. The increasing cost of suppression is a result of a number of factors, including prolonged drought, past suppression policy (resulting in the build-up of hazardous fuels) and the explosive growth of communities into wildlands. As suppression activities continue to increase, so does the suppression budget since it is based on a 10-year rolling average. Because the agencies' budgets are essentially flat year to year, to off-set these increases funding for critical programs has been significantly reduced and more and more of the land management agencies' budgets are being used for wildland fire management (the largest component of which is suppression). For example, the Forest Service's fire funding has gone from 13 percent of their budget in fiscal year 1991 to a staggering 48 percent projected for fiscal year 2009. This has severely compromised the agencies' ability to carry out their other mission duties.

While appropriated suppression funds are significant, they have still fallen far short in recent years. To make up the difference, the agencies have depended on Congress to provide them additional emergency funding through supplemental appropriations and they have had to borrow money from other programs, often those very programs—hazardous fuels reduction and community assistance—that help bring down the costs associated with wildland fire. Recognizing that past borrowing caused project cancellations, strained relationships with partners, and disruptions in management, Congress has provided funding for a suppression reserve account for both the Forest Service and the Department of the Interior in prior years. The reserve account has helped reduce the negative impacts associated with transferring funds and, while TWS has appreciates the subcommittee's leadership in securing these funds, it is a short-term solution; a long-term solution to dealing with this problem is needed.

TWS recommends a three-prong approach: (1) agency commitment to cost containment; (2) investment in 21st century fire management and forest restoration; and (3) fixing fire suppression funding. While some of the factors that have contributed to increasing suppression costs will be largely unaffected by cost containment strategies, the Federal agencies still can, and should, take measures to bring suppression costs down. The agencies have taken important steps in the right direction by pursuing numerous cost containment strategies, the most important of which is a new way of managing fires, called "risk-based suppression" or "Appropriate Management Response (AMR)"—an approach to firefighting that treats each fire individually, accounting for threats to lives and property first, but also weighing factors like ecology and landscape and then applying the appropriate response—which can include the full range of tactical responses from monitoring to aggressive attack. The Wilderness Society applauds the agencies for undertaking cost containment measures and embracing the AMR approach and encourages the subcommittee to support them as they continue to make this difficult transition in fire management. It is important to recognize, however, that, while important, cost control measures alone will not be enough to solve this problem. As such, it's critical that the agencies not only strive to contain costs where they can, but also fully invest in 21st century fire management and forest restoration. That means maintaining their commitment to an AMR fire management strategy and fully implementing the 1995 Federal Fire Policy and its 2001 Update, which includes a recognition that natural fire is important in maintaining our natural ecosystems and that natural fire, through the Wildland Fire Use (WFU) tool, should be used to protect, maintain, and enhance resources and, as nearly as possible, be allowed to function in its natural ecological role. That also means pursing all of the goals of the 10-Year Comprehensive Strategy, including community fire assistance and restoration of fire-adapted ecosystems. These changes will lead to healthier landscapes and less costly fire seasons in the future. To accomplish these goals, Congress and the agencies must invest in a 21st Century fire management force and invest in forest restoration—investments that must be on par with the one made in hazardous fuels reduction. A key aspect of this investment must be funding designated specifically for training and staffing in Wildland

Fire Use. TWS recommends designating at least $10 million specifically for increasing staffing for and training in Wildland Fire Use.

Unfortunately, skyrocketing suppression costs will not be completely alleviated by these actions. A new long term funding strategy is also needed. A new suppression funding structure that creates a separate flexible suppression spending account (usually referred to as "partitioning") for unanticipated large fire events from the already constrained Federal wildland fire budgets is required to free up funds to be invested in other key agency mission areas. The partition should be based on the true cost driver of suppression expenditures, extremely large fires. In general, a small percentage of wildfires burn most of the acres and consume a majority of total suppression funds. These fires are truly above and beyond normal budgeting processes, truly "emergencies" and should be paid for differently. Two key complements to this separate account are necessary: first, the agencies' normal suppression budgets must remain robust, reflecting current suppression needs for the remainder of fires and the fact that increased suppression costs are here to stay; and second, funds must be redistributed back into those programs that have been reduced because of increasing suppression costs (programs like land acquisition, recreation and wilderness, wildlife and fisheries, and inventory and monitoring). This "partitioned" suppression budget must also be closely tied to appropriate sideboards, cost containment controls, and line officer incentives to ensure that the agencies continue momentum to streamline costs and maintain their commitment to 21st century fire management. This means there must be requirements the agencies must meet before they can access the account. These requirements should include, for example, that the fires for which this account is used meet certain minimum criteria—like size, severity, and values at risk. In addition, the agencies must be able to demonstrate that they remain committed to cost containment, that they are continuing to pursue an AMR fire management strategy, and that they are expanding their WFU programs before they can access this account. In addition, incentives should be put in place to limit the use of this account and to reward the agencies for not drawing down the account. Lastly, to ensure accountability, the agencies should annually report to Congress on how they spend the funds in this separate account. While it is important to alleviate the extreme budgetary pressures that have been placed on the agencies in the last few years due to escalating suppression costs, it is just as important that the agencies continue to demonstrate cost containment and accountability and movement towards a robust fire management strategy that includes incorporating fire back into its natural place on the landscape, as is required by the Federal Fire Policy.

WILDLAND FIRE USE (WFU)

The default response to most fires, even those burning in remote areas, has been to fight them; contributing to skyrocketing suppression costs. It's clear that something needs to change—a mandate for restoration is needed. To put us on a path towards restoration, fire must be returned to the landscape, where safe and where appropriate. A tool that land managers can use to accomplish this is WFU, the practice of actively managing naturally-ignited fires in designated sections of forests to accomplish resource management goals.

WFU is widely accepted by scientists and practitioners alike as an important tool to help restore forests, and reduce fire suppression costs. For example, in 2006 the Sequoia National Monument completed a 9,000 acre WFU fire in the South Sierra Wilderness for only $149 an acre. The USDA IG recently recommended that the Forest Service expand its WFU program and other policy initiatives, including the National Fire Plan (NFP), the 10-year Strategy, and the Healthy Forests Restoration Act (HFRA), have endorsed the use of fire to improve ecosystem health. The Forest Service pledges to continue to pursue an expanded WFU program in their fiscal year 2009 Budget. They are also taking an important step forward by proposing a change in the way they "count" hazardous fuels treatment acres. As a follow-up to a recommendation made by the USDA IG, the agency will develop a "science-based methodology to evaluate non-catastrophic acres burned in wildfire incidents as acres treated toward desired conditions." The agency notes that this change will "encourage the cost-effective practice of using unplanned wildfires to reduce hazardous fuels when appropriate." TWS applauds the agency for taking this step forward and hopes the subcommittee will support this change. While we recognize that these are promising changes, institutional shifts like this one require resources and the right incentives to be successful and measurable milestones to mark progress. Currently, the agencies have inadequate funding and staffing to expand WFU, and internal policies act as disincentives. It is critical that Congress engage to both increase opportunities for the application of WFU as well as provide the ad-

ditional resources necessary to capitalize on these opportunities. As such, we recommend that the subcommittee: (1) designate at least $10 million in funding from the suppression or preparedness line items to increase training and staffing for WFU at DOI and USFS; (2) monitor the agencies as they move forward in making fire policy changes that allow a wildland fire to be managed for both suppression and WFU and ensure these changes are finalized.

