

**H.R. 41, H.R. 113, H.R. 490,
H.R. 608, H.R. 977, H.R. 1126,
H.R. 1413 AND H.R. 2050**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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LEGISLATIVE HEARING ON H.R. 41, TO DESIGNATE CERTAIN FEDERAL LANDS IN SAN DIEGO COUNTY, CALIFORNIA, AS WILDERNESS, AND FOR OTHER PURPOSES. "BEAUTY MOUNTAIN AND AGUA TIBIA WILDERNESS ACT OF 2011"; H.R. 113, TO PROVIDE FOR ADDITIONS TO THE CUCAMONGA AND SHEEP MOUNTAIN WILDERNESS AREAS IN THE ANGELES AND SAN BERNARDINO NATIONAL FORESTS AND THE PROTECTION OF EXISTING PROPERTY RIGHTS IN SUCH ADDITIONS, TO REQUIRE THE SECRETARY OF AGRICULTURE TO TAKE STEPS TO PREVENT AND PREPARE FOR WILDFIRES IN THE CUCAMONGA, SHEEP MOUNTAIN, AND SAN GABRIEL WILDERNESS AREAS AND ADDRESS THE BACKLOG OF MAINTENANCE IN THE ANGELES AND SAN BERNARDINO NATIONAL FORESTS, AND FOR OTHER PURPOSES. "ANGELES AND SAN BERNARDINO NATIONAL FORESTS PROTECTION ACT"; H.R. 490, TO MODIFY THE BOUNDARIES OF CIBOLA NATIONAL FOREST IN THE STATE OF NEW MEXICO, TO TRANSFER CERTAIN BUREAU OF LAND MANAGEMENT LAND FOR INCLUSION IN THE MANZANO MOUNTAIN WILDERNESS, AND FOR OTHER PURPOSES; H.R. 608, TO EXPAND THE ALPINE LAKES WILDERNESS IN THE STATE OF WASHINGTON, TO DESIGNATE THE MIDDLE FORK SNOQUALMIE RIVER AND PRATT RIVER AS WILD AND SCENIC RIVERS, AND FOR OTHER PURPOSES. "ALPINE LAKES WILDERNESS ADDITIONS AND PRATT AND MIDDLE FORK SNOQUALMIE RIVERS PROTECTION ACT"; H.R. 977, TO DESIGNATE AS WILDERNESS CERTAIN LAND AND INLAND WATER WITHIN THE SLEEPING BEAR DUNES NATIONAL LAKESHORE IN THE STATE OF MICHIGAN, AND FOR OTHER PURPOSES. "SLEEPING BEAR DUNES NATIONAL LAKESHORE CONSERVATION AND RECREATION ACT"; H.R. 1126, TO DIRECT THE SECRETARY OF THE INTERIOR TO SELL CERTAIN FEDERAL LANDS IN ARIZONA, COLORADO, IDAHO, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, OREGON, UTAH, AND WYOMING, PREVIOUSLY IDENTIFIED AS SUITABLE FOR DISPOSAL, AND FOR OTHER PURPOSES. "DISPOSAL OF EXCESS FEDERAL LANDS ACT OF 2011"; H.R. 1413, TO PROVIDE FOR THE DESIGNATION OF THE DEVIL'S STAIRCASE WILDERNESS AREA IN THE STATE OF OREGON, TO DESIGNATE SEGMENTS OF WASSON AND FRANKLIN CREEKS IN THE STATE OF OREGON AS WILD OR RECREATION RIVERS, AND FOR OTHER PURPOSES. "DEVIL'S STAIRCASE WILDERNESS ACT OF 2011"; AND H.R. 2050, TO AUTHORIZE THE CONTINUED USE OF CERTAIN WATER DIVERSIONS LOCATED ON NATIONAL FOREST SYSTEM LAND IN THE FRANK CHURCH-RIVER OF NO RETURN WILDERNESS AND THE SELWAY-BITTERROOT WILDERNESS IN THE STATE OF IDAHO, AND FOR OTHER PURPOSES. "IDAHO WILDERNESS WATER RESOURCES PROTECTION ACT"

Tuesday, October 25, 2011
U.S. House of Representatives
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to call, at 10:06 a.m. in Room 1334, Longworth House Office Building, Hon. Rob Bishop, [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, Johnson, Hastings (ex officio), Benishek, Grijalva, Kildee, DeFazio, Heinrich, Garamendi and Markey (ex officio).

Mr. BISHOP. All right. This hearing will be in order. The Chair notes the presence of a quorum. The Subcommittee on National Parks, Forests and Public Lands is meeting today to hear testimony on eight bills.

Under the rules, the opening statements are limited to the Chairman and Ranking Member. However, I ask unanimous consent to include any other Members' opening statements in the hearing record if submitted to the clerk by the close of business today. And hearing no objection, so ordered.

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

Mr. BISHOP. I want to thank our colleagues who have joined us here to testify on their bills. We will go through, as I think is already noticed to you, H.R. 41, H.R. 113, H.R. 490, H.R. 608, H.R. 977, H.R. 1126, H.R. 1413 and H.R. 2050, all of them dealing with wilderness. Each of these wilderness designations is found within the district of the Congressman who is representing or presenting the bill, which is a significant issue.

Each of them deals with areas that are obviously areas of special significance that we want to protect and/or have an impact on the livelihood of the communities where these areas are found. But we also recognize that when we lock up lands for special designations it restricts access for energy, for recreation, for job activities, and sometimes the brunt of poor land management is devastating to rural communities where most of these lands are found.

I am happy, though, that we are doing this process by dealing with bills on an individual basis rather than having a comprehensive omnibus bill in which stuff is just added to it and sneaks by in one fell swoop with very little consideration of the consequences.

I am also happy that in one of the bills we will be discussing today, we'll be talking about excess or surplus property. With the maintenance backlog that we have and our current budget climate, it is somewhat silly to have government land that is neither needed or wanted or used and, unfortunately as is often the case, they don't even know they own it in the first place.

So we will be talking about both of those issues as we go forward. I look forward to hearing from our witnesses. I recognize the Ranking Member for his opening statement.

[The prepared statement of Mr. Bishop follows:]

**Statement of The Honorable Rob Bishop, Chairman, Subcommittee on
National Parks, Forests and Public Lands**

Monuments, wilderness and other land-use designations have been a topic of much debate in this subcommittee. While there are certain areas of special significance that should be managed as wilderness or otherwise preserved for future generations, we need to ensure that those designations are fully vetted and protect the interests and livelihoods of the communities and stakeholders that could be impacted.

This hearing is an important part of that process. Locking-up lands throughout the West has the potential to restrict access for energy production, recreation, and other job-creating activities and devastate the rural communities that unfairly bear the brunt of poor land management decisions. It is important to return to a practice of looking at wilderness proposals thoroughly and individually as opposed to comprehensive omnibus bills and Administrative actions that seek to designate millions of acres in one fell swoop with little, if any, consideration of the consequences.

Secondly, I also look forward to exploring options to reduce the federal estate, particularly in those cases in which the government has identified excess or surplus lands. The federal government currently has a multi-billion dollar maintenance backlog for the lands it holds. Especially given our current budget climate, it makes perfect sense to free the federal government from land it doesn't need and allow agencies to focus on our most prized national parks, forests and other lands.

I look forward to hearing from our witnesses today and I now recognize the Ranking Member for his opening statement.

STATEMENT OF THE HONORABLE RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you, Mr. Chairman. During the joint subcommittee hearing in April, the Majority displayed graphic photographs of mutilated and dead bodies and alleged that the presence of wilderness near the border contributed to these violent murders. In addition to the murder, the Majority has blamed wilderness for undocumented immigration, terrorism, drug smuggling and economic devastation of all kinds.

The Majority has categorized the designation of wilderness as an assault on the rights guaranteed under the Second Amendment. Wilderness supporters have been characterized as arrogant and even in some cases unAmerican. This labeled rhetoric and gross mischaracterization has made legitimate discussion of wilderness proposals difficult. According to Border Patrol, the presence of wilderness has no impact on border security.

The economic benefits of wilderness have been well documented in multiple peer-reviewed economic studies, and hunting and shooting are not only allowed in wilderness; they are enriched by it. And those disturbing photos displayed during the joint hearing turned out to be of murders which did not even occur in the United States.

It is my hope that today's hearing could provide an opportunity for a more rational discussion of the concept of protecting wild places for future generations. The Members testifying today have all worked through the difficult process of reaching local consensus regarding wilderness proposals. The process involves long hours of reviewing maps and agency recommendations to arrive at boundaries acceptable to a wide variety of local stakeholders.

Crime scene photos and speeches about border enforcements are diversions. The real wilderness debate is about the appropriate balance between preserving wild places and pursuing oil and gas development, road building and off-road vehicle use. Currently 2.5 percent of the contiguous United States is designated wilderness, while roughly one-third of the Federal land in the Lower 48 is open to some level of oil and gas development. Two point five for wilderness. Thirty-three percent for oil and gas development.

The Members testifying today support raising the wilderness percentage slightly in their districts, and these proposals deserve an honest assessment and a hearing. Far from the arrogance, the process of developing a viable wilderness proposal requires the humility to recognize the importance of competing land uses and the lasting value of leaving some areas in the same condition in which we found them.

In signing the Wilderness Act in 1964, President Lyndon Johnson said: "If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it."

Mr. Chairman, I look forward to learning more about each of these wilderness proposals before the Subcommittee. I want to congratulate the Members for their diligence and hard work in

bringing this legislation forward, and I thank the colleagues and the witnesses for being here today.

It is a significant hearing in that wilderness has been a bad word in the discussion before this Committee and the Natural Resources Committee, and it is refreshing and certainly a breath of fresh air to discuss wilderness in an open, rational and factually based discussion. Mr. Chairman, I look forward to that. Thank you.

[The prepared statement of Mr. Grijalva follows:]

**Statement of The Honorable Raúl Grijalva, Ranking Member,
Subcommittee on National Parks, Forests and Public Lands**

Mr. Chairman, during a joint subcommittee hearing in April, the Majority displayed graphic photographs of mutilated, dead bodies and alleged that the presence of wilderness near the border contributed to these violent murders.

In addition to murder, the Majority has blamed wilderness for undocumented immigration, terrorism, drug smuggling and economic devastation.

The Majority has characterized the designation of wilderness as an assault on the rights guaranteed under the Second Amendment. Wilderness supporters have been characterized as arrogant and even un-American.

This level of rhetoric and gross mischaracterization has made legitimate discussion of wilderness proposals difficult.

According to the Border Patrol, the presence of wilderness has no impact on border security.

The economic benefits of wilderness have been well-documented in multiple, peer-reviewed, economic studies and hunting and shooting are not only allowed in wilderness, they are enriched by it. And those disturbing photos displayed during the joint hearing turned out to be of murders which did not even occur in the United States.

It is my hope that today's hearing will provide an opportunity for a more rational discussion of the concept of protecting wild places for future generations.

The Members testifying today have all worked through the difficult process of reaching local consensus regarding a wilderness proposal. That process involves long hours reviewing maps and agency recommendations to arrive at boundaries acceptable to a wide variety of local stake-holders.

Crime scene photos and speeches about border enforcement are diversions—the real wilderness debate is about the appropriate balance between preserving wild places and pursuing oil and gas development, road-building and off-road vehicle use.

Currently, 2.5% of the contiguous United States is designated wilderness while roughly one third of the federal land in the lower 48 is open to some level of oil and gas development; 2.5% for wilderness, 33% for oil and gas.

The Members testifying today support raising the wilderness percentage slightly in their districts and these proposals deserve an honest assessment.

Far from arrogance, the process of developing a viable wilderness proposal requires the humility to recognize the importance of competing land uses and the lasting value of leaving some areas in the same condition in which we found them.

In signing the Wilderness Act in 1964, President Lyndon Johnson said, "If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it."

Mr. Chairman, I look forward to learning more about each of the wilderness proposals before the Subcommittee today and I thank our colleagues and the other witnesses for their work on these measures. I yield back.

Mr. BISHOP. Thank you. We also are happy to have the distinguished Chairman of the full Committee here. I recognize Representative Hastings for an opening statement.

STATEMENT OF THE HONORABLE DOC HASTINGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. HASTINGS. Thank you, Mr. Chairman, and thank you very much for having this hearing. I am glad the Ranking Member

totally agrees with our approach here in having a very open and transparent process.

A wilderness area is the most restrictive land use designation that Congress, and only Congress, can apply to our nation's lands. It greatly limits the American public's access to their lands. Please note that I specifically said that it is Congress and only Congress that has the authority to designate lands as wilderness. The Obama Administration attempted to bypass the clear letter of the law with its Wild Lands Secretarial Order, which was a backdoor attempt to create new wilderness by Executive fiat. They were forced by the actions of this House, however, to abandon that effort.

Let me be clear. There are lands that should be managed as wilderness, and in my view most of those lands have already been designated. However, this hearing today demonstrates that Chairman Bishop and I are open to the possibility of appropriately designating new wilderness areas. That is not to say that I am endorsing each of the bills before us today because each proposal must undergo careful, individual review, which this Committee is committed to undertaking.

Decisions on wilderness designations should be made on a case-by-case basis. They should be done in accordance with the Wilderness Act. They should have broad local input so as to enjoy wide local support, and they should include a review of the potential designation's impact on the public's access, limitations on recreation, for example, and effect on local economies and job creation activities.

To reiterate a point that Chairman Bishop made when he announced this hearing, the lands affected by each of these bills before the Subcommittee today are located within the congressional district represented by the bill's sponsor. There is a near zero—in fact there is a zero—chance that the Committee will act on or advance bills that seek to designate wilderness areas in a district or a state that a Member isn't elected to represent.

I have often said that I respect the knowledge and prerogative of a Member on proposals that affect their district, as they were elected to represent that district and they know it best. However, this respect is not a blank check, and this Committee has a responsibility to review proposals carefully.

Let me also be clear that there are times when Congress must act to address situations that arise after the designation of a wilderness area. It takes an Act of Congress to create a wilderness area, and it requires an Act of Congress to fix or make necessary modest adjustments to an established wilderness area.

It simply is not reasonable for advocates of establishing new wilderness to come to this Committee and argue that we cannot legislate reasonable, common sense modifications to prior designations that have risen up over time. Mr. Simpson of Idaho has just a bill before us today, and I myself have introduced legislation to uphold promises made by prior designations.

For new wilderness designations to advance and become law, proposals to make necessary adjustments to existing wilderness and better manage our public lands as a whole will also need to advance. The Committee will review and judge each proposed wil-

derness bill on a case-by-case basis, but as Chairman of the full Committee I don't intend to lose perspective on how best to manage the nation's lands as a whole.

The Federal government owns more lands than it can afford to properly manage. The deficit on maintaining and caring for our existing lands runs into the billions of dollars. We must make thoughtful and careful land use decisions that reflect our country's current economic situation and the need to keep our Federal lands healthy and the importance of keeping public lands as open to the American public as possible for multiple use purposes.

And with that, thank you for the courtesy, and I yield back my time.

[The prepared statement of Mr. Hastings follows:]

Statement of The Honorable Doc Hastings, Chairman, Committee on Natural Resources, on H.R. 41, H.R. 113, H.R. 490, H.R. 608, H.R. 977, H.R. 1126, H.R. 1413 and H.R. 2050

Thank you, Chairman Bishop. As we have a distinguished panel of our colleagues arrayed before us waiting to testify, I will be brief.

A wilderness area is the most restrictive land use designation that Congress can apply to our nation's lands—it greatly limits the American public's access to their lands. Please note that I specifically said that it is Congress, and only Congress, that has the authority to designate lands as wilderness. The Obama Administration attempted to bypass the clear letter of the law with its Wild Lands Secretarial Order, which was a backdoor attempt to create new wilderness by Executive fiat. They were forced by Act of Congress to abandon that effort.

Let me be clear, there are lands that should be managed as wilderness, and, in my view, most of those lands have already been designated. However, this hearing today demonstrates that Chairman Bishop and I are open to the possibility of appropriately designating new wilderness areas. That is not to say I am endorsing each of the bills before us today because each proposal must undergo careful, individual review—which this Committee is committed to undertaking.

Decisions on wilderness designations should be made on a case-by-case basis, be done in accordance with the Wilderness Act, be informed by broad local input so as to enjoy wide local support, and include a review of the potential designation's impact on the public's access, limitations on recreation, and effect on local economies and job creation activities.

To reiterate a point that Chairman Bishop made previously, the lands affected by each of the bills before the Subcommittee today are located within the congressional district represented by the bill's sponsor. There is a near zero percent chance that the Committee will act on or advance bills that seek to designate wilderness in a district or state that a Member isn't elected to represent. I have often said that I respect the knowledge and prerogative of a Member on proposals that affect their district, as they were elected to represent that district and know it best. However, this respect is not a blank check, and this Committee has a responsibility to review proposals carefully.

Let me also be clear that there are times when Congress must act to address situations that arise after the designation of a wilderness area. It takes an Act of Congress to create a wilderness area, and it requires an Act of Congress to fix or make necessary modest adjustments to an established wilderness area. It simply is not reasonable for advocates of establishing new wilderness to come to this Committee and argue that we cannot legislate reasonable, common sense modifications to prior designations that have arisen over time. Mr. Simpson of Idaho has just such a bill before us today, and I myself have introduced legislation to uphold promises made in prior designations. For new wilderness designations to advance and become law, proposals to make necessary adjustments to existing wilderness and to better manage our public lands as a whole will also need to advance. The Committee will review and judge each proposed wilderness bill on a case-by-case basis, but as Chairman, I don't intend to lose perspective on how best to manage the nation's lands as a whole.

The federal government already owns more lands than it can afford to properly manage. The deficit on maintaining and caring for our existing lands runs into the billions of dollars. We must make thoughtful and careful land-use decisions that reflect our country's current economic situation, the need to keep our lands healthy,

and the importance of keeping public lands as open to the American public as possible for multiple-use purposes.

Mr. BISHOP. Thank you. With that, we welcome the witnesses, each who has a bill that we will be talking before us here.

Several of you have already requested—actually four of you requested—to go first. I can't quite do that, but I recognize that you also have other commitments, so if it is OK with the entire panel the three who are here that have other commitments I would like to be the first three presenters, and then we will finish the rest of the panel.

I will tell you, though, that once you are done if you would like to stay and join us on the dais to participate in the rest of the discussion about any of these bills, please feel free to do so. We would be more than happy. We can even seat you closer, closer than my friend from Michigan is, if he wants to come a little bit closer to the middle of this dais.

Obviously any written statement you have will be part of the record. We ask you to limit your oral comments to five minutes. We will start with Congressman Dreier from California, then Congressman Issa if possible, and then I would like to ask Congressman Huizenga if he would go third because you three have already said that you have another commitment at the same time, so we will try and go in that area.

Congressman Dreier, please.

STATEMENT OF THE HONORABLE DAVID DREIER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. DREIER. Thank you very much, Mr. Chairman. So suffice it to say I won't be joining you at the dais following our testimony here.

Let me say that it is somewhat with mixed emotions that I appear here. To have Doc Hastings and Rob Bishop wielding the gavel over me and sitting higher than I am is something that makes me extremely uncomfortable—

Mr. BISHOP. OK. Your time has expired.

Mr. DREIER.—but I think I will survive it. Just wait until you come to the next Rules Committee meeting.

I want to tell Mr. Grijalva and Mr. Garamendi that we have made your amendment in order on the bill that was before the Rules Committee yesterday, so we look forward to consideration of that.

On the issue that I am here to address, let me just say that I completely concur with everything that was said in the opening remarks by the Subcommittee Chairman and the Chairman of the full Committee. I, too, am one who is very skeptical of the expansion of wilderness areas, and I thought that it was just stated by the full Committee Chairman, and yesterday in the Rules Committee the Chairman of the Subcommittee, you, Mr. Chairman, made it clear that the Federal government owns and controls much more land than it should.

That was your statement yesterday during the hearing, and I concur with that. At the same time, I do believe that we need to

have, as Mr. Grijalva said and you both have said as well, a focus on balance and recognizing the multiple use of lands.

Two years ago this last summer, I met with the very, very wide-ranging group of people in Southern California focused on the Angeles National Forest and the San Bernardino Forest, and I came to the conclusion that a modest expansion of the wilderness areas would go a long way toward dealing with the very, very high degree of sensitivity that we have in Southern California and around the country to our natural resources and the beauty that exists there.

The Angeles National Forest I have been told is the most utilized national forest in the Nation by virtue of its proximity. In Los Angeles County, and I know, Mr. Chairman—your daughter lives in Orange County—you know very well. Los Angeles County has nearly 10 million people and so by virtue of its proximity these areas are utilized.

So this group had approached me and talked to me about this, and I came to the conclusion this modest, 17,724 acre expansion was the right thing for us to do. The interesting irony and very, very tragic and sad irony is that the day after the meeting that I had with them, which came after they had worked with staff and all for a long period of time, we saw a little fire begin in the area, and that fire, Mr. Chairman, grew to be the largest fire in the history of Los Angeles County, 160,000 acres burned and two very courageous firefighters, Ted Hall and Arnie Quinones, were killed.

I stood with their families and said as we look at this notion of the expansion of the wilderness areas, I will do everything that I possibly can to ensure that priority number one is the issue of saving lives and property, and I will say that it is for that reason that if you look at the section-by-section analysis, Section 6 in this bill has raised some concern from the Forest Service, as I told you, Mr. Chairman, when we were walking in this morning, and also from some of the environmental groups.

They are concerned about it, but I feel very strongly about that Section 6 saying that we need to make sure that we do everything we can to provide those firefighters with the ability to get to, access and prevent and deal with the aftermath of these fires.

So I believe that this is a responsible measure that we have got. It is balanced. We have taken those things into consideration. Just a few moments ago, I got the word that the now retired chief, Chief Freeman of the Los Angeles County Fire Department, is in support of this section and the legislation, and I would like to ask that his statement, Mr. Chairman, be included in the record.

Mr. BISHOP. Without objection.

[The prepared statement of Mr. Freeman submitted for the record by Mr. Dreier follows:]

Statement of P. Michael Freeman, Former Los Angeles County Fire Chief, on H.R. 113, the Angeles and San Bernardino National Forests Protection Act

Natural Resources Committee Chairman Hastings, Ranking Member Markey, Subcommittee Chairman Bishop, Ranking Member Grijalva, and members of the National Parks, Forests and Public Lands Subcommittee, thank you for giving me the opportunity to submit testimony on H.R. 113, the Angeles and San Bernardino National Forests Protection Act.

My name is P. Michael Freeman and I am the former Fire Chief of Los Angeles County. I recently retired after 22 years of service as the Fire Chief and 47 total years of experience as a firefighter. As Fire Chief, I ran a fire department for a county with more than 9.8 million people and an incredibly diverse landscape, with everything from coastline to mountains and forests.

One of the many challenges I faced as Fire Chief was ensuring the safety of our firefighters, residents as well as the communities at the foothills of the Angeles National Forest during wildfire season. Multiple factors contribute to this difficult task including rough terrain, a close urban interface as well as unpredictable fire patterns. This is why it is vital that firefighters have the resources and flexibility needed to fight wildfires.

Preventing and containing wildfires is an issue that I have worked on with Congressman David Dreier for many years. Fighting wildfires in Los Angeles County can be incredibly dangerous and strenuous. In 2009, the Los Angeles County Fire Department, along with multiple other firefighters, battled the Station Fire. This fire ended up burning more than 160,000 acres and was the largest wildfire in the modern history of Los Angeles County. Tragically, it also took the lives of two firefighters, Fire Captain Ted Hall and Firefighter Specialist Arnie Quinones. In September, 2009, the House of Representatives passed a resolution honoring these two brave men. I deeply appreciate your support in recognizing Captain Hall and Specialist Quinones who made the ultimate sacrifice while serving Los Angeles County.

In the aftermath of the Station Fire, my colleagues and I had many meetings on the lessons learned from this fire. In addition, Congressman Dreier and I discussed ways to better protect firefighters and prevent large-scale forest fires from occurring. The fire management section included in H.R. 113 is the culmination of these conversations.

Although I am now retired, ensuring that current and future firefighters have the ability to properly carry out fire prevention and suppression activities remains extremely important to me. That is why it is my hope that the Committee will support the fire management language in H.R. 113. Thank you for your time and consideration.

Mr. DREIER. I believe that this is a very balanced proposal which can in fact gain strong bipartisan support, and so I thank you very much for that, and with that I am going to excuse myself if I may. Thank you all.

Mr. BISHOP. Thank you, Mr. Chairman. I appreciate that.

We will now hear from the other gentleman from California. Congressman Issa, if you would?

STATEMENT OF THE HONORABLE DARRELL ISSA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. ISSA. Thank you, Mr. Chairman, Ranking Member. I am going to piggyback directly on what Chairman Dreier said. It is pretty easy to see that you can abuse wilderness as a designation. My bill, the Beauty Mountain bill, is an attempt not to abuse, but in fact to, if you will, try to perfect what is already in place.

Beauty Mountain, half of which is in Congresswoman Bono's district and is already designated as wilderness and roughly half of which is in my district, is an area that has been managed as though it was wilderness by multiple agencies of the Federal government for the 11 years that I have been in Congress and actually for the 18 years that Congressman Packard was my predecessor. It has been clearly designated as not usable for mining or other energy, and yet it has not really been prepared to be properly managed.

