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H.R. 1825, RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES ACT; H.R. 586, DENALI NATIONAL PARK IMPROVEMENT ACT; H.R. 995, ORGAN MOUNTAINS NATIONAL MONUMENT ESTABLISHMENT ACT; AND H.R. 1411, CALIFORNIA COASTAL NATIONAL MONUMENT EXPANSION ACT OF 2013

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS
AND ENVIRONMENTAL REGULATION

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

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LEGISLATIVE HEARING ON H.R. 1825, TO DIRECT FEDERAL PUBLIC LAND MANAGEMENT OFFICIALS TO EXERCISE THEIR AUTHORITY UNDER EXISTING LAW TO FACILITATE USE OF AND ACCESS TO FEDERAL PUBLIC LANDS FOR FISHING, SPORT HUNTING, AND RECREATIONAL SHOOTING, AND FOR OTHER PURPOSES. "RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES ACT"; H.R. 586, TO PROVIDE FOR CERTAIN IMPROVEMENTS TO THE DENALI NATIONAL PARK AND PRESERVE IN THE STATE OF ALASKA, AND FOR OTHER PURPOSES. "DENALI NATIONAL PARK IMPROVEMENT ACT"; H.R. 995, TO ESTABLISH A MONUMENT IN DONA ANA COUNTY, NEW MEXICO, AND FOR OTHER PURPOSES. "ORGAN MOUNTAINS NATIONAL MONUMENT ESTABLISHMENT ACT"; AND H.R. 1411, TO INCLUDE THE POINT ARENA-STORNETTA PUBLIC LANDS IN THE CALIFORNIA COASTAL NATIONAL MONUMENT AS A PART OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM, AND FOR OTHER PURPOSES. "CALIFORNIA COASTAL NATIONAL MONUMENT EXPANSION ACT OF 2013"

Thursday, May 9, 2013
U.S. House of Representatives
Subcommittee on Public Lands and Environmental Regulation
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to notice, at 10:06 a.m., in room 1324, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, Young, Lummis, Grijalva, and Garcia.

Also Present: Representatives Benishek and Huffman.

Mr. BISHOP. The Committee will come to order, and the Chairman notes the presence of a quorum. We are here to listen to four good bills. And under the rules, the opening statements will be given by the Chairman and the Ranking Member. However, I ask unanimous consent to include any other Members' opening statement in the record, if submitted to the clerk by the close of business today.

[No response.]

Mr. BISHOP. Hearing no objections, I am going to—because I want to get this thing over. I am going to waive my opening statement, we will put it in the record. We will use the introduction sometime—you have been applauding this one, this was really good. My only official opening statement is "Damn elevators."

[Laughter.]

[The prepared statement of Mr. Bishop follows:]

PREPARED STATEMENT OF THE HONORABLE ROB BISHOP, CHAIRMAN, SUBCOMMITTEE ON PUBLIC LAND AND ENVIRONMENTAL REGULATION

Almost a thousand years ago the Norman Conquest brought the feudal system from the continent to England and much of the land and wildlife of England was seized by the conquerors to become the King's Forest. The forest could no longer be used by the people for wood or game and even today in most of Europe, hunting and fishing are, in practice, available only to the aristocracy, not average citizen.

We took a much different path in America. Our public lands are open for recreational sporting activities by the citizens. In fact, the very origin of the conservation movement is rooted in this custom.

It is general practice today that we are free to hunt or fish in National Forests and BLM lands unless there is some special attribute or condition that precludes it. The Hunting and Fishing Heritage and Opportunities Act gives this tradition a statutory guaranty.

It is needed because there are forces at work against this unique attribute of American exceptionalism.

The Forest Service has had to face NEPA challenges mounted against hunting and although the Forest Service ultimately won in court, they had to waste substantial manpower and resources to prevail. Since there are far better uses for our conservation dollars than that, this bill protects the legal status of hunting and fishing on public land with clear statutory language.

The bill makes no change in the authority of the National Park Service to prohibit or to allow hunting on their lands. That issue is at the discretion of NPS and it would remain so. The bill does not allow extractive industries or motorized recreation in Wilderness areas, nor does it allow those activities under the guise that they are somehow linked to hunting.

The bill gives the Secretaries of Agriculture and Interior authority to restrict hunting and fishing activities in locations where special protections are needed and justified, but it sets a presumption that public land is open to the public. This is a needed bill. I appreciate Dr. Benishek's work in drafting and introducing it and I hope this hearing will lead to its prompt enactment.

Mr. BISHOP. All right, now. Mr. Grijalva, I will turn to you if you have an opening statement.

Mr. GRIJALVA. I do, and it is very brief.

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

Mr. GRIJALVA. Thank you, Chairman, and thank you for holding the hearing and including the legislation. And my colleague, Mr. Huffman's legislation, as well. I appreciate it very much.

I am going to focus not only the opening statement but most of the questioning on H.R. 1825. Two days ago we had a really, really good hearing on—I thought on this Subcommittee, where points of view were different, but I think we all recognized legitimate issues that Congress and agencies need to address with respect to outfitting and guiding on public lands.

Today I think—and with this legislation, H.R. 1825—it is a different story. We have debated how to manage hunting, fishing, and recreational shooting in this Committee. We debated it on the Floor last year. And there are legitimate differences of opinion on this legislation, on land management priorities and wilderness.

The tone and the rhetoric in the written testimony presented to the Committee by some of today's witnesses is inflammatory, to use a word we will hear from shortly, "specious." It is not meant to provide constructive criticism, that would lead to a plausible political outcome and policy change. It is meant to, I think, score political points and disparage any contrary opinion. It is unfortunate this panel feels it needs to use a legitimate issue, access for sportsmen,

to leverage broader political campaigns against the Administration and those that would disagree with the point of view of some of our witnesses.

It is offensive and I think it should be repudiated. Without the political posturing we could find agreement on this issue. The Senate certainly did. Unfortunately, the Majority and this panel decided on a different approach. Instead of considering a vote on common-sense background checks, the Majority is determined to push legislation that would turn our public lands into shooting ranges.

I have seen the ending to this movie, and know where this bill is going. I suggest we skip the grandstanding, have a serious debate today about sportsmen's access to public lands without the unnecessary and very divisive rhetoric that we are going to hear shortly. With that, I yield back, Mr. Chairman.

[The prepared statement of Mr. Grijalva follows:]

PREPARED STATEMENT OF THE HONORABLE RAÚL M. GRIJALVA, RANKING MEMBER, SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION

Thank you, Chairman Bishop, for holding this hearing today and including Congressman Hoffman's legislation.

I'm going to focus most of my opening statement on H.R. 1825.

Two days ago—on the subject of recreation—we had one of the most productive, non-partisan hearings that the Subcommittee has held in a long time.

While our points of view differed slightly, I think we all recognized legitimate issues that both the Congress and the agencies need to address with respect to outfitting and guiding on our public lands.

Today, unfortunately, is a different story.

We have debated the issue of hunting, fishing, and recreational shooting in this Committee. We debated it on the Floor last year.

There are legitimate differences of opinions regarding the impact of this legislation on land management priorities and wilderness.

Had you spared me your rhetoric, I would have held mine.

Specious; Anti-hunting critics; Bias and Personal agendas; Prejudicial and discriminatory treatment; Hostile animal rights movement; Antis (as in anti-hunting); Hostile Forest Service; Bogus arguments; Nonsense; Paper promises; Anti-hunting regulatory and administrative actions.

I am telling this panel now, that I think you are using a legitimate issue—access for sportsmen—to leverage broader political campaigns against this Administration and Democrats.

It is offensive and I think it should be repudiated.

Without the political posturing we could find agreement on this issue. The Senate certainly did.

But no—the majority and this panel decided on a different approach.

I guess that is what we can expect from a majority that is blocking a vote on common sense background checks but pushing legislation that would turn our public lands into shooting ranges.

I guess that is what we can expect from an organization that had to be shamed into removing a bleeding Obama target but still thinks it is fine to have a bleeding ex-girlfriend one.

I've seen the ending to this movie and know where this bill is going—so let's move ahead with the grandstanding against this Administration and people who dare to question whether there should be a gun on every square inch of our soil.

I yield back.

Mr. BISHOP. Thank you. We have three bills—three sponsors of bills who are here today. So, before we get the votes taken, I wanted to make sure we have a chance to hear from them. And then one of our speakers has to catch a plane, so we will try and put that one out of order, if that is OK with everyone.

Let me turn first to Chairman Young.

STATEMENT OF THE HON. DON YOUNG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

Mr. YOUNG. Thank you, Mr. Chairman, and thank you to the Ranking Member. Thank you for holding this hearing. I have a bill on the Floor that—or, excuse me, in the Committee—that, unfortunately or fortunately, the Park Service and I do agree. I mean don't everybody die right here, but we do agree on this bill. I say there might be something wrong with it.

But, first, this bill authorizes the Secretary of the Interior to issue permits for micro-hydro projects within the Denali National Park and Preserve. Additionally, it will facilitate a small land exchange between the National Park Service and Doyon Tourism, Inc., which owns and operates the facilities that take advantage of one of those proposed micro-hydro projects.

Currently, the facilities in Kantishna, which are located at the end of the 90-mile Park road, operate exclusively off of diesel fuel. Not being connected to any grid system, the roadhouse must produce all its energy onsite. This means trucking thousands of gallons of diesel fuel over a long and treacherous Park road. Energy created by this micro-hydro project will cut the roadhouse's diesel usage in half, and drastically reduce the needs of these trips.

Down the road in the new Eielson Visitor Center, the National Park Service operates a similar micro-hydro project to great success. And the roadhouse seeks to take advantage of similar technology to help rid their reliance on costly diesel fuel. In the 112th Congress, a similar bill passed the House and passed out of this Committee by a voice vote.

Next, this bill would authorize a 7-mile natural gas pipeline right-of-way through a small portion of the Park along the existing highway right-of-way. This proposed pipeline would run along a main highway from Fairbanks to Anchorage, and would alleviate the high cost of energy supplies that concerns a majority of the Alaskan population. Additionally, if built, the National Park Service would tap into the line to alleviate their own high energy cost issues.

In the final days of 112th Congress a similar bill passed the Senate by unanimous consent, but was not considered the by House before we adjourned.

Finally, this bill would name the Talkeetna Ranger Station after Walter Harper. Walter Harper, an Athabascan Indian, was the first person to reach the summit of Mount McKinley, North America's highest peak. He accomplished this feat on June 7, 1913, at the young age of 21. Tragically, he died 5 short years later, on a sinking SS Princess Sophia. The Talkeetna Ranger Station is home to Denali's mountaineer rangers and the first stop of any climb at Mount McKinley. Naming this facility after Walter Harper is a fitting tribute, especially as we celebrate the 100th birthday of his historic climb.

In conclusion, this legislation is a win-win that benefits the environment and all parties involved. Again, I thank you, Mr. Chairman, the Ranking Member, for including this bill in today's hearing, and I look forward to working with members of the Committee advancing the bill. I yield back.

Mr. BISHOP. Thank you, Congressman Young. I appreciate that. Let's turn to Mr. Benishek for his 5 minutes to present his bill, if you would.

STATEMENT OF THE HON. DAN BENISHEK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Dr. BENISHEK. Thank you, Mr. Bishop. Thanks to the Ranking Member, too, Mr. Grijalva. Thanks for taking the time to hold this hearing today.

Like most of you in this room, hunting, fishing, and recreational shooting are treasured pastimes in my district. I grew up in northern Michigan. And, like many of my constituents, spent my summers fishing, my Octobers hunting grouse in the UP woods. These traditions, spending quality time outdoors with my kids and grandkids, are the kind of things we must make sure that are preserved for generations to come.

This bill, H.R. 1825, the Recreational Fishing and Hunting Heritage and Opportunities Act, works to ensure that these cherished moments—hunting, fishing, and recreational shooting—will be enjoyed by generations to come.

Mr. Chairman, this bill seeks to create an open-until-closed policy for sportsmen's use of Federal lands. As you know, nearly a quarter of the United States land mass, over 500 million acres, is managed by the Bureau of Land Management, the Fish and Wildlife Service, and the Forest Service. These lands are owned by all Americans. It is important that the right to fully utilize these lands be ensured for future generations.

Over the years the legislative ambiguity in the Wilderness Act has opened the door for numerous lawsuits around the country. Rather than embracing sportsmen and women for the conservationalists that they are, anti-hunting and environmental groups have pursued an agenda of eliminating heritage activities on Federal lands for years. These groups look for loopholes in the law to deprive our constituents the right to use their own Federal lands.

Recreational anglers, hunters, and sporting organizations, many of whom have endorsed this bill, are supportive of the conservation movement, and continue to provide direct support to the wildlife managers and enforcement officers at the State, local, and Federal level. These dedicated sportsmen, from the shore lines of Lake Superior to the Beaches of Coos Bay, deserve to know that the lands they cherish will not be closed off to future generations.

This is a bipartisan issue. In fact, Presidents Clinton and Bush both issued Executive orders recognizing the value of these heritage activities. It is time we finally closed these loopholes, firm up the language, and make sure that future generations will always be able to enjoy the outdoors hunting, fishing, shooting, just taking a walk in the woods.

I want to encourage all my colleagues today to join me in supporting this important piece of common-sense legislation. And I yield back the remainder of my time.

Mr. BISHOP. Thank you, Congressman. I appreciate that. Mr. Huffman, you have the third bill that we will be hearing today. You are recognized for 5 minutes to introduce it.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Thank you, Chairman Bishop and Ranking Member Grijalva, for holding today's hearing on my bill, H.R. 1411, the California Coastal National Monument Expansion Act of 2013. I am very excited that we are joined today by my constituent, Scott Schneider, the President and CEO of Visit Mendocino County. When he is not testifying before Congress, Scott works to bolster the economic impact of travel and tourism in the area, and he spreads the word about all that Mendocino County has to offer. As we will hear in his testimony, the California Coastal National Monument Expansion Act will not only protect our heritage, our national heritage area, it will contribute to the growing tourism economy of this region.

The California National Coastal Monument Expansion Act will add the Point Arena-Stornetta Public Lands, approximately 130 miles north of San Francisco, to the California Coastal National Monument. The existing monument is made up of more than 20,000 small islands, rocks, and reefs along the California coast. And this bill would add the first land base connection to the monument.

Now, make no mistake. H.R. 1411 is a jobs bill. By providing lasting national protection, we are making the California National Coastal Monument more accessible to visitors, and we are raising the visibility of 1,200 acres of spectacular Mendocino County coastline.

The businesses and the civic leaders in the region are looking forward to becoming a gateway community for the national monument, drawing in new visitors and economic activity to the area. Tourism is already the number one source of jobs on the Mendocino coast. We get close to 2 million annual visitors in the region, and that supports more than 5,000 jobs, contributes approximately $19 million in State and local taxes.

And that is why the effort to protect this awe-inspiring stretch of the Mendocino coast has such broad public support. It ranges from State and local elected officials to the Manchester Point Arena Band of Pomo Indians, conservation groups, business and civic leaders in the community, and local government. In addition, hundreds of people in this rural area have expressed their support by way of petition.