COMMUNITY FIRE ASSISTANCE

To successfully reduce suppression costs and restore forests, we must approach fire management on the terms dictated by fire itself—across ownership boundaries. Safe communities and healthy landscapes go hand-in-hand. In 2001, the USFS and the Department of the Interior identified over 11,000 communities adjacent to Federal lands that are at risk from wildland fire; State Foresters estimate over 51,000 communities at risk. The scope of the problem is clearly enormous—and growing. Experts predict that almost 8 million new homes will be built in the wildland-urban interface (WUI) between 2005 and 2010. Increased population in the WUI is one of the primary reasons suppression costs have skyrocketed to over $1 billion per year. Communities that are "firesafe", or well-prepared for fire, are key to reducing these suppression costs—and ultimately restoring functional, and fire-resilient, wildlands. However, funding for the programs that help communities meet this goal has trended downward since fiscal year 2001 and that trend continues with the administration's fiscal year 2009 Budget request, which proposes to slash these programs even further—by 27 percent. One of the most important community assistance programs is State Fire Assistance (SFA). It is a key part of a long-term strategy to reduce suppression costs because it funds proactive fire risk reduction activities, fire prevention campaigns, public education, and most critically, Community Wildfire Protection Planning (CWPP). This program has significant and wide-ranging support; last year TWS joined with over 40 diverse groups, ranging from the Society of American Foresters to the Idaho Conservation League, to ask for increased and sustained funding for SFA. Unfortunately, the President's fiscal year 2009 Budget proposes reducing the already woefully underfunded State Fire Assistance program by 25.5 percent (from $80.6 million to $60.0 million). Volunteer Fire Assistance, which targets rural communities with populations under 10,000, is proposed for a 6 percent reduction—from $13.8 million to $13 million. The BLM's Rural Fire Assistance program was also once again proposed for elimination. Compounding these cuts is a drastic 58 percent reduction to the State and Private Forestry budget as a whole, an additional blow to private landowners. The National Association of State Foresters estimates SFA funding needs at a minimum of $145 million—the program's fiscal year 2009 proposed budget is less than half that. We appreciate that the subcommittee has consistently provided stable SFA appropriations responsive to on-the-ground realities. We again request your leadership to restore and enhance SFA funding. TWS recommends no less than 20 percent of the 5-year average of NFP appropriations be allocated to State and Local Assistance Programs generally, and 50 percent of that be targeted specifically to SFA, through a steady increase over 3 years. The first year should reflect an 80 percent increase above the historic average for SFA, resulting in a $144 million appropriation that would meet projected needs. TWS also recommends that BLM's Rural Fire Assistance program be restored to $10 million.

HAZARDOUS FUELS FUNDING LANGUAGE

As already noted, fire management must take place across jurisdictions, at a landscape scale, to be successful. An important tool for accomplishing this has been the ability of the Forest Service to use up to $15 million of its Hazardous Fuels funding on non-Federal lands directly adjacent to active hazardous fuels treatment projects on National Forests to mitigate risks of hazardous fuels conditions on non-Federal lands in the WUI. This legislative language has been in place since it was added to the 2002 the Interior and Related Agencies Appropriations bill. Numerous agency partners on the ground have emphasized the importance of these funds in helping them carry out projects, in concert with the Forest Service, that help them build defensible space around their communities. In the President's fiscal year 2009 Forest Service Budget this previous authorization is proposed for deletion. TWS recommends that the subcommittee retain this language.

## PREPARED STATEMENT OF THE WILDERNESS SOCIETY

The Wilderness Society (TWS) represents more than 310,000 members and supporters across the United States who support our mission to protect wilderness and inspire Americans to care for our wild places. I thank the committee for the opportunity to submit comments on the fiscal year 2009 Department of the Interior and Related Agencies Appropriations bill.

Last year, the Federal allocations reversed the near decade-long pattern of severe funding cuts to numerous conservation programs. We applaud Congress for increasing appropriations for essential public land conservation activities, particularly the boosts for wildlife refuges and national parks. Despite this progress, these and other indispensable conservation programs continue to suffer from years of under-funding. To avoid the slow, steady collapse of our public land conservation systems, we ask that you take bold, immediate action in making additional investments for fiscal year 2009. As a minimum step toward adequate funding of our public land programs and to meet new challenges associated with climate change, TWS recommends:

### LAND AND WATER CONSERVATION FUND

As a Federal side program with a State matching grant program, the Land and Water Conservation Fund (LWCF) has been this Nation's single most effective tool for creating new parks and open spaces, protecting wild lands and wetlands, preserving wildlife habitat, and enhancing recreational opportunities. The Federal program provides funds to purchase land and water resources for national parks, forests, wildlife refuges, and other public lands. The State matching grants program provides funds to assist in the acquisition of urban open space and creation of local recreation facilities. For fiscal year 2009, the administration's budget proposal slashes LWCF funds by more than $110 million, reducing the funding level to nearly $43 million. TWS' fiscal year 2009 recommendation for the LWCF is $403 million ($278 million for Federal and $125 million for stateside), an increase of $248.7 million over fiscal year 2008 enacted level of $154.3 million.

A Sampling of TWS LWCF and Forest Legacy Acquisition Priorities for fiscal year 2009:

—AZ—Las Cienegas National Conservation Area. LWCF Request: $550,000
—CA—California Desert Wilderness. LWCF Request: $500,000; Santa Rosa and San Jacinto Mountains National Monument. LWCF Request: $2.58 million
—CO—Canyons of the Ancients National Monument. LWCF Request: $3 million
—GA—Silver Lake—Forest Legacy Request: $4.5 million
—ID—Idaho Wild & Scenic River—Morgan Ranch. LWCF Request $2.2 million; Upper Snake/South Fork Snake River ACEC/SRMA. LWCF Request: $300,000
—NC—Appalachian National Scenic Trail—Roan Highlands. LWCF Request: $1.8 million
—MN—Upper Mississippi River NWR (includes WI, IA, and IL). LWCF Request $500,000
—NH—Lake Umbagog NWR. LWCF Request: $1 million
—NM—Kasha-Katuwe Tent Rocks National Monument. LWCF Request: $502,000
—OR—Cascade Siskiyou National Monument. LWCF Request: $3.6 million
—SC—Congaree National Park—1,840 acres Riverstone tract. LWCF Request: $5.3 million
—TN—Rocky Fork, 10,000 acres located along the Appalachian Trail Corridor on the NC–TN line. LWCF Request: $9 million; North Cumberland Conservation Area. Forest Legacy Request: $8.1 million

*Bureau of Land Management (BLM).*—Once again, the President's budget makes oil and gas drilling its top priority, funding a $22 million increase in the program, while reducing allocations for such programs as fisheries management, cultural resources management, threatened and endangered species management, and resource protection and law enforcement. In addition, the administration has asked that Congress delete the prohibition on use of appropriations to finalize a commercial oil shale leasing program and on holding commercial oil shale lease sales. We recommend a reduction in the allocation for the oil and gas program, the imposition of a "due diligence fee" on the more than 30 million acres of idle onshore Federal oil and gas leases, similar to section 7224 of H.R. 3221 passed by the House last year, and a reallocation of funds to programs such as fisheries management, cultural resources management, threatened and endangered species management, and resource protection and law enforcement. We also strongly urge retention of the prohibition on the use of funds to finalize a commercial oil shale leasing program because the BLM simply does not have enough information upon which to design and implement an appropriate commercial oil shale leasing and development program at this time.

BLM'S NATIONAL LANDSCAPE CONSERVATION SYSTEM

The Bureau of Land Management's (BLM) National Landscape Conservation System, comprising some 26 million acres of congressionally and presidentially designated lands and waters, such as national monuments and national conservation areas, represents some of the best places where one can experience the history and wild beauty of the West. The System provides innumerable recreational opportunities, critical wildlife habitat, clean water, wilderness, and open space near fast-growing cities. The President's budget request represents a needed $2.6 million increase over his 2008 request, though it is still more than $3.5 million below last year's enacted level of $55.3 million. This year, the President's budget did add a budget category for the System's national monuments and national conservation areas, providing more transparency and improving managers' ability to plan for and track funding; however, additional clarity is still needed. TWS' fiscal year 2009 recommendation is $70 million for the Conservation System, an increase of $14.7 million over fiscal year 2008 enacted level.

NATIONAL PARK SYSTEM

Our National Park System, comprised of 387 units, includes some of our Nation's most beautiful landscapes and culturally significant areas. Increased funding for operations of the National Park System can help ensure that visitors have safe, enjoyable, and educational experiences in the park system. The President's budget provides $2.4 billion for the Park Service and would increase the operations budget by $161 million to $2.1 billion. This money can be invested in interpretation, enforcement, and natural resource protection staff. Unfortunately, this increase comes at the expense of other critical Park Service funding, including a $46 million cut from the construction account. The request of $172 million for construction is a mere half of what was provided 5 years ago. These construction funds are badly needed to help the Park Service reduce its staggering parks maintenance and construction backlog.

NATIONAL WILDLIFE REFUGE SYSTEM

The National Wildlife Refuge System, with its 548 refuges on nearly 100 million acres of land, helps protect critical wildlife habitat, ensuring that wildlife protection remains a priority of these lands. There is a wildlife refuge in every State and within an hour's drive of most American cities. More than 35 million people visit refuges annually, generating nearly $1.7 billion for local economies and supporting almost 27,000 private sector jobs. Last year's operations and maintenance appropriation increase of nearly $39 million brought funding to a level that is close to what the Refuge System needed to keep pace with inflation costs over the past 5 years. This significant investment helped stem severe staff losses and program cuts. But years of stagnant funding fueled a spiraling backlog of $3.5 billion in operations and maintenance projects and a loss of more than 300 positions since 2004. The Refuge System needs $765 million in annual funds to adequately address its operations and maintenance needs of the Refuge System. The President's budget request of $434 million fails to take into account annual inflation adjustments, which will cost the system nearly $15 million. TWS' fiscal year 2009 recommendation for the Refuge System is $514 million. This represents an increase of $79.9 million over the fiscal year 2008 enacted level of $434.1 million.