When Congressman Bono put the first half into wilderness some I guess six years ago, I asked her to leave Southern Beauty Mountain out because I didn't feel that we had gone through a lot of the

questions. It has taken us a number of years. We believe we have answered all the questions.

As the bill goes through this Committee and, Mr. Hastings, I am particularly concerned that we scrutinize it because I have done the best I can do, but the resources of this Committee can allow you to properly give it one more once over.

What we have done is recognized that as it was originally half done, a road which was to be maintained through the center of it for the public was never maintained for the public. It is available in very marginal condition in case of fire and the chains can be let go, but it hasn't been maintained on the north or south end the way it should be. My bill attempts to make it clear that this is a public access.

Additionally, the bill provides not just ingress and egress, but corridors for offloading equestrian and other parking requirements so that people can actually either walk or ride their horses through this area as is intended in the statute.

We also have tried to set aside additional area for camping and the like because we believe that the ecotourism that is envisioned by these no engine areas doesn't happen if you abut them directly up to areas where there is no opportunity to have a transition for the public. We think we have addressed all of that. We certainly have tried.

I would like to very much request that the Committee take one more look at the bill and see if we have addressed everything we have attempted to. We have been working with the Majority and Minority over multiple Congresses and we have tried to get it right, but the goal for my constituents and for Congresswoman Bono's constituents is to recognize that if it is going to be managed by multiple agencies as wilderness without coordination and without access or maintenance capabilities so the public gets the benefit then it doesn't serve the intention at all of the statute.

Last, but not least, we were not able to address, because of cost, any remediation. This wilderness area includes an area that to this day still has the remnants of a meth lab, still has the remnants of an apple orchard, still has remnants. Now, these are decades old, but they are still there. Well, the meth lab not decades old, but the previous agricultural use is decades old.

And so one of the concerns that we have which we hope this Committee will look at is this is good land for ecotourism. This is good land for habitat to truly have an opportunity to be not disturbed by motorcycles or cars, but at the same time this is an area in which all of the agencies that have jurisdiction have sort of viewed it as a low cost, low participation area.

So again, I am very excited to offer the bill. I believe that completing Beauty Mountain is essential, but getting it right is essential because we believe that if you are going to have wilderness, this 21,000 acres—and Mr. Dreier said his was small; mine is barely larger in totality than his addition, but it is something that to our community is desirable, but desirable if we get it right.

So I rely on the Committee's assistance to get it right. I look forward to having all of my personnel resources of my staff available to work with you in any way possible. I thank you for your consideration and yield back.

[The prepared statement of Mr. Issa follows:]

Statement of The Honorable Darrell Issa, a Representative in Congress from the State of California, on H.R. 41, the “Beauty Mountain and Agua Tibia Wilderness Act of 2011”

I would like to start out by thanking Chairman Bishop and Ranking Member Grijalva for bringing up my bill H.R. 41, the “Beauty Mountain and Agua Tibia Wilderness Act of 2011,” and other Wilderness bills, for consideration. I would also like to thank Chairman Hastings and Ranking Member Markey, of the full committee, for their continued recognition of the importance of Wilderness.

At this time it would also be appropriate to express my gratitude and appreciation for the hard work and dedication shown by those who have been instrumental in helping to formulate the plans, draw the maps and perfect the overall bill. Without their perseverance this would not have been possible. They include the individuals at the Bureau of Land Management, the Conservation Fund, people at the Forest Service, employees at the Departments of Agriculture and Interior, staff members on the Natural Resources Committee, my own personal staff and the public.

H.R. 41 will ensure that some of California’s most magnificent scenery and rich wildlife habitats are conserved for the future. It will also improve the recreational opportunities and aid the local economy through increased tourism.

My bill will designate more than 21,000 acres of land, in Southern California, as new Wilderness. The addition of 7,796 acres to the Agua Tibia Wilderness, located in the Cleveland National Forest, will ensure that my constituents, and all Americans, will have even more access to the beautiful deep canyons and coastal sage scrub located there and will protect the Cutca Trail for hikers and equestrians.

The addition of 13,635 acres of Wilderness to Beauty Mountain will expand on the already existing 15,627 acres of rustic and rugged terrain, majestic oak lands and fascinating rock formations. It will also secure space for a parking area, campground, corrals and access to clean water, and safeguard traditional hunting spaces.

Both areas serve as critical plant and wildlife migration corridors between Anza-Borrego Desert State Park on the east and the coastal mountains of Riverside and San Diego counties on the west. Agua Tibia and Beauty Mountain are places that species such as the Coastal Rosy Boa and the Golden Eagle call home. San Diego State University has even established a field-school there to study it as an “evolutionary hotspot.”

Wilderness is public land that has been protected from development and vehicle use not to isolate it from humans, but so that humans can experience nature in its most primal state. This bill will allow present day Americans to see and encounter terrain, plants and animals in a state similar to how the Native Americans and the first pioneers viewed it generations ago.

When crafting this bill, special care was taken to accept comments and input from local agencies, groups and individuals so that major concerns were addressed. These were extremely helpful and the end product is a better piece of legislation due to the open forum. For example, mining issues were studied and the potential for energy development was reviewed and in both cases the Bureau of Land Management and Forest Service stated that the areas were not viable candidates for such activities. In addition, offroading interests were contacted and toured the areas in the field and as a result the bill will not close any legally-open roads or trails to vehicles. This will ensure that hunters and others will still be able to access camp sites that they have used for generations. This bill also took special efforts to protect private property rights and to ensure that firefighting and fire prevention activities would not be impeded. Lastly, the measure permits immigration enforcement, search and rescue and other important activities.

This bill preserves land while making sure that the public can still enjoy it. It is a responsible and sensible step toward protecting a beautiful natural resource. Equestrians will be able to trot along beautiful trails, hikers can tackle and challenge themselves on mountainous terrain while witnessing spectacular views, hunters will still be able to enjoy traditional game such as deer and quail, and campers can sleep under the sky and observe the stars near the Palomar Observatory which is just a few miles south of Agua Tibia. In fact, this measure is unique in that it calls for the establishment of equestrian-friendly campgrounds in a region that has many riders but very few facilities for them.

This bill will also positively impact the economy of businesses in my district through eco-tourism. During this time of high unemployment and a stagnant economy, efforts that encourage private sector job growth should be supported.

This legislation has bi-partisan appeal, with a companion bill introduced by Senator Barbara Boxer, and support from the Administration. Secretary of the Interior,

Ken Salazar, mentioned H.R. 41 in a letter to Congress regarding designating certain lands as Wilderness.

In closing, I would once again like to thank Chairman Bishop and Ranking Member Grijalva for bringing this bill before the Subcommittee on National Parks, Forests and Public Lands and for the chance to be here. This legislation will protect and preserve lands for use by current and future generations and I look forward to seeing this bill brought to the House floor and eventually signed into law.

Mr. BISHOP. Thank you. And once again, if you would like to stay with us you are welcome to do so.

Actually, I haven't put that in a motion yet. I would ask unanimous consent that any Member who wishes to stay here be allowed to be on the dais. Thank you. All right.

Mr. ISSA. And without objection, I will go to Judiciary I am afraid. Thank you.

Mr. BISHOP. If I object, will you stay?

Mr. ISSA. Mr. Chairman, I have no rule to hold against you. I will do as you wish.

Mr. BISHOP. Yes, yes. OK. Thank you for being here.

Congressman Huizenga from Michigan? Bill, I hope I have pronounced that properly.

Mr. HUIZENGA. You did, Chairman, and when my bill is up in front of your Committee it doesn't matter how you pronounce my name.

Mr. BISHOP. OK. Congressman Smith, you are recognized.

STATEMENT OF THE HONORABLE BILL HUIZENGA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. HUIZENGA. I appreciate that, Mr. Chairman. Chairman Bishop, I appreciate that, and Chairman Hastings and Ranking Member Grijalva. Thank you for taking this up. This is an important hearing.

Sleeping Bear National Lakeshore Conservation and Recreation Act. The legislation which sits before you really is about establishing reasonable boundaries, preserving historic landmarks, protecting private property both within and around the property, around the park, and maintains hunting and fishing rights exercised for generations and, more importantly, as Chairman Hastings was talking about, there has been broad local input.

It enjoys broad public support in Michigan and especially locally. It is bipartisan, bicameral sponsorship in Congress, and it really protects a popular unit of the National Park System in our state.

I would also like to thank Chairman Dave Camp for partnering with me in this effort and being here as a co-lead in the House, as well as Congressman Benishek and Congressman Kildee, who were co-sponsors of this bill, H.R. 977.

Earlier this year, with over 100,000 votes nationwide, Sleeping Bear Dunes National Lakeshore was named the most beautiful place in America by ABC's Good Morning America, beating such locales as Aspen, Colorado; Cape Cod, Massachusetts; Hawaii; Sedona, Arizona. With an annual visitation of about 1.2 million people, it is estimated that the economic impact of \$78 million locally is significant.

And I can tell you that maintaining and protecting access to the lakeshore is absolutely vital as a part of that economy because it is entirely dependent on tourism, tourism and agriculture up in that area. Chairman Hastings had referenced a little bit about that broad local input and, Chairman Bishop, you referenced “locking” up the land as being significant. I could not agree with you more, and quite honestly the road to this piece of legislation has not been an easy one.

In 2002, I was the District Director for my predecessor, Peter Hoekstra. At that time, the district was coming out of Congressman Bart Stupak’s—I am sorry. This area, this county, was coming out of Congressman Bart Stupak’s district, going and being split into both Peter Hoekstra and Dave Camp’s district. I remember a press conference up there at the time that had Carl Levin, Bart Stupak, Peter Hoekstra, Dave Camp all on the same page saying hey, wait a minute. We need to hit the time out button here.

And that was because the National Park Service had really ignored public input and had developed a management plan that would have brought the park back to “pre Columbian era”, and they were talking about tearing up all the county roads to the beaches, destroying many historic landmarks and making sure that the park was virtually inaccessible to the public, and that was just viewed as completely unacceptable.

This quickly resulted, as you can imagine, in just an amazing outcry in northern Michigan and the eventual formation of Citizens For Access To The Lakeshore or CAL, a representative of which, Ron Liesemer, who is here behind me, will be joining you later in the next panel.

In 2009, after eight years of collaboration among the park’s officials, road commissions, chambers of commerce, local private business people, rotary clubs and virtually every other stakeholder imaginable, the Park Service finalized and adopted a new management plan with vast support throughout the community. Is it unanimous? No. Is it vast? Absolutely.

There is a consensus within the community that this is the direction to go. The plan embodied in this legislation is a balanced proposal that will ensure access to this popular resource, protecting hunting and fishing, preserving private property rights while protecting those from the most fragile aspects.

I believe that an important responsibility of Congress is to also hold the Executive Branch accountable for their actions, particularly when they don’t consult the public. This started in 1970. It was also done in the early 1980s and then in 2002. It has been over Republican and Democrat Administrations.

But Congress needs to recognize and act on those policies and recommendations when the public has been fully engaged, which is what has happened here. This is a perfect example of that. H.R. 977 has done that. Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act demonstrates how the process can and frankly should work. The local citizens and stakeholders have invested significant time and effort in working with us, with the National Park Service and in developing the appropriate policies for the area.

Again, I would like to thank the Committee for recognizing the high level of local involvement that has gone into this, and it is my hope that the full Committee will soon send this bill before the full House of Representatives. I appreciate being here with you today. [The prepared statement of Mr. Huizenga follows:]

Statement of The Honorable Bill Huizenga, a Representative in Congress from the State of Michigan, on H.R. 977, Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act

Thank you Chairman Bishop, Ranking Member Grijalva and members of the subcommittee for holding this hearing on the Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act. The legislation, which would designate approximately 32,557 acres as wilderness, enjoys broad public support in Michigan, bipartisan, bicameral sponsorship in Congress and protects an important and popular unit of the National Park System in our state. I would also like to thank Chairman Dave Camp for partnering with me in this effort and being the co-lead here in the House.

Earlier this year, with over 100,000 votes nationwide, Sleeping Bear Dunes National Lakeshore was named the "Most Beautiful Place in America" by ABC's Good Morning America beating such locales as Aspen, Colorado; Cape Cod, Massachusetts; Lanikai Beach, Hawaii; and Sedona, Arizona. With an average yearly visitation of 1.2 million people and an estimated economic impact of \$78 million per year, protecting and maintaining access to the Lakeshore is absolutely vital as its economy is almost entirely dependent on tourism.

The road to introduction for this legislation was not easy. Originally, the National Park Service ignored public input in developing the management plan. As a result, the Park Service recommendations were flawed and were rejected by the public and Michigan's Congressional delegation. However, rather than trying to move ahead, the Park Service, with prodding from the Congressional delegation, went back to the drawing board and engaged in a transparent process with extensive discussions with the local citizens and stakeholders. The result, embodied in this legislation, is a balanced proposal that will ensure access to this popular resource while protecting its most fragile aspects.

An important responsibility of Congress is to hold the Executive Branch accountable for their actions particularly when they do not consult with the public. However, Congress should also recognize and act on those policies and recommendations in which the public has been fully engaged. An example of this is H.R. 977. The Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act demonstrates how the process can and should work. The local citizens and stakeholders have invested significant time and effort in working with us and with the National Park Service in developing the appropriate policies for this area.

Again, I would like to thank the Committee for recognizing the high level of local involvement by scheduling H.R. 977 for action, and it is my hope that the full Committee will soon send this bill before the full House of Representatives for consideration.

Mr. BISHOP. Thank you. I appreciate your testimony from the gentleman from Michigan.

You indicated you had another engagement as well. You are welcome to stay here if you would like to. Otherwise, you are free to hobble on to your next group. Try not to take out some of the viewers there with your crutches.

Mr. HUIZENGA. I will try not to. Thank you, Chairman.

Mr. BISHOP. With that, let me finish off the rest of the panel. Once again to the three of you who still remain, if you would like to stay here, please free to do so.

Representative Reichert, we will have—I am sorry. Mr. Reichert, we won't have you go yet.

I note the presence of the Ranking Member of the full Committee, who by right has the opportunity to give an opening state-

ment. I will recognize Mr. Markey at this time if he would like to do that.

STATEMENT OF THE HONORABLE EDWARD J. MARKEY, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF MASSACHUSETTS

Mr. MARKEY. Thank you, Mr. Chairman, very much and thank the Members for joining us here today.

Mr. Chairman, it is remarkable that the two sides of this wilderness debate can look at the same proposals and see very different things. Where wilderness opponents see a Federal land grab, we see an attempt to bring balance to Federal land management policy that is currently tilted wildly in favor of resource extraction.

Where opponents see wasted space that could be better used for well pads and roads and open pit mines, we see pristine, open spaces which protect habitat, provide clean drinking water and allow visitors from around the world to marvel at the incredible beauty of this country. And where wilderness opponents see missed opportunities for multinational corporations to reap vast profits, we see economic engines powering local economies with tourism and recreation dollars.

In order to have a rational discussion of wilderness proposals, the fundamental misconceptions that lead to these very different views must be addressed.

First, the Wilderness Act does not create wilderness. In fact, Congress does not even create wilderness. Wilderness was created long before we arrived by a much higher power. The best we can do and what the Wilderness Act seeks to do is identify those areas we have not yet altered beyond recognition and preserve them so that those who come after us will have some idea of what this world looked like when it was given to us by our Creator.

Second, wilderness is a multiple use designation. The fact that off-road vehicles and oil wells are prohibited does not mean these areas are locked up. A wide variety of recreational activities, including hunting and fishing, are allowed and in fact flourish in wilderness areas. Grazing and even mining occur in some wilderness areas, and any activity necessary for the control of insects or fire or the protection of public safety are allowed in wilderness.

And finally, the choice between preserving wilderness and energy development is a false one. We have accomplished and we must continue to do both. Oil production on public lands is at an almost 10-year high. Gas production is at an all-time high, and these levels could increase dramatically if energy companies simply begin production on leases that they already hold.

Nearly two-thirds of the Federal land in the Lower 48 states is already open to some level of energy production. The wilderness designations on land where by definition energy production is not now occurring will have no impact whatsoever on overall oil and gas production in this country. Previous Congresses have identified wilderness preservation as an important goal on par with other uses of our public lands. Unfortunately, the goals of wilderness preservation has been undermined, mischaracterized and sacrificed on the altar of energy development.

The Members testifying today on their wilderness proposals deserve a fair hearing free of the falsehoods and mischaracterizations that have been used in the past to inflame the wilderness debate. I look forward to hearing all of the witnesses testify today, and we thank each of you for appearing, and I yield back the balance, Mr. Chairman.

[The prepared statement of Mr. Markey follows:]

**Statement of The Honorable Edward J. Markey, Ranking Member,
Committee on Natural Resources**

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The Members testifying today on their wilderness proposals deserve a fair hearing—free of the falsehoods and mischaracterizations that have been used in the past to inflame the wilderness debate.

I look forward to learning more about these proposals and thank our colleagues for their hard work and commitment to balanced federal land management policy. I yield back.

Mr. BISHOP. I thank the Ranking Member for his participation. All right. Now we will go back to Mr. Reichert and ask you how you particularly wish to dress the garden.

STATEMENT OF THE HONORABLE DAVID REICHERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. REICHERT. Well, I thank the Chairman for holding this hearing and the Ranking Member and also full Committee Chairman Hastings and the Ranking Member of the full Committee, Mr. Markey, for attending today and allowing us to present our thoughts on particular wilderness areas that pertain specifically to our districts.

And I agree. I would be personally a little bit disappointed and upset if someone from another district or another state decided that they wanted to look at an area in my district and consider it as a project for themselves. In Washington state, I think as everyone on this Committee is very well aware, we are very environmentally astute and very environmentally aware, and we work very closely together on these issues.

This has been a project in the making since 2007, and we have done this the right way. We have come together as a community, as stakeholders in meeting after meeting after meeting after meeting, drawing and redrawing the boundaries of the addition to the current Alpine Lakes Wilderness Area. Our hope is that you will continue the good work that you did in the last Congress in passing this bill out of your Committee and onto the Floor as it passed last Congress also.

I agree with some of the comments that were made today from both sides, but especially agree with the points that have been made regarding individuality specific to districts. Local control I think is absolutely critical in this area. As I said, as the community has come together this is a project that has had people put a lot of heart and soul into finally coming to a decision and moving forward on this wilderness area.

This is an opportunity for us on the west side of the Cascades in Washington to add some wilderness area that has been abused in the past, and I know this from personal experience as the sheriff in King County for eight years, the last eight years of my career there, but 33 years there and knowing this area very, very well as a cop on the streets and as the sheriff of the county.

This was an area that was used by crooks to dump stolen goods, stolen automobiles. It was an area used by some of the community to dump old furniture and dishwashers. It has also recently become an area, until volunteers came forward and helped clean up this hopefully protected area here in the near future, has become an area where people have dumped meth residue, old meth labs, meth equipment, and it really has created a problem where some of this residue has seeped into the rivers and streams nearby.

Alpine Lakes Wilderness Area has not just originated here on the House side, but it is also supported by people on the opposite side of the aisle, on both sides of the aisle in the House, but also there is a companion bill on the Senate side that Patty Murray has. My staff has given me some facts for you to show how in-depth we have gone here.

This has been extensive consultation, consensus building with local stakeholders and, as I said, as late as May 2007 frequent gatherings to collaborate with elected officials, conservation enthu-

siasts, recreation groups, property rights groups and advocates. We constructed this modified proposal. This is why, one of the many reasons why, this and the original proposal enjoys strong, broad-based local support.

They have given numbers of 74 elected officials, and this is a rural area again so there are not a lot of elected officials out there, but this represents the majority of elected officials in the area, 115 businessmen and women ranging from recreational outfitters to restaurants and retailers.

So again, this we see as an economic opportunity for areas like North Bend, as the Chairman knows, Snoqualmie, Summit and other small cities around the area, bicycles, fishing shops and restaurants, and we appreciate your considering our bill. Thank you for the opportunity to testify this morning.

[The prepared statement of Mr. Reichert follows:]

Statement of The Honorable Dave Reichert, a Representative in Congress from the State of Washington, on H.R. 608, Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act

Chairman Bishop, Ranking Member Grijalva, and Members of the Subcommittee—thank you for holding this hearing on the *Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act* (H.R. 608), and for allowing me to testify in support of this measure. I would also like to extend my appreciation to the Natural Resources committee for approving the legislation last year and the House passing it unanimously. Additionally, I wanted to mention that Senator Patty Murray has been an outstanding partner in this bipartisan conservation effort, and I am pleased to have her leadership and the support of Senator Maria Cantwell on this bill.

H.R. 608 builds upon the proud Washington State tradition initiated by Senators Warren Magnuson (D-WA), Scoop Jackson (D-WA), and Dan Evans (R-WA) of working together to protect our public lands and preserve recreational opportunities for outdoors enthusiasts. The people of Washington State understand how this bipartisanship works for their lasting benefit: look no further than Mt. Rainier, Olympic, and the North Cascades National Parks to see how these anchors of outdoor recreation are treasured by residents and visitors alike.

The current 394,000-acre Alpine Lakes Wilderness reaches the crest of the Cascade Mountains just east of the Seattle-Bellevue metropolitan area. In 1976, the Alpine Lakes Wilderness was designated by Congress and has become one of the most popular wilderness areas in the country. Now, 30 years later, H.R. 608 provides an opportunity to permanently protect key additions to the Alpine Lakes Wilderness in my congressional district that will preserve important wildlife habitats, existing recreational opportunities, and local economies that rely on both. The legislation embraces important lower-elevation lands, completes watersheds, protects two rivers with Wild and Scenic designations (the Pratt and Middle Fork Snoqualmie Rivers), and provides clean water and flood control for the Middle Fork and South Fork valleys. Congressionally-designated Wilderness and Wild and Scenic River designations are the strongest and most durable means to ensure these special areas are preserved for our children and grandchildren to experience.

The Middle Fork and South Fork valleys are the closest and most accessible mountain valleys to residents of the greater Seattle-Bellevue metropolitan area. The proposed additions have been carefully crafted with consideration for existing recreational opportunities for hiking, camping, rafting, kayaking, horseback riding, mountain biking, and wildlife viewing. It also protects a large area of accessible lowland forests, preserving hunting and fishing opportunities in primitive settings.

This proposal also protects an important wildlife habitat that contains abundant elk and deer populations. And although salmon are not present in the Middle Fork, there are substantial populations of resident trout that rely on the streams of the Pratt and Middle Fork Snoqualmie Rivers. These watersheds are sources of clean water, important for downstream fisheries and commercial and residential water users. Preserving the forests as Wilderness would ensure maintenance of flow during the dry summer months, and aid in flood control. The Snoqualmie basin is subject to flood events on a regular basis; the low-elevation forest valleys are critical to controlling run-off rates here and the proposed additions would preserve intact

forest ecosystems, protecting against increasing flood severity on downstream infrastructure and residents.

The benefits of the legislation are clear, but the process we engaged in to reach this consensus measure is equally important for the Subcommittee to consider. I am proud of the fact that this legislation is the result of extensive consultation and consensus-building with local stakeholders. Meetings began as early as May 2007, and frequent gatherings to collaborate with elected officials, conservation enthusiasts, recreation groups, and property-rights advocates constructed and modified this proposal to address concerns raised by stakeholders. That is one of many reasons why this and the original proposal enjoys the strong, broad-based local support of 74 elected officials; 115 businesses, ranging from recreational outfitters to restaurants and retailers; 15 hunting and angling groups; 14 recreational groups, including paddlers, bikers, and hikers; 25 conservation organizations; and 68 religious leaders.

This collaborative approach is best exemplified by an agreement worked out between user groups for access to trails along the wilderness boundary. Through discussions with mountain bikers, hikers, and conservationists, a consensus plan was crafted to use the trail adjacent to the proposed wilderness addition on alternate days, so that those hikers seeking a trail experience without encountering bicyclists could do so on specific days. Here is an innovative resolution to what might otherwise have been a festering controversy. This collaboration is a perfect example of the broad coalition of supporters for this proposal, and the unity of purpose among them in seeking federal designation for these wilderness additions.

The additions made by H.R. 608 to the Alpine Lakes Wilderness Area, combined with the designation of the Middle Fork Snoqualmie River, fit the Washington State tradition of collaborative, consensus-based, environmental stewardship. This wilderness will serve vast, untold numbers of Americans. It serves those who choose to adventure into its quiet valleys and up to its sentinel peaks. Some of those are hardy mountain climbers; for others the adventure is an afternoon walk, grandparents introducing their grandchildren to nature at its most wild and inviting along a quiet, easy wilderness trail. It serves the larger group of wilderness users who take pleasure from the wilderness they view from the Mountains-to-Sound Greenway, an extraordinary corridor of protected federal, state, and private lands offering all kinds of recreational opportunities to those who travel across our state on Interstate 90, which crosses the Cascades just south of the Alpine Lakes Wilderness. Those who savor the wild scenery from more developed sites and roadways are no less users of wilderness than the adventurers who trek to the highest, farther peaks.

Finally, this wilderness serves the future generations for whom we must act today. As a grandfather, I understand that we have a stake today in a future I will not live to see. That is the world in which our grandchildren's children will live their lives, amid whatever kind of landscape we have left them. Count mine as one solid voice on behalf of ensuring that the landscape we bequeath to future generations is one with an abundant, generous, and diverse system of wilderness areas, not only in the most remote stretches of our beautiful country, but right here close to home—in a “backyard wilderness” such as the Alpine Lakes.