This legislation builds on what is already working. The bill adds 10 miles of connectivity to the California Coastal Trail, and it preserves a sustainable working landscape by maintaining the existing ranching, recreation, and research uses on these lands. In fact, our legislation specifically identifies livestock grazing as an allowed activity within the newly designated monument.

And beyond these lands' importance for the local economy and to visitors from around the world, this area is unmatched in its environmental value. This bill would help protect habitat for numerous species of wildlife found only on this stretch of the California coast. It will also protect the Garcia River estuary, and 2 miles of the Garcia River itself. This is a critical habitat for Coho and Chinook salmon, as well as steelhead.

So, thank you again, Mr. Chairman, for holding the hearing today, and for inviting Mr. Schneider to testify. As you can tell, this is legislation that will bring significant economic benefit and environmental benefit to a part of my district that has national significance. And it is also broadly supported. I am honored to represent this spectacular place, and I look forward to working with you all to move H.R. 1411 forward. I yield back the balance of my time.

Mr. BISHOP. Thank you. I appreciate that. Mr. Pearce is not here in person to present his bill, but his written statement will be added into the record.

[The prepared statement of Mr. Pearce follows:]

PREPARED STATEMENT OF THE HONORABLE STEVAN PEARCE A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO, ON H.R. 995

Chairman Bishop, Ranking Member Grijalva, and members of the Subcommittee, thank you for holding this hearing and for inviting me to testify in support of H.R. 995, the *Organ Mountains National Monument Establishment Act.* The Organ Mountains are a true natural treasure in Southern New Mexico, and one of our State's most pristine, recognizable sites. Everyone believes they must be preserved. The Organ Mountains are a symbol of our unique culture, which includes hunting, recreation, ranching and other outdoor activities. The landscape is emblematic of our heritage in the Land of Enchantment, and this bill protects our culture, our land, and our livelihood.

One of the most important aspects of this legislation is the strong local support for its end goal. It is imperative that any land management declaration have the backing of the local community. Ranchers, conservationists, public officials and business owners have strong agreement with the aims of this bill. The Hispano Chamber of Commerce of Las Cruces and the Anthony Chamber of Commerce support this bill. I have submitted for the record letters of support from several soil and water conservation districts and other local interested parties. Simply put, it is a local solution.

Unfortunately, we see the ramifications of monument declarations by presidential edict and the effect they have not only on the economic base of a community, such as the ongoing dispute over cattle grazing in the Grand Staircase-Escalante Monument in Utah, but a declaration with little public input causes the strain and cynicism between individuals and the Federal Government to fester.

Plus, the U.S. Constitution grants the power to determine land management plans to the legislative branch under Article IV. This constitutional authority lends more credibility to the legislative process as a mechanism for making monument and other determinations. It serves as a check on the Federal Government, and keeps it from abusing local authorities. The legislative process is a highly democratic method of making decisions with long-term policy implications.

It is in this spirit that I sponsored H.R. 995. It protects the Organ Mountains permanently from disposal. The Monument will forever be a part of the National Landscape Conservation System. Mineral exploration will be banned permanently. It also allows for motorized vehicles to stay on existing roads and trails designated for their use, allowing the elderly, families with small children and the disabled to access this pristine area. It also allows for the use of mechanized equipment for standard ranching operations and to make repairs to earthen dams for the sake of our watersheds.

The agricultural community shows strong support for this legislation as well. The bill protects current grazing permittees, and ensures that future grazing permits will be issued. H.R. 995 injects regulatory stability into an industry that is oftentimes left behind in the Washington game of special interest posturing. Our local ranchers deserve a regulatory framework that protects our environment and their interests at the same time.

Existing water rights are also protected, and Federal water rights are not expanded. Private landowners who have property surrounded by the monument will have access to their landholdings. The State government will continue to have jurisdiction over fish and game permitting, so that our sportsmen can continue to enjoy the outdoors.

In short, the bill creates a framework for responsible recreation and expanded access all at once. It protects our resources, while guaranteeing that our sportsmen

and other outdoor recreational activists can enjoy this natural area to the greatest extent possible. There are currently 12 national monuments in the State of New Mexico. In 11, there are no weapons or hunting allowed. This right to maintain our culture must be protected in any management plan, which is why I included stronger language permitting hunting and trapping within the monument compared to the version of this bill in the 112th Congress.

Another aspect that the Federal Government must take into account is the need to ensure law enforcement personnel can access Federal lands in pursuit of criminals and for other emergency response needs. The close proximity to the Mexican border makes it even more important that we work to keep this area from becoming a drug or human smuggling corridor. We see in the Organ Pipe National Monument on the Arizona-Mexico border that Park Rangers have to carry weapons, and that tours are often limited to the daytime with armed Park Service personnel guides. Many parts of the Monument are kept off limits from American tourists because of the danger of running into members of a drug cartel or human smugglers. The environmental degradation of these areas caused by gangs leaving trash and human waste behind is disturbing and sad for those of us who want to enjoy our natural heritage. Seeing what has happened Arizona, and wanting to keep it from happening in New Mexico, the Dona Ana County Sheriff, Todd Garrison, has endorsed H.R. 995, along with the National Association of Former Border Patrol Officers, who are pleased with the more specific language protecting rights of law enforcement personnel compared to the version in the last Congress.

Once again, I would like to thank the Chairman, Ranking Member and the rest of the Committee members for the invitation today, and your willingness to consider the Organ Mountains National Monument Establishment Act once again.

Mr. BISHOP. Now, Mr. Schneider, wherever you are, whoever you are, I understand you have a plane to catch.

Mr. SCHNEIDER. Yes, sir.

Mr. BISHOP. So, if it is all right with everyone else, let me have you come right to the microphone, give your testimony. Because I think the rest of you may be interrupted by votes, which are coming shortly.

But we appreciate you being here, because that way I don't have to be listening to him on the Floor. So thank you very much. You are recognized—if you have not been here before, same rule. When the clock is in front of you, it will time down for the 5 minutes. When it turns yellow, you have a minute left. Please stop when it turns red.

You are recognized. Thank you.

STATEMENT OF SCOTT SCHNEIDER, PRESIDENT AND CEO, VISIT MENDOCINO COUNTY, INC.

Mr. SCHNEIDER. Thank you, Chairman Bishop, Ranking Member Grijalva, and members of the Subcommittee. Thank you for the opportunity to comment on the California Coastal National Monument Expansion Act of 2013. My name is Scott Schneider. I am President and CEO of Visit Mendocino County, Incorporated. Visit Mendocino County is the official Mendocino County tourism bureau contracted to market Mendocino County businesses, events, and attractions, with the ultimate goal of increasing the total economic impact of the travel and tourism industry throughout the county.

Visit Mendocino strongly supports H.R. 1411, an effort to protect the Point Arena-Stornetta Public Lands by expanding the California Coastal National Monument. We believe that expanding the monument will boost our local economy, and this belief is widespread, if not unanimous, in the Mendocino business community. Earlier this year, over 50 local businesses from our rural county signed a letter supporting the proposed expansion.

The Point Arena-Stornetta Public Lands have been called one of the most significant parts of the California coastline. These lands are where the Garcia River cross the rugged cliffs, rumpled dunes, and rolling meadows of California's coast. This area is home to wildlife like sea lions, bobcats, and the rare Point Arena mountain beaver. Visitors come not just for the views, but to go hiking, fishing, and bird watching.

Adjacent to the lands is the California Coastal National Monument, which stretches along the entirety of the California coast to protect the thousands of federally owned rocks and islands scattered along the coast. This monument is one of the most viewed and yet least recognized national monuments in the entire country. Expanding the designation onto land would provide countless visitors with a new opportunity to better access and better understand this incredibly scenic and unique national monument.

The support for protecting the lands is seemingly universal. In fact, I have not heard of a single person who opposes this proposal. The business community is supportive. The local county board of supervisors is supportive. Cities of Point Arena and Fort Bragg are supportive. The Manchester Band of Pomo Indians is supportive. Countless community organizations are supportive. And rancher Larry Stornetta, whose family used to own the public land and who continues to graze on the land, is also supportive.

Just a few months ago a group of elementary school and middle school children formed a group called Students Protecting the Coast. They produced watercolor paintings of the Point Arena-Stornetta Public Lands that they have turned into a slide show presentation and used to build even more support for the monument proposal.

In order to fully understand the importance of this bill to the local communities throughout Mendocino, one must better understand the area in which these lands provide. Mendocino is a large, rural county, approximately the size of Rhode Island and Delaware, combined. Its population of just over 88,000 people relies greatly on two major industries: agriculture and tourism, as fishing and timber are no longer providing the jobs and economic growth they once did in the second half of the 20th century. In fact, tourism is the area's biggest employer.

To be clear, our local economy needs help now. The closest city to the lands is Point Arena, which has a population of 449 people. And, as of 2009, the estimated median household income in the city was nearly half the statewide average. The addition of the lands to the California Coastal National Monument would provide an economic boost to cities like Point Arena and businesses and taxpayers across the county.

Tourism throughout Mendocino County already supports, as of 2011, close to 5,000 jobs and generates over $20 million in State and local taxes. We receive close to 2 million visitors per year, and about 80 percent of them are from the Bay Area, San Francisco Bay Area, and Sacramento regions. Expanding the monument to protect the Point Arena-Stornetta Public Lands would establish Point Arena as the pre-eminent gateway city to the monument. This added visibility and distinction would attract even more visi-

tors to the area, and would encourage them to stay longer and spend more money.

Greater visitation would create new jobs and increase the already vital tax revenues and tax relief that come from visitor spending. Currently, each household that resides in Mendocino County receives close to $650 annually of tax relief from visitor spending. To many of our businesses and communities, the additional help cannot come soon enough.

Given the incredible natural beauty and cultural significance of the area, the benefits that the monument would bring to our community and our economy, and the exhaustive support from the community, I cannot identify a single reason why this proposal should not move quickly through Congress.

Thank you so much for your time and consideration, and for the opportunity to testify on this important legislation.

[The prepared statement of Mr. Schneider follows:]

PREPARED STATEMENT OF SCOTT SCHNEIDER, PRESIDENT AND CEO, VISIT MENDOCINO COUNTY, INC., ON H.R. 1411

Chairman Bishop, Ranking Member Grijalva, and members of the Subcommittee, thank you for the opportunity to comment on the "California Coastal National Monument Expansion Act of 2013."

My name is Scott Schneider. I am the President and CEO of Visit Mendocino County, Inc. Visit Mendocino County is the official Mendocino County Tourism Bureau, contracted to market Mendocino County businesses, events and attractions with the ultimate goal of increasing the total economic impact of the travel and tourism industry throughout the County.

Visit Mendocino strongly supports H.R. 1411 and efforts to protect the Point Arena-Stornetta Public Lands by expanding the California Coastal National Monument. We believe that expanding the monument will boost our local economy, and this belief is widespread, if not unanimous, in the Mendocino business community. Earlier this year, over 50 local businesses from our rural county signed a letter supporting the proposed expansion.

The Point Arena-Stornetta Public Lands have been called one of the most significant parts of the Mendocino coastline. These lands are where the Garcia River crosses the rugged cliffs, rumpled dunes and rolling meadows of California's coast. This area is home to wildlife like sea lions, bobcats, and the rare Point Arena Mountain Beaver. Visitors come not just for the views, but to go hiking, fishing, and bird watching.

Adjacent to the Point Arena-Stornetta Public Lands is the California Coastal National Monument, which stretches along the entirety of the California coast to protect the thousands of federally owned rocks and islands scattered along the coast. This monument is one of the most viewed and yet least recognized national monuments in the entire country. Expanding the designation onto land would provide countless visitors with a new opportunity to better access and better understand this incredibly scenic and unique national monument.

The support for protecting the Point Arena-Stornetta Public Lands is seemingly universal. In fact, I have not heard of a single person who opposes the proposal. The business community is supportive, the local county board of supervisors is supportive, the cities of Point Arena and Fort Bragg are supportive, the Manchester Band of Pomo Indians is supportive, countless community organizations are supportive, and rancher Larry Stornetta, whose family used to own the public land and who continues to graze on the land, is supportive.

Just a few months ago, a group of elementary school and middle school children formed a group called *Students Protecting the Coast.* They produced watercolor paintings of the Point Arena-Stornetta Public Lands that they have turned into a slideshow presentation and used to build even more support for the monument proposal.

In order to fully understand the importance of this bill to the local communities throughout Mendocino, one must better understand the area in which these lands preside. Mendocino County is a large rural county—approximately the size of Rhode Island and Delaware combined. Its population of just over 88,000 people relies greatly on two major industries—agriculture and tourism as fishing and timber are

no longer providing the jobs and economic growth they once did in the second half of the 20th century. In fact, tourism is the area's biggest employer.

To be clear, our local economy needs help now. The closest city to the Point Arena-Stornetta Public Lands is Point Arena, which has a population of 449 people and, as of 2009, the estimated median household income in the city was nearly half the statewide average.

The addition of the Point Arena-Stornetta Public Lands to the California Coastal National Monument would provide an economic boost to cities like Point Arena and businesses and taxpayers across the county. Tourism on the Mendocino Coast already supports, as of 2011, close to 5,000 jobs and generates over $20 million in State and local taxes. The Mendocino region receives about 1.75 million visitors per year and about 80 percent of them are from the Bay Area and the Sacramento region.

Expanding the California Coastal National Monument to protect the Point Arena-Stornetta Public Lands would establish Point Arena as the pre-eminent gateway city to the monument. This added visibility and distinction would attract even more visitors to the area and would encourage them to stay longer and spend more money. Greater visitation would create new jobs and increase the already vital tax revenues and tax relief that come from visitor spending. Currently, each household receives close to $650 of tax relief annually from visitors. To many of our businesses and communities, this additional help cannot come soon enough.

Given the incredible natural beauty and cultural significance of the area, the benefits that the monument would bring to our community and our economy, and the exhaustive support from the community, I cannot identify a single reason why this proposal shouldn't move quickly through Congress.

Thank you for your time and consideration and for the opportunity to testify on this important legislation.

Mr. BISHOP. Thank you very much for being with us. Are there questions for this witness? Mr. Grijalva, do you have any?

Mr. GRIJALVA. I have no questions.

Mr. BISHOP. Mr. Benishek? To this witness? Mr. Huffman? I am assuming you do.

Mr. HUFFMAN. I do, one.

Mr. BISHOP. Please.

Mr. HUFFMAN. Thank you, Mr. Chair. Mr. Schneider, you have made the case that the Point Arena-Stornetta Public Lands already are providing economic benefits, and that permanently protecting these lands will further boost the local economy. I wonder if you could perhaps name some of the other local businesses that are joining you in supporting this proposal and explain a little more about how expanding the California Coastal National Monument would actually help them and create jobs and support the local economy.

Mr. SCHNEIDER. Of course. So, to answer that question, businesses from all arrays throughout the community are supportive. Schools, local government, all the attractions—restaurants, hotels—obviously, the environmental groups are all very supportive of this proposal.

One of the things that makes Mendocino County so unique is the accessibility of the beauty and the lands throughout the coast. In many areas of at least the California coastline, it is very beautiful, but you don't have a lot of places to access. And one of the ways that we drive visitors to our location is due to that physical access. They can come, they can bring their families, bring their loved ones, and enjoy such a beautiful, beautiful place. And having these lands as part of the national monument would provide that physical connection to the monument itself.