NATIONAL FOREST LANDS

We believe a proposed cut of 2,707 full time employees in the Forest Service, with almost 1,200 cuts in the National Forest System alone, could jeopardize many key functions that the Forest Service normally performs. In particular, TWS believes the potential elimination of the wilderness director and other leadership positions from the Forest Service program that manages 35 million wilderness acres would result in an inadequate organizational and management structure.

Although the Forest Service cites the loss of open space as one of its top tier concerns, the President's proposed budget ignores this worry entirely. A proposed 58 percent cut to the State and Private Forestry program from the fiscal year 2008 enacted level of $262.6 million—requesting just $109.5 million for fiscal year 2009—would jeopardize the Forest Service's ability to protect open spaces. Under the State and Private Forestry program, Forest Legacy would receive a drastic 76 percent cut from its fiscal year 2008 enacted level of $52.3 million to $12.5 million under the President's budget. The Urban and Community Forestry program would also be cut to $5 million, which is an 82 percent drop from last year's enacted level of $27.7 million. TWS' recommendation for fiscal year 2009 is that Forest Legacy be funded

at $125 million and Urban and Community Forestry be funded at minimum $30 million.

In addition, TWS is concerned that the Forest Service has not moved toward a more serious and consistent approach to managing its increasingly deteriorating road system. The Forest Service should not only work to limit the construction of new roads, until it reaches a sustainable level of miles, but also prioritize decommissioning roads that are unneeded and causing environmental problems. The Forest Service can begin reaching this goal by maintaining and funding the Legacy Road and Trail Remediation Program at TWS' recommended level of $75 million. Additionally, the Roads Maintenance Program should be funded at a level that will help to maintain necessary roads. The Forest Service estimates a need of $649 million to meet its annual road maintenance needs. TWS recommends this program receive $325 million, half of these funds should be allocated to roads maintenance in those forests where a roads analysis, identifying the unnecessary and problematic roads that should be decommissioned, is completed.

Recreation is the largest of the forest uses, making it critical that the Forest Service encourage recreation that is environmentally sound, including actions to help Americans adapt to a more climate-responsible method of recreation. The Forest Service's "travel management rule" requires designating roads and trails that minimize impacts to visitors, waterways, and wildlife habitats. Although the Forest Service was instructed to pull dollars from several programs to fund the travel management projects, all of the funds to date have been derived from the Recreation program, thus constraining other Recreation programs. Therefore, TWS recommends a $115.8 million increase to the Recreation, Heritage and Wilderness program for travel management planning and implementation for fiscal year 2009. An additional increase of $30 million is recommended for the Wilderness and Wild & Scenic Rivers program.

STATE AND LOCAL FIRE ASSISTANCE

In 2001, the Forest Service and the Department of the Interior identified over 11,000 communities adjacent to Federal lands that are at risk from wildland fire. State Foresters conservatively estimate 45,000 communities at risk. The scope of the problem is enormous—and growing. Experts estimate that almost eight million new homes will be built in the wildland-urban interface (WUI) between 2005 and 2010. Increased population in the WUI is one of the main reasons suppression costs are skyrocketing. State Fire Assistance is the primary Federal program that helps communities prepare for fire by funding firefighter training, hazardous fuels reduction near communities, and Community Wildfire Protection Planning. TWS' fiscal year 2009 recommendation for State Fire Assistance is $144 million, an increase of $63.4 million over the fiscal year 2008 enacted level of $80.6 million.

WILDFIRE SUPPRESSION FUNDING

Wildland fire will account for 48 percent of the Forest Service's budget in fiscal year 2009, overwhelming other agency mission areas. Moreover, experts are predicting that a changing climate will only increase the length of the fire season. To address this problem, Congress must: (1) fix the suppression funding structure; and (2) invest in a 21st century fire management force. A new suppression funding structure should create a separate fund for unanticipated large fire events, freeing up constrained Federal wildland firefighting budgets to be invested in the goals of the National Fire Plan and the 10-Year Comprehensive Strategy. A robust commitment to new fire management strategies, like risk-based suppression and Wildland Fire Use, is also needed. This change will lead to healthier landscapes and less costly fire seasons in the future. TWS recommends implementing a new budget funding structure for wildland fire suppression and designating $10 million from suppression funding to increase Wildland Fire Use staffing and training.

LAND SALES AND ARCTIC DRILLING

The administration once again proposes to sell BLM lands and to drill in the Arctic National Wildlife Refuge for deficit reduction and other purposes. Similar proposals included in previous administration budgets have been rejected by Congress. We urge the subcommittee to once again omit from its bill and report any language that would amend existing law to provide for such land sale and drilling provisions.

## PREPARED STATEMENT OF THE USGS COALITION

### SUMMARY

The USGS Coalition appreciates the opportunity to submit testimony in support of increased appropriations for the United States Geological Survey (USGS) for fiscal year 2009. We continue to believe that the USGS budget request is below the amount required to ensure the long-term vitality of the agency. The USGS Coalition urges Congress to increase the budget of the U.S. Geological Survey to $1.3 billion in fiscal year 2009.

The USGS Coalition is an alliance of 70 organizations united by a commitment to the continued vitality of the unique combination of biological, geographical, geological, and hydrological programs of the United States Geological Survey. The Coalition supports increased Federal investment in USGS programs that underpin responsible natural resource stewardship, improve resilience to natural and human-induced hazards, and contribute to the long-term health, security and prosperity of the Nation.

The USGS plays a crucial role in protecting the public from natural hazards such as floods and earthquakes, assessing water quality, providing emergency responders with geospatial data to improve homeland security, analyzing the strategic and economic implications of mineral supply and demand, and providing the science needed to manage our natural resources and combat invasive species that can threaten agriculture and public health. The USGS is working in every State and has nearly 400 offices across the country. To aid in its interdisciplinary investigations, the USGS works with over 2,000 Federal, State, local, tribal and private organizations.

### FUNDING SHORTFALL

The President's fiscal year 2009 budget request for the USGS is $969 million, which is $38 million or 4 percent below the fiscal year 2008 enacted budget. The USGS budget has declined in real dollars for 7 consecutive years and it would decline for an eighth year if the fiscal year 2009 budget request were enacted (Figure 1).

In real terms, funding for the USGS is currently at its lowest level since fiscal year 1996, when the National Biological Service was integrated into the USGS (Figure 1). The decline in funding for the USGS during this time period would have been greater if Congress had not repeatedly restored proposed budget cuts. By contrast, overall Federal funding for research and development has increased significantly in real terms since fiscal year 1996.

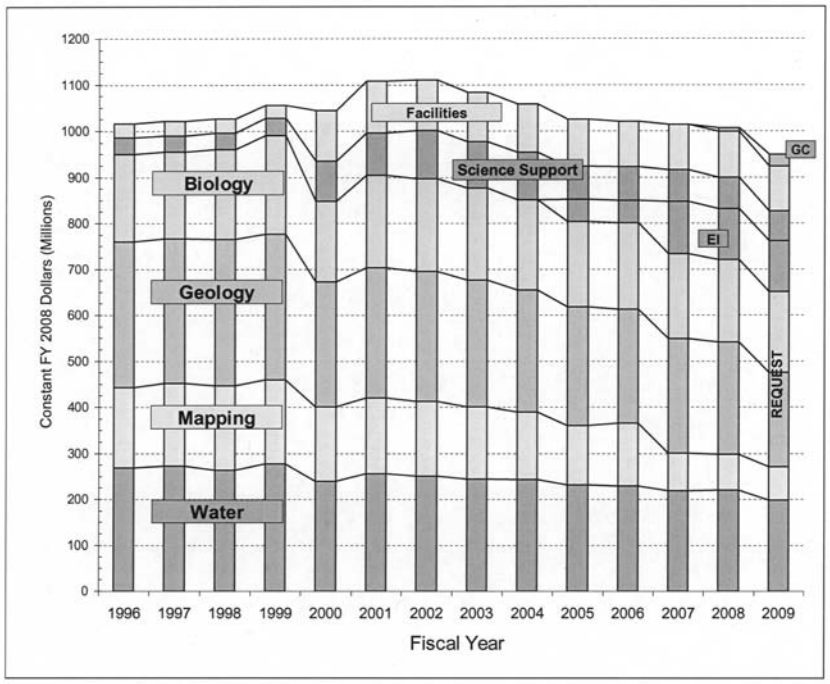


Figure 1. USGS funding in constant dollars, FY 1996 – FY 2009. EI is Enterprise Information and GC is Global Change. Source: USGS Budget Office.