I urge you to support this legislation and to approve it for floor consideration. Again, I appreciate your leadership and responsiveness in scheduling this hearing, and I would be pleased to respond to any questions.

Mr. BISHOP. Thank you, Congressman.

Representative Chaffetz? If you want to switch, I don't care. We are going to finish the row at the table somewhere. Do you want to go first, Representative Simpson?

Mr. SIMPSON. I will go first. I was very pleased that—

Mr. BISHOP. We have a pre-existing relationship, so I can accept this, can't we?

Mr. SIMPSON. I was going to say, I was glad to see that the small gift I brought the Chairman and the Chairman of the full Committee, the Idaho potato pin, didn't influence your order of presentation here.

Mr. HASTINGS. Would the gentleman yield for a moment?

Mr. SIMPSON. I would be happy to.

Mr. HASTINGS. You didn't tell the whole story about our conversation on yield per acre. I don't think you mentioned that.

Mr. SIMPSON. I knew I shouldn't have brought that up.

STATEMENT OF THE HONORABLE MICHAEL SIMPSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Mr. SIMPSON. Anyway, Chairman Bishop and Ranking Member Grijalva, Chairman Hastings and Ranking Member Markey, thank you for holding this hearing today and giving me the opportunity to testify about H.R. 2050, the Idaho Wilderness Water Resources Protection Act. This nonpartisan, noncontroversial legislation is a technical fix intended to enable the Forest Service to authorize and permit existing historical water diversions within Idaho wilderness.

Last Congress, one of my constituents came to me for help with the problem. The Middle Fork Lodge has a water diversion within the Frank Church-River Of No Return Wilderness Area that existed before the wilderness area was established and is protected under statute. The diversion was beginning to leak and was in desperate need of repairs to ensure that it did not threaten the environment and watershed, but it turned out the Forest Service did not have the authority to issue the lodge a permit to make the necessary repairs.

As we looked into this issue, we discovered that the Forest Service lacks this authority throughout both the Frank Church-River Of No Return Wilderness where there are 22 known water developments and the Selway-Bitterroot Wilderness where there are three. These diversions are primarily used to support irrigation, minor hydroelectric generation for use on non-Federal lands.

While the critical situation at the Middle Fork Lodge brought the issue to my attention, it is obvious to me that this problem is larger than just one diversion. At some point in the future, all 25 of these existing diversions will need maintenance or repair work done to ensure their integrity.

H.R. 2050 authorizes the Forest Service to issue special use permits for all qualifying historic water systems in these wilderness areas. I believe it is important that we get ahead of this problem and ensure that the Forest Service has the tools necessary to manage these lands.

For these reasons, I introduced H.R. 2050. The legislation, which was passed by the House last Congress, allows the Forest Service to issue the required special use permits to owners of historic water systems and sets out specific criteria for doing so. Providing this authority will ensure that existing water diversions can be properly maintained and repaired when necessary and preserve beneficial use for private property owners who hold water rights under state law.

I have deeply appreciated the cooperation of the Forest Service in addressing this problem. Not only have they communicated with me the need to find a system-wide solution to the issues, but at my request they drafted this legislation to ensure that it only impacts specific targeted historical diversions, those with valid water rights that cannot feasibly be relocated outside of the wilderness area.

H.R. 2050 is nonpartisan and noncontroversial. It is intended as a simple, reasonable solution to a problem that I think we can all

agree should be solved as quickly as possible. I am encouraged that the Committee has decided to hold a hearing on this bill and hopeful that we can move it through the legislative process without delay so that the necessary maintenance to these diversions may be completed before the damage is beyond repair.

I thank the Chairman for holding this hearing and inviting me to testify this morning.

[The prepared statement of Mr. Simpson follows:]

Statement of The Honorable Michael Simpson, a Representative in Congress from the State of Idaho, on H.R. 2050, the Idaho Wilderness Water Resources Protection Act

Chairman Bishop and Ranking Member Grijalva, I want to thank you for holding this hearing today and giving me an opportunity to testify about H.R. 2050, the Idaho Wilderness Water Resources Protection Act.

This bipartisan, non-controversial legislation is a technical fix intended to enable the Forest Service to authorize and permit *existing* historical water diversions within Idaho wilderness.

Last Congress, one of my constituents came to me for help with a problem. The Middle Fork Lodge has a water diversion within the Frank Church-River of No Return Wilderness Area that existed before the wilderness area was established and is protected under statute.

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H.R. 2050 is bipartisan and non-controversial. It is intended as a simple, reasonable solution to a problem that I think we can all agree should be solved as quickly as possible. I am encouraged that the Committee has decided to hold a hearing on this bill and am hopeful that we can move it through the legislative process without delay so that the necessary maintenance to these diversions may be completed before the damage is beyond repair.

Thank you, Mr. Chairman.

Mr. BISHOP. I thank Congressman Simpson for joining us. Once again, if you would like to stay, please feel free. If you have other obligations, everyone else has bailed on us as well. You can as well.

Mr. SIMPSON. I would have stayed had I been the first to testify because I would have done that, but now I have other obligations.

Mr. BISHOP. What is that about first liars never something?

Mr. Chaffetz does not have a wilderness bill, per se, but we have been talking about creating land designation, as well as modifications within land designation, and your bill before us today is one that deals with modifications of land designation. Mr. Chaffetz, you are recognized.

**STATEMENT OF THE HONORABLE JASON CHAFFETZ, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. CHAFFETZ. Thank you. Thank you, Chairman Bishop. Thank you, Chairman Hastings, Ranking Member Grijalva and Members of the Subcommittee. I thank you for allowing me to testify before you today on H.R. 1126, the Disposal of Excess Federal Lands Act. I look forward to the discussion and hearing from the witnesses.

Federal land ownership is a heated, but critical, topic in my home state of Utah, and I appreciate the Committee for holding a hearing and advancing this dialogue. One of the witnesses is from my and the Chairman's home state. Mark Ward, who will deliver testimony in support of 1126, is a Senior Policy Analyst, Public Lands and Natural Resource Counsel, for the Utah Association of Counties.

Among other things, the Utah Association of Counties is designated to "securing state and Federal legislation and administrative action that is beneficial to the counties of Utah and the county residents." Needless to say, I value their mission, their expertise and their support. I am grateful for Mark Ward's participation here before the Committee today.

H.R. 1126 directs the Secretary of the Interior to sell Federal lands that were initially identified in a 1997 report conducted by the Clinton Administration. The report directed the Secretary of the Interior to identify Federal lands suitable for disposal. The Secretary identified roughly 3.3 million acres of BLM land in 10 western states in its final report. These lands remain in Federal ownership today. Under the bill, all proceeds from the sales would be directed to the U.S. Treasury to help reduce the \$14.9 trillion debt.

At the time, Assistant Secretary of Policy, Management & Budget in the Department of the Interior for President Clinton, Bonnie Cohen, expressed optimism for the report when she said, "The Department of the Interior is working closely with the General Services Administration to further identify, evaluate and dispose of excess Federal property for this important initiative."

Unfortunately, the Department and the GSA never quite got around to finishing the job. The 3.3 million acres identified remain in Federal control today. These lands amount to just over 1 percent of BLM land and less than half of 1 percent of all Federal lands, and given the fact that over 90 million acres have been acquired since 1997 I believe it is important to ask the question when is enough Federal land enough.

Throughout the course of U.S. history, the Federal government has acquired roughly 1.8 billion acres of land. These acquisitions have come via accession by the colonies, treaties and purchases.

For example, the most well known acquisition was the Louisiana Purchase in 1801.

Up until passage of the Federal Land Policy and Management Act of 1976, it was generally the policy and intent of the Federal government to transfer ownership of most lands to private and state ownership. This policy resulted in the transfer of approximately 1.2 billion acres of land to private and state ownership since our country's beginning. Current estimates place Federal land ownership at approximately 660 million acres.

Current Federal land policies favor acquisition, not disposal. Between 1997 and 2004, the General Service Administration estimated that Federal land ownership increased 16 percent, from 563.3 million acres to roughly 653.3 million acres. By comparison, between 2000 to 2010 net land disposal under the Federal Land Transaction Facilitation Act totaled just 7,832 acres.

Many states in the West have more than 50 percent of the lands that are controlled by the Federal government. In Utah, this means that just 31 percent of the land is subject to state and local taxation, a reality that places great burdens on public education, firefighters and police officers who depend on state and local taxes for financial support.

Returning certain Federal lands back to state control would help alleviate these restraints. Removing certain public lands from Federal control would allow Federal land management agencies to focus on lands more deserving of active management techniques. It is neither logical nor responsible for the Federal government to own and manage surplus lands. Management of surplus land is more expensive and pulls resources from lands that are truly deserving of Federal management.

H.R. 1126 is needed to streamline Federal land management. In closing, I want to reiterate my thanks to the Subcommittee. Federal land ownership issues are extremely important to my state and the West at large. The Federal government owns nearly one-third of the land mass and continues to spend millions of dollars each year to acquire more and more.

Despite escalating budget deficits and a record high national debt, the Federal estate continues to grow, not shrink. This growing portfolio limits local governments' ability to deliver vital public services such as public education. There are lands that should continue to fall under the purview of the Federal government, but we must also work together to identify and dispose unneeded, excess or surplus Federal lands.

The current land disposal and exchange system is broken. Consideration of H.R. 1126 is a good start toward fixing that problem. I thank you, Mr. Chairman.

[The prepared statement of Mr. Chaffetz follows:]

**Statement of The Honorable Jason Chaffetz, a Representative
in Congress from the State of Utah, on H.R. 1126**

Chairman Bishop, Ranking Member Grijalva, and members of the Subcommittee, thank you for allowing me to testify before you today on H.R. 1126, the Disposal of Excess Federal Lands Act. I look forward to the discussion and hearing from the witnesses. Federal land ownership is a volatile topic and I appreciate the Committee for holding this hearing and advancing the dialogue.

One of the witnesses is from my—and the Chairman's—home state. Mark Ward, who will deliver testimony in support of H.R. 1126, is the Senior Policy Analyst/

Public Lands and Natural Resources Counsel for the Utah Association of Counties. Among other things, the Utah Association of Counties is dedicated to “Securing state and federal legislation and administrative action that is beneficial to the counties of Utah and to county residents.” Needless to say, I value their support and am grateful for Mark’s participation.

H.R. 1126 directs the Secretary of the Interior to sell lands that were initially identified in a 1997 Report conducted by the Clinton Administration. The Report directed the Secretary of Interior to identify lands which were suitable for disposal. The Secretary identified roughly 3.3 million acres of Bureau of Land Management land in ten western states in its final report—these lands remain in federal ownership today. Under the bill, all proceeds from the sales would be directed to the U.S. Treasury to help reduce the \$14.9 trillion debt. At the time, Assistant Secretary of Policy, Management, and Budget Bonnie Cohen, expressed optimism for the Report when she said, “The Department of Interior is working closely with the General Services Administration to further identify, evaluate, and dispose of excess federal property for this important initiative.”

Unfortunately, the Department and GSA never quite got around to finishing the job. The 3.3 million acres identified remain in federal control today, which is troubling, as these lands amount to just over 1% of BLM land and less than one half of 1% of all federal lands. And given the fact that over 90 million acres have been acquired since 1997, I believe it’s important to ask the question, when is enough federal land enough?

Throughout the course of U.S. history, the federal government has acquired roughly 1.8 billion acres of land. These acquisitions have come via cession by the colonies, treaties, and purchases. For example, the most well known acquisition was the Louisiana Purchase in 1801. Up until 1976, it was generally the policy and intent of the federal government to transfer ownership of most lands to private and state ownership. This policy resulted in the transfer of approximately 1.2 billion acres of land to private and state ownership since our country’s beginning. Current estimates place federal land ownership as approximately 660 million acres.

Current federal land policies favor acquisition, not disposal. Between 1997 and 2004, the General Services Administration estimated that federal land ownership increased 16 percent—from 563.3 million acres to 653.3 million. By comparison, land disposed under the primary federal land disposal program totaled just 7,832 acres. Between 2000–2010 just 25,967 acres were sold under the Federal Land Transaction Facilitation Act while 18,135 acres were acquired—a net reduction of 7,832 acres, or just a fraction of a fraction of all federal lands.

In the West, more than 50% of the lands are controlled by the federal government. In Utah, just 31% of the land is subject to state and local taxation—a reality that places great burdens on public education, firefighters, and police officers who depend on state and local taxes for financial support. Returning certain federal lands back to state and local control would help to alleviate these restraints.

Removing certain public lands from federal control would allow federal land management agencies to focus on lands more deserving of active management techniques. It is not logical nor responsible for the federal government to own and manage surplus lands. Management of surplus land is more expensive and pulls resources from lands that are truly deserving of federal management. H.R. 1126 is needed to streamline federal land management.

In closing, I want to reiterate my thanks to this Subcommittee. Federal land ownership issues are extremely important to my state and the West at large. The federal government owns a disproportionate amount of land and is seemingly doing little to reverse the trend. There are lands that should continue to fall under the purview of the federal government, but we must also work together to identify and dispose excess lands. The current land disposal and exchange system is broken. Consideration of H.R. 1126 is a good start towards fixing it.

Mr. BISHOP. Thank you, Congressman. Once again, if you would like to stay with us we would welcome you to do so.

I have two other witnesses that need to be heard. We have two other bills before us today, first of all from Congressman DeFazio and then Congressman Heinrich.

Congressman DeFazio is recognized to introduce your bill if you would.

STATEMENT OF THE HONORABLE PETER DeFAZIO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. DEFAZIO. Thank you, Mr. Chairman. Thanks for this opportunity. I have a statement, which I will insert in the record, and I will summarize to save time for the Committee.

H.R. 1413, Devil's Staircase Wilderness Act. This legislation passed out of this Committee in the last Congress, and I am hopeful it will again in this Congress. This is a truly wild area. It is an area where logging was ceased in the early 1970s because it is the area of steepest and most unstable slopes in the coast range of Oregon, and it was found unsuitable for harvest.

There are two other overlays on the land, so it never will be actively managed. However, it does merit special designation as a wilderness. It is trail-less. It is incredibly steep and varied, multiple canopies of old growth. It has an incredible population of species, frequently rare species and endangered species.

I personally made the trek to the Devil's Staircase. Maybe a couple hundred people have ever gotten there. For a while it was even rumored whether it existed or didn't exist until about 30 years ago. So it is a truly wild area that does deserve a special designation and recognition, and I would recommend it to this Committee.

With that, Mr. Chairman, I would just put my statement in the record.

[The prepared statement of Mr. DeFazio follows:]

Statement of The Honorable Peter DeFazio, a Representative in Congress from the State of Oregon, on H.R. 1413, Devils Staircase Wilderness Act

Thank you Chairman Bishop for holding this hearing and for including H.R. 1413, the Devil's Staircase Wilderness Act.

My bill would designate approximately 30,000 acres of the Siuslaw National Forest and the Bureau of Land Management's Coos Bay District as the Devil's Staircase Wilderness Area. The bill would also designate a 4.5 mile segment of Franklin Creek and a 10-mile segment of Wasson Creek as "wild." These feeder streams support federally listed Coho and Chinook salmon.

Having undertaken the day-long trek to the series of cascading pools that give the area its name, I can personally attest to the rugged nature and extraordinary beauty of Devil's Staircase. If there is a place in Oregon that meets the "untrammelled by man" definition in the Wilderness Act, Devil's Staircase is that place.

H.R. 1413 should not be a controversial bill. The area represents one of the largest remaining old growth forests and the largest roadless area in Oregon Coast Range—where less than 10% of the land remains unlogged.

With 1,800 foot canyons, the area is unsuitable for logging and road-building. In fact, the forest soils in the area are mostly classified as the most landside-prone soil type in Oregon and among the most unstable in the world.

Unstable soils so plagued early efforts to log in the vicinity of Devil's Staircase that, in the 1970s, the U.S. Forest Service withdrew from timber management all land between the Smith and Umpqua Rivers—the location of the proposed wilderness area.

Today, Devil's Staircase is designated as a Late Successional Reserve, which is managed to protect and enhance the habitat for old growth-related species under the Northwest Forest Plan. The area is also designated as critical habitat for the northern spotted owl—a federally listed species. Even under the controversial 2008 Western Oregon Plan Revisions, the area was off-limits to logging.

I am currently working with the Oregon Congressional Delegation, Governor Kitzhaber, and key stakeholders on a long-term management plan for the O&C Lands—a unique set of lands in western Oregon. Our goals include providing a more predictable supply of timber to rural communities, greater financial certainty to forested counties, and lasting protection for the most sensitive places on the landscape.

In every scenario discussed for the O&C Lands, there is broad and bipartisan agreement that Devil's Staircase should be protected as wilderness. Even the Asso-

ciation of O&C Counties has agreed in its proposal for the O&C Lands that Devil's Staircase should be off the table.

I have gone to great lengths to accommodate concerns from neighboring landowners and key stakeholders. In my bill, I explicitly protect all valid and existing rights between federal land management agencies and private parties. This includes reciprocal right-of-way, tail-hold, and access agreements.

I included a section in the bill to protect fishing and hunting privileges.

I accommodated the Chairman's concerns about "Buffer Zones" by adding language from the previous Congress clarifying that my bill does not include protective perimeters or buffer zones around the wilderness area.

And, while not explicitly stated, Devil's Staircase would fully comply with the Wilderness Act by allowing the respective secretaries to take necessary measures to control fire, insects, and disease.

I appreciate the Obama Administration's support for H.R. 1413. And, I look forward to working with you Chairman Bishop and my colleagues on the committee to move this legislation forward.

I am happy to answer any questions.

Mr. BISHOP. Thank you. Appreciate that.
Representative Heinrich?

STATEMENT OF THE HONORABLE MARTIN HEINRICH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Mr. HEINRICH. Thank you, Mr. Chairman. I want to thank our witnesses who are here today.

The Cibola National Forest provides a stunning background to the City of Albuquerque and much of central New Mexico. Stretching north to south through the Sandia-Manzano Mountains, this national forest demonstrates the value of preserving back country opportunities near urban areas.

H.R. 490 would transfer the 896 acre Manzano Wilderness Study Area from the BLM to the Forest Service and add it to the existing Manzano Mountain Wilderness Area. Because this is an isolated BLM parcel bordered on two sides by Forest Service wilderness, this transfer would streamline management of the land and permanently protect habitat for local wildlife.

The bill has strong support from residents in my district and is part of our western values in New Mexico to support our public lands, wildlife and wilderness that are vital to our state's natural heritage and to our tourism sector, which is the second largest private industry in our local economy.

In fact, according to the Outdoor Industry Association, outdoor recreation spaces like this in New Mexico yield 43,000 jobs and \$3.8 billion to the state's economy. On the national level, the outdoor industry creates seven million jobs and contributes \$730 billion to our economy annually.

We consider it a real blessing to have such a space so close to our metropolitan area. Thousands of families, including my own, appreciate the chance to drive a few minutes to be able to spend a half day or a full day in some of America's most spectacular public lands. This move is also a priority for local sportsmen who rely on the Manzano Mountain wilderness to provide habitat for game species such as turkey, bear and mule deer, and it is supported by the New Mexico Wildlife Federation.

This is about keeping our landmark promise to future generations, and I can't say enough about the importance of partnerships between sportsmen and other public land conservationists.

Last Congress an identical bill received bipartisan support in the full Committee, and I look forward to working with Chairman Bishop, Ranking Member Grijalva and the other Members of this Subcommittee to see this area protected in my district. I yield back my time.

Mr. BISHOP. I appreciate the witnesses, the Members of Congress that have introduced their bills.

We are going to now turn to the next panel, and I would invite them all to come up. We will just have one panel. I invite Mike Pool, who is the Deputy Director of BLM at the Department of the Interior; Mark Ward, who is the Senior Policy Analyst for the Utah Association of Counties; Dr. Brian Steed from Utah State University of the Huntsman School of Business; Dr. Ronald Liesemer, who is the Vice President of Citizens for Access to the Lakeshore; and Ms. Erica Rosenberg, who is the Board President of Western Lands Project.

If you could all come and take your place at the dais, I would appreciate it.

[Pause.]

Mr. BISHOP. One again, we thank you all for being with us here today. As has been stated before, for those of you who are new and those of you who aren't, your written statements will already appear in the record. We would ask you to summarize your statements orally in the five minutes that is allowed to each of you.

The clock in front of you should tell you the time that is there. When the light is green, we are running well. When the light turns yellow, there is one minute hopefully to summarize. When the light turns red, we would like you to conclude your statements hopefully without a compound sentence.

Someday I am going to get my way on this Committee and we are going to do bills one at a time. However, because we are under some time constraints we would like to hear from each of the witnesses here, and then we will turn to the Committee for questions.

So, Mr. Pool, especially as you are starting from the Administration, from the Department of the Interior, we would ask you to comment on all or any of the bills in which you wish to, and then we will simply go from left to right down the line. You are recognized for five minutes.

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

Mr. POOL. Thank you, Mr. Chairman and Members of the Committee, for inviting the Department of the Interior to testify on a number of public land bills. I will briefly summarize my testimonies and ask that they be included in the record.

The Department of the Interior supports the expansion of the Beauty Mountain Wilderness Area by 14,000 acres in San Diego County. The BLM welcomes the opportunity presented by H.R. 41 to enhance protection for this important area. We defer to the Department of Agriculture regarding the expansion of the Agua Tibia Wilderness Area.

H.R. 490 transfers administrative jurisdiction of the 896 acre Manzano Wilderness Study Area from the Secretary of the Interior to the Secretary of Agriculture to be managed by the Forest Service as part of the Manzano Wilderness Area. This area is adjacent to the Forest Service managed Cibola National Forest, but isolated from other BLM managed lands. The BLM supports this transfer.

The Department supports H.R. 1413, Devil's Staircase Wilderness Act, as it applies to lands managed by BLM. H.R. 1413 proposes to designate over 30,000 acres as wilderness, as well as portions above Franklin Creek and Wasson Creek as components of the Wild and Scenic River System. Approximately 6,830 acres of the proposed Devil's Staircase Wilderness and 4.2 miles of the Wasson Creek proposed designation are within lands managed by the BLM. The Department of the Interior defers to the U.S. Department of Agriculture on those designations on National Forest System lands.

I am submitting testimony for the record on behalf of the National Park Service in support of H.R. 977, Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act. The bill will designate 32,557 acres or 46 percent of Sleeping Bear Dunes National Lakeshore in Michigan's Lower Peninsula as wilderness. The overwhelming majority of local officials, the conservation community and the Michigan delegation are united in their support for this bill as a winning resolution to an issue that has been debated since the park's establishment in 1970.

I am also accompanied today by Garry Oye, Chief of the National Park Service's Wilderness Stewardship Division, who would be happy to answer any additional questions the Committee may have on H.R. 977.

The Administration strongly opposes H.R. 1126, the disposal of excess Federal lands. H.R. 1126 would be costly, harmful to local economies and communities and undermine important resource values. It would also be unlikely to generate significant revenues to the U.S. Treasury. The Administration instead encourages Congress to reauthorize the Federal Land Transaction Facilitation Act.

FLTFA addresses many of the impediments to disposal by providing a careful, thoughtful process for land disposal, together with the mechanism for funding that disposal. Furthermore, the proceeds of the sale of BLM managed lands under FLTFA are used to acquire inholdings from willing sellers in the most environmentally sensitive areas. Thus, the long-term interest of the American public in future generations is protected.

The Administration continues to urge Congress to reauthorize FLTFA and allow the BLM to continue with the rational process of land disposal that is anchored in the public participation and sound land use planning while providing for land acquisition to strengthen the nation's conservation heritage.

Thank you for the invitation to testify today. I would be happy to answer any questions.

[The prepared statements of Mr. Pool follow:]

**Statement of Mike Pool, Deputy Director, Bureau of Land Management,
U.S. Department of the Interior, on H.R. 41, Beauty Mountain and Agua
Tibia Wilderness Act of 2011**

Thank you for inviting the Department of the Interior to testify on H.R. 41, the Beauty Mountain and Agua Tibia Wilderness Act of 2011. H.R. 41 significantly expands the Beauty Mountain Wilderness established by the Omnibus Public Land Management Act (P.L. 111-11). The Department welcomes the opportunity to enhance protection for this important area and supports this wilderness expansion. We would also like the opportunity to work with the sponsor and the Committee on minor and technical amendments to the bill, and note that the BLM can administratively accomplish the placement of recreational facilities described in the bill. The Department defers to the Department of Agriculture regarding the expansion of the Agua Tibia Wilderness involving National Forest System Lands.

Background

The Omnibus Public Land Management Act (P.L. 111-11) designated the Beauty Mountain Wilderness on 15,600 acres of public lands managed by the Bureau of Land Management (BLM) in Riverside County, California. This designation constituted the northern half of the Beauty Mountain Wilderness Study Area (WSA) within Riverside County; the law did not address the southern half of Beauty Mountain within San Diego County.

The Beauty Mountain area supports a rich complement of wildlife species because of its location within the transition zone from the oak woodlands and mountain chaparral of the eastern edge of the Peninsular Range to the creosote bush scrub at the western edge of the Colorado Desert. Home to several threatened or endangered desert species, these public lands enhance important wildlife corridors and landscape connections to the expansive Anza Borrego Desert State Park. Within an hour's drive of the major population centers of San Diego and Riverside, this area is a popular destination for a variety of dispersed outdoor recreational activities including camping, hiking, horseback riding and hunting.