Mr. HUFFMAN. Thank you, Mr. Chair. I yield back.

Mr. BISHOP. Thank you. With that, we appreciate your time, we appreciate your willingness to come out here and to give us this testimony.

Mr. SCHNEIDER. Thank you very much.

Mr. BISHOP. Thank you, I appreciate it. Since I have no idea when this will happen on the Floor, let me invite the panel up and we will go through as much as is possible before votes take place, if that is OK.

So, if I could, I would like to invite Carl Rountree, who is the Director of the National Landscape Conservation System; William Horn, who is the Director of Federal Affairs at the U.S. Sportsmen's Alliance; Susan Recce, who is the Director of the Division of Conservation and Wildlife and Natural Resources at the National Rifle Association; Melissa Simpson, the Director of Governmental Affairs and Science Based Conservation with Safari Club International. And I believe that is the end of this panel.

What we will do is try to do this in some kind of order for each particular bill. Let me start, if I could, dealing with Mr. Benishek's bill, and turn, first of all, to Mr. Horn. We will start with that sportsmen's bill. Mr. Horn, you are one of those who is recognized as an authority on law affecting hunting and fishing, and have been Assistant Secretary for Fish and Wildlife and Parks with the Department of the Interior. We will forgive you for that. We are eager to hear your testimony.

The same drill for everybody who is up there. Five minutes, yellow, go real fast, and stop at red. Thank you. Mr. Horn.

STATEMENT OF WILLIAM P. HORN, DIRECTOR OF FEDERAL AFFAIRS, U.S. SPORTSMEN'S ALLIANCE

Mr. HORN. Good morning, Mr. Chairman. Thank you. My name is William Horn, representing the U.S. Sportsmen's Alliance. And we strongly support enactment of H.R. 1825. My comments also reflect years of fishing and hunting on public lands, my tenure at the Interior Department under President Reagan, and over 20 years litigating against anti-hunting activists in Federal and State courts.

H.R. 1825 establishes that fishing, hunting, and shooting are important traditional activities on national forests and public lands administered by BLM. And this express recognition will help fend off growing attacks from radicals committed to running anglers and hunters off of our public lands.

Now, existing law lacks the type of recognition provided by H.R. 1825. For example, only a small part of the 1960 Multiple Use and Sustained Yield Act, which governs forest management, references outdoor recreation or wildlife and fish purposes. And that type of general language has been insufficient to prevent Federal courts from ordering the Forest Service to consider banning hunting because the sound of distant gunfire might upset the tender sensibilities of an anti-hunter.

Similarly, the 1976 Federal Land Policy and Management Act makes no specific references whatsoever to fishing or hunting. Now, similar statutory silence produced the 1997 Refuge Improvement Act, which emanated from this Committee and passed the House with only one dissenting vote in 1997, before being signed

by President Clinton. Prior to that statute, earlier refuge bills or Administration acts had not specifically provided for hunting or fishing because the authors of those prior bills, hunters all, saw no need, as at that time there was no animal rights movement, and the notion that hunting could be barred on the refuge system was simply incomprehensible.

But growing anti-hunting activism convinced Congress to codify in law that hunting and fishing were legitimate activities on refuge lands, and hunting merited designation as a priority public use. The Sportsmen's Alliance urges Congress to provide similar statutory protection for hunting and fishing on Forest and BLM lands by enacting H.R. 1825.

Now, one of the clever legal ploys being used to attack our hunting heritage has been to treat continuation of fishing and hunting on BLM and Forest lands as a new decision or action subject to judicial challenge via the Federal Administrative Procedure Act. The bill provides a simple solution. It would have Forest and BLM lands deemed as open to fishing and hunting so no new APA action needs to precede continuation of those activities. The agencies remain free to impose those restrictions they determine are necessary, but an open-until-closed regime will be far more efficient, save millions in administrative expenses, and insulate anglers and hunters from unwarranted lawsuits.

This bill also restores the legal status quo regarding the 1964 Wilderness Act by correcting three misinterpretations of that Act handed down by the ninth circuit court of appeals. In each case, the ninth circuit disregarded years of precedent, reversed a district court ruling, and overruled the judgments of the Federal agency. The corrections will protect wildlife conservation and fishing and hunting access.

However, the bill very plainly and expressly does not permit or facilitate any commodity uses, motorized access, or road construction in wilderness areas, contrary to misrepresentations by bill opponents. Those misrepresentations are red herrings, as anyone can see by looking at the specific provisos included in Sections 4(e)1 and 4(e)2. And I certainly hope that the current version of the bill will put this issue to bed and demonstrate quite plainly that there is no threat to wilderness integrity or wilderness management arising from the provisions in this bill.

Mr. Chairman, members of the Committee, thank you for the opportunity to appear today on behalf of H.R. 1825. The Sportsmen's Alliance is committed to working with the Committee and Congress to assure prompt, favorable action on this important legislation. Thank you.

[The prepared statement of Mr. Horn follows:]

PREPARED STATEMENT OF WILLIAM P. HORN, U.S. SPORTSMEN'S ALLIANCE, ON H.R. 1825

Mr. Chairman: My name is William P. Horn representing the U.S. Sportsmen's Alliance (USSA). Thank you for the opportunity to appear today and support enactment of H.R. 2834. USSA was organized in 1977 for the purposes of protecting the American heritage to hunt, fish, and trap and supporting wildlife conservation and professional wildlife management. It pursues these objectives at the Federal, State, and local level on behalf of its over 1.5 million members and affiliates.

We commend the sponsors of the Recreational Fishing and Hunting Heritage and Opportunities Act and strongly recommend its prompt enactment by the Congress.

The bill clearly establishes that fishing, hunting, and recreational shooting are important traditional activities that have a key place on our National Forests, administered by the U.S. Forest Service, and public lands administered by the Bureau of Land Management (BLM). Express legislative recognition that these activities are legitimate and valuable will help fend off the growing attacks from animal rights radicals and others committed to running anglers and hunters off our public lands. Clear statutory support will also signal, and direct, the land management agencies to exercise their discretion in a manner that facilitates these traditional activities.

Existing law lacks this recognition and clarity. For example, only part of the 1960 Multiple Use Sustained Yield Act, which governs Forests, references "outdoor recreation" and "wildlife and fish purposes." That general language has been insufficient to protect hunting and fishing: it has not stopped the Forest Service from proposing planning regulations that give fishing and hunting (and conservation) short shrift nor has it prevented Federal courts from ordering the same agency to consider banning hunting because the sound of gunfire might upset the tender sensibilities of a bird watcher. Similarly, the 1976 Federal Land Policy and Management Act (FLPMA) (which is the "organic act" for BLM public lands) makes no specific references to fishing or hunting. We are persuaded that continued failure to expressly recognize the importance of these activities on Forest and BLM lands, and provide for continuation of such uses, sets the stage for an activist judge in San Francisco, New York City, or D.C. to rule in favor of some animal rights plaintiff and ban angling or hunting on these public lands.

This situation is similar to the circumstances that produced the 1997 Refuge Improvement Act (which passed the House with only one dissenting vote and was signed into law by President Clinton). Earlier refuge administration statutes passed in the 1950's and 1960's had not specifically provided for hunting or fishing; the authors of those bills—hunters all—saw no need as there was no animal rights movement and no clamor then to close hunting on Teddy Roosevelt's wildlife system. The notion that hunting could be barred on the Refuge system was simply incomprehensible. By the mid-90's, however, there had been a string of anti-hunting lawsuits to bar hunting on refuge lands. Even though President Clinton issued an Executive order recognizing the value of continued hunting on the Refuge system, Congress saw the need to codify such recognition in statute stating clearly that hunting and fishing were legitimate activities on refuge lands, the managing agency had a duty to facilitate these activities, and fishing and hunting merited designation as priority public uses in the law. After the bill was signed by President Clinton, virtually all of the anti-hunting lawsuits stopped.

President Bush in 2008 issued a similar hunting Executive order (EO) for public lands. Just as the Clinton EO was insufficient to guard hunting on refuges, the Bush EO is not enough to protect hunting and fishing on Forest and BLM lands. Accordingly, we urge this Committee, and Congress, to provide needed statutory protection for Forest and BLM lands by enacting H.R. 1825.

USSA has been urging Congress to pass comparable legislation since 1998. Initially we were told there was no need and previous versions of this bill were dismissed as "solutions in search of a problem." The intervening years have taught of the sporting community that there is a problem. Decisions like the 6th Circuit's *Meister* case exposed how quickly hunting can be lost. Activists have mounted efforts to preempt State management and bar bear hunting on public lands. Clever lawsuits seek to misuse Federal environmental laws to restrict or ban fishing and hunting on federally administered lands. The hostile animal rights movement has grown and uses its ever swelling war chest to harass hunters and anglers. And an increasingly urban nation—wholly disconnected from America's outdoor heritage—either doesn't care or joins in the hostility. Continued silence in the law regarding the legitimacy and contributory roles of fishing and hunting on Forest and BLM lands will ultimately cause the loss of these activities on over 500 million acres of our public lands.

This silence must be corrected and H.R. 1825 does precisely that. It plainly recognizes fishing, hunting and shooting as legitimate and important activities on Forest and BLM lands. It directs the agencies to exercise their discretion, consistent with the other applicable law, to facilitate fishing, hunting (and trapping as a hunting activity) and shooting. This duty extends to the preparation of land planning documents required by the National Forest Management Act and FLPMA. No one will be able to argue to an agency or a court, with a straight face, that fishing and hunting have no place on these public lands following enactment of this bill.

One of the clever ploys to indirectly attack these activities has been to treat continuation of fishing and hunting as a "new" decision or action requiring completion of a full blown environmental impact statement (EIS). Antis then file suit contending the EIS was inadequate and that the decision to "open" an area to fishing

or hunting must be suspended until the EIS is made adequate. H.R. 1825 provides a simple solution: Forest and BLM lands are considered "open" to fishing and hunting so no new EIS or other document needs to precede continuation of these traditional activities. The Forest Service and BLM remain free to impose those restrictions and closures that they determine are necessary (if supported by facts and evidence) but an "open until closed" regime will be far more efficient, save millions of dollars of administrative expense, and insulate fishing and hunting from unwarranted indirect attacks.

USSA strongly applauds other features of the bill that facilitate wildlife conservation, ensure fishing and hunting opportunities, and help the agencies direct finite personnel and dollar resources to on-the-ground conservation rather than more planning documents. In 2003, antis sued to stop hunting on 60 wildlife refuge units arguing that even though the Fish and Wildlife Service had done EIS's or environmental assessments (EA's) authorizing hunting on each unit, FWS had not (the antis claimed) done a sufficient "cumulative effects analysis" on the overall effects of hunting on the entire Refuge system. We intervened in the case with Ducks Unlimited, NRA, and SCI and argued—along with FWS—that deer hunting on the Bond Swamp unit in GA, woodcock hunting in the Canaan Valley, WV refuge, and duck hunting on ND units for example had such limited and unconnected effects that a "cumulative effects" review made no sense. Moreover, Congress in the 1997 Refuge Improvement Act made it clear that unit-by-unit Comprehensive Conservation Plans (CCP's) dovetailed with EIS or EA documents, would be sufficient to approve the priority public uses of fishing and hunting. A D.C. judge disagreed, ordered FWS to prepare the cumulative effects analysis, and FWS spent years and countless hours of personnel time and money engaging in this superfluous paper exercise—using precious dollars that would have been better spent on actual wildlife conservation and refuge management. H.R. 1825 reiterates the intent of the 1997 Act that FWS need not prepare unnecessary, costly cumulative effects analyses to continue to open refuge units to fishing and hunting and ensures that anti-hunting plaintiffs cannot capitalize on the D.C. court ruling to collect even more fees for their lawyers.

Section 4(e) of the bill also restores the status quo regarding the 1964 Wilderness Act that existed between 1964 and 2005. For example, some refuge units are overlaid with Wilderness designations. The 1964 Act—section 4(a) to be precise—specifies that Wilderness purposes "are hereby declared to be within and supplemental to" the purposes of the underlying land unit. In the case of refuges, that plainly means a unit is Wildlife Refuge first and a Wilderness second. In case of a conflict, the wildlife conservation purpose and mission of the Refuge system would be primary and Wilderness purposes secondary. That was the state of the law until recent 9th Circuit rulings in the Kofa Refuge case. Kofa was established by President Franklin Roosevelt with the primary purpose of conserving desert bighorn sheep. Over the years, FWS, the Arizona Department of Game and Fish and conservationists learned that water supplies are the primary factor limiting sheep populations. To enhance the bighorn population and provide greater genetic diversity to assure long term survival, the parties constructed during the 1980's small water catchment basins in Kofa to retain precious rain water and keep it from simply sinking into the sand. These small unobtrusive basins became important oases for the sheep (and other wildlife) and the population prospered.

Wilderness activists were upset that some of these small basins were situated in parts of Kofa designated as Wilderness by Congress in 1990 (after the basins had been built). Last year two 9th Circuit judges disregarded the Wilderness Act "supplemental purposes" language, held that Kofa is Wilderness first and Refuge second, and ordered FWS that the water basins had to go unless the agency could demonstrate that the basins were "necessary" to fulfill Wilderness purposes. These legal conclusions are simply wrong, must be corrected by Congress and section 4(e) does just that.

The 1964 Act also allows a variety of activities in Wilderness areas when "necessary" to assist wilderness purposes. For decades, agencies like BLM and the Forest Service interpreted this to allow a variety of outdoor recreational activities including horseback trips. But activists disagreed and sued arguing that horseback trips were not "necessary." The 9th Circuit agreed and has made the "necessary" finding much more difficult for both recreation and conservation actions (e.g., Kofa, Tustemena Lake case). USSA believes it is only a matter of time before antis go to court to argue that neither fishing nor hunting is "necessary" in Wilderness areas. We have every reason to believe that hostile Forest Service or BLM political personnel, or the 9th Circuit, will buy this bogus argument and impose new restrictions on anglers and hunters in Wilderness areas. Rather than wait—and worry—

we urge Congress to stop this nonsense and enact corrective legislation like H.R. 1825.

Thank you again for the opportunity to appear on behalf of the Recreational Fishing and Hunting Heritage and Opportunities Act. USSA is committed to working with the Committee to assure prompt favorable action on this important legislation.

Mr. BISHOP. Thank you for your testimony. Ms. Recce, you are the Conservation Director at the NRA?

Ms. RECCE. Yes, sir.

Mr. BISHOP. And we are happy to have you here. And we recognize you for 5 minutes now.

STATEMENT OF SUSAN RECCE, DIRECTOR, DIVISION OF CONSERVATION, WILDLIFE AND NATURAL RESOURCES, NATIONAL RIFLE ASSOCIATION

Ms. RECCE. Thank you very much, Mr. Chairman. The NRA appreciates the invitation to testify today on legislation that we believe is critical to securing the future of our hunting, fishing, and recreational shooting heritage on Federal public lands. The NRA endorses H.R. 1825, as we did in September of 2011, when this Subcommittee held a hearing on the predecessor bill, H.R. 2834.