Over the past several years, natural hazards have negatively affected communities across the country, including flash floods and forest fires in California, and hurricanes in Florida and the Gulf Coast region. Forest fires burned a total of 9,321,326 acres of land in the United States in 2007. These fires are not limited to western States. Virginia experienced a 16 percent rise in wildfires. Since an earthquake generated a tsunami that caused approximately 230,000 fatalities near the Indian Ocean in 2004, people around the globe have a greater awareness and appreciation of the need to improve environmental monitoring, forecasting, and warning systems that can prevent natural hazards from becoming natural disasters

Providing the information necessary to mitigate the impacts of natural disasters is a core function of the USGS. It operates seismic networks and conducts seismic hazard analyses that are used to formulate earthquake probabilities and to establish building codes across the Nation. The USGS monitors volcanoes and provides warnings about impending eruptions. Data from the USGS network of stream gages enables the National Weather Service to issue flood warnings. The USGS and its Federal partners monitor seasonal wildfires, provide maps of current fire locations and the potential spread of fires. Research on ecosystem structure and function assists forest and rangeland managers with forecasting fire risk and managing natural systems following fires. The USGS plays a pivotal role in reducing risks from floods, wildfires, earthquakes, tsunamis, volcanic eruptions, landslides and other natural hazards that jeopardize human lives and cost billions of dollars in damages every year.

Equally important, the USGS plays a critical role in bioinformatics and managing natural resources, essential to our economy, security, and environment. Baseline data about our Nation's biology and how it is changing is needed to understand and address climate change. The USGS provides fundamental scientific data that informs management of natural resources (e.g., data for Fish and Wildlife Service on polar bear populations), control of invasive species (e.g., snakehead fish, zebra mussels, and tamarisk) and monitoring of wildlife diseases (e.g., Highly Pathogenic Avian Flu, Chronic Wasting Disease) that can cause billions of dollars in agricultural losses.

The USGS is uniquely positioned to address many of the Nation's environmental and security challenges, including energy independence, climate change, water quality, and conservation of biological diversity. Efforts to make the Nation more energy-independent requires recurring USGS assessments of previously unexploited mineral and emerging energy resources, including geothermal resources, and renewable energy sources such as biofuels.

USGS research that spans the biological, geological, geographical, and hydrological sciences are essential for understanding potential impacts that could result from global climate change or from land management practices. These studies provide critical information for resource managers as they develop adaptive management strategies for restoration and long-term use of the Nation's natural resources.

Greater investment in the USGS is required. This investment could be used to strengthen USGS partnerships, improve monitoring networks, produce high-quality digital geospatial data and deliver the best possible science to address societal problems and inform decision-makers.

USGS BUDGET REQUEST

The USGS Coalition urges Congress to increase the budget of the U.S. Geological Survey to $1.3 billion in fiscal year 2009, which is necessary for the agency to continue providing critical information to the public and to decision-makers at all levels of government. The budget increase recommended by the Coalition would enable the USGS to restore the science cuts proposed in the budget request (e.g., substantial reductions in the Mineral Resources program, Water Resources Research Institutes, National Water-Quality Assessment Program, earthquake hazards research grants, Toxic Substances Hydrology program, and National Biological Information Infrastructure), accelerate the timetable for deployment of critical projects (e.g., the National Streamflow Information Program and the multi-hazards initiative), and launch science initiatives that address new challenges.

The President's fiscal year 2009 budget request would cut funding for the USGS by approximately $38 million or 4 percent to $969 million compared with the fiscal year 2008 enacted budget of $1.006 billion. The USGS budget request would provide funding for several initiatives, including Water for America, Ocean and Coastal Frontiers, Healthy Lands, and Birds Forever. These initiatives deserve the support of Congress.

The USGS budget request would cut $24.6 million from the Mineral Resources program, a decrease of 48 percent that would decimate the program and necessitate buyouts of hundreds of Federal workers. The budget request would also eliminate all funding ($6.3 million) for the Water Resources Research Institutes, which are located in all 50 States. Congress has repeatedly rejected similar proposed cuts to these programs in recent years and we urge Congress to reject these proposed cuts again this year.

The President's budget request for fiscal year 2009 also proposes large cuts in other programs, including a $9.8 million reduction in the National Water-Quality Assessment Program, a $3 million cut in extramural research grants on earthquake hazards, a $3 million reduction in the Toxic Substances Hydrology program, and a $2.9 million cut in the National Biological Information Infrastructure (NBII). The proposed cut in the NBII would result in a 70 percent reduction over 3 years, significantly impairing the agency's core capacity to provide access to high quality, integrated biological data that informs resource management decisions. The budget request also includes many smaller budget cuts. We encourage Congress to restore these cuts, but this funding should not come at the expense of other high priority programs elsewhere in the USGS budget.

The USGS Mineral Resources program is an essential source of unbiased research on the Nation's mineral resources. This guidance is important to reduce the environmental impacts of mining and to maintain the growing value of processed materials from mineral resources that account for approximately $500 billion in the U.S. economy. The proposed cuts would terminate multidisciplinary research that has important implications for public health (such as studies on mercury, arsenic and other inorganic toxins), environmental protection, infrastructure, economic development, and national security.

In addition to restoring proposed program cuts, we encourage Congress to consider additional increases that would enable the USGS to meet the tremendous need for science in support of public policy decision-making. More investment is needed to strengthen USGS partnerships, improve monitoring networks, implement important bioinformatics programs, produce high-quality digital geospatial data, and deliver the best possible science to address societally important problems. The USGS has a national mission that directly affects all citizens through natural hazards

monitoring, water resource studies, biological and geological resource assessments, and other activities.

The USGS Coalition is grateful to Congress for its leadership in restoring past budget cuts and strengthening the U.S. Geological Survey. Thank you for your thoughtful consideration of our request. For additional information or to learn more about the USGS Coalition, please visit www.USGScoalition.org or contact co-chairs Robert Gropp of the American Institute of Biological Sciences (rgropp@aibs.org) or Craig Schiffries of the Geological Society of America (cschiffries@geosociety.org).

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## PREPARED STATEMENT OF THE UNITED TRIBES TECHNICAL COLLEGE

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

—$4.5 million in BIE funds for UTTC, which is $500,000 over the fiscal year 2008 level.

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

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

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

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

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

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

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

Below are some important facts about United Tribes Technical College.

UTTC Performance Indicators. UTTC has:

—An 81 percent retention rate

—A placement rate of 94 percent (job placement and going on to 4-year institutions)

—A projected return on Federal investment of 20-to-1 (2005 study comparing the projected earnings generated over a 28-year period of UTTC Associate of Applied Science and Bachelor degree graduates of June 2005 with the cost of educating them.)

—The highest level of accreditation. The North Central Association of Colleges and Schools has accredited UTTC again in 2001 for the longest period of time allowable—10 years or until 2011—and with no stipulations. We are also the only tribal college accredited to offer accredited on-line (Internet based) associate degrees.

—More than 20 percent of our students go on to 4-year or advanced degree institutions.

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

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

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

The demand for our services is growing and we are serving more students. For the 2007–2008 year we enrolled 1,122 students (an unduplicated count), nearly four times the number served just 6 years ago. Most of our students are from the Great Plains, where the Indian reservations have a jobless rate of 76 percent (Source: 2003 BIA Labor Force Report), along with increasing populations. The need for our services will continue to increase at least for the next 5 to 10 years.

In addition, we are serving 248 students during school year 2007–2008 in our Theodore Jamerson Elementary school and 252 children, birth to 5, are being served in our child development centers.

UTTC course offerings and partnerships with other educational institutions. We offer 15 vocational/technical programs and award a total of 15 two-year degrees (Associate of Applied Science (AAS)) and six 1-year certificates, as well as a 4 year degree in elementary education in cooperation with Sinte Gleska University in South Dakota. We are accredited by the North Central Association of Colleges and Schools for the longest accrediting period provided of ten years.

*Licensed Practical Nursing*.—This program has one of the highest enrollments at UTTC and results in the greatest demand for our graduates. Our students have the ability to transfer their UTTC credits to the North Dakota higher educational system to pursue a 4-year nursing degree.