H.R. 41

H.R. 41 enlarges the existing Beauty Mountain Wilderness by approximately 14,000 acres. The expansion of the wilderness area is critical to maintain open space and to protect this significant area of chaparral, canyons and forest in northern San Diego County. In 2007 and 2008, the BLM testified in support of the wilderness designation of Beauty Mountain, but noted that the southern boundary of the area was arbitrarily cut off at the county line. We welcome the completion of this wilderness area provided for in this legislation.

H.R. 41 represents several years of collaborative effort by Representative Issa that involved close coordination with elected officials, environmental organizations, community groups, adjacent landowners, and concerned individuals in San Diego County. Representative Issa worked diligently to seek consensus on the wilderness expansion from all segments of the public as well as private landowners adjacent to the wilderness.

There are several minor amendments to H.R. 41 that we would like to address. First, the BLM prepared a new map for Congressman Issa last year, dated March 2, 2010. This map more accurately reflects current land status showing the recent acquisition of private lands (largely through donation to the Federal government) within the proposed wilderness area. We recommend that the bill be updated to reference the new map from 2010, which reflects a wilderness addition of just over 14,000 acres.

Additionally, the BLM would like the opportunity to work on technical language modifications for consistency with other wilderness legislation. Finally, while we do not object to the intent of section 201 regarding the placement of recreational facilities such as a campground, parking areas and related facilities on adjacent lands, we prefer that these proposals be analyzed through the land management planning process, which includes public input and review. We request that it not be included in legislative language as it may reduce the agency's flexibility in the future. The BLM recommends that these issues instead be addressed in Committee report language.

Conclusion

Thank you again for the opportunity to testify in support of the provisions of H.R. 41 regarding the expansion of the Beauty Mountain Wilderness. I will be happy to answer any questions.

**Statement of Mike Pool, Deputy Director, Bureau of Land Management,
U.S. Department of the Interior, on H.R. 490, Cibola National Forest
Boundary Expansion**

Thank you for the opportunity to testify on H.R. 490, a bill that would expand the boundaries of the Cibola National Forest in New Mexico by transferring to the U.S. Forest Service (Forest Service) administrative jurisdiction of the Manzano Wilderness Study Area (WSA) and designating it as wilderness. The Manzano WSA is currently managed by the Bureau of Land Management (BLM). The Department of the Interior supports H.R. 490.

Background

The 896-acre Manzano WSA is adjacent to the existing Manzano Mountain Wilderness on the southern end of the Cibola National Forest. The landscape, located on the west face of the Manzano Mountains, includes pinon-juniper with extensive wildlife populations, such as mule deer, bear, coyotes, numerous raptors, and mountain lions.

The New Mexico offices of the BLM and the Forest Service periodically discuss opportunities to adjust boundaries to improve the management of Federal land in order to manage parcels more effectively and efficiently on the ground. Through these discussions, the Manzano WSA was identified as a parcel that could be managed more efficiently by the Forest Service than by the BLM. We look forward to continuing our work with the Forest Service to explore opportunities to provide for more efficient and effective management of BLM and Forest Service lands.

During the 111th Congress, the House Natural Resources Committee favorably reported legislation (H.R. 5388) after adopting an amendment in the nature of a substitute that addressed concerns raised by the Department of the Interior on the introduced bill. H.R. 490 is identical to H.R. 5388 as reported by the Committee.

H.R. 490

The bill (Section 1(c)) transfers administrative jurisdiction of the Manzano Wilderness Study Area from the Secretary of the Interior to the Secretary of Agriculture to be managed by the Forest Service as part of the Manzano Wilderness Area. This area is adjacent to Forest Service-managed National Forest System lands (the Cibola National Forest), but isolated from other BLM-managed lands. The BLM supports this transfer. The remaining provisions of H.R. 490 pertain exclusively to the U.S. Forest Service's management of these lands after the transfer of administrative jurisdiction. We defer to the U.S. Department of Agriculture on issues affecting management of National Forest System lands.

Conclusion

Thank you for the opportunity to testify on H.R. 490. I am happy to answer any questions.

**Statement submitted for the record by the U.S. Department of the Interior
on H.R. 977, To Designate as Wilderness Certain Land and Inland Water
Within the Sleeping Bear Dunes National Lakeshore in the State of
Michigan, and for other purposes.**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 977, a bill to designate the Sleeping Bear Dunes Wilderness at Sleeping Bear Dunes National Lakeshore in the State of Michigan.

The Department strongly supports enactment of H.R. 977. This legislation would designate 32,557 acres, or 46 percent, of Sleeping Bear Dunes National Lakeshore in Michigan's Lower Peninsula as federally protected wilderness. Management of the wilderness area would be in accordance with the 1964 Wilderness Act (16 U.S.C. 1131 et seq.).

P.L. 91-479 established Sleeping Bear Dunes National Lakeshore on October 21, 1970, in order ". . . that certain outstanding natural features including forests, beaches, dune formations, and ancient (glacial) phenomena. . . be preserved in their natural setting and protected from developments and uses which would destroy the scenic beauty and natural character of the area. . . for the benefit, inspiration, education, recreation, and enjoyment of the public." This bill clearly supports the intent of that law.

The park extends nearly 30 miles along the eastern shore of Lake Michigan. It also includes two large Lake Michigan islands with an additional 35 miles of shoreline. The park protects and preserves superlative scenic and recreational resources

including towering perched sand dunes that rise as high as 450 feet above Lake Michigan. The park contains several federally threatened and endangered species, including the Piping Plover, Pitcher's Thistle and Michigan Monkeyflower. The park also includes many historic features, including American Indians a lighthouse and three U.S. life-saving service stations, coastal villages, and picturesque farmsteads. Permanent wilderness designation will ensure protection of these significant natural, cultural and historical resources.

The park receives nearly 1.2 million visitors each year who enjoy the beaches, over 100 miles of backcountry trails and eight campgrounds. The region surrounding the park is a popular vacation and summer home destination as visitors and residents take advantage of a variety of recreational opportunities, including hiking, camping, backpacking, hunting, fishing, bird watching, boating, cross-country skiing and snowshoeing. The National Park Service estimates that the presence of the National Lakeshore brings nearly \$78 million of economic benefit to the local community each year.* Designation of the wilderness area will not limit public access or change the way the area is currently being managed for public use and enjoyment.

Native American use of the area extends some 3,000 years into the past and is represented today primarily by the Grand Traverse Band of Ottawa and Chippewa Indians. Nothing in H.R. 977 would modify, alter, or affect any treaty rights.

The park encompasses a total of 71,291 acres; about 58,571 acres of land and 12,720 acres of water. Over 30,000 acres of the proposed 32,557-acre wilderness area have been managed as wilderness since 1981, when a wilderness proposal produced under the park's first comprehensive General Management Plan (GMP) was published. Since that time, the five areas of the park proposed as wilderness have provided outstanding recreational opportunities for hikers, backpackers, anglers, paddlers, and hunters with hunting being allowed in accordance with State regulations. A network of hiking trails and numerous camping opportunities will continue to be maintained in this portion of the park, even with the wilderness designation. The additional acres in the current proposal arise from the inclusion of the Sleeping Bear Plateau, an area only suitable for foot travel that continues to offer outstanding opportunities for solitude. Since formal wilderness designation would not change the way in which visitor use is currently managed in the area proposed as wilderness, there is no reason to believe it would have any detrimental impact on visitation or the local economy, and formal designation may actually have a beneficial impact.

The proposed wilderness area does not include any existing county roads or areas managed primarily for historic resources. This is to ensure the continued availability of the county roads for visitors accessing remote trailheads, beaches, backcountry areas and historic areas. Although the park's boundary extends one-quarter mile out into Lake Michigan, none of the waters of Lake Michigan are proposed as wilderness. H.R. 977 would authorize the use of boat motors on the surface water of Lake Michigan adjacent to the wilderness and beaching of those boats, subject to applicable laws. This is to ensure continued access by boaters to the shoreline beach adjacent to the wilderness area. These have been areas of significant public concern.

Between 2006 and 2009, the NPS developed an updated GMP for the park. Because of public concern over the 1981 wilderness proposal, and its inclusion of county roads and historic sites, a formal Wilderness Study was conducted as part of this comprehensive planning effort. After extensive public involvement, review, and comment, including overwhelming public support for wilderness designation, the preferred alternative in the final GMP/Wilderness Study was approved by the Midwest Regional Director on January 6, 2009. The area of proposed wilderness was mapped at 32,557 acres, with a portion in all five eligible areas, and is the same as the proposed wilderness designation in H.R. 977. The final GMP/Wilderness Study does not propose wilderness in several eligible areas, including those areas fragmented by the road corridors near the Otter Creek area of the Lakeshore; the land within the Port Oneida Rural Historic District; the lands in the historic "Cottage Row" on North Manitou Island; the area in the South Manitou Island historic farm loop; an area near the historic Bufka Farm identified for a bicycle trail; and the congested area at the top of the Dune Climb.

Passage of H.R. 977 would support the vision in the new GMP. The bill has very strong, broad-based public support. The overwhelming majority of local officials, the conservation community, and the Michigan delegation are united in their support for this bill as a winning resolution to an issue that has been debated since the park's establishment in 1970. Parties that had been bitterly polarized over earlier

* Stynes, Daniel J. "National Park Visitor Spending and Payroll Impacts: 2009." National Park Service, 2011.

proposals have reached consensus that this bill strikes an appropriate balance between preserving access and guaranteeing outstanding primitive recreational opportunities.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

Statement of Mike Pool, Deputy Director, Bureau of Land Management, U.S. Department of the Interior, on H.R. 1126, Disposal of Excess Federal Lands Act of 2011

Thank you for inviting the Department of the Interior to testify on H.R. 1126, the Disposal of Excess Federal Lands Act. The Administration strongly opposes H.R. 1126 and instead encourages the Congress to reauthorize the Federal Land Transaction Facilitation Act (FLTFA) which has a proven track record of providing for the thoughtful, efficient, and economical disposal of appropriate public lands.

Background

Congress has long recognized the national interest in preserving and conserving the public lands for present and future generations of Americans. In 1976, Congress declared it the policy of the United States that “. . .the public lands be retained in federal ownership, unless as a result of land use planning. . .it is determined that disposal of a particular parcel will serve the national interest” (Federal Land Policy and Management Act of 1976 (FLPMA); Public Law 94–579). Section 203 of FLPMA allows the BLM to identify lands as potentially available for sale through the land use planning process, provided they meet one or more of the following criteria:

- Lands consisting of scattered, isolated tracts that are difficult or uneconomic to manage;
- Lands that were acquired for a specific purpose and are no longer needed for that purpose; and
- Lands that could serve important public objectives, such as community expansion and economic development, which outweigh other public objectives and values that could be served by retaining the land in Federal ownership.

The BLM oversees the public lands through 157 Resource Management Plans (RMPs). Since 2000, the BLM has completed 70 RMP revisions and major plan amendments. Additionally, the BLM is currently working on planning efforts for 46 new RMPs. Each land use planning document is unique and typically identifies lands as potentially available for disposal through sale, exchange (typically to further particular resource goals), or for conveyance under the Recreation and Public Purposes Act (R&PP) for public purposes such as schools, fire stations, and community parks. Lands identified for potential disposal may be available for any or all of these purposes. The BLM may only dispose of lands that are identified for disposal in the appropriate land use plan unless otherwise directed by Congress.

Lands that are identified for disposal in RMPs do not represent a Federal “multiple listing service” and there may be substantial impediments to disposal. The process of identifying these lands as potentially available for disposal in an RMP typically does not include site-specific identification of impediments to disposal, such as the presence of threatened or endangered species, cultural or historic resources, mining claims, mineral leases, rights-of-way, and grazing permits. Also not included in this identification process is an appraisal to establish market value or a specific survey of the lands. Furthermore, because land use plans typically extend over many years, lands identified as potentially available for disposal at one point in time may be found later to be unsuitable because of new circumstances such as oil and gas leasing, the listing of threatened and endangered species, the establishment of rights-of-way, or other encumbrances.

Disposal of BLM-Managed Lands

A number of authorities and mechanisms currently exist that provide for the disposal of BLM-managed public lands. The BLM has the authority under FLPMA (Section 203) to sell lands identified for disposal. The proceeds from sales are deposited into the General Fund of the Treasury. Typically these sales have been for low value lands, for example isolated parcels surrounded by private land.

FLPMA (Section 206) also provides the agency with administrative land exchange authority. To be eligible for exchange, BLM-managed lands must be identified for disposal through the land use planning process. Exchanges allow the BLM to acquire environmentally-sensitive lands while transferring public lands into private ownership for local needs and to consolidate scattered tracts.

Congress also has provided specific direction to the BLM through legislated land exchanges. For example, the Utah Recreational Land Exchange Act of 2009 (Public Law 111–53) mandated the exchange of specific public lands in Grand and Uintah Counties in Utah for state lands in those same counties. Another example is the Southern Nevada Public Land Management Act (Public Law 105–263, as amended), whereby Congress provided for competitive auction of public lands in the Las Vegas Valley with the proceeds from those sales used to acquire environmentally-sensitive lands and other purposes.

The R&PP Act is an extremely important authority utilized by the BLM to help states, local communities, and nonprofit organizations obtain at no or low cost lands for important public purposes. Examples include parks, schools, hospitals and other health facilities, fire and law enforcement facilities, courthouses, social services facilities, and public works projects. Since 2000, the BLM has disposed of over 31,000 acres of public land through the R&PP process and currently leases an nearly 80,000 acres of public land under the Act.

Finally, enactment of the FLTFA in 2000 (Public Law 106–248), which expired on July 25, 2011, allowed the BLM to sell public lands identified for disposal through the land use planning process prior to July 2000, and retain the proceeds from those sales in a special account in the Treasury. The BLM could then use those funds to acquire, from willing sellers, inholdings within and adjacent to certain federally designated areas that contain exceptional resources, including areas managed by the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), the U.S. Forest Service (FS), and the BLM. Approximately 26,000 acres were sold under this authority and over 18,000 acres of high resource value lands were acquired.

1997 Lands Report to Congress

In 1996, the Congress (Public Law 104–127, Section 390) directed the Secretary of the Interior to report to Congress on lands that may be suitable for disposal or exchange to benefit the Everglades Restoration effort in Florida. The Department of the Interior's May 27, 1997 report to Congress included a list of BLM-managed lands that had been identified for disposal through the BLM's land use planning process, while excluding lands that had been withdrawn, segregated, or identified for other specific purposes detailed in the report. The report was a general county-by-county summary and did not provide individual parcel information, though it did include a list of potential impediments to disposal, including lack of legal access; the presence of mineral leases and mining claims; threatened and endangered species habitat; historical and cultural values; hazardous material contamination; and title conflicts. No appraisals or surveys were conducted of the lands included in the 1997 report. Lands were not identified in California or Alaska because public lands in those states that were identified for disposal were committed to needs identified under other Acts of Congress.

H.R. 1126

H.R. 1126 directs the Secretary of the Interior to sell at competitive sale, for no less than fair market value, all lands included in the Department of the Interior's 1997 Report to Congress. The bill excludes from consideration lands that are no longer identified for disposal, under an R&PP application, identified for state selection, identified for tribal allotments, or identified for local government use. Under the bill, proceeds from the sale of these lands are to be deposited in the U.S. Treasury. While a time frame for sales is not established, a report to Congress is required four years after enactment that includes a list of unsold lands and the a reason lands have not been sold. The bill provides no exceptions to the requirement to dispose of identified Federal land for resource or value reasons.

Before any parcels could be sold at auction, the BLM may need to undertake a comprehensive NEPA review of every parcel (including cultural resource and threatened and endangered species inventories), and a survey and appraisal of every parcel. These actions would be both time-consuming and costly, requiring the BLM to redirect limited resources from other more critical priorities. With limited resources and competing priorities such as oil and gas leasing, and renewable energy rights-of-way, a mandate to sell large blocks of land would severely affect the BLM's ability to respond to the Nation's energy needs and the needs of local communities. In many cases, the end result would be costs in excess of any value realized, and further deflated land values in struggling western communities.

Furthermore, the bill could negatively affect public land ranchers. Many of the lands identified for disposal are within existing grazing allotments. In the past, grazing permittees have frequently declined to acquire these lands when they are offered for sale, for financial or other reasons. Moving these lands into other private hands could have a deleterious effect on ranching communities.

Many of the lands that BLM has identified for potential disposal through the land use planning process are isolated, rural parcels with minimal market value. Others are in or adjacent to communities that have seen a dramatic erosion of land values. Flooding those markets with additional land could further undermine the economic health of those communities. Still others may have important historic or cultural sites that deserve to be protected for future generations. Important energy resources may yet be tapped on other lands which could provide a revenue stream to the Treasury and state governments.

The Administration strongly opposes H.R. 1126. H.R. 1126 would be costly, harmful to local economies and communities, and undermine important resource values. It also would be unlikely to generate significant revenues to the U.S. Treasury.

The Federal Land Transaction Facilitation Act addressed many of these impediments to disposal by providing a careful, thoughtful process for land disposal together with a mechanism for funding that disposal. Furthermore, the proceeds of the sale of BLM-managed lands under the FLTFA are used to acquire inholdings from willing sellers in the most environmentally-sensitive areas. Thus, the long-term interest of the American public and future generations is protected. The Administration continues to urge the Congress to reauthorize the FLTFA and allow the BLM to continue with a rational process of land disposal that is anchored in public participation and sound land use planning, while providing for land acquisition to strengthen this Nation's conservation heritage.

Conclusion

Thank you for the opportunity to testify. We would like to work with Congress so that the thoughtful, efficient and economical disposal of public lands appropriate for disposal can go forward.

Statement of Mike Pool, Deputy Director, Bureau of Land Management, U.S. Department of the Interior, on H.R. 1413, Devil's Staircase Wilderness Act

Thank you for inviting the Department of the Interior to testify on H.R. 1413, the Devil's Staircase Wilderness Act of 2011. The Bureau of Land Management (BLM) supports H.R. 1413 as it applies to lands we manage.

Background

The proposed Devil's Staircase Wilderness, near the coast of southwestern Oregon, is not for the faint of heart. Mostly wild land and difficult to access, the Devil's Staircase reminds us of what much of this land looked like hundreds of years ago. A multi-storied forest of Douglas fir and western hemlock towers over underbrush of giant ferns, providing critical habitat for the threatened Northern Spotted Owl and Marbled Murrelet. The remote and rugged nature of this area provides a truly wild experience for any hiker.

H.R. 1413

H.R. 1413 proposes to designate over 30,000 acres as wilderness, as well as portions of both Franklin Creek and Wasson Creek as components of the Wild and Scenic Rivers System. The majority of these designations are on lands managed by the U.S. Forest Service. The Department of the Interior defers to the U.S. Department of Agriculture on those designations.

Approximately 6,830 acres of the proposed Devil's Staircase Wilderness and 4.2 miles of the Wasson Creek proposed designation are within lands managed by the BLM. The Department of the Interior supports these designations.

We note that while the vast majority of the acres proposed for designation are Oregon & California (O&C) lands, identified under the 1937 O&C Lands Act for timber production, the BLM currently restricts timber production on these lands. These lands are administratively withdrawn from timber production by the BLM through various administrative classifications. Additionally, the BLM estimates that nearly 90 percent of the area proposed for designation is comprised of forest stands that are over 100 years old, and provides critical habitat for the threatened Marbled Murrelet and Northern Spotted Owl.

The 4.2 miles of Wasson Creek would be designated as a wild river to be managed by the BLM under H.R. 1413. The majority of the acres protected through this designation would be within the proposed Devil's Staircase wilderness designation, though 376 acres would be outside the proposed wilderness on adjacent BLM lands.

The designations identified on BLM-managed lands under H.R. 1413 would result in only minor modification of current management of the area and would preserve these wild lands for future generations.

Conclusion

Thank you for the opportunity to testify in support of these important Oregon designations. The Department of the Interior looks forward to welcoming these units into the BLM's National Landscape Conservation System.

Mr. JOHNSON [presiding]. Thank you, Mr. Pool.
Mr. Ward?

STATEMENT OF J. MARK WARD, SENIOR POLICY ANALYST AND PUBLIC LANDS AND NATURAL RESOURCES COUNSEL, UTAH ASSOCIATION OF COUNTIES

Mr. WARD. Thank you. Honorable Subcommittee Members, good morning. I am Mark Ward with the Utah Association of Counties. Sometimes we call ourselves UAC. To explain why UAC supports H.R. 1126 sponsored by Representative Chaffetz, I want to touch on a national travesty—some call it a tragedy—that has unfolded and is unfolding on three fronts in the West.

First, the discriminatory impact of Federal land ownership in the West. Second, the looming and growing unsustainability of Federal land management budgets. And, third, the emerging ecological problems on western Federal lands.

First of all, the problems of discriminatory impact of western Federal land ownership. Western state and local governments under the burden of excessive Federal land ownership have taken it on the chin economically in four ways.

First, through property taxes. Western states are losing hundreds of millions of dollars in property taxes annually due to large-scale Federal land ownership. The map shown here on the screen tells the whole story. The red in the states in the West show the percentage of Federal land ownership. As you can see, there is a great disparity between the percentage of Federal land ownership in the West and in the East.

In Utah, for example, only 31 percent of the land is subject to state and local taxation, yet the state and its counties have to provide basic governmental services throughout the entire state. For school children in the western United States, the cherished constitutional ideal of equal protection under the law has no meaning when it comes to the funding of public schools due to the fact that in the West we depend upon scant percentages of private taxable land to fund education.

Second, in enabling acts. Congress in state enabling acts at statehood promised western states that 5 percent of the proceeds of the sale of Federal land would benefit public education and other beneficiaries. At that time, it was assumed that the Federal government would continue to dispose of the lands. But that promise has not come to pass as the Federal government reversed its land disposal policies in the late 20th century. That is a great breach of trust that cries out for justice and a remedy more than a century later.

Third, natural resource royalty revenues. States receive less than half the royalty revenues from the private industry's use of public lands. Such royalties would go to state and local governments if the

lands were under local control such as is the case in oil fields in Texas and North Dakota.

Fourth, school trust lands. When Utah and other western states joined the Union, the Federal government transferred land to the states in trust for a public education and other beneficiaries, but the land was conveyed in scattered, standalone sections across each township of land, making much of this land difficult to use for the purpose for which it was conveyed. To make matters worse, Federal policies in the late 20th century have locked up the resource uses in the Federal lands surrounding these school trust sections, thus making it hard to realize the economic promise for which those school sections were conveyed.

It is in this context, the context of the gross failure of the funding mechanisms' promise to western states at statehood, that I ask the respected Members of this Subcommittee to consider the modest Federal land disposal aims of H.R. 1126. A reasonable and well thought out program to dispose of excess Federal lands in the West is desperately needed to counterbalance the grossly unfair and stacked deck against western states, in light of what I have just stated, as starkly illustrated in the map on the screen.

The second problem, the looming fiscal collapse of Federal land management budgets. The Federal budget for maintenance of some 650 million acres of Federal lands is soaring and is simply unsustainable in this area of massive budget deficits. In the face of this maintenance backlog and the soaring deficits, what is the Federal government's response? Buy up more and more land.

It is time to call a time out to this pattern. Congress, beginning with this Subcommittee, should calmly and rationally convene a reasonable program of land disposal and sale, which H.R. 1126 represents, if for no other reason than to stave off national bankruptcy, if not the collapse of Federal land management budgets.

Finally, the emerging ecological time bomb of western Federal land management. It is time to realize the truth that many western counties realize; that is, Federal land management. The verdict is in. After two decades of leave-it-alone de facto management policies has rendered many Federal lands in poor condition. This kind of poor condition would not have occurred had state and local policies and zoning over private lands been the rule, not the exception.

For these reasons, we urge passage of H.R. 1126. Thank you.

[The prepared statement of Mr. Ward follows:]

Statement of J. Mark Ward, Senior Policy Analyst/Public Lands and Natural Resources Counsel, Utah Association of Counties, on H.R. 1126

My name is J. Mark Ward and I reside in South Jordan, Utah, a suburb of Salt Lake City. I am a natural resources and public lands lawyer of nine plus years experience, and I am in my 28th year of legal practice overall. I am employed with the Utah Association of Counties (referred to as UAC) and my position is Senior Policy Analyst and Public Lands/Natural Resources Counsel.. UAC is a non-profit Utah corporation whose membership is comprised of the counties of Utah. One of the purposes of UAC is to represent the interests of counties impacted by federal public land policies, including land disposal policies. UAC also works closely with county associations in other Western States, specifically the National Association of Counties Western Interstate Region, on public land issues that transcend the West and the Nation. UAC member counties are cooperating agencies with federal land management agencies such as the U.S. Bureau of Land Management (BLM) and the Forest Service in developing resource management plans and land use plans.

With this background, I am here to testify that public interest in obtaining and privatizing a reasonable amount of federal public land through sale and disposal remains very high among the counties of Utah, and very high among most counties throughout the 11 western public lands states where some of the country's fastest growing regions are located. A program of routine and measured federal land disposal is critically needed for the reasons which I will outline below. Accordingly, UAC strongly supports passage of H.R. 1126, "*Disposal of Excess Federal Lands Act of 2011.*"

The Grossly Uneven Impact of Western Federal Lands Ownership Without A Reasonable Federal Land Disposal Program

Over the course of our nation's history, approximately 1.1 billion acres of public land have passed out of federal ownership under various land laws. Despite this, approximately one-third of the land area of the 50 states still belongs to the federal government and over 90 percent of all Federal land lies from the Rocky Mountains west. Average federal land ownership in the 11 Western States is 50 percent, exceeding 50 percent in 5 western states, including Utah, and 20 percent in 12 states.