Just slightly over a year ago, H.R. 2834 passed the House of Representatives by a substantial margin, as part of the Sportsmen's Heritage Act. Opponents of the bill at the time argued that the legislation opened the door to prohibited activities in wilderness areas like motorized recreation and road construction. And just as Mr. Horn just testified, language has been included in H.R. 1825 to clarify that prohibited activities under the Wilderness Act won't be allowed in this legislation.

Opponents also argued that the bill would open a national park or a unit of the national park system to hunting, where it was not specifically authorized by Congress. Although this was not the intent of the bill, language is included in H.R. 1825 to clarify that it does not override congressional authorization.

Of importance to NRA is that the bill will secure our future by legislatively recognizing these legitimate and traditional activities. It does so by directing the Bureau of Land Management and the Forest Service to provide for hunting, fishing, and recreational shooting opportunities within certain specified guidelines.

The cornerstone of the legislation is that the open-unless-closed policy that operates on BLM and Forest Service lands for hunting, fishing, and recreational shooting will be statutorily affirmed. H.R. 1825 encourages proactive management of these legitimate and traditional public uses by ensuring they are responsibly addressed in land management plans, and it requires that the two agencies, Forest Service and BLM, evaluate how their plans will affect these activities. Such evaluations are rarely done in the Federal planning process. And all too often it is impossible to determine how such decisions will affect our traditional activities.

The bill will remove barriers to providing safe and responsible public use of Federal lands, and will also prevent sudden and arbitrary closures of public lands to sportsmen and women.

The bill supports Executive Order 13443, which directs the agencies to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat.

We believe H.R. 1825 is critical to restoring congressional intent in laws related to hunting and wildlife conservation that court rulings have misconstrued. The bill also ensures that land designations like BLM and Forest Service wilderness cannot, by designation alone, close such lands to hunting, fishing, or recreational shooting.

It also removes an unnecessary and costly layer of review for hunting programs on refuge lands. This was brought about by anti-hunters who continue to look for any opportunity to throw road blocks in front of hunting on wildlife refuges. The unnecessary environmental reviews do nothing but exacerbate the backlog of operation and maintenance needs of the refuge system, which amounts to hundreds of millions of dollars.

The NRA looks forward to early passage of the bill in Committee and on the House Floor, and we hope that in this year it will be signed into law.

Thank you again for the opportunity to testify.

[The prepared statement of Ms. Recce follows:]

PREPARED STATEMENT OF SUSAN RECCE, DIRECTOR, CONSERVATION, WILDLIFE AND NATURAL RESOURCES, NATIONAL RIFLE ASSOCIATION, ON H.R. 1825

Mr. Chairman, the National Rifle Association (NRA) appreciates the invitation to testify today on legislation that is critical to securing the future of our hunting, fishing, and recreational shooting heritage on Federal public lands. The NRA endorses H.R. 1825 as we did in September 2011 when this Subcommittee held a hearing on the predecessor bill, H.R. 2834.

Just slightly over a year ago, H.R. 2834 passed the House of Representatives by a substantial margin as part of the Sportsmen's Heritage Act. Those voting against the bill listened to opponents who argued that the legislation would open the door to prohibited activities like motorized recreation and road construction on lands designated as wilderness. While nothing in H.R. 2834 amended the Wilderness Act, Congressman Benishek has added language to H.R. 1825 making that crystal clear.

Equally specious were arguments that H.R. 2834 would open national parks or other units of the National Park System to public uses not authorized by Congress. Although H.R. 2834 would not have opened the Park System to unauthorized uses, Congressman Benishek has nevertheless included language in H.R. 1825 that states "Nothing in this Act shall affect or modify management or use of units of the National Park System."

This should assure the anti-hunting critics of the original bill, that neither H.R. 2834 nor the newly introduced H.R. 1825 is a veiled attempt to allow currently prohibited or unauthorized uses of Federal public lands. The new language should clear the way for even greater support in the House of Representatives and remove the same obstacles that were placed before it in the Senate in the last Congress.

Of importance to the NRA is what the bill will do to secure the future for sportsmen and women on our Federal public lands.

H.R. 1825 accomplishes a number of important objectives:

- It recognizes the rightful place of hunting, fishing and recreational shooting on Federal public lands.
- It recognizes the importance of these activities to our system of scientifically managed wildlife.
- It directs the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) to provide for hunting, fishing and recreational shooting opportunities within specified guidelines.
- It affirms by statute the existing "open unless closed policy" for hunting, fishing and recreational shooting on BLM and USFS lands.
- It ensures that these legitimate and traditional public uses are responsibly addressed in land management plans.
- It supports Executive Order 13443 titled "Facilitation of Hunting Heritage and Wildlife Conservation" that directs the relevant Federal agencies to "facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat."

- It removes barriers to providing safe and responsible public use of Federal lands.
- It restores Congressional intent in laws related to hunting and wildlife conservation that court rulings have misconstrued.

H.R. 1825 provides the security we need. It will encourage proactive management of hunting, fishing and recreational shooting and it will prevent sudden and arbitrary closures of public lands to sportsmen and women. BLM and USFS land managers will not be able to restrict or close land to hunting, fishing, or recreational shooting unless it is determined that the action is necessary and reasonable, supported by sound science and advanced through a transparent public process. This removes bias and personal agendas from the Federal management of legitimate and traditional public uses.

The NRA has long been involved in issues related to sportsmen's access to our Federal public lands. Beginning in 1996, the NRA has chaired a Roundtable of representatives from the BLM, USFS, Fish and Wildlife Service (FWS) and national hunting, wildlife conservation, and shooting sports organizations. The Roundtable was created by a Memorandum of Understanding for the purpose of resolving issues and enhancing opportunities related to hunting, fishing and recreational shooting. Fifteen years of experience has clearly defined what is achievable by working with our Federal agency partners and what can only be achieved through legislation, specifically through passage of H.R. 1825.

Land management plans guide decisions on how Federal land is managed for at least 15 years into the future and are only changed through plan amendments. Most often these plans are silent about the impacts of various management scenarios on hunting, fishing and recreational shooting. It is a public process that is not transparent to sportsmen and women. Large sections of public land and well-travelled roads can be closed without regard to the impact on the displaced hunter, angler or shooter.

H.R. 1825 guarantees sportsmen and women their rightful place on their Federal public lands now and into the future. It requires that the effects of management plans on opportunities to engage in hunting, fishing and recreational shooting be evaluated.

Americans need places to target shoot. In much of the West, the only places for informal shooting are found on BLM and USFS lands. Informal shooting sites that were once in remote locations are now being threatened by encroaching development and conflict with growing numbers of recreationists. It is critical that recreational shooting be addressed in land management plans in order to identify and preserve areas where safe shooting can occur.

However, the BLM and the USFS both claim that they are unable to designate such areas because it imposes an undue liability against the United States in spite of the fact that recreational shooting has a record of being one of the safest activities on Federal public lands. This has resulted in unwarranted roadblocks to the development of shooting ranges and to designation of safe shooting areas. H.R. 1825 removes these roadblocks by removing the (perceived) liability issue.

H.R. 1825 retains an important provision of the earlier bill with respect to reporting requirements. The Federal land managers have to demonstrate coordination with the affected State fish and wildlife agency before closing, withdrawing, changing a classification or the management status of 640 or more contiguous acres. It is important to have State involvement because Federal land closures and restrictions transfer the management responsibility to the State to provide for the needs of the displaced recreating public.

H.R. 1825 removes a land management planning requirement that could close suitable forest lands to hunting, fishing and recreational shooting if adjacent State other Federal lands also provide for these public uses. The effect of such a requirement is to unnecessarily and unreasonably close public land to the public and at that same time, burden the States with the Federal agencies' responsibilities for providing recreational opportunities.

The NRA supports language ensuring that the designation of Federal land as wilderness, wilderness study areas, primitive and semi-primitive areas under the management of the BLM and USFS cannot, by designation alone, close such lands to hunting, fishing and recreational shooting. H.R. 1825 also makes an important statement that the primary purpose for which a unit of Federal land was established guides its management and that wilderness overlay cannot materially interfere or hinder that guidance.

And lastly, the NRA supports language that reinforces Congressional intent in the National Wildlife Refuge Improvement Act requiring hunting and fishing programs to be compatible with the purposes for which the specific refuge was established and

with the mission and purposes of the National Wildlife Refuge System. Litigation by anti-hunting organizations and a subsequent court ruling resulted in an additional layer of analysis being imposed upon the agency.

This additional layer of review is unnecessary and costly to the FWS which is already struggling with huge backlogs in operation and maintenance needs within the Refuge System. The compatibility test provides sufficient assurance that hunting and fishing programs will not have adverse environmental impacts. The only desire of the plaintiffs was to find some other means of grinding to a halt the FWS' ability to open refuges to hunting and fishing and enhancing existing programs.

In conclusion, the NRA wholeheartedly supports H.R. 1825 because it legislatively recognizes the legitimate and traditional activities of hunting, fishing and recreational shooting on Federal public lands. It safeguards these activities from prejudicial and discriminatory treatment. It requires the Federal land manager to be proactive in managing these activities through the land management planning process. It makes administrative decisions that close or significantly restrict these activities to be anchored in a transparent public process and removes administrative and judicial roadblocks that obstruct sound and responsible management of recreation and wildlife resources.

The NRA looks forward to early passage of the bill in Committee and in the House of Representatives and that in this year it will be signed into law.

Thank you, again, for the opportunity to testify on H.R. 1825.

Mr. BISHOP. I appreciate that. Thank you. Ms. Simpson, I think the Safari Club has taken a lead in science based conservation strategies. We welcome you here. We recognize you for 5 minutes.

STATEMENT OF MELISSA SIMPSON, DIRECTOR OF GOVERNMENTAL AFFAIRS AND SCIENCE BASED CONSERVATION, SAFARI CLUB INTERNATIONAL

Ms. SIMPSON. Thank you, Mr. Chairman. I appreciate the opportunity to appear before you today to share the views of SCI in support of H.R. 1825.

SCI believes that Federal lands should be managed under the principles of multiple use. The opportunity to hunt and fish on Federal lands should be a priority in every land and resource management plan. According to data from the U.S. Fish and Wildlife Service, these activities generated $90 billion in 2011, fueling our rural economies in a time of economic recession. H.R. 1825 is designed to provide Federal land managers and the hunting public with the tools necessary to defend these recreational opportunities from attacks from those who either do not appreciate or do not understand the positive role that hunting and fishing play on Federal land.

Rest assured, just as my colleagues have mentioned here today, H.R. 1825 does not create hunting, fishing, or recreational shooting opportunities where they are not already authorized. The bill does not remove Wilderness Act protections from lands properly designated as wilderness, nor does it authorize motorized vehicle use, or the development of permanent roads in wilderness areas. The bill simply protects congressionally authorized activities from legal challenges that seek to interfere with statutorily authorized hunting, fishing, and recreational shooting on Federal land.

The threat to hunting, fishing, and recreational shooting comes not only from the anti-hunting public, but it also comes, at times, from within the Federal agencies themselves. There is a growing concern among the sportsmen's community that fewer and fewer agency personnel have firsthand experience of these activities. When given discretion in the planning for Federal public lands, Federal public land managers often fail to recognize and afford ap-

propriate, adequate hunting, fishing, and recreational shooting opportunities on the lands they administer.

In some cases, agency personnel have sought to impose unnecessary and unfair restrictions to hunters and shooters. For example, in 2011 the BLM attempted to adopt a policy that would have placed needless limitations on opportunities for recreational shooting on BLM land. Fortunately, the hunting and shooting community was able to quickly band together to prevent adoption of that policy.

More recently, the Forest Service proposed planning directives designed to facilitate the agency's 2012 planning rules. Like the rules themselves, the draft directives leave hunting and fishing at risk of being crowded out by other types of recreational activities.

In August of 2000, America's leading wildlife conservation organizations met to identify how to best work collaboratively with the Federal land management agencies. These organizations formed the American Wildlife Conservation Partners, a consortium of over 40 organizations at the time representing 4 million hunters; 21 of those organizations have submitted a letter in support of this legislation today to the Subcommittee.

The impetus for this gathering of hunting organizations was to deal with the perception that the Federal land management agencies were not open to conversations with the hunting community. The hunting community put together a list of recommendations called, "Wildlife for the 21st century," they presented those recommendations to President George W. Bush, as well as to President Barack Obama. In the 13 years since the AWCP has engaged the Administration, sportsmen and women have tirelessly worked to resolve the same ongoing issues with the Federal land management agencies.

Despite the fact that we have an Executive order from President Bush, we have had a White House conference that developed 52 recommendations for implementing hunting and fishing opportunities on Federal lands, we still find ourselves here today with the same struggle.

And that is why we are asking for your support of this important legislation. Thank you.

[The prepared statement of Ms. Simpson follows:]

PREPARED STATEMENT OF MELISSA SIMPSON, DIRECTOR OF GOVERNMENT AFFAIRS, SAFARI CLUB INTERNATIONAL, ON H.R. 1825

Mr. Chairman and members of the Committee, I appreciate the opportunity to appear before you today to share my views, the views of Safari Club International and the hunting community, all of whom support H.R. 1825, the Recreational Fishing and Hunting Heritage and Opportunities Act.

My name is Melissa Simpson. I serve as the Director of Government Affairs for Safari Club International (SCI). SCI's missions are protecting the freedom to hunt, and promoting wildlife conservation worldwide. SCI works locally, nationally, and globally to protect hunting opportunities and strengthen the link between hunting, sustainable use, and wildlife conservation.

SCI believes that Federal lands should be managed under the principles of multiple-use. Outdoor recreation, including hunting and fishing, have been and should continue to be a primary use of Federal lands and are fully compatible with other uses. According to data from the U.S. Fish and Wildlife Service, these activities generated $90 billion in 2011, fueling our rural economies. The opportunity to hunt and fish on Federal lands should be a priority in every land and resource management plan. H.R. 1825 is designed to provide Federal land managers and the hunting public with the tools necessary to defend these recreational opportunities from attacks

from those who either do not appreciate or do not understand the positive role that hunting and fishing play on Federal land.

Rest assured that H.R. 1825 does not create hunting, fishing or recreational shooting opportunities where they are not already authorized. The bill does not remove Wilderness Act protections from lands properly designated as Wilderness, nor does it authorize motorized vehicle use, or the development of permanent roads in Wilderness Areas. This bill simply protects congressionally authorized activities from legal challenges that seek to interfere with statutorily authorized hunting, fishing and recreational shooting on Federal land.

For example, H.R. 1825 corrects a legislative ambiguity that opened the door to almost a decade of litigation brought by anti-hunting groups who tried to stop hunting throughout the National Wildlife Refuge System. This bill removes a redundant planning requirement for the provision of hunting opportunities in National Wildlife Refuges. It not only protects hunting from vicious and costly legal attacks, but conserves Federal resources at a time when Federal agencies are seeking ways to eliminate unnecessary spending.

The bill also makes it more difficult for litigants to interfere with conservation efforts designed to benefit game species. For example, in a lawsuit concerning the Kofa National Wildlife Refuge, some groups challenged the use of artificial water developments designed to benefit a population of Desert Bighorn Sheep that serve as a seed population for sheep restoration efforts throughout the West.