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

*Tribal Environmental Science*.—Our Tribal Environmental Science program is supported by a National Science Foundation Tribal College and Universities Program grant. This 5-year project allows students to obtain a 2-year AAS degree in Tribal Environmental Science.

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

*Online Education*.—We are continuing to create increased opportunities for education by providing web-based and Interactive Video Network courses from our North Dakota campus to American Indians residing at other remote sites as well as to students on our campus. Online courses provide the scheduling flexibility students need, especially those students with young children. We offer online fully accredited degree programs in the areas of Early Childhood Education, Community Health/Injury Prevention, Health Information Technology, Nutrition and Food Service and Elementary Education. Over 50 courses are available online. We are currently teaching 30 online courses with 170 course seats, including those in the Medical Transcription and Coding program.

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

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

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

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

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

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

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

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## PREPARED STATEMENT OF THE WEBER COUNTY COMMISSION, OGDEN, UT

Madam Chairman and honorable members of the subcommittee: Thank you for the opportunity to present this testimony in support of an appropriation of $1.5 million for the Forest Service to acquire the 150-acre North Ogden property for the Bonneville Shoreline Trail.

As you know, Madam Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important fea-

tures. I urge the subcommittee to increase overall funding for this program in fiscal year 2009.

For years, the residents of Salt Lake, Weber, Davis, Utah, and Cache Counties have benefited from their unique geographical location along the slopes of the Wasatch Range, which provides recreational opportunities, an escape from urban pressures, and a sense of community pride and identity. Development pressure poses the most serious threat to this valuable resource and will increase as the Wasatch Front population doubles within the next 10 to 25 years. This population growth and increased public use of these lands have raised issues of landowner liability and put pressure on these property owners either to sell their land or to restrict access to the trails, raising the possibility that this vital public recreational system could be impaired or lost.

In 1990, representatives of the Wasatch-Cache National Forest, Weber County, the City of Ogden, the Boy Scouts, the Girl Scouts, the Convention Bureau, and other citizens groups concerned about the fragile thread that holds the trail system together, began meeting in an effort to protect and expand the trail corridor along the foothills of the Wasatch Mountain Range. As a result, the Bonneville Shoreline Trail (BST) project was developed, with a broad goal of extending the existing but threatened trail corridor already in place in the city of Ogden south to Provo, following the prehistoric shoreline of Lake Bonneville within the national forest. This partnership has been so successful that the communities in Cache and Box Elder County have worked to extend the trail north.

Available for acquisition in fiscal year 2009 is the 150-acre North Ogden property in Weber County, a high priority for protection by the U.S. Forest Service. The property serves as important habitat for deer and elk and as an important buffer for fire protection for the rapidly developing area along the Wasatch Front. The property also provides watershed protection for neighboring areas in addition to key recreational resources.

The North Ogden program is a partnership effort to provide a new stretch of the BST along the northern boundaries of North Ogden and Pleasant View, within the boundaries of the national forest. In 2005, a 5-mile stretch of the BST along North Ogden and Pleasant View was secured through a trail easement along an existing utility corridor granted to the nonprofit Weber Pathways. The property available for protection this year is critical to the North Ogden program because it will bring Forest Service ownership to this stretch of the BST and add critical trail access to the citizens in this area of the State. Protection of this property will also protect beautiful views of the foothills of the Wasatch Front and Ben Lomond Peak, one of Weber County's most important landmarks, while conserving important wildlife habitat and winter range along this rapid growth area.

In fiscal year 2009, $1.5 million is needed to acquire this BST property that is critically important to furthering the goals of the trail. If not protected, this area will be developed. Public access to this portion of the BST could be lost forever, and adjacent forest and wilderness lands would also be put at risk.

Thank you for the opportunity to present this testimony.

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## PREPARED STATEMENT OF THE WESTERN COALITION OF ARID STATES

The Western Coalition of Arid States (WESTCAS) is submitting this testimony regarding the Presidents fiscal year 2009 budget request for the United States Environmental Protection Agency.

WESTCAS is a coalition of approximately 125 water and wastewater districts, cities and towns and professional organizations focused on water quality and water quantity issues in the States of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon and Texas. Our mission is to work with Federal, State, and Regional water quality and quantity agencies to promote scientifically-sound laws, regulations, appropriations and policies that protect public health and the environment of the arid West.

Protection of the public health and the environment is a high priority of citizens of the United States from all walks of life. As water services providers and professionals we hear from our citizens every day regarding the importance of safe drinking water, protecting habitat and wildlife and being stewards of the environment. The projects we work on and activities we conduct are driven by rules, programs and policies that have been developed due to past environmental legislation and appropriations that have accompanied them. As examples, we acknowledge the successes of the Safe Drinking Water Act, Clean Water Act, Clean Air Act, the Resource Conservation Recovery Act and others. As the lead agency for developing and implementing the programs and policies needed to achieve the goals of environ-

mental legislation, The U.S. Environmental Protection Agency (EPA) conducts research, establishes monitoring and reporting programs, establishes mechanisms to enforce rules and allocates funds to assist the regulated community in meeting requirements.

The arid West is the fastest growing region in the United States. The combined challenges of constructing and maintaining the infrastructure and treatment facilities necessary to meet new demands for water and wastewater services, rehabilitating and replacing aging infrastructure, and meeting increasingly stringent regulations will be insurmountable without local, State, and Federal commitments to financing the necessary infrastructure. WESTCAS, is concerned about the 19 percent ($134 million) decrease in the Clean Water State Revolving Fund from the fiscal year 2008 enacted budget, being proposed in the President's fiscal year 2009 Budget. Increased construction costs have further eroded the value of the funding levels. WESTCAS supports funding the CWSRF to greater than the fiscal year 2008 level.

Water Pollution Control (Clean Water Act section 106) Grants provide funding for States to carry out many programs including the development of water quality standards and Total Maximum Daily Loads. It also provides funding for monitoring activities. WESTCAS supports funding these programs at no lower than the fiscal year 2008 proposed levels rather than the fiscal year 2008 enacted levels. WESTCAS supports funding for enhanced monitoring activities, as this monitoring provides the basic data for the water quality standards and assessment programs.

Primary enforcement authority for safe drinking water and clean water programs has been delegated by EPA to most of the WESTCAS States. With severe budget constraints, the ability of State agencies to respond to existing and emerging public health and environmental issues is becoming more challenging. Inspections, permitting and enforcement activities will be adversely impacted by decreases in Federal support. Without additional funding, inaccurate EPA databases that are critical for evaluating compliance and providing information to the public will continue to hinder EPA's ability to enforce regulations, create potential conflict between the regulatory agencies and the regulated community, and lower public confidence in both utilities and regulatory agencies. WESTCAS supports increasing State grant programs from the fiscal year 2008 levels in order to maintain regulatory programs and to bolster public confidence by eliminating inaccuracies in EPA's databases.

WESTCAS has long been a proponent of sound science in developing water quality standards, especially for ephemeral and effluent dependent waters in the arid West. Water quality standards should be based on the characteristics of the specific aquatic communities that exist in the water bodies and public health-based uses of those waters. Therefore, WESTCAS is concerned about the almost $3 million reduction in the Clean Water Research Program and requests that those funds be restored.

There has been recent media attention regarding pharmaceutically active compounds, personal care products and endocrine disrupting compounds in the Nations' waters. Response to the news articles by water utilities has been challenging in the face of little information on environmental impacts and especially human health effects. In the West, water supply and drought plans continue to grow increasingly dependent on the direct and indirect reuse of reclaimed water, making the need for additional research on the health effects of these compounds more urgent. WESTCAS requests that the approximate $3.6 million in reductions to research on human health and ecosystems and toxics review and prevention associated with endocrine disruptors in the proposed fiscal year 2009 budget be restored and enhanced to include research associated with long-term exposure of humans to very low levels of pharmaceuticals and personal care products. Funding for the development of analytical methods to accurately and reliably determine the concentrations of these compounds is also critical. Finally, if health effects are identified, research is needed on treatment technologies capable of reducing these compounds to safe levels.

WESTCAS appreciates the difficulty that Congress faces in providing funding for the many needs of the Nation and appreciates your consideration of these requests. We hope you agree that we as a nation cannot afford to compromise protection of public health and the environment in response to fluctuating economies.

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## PREPARED STATEMENT OF THE WESTERN PENNSYLVANIA CONSERVANCY

Ms. Chairman, Senator Feinstein, and distinguished members of this subcommittee, I am grateful for the opportunity to submit testimony today on behalf of the board of directors, staff, and members of Western Pennsylvania Conservancy.