Exhibit A is a map which some of you may have seen before. This map dramatically demonstrates the disparity of federal land ownership as a percentage of total land, between the western states and the eastern states. The public lands in Utah alone are about equal to the total area of the state of Florida. The entire area of Pennsylvania is smaller than the Federal public lands in either Wyoming or Oregon. I ask many of the respected members of this Subcommittee from eastern states to pause and imagine trying to finance your state's public educational programs if the tables were turned and less than half of your state's land area were subject to property taxation to support public schools. This gross disparity in federal land ownership between the western and eastern states remains one of the great yet-unsolved injustices of this nation. The 11 western states truly are not on an equal footing with eastern states, and the Constitution's cherished ideal of equal protection under the law has no meaning for western public school children who depend on county property taxes off the meager scant percentages of private land in each western state to support their educational programs.

Moreover, the nature of federal land ownership has dramatically changed to adversely impact western counties. A U.S. GAO report entitled *Land Ownership, Information on the Acreage, Management and Use of Federal and Other Lands*, GAO/RCED-96-40: (U.S. General Accounting Office, Washington, D.C. 1996) indicates that the amount of land managed for conservation purposes—that is national parks, national wildlife refuges, wilderness and wilderness study areas, wild and scenic rivers, and areas of critical environmental concern—has increased 66 million acres from 1964 to 1994, making more than 272 million acres out of 622 million acres of public lands, or 44 percent, off limits to resource use. The result is dramatically adverse for rural counties in the West, whose economies depend directly on use of public lands resources. But the federal government has not stopped with merely restricting use of its own lands; federal land management agencies have expanded their rights to use 3 million acres of *nonfederal* land, including rights to cross private lands owned by private parties, nonprofit organizations, or nonfederal government entities. In addition, from 1964 to 1994 environmental organizations transferred 3.2 million acres of land to the federal government, all to be locked up and no longer subject to state and local taxation for critical services such as public education.

Am I here to advocate a wholesale divestiture of public lands in the West? No; the Utah Association of Counties asks only that you consider the very modest aim of H.R. 1126 in the context of the grossly unfair and outright discriminatory stacked deck against the Western States according to the facts I have just stated, and as starkly illustrated in **Exhibit A**.

Does the modest disposal of federal land called for by H.R. 1126 find support in current public lands law? The answer is an emphatic yes. The policy and the legal framework of federal land disposal are very much alive and well, and any claim that the days of federal land disposal are in the past, is simply incorrect. The Federal Land Policy Management Act of 1976, 43 U.S.C. §§ 1701-1784. (FLPMA) governs how the U.S. Bureau of Land Management (BLM) administers hundreds of millions of acres of public land in the United States. While FLPMA repealed most major prior laws providing for disposal of public lands, Section 203 of FLPMA, 43 U.S.C. § 1713(a) still gives the Secretary of Interior authority, with certain limited exceptions, to dispose of public lands at fair market value, generally through competitive bidding, under any or all of three disposal criteria:

- 1) The land tract is difficult or uneconomic to manage;

- 2) The purpose for which the land tract was acquired, and any other federal purpose, no longer apply; or
- 3) Disposal of the land tract serves important public objectives including but not limited to community expansion and economic development which cannot be achieved if the land remains public, and these objectives outweigh other public objectives and values.

(Exceptions to the foregoing criteria include Wilderness and Wild and Scenic River, and National System of Trails lands, and lands classified, withdrawn reserved or otherwise designated not for sale.)

The Secretary of Interior and BLM Director routinely act on this authority and analyze and identify public lands for disposal either as part of each BLM Resource Management Plan, or as part of a report done pursuant to many Congressional mandates, such as the Secretary of Interior's report of May 27, 1997 to Congress as done pursuant to the Federal Agriculture Improvement and Reform Act of 1996, as referenced on pages 2-3 of H.R. 1126. All H.R. 1126 seeks to accomplish is to act on the lands identified as suitable for disposal in that 1997 Secretarial report. Proposed tracts for sale greater than 2,500 acres must first be submitted to Congress.

A program of consistent disposal of federal lands is necessary to prevent ever-mounting pressures on rural businesses and agricultural operations resulting from increased Federal control of traditional multiple use activities on public lands. Federal control on public and even private lands in the West continues to expand, adversely affecting property, recreation, and small business involved in resource industries—putting many of them out of business.

Returning again to the subject of public education, the eastern states-western states disparity in ability to fund education cannot be emphasized enough. One of the biggest challenges facing western states and western counties is funding for public education. It is imperative that counties find solutions not only for today, but well into the future. Returning to *Exhibit A*, again, western counties are disillusioned to see that in the eastern states, state and local governments can tax all but roughly 4 percent of the land, because that is the average extent of federal land ownership—4%. But in the West, the federal government owns more than 50 percent, and in Utah's case even higher.

Federal land ownership in the West impairs public education funding in at least four ways:

- 1) Enabling Acts. When Utah and many other western states were first admitted into the Union, it was agreed in the State Enabling Acts that 5 percent of the proceeds from the sale of federal land would benefit public education and other beneficiaries. At the time, it was assumed that the federal government would continue to dispose of public lands creating an endowment of hundreds of millions if not billions of dollars per state for public schools. That promise was shattered when the federal government reversed its land disposal policies in the 20th century.
- 2) Property Taxes. Local school districts cannot assess property taxes on federal lands. Western states are losing hundreds of millions in property taxes annually due to unreasonable levels of retained federal land ownership. The Federal Payment In Lieu of Taxes (PILT) program and Secure Rural School (SRS) programs only make up a minute percentage of this annual loss. Taking a closer look at Utah as a typical example of the 11 western states, only 31% of the land in Utah is subject to state and local taxation; yet the state and its counties have to provide basic governmental services throughout the entire state:

Total Area of State of Utah		52,587,500 acres	
Area owned Federal Gov't			
BLM	22,882,950 acres		
Forest Service	8,178,600 acres		
Nat'l Parks	2,022,600 acres		
National Wildlife Refuge	110,820 acres		
Military Bases	<u>851,460 acres</u>	(34,046,430 acres)	
Tribal Lands		<u>(2,286,500 acres)</u>	
Remaining Lands		16,254,570 acres	(31% of total area) State)

- 3) Natural Resources Royalty Revenues. States receive less than half of the royalty revenue from private industry's use of public lands; whereas all of these royalties would go to state and local governments if the lands were under local rather than federal control, such as the case for many oil wells in Texas and North Dakota. These energy royalties in Utah go to fund public education and other critical state and local governmental services. Even the sub 50% royalty revenues have declined in the face of an ever-increasing onslaught of so-called environmental policies which discourage continued mineral and energy development on public lands. More and more under the current Administration, the BLM has usurped the Congressional multiple use mandate of FLPMA, effectively withdrawing energy rich lands that have traditionally use for energy development, from continued development in Utah and many other western states.
- 4) School Trust Lands. When Utah and other western states joined the Union, the federal government transferred land to the States for a trust for public education and other beneficiaries. But the land was conveyed in scattered, stand-alone sections across each township of land, making much of this land difficult to use for the purpose for which it was conveyed. Moreover, federal policies of the late 20th Century have locked up resource uses of many surrounding federal lands, making it even harder for western states to develop their trust land sections for economic use. A federal land disposal policy coupled with a reasonable land exchange policy would free up these trust sections for reasonable development, thereby making good on the federal government's promise to the western states when these trust lands were conveyed in the first place.

It is in the context of this gross failure of the funding mechanisms promised to western states at statehood, that I ask the respected members of this Subcommittee to consider the modest federal land disposal aims of H.R. 1126. Again, if you are from an eastern state, I respectfully ask you again to try to imagine for a moment funding the public education programs in your state, under the perfect storm of an already cut-in-half tax base, an ignored and forgotten State Enabling Act promise of 5% revenue from the sales of all lands in your state, and an energy royalty program that is already arbitrarily cut in half and shrinking more each year due to the never-ending onslaught of so-called environmental lawsuits and D.C. environmental lobby influence that effectively shuts down resource use of the surrounding federal lands and thus renders the isolated state school trust tracts unusable.

The Advantages That Accrue From a Reasonable Federal Land Disposal Program

Economic Considerations

The federal government owns so much land that experts can only provide rough estimates of the total acreage under federal control. The Congressional Research Service can only estimate that the total is roughly 650 million acres, or roughly one of every three acres nationwide, and nearly one of every two acres in the western United States.

It is little wonder the federal budget for maintenance of these lands is soaring and simply unsustainable in this area of massive budget deficits and mounting federal debt. According to a March 1, 2011 GAO report entitled "Department of the Interior: Major Management Challenges," <http://www.gao/new.items/d11424t.pdf>, the Department of Interior faces a maintenance backlog estimated at \$13.5 billion to \$19.9 billion. Despite record budget deficits and soaring maintenance costs, the federal government has spent more than \$430 million to purchase additional land since the most recent recession, and has spent \$2.3 billion to acquire land over the past ten years. Congressional Research Service, "Land and Water Conservation Fund: Overview, Funding History and Issues," August 13, 2010, <http://www.crs.gov/Products/RL/PDF/RL33531.pdf>, and Congressional Research Service, "Interior, Environmental and Related Agencies: FY 2011 Appropriations," May 12, 2011, <http://www.crs.gov/Products/R/PDF/R41258.pdf>. Between 1997 and 2004, federal land ownership is estimated to have increased from 563.3 million acres to 653.3 million, an increase of 90 million acres, or a 16 percent increase in just seven years. General Service Administration: "Federal Real Property Report," See 1997 and 2004 Reports, <http://www.gsa.gov/portal/content/1028880>.

In the face of this out-of-control expenditure of funds to hoard up precious previously private lands, it would seem that the Department of Interior and the federal government as a whole, might benefit from bills like H.R. 1126 to bring in much needed revenue and reduce the cost and burden of maintaining the already swollen and bloated inventory of federally owned lands. That is a reasonable proposition given the current era of budget crises and ever mounting federal debt.

It is amazing indeed, to contemplate the opposition to the modest aims of H.R. 1126 in the face of this voracious onslaught of irresponsible and out of control acquisition of additional federal land with mostly borrowed dollars which only swell the federal deficit that much more, and add to the already grossly swollen backlog of maintenance needs on the federal lands. Far from criticizing the modest land *disposal* goals of H.R. 1126, the public, the Congress and the honorable members of this Subcommittee, need to turn full scrutiny on the brazen, out-of-control federal land *acquisition* program documented above. Brazen is not a light word, but we do not live in easy times. The capacity of our federal government to operate on a sound fiscal state is in grave peril. So is that of many state and local governments, many of whom depend on property taxation. Thus this voracious land *acquisition* program which only saddles the federal public lands operating budget beyond its breaking point, while taking lands off of state and local government tax rolls, is bad policy to say the least.

In this era of unprecedented budget deficits and economy crippling federal debt, one should apologize for expensive federal land *acquisition* programs, not federal land *disposal* programs. One should apologize for not employing *more* federal land *disposal* programs to stave off looming national bankruptcy.

Ecological Considerations

The federal government's inherent propensity to mismanage public lands and allow ecological degradation thereon, and inherently superior care and attention given to land management by state and local agencies and private landowners and stakeholders, are well known, almost universally accepted facts of life throughout rural Western counties. In the West, we know intrinsically that federal public land management seldom deliver what the citizens expect, either on the revenue side or on the environmental side. Many federal land managers at the state and local level are moral, hard working, honest and well meaning in their intentions. But they are woefully underfunded and often hamstrung by non-sensical environmental policies that emanate out of Washington headquarters. Thus the argument that federal land management agencies are inherently better land managers than are private owners and state and local government managers, is suspect in theory and to Western rural counties, simply unfounded in fact.

On behalf of rural counties throughout Utah and throughout the West, I will state unequivocally before this Honorable Subcommittee, that local governments and local land owners are and always will be better stewards of the land than federal land management agencies. Why? The answer is simple: Because local citizens, governments, private landowners, and private stakeholders depend on the land; they know the land much better; they are literally children of the land, many of whom are tied to it multi-generationally. Their ancestors and forbears learned out of life-or-death necessity to keep up a sustainable yield off the land; which means they learned how to preserve it and beautify it, not destroy it and degrade through reason-defying, leave-it-alone policies pushed on the West from the environmental lobby. When the story of the American West is completed, historians will chronicle the 1990's hatched so-called wilderness/environmental movement imposed on the American West by the federal government as an aberrational blip on the screen of an otherwise decades long steady stream of true environmental stewardship applied to the land by those who settled it and their descendants. The hundreds of millions of acres of infested cheat grass and other invasive weeds, and the bark beetle kill and catastrophic wildfire index on federally owned lands throughout the west, are monuments to the failure of remote federal mismanagement of the public lands hatched in the 1990's. Nature is the biggest, most indicting witness of this mishap. The public lands in the West were once vibrant when managed according to state and local government and landowner policy and direction. No more. Many of our the West's public lands today are massive evidentiary exhibits of failed practices under the guise of failed "leave-it-alone" philosophies that grew out of the 1990's era wilderness movement. That kind of destruction to many parts of the West would not have occurred had those lands been subject to local government and private citizen input. The local authorities of the American West would not have let matters deteriorate so, plain and simple. They love the land too much.

Again, does that mean I am here to argue for wholesale conversion of the public lands to private ownership? I simply raise these points to refute the false argument that the federal land acres subject to disposal under H.R. 1126 will somehow suffer environmental harm if transferred out of federal ownership.

Conclusion

Seriously unsustainable federal land management operating deficits are the rule any more, not the exception. Federal land managers have few incentives to cut ad-

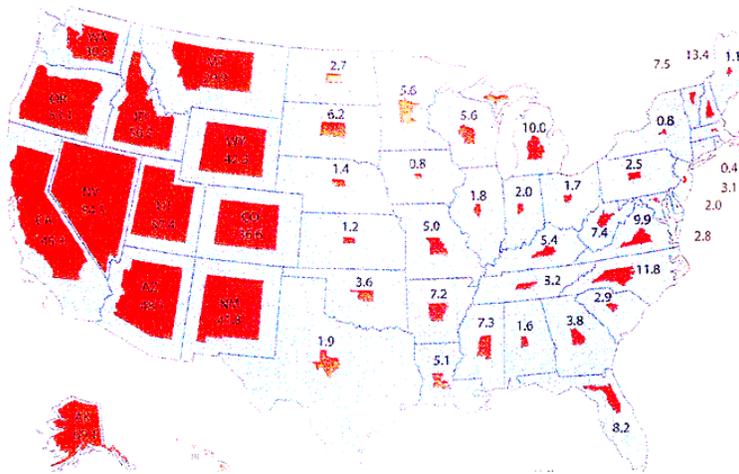
ministrative and road costs that are routinely higher than revenues. Selling some of these lands out from federal management would reduce this budgetary strain. But the pain of such great economic losses would be lessened if the federal government managed the public lands to be ecologically healthy. They do not. The West groans the strain of a pseudo wilderness ethic that puts a relentless assault on virtually all attempts at actively managing the land. The result; Ecological waste in the name of ecological conservation, one of the great staggering ironies of the late 20th and early 21st centuries that American historians will long remember and chronicle. Ranges are over-populated by deer, elk and wild horses competing for inadequate forage. Lush native grasslands have succumbed to pinion and juniper over-growth and wildfire-prone cheat grass which reduce water yield to farms and communities. Vibrant forests with diverse stands of aspen and pine, supporting timber activity that kept the understory clean of debris buildup and enhanced wildlife habitat, have succumbed to thick over-choked old-growth aspen-less stands full of dangerous fire-prone understory, that drive off many species of birds and small mammals. All in the name of what? In the name of failed, leave-it-alone policies that would not have endured under local governmental and private influence. Poignant exceptions to this sad general rule are those state and privately managed tracts of lands where proper active management is allowed, and certain limited federal tracts of land where federal land is managed according to the policies and preferences of state and local governments and nearby private landowners.

In sum, given the economic and environmental costs of operating the federal lands under federal ownership and managerial control, the time has come to consider H.R. 1126 and similar proposals for privatization of select public lands as recommended by the Secretary pursuant FLPMA mandate and periodic Congressional mandate. Privately owned, and even state owned, lands can raise revenue sufficient to maintain such lands and product a profit. And it is well known to western counties that private and state ownership can produce environmental advantages. Allowing the market to provide incentives for allocation and re-allocation of land uses to those functions that are perceived to have the highest value, should be of interest to all Americans, both from an economic and ecological standpoint. Almost two decades worth of evidence is in: The BLM is a ship in distress, economically and ecologically. Reasonable federal land disposal is a good program, that will help right that ship.

For these and other reasons, UAC respectfully urges this Subcommittee to pass out H.R. 1126 with a favorable recommendation.

WHO OWNS THE WEST?

Federal Land as a Percentage of Total State Land Area



Mr. JOHNSON. Thank you, Mr. Ward.
Mr. Steed, you are now recognized for five minutes.

**STATEMENT OF BRIAN C. STEED, J.D., PH.D., JOHN M.
HUNTSMAN SCHOOL OF BUSINESS, UTAH STATE UNIVERSITY**

Dr. STEED. Thank you. To Members of the Committee, I really appreciate the invitation to testify today. My name is Brian Steed. I work at the Huntsman School of Business at Utah State University.

Myself and colleagues at the Center for Public Lands and Rural Economics have been engaged in a series of studies looking at the economic impacts on local communities over the past few years. I became involved in 2008, and I would like to talk about some of the research that we have been doing over the past few years there in the Center for Public Lands and Rural Economics.

Specifically I guess I am going to start where I thought I would end. I would like to point out, first of all, that I am not antiwilderness. Rather, the impetus of the work that I have done and that I would prefer to testify on today is about the tradeoffs inherent whenever we designate public lands. We designate in restrictive land use categories that are in fact things that are taken off the table.

My studies talk to those in some detail. Specifically, I will speak on three studies that we have undertaken over the past few years, first of all looking at the economic impacts of wilderness; second, looking at the economic impacts of the Grand Staircase-Escalante National Monument; and, third, I will finish with an examination of the treasured landscapes memo specifically looking at the tradeoffs inherent in designating national monuments within these proposed areas.

First on wilderness, recently colleagues and myself finished a study where we examined all 3,000 counties in the United States to examine the difference between wilderness and nonwilderness counties. We were funded by the U.S. Department of Agriculture in conducting this study, and really the impetus behind this study was the major disconnect between those who advocate on behalf of wilderness and those who reside in local communities.

Wilderness areas often are praised by environmental groups as providing great economic benefits and bemoaned by local communities as providing huge economic costs. Myself and my colleagues in the Center for Public Lands and Rural Economics were interested in this disconnect. We examined all 3,000 counties. We specifically were interested in three economic indicators. First of all, average household income; second, total payroll; and, third, total tax receipts.

In examining each of these variables of interest, we constructed a regression model looking at these variables from 1995, 2000 and 2005 and controlled for other variables, including the percent of public lands and other traditional demographic variables. In conducting the study, we found that in fact wilderness counties were associated with diminished economic conditions.

Specifically, we found that wilderness counties had an estimated household income of \$1,446 less than nonwilderness counties. Total payroll in wilderness counties was \$37,500 less than in wilderness

[sic] counties, and total tax receipts were estimated to be \$92,910 less in wilderness counties than in nonwilderness counties.

What is interesting about these studies is that ideally we would have been able to collect data prior to the designation of all these wilderness areas and compare the counties over time with matched counties that did not have wilderness therein. Unfortunately, the data for that type of research is unavailable and would be extraordinarily costly to compile. Therefore, we conducted a much smaller scale study on the Grand Staircase-Escalante National Monument, and I will be talking about that next.

What is nice about the Grand Staircase is that it provides an insular study to where we can control for a variety of economic conditions, as well as examine conditions in Garfield and Kane Counties prior to the designation of the monuments, as well as after the designation of the monument, and compare those counties with other counties in the United States.

We conducted a similar study to the one I just described with wilderness and found that in fact Garfield and Kane Counties, when compared to other similarly matched counties, did not show massive economic improvements. Rather, we found a null result to where we can't say with any certainty that economic conditions were improved by the designation of the Grand Staircase National Monument. This study did not look at the opportunity costs where we look at what was given up over time.

In the Grand Staircase it is well known that local conditions were ripe for mining, as well as other attractive industries. Those were not pursued because of the designation, and locals frequently complain that there are opportunity costs when those are taken off the table. We conducted a similar study looking at the Treasured Landscapes National Monuments and found similarly that they would involve opportunity costs for energy resources.

And with that, I am happy to take questions. Thank you.

[The prepared statement of Dr. Steed follows:]

Statement of Brian C. Steed, JD, PhD, Economics Instructor, Jon M. Huntsman School of Business, Utah State University

It is a pleasure to be in attendance at today's hearing to talk about research activities that have been going on over the past few years at the Center for Public Lands and Rural Economics at Utah State University and Southern Utah University. In 2008, Dr. Randy Simmons and I at Utah State University and Dr. Ryan Yonk, who is now at Southern Utah University, began a serious investigation of the relationship between the designation of Wilderness pursuant to the Wilderness Act of 1964 and local economic conditions. The impetus of the study stemmed from the vastly different claims made by environmentalists and local governmental officials in the Western United States surrounding the economic impacts of designated Wilderness. Environmentalists claim that Wilderness has quite positive results on local communities, by inviting tourism revenue and through increasing amenity values that draw business to the area. Contrary to these claims, local officials frequently bemoan the designation of Wilderness for permanently limiting land use options.

My interest in this area of research stemmed from my own personal life experiences as a Westerner and from my professional experience working in the mid-2000s as a Deputy Iron County Attorney in Southern Utah. In each of these settings, I have personally witnessed the genuine concern of local citizens that Wilderness designations cut off access to public lands for economic and recreational activities that would otherwise be potentially available.

Additionally, I am personally interested in natural resource and environmental management. I hold a Certificate in Natural Resource and Environmental Law from the University of Utah. I also hold a PhD in Public Policy from Indiana University with a focus on environmental policy. While at Indiana, I studied under Dr. Elinor

Ostrom, a world renowned expert in environmental management and Nobel Prize winning economist. Dr. Ostrom's work principally focuses on creating the appropriate rules that allow human populations to sustainably manage natural resources over long time horizons. Her work has shown that local populations are often able to sustainably manage natural resources in the absence of external governmental intervention.

Given my background and training, I have taken a particular interest in Wilderness issues. My colleagues and I in the Center for Public Lands and Rural Economic initially became intrigued by Wilderness because of the disconnect between what environmentalists and local officials assert about local economies and Wilderness. A series of environmental group reports has found overwhelmingly positive local economic benefits from Wilderness. The Wilderness Society, for instance, notes "[d]esignated wilderness areas on public lands generate a range of economic benefits for individuals, communities, and the nation—among them, the attraction and retention of residents and businesses."ⁱ The Sonoran Institute similarly finds, "protected natural places are vital economic assets for those local economies in the West that are prospering the most." The Sonoran Institute further notes, "Wilderness, National Parks, National Monuments, and other protected public lands, set aside for their wild land characteristics, can and do play an important role in stimulating economic growth—and the more protected, the better."ⁱⁱ

In direct contrast to these views, local officials frequently claim that Wilderness harms local economies. A supermajority of Utah State Legislature in 2008, for instance, passed House Joint Resolution 10 encouraging the United States Congress to not designate any additional federal Wilderness Areas in Utah. The Resolution asserted that Utah relies on public lands for crucial economic activities including "oil and natural gas development, mining, outdoor recreation and other multiple uses, rights of way for transportation, waterlines, electric transmission, and telecommunication lines" (HJ 2008, 2). The Utah State Legislature claimed that limiting these multiple uses of public lands would result in substantial economic hardship for the state. By passing the Resolution, the Utah State Legislature echoed the belief of many local elected officials and residents that Wilderness is not good for local economies.

To evaluate the claims on both sides, we sought funding from the U.S. Department of Agriculture to specifically investigate the economic impact of Wilderness in 2008. I will detail the findings of our research today.

1. Wilderness Generally

Before delving into the details of our research, it may be helpful to have a brief reprise of Wilderness policy. The Wilderness Act of 1964 defines Wilderness as:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

As so defined, Wilderness is the most restrictive land use designation of public lands in the United States. To preserve the land as being "untrammelled by man," a variety of uses are restricted in designated Wilderness areas. Restricted uses listed by Congress include:

"no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft,

ⁱThe Wilderness Society, "The Economic Benefits of Wilderness: Focus on Property Value Enhancement," *Wilderness Society Science and Policy Brief No. 2*, March, 2004.

ⁱⁱR. Rasker, B. Alexander, J. van den Noort, and R. Carter, *Prosperity in the 21st Century West: The Role of Protected Lands*, The Sonoran Institute, 2004, p. ii.

no other form of mechanical transport, and no structure or installation within any such area.” (Section 4(c)).