Most of this bill's provisions focus exclusively on U.S. Forest Service and Bureau of Land Management lands. Although these are public lands where hunting, fishing and recreational shooting are statutorily authorized, anti-hunting groups and others have relied on statutory loopholes and ambiguities to whittle away at the existing opportunities on these Federal lands. For example, right now, a litigant in Federal district court in Michigan is trying to convince the court that his recreational interests in cross-country skiing should deprive the hunting community of access to and use of portions of the Huron and Manistee National Forests. The provisions in this bill could help provide the Forest Service with an important defense against this type of legal challenge.

The threat to hunting, fishing and recreational shooting comes not only from the anti-hunting public, but also, at times, from within the agencies themselves. There is a growing concern that fewer and fewer agency personnel have first-hand experience of these activities. When given discretion in the planning for Federal public lands, Federal public land managers often fail to recognize and afford appropriate and adequate hunting, fishing and recreational shooting opportunities on the lands that they administer. In some cases, agency personnel have sought to impose unnecessary and unfair restrictions on hunters and shooters. For example, in 2011, the Bureau of Land Management attempted to adopt a policy that would have placed needless limitations on opportunities for recreational shooting on BLM land. Fortunately, the hunting and shooting community was able to quickly band together to prevent the adoption of that policy.

More recently, the Forest Service proposed planning directives designed to facilitate the agency's 2012 Planning Rules. Like the rules themselves, the draft directives leave hunting and fishing at risk of being crowded out by other types of recreational activities. These rules and directives leave our Nation's forests vulnerable to the whims of those who do not understand, let alone participate in sustainable use activities. We cannot let the policies, rules and directives of those who do not hunt and fish become the downfall of recreational pursuits that are a fundamental part of our Nation's history and heritage, not to mention important elements of many State and Federal wildlife management and conservation efforts.

These examples demonstrate the crucial need for H.R. 1825. If Congress does not expressly designate hunting and fishing as priority uses of our Federal lands, it is only a matter of time before we lose these opportunities that have been central to the North American Model of Wildlife Conservation.

In August of 2000, America's leading wildlife conservation organizations met to identify how best to work collaboratively to help chart the course for the future of wildlife conservation in the United States. These organizations formed the American Wildlife Conservation Partners (AWCP), a consortium of over 40 organizations representing over 4 million hunters at the time. The impetus for this historic meeting was the urgent recognition that habitats on Federal forests and rangelands were deteriorating; declines in hunter participation was putting America's hunting heritage at risk, and along with it, the tradition of America's game management; public conflict and polarization over wildlife issues were increasing; and finally, the stewardship of Federal lands was hampered by conflicting laws and regulations guiding the management of these lands. AWCP subsequently presented "Wildlife for the 21st

century" policy recommendations to President George W. Bush in both his terms and to President Barack Obama in 2009.

In the 14 years that AWCP has engaged the Administration, sportsmen and women have tirelessly worked to resolve the same ongoing issues with the Federal land management agencies. During the Bush Administration, I served as a liaison to the sportsmen's community through high level positions at the Department of the Interior and U.S. Department of Agriculture, focusing on facilitating relationships between the Bureau of Land Management and the U.S. Forest Service with the sportsmen's community to better integrate sportsmen's issues into agency decision-making, specifically focusing on access to public lands.

In 2005, I organized a conference between Interior and AWCP to advance their policy recommendations. Policy sessions with high-level Administration officials, the Interior Secretary, Interior Counsel and AWCP executives led to the recognition that the hunting community needed a more direct conduit to engage the Administration. Consequently, the Secretaries of the Interior and Agriculture established the Sporting Conservation Council (SCC), a Federal advisory committee specifically for members of the hunting community to advise on access, conservation funding, habitat management, and hunter recruitment and retention. The SCC recommendations resulted in President Bush's Executive Order #13443: Facilitation of Hunting Heritage and Wildlife Conservation, which called for a White House Conference on North American Wildlife Policy and a 10 year Recreational Hunting and Wildlife Conservation Plan. The 10 year plan was referenced by the Obama Administration in the charter for the current sportsmen's Federal advisory committee, the Wildlife Hunting Heritage Conservation Council.

In 2006, 40 hunting, fishing and wildlife organizations and three Federal agencies signed the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding with the purpose of "implementing mutually beneficial projects and activities." The chief of the U.S. Forest Service has repeatedly reminded field staff of the importance of hunting and sport shooting on national forest lands through directives. Lastly, the Sport Fishing and Boating Partnership Council was established to benefit recreational fishing. Despite all these efforts and the supposed commitment of the present Administration to hunting and fishing opportunities, the reality is that the hunting, fishing and recreational shooting communities need statutory help to protect their interests.

While sportsmen and women began with high hopes for the Administration, it has become increasingly clear that these hopes were based on paper promises. The continual stream of regulations that discourage participation in outdoor recreation has come from many different agencies and appears to be a coordinated affront to our hunting heritage. The current Administration has made little if any progress in implementing the 10 year Recreational Hunting and Wildlife Conservation Plan.

Mr. Chairman, at the beginning of the last century, sportsmen saw the problems that over-utilization can do to wildlife. Hunters and anglers asked to contribute to conservation through license fees and excise taxes to ensure that wildlife would be around for future generations. Over the last century, sportsmen and women have upheld our end of the bargain and provided billions of dollars to conserve wildlife, including over 75 percent of all funding for State conservation agencies. Now we need your help. We need Congress to pass H.R. 1825 to help protect our outdoor heritage.

Thank you for this opportunity to speak and I would be happy to answer any questions that the Committee might have.

List of Anti-Hunting Regulatory and Administrative Actions Taken During the Current Administration

U.S. Fish and Wildlife Service Vision Document

The National Wildlife Refuge System "vision" document entitled "Conserving the Future: Wildlife Refuges, The Next Generation" was published by the U.S. Fish and Wildlife Service (FWS) in October 2011. The document is designed to provide direction for National Wildlife Refuges for the next generation. Despite the fact that Congress, through the National Wildlife Refuge System Improvement Act, made hunting and fishing a priority for the refuges, the vision document neglects hunting and recreation while greatly expanding the FWS's mission to include controversial climate change adaptation.

Forest Service Planning Rules and Directives

The Forest Service's Planning Rules affect every land management plan on the 193 million acres of the National Forest System. These rules provide little support for hunting and fishing on Forest lands:

- The Rules make negligible mention of hunting and, as such offer little in the way of expressing protections for hunting. As published the Planning Rules potentially relinquish to the courts the discretion to resolve questions over the role that hunting will play on National Forests in the future.
- The Planning Rules offer an ambiguous definition of "sustainable recreation" that makes no specific mention of hunting. In addition, the definition is troublesome because it restricts "sustainable recreation" to opportunities, uses and access that are ecologically, economically and socially sustainable, without providing a definition of what qualifies as "socially sustainable."

The Forest Service has proposed a set of Directives that will facilitate planning under authority of the Planning Rules. Although these Directives provide more references to hunting than the Planning Rules, the Directives do nothing to protect hunting and fishing activities from direct competition with other forms of forest recreation.

Forest Service Planning in Inventoried Roadless Areas

Following a Wyoming District Court's removal of an injunction against implementation of the Roadless Rule, the Forest Service adopted directives that instill in the Chief authority for general planning for road construction, reconstruction, timber cutting, sales and removal in all inventoried roadless areas. Instead of allocating such decision-making authority to individual forest managers who are naturally more in tune with the recreational uses of their individual forests as well as the wildlife and habitat needs and concerns in that particular forest, the agency has placed that decision-making at the national level. By removing these powers from local land managers, the Secretary's office is greatly limiting the ability of local land managers to thin forests to reduce the chances of catastrophic wildfires, mitigate insect infestation, and manage forest habitat for the benefit of wildlife and those who seek to engage in the sustainable use of that wildlife.

BLM Shooting Range Policy

In 2011, the BLM attempted to adopt a shooting range policy. The policy failed to acknowledge the traditional and historic use of public lands for recreational shooting. Even worse the policy endorsed BLM's existing policy of not operating shooting ranges or issuing new leases for shooting ranges because of the "potential liability related to lead contamination of the environment," despite the fact that the EPA has developed guidance for management of spent lead ammunition at shooting ranges. SCI and other sporting organizations voiced strong opposition to the shooting range policy, prompting the BLM to withdraw the draft. The BLM's attempt to introduce such a policy sends a negative message to land managers about the role that recreational shooting should have on BLM land and expresses the agency's general lack of support for recreational shooting on Federal public lands.

Wild Lands Order

In December 2010 Secretary Salazar issued Secretarial Order 3310, containing the controversial Wild Lands policy, without any public input. This policy would have allowed the BLM to circumvent congressional authority over designating wilderness by allowing the BLM to use the public resource management planning process to designate certain lands with wilderness characteristics as "Wild Lands." Sportsmen and the Association of State Fish and Wildlife Agencies (representing the 50 State fish and wildlife agencies) opposed this order because it would have undermined States' authority by creating unnecessary barriers to fish and wildlife management and related recreation on public lands. The Secretary reversed this Order only after Congress acted to remove funding for this policy.

The FWS's Approach to Importation

Those who seek to import hunting trophies into the United States have faced greater obstacles in the last few years due to the FWS's rigid enforcement of procedural requirements imposed by CITES and the Endangered Species Act. Such enforcement practices led to an increase in the number of seizures of hunting trophies being imported into the United States. The FWS has taken the approach that any variation from CITES documentation requirements, regardless of how minor, qualifies as a violation of U.S. law. The FWS manual directs personnel to consider trophy seizure or forfeiture as the agency's first recourse in the face of such violation. Seizure or forfeiture of expensive wildlife trophies is an outsized penalty for minor technical errors, where there is no evidence of intent to violate the law. Although the FWS has made efforts to work with range nations and with CITES to clarify the requirements necessary for the documentation required for particularly troublesome trophy importation, the FWS continues to follow an approach to trophy impor-

tation that discourages rather than encourages U.S. hunters to engage in sustainable use conservation of foreign species.

Mr. BISHOP. Thank you. I appreciate your testimony. We are going to ask questions only on the sportsmen bill first. We will deal with that, and then we will go back to testimony and questions that deal with the other three pieces of legislation before us today.

So, Mr. Benishek, can I turn to you and see if you have any questions of these witnesses on your bill, only?

Dr. BENISHEK. Thank you, Mr. Chairman. You know, your testimony brings up a few questions that I would like to get a little more detail on, and one of those is the—we talked about the lawsuits and the wasted resources that are a result of that.

So, could you give me an example of a lawsuit that has occurred that you think wasted the Government's resources in fighting this lawsuit, and why this legislation is so important to illuminate that? And be able to better use our taxpayers' funds. Does anyone have an example they would like to share?

Mr. HORN. Well, Mr. Chairman, Mr. Benishek, a classic example arises in your home State involving the Huron-Manistee National Forest, a lawsuit better known as the Meister case. Individuals filed suit against the Forest Service, arguing that the agency had failed to consider closing large swaths of the Huron-Manistee National Forest to hunting, because these individuals contended that the presence of hunters in the fall, and the fact that they might hear some distant gunshots, interfered with their quality experience.

A U.S. district court dismissed the case, turned down the plaintiffs. It was appealed to the sixth circuit. The sixth circuit upheld the plaintiffs and told the Forest Service that they had to go back, they had to redo their plan, they had to expressly consider closing large chunks of the national forest to hunting, because of these—I will call them the tender aesthetic sensibilities.

The Forest Service went back, redid the plan. They concluded that action last winter. Mr. Meister and company were not satisfied with the revised plan and the revised consideration they got. They filed a new lawsuit about 2 months ago, and matter of fact, yesterday the U.S. district court issued the new briefing schedule, which will ensure that this case continues at least through this calendar year. I hate to think of the amount of money that has been squandered on both the litigation and now the second redo of the Forest plan, all aimed at essentially running the hunters off during a limited, what, 6-week hunting season in the fall months.

Dr. BENISHEK. Thank you very much. I know I grew up in an old town called Iron River. And we had a hotel, so that during the deer-hunting season we were just so happy that the hunting season came because the hotel was full. And that basically got us through the winter, because sometimes there was not much else happening.

So, speak again. I think you mentioned a huge number of the economic activity in our communities that are a result of hunting and fishing activities. Could you tell me that again?

Ms. SIMPSON. The figure was $90 billion in 2011. And that is just counting the amount of money that has been collected from excise taxes, from Pittman-Robertson and Dingle-Johnson. But then that

doesn't even account for all of the added money that is collected from, as you point out, the local hotel, perhaps the gas station, the convenience store, and all of the additional outdoor equipment that is purchased.

Obviously, those gateway communities between the cities and the great outdoors are the ones that are benefiting those rural economies.

Dr. BENISHEK. Well, as a member of that rural economy, as a child, the people that would come up to the Upper Peninsula from the Detroit area and the big city, those guys would just love their opportunity to get to the woods and it was a real economic boost to our town. And, even now, as I go back to my district and the hotels and community centers that these hunters frequent, those small localities depend so heavily on those hunters that it is very important to their overall survival through—sometimes it is a very tough winter.

So, I can testify, as well, that this is huge for the rural communities in America that are, as you said, the gateways to the Federal forests that we depend on so much for the availability of wildlife. With that I will yield back. Thank you.

Mr. BISHOP. Thank you. Mr. Grijalva, do you have questions?

Mr. GRIJALVA. Thank you, Mr. Chairman. Mr. Rountree, I said in my opening statement that people who support H.R. 1825 and people who oppose it might have legitimate differences of opinion, or we might just have a different interpretation of the impacts of the language. So let me ask you about some of that language.

Is it your reading that the legislation, Section 4(e)1, would permit temporary roads, motorized equipment, and motorboats, use of motor vehicles, landing of aircraft structures and installations, and other forms of mechanical transport in designated wilderness if it was to support and facilitate recreational fishing, hunting, and shooting opportunities? Is that——

Mr. ROUNTREE. Mr. Grijalva, since the bill was introduced less than a week ago, BLM has really not had the opportunity to complete a careful review and conduct internal discussions on the bill. We would be happy to get back with you for the record, if you would so desire.

Mr. GRIJALVA. I would appreciate that. I think the Committee would as well, because part of it is how we are interpreting the content of the legislation.

Moving on to Section 4(e)2 of the legislation, is it your view that the wording of this section actually changes the purpose of wilderness lands from being preserved for the wilderness character, or to be managed for fish and wildlife purposes?

Mr. ROUNTREE. Again, Mr. Grijalva, we have not had an opportunity to review the bill in its entirety, and have not had the internal discussions necessary to really formulate our response. We would, however, be happy to get back with you for the record, if you would like.

Mr. GRIJALVA. And, finally, is there a reason we need to effectively waive NEPA in this legislation?

Mr. ROUNTREE. I can't think of any. In any legislation, anything that would waive NEPA really takes the legs out from under our local decisionmakers in terms of the types of analyses that we like

to do on any type of Federal action, as well as precludes public involvement in the formulation of these decisions.

Mr. GRIJALVA. Thank you. Do you want me to finish this round of questioning or break now?

Mr. BISHOP. I think we can get one more in.