Western Pennsylvania Conservancy (WPC) is Pennsylvania's oldest regional 501(c)3 non-profit conservation organization. During the past 76 years, we have partnered with hundreds of community groups, conservation organizations, govern-

ment agencies and individuals in more than 45 counties stretching from Pennsylvania's western reaches across the State to Harrisburg and beyond. We have approximately 9,400 member households and involve more than 5,000 volunteers every year in community conservation initiatives.

In accordance with our mission, WPC conserves land of ecological, scenic, and recreational significance. We seek to use science-driven land conservation planning supported by engagement with communities, businesses and government partners to develop conservation approaches that work for all involved.

WPC's land conservation initiatives have had a significant impact on the communities and landscapes of western Pennsylvania. Our work has enabled the permanent protection and stewardship of important natural, scenic and recreational assets. Since 1932, we have protected 225,000 acres. Most of that land is now publicly owned and makes up some of our State's premiere parks, forests, game lands, and natural areas. They include lands integral to and within Allegheny National Forest in north central Pennsylvania, over 40 miles of riverbank land along the Clarion River now designated scenic and recreational under the National Wild and Scenic Rivers Act, numerous scenic and recreational areas in the Laurel Highlands of southwestern Pennsylvania, and six of Pennsylvania's State parks. These assets are enjoyed by millions of residents and tourists, and will be permanently preserved for enjoyment by future generations of Pennsylvanians.

Today, our work is perhaps more urgent and necessary than ever before. The past four decades of suburban sprawl have changed our natural landscapes and reduced our open spaces. We are now beginning to clearly witness the negative repercussions of wholesale land use changes. In 2005, the U.S. Forest Service cast a spotlight on these threats in its Forests on the Edge report, which identified the top 15 watersheds in the United States that would see the most serious development pressure over the coming decades. The publication predicts that 44 million acres of private forest nationwide will be converted to non-forest uses in the next 22 years.

Given these stresses, it is concerning that less than 20 percent of eastern forests are permanently conserved or protected for future generations. Without a robust investment of both private and public funding, our landscapes will very likely transform and become unrecognizable in a very short time.

This year were were alarmed to learn of the drastic cuts to two important land conservation programs in the President's fiscal year 2009 budget request. The Land and Water Conservation Fund and Forest Legacy Program, our Nation's two flagship programs for investment in land conservation, are recommended for funding at irresponsibly low levels.

Established in 1965, the Land and Water Conservation Fund has served the national interest as the primary source of funding for Federal land conservation efforts. Through this fund, every State has preserved critically important lands comprising our national forests, wilderness areas, historic and cultural sites, significant battlefields and recreation areas. In addition, the stateside portion accounts for the creation of thousands of local park and recreation projects such as ballfields and community parks.

Established in the 1990 farm bill, the Forest Legacy Program is a partnership program which, according to the USFS web site,"protects 'working forests' . . . those that protect water quality, provide habitat, forest products, opportunities for recreation and other public benefits." As of February 2008, Forest Legacy Program has suceessfully protected over 1.5 million acres of forestland in 37 States. Moreover, every Federal dollar spent is matched by private or non-Federal Government funding, making it a sound use of public resources.

In every State in the Nation, LWCF or Forest Legacy Program funds have ensured that all Americans have access to lands where they can hunt, fish, play ball, hike, bird watch, paddle a canoe or ride a bike. Working only with landowners who are willing sellers, Federal, State, and local agencies are attempting to protect the best of what remains so that future generations can also reap the benefits of access to outdoor recreation, America's unique historic and cultural sites and protected wildlife.

As a proud member of the Eastern Forest Partnership, the Western Pennsylvania Conservancy supports all of the specific projects named in their fiscal year 2009 publication, Open Space for America.

Quoting from this report, these include:

FISCAL YEAR 2009 FOREST LEGACY OPPORTUNITIES

*Highlands*.—The forested ridgelines of the 3 million-acre Highlands region form a greenbelt from Philadelphia to Hartford that is also the water supply for more than 15 million Americans. Tree Farm, Adams County (PA) will conserve 2,500

highly threatened acres adjacent to State lands and the Appalachian Trail. Passaic/Ramapo Watershed II (NJ) will conserve 1,400 acres of critical watershed and recreation lands that provide missing links among 18,000 acres of existing State land.

*Northern Forest*.—Northern Forest communities and non-profit organizations have formed creative partnerships to conserve key forest tracts. Machias River, Phase III (ME) will conserve 33,000 working forest acres around the existing Farm Cove Community Forest, connecting key pieces of a 1.3 million-acre conservation area. Eden Forest (VT) will conserve 5,700 acres of working forest within a 30,000-acre forest block adjacent to Vermont's famed Long Trail.

*Quabbin to Cardigan (Q2C)*.—The Quabbin to Cardigan Partnership is a landmark bi-state effort to conserve 600,000 interconnected acres. Crotched Mountain (NH) will help the Crotched Mt. Rehabilitation Center conserve lands and universally accessible forest trails that are key to its nationally recognized programs. Southern Monadnock Plateau, Phase II (MA) will conserve important interior forest tracts along the Monadnock to Metacomet Trail that traces the Q2C corridor.

*Southern Forests*.—Southern forests have the Nation's most diverse and globally significant forest types. Cumberland Plateau (TN) will match $135 million in State and private funding to conserve 130,000 acres of highly productive forestland across this ecologically rich landscape. Triple H (NC) will complement new Uwharrie NF acquisitions to conserve interior forests and recreation lands in the Piedmont region, one of the Nation's fastest growing areas. Chowan River Headwaters (VA) will conserve over 4,000 acres of rare coastal forest types and important riparian lands as part of the bi-state Southern Rivers Conservation Area.

FISCAL YEAR 2009 LAND AND WATER CONSERVATION FUND OPPORTUNITIES

*Northern Forest*.—The Connecticut River watershed and Mahoosuc region are top landscape conservation priorities in the Northern Forest. Silvio Conte NWR (VT/NH/MA/CT) will enable conservation of vital habitat areas throughout the 7.2 million-acre CT River watershed, including the refuge's first major acquisition in CT. Success Twp/Appalachian NST (NH) will protect 4,000 acres along the most challenging and famed section of the entire Appalachian Trail as it passes through Mahoosuc Notch.

*Highlands*.—The Highlands Conservation Act authorized $10 million of Federal funding annually for Highlands conservation projects selected by the four Highlands States. In fiscal year 2009, PA, NJ, NY, and CT are seeking HCA matching funds to conserve seven priority areas, including Ethel Walker Woods (CT) and Sterling Forest/Great Swamp (NY) that protect water supplies for Hartford and New York City, respectively.

*Southern Appalachians*.—Recent LWCF funding shortfalls have created a backlog of historic conservation opportunities in the Southern Appalachians. Cherokee NF (TN) will conserve the Rocky Fork tract, 10,000 acres of pristine watershed lands and scenic mountains adjacent to the Sampson Mt. Wilderness. Chattahoochee/Oconee NF (GA) will conserve key water supply lands around Macon and Atlanta at a time when drinking water supplies are under pressure across the South. Pisgah NF (NC) will conserve a Roan Highlands tract that contains three endangered high-elevation ecosystems adjacent to the Appalachian Trail. Talladega NF (AL) will conserve rare pine forests on Rebecca Mt. and complete the Pinhoti Trail within the forest.

*Southern Coastal Forests*.—The rich bottomland hardwoods and diverse softwood forests of the southern coast are an economic and ecological treasure. Congaree NP (SC) will conserve almost 2,000 acres of the largest remaining bottomland hardwood forest in the Nation. Rappahannock River NWR (VA) will conserve important riparian lands and migratory bird habitat on a major Chesapeake Bay tributary.

We would like to express and convey our strongest support for the Land and Water Conservation Fund and the Forest Legacy Program. As you continue the process of creating the fiscal year 2009 Interior, Environment and Related Agencies Appropriations bill, we urge you to provide $120 million for the LWCF State grants program, $278 million for the Federal LWCF program and $120 million for the Forest Legacy Program. While these numbers may appear large, especially when compared with the President's budget request, they truly represent the best levels required to meet the outstanding need and urgent demand.

All across our country, communities, organizations and individuals are stepping up to identify and protect priceless lands from conversion. This challenge will require partnerships and programs that can provide the necessary tools and matching funds. The Federal commitment expressed through the Forest Legacy and LWCF programs is essential to their success.