Other uses that are expressly allowed by the Wilderness Act are more difficult based on the other rules associated with Wilderness. Although mining claims were statutorily allowed for the first 20 years after the Wilderness Act passed, mining and mineral exploration are now generally prohibited within Wilderness. Valid existing mining rights may remain in effect after new designations, but mining activities must strive maintain Wilderness characteristics, including limiting mechanized travel and equipment. Although logging is not expressly proscribed by statutory language of the Act, the restrictions on mechanized travel, mechanized equipment, and road construction generally preclude large-scale logging activity. Grazing is expressly allowed in Wilderness Areas, but administrators may make “reasonable regulations” including the reduction of grazing to improve range conditions.

In addition to the prohibitory language found in the Wilderness Act, courts have aggressively blocked a variety of activities in Wilderness and areas adjacent to Wilderness. Uses of land surrounding Wilderness often receive more stringent review. The 10th Circuit Court of Appeals, for instance, in 1972 upheld an injunction of logging in an area that approached a Wilderness Area (*Parker v. United States* 448 F.2d 793 cert. denied 405 U.S. 989). Wilderness Areas also often raise review standards under the National Environmental Policy Act (NEPA). Under NEPA, land uses near Wilderness Areas may be found to have a more “significant” impact than actions near lands not under federal protection.

Wilderness is managed by four federal agencies: the National Forest Service, the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management (BLM). Wilderness Areas dramatically vary in size from the Pelican Island Wilderness in Florida, which occupies a mere six acres, to the 9,078,675-acre Wrangle Island Wilderness in Alaska. Due to the stringent requirements laying out Wilderness characteristics, the majority of Wilderness Areas are found within largely rural and lightly populated counties within Alaska, California, Colorado, Montana, New Mexico, Nevada, Oregon, Utah, and Washington. Only six states contain no Wilderness: Connecticut, Delaware, Iowa, Kansas, Maryland, and Rhode Island.

2. Research Results

Today I will be presenting the results of three separate studies we have recently conducted at the Center for Public Lands and Rural Economics. The first directly involves the economic impact of Wilderness. The second examines the impact of the Grand Staircase Escalante National Monument in Southern Utah. The third examines the potential designation as National Monuments the properties identified in the Treasured Landscapes memorandum.

A. Wilderness Study

We focused our first study on economic impacts of Wilderness at the county level. We conducted research on all counties in the United States to compare economic conditions on Wilderness and Non-Wilderness Counties. Wilderness Counties are defined as those counties containing any portion of federally designated Wilderness. The study does not address BLM Wilderness Study Areas or areas managed by the Forest Service as Roadless Areas.

In comparing Wilderness and Non-Wilderness Counties, we sought to identify metrics of County economic conditions that would be applicable across different counties. We settled on three separate metrics: average household income, total payroll, and total tax receipts. The U.S. Census Bureau gathers average household income and total tax receipts. The Bureau of Labor Statistics gathers total payroll figures.

Average household income is calculated by dividing the sum of all income of the residents over the age of eighteen in each household by number of households. Average household income has the advantage of specifically addressing how individual households are on average affected by Wilderness designation in these counties. It has the disadvantage of being self-reported to the U.S. Census Bureau and, accordingly, may not be as valid as a more direct measure.

Total payroll is a broader metric that captures those under the age of eighteen and commuters who may live outside but work within a county. Further, it is a measure of the economic situation of individuals rather than households. Another approach would have been to use total receipts. We selected total payroll rather than total receipts on the assumption that payroll dollars are more likely to be spent in the geographic area than are total receipts, which may include corporate profits that leave the area. Total payroll is not a perfect proxy because it does not capture the capital investment, county residents who work outside the county, or most importantly, retirees who do not receive payroll.

Total tax receipts is a measure that has at least two advantages over the others measures. First, the data are largely complete; local governments are required by state and federal statute to correctly report tax receipts. These requirements provide some confidence in the data that self-reporting does not provide. Second, tax receipts represent all taxable transactions in the county. This provides a useful metric of economic activity. Tax receipts, however, are not a perfect proxy as there are significant institutional differences across states, regions, and often counties themselves about how, when, and why taxes may be collected.

None of these variables is a perfect proxy for economic conditions, but, when taken together, they help paint a relatively complete picture of the economic conditions found at the county level.

We next constructed a model testing economic conditions in each county in the United States for the years 1995, 2000, and 2005. We also included a variety of other variables to account for other factors influencing economic conditions. We included information on the percent of different types of public lands within the county. Finally, we included traditional demographic variables that have been shown in the academic literature to contribute to economic growth. These variables include population, land area, number of households, birth rate and school enrollment, infant death rate, high school graduates, median household income, poverty rate, crime rate, government employment, unemployment rate, and social security recipients.

We then ran each of the three models. In each case, we found that Wilderness had a statistically significant negative relationship with county economic conditions. In the case of Average Household Income, we found that household incomes in Wilderness Counties were estimated to be \$1,446.06 less than Non-Wilderness Counties. Total payroll in Wilderness Counties is estimated to be \$37,500 less than in Non-Wilderness Counties. Total Tax Receipts in Wilderness Counties is estimated to be \$92,910 dollars less than in Non-Wilderness Counties.

It is important to note that these findings are specific to Wilderness and not to public land generally. Indeed, our models indicate that BLM Lands, Forest Service Lands, Bureau of Reclamation Lands, Fish and Wildlife Lands, and National Park Lands did not have as significant or negative an impact on county economic conditions as Wilderness.

Ideally, we would have run this study dating back prior to 1964 so we could track Wilderness county economic conditions pre-designations and post designation. To minimize the likelihood that other economic factors drove the economic conditions, it would have also been helpful to compare Wilderness Counties with other counties that match the Wilderness Counties on a variety of conditions, but that do not contain Wilderness. Such a “pre-post, matched-pair” design could provide very useful information on to what extent Wilderness impacts economic conditions. Unfortunately, the data necessary to conduct such a study does not exist and compiling it would be overwhelmingly costly. However, we have conducted a similar study on a much smaller scale that I will discuss next.

B. Grand-Staircase Escalante National Monument

The Grand Staircase Escalante National Monument was created by President Clinton in 1996. The Monument spans nearly 1.9 million acres in south-central Utah along the Arizona border. The monument lies completely within Utah, and occupies the majority of Kane County and much of Garfield County. The designation of the Monument provides the opportunity to conduct the type of pre-post, matched pair design discussed above. Specifically, we can evaluate the county conditions of Garfield and Kane counties prior to the designation of the Monument and the county economic conditions after the designation of the monument. We can also compare county economic conditions within the two Monument counties with other similar counties across the United States.

To conduct this research, we used essentially the same methodology we used on the Wilderness study. We used total tax receipts and total payroll for our dependent variables. We again looked at county economic conditions in 1995, 2000, and 2005 and included the same demographic variables as the Wilderness Study to control for other factors that could be driving economic conditions. For the Grand-Staircase study, we included an additional step in matching Garfield and Kane Counties with other counties throughout the United States. The counties were matched with the 100 most similar counties in the United States based on land area, population, income, and education levels. This approach allows us to draw better conclusions regarding the impact of the Monument designation compared to what would have happened in the absence of the designation.

In running these models, we find little evidence that the Grand-Staircase Escalante National Monument has had a significant positive economic impact on

county economic conditions. Rather, we mostly find a null result—that the impact has had no impact on the local county economies. In only one instance, tax receipts in Kane County, can we reject the null hypothesis of no effect of the designation. In that case, it appears that the designation of the Monument was associated with a statistically significant rise in additional tax revenues in Kane County, compared with the matched non-monument counties. However, the evidence for the other dependent variable, total payroll, shows no such effect. This is interesting in that total payroll may be a better indicator of gross economic activity in Kane County. It appears from this result that while the total tax revenues increased in Kane County, the payroll did not, leaving serious questions about the effects of the designation on the overall economic situation in Kane County. Further, Garfield County shows no such effect with relation to the comparison counties and exhibits no evidence that the designation of the monument is either helping or hurting the economy of Garfield County. We conclude that designating the Grand Staircase Escalante National Monument has had little or no effect on the economic situation of the host counties.

Moreover, our study of the Grand Staircase Escalante National Monument does not include the opportunity costs (those opportunities given up) of the Monument designation. At the time leading up to the Monument designation, various groups were preparing plans for energy development. Located in a geologically diverse region, the Grand Staircase contains a treasure trove of mineral deposits. The area contains an estimated 62 billion tons of coal. The area also contains an estimated 270 million barrels of oil. In the early 1990s, Andalex Resources Company, a Dutch based coal mining company, had acquired permits to mine coal from the area. Conoco Oil, PacifiCorp, and various other companies had also acquired permission to develop other extraction activities in the area.

Locals in Garfield and Kane Counties frequently note that when the Monument was designated, these economic activities were forever taken off of the table. While we do not actually know what development activities would have occurred had the Monument not be designated, or what impact those activities would have had on the local communities, we do know that the choice to designate protected areas involve tradeoffs.

C. Treasured Landscapes

Finally, I would like to touch on a recent study that more fully explores the opportunity costs of designating protected areas. In 2011 we conducted a review of the fifteen areas identified by the “Treasured Landscapes” memorandum leaked by the BLM discussing the necessity of additional designations of National Monuments. Rather than comment on whether the proposed monuments should or should not be designated, we focused on what would be given up if the Monuments were designated. To explore this question we use data from the U.S. Department of the Interior, U.S. Department of Agriculture, local environmental groups, energy development companies, and state agencies to identify what resources exist in the proposed areas. In the end, we narrowed our study to focus principally on energy resources as an example of the types of opportunity costs that might be incurred.

In conducting the inventory of energy potential for each site we focused on both traditional fossil fuel energies and the renewable potential of each site. We found that only a few the sites contained significant fossil fuel reserves, although many of the sites had the potential for shale extraction. The costs to alternative energy generation potential, however, were more significant. The majority of the potential monuments were found to have significant renewable energy possibilities that would likely be foreclosed by increased protections. In fact, 80% of the proposed monuments were found to have potential for multiple types of renewable energy development. By seeking increased environmental protection through the designation of the proposed monuments, we may incur additional difficulties for large-scale roll out of clean energy generation.

3. Conclusions

The stream of research I have detailed today contains a primary theme: the designation of any protected area involves tradeoffs. The creation of protected areas clearly forecloses other land use opportunities. In designating Wilderness, local populations are forever proscribed from a great number economic and recreational activities ranging from mining to mountain biking. Such designations may significantly change how local populations interact with the environment in which they live, including limiting economic gains potentially available from public lands. While there may be some local gains from increased tourism or other area attraction, we do not find uniformly positive economic gains from the protected areas we have studied. But, ensuring local economic growth was not the primary focus of the Wilderness Act or other enabling language for protected areas. Rather, Wilderness and

other protected areas are established for emotional, ecological, and cultural purposes. Our results indicate that those ends are not accomplished without some costs to local populations.

The policy implications from our research are twofold. First, policy makers must carefully consider the tradeoffs inherent in public lands decisions. We cannot assume that all additional protected areas will sizably benefit local populations. Second, if policy makers seek to minimize the costs to local populations, they should seek input from local land users when making land use decisions. Local populations are often the most familiar with the potential economic opportunities present on public lands. By seeking local input in public lands decisions, policy makers can better assure that policy decisions are not disproportionately borne by local communities.

Mr. JOHNSON. Thank you, Mr. Steed.

Ms. Rosenberg, you are recognized for five minutes.

**STATEMENT OF ERICA ROSENBERG, BOARD PRESIDENT,
WESTERN LANDS PROJECT**

Ms. ROSENBERG. Thank you. Mr. Chairman and Members of the Committee, thank you for inviting me to testify today on H.R. 1126. I submit this testimony on behalf of the Western Lands Project.

Ours is the only organization in the country that focuses solely on monitoring Federal land exchanges, sales and conveyances and seeks to prevent the privatization of our public lands. We track all BLM and Forest Service administrative land sales in the 11 western states and Alaska.

H.R. 1126 mandates the sale of up to 3.3 million acres of Federal lands. The lands directed to be sold are the same lands identified in a 1997 report to Congress, the intent of which was to fund through land sales in other states ecosystem restoration in the Florida Everglades once Florida lands were exhausted. The intent of H.R. 1126, by contrast, is to put the proceeds of land sales in the Treasury for deficit reduction.

We oppose H.R. 1126 both on principle and in practice. We are against mandates that treat our public lands as liquid assets and their disposal as a quick fix for deficit reduction and economic development. Proposals like this are a common, reflexive response to tough economic times, and they fail for two main reasons. One is that when the public learns of plans to sell off our national heritage people of every political stripe vociferously oppose them. The other is that under closer scrutiny these plans are impractical and ineffective.

Federal land retention, but for land whose disposal serves the national interest, is longstanding Federal policy. BLM already has the authority to dispose of land. This bill removes the agency discretion, discretion that allows the agency to respond to the needs of, among others, local communities who benefit from the land.

Since 1976, BLM has had the authority to sell land under FLPMA. Lands are identified as suitable for disposal through RMPs formulated every 10 years or so by BLM offices with public input. These lands must meet certain criteria, including that their disposal would serve important public objectives.

However, simply being identified at the planning level as suitable for disposal does not mean that a parcel will or should be sold. Although identified as excess or of no use to the agency, a parcel

may ultimately be found unsuitable for sale or may be undesirable for private purchase. Once BLM staff determines that market or development conditions are ripe to put a piece of land up for sale, they do so under a public process, which includes the possibility that an adjacent landowner will protest the sale.

An appraisal designed to protect the taxpayers who own the land must be conducted. Analysis must be done to determine and disclose whether there are obstacles to the sale, such as the presence of cultural resources, wetlands, endangered species habitat or, as important, its use by the community.

For example, we have monitored land sales conducted by BLM's Redding, California, field office for many years, and in one area where they had identified excess lands in the most recent RMP local jurisdictions have gradually built a trail network surrounding the land that is heavily used by the local populous.

To sell these BLM lands now would be patently counter to the interests of local citizens, for most parcels or areas described in the 1997 report identify serious impediments to sale, including high disposal costs, hazardous materials, wetlands, critical natural or cultural resources, existing mine claims and title issues.

These parcels were not ready to go even then. According to BLM, many lands identified appear to have conflicts, which may preclude them from being considered for disposal. Furthermore, the circumstances around much of the land listed in the report may have changed dramatically in the 14 years since it was compiled.

In reality, those most likely to be adversely affected by a broad brush expedited disposal of Federal land are not environmentalists and public interest groups such as ours, but members of the community who have a day-to-day relationship with their public land.

Overall, Federal lands are not a liability but a boon to local economies. In this economy, selling off public land would contribute at best trivial amounts to deficit reduction at the expense of the well-being of local communities. Ironically, proposals to use our public lands as a bank account increase during economic downturns when demand is low and their sale would have the least effect on the deficit. Regardless, we believe the value of these lands and public ownership far outweighs their monetary value.

H.R. 1126 is less a substantive piece of legislation than expression of an orientation that sees public land as expendable for quick cash and development. We fundamentally disagree with this stance.

Based on our experience with and knowledge of Federal land use planning and sale transactions, the bill cannot achieve the deficit reduction through land sell off that it aspires to and, even if it could, would harm rather than benefit taxpayers in the communities that use and value these public lands.

[The prepared statement of Ms. Rosenberg follows:]

**Statement of Erica Rosenberg, Board President,
Western Lands Project, on H.R. 1126**

Mr. Chairman and Members of the Committee, thank you for inviting me to testify today on H.R. 1126. I submit this testimony on behalf of the board, staff, and members of the Western Lands Project. Founded in 1997, ours is the only organization in the country that focuses solely on monitoring federal land exchanges, sales, and conveyances and seeks to prevent the privatization of our public lands. We

track all BLM and Forest Service administrative land sales in the 11 western states and Alaska.

H.R. 1126 mandates the sale of up to 3.3 million acres of federal lands. The lands directed to be sold are the same lands identified in a 1997 report to Congress, pursuant to Section 390(g) of Public Law 104-127, the intent of which was to fund, through land sales in other states, ecosystem restoration in the Florida Everglades. The intent of H.R. 1126, by contrast, is to put the proceeds of land sales in the General Treasury for deficit reduction.

We oppose H.R. 1126 both on principle and in practice. We are against mandates that treat our public lands as liquid assets and their disposal as a quick fix for deficit reduction and economic development. Proposals like this are a common, reflexive response to tough economic times. And they fail, for two main reasons. One is that when the public learns of plans to sell off our national heritage, people of every political stripe vociferously oppose them; the other is that under closer scrutiny, these plans are impractical and ineffective.

Federal land retention but for land whose disposal serves the national interest is long-standing federal policy. A common complaint of Western counties is that because of the extent of public land within their boundaries, growth and development are severely restricted. Thus, Congress has responded again and again to this perceived imbalance, as well as to the need for agencies to improve land management, by giving agencies a myriad of authorities for land disposal and acquisition against a showing of need.

The Bureau of Land Management (BLM) already has the authority to dispose of land. This bill removes agency discretion—discretion that allows the agency to respond to the needs of, among others, local communities who benefit from the land. Since 1976, the BLM has had authority to sell land under the Federal Land Management & Policy Act (FLPMA). Lands are identified as suitable for disposal through Resource Management Plans (RMPs) formulated every ten years or so by BLM offices, with public input. These lands must meet certain criteria:

- Their location or other characteristics make them difficult and uneconomical to manage;
- They were acquired for a specific purpose for which they are no longer needed; or
- Their disposal would serve important public objectives, such as expansion of communities and economic development, that cannot be achieved on other than public land and which outweigh other public objectives and values such as recreation and scenic values served by keeping them in public ownership.

However, simply being identified at the planning level as “suitable for disposal” does not mean that a parcel will or should be sold. Although identified as “excess” or of no use to the agency, a parcel may ultimately be found unsuitable for sale or may nevertheless be undesirable for private purchase. Once BLM staff determines that market or development conditions are ripe to put a piece of land up for sale, they do so under a public process—which includes the possibility that an adjacent landowner will protest the sale. An appraisal, designed to protect the taxpayers who own the land, must be conducted. Analysis must be done to determine and disclose whether there are obstacles to the sale, such as the presence of cultural resources, wetlands, endangered species habitat, or contamination—or as important, its use by the community.

For example, we have monitored land sales conducted by the Redding, CA Field Office of the BLM for many years, and in one area where they had identified excess lands in the most recent RMP, local jurisdictions have gradually built a trail network surrounding the land that is heavily used by the local populace. To sell these BLM lands now would be patently counter to the interest of local citizens.

For most parcels or areas the 1997 report describes, it identifies serious impediments to sale, including high disposal costs, hazardous materials, wetlands, critical natural or cultural resources, existing mining claims, and title issues. These parcels were not “ready to go” even then: according to BLM “. . . many lands identified appear to have conflicts which may preclude them from being considered for disposal. . . .” Furthermore, the circumstances around much of the land listed in the report may have changed dramatically in the 14 years since it was compiled. Some parcels may already have been sold, while others may now be considered unsuitable for disposal—and all of them would have to undergo up-to-date appraisals and analyses, which cannot be done overnight.

In reality, those most likely to be adversely affected by a broad-brush, expedited disposal of federal land are not environmentalists and public-interest groups such as ours, but members of the community who have a day-to-day relationship with their public land. Overall, federal lands are not a liability but a boon to local econo-

mies. In this economy, selling off public land would contribute at best trivial amounts to deficit reduction at the expense of the well-being of local communities.

H.R. 1126 reflects an oversimplified concept of how BLM land sales should and can occur. It cannot achieve what it purports to achieve—deficit reduction thru land sell-off—in part, because while Congress can order the Secretary of the Interior to sell these lands, it cannot force people to buy them, and our experience in the last several years has shown that, with a few rare exceptions, there is not a crying demand to buy public lands. Ironically, proposals to use our public lands as a bank account increase during economic downturns when demand is low and their sale would have the least effect on the deficit. Regardless, we believe the value of these lands in public ownership far outweighs their monetary value.

H.R. 1126 is less a substantive piece of legislation than an expression of an orientation that sees public land as expendable for quick cash and development. We fundamentally disagree with this stance. In addition, based on our experience with and knowledge of federal land use planning and sale transactions, the bill cannot achieve what it aspires to do. Even if it could, it would harm rather than benefit taxpayers and the communities that use and value these public lands.

Mr. JOHNSON. Thank you, Mrs. Rosenberg.

Mr. Liesemer, you are now recognized for five minutes.

**STATEMENT OF RONALD LIESEMER, PH.D., VICE PRESIDENT,
CITIZENS FOR ACCESS TO THE LAKESHORE**

Dr. LIESEMER. Thank you, Mr. Chairman, Ranking Member Grijalva and Members of the Subcommittee. Thank you for this opportunity. My name is Ron Liesemer. I am Vice President of Citizens for Access to the Lakeshore, an all volunteer group of citizens formed in 2002 in response to threatened diminishment of public access at Sleeping Bear Dunes National Lakeshore.

My remarks will describe the nine year effort that led to this legislation. I will explain why it is needed and ask you to support it. We are grateful to the bill's sponsors, Representative Bill Huizenga and Representative Dave Camp, who represent the two counties wherein the park is located, the bill's seven co-sponsors in the House and our two Senators who have sponsored an identical bill in the Senate. The effort has been bicameral and bipartisan since inception.

The park is young. After a decade of opposition in the 1960s, incorporation in the National Park System began with enabling legislation in 1970. Around the year 2000, local communities learned that the Park Service intended to close county roads which provided the only vehicular access to the beaches. Only those strong enough to hike and backpack would be able to cover the miles involved to get to the starting point for their activity.

The Park Service answered that changes were mandated by Congress. A wilderness study done in 1981 recommended over half the park be designated wilderness despite county roads and buildings. In 1982, the park's enabling legislation was opened to address problems and to instruct the Park Service to maintain lands within the 1981 wilderness study. The outcome created de facto wilderness without public input procedures required by the Wilderness Act.

Our organization brought these problems to our elected officials. The Park Service appointed a new superintendent and assistant superintendent, who immediately began talking and listening to people's concerns at every rotary club and township meeting possible. In 2006, they began developing a new general management plan and wilderness study, soliciting public input extensively.

In 2009, a new general management plan and wilderness study were adopted. Both are enthusiastically supported by a vast majority of the park's stakeholders. The newly proposed wilderness assures public access and resource protection. However, because of the 1982 statute, a new plan cannot be fully implemented until Congress corrects the 1981 wilderness study by formally designating the access friendly wilderness boundaries recommended in the new study. H.R. 977 does just that.

Let me close by summarizing three points. This is a win/win for proponents of wilderness and conservation, as well as for those who want public access and varied recreational usage. Two, the process that enabled consensus is a good model not only for the Park Service, but anywhere government and citizens interface on tough issues. And, third, and most important, we respectfully ask the Subcommittee to report it to the Committee and then on to the House.

I thank you for the opportunity to speak to this Subcommittee. [The prepared statement of Dr. Liesemer follows:]

Statement of Jeannette A. Feeheley and Ronald Liesemer, Ph. D., President and Vice-President, Citizens for Access to the Lakeshore (CAL), Benzie County, Michigan, on H.R. 977, Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act

Chairman Bishop, Ranking Member Grijalva, and Members of the Subcommittee, Thank you for allowing me to submit this testimony to express our organization's support of H.R. 977. Its introduction represents the result of over nine years of work by the National Park Service (NPS) and input by us and hundreds of other organizations and individuals into NPS proceedings to establish a new General Management Plan and Wilderness Study for Sleeping Bear Dunes National Lakeshore (SLBE), which runs for seventy gorgeous miles along prime Lake Michigan shoreline in Northwest Michigan. The NPS in 2009 finalized and adopted its new General Management Plan for this Lakeshore, but significant parts of it cannot be implemented unless and until its accompanying Wilderness proposal is adopted by Congress and signed into law. The Wilderness Boundary Map attached to the legislation is Map Number 634/80, 083B dated November 2010.

We are extremely grateful to the nine House co-sponsors of this bill, especially the Honorable Bill Huizenga, who represents Benzie County, and the Honorable Dave Camp, who represents Leelanau County, the two Counties in which the Lakeshore is located. We are likewise grateful to our two U.S. Senators who represent Michigan, the Honorable Carl Levin and the Honorable Debbie Stabenow, who have co-sponsored an identical bill, S. 140, in the U.S. Senate. The legislation has been a bi-chamber, bipartisan effort from inception.

In 2002, a public outcry erupted in Benzie and Leelanau Counties where the Lakeshore is located over the then current General Management Plan (GMP) proposals that were nearing their final stage and well on their way to adoption by the NPS. Until the 2002 NPS Newsletter had been released that gave details of Four Alternatives the NPS was considering at that time, along with their Preferred Alternative, most of the general public in the area were unaware of its implications. A few members of the public began publicizing those implications, and many in the area became incensed. After studying the matter and attending NPS hearings on such, some of my neighbors and I realized that there was no public nor local governmental body nor volunteer organization sufficiently manned to mount the sustained effort it would take to get the NPS to listen and respond to our concerns, so we formed Citizens for Access to the Lakeshore (CAL) as a nonprofit, citizen advocacy group to do so. We recruited membership, elected a Board of Directors and collected dues and donations sufficient to support our newsletters, public presentations, educational outreach and the development and maintenance of a CAL Web Site.

At our founding, CAL never expected it would take nine years for the issues to get addressed, nor had we any idea that it would require new legislation to be passed by Congress, but the tedious and painstaking efforts by all concerned will be worth it if the legislation before you is passed. The bill is needed in order to allow the Park Service to implement the 2009 outcome of NPS proceedings and ne-

negotiations with the public which became, over eight years time, a true collaboration, in our view, among the Park Service and all its stakeholders.