Mr. GRIJALVA. If I could finish, I have a couple more questions.

Mr. BISHOP. Go ahead.

Mr. GRIJALVA. OK, thank you. Ms. Recce, before we have to take a break, I want to ask you about your explanation as to why practically every Democrat on this Committee voted against the Sportsmen's Heritage Act last year. I ask you that because in your written testimony today it states that those voting against the bill listened to opponents who argued that the legislation would open the door to prohibited activities like motorized recreation, road construction on lands designated as wilderness.

You continued, "Equally specious were arguments that H.R. 2834," the act then, "would open national parks or other units of the national park system to public uses not authorized by Congress." It appears to me that the point you are making is the opponents of this legislation were misinformed about its effects on public lands.

Assuming that is true, I have to say that you, yourself, are partly responsible for Members believing that the bill would allow motorized recreation and certain kinds of road construction on the lands. In your previous appearance before this hearing, on September 9, 2011, you testified that one of the reasons we needed this bill was that the current policy regarding recreation on Federal lands—and I quote from your testimony—"holds hidden pitfalls." It does not encourage proactive management of recreation. It does not prevent sudden and arbitrary closures of public lands to recreation. It does not require that reasonable access to these open lands be provided.

During the questioning you reconfirmed that the problem is not with 95 percent of public lands that are open to recreational shooting and hunting. The problem is that the lands—and I quote from your testimony—"can be open; it is getting to them." You added that in many of these places there are not roads.

So the thrust of your testimony 2 years ago of the major advantage of that legislation was that it allowed access, including wilderness. Now, as I understand your testimony today, is that it doesn't, that the focus isn't access. So the testimony in 2011 was wrong, and the testimony today is correct? That is one question.

The second question: Will this bill result in more motorized access into designated wilderness areas?

Mr. BISHOP. If you can limit your answers to a minute, go for it, please.

Ms. RECCE. I will be happy to. Thank you very much for the question. My testimony today is consistent with 2 years ago. It is about opportunities and access on Federal public lands. But, as I said earlier, that the bill, H.R. 2834, and this legislation, there was no intent, and there was, in fact, efforts in the bill to incorporate language to ensure that wilderness areas were not open to unauthorized activities. And the legislation does not amend the Wilderness Act.

So, indeed, on lands open for recreational activities, as Forest Service/BLM lands, it is about opportunities and access. Both bills provide certain guidelines for keeping those lands——

Mr. GRIJALVA. Will it not result in more motorized access into designated wilderness area?

Ms. RECCE. No, sir, it will not. I testified the last time to that effect. That discussion was also on the House Floor during the debate on the bill.

Mr. BISHOP. I am going to have to cut this off. I am sorry.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Mr. BISHOP. I have 9 minutes left before the voting takes place. There are 400 that haven't shown up. Mrs. Lummis, if you have some questions, I think we can get one last round of questions. And then I am going to ask the body if you will, to just cool your heels for a while. I am sorry. We will come back, we will finish questions on the sportsmen's bill, and then we will take testimony and have questions on the other three bills, if that is OK.

Do you have some you would like to ask right now?

Mrs. LUMMIS. I do, Mr. Chairman.

Mr. BISHOP. OK, go ahead.

Mrs. LUMMIS. Thank you. Ms. Recce, are you aware that anti-hunting and anti-recreation lawsuits are often awarded attorneys fees at taxpayer expense?

Ms. RECCE. Yes, I am. I don't have the details of that, myself. My colleagues might. But, yes, I am aware of that.

Mrs. LUMMIS. Mr. Rountree, can you tell us how much the BLM spends every year to reimburse litigants for suing the Federal Government, whether as part of a settlement or a successful litigation?

Mr. ROUNTREE. No, ma'am, I can't. But we will certainly look into it and get back to you, if we can.

Mrs. LUMMIS. I would love to hear back from you, and I would love to hear back from you breaking it down for lawsuits that are procedural in nature, how much for litigation in general, and where does the money come from? Does it come from the BLM's budget? If you are sued or you settle, does it come out of your operating budget?

Mr. ROUNTREE. It does.

Mrs. LUMMIS. Hence, the very people that are criticizing the Federal Government for managing Federal lands inadequately or us not funding those agencies adequately are the same people, Mr. Chairman, who are taking money away from these Federal agencies by suing them, suing them and settling, even on procedural grounds, and then using the money for their own purposes, rather than for the Government's management of public lands.

A follow-up for Ms. Recce. Can you explain how Mr. Benishek's bill helps to limit taxpayer-funded litigation and restores some sanity to how we treat hunting and fishing on public lands?

Ms. RECCE. The legislation clarifies the original intent of laws that we believe the courts have misconstrued in a number of lawsuits. We have organizations within our community who have been involved in this litigation on the side of the Federal Government. And, unfortunately, certain court rulings have gone, as Mr. Horn stated, have supported the plaintiffs. And this legislation is critical to restoring the order and sanity that you speak to.

Mrs. LUMMIS. And, Mr. Chairman, thank you. In light of the impending votes, I will yield back the balance of my time.

Mr. BISHOP. Thank you. I appreciate that. To the three witnesses who have already testified, I have a couple of questions. If you need to leave, I can understand that. When we scheduled this, this was not supposed to be an end day of the week, so I apologize for this situation. This kind of breaks something we tried last session to end with our scheduling structure. So I apologize for it happening.

There may be others who come back for this meeting, as well. Mr. Schneider, if you still can stick around, fine. If you have to go to catch the plane, I understand that at the same time. We will do the other three bills, as well, when we return.

With that, the Committee is going to be in recess until who knows when. Thank you.

[Recess.]

Mr. BISHOP. All right. The Committee will come to order again, because you are all so loud and boisterous. And I notice we have lost not only some of our Members, but a whole lot of the audience. And I apologize for making you have to wait that long.

Do we still have questions pertaining to the sportsmen's bill. Did you have some more that you wanted to ask on this one?

Mr. GRIJALVA. I do.

Mr. BISHOP. And do you have another round of questions you would like to ask?

Dr. BENISHEK. Oh, no, I am actually good.

Mr. BISHOP. OK. I will recognize Mr. Grijalva first, and then I will ask some questions.

Mr. GRIJALVA. OK. This question is for Mr. Horn and Ms. Simpson.

In reading your written statement, Mr. Horn, you used the term "anti's," and talk about bogus arguments of wilderness advocates. Ms. Simpson, you talk about litigants, "paper promises of the Obama Administration," and include a list of anti-hunting regulatory and administrative actions of the Obama Administration.

We also have some very thoughtful letters from the National Wildlife Federation, Theodore Roosevelt Conservation Partnership, and Back Country Hunters and Anglers, explaining why they prefer the Senate version of the legislation to H.R. 1825. In short, they prefer the Senate bill because it doesn't contain NEPA waivers or any other controversial wilderness provision.

So, my question is, what are your respective views on the Senate version?

Mr. HORN. Mr. Chairman, Mr. Grijalva——

Mr. GRIJALVA. Thank you.

Mr. HORN [continuing]. I think the Senate version is fine, but the Senate version does lack the corrections for the Wilderness Act that would essentially fix the problems that the ninth circuit created with its, I think, out-of-the-ordinary decisions in the Tustumena Lake case, the High Sierra Hikers case, and the Kofa Refuge case, all of which represented substantial departures from the legal status quo that governed the Wilderness Act for approximately 35 years.

And each of those decisions, which I am prepared to go through in some detail, if you would like——

Mr. GRIJALVA. No, that is good.

Mr. HORN [continuing]. As I said, upset the established order. In each of those cases the ninth circuit reversed a district court decision. And in each case the ninth circuit reversed the professional determinations of an agency—twice the Fish and Wildlife Service and once the Forest Service. And that those decisions——

Mr. GRIJALVA. Specific to the NEPA provisions.

Mr. HORN. Oh, well——

Mr. GRIJALVA. You feel that is the difference that you are talking about?

Mr. HORN. Well, no. The Wilderness Act, that is what I was talking about first. Now, the NEPA one is another one where the 1997 Refuge Act directed that the Fish and Wildlife Service would prepare a comprehensive conservation plan, CCP, for each refuge unit. Each CCP would determine what activities were to be permitted on refuge units. They made the compatibility findings.

Mr. GRIJALVA. OK. Ms. Simpson? If I may, because it is my last chance to ask questions.

Ms. SIMPSON. Sure, thank you very much for the question. I would direct your attention to the letter that the 21 organizations representing national hunting groups submitted for the record. Rocky Mountain Elk Foundation, Congressional Sportsmen's Foundation, National Wild Turkey Federation, representing millions of hunters across the country, all have supported this legislation. And, frankly, the difference between this bill and what is in the Senate——

Mr. GRIJALVA. OK.

Ms. SIMPSON [continuing]. And the reason that the TRCP and Back Country Hunters and Anglers support the Senate version is a difference in the interpretation of the Wilderness Act. And, frankly, we believe that this interpretation here is the correct one.

Mr. GRIJALVA. I appreciate that. I want to ask a little bit, if I may, Ms. Recce, about the issue of safety. In the legislation dealing with recreational shooting, the bill states that each head of the Federal agencies should permit lands to be used for shooting ranges, but also designates specific recreational shooting activities. I see a lot of discussion as to the protocol, the factors that must be considered in determining which pieces of land get shooting ranges.

But I see nothing in the bill about the important issue of safety. Nothing in the bill gives agencies any guidance regarding safety protocols Federal agencies should put in place on these lands. None of us want the Federal Park Service lands to become free fire zones, or where people feel that they are risking life and limb their.

Now, I know the NRA has protocols considering for proper safety protocols. So can you tell us some of the safety protocols for shooting on Federal lands that could be included in this bill, and mandated in this bill? And if safety isn't an issue, why is it necessary to put a limitation on liability in the legislation?

Ms. RECCE. I appreciate the question. What has happened is on both Forest Service and BLM lands, the agencies, their solicitors have suggested that to designate areas for recreational shooting would impose an undue liability on the Federal Government. Our position is that, in fact, by designating areas, it will help to man-

age recreation better, it will ensure that there are safe and responsible areas for recreational shooting, and it will remove conflict between shooting and other recreational activities.

We have argued that, by the fact that recreational shooting in fact has one of the lowest incidents of death or injury of any recreational activity on public lands, that there are even other recreational activities that would have greater liability. But yet the agencies——

Mr. GRIJALVA. Protocols that could be added to the bill as it moves along?

Ms. RECCE. Well, I think that both agencies already have in place safety protocols. I mean they do have protocols for safe shooting. They are posted on kiosks and at visitors centers. So they do exist.

And we are also in a Memorandum of Understanding with the agencies to work with them on recreational shooting and hunting——

Mr. GRIJALVA. Would you quickly—and then I am done, thank you, Mr. Chairman, for your indulgence—could—if I may, could you—can you agree or can we agree—probably not—but that some guns, military-style assault weapons, for instance, have no place in national parks insofar as they are military-style weapons and not for the purpose of hunting and sporting? And the conflict between families that are hiking, recreating, camping, the questions about which gun should be allowed. Is it, in your mind, open-ended in the legislation?

Ms. RECCE. Well, in the National Park System recreational shooting isn't open to the public. So the focus would be on Forest Service and BLM lands, which have, for decades, allowed recreational shooting. It really comes down to where you can conduct shooting safely. You want to have a backstop, you want to ensure that you are not building a trail behind a shooting range, which Forest Service did in one of the southern national forests, and then suggested shooting was unsafe because it affected the hikers. But they put the trail in after the shooting range.

So, it is those kinds of issues, not the firearm, but as much as where it is appropriate to have recreational shooting, as any other activity, including off-highway vehicle use.

Mr. GRIJALVA. So I am asking about the type of weapon. Is there any type of weapon that you would see that wouldn't be allowed?

Ms. RECCE. I think that any firearm can be used, so long as it is legal in that State and legal by the Federal Government to be used.

Mr. GRIJALVA. OK, thank you. I yield back.

Mr. BISHOP. Thank you. I just have a couple of quick questions. Mr. Horn, some of the other groups have charged that this bill would have sweeping provisions that would rewrite the long-established Wilderness Act. Does this bill contain that language?

Mr. HORN. Mr. Chairman, no, it does not. And, in fact, what it does is the bill restores the legal status quo that existed regarding the Wilderness Act for about its first 35 years of existence.

As I was indicating previously, there have been three ninth circuit decisions that we think fundamentally changed the status quo: Tustumena Lake case out of Alaska, the High Sierra Hikers case

out of California, and the Kofa Refuge case out of Arizona. As I indicated, all three of those, the ninth circuit reversed district courts that applied established precedent, and reversed the professional judgments of the agencies to essentially elevate the necessity test that was included in the Wilderness Act by making it more difficult for agencies to make necessity determinations regarding what type of activities would occur in wilderness areas.

An Alaska case, the ninth circuit said stocking baby sockeye salmon was inconsistent with the Wilderness Act. It wasn't necessary. In the High Sierra case they said that the Forest Service had failed to demonstrate that horseback trips were not necessary in wilderness areas by elevating the standard. And in the Kofa case, the ninth circuit basically said even though Kofa was a refuge established by Franklin Roosevelt with a primary purpose being conservation of the Desert Big Horn Sheep, the ninth decided that it was a wilderness first, and a refuge second, and therefore, wilderness restrictions trumped the ability of Fish and Wildlife, in cooperation with Arizona Fish and Game, to engage in activities to help conserve and restore the Desert Big Horn Sheep.

We think all three of those cases cry for correction. The bill has very specifically tailored corrections, along with two specific provisos that say nothing herein opens or allows commodity development, roads, or motorized access in wilderness areas. I don't think the bill can be any clearer in that regard.

Mr. BISHOP. Thank you. I appreciate that. It is a unique concept of actually having policy done by a legislative branch, instead of a judicial branch. I don't know why we would ever want to think of that.

The bill also reaffirms the supplemental purposes language that is already in the Wilderness Act. Why is it necessary, since it is already in the original Wilderness Act?

Mr. HORN. Well, even though it is in the Wilderness Act, the ninth circuit declined to recognize that language is there, and has been there since the statute was enacted in 1964.

And in the Kofa case, as I said, it was a wildlife refuge, its primary purpose was conservation of the Desert Big Horn Sheep. Fish and Wildlife Service, in cooperation with Arizona Fish and Game, had authorized maintenance of these water guzzler devices to enhance the sheep population. They had been out there for years and years. They had been there when Congress designated Kofa, parts of Kofa, as wilderness. The ninth circuit decided notwithstanding the congressional affirmation, notwithstanding the supplemental purposes language, that Kofa had to be managed as a wilderness first, meaning no activities and structures, and a wildlife refuge second.

This language in H.R. 1825 basically says Congress reaffirms the original 1964 supplemental purposes language that still, in blackletter law, in the statute today, just that the court in San Francisco found a way to disregard that language.

Mr. BISHOP. So both portions, same thing again. You are reestablishing the intent of Congress by restating these provisions in this particular bill. I appreciate that.

Does anything in this bill allow activity that is currently prohibited, like motorized recreation, or road construction, or activities in any kind of wilderness area? Is there anything that opens that up?