We understand the difficult decisions that the subcommittee faces in a tough budget climate. However, we are confident you will agree the LWCF and Forest Legacy Program are wise investments of our taxpayer dollars, providing a return on investment through invaluable recreational opportunities, water quality, wildlife habitat and open space.

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PREPARED STATEMENT OF THE WYOMING STATE ENGINEER'S OFFICE

This statement is sent in support of fiscal year 2009 funding for the Bureau of Land Management (BLM) for activities directly benefiting the Colorado River Salinity Control Program. The activities needed to control salts reaching the Colorado River system from lands managed by the BLM fall within that agency's Land Resources Subactivity—Soil Water and Air Management Program. We request $5,900,000 be directed to enhancing Colorado River water quality and to engage in land management activities that will accomplish salt loading reduction in the Basin.

Wyoming is a member State of the seven-State Colorado River Basin Salinity Control Forum, established in 1973 to coordinate with the Federal Government to assure maintenance of basin-wide Water Quality Standards for Salinity that have been in place for more than three decades. The Forum is composed of gubernatorial representatives who interact with the involved Federal agencies on the joint Federal/State efforts to control the salinity of the Colorado River. The Forum annually makes funding recommendations, including the amount believed necessary to be expended by the Bureau of Land Management for its Colorado River Basin Salinity Control Program. Overall, the combined efforts of the Basin States, the Bureau of Reclamation, the Bureau of Land Management and the Department of Agriculture have resulted in one of the nation's most successful non-point source control programs.

The basin-wide water quality standards for salinity consist of numeric water quality criteria established and maintained at three Lower Colorado River points (Below Hoover Dam, Below Parker Dam and At Imperial Dam) and a plan of implementation describing the Program's components, including specific salinity control projects to remove salt from the River system. Pursuant to the Clean Water Act, the water quality standards for salinity are reviewed at least once each 3 years. At those intervals, the plan of implementation is jointly revised by the States and involved Federal agencies, including representatives of the Bureau of Land Management, to ensure that the planned actions are sufficient to maintain continuing compliance with the basin-wide Water Quality Standards for Salinity's numeric criteria.

Successful implementation of land management practices by the Bureau of Land Management to control soil erosion and the resultant salt contributions to the Colorado River system is essential to the continued success of the Colorado River Basin Salinity Control Program. The BLM's fiscal year 2009 Budget Justification document reports that the agency continues to implement on-the-ground projects, evaluate progress in cooperation with the Bureau of Reclamation and the Department of Agriculture and report salt-retaining measures in furtherance of implementing the plan of implementation. As noted in the testimony of the Colorado River Basin Salinity Control Forum (as submitted by Jack A. Barnett, the Forum's Executive Director), the Forum's member States, including the State of Wyoming, believe that fiscal year 2009 Soil, Water and Air Management Program funds should be used, in part, to continue efforts that will directly reduce salt contributions from BLM-managed lands within the Colorado River Basin, consistent with BLM's fiscal year 2009 Budget Justification document. At its recent October 2007 meeting, the Forum, in consultation with BLM officials, recommended that the U.S. Bureau of Land Management should expend $5,900,000 in fiscal year 2009 for salinity control. Accordingly, we request that the BLM be directed to expend from Soil, Water and Air Management Program funds not less than $5,900,000 for activities to reduce salt loading from BLM-managed lands in the Colorado River Basin in fiscal year 2009.

As one of the five principal Soil, Water and Air Program priorities identified by the BLM, projects directly accomplishing Colorado River salinity loading reductions should be funded. In the past, the BLM has used Soil, Water and Air Program funding for specific salinity control project proposals submitted to BLM's salinity control coordinator by BLM staff in the seven Colorado River Basin States. Through this competitive proposal consideration process, funds have been awarded to those projects having the greatest merit (as measured by their salt loading reduction and ability to quantify the salinity reduction that would be accomplished). The Colorado River Basin Salinity Control Forum's testimony to this subcommittee requests designation of $1,500,000 for this purpose. As Wyoming's Forum members, we wish to advise that the State of Wyoming concurs in that request.

Through studying hundreds of watersheds in the States of Utah, Colorado, and Wyoming, the collaborative efforts of the collective State/Federal agencies and organizations working through the auspices of the Colorado River Basin Salinity Control Forum have selected several watersheds where very cost-effective salinity control efforts can be implemented without additional delay or study. In keeping with the Congressional mandate to maximize the cost-effectiveness of salinity control, the State of Wyoming joins with the Forum in requesting that the Congress appropriate and the Administration allocate adequate funds to support the BLM's portion of the Colorado River Salinity Control Program as described in the adopted Plan of Implementation.

The State of Wyoming appreciates the subcommittee's funding support of the Bureau of Land Management's statutorial responsibility to participate in the basin wide Colorado River Salinity Control Program in past years. We continue to believe this important basin-wide water quality improvement program merits funding and support by your subcommittee.

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PREPARED STATEMENT OF THE WYOMING WATER ASSOCIATION

On behalf of the members of the Wyoming Water Association, I am requesting your support for appropriations in fiscal year 2009 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The President's recommended budget for fiscal year 2009 includes FWS funding for these programs at the levels we are requesting. We request support and action by the subcommittee that will provide the following, as authorized by Public Law 106–392, as amended.

1. Appropriation of $697,000 in "recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the $68,417,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2009 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program. This is the same level of funding appropriated to the Recovery Program for this purpose in fiscal years 2004 through 2008.

2. Appropriation of $475,000 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery System Operations Subactivity; within the $43,507,000 item entitled "National Fish Hatchery Operations") to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah during fiscal year 2009.

3. Allocation of $200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to the FWS for fiscal year 2009 to meet FWS's Region 2 expenses in managing the San Juan Program's diverse recovery actions.

Founded in 1933, the Wyoming Water Association is a Wyoming non-profit corporation and voluntary organization of private citizens, elected officials, and representatives of business, government agencies, industry and water user groups and districts. The Association's objective is to promote the development, conservation, and utilization of the water resources of Wyoming for the benefit of Wyoming people. The WWA provides the only statewide uniform voice representing all types of water users within the State of Wyoming and encourages citizen participation in decisions relating to multi-purpose water development, management and use.

The Wyoming Water Association is a participant in the Upper Colorado River Endangered Fish Recovery Program. That program, and its sister program within the San Juan River Basin, are ongoing partnerships among the States of Colorado, New Mexico, Utah and Wyoming, Indian tribes, Federal agencies and water, power and environmental interests. The programs' objectives are to recover endangered fish species while water use and development proceeds in compliance with the Federal Endangered Species Act. The Department of the Interior continues to recognize these programs as national models demonstrating that collaboratively partnerships can successfully work to recover endangered species while addressing water needs to support growing western communities in a manner that fully respects State water law and interstate compacts. Since 1988, these programs have provided ESA Section 7 compliance (without litigation) for over 1,600 Federal, tribal, State, and privately managed water projects depleting more than 3 million acre-feet of water per year.

The past support and assistance of your subcommittee has greatly facilitated the success of these multi-State, multi-agency programs. On behalf of the members of the Wyoming Water Association, thank you for that support and request the subcommittee's assistance for fiscal year 2009 funding to ensure the Bureau of Reclamation's continuing financial participation in these vitally important programs.

PREPARED STATEMENT OF YAVAPAI COUNTY, ARIZONA

Madam Chairman and honorable members of the subcommittee: Thank you, Madam Chairman, for the opportunity to present this testimony in support of an appropriation from the Land and Water Conservation Fund to enable the Forest Service and the Coconino National Forest to acquire the 139-acre Packard Ranch property in Yavapai County.

As you know, Madam Chairman, this project is one of many worthy acquisition projects nationwide seeking LWCF funding. Unfortunately since fiscal year 2002, funding for LWCF has diminished by about 75 percent, and the fiscal year 2009 Budget proposes further cuts. These reductions have left our national parks, refuges, and forests unable to acquire from willing sellers critical inholdings and adjacent lands that have been identified to protect and enhance recreational access, historic sites, wildlife habitats, scenic areas, water resources, and other important features. I respectfully request the subcommittee to increase overall funding for this program in fiscal year 2009.

Within the boundaries of the Coconino National Forest is the 56,000-acre Sycamore Canyon Wilderness area. This protected area is noted for the variety of its scenic landscapes—colorful cliffs, pine and fir forests, and a rare desert riparian area. The canyon winds for over 20 miles along Sycamore Creek, stretching seven miles from rim to rim at some places. Carved walls reveal layers of spectacular red sandstone, stark white limestone, and rugged brown lava. The water of the creek allows a rich habitat to flourish, including sycamores, walnuts, and cottonwoods.