We are very grateful to SLBE Superintendent Dusty Shultz for the new GMP and Wilderness Study subsequently developed and approved at the agency level in 2009. Superintendent Shultz had not been a part of the development of the former GMP proposals in the early 2000's, having arrived at the Park as its new Superintendent after they had already reached their final stage. When the Secretary of Interior, in response to public outrage, requested withdrawal in October 2002 of that previous GMP, Superintendent Shultz responded by thenceforth devoting much staff time and resources to learning why the community was so alarmed and why the NPS had been so taken by surprise by the outrage.

Those early years also saw the appointment of a new Director of the NPS Midwest Region, Mr. Ernie Quintana, who came to SLBE to view the Lakeshore, which had become one of his new responsibilities. During that visit, he was kind enough to meet with CAL Board members in the presence of Superintendent Shultz. After listening to us, he expressed his view that we seemed to have legitimate concerns, that the NPS could address them, and that he would be supportive in that effort. He has, indeed, been supportive at all crucial, NPS/internal review and approval stages over the many years on these efforts, and we are very grateful to Director Quintana and his Midwest Region Staff in Omaha.

One of the first steps taken by the NPS during that contentious time was to send new personnel to SLBE who had expertise in public relations. CAL and others wondered at the time if Mr. Tom Ulrich had been sent simply to tell the local population that we didn't know or understand anything and to admonish us for having dared to question the federal bureaucracy. However, we soon learned that Mr. Ulrich was not sent for window dressing or simply to smooth ruffled feathers. Instead, we found him to be a dedicated public servant who was committed to listening to the concerns of the agency's stakeholders and who adeptly helped establish a working relationship among what had become, by that time, two distinct adversaries: the National Park Service vs. the SLBE's surrounding local communities.

CAL strongly believes that, from 2002–2009, these two sides learned to listen and talk with each other as never before, and that the NPS adopted a new view that it is better to aggressively publicize its processes and actively and genuinely solicit input up front rather than assume all is well only to learn late in the game that its stakeholders had not understood the implications of what it planned to do. The materials developed by the NPS in this particular effort are a vast improvement over what was available to the public before. For instance, after the GMP process was resumed in 2006, inter-active communication tools were newly available to the public on an improved NPS Web Site that made it much easier for the general public to access, read and submit formal comment on each NPS proposal. It also appeared that the NPS liberalized, or, at least, publicized better, that any citizen who so desired could be put onto their mailing list to receive NPS proposals each step along the way where there was opportunity for public input.

In addition, ever since 2002, CAL had been speaking at local and county government meetings, road commission hearings, Chamber of Commerce meetings, Rotary Clubs, etc., in an attempt to inform as many people as possible about our discoveries of the implications of the NPS proposals. So the NPS spent the time and resources necessary to do the same and more: Superintendent Shultz and Deputy Superintendent Ulrich and other NPS staff began to attend meetings of their stakeholders/customers' organizations to make themselves available for questioning at their stakeholders' convenience and on their stakeholders' own territory. And, once the new GMP process was restarted in 2006, the NPS developed a Power Point Presentation they took "on the road" rather than relying on the few standard NPS Open Hearing dates which the public may or may not be able to attend.

As for the substance of the problem, it was, in a nutshell, that in 1981 the NPS had concluded a Wilderness Study and made a wilderness recommendation at a very young Park still deep in a contentious acquisition phase, its enabling legislation having only been passed in 1970. The full impact of that Study would not become apparent to the public until much later, after most of the land had come under Park Service ownership. Two and a half decades passed with issues simmering in seemingly piecemeal NPS actions that the public only saw as separate, isolated irritants. However, the full implications of the 1981 Wilderness Study and its inherent incompatibility with reality surfaced explosively in the 2002 GMP.

Complicating matters was that this Park had not originated with vast amounts of never-used or never-privately-owned land, but of land that had been mostly held and used by small, private landowners for two centuries, along with two small areas of state park land. In order for the Park to become a reality, most of those private owners had to be removed from their land after the 1970 enabling legislation was

passed. Many of the land parcels had been in the owners' families' possession for generations. Some were very willing to sell, some were not, and some were taken by eminent domain or its perceived threat. Another acquisition method was a sale in which the owners were allowed to reside for a specified time, usually through a twenty-five year lease.

Although generally beloved by the most of the local populace now, the Park's very creation had been wrenching and painful. Indeed, it had taken the whole decade of the nineteen sixties for proponents of a new federalized Park to win sufficient support inside the State of Michigan for the 1970 enabling legislation to pass. The promise held out to all at the time was that, by taking the land and making it a federal Lakeshore, its woods and dunes and beautiful beaches would forever more be saved for the recreational uses of the general public rather than swallowed up and transformed by large-scale private developers.

So, in 1981, the general public had little idea that "wilderness", if applied where roads already existed, would require the removal of those roads. The Wilderness acreage recommended in 1981 did, indeed, include many county roads in both Benzie and Leelanau Counties, roads which have provided the historical access to the beaches. The general public also had little idea that the 1981 "wilderness" would be interpreted by the NPS as a call for the destruction of many historical features throughout the Park. Indeed, it took two other citizens' groups, with the help of Senator Levin, to get the NPS to recognize that there were historical resources and cultural viewsapes worth saving within a Park where acquisition and a return-to-nature agenda were on full throttle. Never-the-less, enough was understood about the 1981 Wilderness Recommendation that it was politically highly contentious from its inception: the Secretary of Interior would not approve it nor move it along for further approval. The Congress at that time reacted to the Secretary's inaction by inserting a few sentences about the 1981 Wilderness Study in a 1982 amendment to the Park's 1970 enabling legislation. The purposes of the 1982 amendment had mostly to do with making the acquisition process fairer to all property owners and with removing certain areas of land around Glen Lake from the Park boundaries. Even though the 1982 legislation's intent and purposes had nothing to do with wilderness, Congress inserted language into that bill that instructed the NPS to manage all the land within the 1981 Wilderness Study as if it was "wilderness" unless and until Congress said otherwise. The effect, as noted in the Congressional Record at the time, was a wilderness designation imposed by the back door, a de facto wilderness where none had been formally designated by Congress according to the procedures of the Wilderness Act.

Over the years, the NPS attempted, from time to time, to acquire the county roads within those de facto wilderness areas, per the 1982 Congressional action. However, for thirty years, the Counties have adamantly resisted federal acquisition of their roads, having no wish for their residents and tourists to lose public access to the beaches. The Park Service was never successful in eliminating the historical vehicular access on the mainland, but was successful on the Park's two islands, North and South Manitou, by disallowing use of the landing piers by cars and by a 1987 letter to South Manitou residents.

The building tension over the NPS's repeated attempts to acquire the counties' roads came to a head in the 2002 GMP proposals. Having little familiarity with the long forgotten 1981 Wilderness Study and having little acquaintance with the fact that the Study's effects had become federal law in 1982, most local people were completely dumbfounded in 2002 on a number of levels:

- Why did the 2002 GMP call for the acquisition and demolishment of the county roads, which provide the only vehicular access of the general public to the beaches?
- Why did the 2002 GMP propose "mouldering" many of the area's historical resources?
- Why did the 2002 GMP proposals portray half the Lakeshore as a place where the human foot had left no mark and where only "wilderness" had existed? In this aspect, the GMP's tone, as well as the content, was highly offensive to local people who themselves or their parents had been uprooted from the very land now called a "wilderness" where, allegedly, no one had ever settled. In reality, the local populace had first hand knowledge that said lands had been farmed, settled and lumbered for generations, and that Native Americans and lumbering companies had worn trails that still exist and are used to this day. South Manitou Island, with its great natural harbor and nautical refuge in Lake Michigan, had been settled, farmed and lumbered even before the City of Detroit was developed. The 2002 GMP proposals were not only offensive for proposing that the general public lose its access to the beaches, the very purpose of the enabling legislation, but added insult to in-

jury by attempting to wipe out the magnificent human history of the area's forebears.

- And why did Park Service staff, in attempting to explain these matters to an outraged citizenry, keep saying that it had all been “mandated” by Congress?

It took CAL much study of past legislation and NPS documents to track down all the historical events leading to the disastrous 2002 collision between the Park Service and SLBE's local communities.

Once CAL identified the 1981 Wilderness Study and the 1982 law as the cause of the problem, CAL sought to have the offending lines in the 1982 legislation removed, which would have freed the Park Service from any wilderness “mandate” and would have allowed them to begin afresh a new GMP unencumbered with de facto wilderness. However, we ascertained, to our initial disappointment, that there was no Congressional, political or agency will for such. It appeared that doing so might be interpreted and maybe contested by wilderness proponents as a removal of “wilderness” from the Lakeshore, even though such had never been officially designated.

However, our Senators and Congressmen actively supported the public's desire to be heard, and, at the same time, they actively supported the Park Service's desire to allow for a cooling off period and to give the NPS time to look anew at the problems and situation. Our Senators and Congressmen supported the NPS' entering into a long, multi-year, continuing dialogue with the local communities. Our elected officials also supported CAL whenever it appeared to us that the NPS was not listening nor understanding us. Thanks to our Senators and Congressmen, we learned to read and speak Park Service-ese, and the NPS learned to understand us, even though we weren't always conversant or familiar with the multitudinous NPS procedures, policies and technical terms.

It worked! The 2009 GMP/Wilderness Study addresses and corrects all the unresolved issues of the previous Wilderness Study. Now the areas proposed for wilderness make sense, and will provide that the primitive, natural areas can remain as much of the local population wishes—in their natural state—without cutting off public access where it is needed.

The bill before you, if adopted, will finally, finally throw out the flawed 1981 Wilderness Study that has had our Lakeshore tied up for so long in administratively applied wilderness sanctions where they were inappropriate and unenforceable, and will replace it with the new 2009 Wilderness recommendation that puts the Lakeshore's counties' roads, beaches, fundamental historical resources and all remaining private inholdings outside wilderness jurisdiction. At the same time, the bill would give a true, Congressionally approved wilderness designation to those areas of the Park, a good half of its acreage, where a wilderness designation is appropriate and can be easily enforced by the Park Service and supported by its stakeholders.

The bill is a win/win for proponents of wilderness and conservation as well as proponents of public access and varied recreation usage. It is not a bill where the proponents give grudging, reluctant support, feeling compromised and unhappy about something. Rather, this is a bill wherein almost everyone involved has emerged quite satisfied.

CAL highly supports this bill and respectfully asks your consideration for its passage.

Mr. JOHNSON. Thank you, Mr. Liesemer, and thank you all for your testimony.

At this point we will begin questions of the witnesses, and to allow all of our Members to participate and to ensure we can hear from all of our witnesses today Members will be limited to five minutes for their questions. However, if Members have additional questions we can have more than one round of questioning.

I now recognize myself for five minutes, and I will turn to Mr. Pool first. In relationship to H.R. 41 and Section 201 or with respect to Section 201, is the BLM currently planning to construct a facility under the donation agreement from the Conservation Fund?

Mr. POOL. Congressman, I don't have an answer to that question today. I would be glad to get back to the Committee on that.

Mr. JOHNSON. When do you think you—

Mr. POOL. I don't have that information. I would be glad to provide that.

Mr. JOHNSON When do you think you can get back to us?

Mr. POOL. I should be able to get back with you within a week's time.

Mr. JOHNSON OK. All right. Thank you very much. Mr. Pool, also in relationship to H.R. 41 can you elaborate on the language modifications you would like to see "for consistency with other wilderness legislation"?

Mr. POOL. Well, I think that in terms of the wilderness designation, as one of the Members made reference to earlier, clearly that authority rests with Congress. What I was advocating in response to the bill that was introduced that the Federal Land Transaction Facilitation Act has been an invaluable tool for BLM.

Many of the designated wildernesses, National Park Systems, National Forest Systems and units of BLM's National Landscape Conservation System do have substantial inholdings, and many of these inholders are willing sellers. Our goal is to try to facilitate the acquisition of those inholdings, and the FLTFA has been an invaluable mechanism for us because what it does, we make lands available for competitive sale.

We utilize those same receipts to put an administrative account, which gives us added capacity to survey, appraise, conduct the wildlife and cultural inventories and make those properties available for disposal. In turn, we use those same receipts that have been generated through BLM's sales program working with Park Service, Forest Service and Fish and Wildlife Service to acquire those same inholdings that are in designated areas.

Mr. JOHNSON OK. Thank you. Mr. Pool, also in relationship to H.R. 490 has the Manzano Wilderness Study Area been identified as being suitable for wilderness?

Mr. POOL. I believe it has. I would have to double check that fact. I am a little embarrassed about that because I am a New Mexico native, but I will confirm that.

The reason being because of its small size there may be a size issue there, but because of it being adjacent—it abuts actually the Cibola National Forest. In terms of future legislation considerations, it may have been deemed suitable.

Mr. JOHNSON OK.

Mr. POOL. We support that addition to the Forest Service.

Mr. JOHNSON OK. In regard to H.R. 1413, Mr. Pool, were the BLM lands proposed for wilderness designation ever managed for timber production pursuant to the ONC Act before being administratively withdrawn?

Mr. POOL. I don't believe so. I think we have had pretty strong protective measures in that area for a number of years because of the resource values involved.

Mr. JOHNSON Can you confirm that?

Mr. POOL. I can. I can get back and confirm that.

Mr. JOHNSON OK. Mr. Liesemer, in regards to H.R. 977 your testimony recounts the creation of the park and acquisition of private lands. You say that the park used eminent domain or its perceived threat to take these lands. Can you explain how the threat of eminent domain was used by the Park Service?

Dr. LIESEMER. That goes back to the early days. When the park was formed there was a much larger area that they intended to take. There was the usual discussion that took place that narrowed it to the current boundaries.

There was also an additional—I don't know the number of cases that were eminent domain. In a number of cases there was a 25-year lease that was offered to people as a way of making it more palatable or facilitating the acquisition. Those were beginning to expire about the year 2000 when the Park Service looked like they were going to be closing roads.

Mr. JOHNSON OK. Would you support language in the bill to protect motorboat access and to prevent the establishment of buffer zones?

Dr. LIESEMER. The language that is there was worked out through extensive discussions between the Park Service and different communities. The primary interest of many of the communities was to ensure that there was access to Lake Michigan from the roads, mainly M-22, so the odds are yes.

Mr. JOHNSON The bill that was introduced last year protected motorboat access and prevented buffer zones. So you say you would support that in this current version?

Dr. LIESEMER. Yes. Yes. If my memory is correct on that it was removed for technical reasons. I think as the Park Service was writing the bill they said this really doesn't apply.

Mr. JOHNSON OK. But back to the question. Would you support language in the bill to protect motorboat access and prevention of the establishment of buffer zones?

Dr. LIESEMER. I would have to look at the details of that, but based on the spirit of it I think the answer is yes.

Mr. JOHNSON OK. All right. Thank you. I would like to recognize the Ranking Member now for any questions that he may have.

Mr. GRIJALVA. Thank you, Mr. Chairman. I am going to focus the initial question I have. Hopefully in the second round I will have some others. I am going to focus in H.R. 1126. Since we heard from one of the witnesses the very fate of the Nation rests with the passage of this legislation, so I would like to get at some facts before we put that fate to test.

Mr. Pool, just to be clear, BLM and other Federal land management agencies have the authority to sell Federal land under certain circumstances. Are we pursuing those land sales routinely? Is that an accurate assessment?

Mr. POOL. That authority does reside with the Bureau of Land Management, Congressman. Since the 1997 report was submitted to Congress, all 3.3 million acres that we identified at that time through our land use plans, we have disposed of 1.7 million acres since 1997.

I might clarify. The percentages of lands that we disposed of and how many of those lands are in that 1997 report, I would have to confirm that information, which would be very labor intensive, but the dynamics of our land use planning system as it continues to evolve over time and we continue to identify lands to be retained and lands to be disposed of.

Mr. GRIJALVA. OK. For time's sake, do you currently have in place the personnel that is required to accomplish all the current land sales?

Mr. POOL. The mechanism under the Federal Land Transaction Facilitation Act allowed the BLM to keep 20 percent of those receipts for administrative purposes. Since that legislation was not authorized, it is really taxing our capacity, our Real Estate Divisions.

Mr. GRIJALVA. So, the point being that additional budgetary resources would be required in order to meet—

Mr. POOL. That is correct.

Mr. GRIJALVA. OK.

Mr. POOL. Yes.

Mr. GRIJALVA. And the legislation we are talking about does not address that issue at all. Would diverting BLM resources to that task of land sales divert let us say from oil and gas permitting, renewable energy permitting and the like and those kinds of—

Mr. POOL. All our decision making at the grant level is based on an interdisciplinary approach and so by not having that 20 percent revenue coming in under FLTFA does greatly impair our capability to—

Mr. GRIJALVA. You have grazing leases on some of this land, I presume. What would happen to those leases if the land was sold under the four year mandate that is in the legislation?

Mr. POOL. Well, for all the parcels we have identified for disposal we did look at expressions of interest. Typically those that are identified for disposal are in the high urban interface zones because of their appreciative value and it generates more revenue.

As it relates to our grazing permittees, sometimes we have isolated public land tracts, very small tracts, and typically we will afford them the opportunity to purchase those tracts, but before we allow those lands to be disposed of we have to go through and conduct a survey, the appraised values and a series of other inventories to make sure that there is no significant natural resource values being lost with that transaction.

Mr. GRIJALVA. The 12.5 royalty collected on oil and gas development on public lands. If these lands were sold as we are talking about does that mean less revenue to the Treasury? Do we know?

Mr. POOL. Well, typically the lands that we identify for disposal don't have a high economic value associated with it other than the surface value, but we do evaluate these tracts for their mineral potential. If they have high mineral potential that would generate public revenue then typically we retain those lands.

Mr. GRIJALVA. OK. Let me in the time, Ms. Rosenberg. Is there a demand to buy public land right now? Has there been any analysis since the lands were listed in the 1997 inventory to determine what the actual demand for these lands are? We are working on a presumption now, and I would just like to know if there is any real fact attached to this.

Ms. ROSENBERG. Well, I believe there is not a crying demand for public lands right now. The exception, the recent exception, was in Las Vegas where land sold quickly and for huge amounts, and there was a great demand to sell them and BLM had a variety of authorities—

Mr. GRIJALVA. OK.

Ms. ROSENBERG.—under which to sell the land, but that was an aberration.

It is no longer the case, particularly in these economic times. It would benefit communities to keep as much public land in public ownership for their scenic and recreational value during these times.

Mr. GRIJALVA. And for their own land values. Mr. Chairman, thank you. I don't think I will have any follow-ups.

I would like to just indicate that in the first round of questions you pointed out that seven of the eight Members of Congress here today testified on wilderness proposals that are under their jurisdiction or shared jurisdiction with another Member, but Mr. Chaffetz's bill, the disposal bill, wants to sell land that is in other districts. I kind of find that an irony, and I yield back.

Mr. JOHNSON Thank you to the distinguished colleague for yielding back.

I would like to yield now to my good friend, Mr. Kildee. We will go a little bit out of order here. I want to make sure he has an opportunity to get his questions in.

Mr. KILDEE. Thank you very much, Mr. Chairman. I appreciate, first of all, your work on this Committee. You indicate that this Committee can do bipartisan work. You usually sit right in front of me, and I have your back all the time. I appreciate that.

Mr. JOHNSON Thank you very much.

Mr. KILDEE. I want to commend, Mr. Liesemer. This is hard work negotiating these things. I have been involved with Sleeping Bear Dunes since 1970 when I was in the state legislature and Phil Hart introduced the organic bill at that time.

I will tell you, I was kind of standing on the curb being back in Lansing watching this. I got nicked by a truck once in a while standing there on the curb. But it takes a lot of hard work, and I commend you for bringing so many people together who have shades of differences and sometimes more than shades of differences.

I can recall when we created the wilderness study area, and I can recall there was one small area that had we discovered a fern that apparently grew only there. It wasn't many acres. How many acres did we do? About 32,000 for wilderness. We added about another 40 acres where that fern was growing. I don't know whether we ever found a fern any place else, but I know all the difficulties. I remember the speedboat struggle that went on. That has been resolved and the boats can come up to the shore now.

I think you have done an excellent job and those you have been collaborating with and leading, and I think this is a very good bill. Phil Hart was a personal friend of mine outside of the political arena even. We used to go to mass together and pray for good laws too hopefully. I think you have helped us do some good lawmaking here.

Several controversial issues have been hotly debated. Is it the case that H.R. 977 is part of a plan to resolve all those various issues in this one bill?

Dr. LIESEMER. Yes, that is the case. Our group and I thank you for your comments. The Park Service also deserves credit on this.

The attitude changed from this is what the Congress has mandated to let us find a solution together.

It takes a lot of time—as I mentioned, nine years—to accomplish this, and sometimes well, we always hear the devil is in the details. Sometimes the solutions are in the details, and they dug into some of the details to find ways to make it work. Thank you.

Mr. KILDEE. Well, you used patience, knowledge and determination because, as I say, I have been following this since 1970.

It is not always easy, but with that knowledge and that determination and that patience we can resolve these things. I just wanted to commend you for your role in this. That is all I have to say. I think you have done a great job.

Dr. LIESEMER. Thank you.

Mr. KILDEE. Thank you very much. I yield back, Mr. Chairman.

Mr. JOHNSON Thank you very much.

[inaudible] Ms. Rosenberg mentions in her testimony that selling public land would come at the expense of the well-being of local communities. In your research on rural economics, have you come across any negative impacts on private land ownership?

Dr. STEED. No, sir, I have not come across that. The nature of our research has been to look at the economic impacts of different designation types, and what we know about different designation types is any time we do designate there are in fact tradeoffs. Those tradeoffs may include access to different economic activities, different recreational activities.

When you designate wilderness you take everything from mining to mountain biking off the table and in fact change how locals interact with the property in which they live or the area in which they live. And so I don't find that there are negative impacts for private property. However, there may be some benefits from public land ownership as well. Mostly this depends on context, what is there.

Mr. JOHNSON OK. Thank you. Are you familiar with Headwaters Economics and their analysis of the impact of national monuments on the surrounding counties?

Dr. STEED. I am, yes.

Mr. JOHNSON Why do their conclusions differ from those of yours and your colleagues, and what have you found to be the impact on the counties where national monuments and/or borders are affected?

Dr. STEED. I think it is a fair question. Headwaters recently concluded a study of the Grand Staircase-Escalante National Monument. We were doing a study at the same time that they were, and let me walk through the differences between our study and theirs.

Their study looks at a standard growth model to where you look at Time 1 as the economic conditions in Time 1, whole cost in dollars, and compare economic conditions of Time N, whenever the time ends. In looking at that study, what you don't have is any comparison of economic conditions in those counties of interest and other similarly situated counties.

I think our study addresses that in a better way, and the way we do that is looking at the economic conditions in Garfield and Kane Counties before the designation of the monument, track those, compare economic conditions after the designation of the

monument and compare those changes with other similarly situated counties.

In our study we have identified 100 closely matching counties, and we find when we do that study we don't find the same degree of economic benefit as identified in the Headwaters study.

Mr. JOHNSON OK. And maybe you just answered this, but let me make sure. Did any of their analysis include the lost economic opportunity of land designations?

Dr. STEED. That is a second issue, in fact, that we don't include in our study as well. This is the issue of opportunity costs.

Whenever you make a designation you in fact change what can happen with that property going forward. In the case of wilderness or a national monument, by and large we consider those to be in perpetuity. And so we didn't include those opportunity costs, although we know they exist.

In the Grand Staircase-Escalante, there were large coal reserves, as well as petroleum reserves, which were taken off the table. We don't include those in the study because in fact we don't know what would have happened had the monument not been designated. We don't know if they would have proceeded or not. However, local communities, especially in Garfield and Kane Counties, made the claim that it would have been by far better off to have those go forward.

In addition to that, and look at just the opportunity cost question, referring to the Treasured Landscapes documents. BLM recently released or I guess leaked a document saying that there should be at least 15 more national monuments. We took a look at what opportunity costs might be given up had those monuments been designated. We looked specifically at energy resources. We find that in fact if those monuments are dedicated there will be a cost in terms of energy resources that could be developed.

Interestingly, the bulk of the cost will be in renewable energies that could be developed on those properties. Again, this is not to say that this should or should not happen. However, we just have to go forward knowing that there are tradeoffs in whatever land use designations we make.

Mr. JOHNSON Did your study find any initial financial benefits from monument designations? In other words, did tourists flock to a new designation following the proclamations?

Dr. STEED. In the Grand Staircase we did not find a marked change in economic conditions compared to nondesignation counties. In fact, mostly we find a null result, meaning that we can't say yes or no that this was good for the economy.

We do find in Kane County a statistically significant increase in tax revenues that is not matched in total payroll and no impact in Garfield County that we can identify.

Mr. JOHNSON OK. Thank you. We will turn back now to the Ranking Member for his second round of questioning.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Let me just follow up, Mr. Steed. At a hearing two weeks ago, your colleague, Dr. Yonk, testified as well. Is the research that you are commenting and testifying on today, that you are describing today, the same work that Professor Yonk has testified on?

Dr. STEED. Yes. Dr. Yonk and I both work in the Center for Public Lands and Rural Economics.

Mr. GRIJALVA. OK.

Dr. STEED. I work at Utah State. He works at Southern Utah University.