Mr. HORN. Mr. Chairman, absolutely not. As I cited it in my statement, if you look at the two provisos in 4(e)1 and 4(e)2, both of them state very plainly and expressly nothing in H.R. 1825 opens wilderness areas to commodity development, road construction, or motorized access. And it says it twice, and it says it plainly. I don't know what more you all could say in a bill.

Mr. BISHOP. There is a lot more I could say, but it wouldn't be appropriate, legal language.

This last question, then. You have a NEPA provision in the bill, which is sometimes a controversial word around here. So, what does the NEPA provision in this bill do? Why is it necessary?

Mr. HORN. Well, there are two NEPA provisions. The first one is just a—I call it a housekeeping chore. Because the bill designates BLM and Forest Service lands as open until closed, that means the agency needs to take no specific Federal action to continue hunting or fishing, because it has been done statutorily by Congress.

Under those circumstances, since you don't have to take an action to open it, there is no action that would trigger the application of the Natural Environmental Policy Act. However, because of 40 years of court rulings, the courts have made it clear that they don't like to see things done to NEPA by implication.

And so, there is a—I call it a housekeeping provision in here that says, and makes it clear, that because it is open until closed, and no specific Federal action is necessary, no environmental impact statement or EA is necessary to continue hunting and fishing. That is one provision.

The second corrects another court problem involving the Fish and Wildlife Service where Congress in 1997 said, "Fish and Wildlife, you prepare what is called a CCP, Comprehensive Conservation Plan, for each unit. And within that CCP, which also includes a NEPA document, you make your determinations of where fishing and hunting is allowed on refuges."

A district court in Washington, D.C. said that the CCP, by itself, wasn't enough, that the Fish and Wildlife Service, if they did multiple CCPs at the same time—there are, after all, 535 refuges—they had to do a cumulative effects analysis. And the Service said, "Wait a minute. If I hunt deer on the Bond Swamp Refuge in Georgia, or I shoot woodcock in the Canaan Valley in West Virginia, or I hunt moose in the Yukon Flats in Alaska, there are no cumulative effects of these incredibly disparate activities."

Judge says, "Go do a cumulative effects statement anyway." The Fish and Wildlife Service spent 3 years and hundreds of thousands of dollars of doing what we all thought was a superfluous exercise that was ultimately upheld by the judge.

The provision in the bill would basically go back to the specific provisions of the 1997 Refuge Act and say, "When you do the CCP and the attendant NEPA document, Fish and Wildlife, that satisfies your NEPA obligations." End of story.

Mr. BISHOP. Thank you. I appreciate your answers to my questions. I don't have any others.

To the three of you who are testifying to the sportsmen's bill, I appreciate you coming here and taking the time to do that. This portion of the hearing will now end, and we will go on to the other three bills: the Huffman, Young, and Pearce bill. If you three would like to stay, please feel free to do so. There may be questions about those other three bills. I know it is not why you are here. Just I am not throwing you out; you can stay if you would like to. We always, obviously, had that long pause, if you need to go back and do some real work, I can understand that, as well.

Mr. Rountree, I apologize for making you sit through all of this. I hadn't planned on this kind of break in there. I am sorry about that. But if you would like to speak for the Administration on the other three bills, we would be happy to hear your testimony now, and then have some questions for you.

Mr. ROUNTREE. Thank you, Mr. Chairman.

STATEMENT OF CARL ROUNTREE, ASSISTANT DIRECTOR, NATIONAL LANDSCAPE CONSERVATION SYSTEM AND COMMUNITY PARTNERSHIPS, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

ACCOMPANIED BY: BERT FROST, ASSOCIATE DIRECTOR, NATURAL RESOURCE STEWARDSHIP AND SCIENCES, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. ROUNTREE. Mr. Chairman, members of the Committee, thank you for inviting the Department of the Interior to testify on bills of interest to the Bureau of Land Management and the National Park Service. I will briefly summarize the Administration's testimony on H.R. 995, the Organ Mountains National Monuments.

The Department of the Interior strongly supports the protection and conservation of the Organ Mountains. The Organ Mountains lie to the east of Las Cruces, New Mexico, dominating the landscape as they rise over 9,000 feet in elevation. They are a popular recreation area with multiple hiking trails, campgrounds, opportunities for hunting, mountain biking, and other dispersed forms of recreation. Running generally north-south for 20 miles, the steep, needle-like spires resemble the pipes of an organ, and are an iconic fixture of life in southern New Mexico.

The BLM would welcome the opportunity to work with the sponsor and the Committee to address issues including the purposes statement of the legislation, boundaries, wilderness, and the Department of Defense's needs. As Representative Pearce notes, this area is a national treasure deserving of the protections that come with the designation as a national monument. The BLM hopes that, with certain modifications, we can support this bill in the future.

H.R. 1411, the California Coastal National Monument Expansion. The Department of the Interior supports H.R. 1411, which would add approximately 1,255 acres of public land along the coast of Northern California to the existing California Coastal National Monument managed by the Bureau of Land Management. This relatively small area contains significant natural and cultural resources, including several riparian corridors, wetlands, pine forests, meadows, coastal prairie, and sand dunes, as well as dramatic blow holes and waterfalls cascading into the sea.

Extensive cultural resources attest to a history of occupation of this site, going back at least 9,000 years. Today the Manchester Band of Pomo Indians partners with the Bureau of Land Management to conserve and protect the resource values of these lands. The addition of the Point Arena-Stornetta Public Lands to the California Coastal National Monument will establish a mainland base for access and interpretation of the existing monument, as we continue to work with many local partners, encouraging public access to and appreciation of the area's resources.

H.R. 586, Denali National Park Improvement Act. Finally, I am submitting a statement for the record on behalf of the National Park Service on H.R. 586, Denali National Park Improvement Act. I am accompanied today by Bert Frost, the Associate Director for the Natural Resource Stewardship and Sciences at the National Park Service, who will be happy to answer any questions on H.R. 586.

The Department supports Section 2 of H.R. 586 with an amendment, and does not oppose Sections 3 and 4 of the bill. Section 2 would authorize the Secretary of the Interior to issue permits for micro-hydro projects in a limited area of the Kantishna Hills. The National Park Service would like the opportunity to work with the Committee to modify the 100-day permit response timeframe.

Thank you for the opportunity to present testimony today. Mr. Frost and I will be happy to answer any questions you might have.

[The prepared statement of Mr. Rountree follows:]

PREPARED STATEMENT OF CARL ROUNTREE, ASSISTANT DIRECTOR, NATIONAL LANDSCAPE CONSERVATION SYSTEM AND COMMUNITY PARTNERSHIPS, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, ON H.R. 995 AND H.R. 1411

H.R. 995—ORGAN MOUNTAINS NATIONAL MONUMENT ESTABLISHMENT ACT

Thank you for inviting the Department of the Interior to testify on H.R. 995, the Organ Mountains National Monument Establishment Act. The Department of the Interior strongly supports the protection and conservation of the Organ Mountains in southern New Mexico. This area is a national treasure deserving of the protections that come with designation as a National Monument. During the 112th Congress, the Department testified in support of S. 1024, the Organ Mountains—Doña Ana County Conservation and Protection Act, before the Senate Energy and Natural Resources Committee. S. 1024 provided for the designation of the Organ Mountains as a National Conservation Area (NCA) as well as a number of other conservation designations in Doña Ana County, New Mexico. The Department recommends a number of changes to H.R. 995, so that we can likewise support this bill.

Background

The Organ Mountains lie to the east of Las Cruces, New Mexico, dominating the landscape as they rise to over 9,000 feet in elevation. Running generally north-south for 20 miles, the steep, needle-like spires resemble the pipes of an organ and are an iconic fixture of life in southern New Mexico. This Chihuahuan Desert landscape of rocky peaks, narrow canyons, and open woodlands contain a multitude of biological zones, from mixed desert shrubs and grasslands in the lowlands, ascending to Alligator juniper, gray oak, mountain mahogany and sotol, and finally to ponderosa pines at the highest elevations. Consequently, the area is home to a high diversity of plant and animal life, and excellent wildlife viewing opportunities are present in the area. Visitors frequently see golden eagles, red-tailed hawks, peregrine falcons, Gamble's quail, desert mule deer, coyote, cottontail, and collared lizards. Mountain lions and other predators are also present, but less frequently observed.

There are six endemic wildflower species, including the Organ Mountains evening primrose. Seasonal springs and streams occur in the canyon bottoms, with a few perennial springs that support riparian habitats.

The Organ Mountains are a popular recreation area, with multiple hiking trails, a campground, and opportunities for hunting, mountain biking, and other dispersed

recreation. There are several developed recreation areas within the Organ Mountains, including the Dripping Springs Natural Area (formerly known as the Cox Ranch) noted for its "weeping walls;" the Aguirre Spring Campground, nestled at the base of the spectacular needle-like spires of the Organ Mountains; the Soledad Canyon Day Use Area; and many miles of hiking, horseback riding, and mountain biking trails.

H.R. 995

H.R. 995 would designate 54,800 acres of BLM-managed public land as the Organ Mountains National Monument. Each of the National Monuments and NCAs designated by Congress and managed by the Bureau of Land Management is unique. However, these designations typically have certain critical elements in common, including withdrawal from the public land, mining, and mineral leasing laws; off-highway vehicle use limitations; and language that charges the Secretary of the Interior with allowing only those uses that further the conservation purposes for which the unit is established. Furthermore, these Congressional designations should not diminish the protections that currently apply to the lands.

Most of these standard provisions are included in H.R. 995; however there are provisions that require amendment before the Department could support the legislation. Generally, the "purposes" section of a National Monument or NCA designation establishes the conservation goals for the unit. In this bill, the purpose statement for H.R. 995 includes two "resources" that are undefined and unnecessary for the conservation of the area. Specifically, in section 5, both "livestock" and "traditional" are listed as resources to be conserved, protected, and enhanced, along with the more standard "cultural, archaeological, natural, ecological, geological, historical, wildlife, watershed, educational, recreational and scenic resources." The inclusion of grazing and traditional "resources" in the purpose statement could prevent the BLM from adequately managing the area.

Grazing exists on most of the BLM's National Monuments and NCAs, as with most public lands, and is typically consistent with their management. However, grazing is not a stated purpose of any national monuments. Section 6(c) of H.R. 995 mandates that grazing continue in accordance with the same law and executive orders that apply to grazing on other land under the BLM's administrative jurisdiction, and we do not object to this provision. However, National Monuments and NCAs are intended for the protection, conservation, and restoration of nationally-significant resources, objects, and values of historic or scientific interest. Establishing livestock as a resource to be conserved and protected within this National Monument may, at a minimum, lead to confusion. A more extreme interpretation could create conflicting and inconsistent management standards for the grazing of livestock within the national monument compared to standards for grazing management on other lands managed by the BLM. This would be problematic from both a grazing management perspective, as well as a monument management perspective, and we oppose the addition of livestock as a monument purpose under the bill. Likewise, the term "traditional . . . resources" is an ambiguous term which the bill leaves undefined. The BLM has concerns about the scope of activities that this might include. In summary, while the BLM supports the continuation of grazing within the proposed national monument, grazing and traditional uses should not be listed as monument purposes.

Section 6(b)(2) appears to limit the BLM's discretion to restrict or prohibit motorized and mechanized use within the new national monument if such use is for the purpose of construction and maintenance of range improvements or flood control or water conservation systems. This language could create unnecessary conflicts with the conservation uses for which the monument is established. Motorized and mechanized use is not prohibited within a national monument (as it would be within designated wilderness) but the BLM would want to direct motorized use within the national monument to specified routes determined through a public process.

The boundaries established for the Organ Mountains National Monument under H.R. 995 largely reflect the boundaries that the BLM administratively established for the Organ Mountains Area of Critical Environmental Concern (ACEC) in 1993. In the nearly 20 years since that ACEC was established, numerous changes on-the-ground and in the local community have resulted in the BLM's support for a larger national monument boundary with a different configuration.

For example, the BLM has made a number of significant land acquisitions in the area over the past 20 years, including 400 acres on the east side which make up the popular Soledad Canyon Day Use Area. These acquired lands, along with surrounding public lands, should be incorporated into the bill's proposed monument to protect important resources.

Also, the Army's Fort Bliss and White Sands Missile Range border much of the east side of the existing ACEC. Working with the local BLM, the Army has indicated a strong interest in transferring the Filmore Canyon area to the BLM for conservation and protection as part of a larger designation. Additionally, the Army has advocated for additional conservation lands on the south and east in order to prevent development adjacent to these army bases. The Army recommends military overflight language (similar to that included in S. 1024) as well as language on the compatibility of current and future military training and testing activities on DOD lands adjacent to the proposed national monument. We would welcome the opportunity to discuss these issues in more detail with the sponsor and the Committee.

Section 9 of H.R. 995 calls for the release from wilderness study area (WSA) status of three WSAs totaling over 17,000 acres. The BLM opposes this wholesale release and instead recommends the designation of an approximately 19,000-acre wilderness area within the proposed national monument, and the release of about 800 acres from WSA status. The land currently comprising the Organ Mountains, Organ Needles and Pena Blanca WSAs contains exceptionally high wilderness values. These three WSAs form the heart of the most rugged, isolated, and secluded sections of the Organ Mountains. Granite spires and red rhyolite cliffs are split by ribbons of green trees providing exceptional scenery for the visitor. This is what Congress envisioned when it passed the 1964 Wilderness Act describing areas with "outstanding opportunities for solitude or a primitive and unconfined type of recreation."

Finally, the bill includes nonstandard language on a number of issues including hunting and trapping, rights-of-way, and law enforcement. We would like to work with the Committee and the Sponsor to include language adopted in previous National Monument or NCA laws that insures that the state continues to appropriately regulate hunting and trapping, that the upgrading of existing of rights-of-way are allowed, and that the needs of law enforcement are met, and other technical issues in accordance with the Federal Land Policy and Management Act of 1976, regulations, and policy.

Conclusion

The Organ Mountains are not only a treasure for the state of New Mexico, but one of national significance to be protected and cherished by and for all the people of the United States. The Department looks forward to working with the sponsor and the Committee to find solutions to the issues we have raised, as well as additional more technical issues, so that the Organ Mountains get the full protection they so richly deserve.

H.R. 1411—CALIFORNIA COASTAL NATIONAL MONUMENT EXPANSION ACT

Thank you for the invitation to testify on H.R. 1411, the California Coastal National Monument Expansion Act. The Department of the Interior supports H.R. 1411, which would add approximately 1,255 acres of public land along the coast of northern California to the existing California Coastal National Monument managed by the Bureau of Land Management (BLM).

Background

The coast of northern California is rugged and spectacular. Along the Mendocino County portion of that coast, the BLM manages 1,255 acres, including over 2 miles of coastline and the estuary of the Garcia River, adjacent to the historic Point Arena Lighthouse. In 2004, over 1,100 of these acres, commonly known as the Stornetta Public Lands, were acquired by the Federal Government, through donation, to be managed by the BLM. In early 2012 the BLM acquired approximately 123 acres of additional lands from the Cyprus Abbey Corporation through a combination of donation and acquisition using funds from the Land and Water Conservation Fund (LWCF). The BLM expects to complete the remaining Cyprus Abbey acquisition later this year with the acquisition of an additional 409 acres. The President's budget for FY 2014 includes a request for LWCF funding of an additional $2 million to acquire the two remaining private inholdings from willing sellers.