Adjacent to the Sycamore Canyon Wilderness and available for acquisition is the 139-acre Packard Ranch property, located upstream from the towns of Clarkdale and Cottonwood. The Verde River and Sycamore Creek are perennial streams that provide habitat for several endangered and threatened fish species and are important sources of drinking water for the Phoenix Metropolitan area. Both flow through the property. Existing nests of breeding bald eagles can be found nearby while other key wildlife (including the yellow-billed cuckoo, common black-hawk, peregrine falcon, and many bat species) are found on the property.

Both Sycamore Creek and a section of the Verde River have been identified as potentially eligible for listing as wild and scenic rivers. The property contains portions of the area's desert riparian ecosystem and provides scenic views of red rock vistas in Sycamore Canyon. The area in which this property is located also has archeological resources of national and international importance.

Packard Ranch includes an important trailhead providing access to the Sycamore Canyon Wilderness. Both the Parson's and Packard hiking trails are entered exclusively from this property. Although the public has traditionally been permitted to use this trailhead, there is no permanent guarantee of access. Properties with riparian frontage in Arizona are at a premium for development, and without permanent protection, it is conceivable that Packard Ranch could be developed. If this were to happen, the character of the landscape could change dramatically, and the public could lose access to the trails and wilderness area.

With its strategic location within the Coconino National Forest, the acquisition of the Packard Ranch property will protect vital habitat, ensure continued public access to trails, and preserve the unique scenic vistas of Sycamore Canyon.

Thank you, Madam Chairman, for the opportunity to present this testimony.

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PREPARED STATEMENT OF THE YELLOWHAWK TRIBAL HEALTH CENTER

Honorable Chairwoman Dianne Feinstein, ranking member Wayne Allard, and members of the committee: I am Shawna Gavin, Chair of the Yellowhawk Tribal Health Center Health Commission, Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Thank you for the opportunity to testify on the very important issues related to tribal health funding and the Administration's proposed decreases in the Indian Health Service Budget.

Once again the proposed Indian Health Services budget falls far short of providing adequate health care for our people. In fact, the proposed budget does not live up to meeting the trust responsibilities the federal government has to Tribes.

Yellowhawk Tribal Health Center currently manages an active Compact with the Federal government. In that, we have assumed the government of the United States' responsibility to provide health care and wellness services to the people of the CTUIR. For us to accomplish this in an effective, efficient and responsible manner we must be appropriately funded. We currently are unable to provide all necessary critical services let alone basic preventative care. Federal spending for Indian health care continues to lose ground compared to spending for the U.S. population at large. Tribal health care facilities are forced to prioritize care delivery and com-

pete for non-existent funds to address facility shortcomings. Furthermore, Indians living on reservations still suffer the health effects of poverty at a much higher level than the national average. Incidences of diabetes, HIV, substance abuse, addiction and suicide continue to far exceed that of the rest of the country. While we work to address these shortcomings as a self-governance facility, we cannot succeed without adequate funding. Passage and funding of the long neglected Indian Health Care Improvement Act reauthorization would go a long way toward this end and sets the stage for improving the health and wellness of our people now and into the future. Our people and all Indian people deserve access to high quality health care.

With respect to the Indian Health Services budget, the Health Commission would like to address issues beyond the total amount of funds that are being proposed. These include:

—Contract Health Services funding shortfalls,
—Perpetual under funding of Contract Support Costs,
—Extension of the Special Diabetes Program for Indians,
—Decreases in Annual Funding Agreement, and
—Lack of funding for new facility construction.

The Health Commission recommends that the IHS budget be increased by $455 million in order to maintain current services. This is based on an early analysis of the 2009 budget by the Northwest Portland Area Indian Health Board, which indicates a proposed $21.3 million cut to the 2009 IHS budget.

Specific concerns include:

CONTRACT HEALTH SERVICES FUNDING SHORTFALLS

Funding for services purchased outside of Tribal and Indian Health facilities have continually failed to keep pace with industry standard, medical inflation and the true need for delivery of adequate preventative and diagnostic health care. A major issue of concern is the proposed decreases to Alcohol and Substance Abuse funding. These cuts would not only reduce the number of treatment beds available to our Tribal members but reduce the funding available to pay for those beds at other facilities. Also of major concern are continued Catastrophic Health Emergency Fund (CHEF) shortfalls. These funds continue to be exhausted long before the budget year ends. This forces proactive Tribal facilities to protect these funds in order to account for the inevitable high dollar cases that present between the time the CHEF funds run out and the beginning of the next fiscal year. When forced to protect ourselves against this funding shortfall we have no choice but to prioritize and ration necessary, but routine health care. Many times we are left to fund only life saving health care procedures. This cycle will never allow a proactive approach to early disease detection, prevention or long term health and wellness.

PERPETUAL UNDER PAYMENT OF CONTRACT SUPPORT COSTS

In 1996 Yellowhawk Tribal Health Center, in good faith, contracted with the Federal Government to assume the responsibilities of health care delivery for the CTUIR: In 2004 we negotiated and completed a compacted agreement to continue this business arrangement. Since the inception of this agreement with the federal government we have been under funded. In fact, to date, the amount owed to the Yellowhawk Tribal Health Center as we make good on the responsibilities of the Federal Trust, exceeds $3.1 million and continues to increase. Fiscal year 2008 demonstrates a more than $16,000 decrease in contract support funding from fiscal year 2007. Again, these funding shortfalls put the quality of our health care delivery at risk by compromising our ability to recruit and retain quality employees and our ability to purchase and maintain modern health care equipment.

EXTENSION OF THE SPECIAL DIABETES PROGRAM (SDPI) FOR INDIANS

Inadequate past and present funding have left the Yellowhawk Tribal Health Center dependent on grant funding to address diabetes treatment and prevention. The SDPI Grant is scheduled to expire in the summer of 2009. If it is not extended the impact on the Umatilla Reservation community, diabetic and non-diabetic, will be considerable. If we were to lose the more than $160,000 a year we receive from SDPI, we would have no choice but to eliminate many diabetes prevention initiatives that are just now demonstrating their benefit to our community's health and wellness. Further, the loss of the SDPI Grant would eliminate funding of approximately $80,000 currently committed to diabetic pharmaceutical purchases. Our pharmacy program cannot sustain this expense in addition to all other necessary pharmaceutical costs. Again we will be forced to prioritize treatment delivery perpetuating a cycle where preventative and diagnostic care models will be deemed of a lesser priority so that critical health care needs can be met.

DECREASES IN ANNUAL FUNDING AGREEMENT

Annual funding agreements under our Compact with the Federal government have failed to keep pace with medical inflation, cost of living and increases in patient demand. Consequently we have no choice but to access reserve funds to maintain any level of quality care delivery and to meet the payroll for a skilled and talented staff Because we are expending every dollar of our annual funding agreement and significant dollars from reserve accounts, our future health care delivery is jeopardized. We cannot sustain augmentation of our annual funding agreement with reserve funds. We must do more to protect our community's health and wellness future and will be forced to scale back spending which will ultimately impact access to preventative and diagnostic health care services. Reauthorization of the long overdue Indian Health Care Improvement Act legislation is a necessity to assure adequate funding of critical needs as well as industry standard diagnostic and preventative health care.

LACK OF FUNDING FOR NEW FACILITY CONSTRUCTION

The CTUIR is in need of a new health care facility. The current structure has existed since 1976 and has been remodeled, modified and enlarged no less than seven times since then. Our patient demographic continues to age and grow and has resulted in an exponential increase in demand for health care services. Unfortunately there is no more ability for facility expansion. The facilities HVAC systems cannot keep up with facility demands as it is currently configured and has become so substandard that architects and engineers recommend against any additional expansion or renovation. This inability to grow severely impacts access to care, patient flow and the way in which health care is delivered. It also significantly effects recruiting and retention of quality employees. This is particularly the case with physicians and dentists. Again, the reauthorization of the Indian Health Care Improvement Act legislation is our only hope for a near term solution to our critical need for a suitable facility with modem treatment and health care delivery spaces.

To reiterate, we are recommending at a minimum, a $455 million increase in Indian health care funding to address unavoidable increases in medical and general inflation, salary costs, additional staffing, and population growth. Minimum funding should also be provided to prevent the elimination of Urban Indian Health Programs.

More importantly, this committee would do well to advance any and all Indian health care legislation and initiatives. These many years of funding shortfalls reflect political neglect and it is within your authority to address this in a proactive fashion.

Thank you for your serious consideration.

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