Mr. GRIJALVA. So just to follow up, since it appears that your work is going to become a linchpin to much of this discussion, have you sought to have the work published, or has it been published?

Dr. STEED. At this point we are currently seeking to publish it.

Mr. GRIJALVA. OK.

Dr. STEED. As to the one we have—

Mr. GRIJALVA. Let me follow up. Has it been peer reviewed? You have had this research that much credibility has been given to.

Dr. STEED. Yes.

Mr. GRIJALVA. Has that been peer reviewed?

Dr. STEED. The piece that is published as part of my testimony today, the economic cost, was peer reviewed through the environmentaltrends.org group.

Mr. GRIJALVA. So it is self-published?

Dr. STEED. It went through a peer review process.

Mr. GRIJALVA. If you would at least provide the Committee additional information on that process—

Dr. STEED. Certainly.

Mr. GRIJALVA.—and the participants? I think it is very valid as we go through. Your work and your research of you and your colleagues is becoming central to this discussion. I think your academic and scholarly credibility should also be part of the discussion.

Professor Yonk testified that the establishment of the Grand Staircase-Escalante National Monument has had no impact on the local county economics. Do you agree with that assessment?

Dr. STEED. As I have testified today, I think the only economic impact that we have identified in that study is a statistically significant rise in total tax revenues.

Mr. GRIJALVA. OK. Dr. Yonk also testified, just to get both sets of testimony in the right balance, that if the monument had not been designated there was no guarantee that coal would have been mined in the region. Do you agree with that—

Dr. STEED. Absolutely I agree.

Mr. GRIJALVA.—opportunity/lack of opportunity analysis?

Dr. STEED. Honestly I don't know what would have happened in the Grand Staircase. I mean, there is reason to believe, based on current regulations facing the development of coal energy, that that may not be—that the Andalex Mine may not have gone forward. I just don't know what would have happened.

Mr. GRIJALVA. OK. Ms. Rosenberg, let me turn to you. Briefly, not to get you into the opportunity cost discussion, but about the economic value of public lands. If you could just briefly outline that part of the discussion as you see it?

Ms. ROSENBERG. What I can say is that Ray Rasker was here testifying from Headwaters Economics testifying about the economic values of public lands. There have been studies that support the view that having a national park or national monument or pub-

lic lands in your vicinity raises income, improves the economies of local communities. Apparently there are studies on the other side.

I would say beyond economic value there are intangible values that public lands may offer such as scenic and wildlife and recreation and watershed that cannot be quantified in an economic study, but there are certainly economic studies that support the benefits of public land ownership.

Mr. GRIJALVA. Yes. There are values opportunity, but I don't know how you quantify that. I appreciate it, and I yield back.

Mr. BISHOP [presiding]. Thank you. If I have a chance to give a couple of questions here?

Mr. Pool, if I can hit you up first? Is there a single database, a web page, something, that maintains a consolidated running total of BLM lands available for disposal?

Mr. POOL. Congressman, there is not one single database. Those lands that have been identified are all associated with our resource management plans. We produce on average we have about 150 resource management plans, and those lands are all contained in those plans.

Mr. BISHOP. Such a database would be helpful. I know many times when we are talking about land exchanges often times the agency doesn't really know that they actually own the land in the first place until we did an exhaustive land review of some kind.

Dr. Steed, if I could ask you? Or actually Mr. Ward. Let me just go down the list if I could here. To what extent do county payments reimburse counties that are blessed with designated wilderness and monuments?

Mr. WARD. Blessed with wilderness and to what extent are they reimbursed?

Mr. BISHOP. Yes, through county payments.

Mr. WARD. Well, if they are Department of the Interior lands, BLM lands like Grand Staircase, then it depends upon the nebulous, insecure and unstable PILT program, which always struggles for recognition.

Mr. BISHOP. Would you just compare, because we do have PILT payments, and some people have criticized PILT payments on the Floor of Congress saying it is welfare to the West.

Do the PILT payments—sorry about the P with the microphone. Do the PILT payments actually in some way meet what could be done if the land was in some way taxable, even on the lowest rate of taxation?

Mr. WARD. Only in the most minute way, Chairman. Let us put it this way. Kane and Garfield Counties, where the monument is located, spend untold percentages of their budgets providing governmental services throughout all of those millions of acres of land, but they can't tax it, and the PILT payments are only a fraction of what they could get otherwise.

Mr. BISHOP. Dr. Steed, if I could ask you a couple of questions? You responded, and I think you responded accurately, to the Ranking Member's question about whether you could predict that coal would have been developed in the Grand Staircase-Escalante Monument. Under monument status will it ever be developed?

Dr. STEED. To my knowledge, no. I think that is taken off the table.

Mr. BISHOP. That is one of the problems that we have down there. Obviously for academic reasons you are very careful on what you say. Obviously the people who live there locally are much more verbose and direct in how they would answer those questions.

Let me ask you one more question. States like Utah have a productive state land policy Act. Do you evaluate the economic benefits from state-owned lands, as opposed to similar Federally owned lands?

Dr. STEED. Our studies to date haven't looked at that question, but I can say that from my experience working in Southern Utah as an attorney, those lands that are state owned often have much more productive economic uses than similarly held public land held by the Federal government.

Mr. BISHOP. Your study that you did along with Dr. Yonk down at Southern Utah University were highly different from what the Headwaters Economics group, for example, did as far as growth formula.

I think you touched on that briefly. Is there anything more you want to say as to the difference between your approach versus theirs?

Dr. STEED. Simply to point out I think there is a value in comparing wilderness or even national monument properties or national monument counties to counties that don't contain those.

The Headwaters study simply have a growth study over time and looking at this where you can compare empirics it is a better claim if you are able to compare this with counties that don't have similar designated properties, and I think that our studies do that in a way that their studies don't.

Specifically, the Grand Staircase-Escalante study has comparison to similarly situated counties where we don't find the same dramatic economic growth as shown in the Headwaters study.

Mr. BISHOP. Thank you. I appreciate that. I have one minute left.

Mr. WARD, let me finish off with you, if I could. Do you consider FLTFA to be an effective method of disposal of Federal lands?

Mr. WARD. FLPMA by itself and Section 203 of FLPMA has a criteria for disposal of lands, but, as Mr. Pool alluded to and others, it is a very complex, conditional type of process. Congress needs to supplement that process, Chairman Bishop.

Mr. BISHOP. Let me ask you. I have 30 seconds here. I am chewing gum and speaking at the same time. I can do it. It was not FLPMA though I tried to say. It is Federal Land Transfer, FLTFA.

Mr. WARD. Oh, I am sorry. I mis-heard you. I am going to confess, I am not intimately familiar with that Act so I can't help you there, Chairman.

Mr. BISHOP. That is fair enough. I appreciate that. My time has expired.

Are there other questions? Representative Kildee?

Mr. KILDEE. Just a personal one to Mr. Liesemer. Where did you get your Ph.D.?

Dr. LIESEMER. I am a Detroit guy. I grew up there. I got my Master's and Ph.D. at Wayne State University in Organic Chemistry.

Mr. KILDEE. Very good. I noticed also that you have been very active in the recycling of plastics, which is a very good thing for our environment.

Dr. LIESEMER. Thank you. You have done some homework. Yes. I can say I think I am the guy that made plastic recycling a reality in the United States.

Mr. KILDEE. Well, for that we really thank you. That is very, very important—

Dr. LIESEMER. Thank you.

Mr. KILDEE.—because that could be an enormous problem were not someone willing to address that in a very massive and broad way and one that has been very effective. We can always make things better, but I think you deserve a great thanks for that role too.

So we thank you for really being a public spirited person who just makes our environment a lot better so we can enjoy it and recognize what should be done to certain areas and what should not be done to certain areas and know the difference. I just admire someone who has the diligence that you have. Again, thank you.

Dr. LIESEMER. Well, thank you. And that effort was a joint effort, a lot of joint work between government, primarily counties and cities and private industries through the trade association that I represented. I thought it worked very well. The plastic industry put millions of dollars into it, and I have to give them credit for backing me with that.

I certainly didn't have structural authority to tell these government organizations what to do, but when we showed them how to do it, they did it. Thank you.

Mr. KILDEE. That was very effective, and we again thank you for your work on that. I yield back, Mr. Chairman.

Mr. BISHOP. Thank you, Representative Kildee. Congressman Kildee is a gentleman to everybody here in this House, but when he meets somebody from Michigan he is especially kind to you, so you got treated royally by one of the nice guys.

If there are no other questions, I want thank this panel for your willingness to come here and testify before us today. It was very kind of you. I will personally apologize for having to leave and come back, but I have had a chance of reading your testimony and I thank you for your time and effort to be here with us and make this panel and this hearing a success.

If there are no other questions and no further business, without objection this Subcommittee will stand in adjournment.

[Whereupon, at 11:55 a.m. the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

**Statement of The Honorable Dave Camp, a Representative
in Congress from the State of Michigan, on H.R. 977**

Mr. Chairman, I am pleased you are holding this hearing today and appreciate the opportunity to submit my comments for the record.

My statement today is in support of legislation Rep. Bill Huizenga (R-MI) and I introduced that will implement a new General Management Plan for Sleeping Bear Dunes National Lakeshore. Since 2003, I have been proud to represent the District that includes the Sleeping Bear Dunes, a true national treasure. In fact, earlier this year the television show *Good Morning America* conducted a national poll in which Americans voted Sleeping Bear Dunes "The Most Beautiful Place in America."

H.R. 977 is the culmination of years of work to craft and implement a new General Management Plan. In 2002, the National Park Service began an attempt to revise the park's management plan, pursuing the most restrictive set of policies avail-

able including cutting off public access to the beach. The public resoundingly rejected the proposed plan, which did not address their input and concerns. As a result, the Park Service eventually withdrew it.

In 2006, the effort to update the management plan for Sleeping Bear Dunes resumed, but this time it was done the right way. The public, local stakeholders and the National Park Service came together and produced a compromise General Management Plan that adequately balances preservation with public use. This management plan ensures that this national treasure will be enjoyed by generations of Americans to come by preserving access to its beaches on land and watercraft, maintaining hunting and fishing rights, and protecting the most vulnerable aspects of the ecosystem.

While stakeholder and public agreement has been reached, the plan must still be passed into law. Last Congress, I was pleased to work with Mr. Huizenga's predecessor, Rep. Pete Hoekstra, and with Senators Levin and Stabenow to craft legislation to codify the General Management Plan into law. Mr. Huizenga has taken great leadership on this issue and, if the Committee sees fit to approve our bill, I am confident he will be able to finally see this new management plan across the finish line.

To conclude, I once again thank the subcommittee for the opportunity to submit my comments, and urge the swift passage of the bill.

Statement of Jim Peña, Acting Deputy Chief for National Forest System, Forest Service, U.S. Department of Agriculture, on H.R. 41—Beauty Mountain and Agua Tibia Wilderness Act of 2011

Thank you for inviting the Department of Agriculture to testify on H.R. 41, the Beauty Mountain and Agua Tibia Wilderness Act of 2011. We will confine our remarks to the provisions of the bill that are related to lands managed by the United States Forest Service, specifically the Agua Tibia Wilderness Area. We defer to the Department of the Interior on provisions relating to the Bureau of Land Management regarding the Beauty Mountain Wilderness Area.

The Department supports the additions to the Agua Tibia Wilderness and the additional protections that will be provided to the current Cutca Valley Inventoried Roadless area.

Agua Tibia, which means “warm water” in Spanish, is a scenic area of deep canyons with chaparral-covered slopes that give way to stands of fir, pine and oak. H.R. 41 would designate as wilderness 7,796 acres known as the Cutca Valley inventoried Roadless area adjacent to the existing Agua Tibia Wilderness Area within the Cleveland National Forest in the State of California. The acres included in this proposed addition are consistent with recommended wilderness designation in the current Land Management Plan of the Cleveland National Forest.

Statement of Jim Peña, Acting Deputy Chief for National Forest System, Forest Service, U.S. Department of Agriculture, on H.R. 113, Angeles and San Bernardino National Forests Protection Act

H.R. 113 would designate approximately 18,983 acres (Cucamonga Wilderness area) and 53,889 acres (Sheep Mountain Wilderness area) in the San Bernardino National Forest in the State of California as components of the National Wilderness System. In addition, this bill contains provisions regarding private property and water rights protections and permissible activities in the wilderness additions; authorizes the Secretary of Agriculture to take measures in the Cucamonga, Sheep Mountain, and San Gabriel Wilderness Areas that are necessary for the control of fire, insects, and diseases; directs the Secretary to assess a specified maintenance backlog in the Angeles and San Bernardino National Forests; and requires completion of the studies regarding the potential addition of portions of the San Gabriel River, San Antonio Creek, and Middle Fork Lytle Creek in California to the national wild and scenic rivers system.

We support the additions of the Cucamonga and Sheep Mountain areas to the National Wildernesses Preservation System. In fact, we would like to request the Committee also consider inclusion of an additional 5,167 acre area to the Sheep Mountain Wilderness as recommended in the San Bernardino Forest Land Management Plan. This unit has solitude, outstanding scenic vistas, and superb all-season primitive backcountry recreation opportunities. It is identical in nature to the existing Sheep Mountain and Cucamonga Wildernesses and has a manageable boundary.

The Department was notified of this hearing on October 17, 2011. Due to the lack of sufficient time to prepare for the hearing, we are unable to offer detailed thoughts on H.R. 113. However, among other things related to this bill, we are concerned

about the impacts of eliminating the backlog of deferred maintenance on other capital improvement activities. To address the numerous issues related to this bill, a more detailed analysis will be provided to the Subcommittee at a later date.

Statement of Jim Peña, Acting Deputy Chief for National Forest System, Forest Service, U.S. Department of Agriculture, on HR. 490—Cibola National Forest Boundary Expansion

The Department supports the transfer of the “Manzano Strip” parcel to the Forest Service and it being added to and designated as part of the Manzano Mountain Wilderness.

H.R. 490 directs the Secretary of the Interior to transfer a parcel of land currently under the administrative jurisdiction of the Bureau of Land Management (BLM) to be incorporated into and managed as part of the Cibola National Forest. This parcel abuts the northwest corner of the Manzano Mountain Wilderness on the Mountainair Ranger District. This 896-acre parcel is known as the Manzano Wilderness Study Area. Per the Federal Land Policy and Management Act, BLM currently manages this area so as to not to impair its wilderness characteristics until further direction is provided by Congress.

Statement of Jim Peña, Acting Deputy Chief for National Forest System, Forest Service, U.S. Department of Agriculture, on H.R. 608, To Expand the Alpine Lakes Wilderness in the State of Washington, to Designate the Middle Fork Snoqualmie River and Pratt River as Wild and Scenic Rivers, and for Other Purposes

Thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 608, the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act.

This legislation would designate approximately 22,173 acres as a component of the National Wilderness System and approximately 37 miles of river as components the National Wild and Scenic Rivers System on the Mt. Baker-Snoqualmie National Forest in the State of Washington. The Department supports, in concept, this legislation and we would like to work with the Committee to address some technical issues as outlined below.

We would also like the Committee to be aware that although we have completed suitability studies for the wild and scenic rivers, we have not completed a wilderness evaluation of the area to be designated under this bill. The area that would be designated wilderness is currently managed in an undeveloped manner as Late Successional Reserve under the Northwest Forest Plan. A wilderness designation would be compatible in this area. We thank the delegation for its collaborative approach and local involvement that have contributed to this bill.

The proposed additions to the Alpine Lakes Wilderness lie in the valleys of the Pratt River, the Middle and South Forks of the Snoqualmie River. The existing 394,000 acre Alpine Lakes Wilderness is one of the jewels of our wilderness system, encompassing rugged ice carved peaks, over 700 lakes, and tumbling rivers. The lower valleys include stands of old growth forest next to winding rivers with native fish populations. The area is located within minutes of the Seattle metro area. Trails accessing the area are among the most heavily used in the Northwest as they lead to some exceptionally accessible and beautiful destinations. The proposed additions to the Alpine Lakes Wilderness would expand this area to include the entire heavily forested Pratt River valley and trail approaches to lakes in the wilderness area in the Interstate 90 corridor. These lands have not been analyzed as part of the forest plan to determine their suitability to be designated wilderness. However, the Forest Service would support their designation with a few technical adjustments.

We would like to work with the Subcommittee to address some technical aspects of the bill. These include:

- The entire Pratt River Trail #1035 is included within the boundary of the proposed wilderness. The first mile of this trail currently is used by large numbers of people and groups. The trail, which would be a primary access corridor for the newly designated wilderness, is currently undergoing reconstruction by contract and volunteer crews. The Department suggests that the wilderness boundary be drawn to exclude approximately three miles of this trail so that wilderness use limitations relating to solitude do not factor into future management concerns that may limit public access to this area. This change would not alter the wilderness proposal significantly, but would allow the current recreation op-

opportunities for high-use and large groups along this stretch of the Middle Fork Snoqualmie to continue. This adjustment also would reduce operation and maintenance costs along this segment of the Pratt River Trail as it would ease any future reconstruction efforts and allow for motorized equipment to be used in its maintenance.

- The northwestern boundary of the wilderness proposal includes two segments of Washington State Department of Natural Resources lands totaling about 300 acres. We recommend that the boundary of the proposed wilderness be adjusted so that only National Forest System lands are included, as the legislation does not include authority for these lands to be acquired from the State of Washington.
- In T.23 N, R.9 E, Section 24, there are two Forest Development Roads proposed for decommissioning. These roads are within the proposed wilderness. It is likely that the decommissioning project will require the use of motorized equipment to help restore the wilderness setting. We anticipate analyzing the use of motorized equipment under the Forest Service's minimum requirements analysis process.

H.R. 608 also would designate two rivers as additions to the National Wild and Scenic Rivers System: approximately 9.5 miles of the Pratt River from its headwaters to its confluence with the Middle Fork Snoqualmie River; and approximately 27.4 miles of the Middle Fork Snoqualmie River from its headwaters to within ½ mile of the Mt. Baker-Snoqualmie National Forest boundary. Each river was studied in the Mt. Baker-Snoqualmie National Forest Plan and determined to be a suitable addition to the National Wild and Scenic Rivers System.

The Pratt River has outstandingly remarkable recreation, fisheries, wildlife and ecological values. The corridor provides important hiking and fishing opportunities in an undeveloped setting. The river supports resident cutthroat trout and its corridor contains extensive deer and mountain goat winter range and excellent riparian habitat. Its corridor retains a diverse riparian forest, including remnant stands of low-elevation old-growth.

The Middle Fork Snoqualmie River also has outstandingly remarkable recreation, wildlife and fisheries values. The river is within an easy driving distance from Seattle and attracts many visitors. It provides important whitewater boating, fishing, hiking and dispersed recreation opportunities. The river corridor contains extensive deer winter range and excellent riparian habitat for numerous wildlife species. This is the premier recreational inland-fishing location on the National Forest due to its high-quality resident cutthroat and rainbow trout populations.

Adding these rivers to the National Wild and Scenic Rivers System will protect their free-flowing condition, water quality and outstandingly remarkable values. Designation also promotes partnerships among landowners, river users, tribal nations and all levels of government to provide for their stewardship. We therefore support the designation of these rivers into the National Wild and Scenic River System.

The Department has one concern with the wild and scenic river designations relating to the management of the Middle Fork Snoqualmie River Road. We are currently in the process of improving this road and feel that this work is needed to protect the wild and scenic values associated with this river while improving visitor safety and watershed health. Approximately 20 years ago, the U.S. Forest Service submitted the Middle Fork Road to the Federal Highway Administration for reconstruction via their enhancement program. The project has been approved, design work is approximately 50% complete, and construction is planned for 2013 or 2014. The Federal Highway Administration has expended approximately \$3.5 million to date on the project. Notwithstanding designation as a Scenic River under this legislation, we would like to work with the Committee to find language which would allow the Middle Fork Road project to proceed as designed and assure that long term maintenance objectives of the road are not adversely impacted by this designation.

Statement of Jim Peña, Acting Deputy Chief for National Forest System, Forest Service, U.S. Department of Agriculture, on H.R. 1413, the "Devil's Staircase Wilderness Act of 2011"

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 1413, the "Devil's Staircase Wilderness Act of 2011."

H.R. 1413 would designate an area known as the "Devil's Staircase" as wilderness under the National Wilderness Preservation System. In addition, H.R. 1413

would designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers under the Wild and Scenic Rivers Act. The Department supports the designation of the Devil's Staircase wilderness as well as the Wild and Scenic River designations on National Forest System lands.

Devil's Staircase Wilderness Designation

The Devil's Staircase area lies in the central Oregon Coast Range north of the Umpqua River and south of the Smith River. Elevations in the area range from near sea level to about 1,600 feet. The area is characterized by steep, highly dissected terrain. It is quite remote and difficult to access. A stair step waterfall on Wasson Creek is the source of the name "Devil's Staircase".

The proposed wilderness encompasses approximately 30,520 acres of National Forest System (NFS) and Bureau of Land Management (BLM) lands. Approximately 7,800 acres of the NFS lands are within the Wasson Creek Undeveloped Area under the Forest Plan for the Siuslaw National Forest and were evaluated for wilderness characteristics in the 1990 Siuslaw National Forest Land and Resource Management Plan.

All NFS lands that would be designated as wilderness are classified as Late Successional Reserve under the Northwest Forest Plan, which amended the Siuslaw National Forest Land and Resource Management Plan in 1994. This land allocation provides for the preservation of old growth (late successional) habitat. There are no planned resource management or developed recreation projects within the NFS portion of the lands to be designated as wilderness.

Most of the area is forested with older stands of Douglas fir and western hemlock, and with red alder in riparian areas. All three tree species are under-represented in the National Wilderness Preservation System, relative to its abundance on NFS lands in Washington and Oregon. These older stands provide critical habitat and support nesting pairs of the northern spotted owl and marbled murrelet, which are listed as threatened species under the Endangered Species Act.

The proposed Devil's Staircase Wilderness provides an outstanding representation of the Oregon Coast Range and would enhance the National Wilderness Preservation System. The Oregon Coast Range has been largely modified with development, roading, and logging. Three small wilderness areas currently exist along the Oregon portion of the Pacific Coast Range, and the proposed Devil's Staircase Wilderness would more than double the acres of old growth coastal rainforest in a preservation status. Wilderness designation would also preserve the Devil's Staircase which is a unique landscape feature.

Wild and Scenic River Designations

H.R. 1413 would also designate approximately 10.4 miles of streams on National Forest System lands as part of the National Wild and Scenic Rivers System: 5.9 miles of Wasson Creek and 4.5 miles of Franklin Creek, both on the Siuslaw National Forest.

Both Wasson and Franklin Creeks have been identified by the National Marine Fisheries Service (NMFS) as critical habitat for coho salmon (Oregon Coast ESU [Evolutionarily Significant Unit] of coho salmon), a threatened species under the Endangered Species Act.

The Department defers to the Department of the Interior in regard to the proposal to designate the 4.2-mile segment of Wasson Creek flowing on lands administered by BLM.

The Forest Service conducted an evaluation of the Wasson and Franklin Creeks to determine their eligibility for wild and scenic rivers designation as part of the forest planning process for the Siuslaw National Forest. However, the Agency has not conducted a wild and scenic river suitability study, which provides the basis for determining whether to recommend a river as an addition to the National System. Wasson Creek was found eligible as it is both free-flowing and possesses outstandingly remarkable scenic, recreational and ecological values. The Department supports designation of the 1.7 miles of the Wasson Creek on NFS lands based on the segment's eligibility.

At the time of the evaluation in 1990, Franklin Creek, although free flowing, was found not to possess river-related values significant at a regional or national scale and was therefore determined ineligible for designation. Subsequent to the 1990 eligibility study the Forest Service has found that, Franklin Creek provides critical habitat for Coho salmon, currently listed as threatened under the Endangered Species Act, and also serves as a reference stream for research because of its relatively pristine character which is extremely rare in the Oregon Coast Range. The Department does not oppose its designation. Designation of the proposed segments of both

Wasson and Franklin Creeks is consistent with the proposed designation of the area as wilderness. The actual Devil's Staircase landmark is located on Wasson Creek.

We would like to work with the bill sponsors and the committee on several amendments and map revisions that we believe would enhance wilderness values and improve the bill.

I would be happy to answer any questions the committee has on these designations.

Statement of Jim Peña, Acting Deputy Chief for National Forest System, Forest Service, U.S. Department of Agriculture, on H.R. 2050, the "Idaho Wilderness Water Resources Protection Act"

The U.S. Forest Service supports H.R.2050, which would direct the issuance of a special use permit, if certain conditions are met, for the continued use of a water storage, transport, or diversion facility located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in Idaho. Currently, there are over 22 water developments within the Frank Church and the Selway-Bitterroot Wilderness Areas that predate establishment of the wilderness, in some cases by decades. These developments include irrigation, domestic water uses and small private hydropower developments. The legislation establishing both wilderness areas did not address these pre-existing water developments. H.R. 2050 would direct the Forest Service to issue special use authorizations, if the Secretary makes the following determinations: the facility was in existence when the wilderness area on which the facility is located was designated as part of the National Wilderness Preservation System; the facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation; the owner of the facility has a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that pre-dates the date of designation; and it is not practicable or feasible to relocate the facility outside the wilderness and achieve the continued beneficial use of water on non-Federal land. We understand that the bill does not create any rights beyond what is provided in the special use permit and that both maintenance responsibilities and liabilities continue with the permit holder, and not the Federal government.