This relatively small area contains significant natural resources, including several riparian corridors, extensive wetlands, pine forests, meadows, coastal prairie and sand dunes. A broad range of wildlife, including a number of threatened or endangered species such as the Point Arena mountain beaver, Behren's silverspot butterfly, the western snowy plover and the California red-legged frog live in this diverse habitat. Dramatic blow holes and waterfalls cascading into the sea complement these natural resources.

Extensive cultural resources attest to a history of occupation of this site going back at least 9,000 years. Up until the early 19th century, it was home to the Bokeya Pomo people whose village sat at the mouth of the Garcia River. Today, the

Manchester Band of Pomo Indians partners with the BLM to conserve and protect the resource values on these lands.

In addition, there are many recreational opportunities in the area which provide significant value for the local economy. The Garcia River is a destination fishing site, and the coastal areas offer marine wildlife viewing, including gray and blue whales, seals, sea lions, and river otters. The adjacent Point Arena Lighthouse, operated by the nonprofit Point Arena Lighthouse Keepers, welcomes over 30,000 visitors annually. These visitors frequent the tidepools and beaches on the adjacent public lands.

The BLM currently manages these lands to protect their important natural, cultural, and historic resources. The BLM works cooperatively with a number of key partners, including the U.S. Fish and Wildlife Service, both the California Departments of Parks and Recreation and Department of Fish and Wildlife, the Manchester Band of Pomo Indians, Mendocino County, the City of Point Arena, the Point Arena Lighthouse Keepers, the Wildlife Conservation Board, the California Coastal Conservancy, the Conservation Lands Foundation, the Trust for Public Lands, the Stornetta Brothers Coastal Ranch, Coastwalk California, the National Audubon Society, and the California Native Plant Society among others.

H.R. 1411

H.R. 1411 would add approximately 1,255 acres of Federal land (the "Point Arena-Stornetta public lands") managed by the BLM to the existing California Coastal National Monument, which was established by Presidential Proclamation on January 11, 2000. The California Coastal National Monument includes all unappropriated and unreserved Federal lands within 12 miles of the California shoreline. Over 20,000 small islands, rocks, exposed reefs, and pinnacles (totaling about 1,000 acres of land) constitute this offshore monument along California's 1,100 miles of coastline, providing unique habitats for breeding seabirds and marine mammals.

The addition of the Point Arena-Stornetta public lands to the California Coastal National Monument will promote the continued conservation, protection, and restoration of these significant public lands. By establishing a mainland base for access and interpretation of the existing monument, this addition will enhance the public enjoyment and understanding of the entire California Coastal National Monument. The BLM will continue to work with its many local partners encouraging public access to and appreciation of those resources. Local and national support for this addition is considerable and significant, a testament to the importance of the area.

Conclusion

Thank you for the opportunity to testify in support of H.R. 1411. We look forward to the addition of the Point Arena-Stornetta public lands to the California Coastal National Monument.

PREPARED STATEMENT OF THE NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, ON H.R. 586

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 586, a bill that provides for certain improvements to the Denali National Park and Preserve in the State of Alaska, and for other purposes.

The Department supports with an amendment Section 2 of H.R. 586, which would authorize the Secretary of the Interior (Secretary) to issue permits for micro-hydro projects in a limited area of the Kantishna Hills in Denali National Park (Park) and authorize a land exchange between the National Park Service (NPS) and Doyon Tourism, Inc. (Doyon). The Department has no objection to Section 3 of the bill, which would authorize the Secretary to issue right-of-way permits for a natural gas transmission pipeline in non-wilderness areas within the boundary of the Park. The Department also has no objection to Section 4 of the bill, which would designate the Talkeetna Ranger Station as the Walter Harper Talkeetna Ranger Station.

Kantishna Hills Micro-Hydro Projects and Land Exchange

Section 2 of the bill would authorize the issuance of permits for micro-hydro projects, which will reduce the use of fossil fuels in the park, lessen the chance of fuel spills along the park road and at the Kantishna lodges, lower the number of non-visitor vehicle trips over the park road, lessen the noise and emissions from diesel generators in the Moose Creek valley, and support clean energy projects and sustainable practices while ensuring that appropriate review and environmental compliance protects all park resources.

Doyon Tourism, Inc., a subsidiary of Alaska Native Corporation Doyon, Ltd., has requested permits from the NPS to install a micro-hydroelectric project on Eureka Creek, near its Kantishna Roadhouse. The NPS supports the intent of this project; however, neither the Secretary nor the Federal Energy Regulatory Commission (FERC) has the statutory authority to issue permits for portions of hydroelectric projects within national parks or monuments. We believe that the authorization contained in this legislation is necessary to enable the NPS to allow this micro-hydroelectric project within the Park.

The Kantishna Roadhouse, at the end of the 92-mile-long Denali park road, has been in business for 28 years, hosts approximately 10,000 guests per summer, and currently uses an on-site 100 kilowatt (KW) diesel generator to provide power for the facility. The proposed hydroelectric installation would reduce use of the diesel generator at the lodge. Currently, delivery of diesel fuel to the lodge requires a tanker truck and trailer to be driven the entire length of the Denali park road. Noted for its undeveloped character, the road is unpaved for 77 miles of its 92-mile length, crosses high mountain passes without guardrails, and is just 1 to 1½ lanes wide with pullouts. The road is famous for wildlife viewing opportunities and in order to protect wildlife as well as the road's scenic wilderness character, vehicle traffic is limited. Reducing the amount of diesel fuel hauled over this road in tanker trucks protects park resources by reducing the risk of accident or spill, and simultaneously reduces overall vehicle use of the road.

Eureka Creek is a 4-mile-long stream that drains a 5 square-mile watershed and discharges about 15 cubic feet per second (cfs) during the summer. Most of the floodplain has been disturbed by past placer mining, but no mining claims exist on the creek now and no other landowners besides Doyon and the NPS own any property near this floodplain. The project would include an at-grade water intake, with no impoundment, about 1 mile upstream of where Eureka Creek crosses the park road.

Camp Denali, another lodge in the Kantishna Hills, is within the area addressed by this legislation. Camp Denali opened in 1952 and the owners installed a micro-hydro generator system prior to the 1978 Presidential proclamation that included the Kantishna Hills as a part of what is now the Park. After 1978, Camp Denali became a private in-holding surrounded by the Park, and found that parts of its micro-hydro power system were within the Park, a situation that the NPS lacks the authority to permit or retain. This legislation would allow the NPS and the owners of Camp Denali to work out permit conditions for those parts of the existing hydro project that are now on park land. Besides the Kantishna Roadhouse and Camp Denali, two other lodges in the Kantishna Hills may pursue similar projects in the future and thus would benefit from the authority granted in this legislation.

Section 2 requires the Secretary to complete National Environmental Policy Act (NEPA) compliance not later than 180 days after the date on which an applicant submits an application for the issuance of a permit. We recommend that the bill be amended to avoid putting an undue burden on the NPS to respond in the 180-day time frame, particularly if the initial application is incomplete or inaccurate, as sometimes happens. We would be happy to work with the committee on this amendment.

In addition to authorizing micro-hydro projects, Section 2 would authorize a land exchange. Doyon owns 18 acres on the patented Galena mining claim in the Kantishna Hills and would like to exchange that acreage for park land in the Kantishna Hills of equal value near its other properties. The NPS would also like to pursue this exchange to consolidate land holdings in the area. Existing land exchange authority under the Alaska National Interest Lands Conservation Act (ANILCA) and other legislation is sufficient to effect this exchange. Thus, while we believe that this exchange authority is not needed for legal purposes, we support its inclusion as an expression of Congressional intent.

Natural Gas Pipeline Right-of-Way Authorization

Section 3 of this legislation would authorize the Secretary to issue right-of-way permits for a natural gas transmission pipeline in non-wilderness areas within the boundary of the Park. The potential owners and operators of such a pipeline have not, at this time, determined whether such a line carrying natural gas to south-central Alaska is financially feasible, nor have they determined the best route for a pipeline. This legislation provides flexibility for the backers of a proposed pipeline, and provides assurance to the NPS that the NEPA analysis will be completed before any permit for work in the Park would be issued by the Secretary.

Section 3 would also provide authority for the Secretary to permit distribution lines and related equipment within the park for the purpose of providing a natural gas supply to the Park. We have no objection to this provision, but we want to advise the Committee that at this time no decisions have been made about the finan-

cial or engineering feasibility, nor the exact configuration of equipment needed to facilitate tapping the larger line to allow local use of natural gas in or near the Park.

Redesignation of the Talkeetna Ranger Station

Section 4 would designate the Park's South District Ranger Station in Talkeetna as the Walter Harper Talkeetna Ranger Station. Mr. Harper grew up in Alaska and, as a young man, served as an interpreter and guide for the far-flung ministry of Hudson Stuck, an Episcopal archdeacon. He joined Stuck on an arduous trip in 1913 to reach the summit of North America's highest peak. For nearly 3 months, the group moved slowly south from Fairbanks and into the high mountains of the Alaska Range. On June 7, 1913, Walter Harper, 21, became the first man to set foot on the summit of Denali, the Athabascan name for the peak, meaning the High One.

Since 1913, thousands of climbers have aimed for the summit. Unlike Mr. Harper, who traveled south from Fairbanks into the Alaska Range, the vast majority of climbers today begin their expeditions with an airplane ride out of Talkeetna on the south side of the Park. The NPS ranger station there serves as an orientation center for climbers and other visitors to the Denali region. The community is proud of its varied history as a railroad town, a jumping off point for miners, and in the past several decades as the take-off point for climbing expeditions.

The Department's position on naming the ranger station for Walter Harper strikes a balance between recognizing Mr. Harper's historic accomplishment and upholding the NPS policy on commemorative works, which discourages the naming of park structures for a person unless the association between the park and the person is of exceptional importance. Mr. Harper's achievement occurred before the Park was established and therefore, there was no direct association between the two.

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

Mr. BISHOP. Thank you. And I appreciate you coming here and your patience. Mr. Grijalva, do you have any questions on these three bills?

Mr. GRIJALVA. No, just two things: the significance of the Park Service agreeing with Congressman Young, and conversely, Congressman Young agreeing with the Park Service. I think that should be marked down as some special day here.

And the other is one of the witnesses—I think it was Mr. Horn—I have been accused of many things, Mr. Chairman, but tender sensibilities was not one of them. But with regard to the guns in the park. But anyway, thank you, I appreciate it and yield back.

Mr. BISHOP. Thank you very much. Maybe we can have a monument on the mall.

Mr. GRIJALVA. Tender sensibilities?

Mr. BISHOP. Yes, for both of those.

[Laughter.]

Mr. BISHOP. Mr. Rountree, I do have a whole series of questions that I would like to extend to you. The BLM field manual, 6310, which is amazingly similar to the Wildlands 2.0 manual, it directs land managers to overlook naturalness when determining an area's wilderness characteristic, or at least minimize the impact that would prohibit an area because of naturalness. Why should naturalness be overlooked when conducting wilderness inventories, or minimized?

Mr. ROUNTREE. Unfortunately, I am not that familiar with the manuals, Mr. Chairman. We would be happy to respond to that question and get back to you, for the record.

Mr. BISHOP. We will submit it for a written response, as well.

Mr. ROUNTREE. Yes, sir.

Mr. BISHOP. Do you think, though, that this kind of a guidance would diminish or water-down a true wilderness characteristic?

Mr. ROUNTREE. In terms of the area's naturalness?

Mr. BISHOP. Yes.

Mr. ROUNTREE. It is certainly something that we would want to preserve in a designated wilderness area.

Mr. BISHOP. So, by minimizing naturalness, is that changing, or minimizing the wilderness characteristics? Do you cheat on what wilderness means, if you overlook that?

Mr. ROUNTREE. Yes, again, we would have to get back with you on the record for that, if we could, please, sir.

Mr. BISHOP. Well, I will keep going down there, and we will have a whole lot of stuff that——

Mr. ROUNTREE. Sure.

Mr. BISHOP [continuing]. You can write to me later. If naturalness is removed from the equation, are there areas of public land that would not qualify for wilderness?

Mr. ROUNTREE. Again, sir, I am sorry, I would have to probably get one of our wilderness experts to work with you in providing you information on that question.

Mr. BISHOP. All right. Let's deal specifically with the area that you are talking about in Mr. Pearce's bill, which, I would like to add for the record—Mr. Pearce is not here, he is actually attending a funeral in New Mexico, which I consider to be a significant reason for doing that.

Let me come back here again, Mr. Rountree, that the BLM opposed parts of Mr. Pearce's bill because the national monument boundary did not include surrounding lands that were not included in the 1993 area of critical environmental concern inventory. So they contend that these recently acquired lands and surrounding public lands—two different categories—should be incorporated in the monument.

So, what has changed with the surrounding public lands, or the character specifically of those surrounding public lands, to make them eligible for designation now, but not in 1993?

Mr. ROUNTREE. I can speak to two of those. The other additions, Mr. Chairman, would probably have to talk with our Las Cruces office to get you more information.

But one has to do with the acquisition of lands near Soledad Canyon, which is an area of high recreational use within the boundaries of the national monument. Another area has to do with lands that the military is interested in having the Bureau of Land Management acquire, called Fillmore Canyon. Those are two areas that we feel certainly have characteristics of the national monument, the values and objects cited in the legislation. And those are areas that we feel should be a part of the national monument.

In addition, the military has approached us about including other areas along the west side of the Organ Mountains to include the national monument, and we would want to be working with them and the Committee to determine whether or not those should be added to The National monument——

Mr. BISHOP. So what you are telling me is this is a matter of ownership. The characteristics of these lands have not changed since 1993?

Mr. ROUNTREE. In terms of the monument—or the proposed monument itself, or those lands outside——

Mr. BISHOP. The surrounding areas.

Mr. ROUNTREE. I think they probably remain the same.

Mr. BISHOP. Pardon me?

Mr. ROUNTREE. Remain the same.

Mr. BISHOP. Is it possible for an ACEC and wilderness areas to be mutually exclusive? Can you have wilderness in an ACEC? Do you have to have wilderness in an ACEC?

Mr. ROUNTREE. You do not have to have wilderness in an ACEC. An ACEC is a designation that the Agency has the discretion of determining through its land use planning process. These are usually, as you are aware, very rigorous processes with a lot of NEPA analysis. Wilderness, of course, is designated by Congress.

I don't know of any wilderness areas that have ACECs, although there may be. And we will be happy to determine whether or not there are wilderness areas with those characteristics, or at least those designations in them.

Mr. BISHOP. But by definition, they are not necessarily mutually exclusive.

Mr. ROUNTREE. No, sir.

Mr. BISHOP. It is just a different designation and use for the lands——

Mr. ROUNTREE. Correct.

Mr. BISHOP [continuing]. That would take place.

Mr. ROUNTREE. That is correct.

Mr. BISHOP. In your testimony on the Huffman bill, you said that this would promote the continued conservation protection and restoration of these significant public lands. Can you please explain to me how it would promote restoration of these lands? Well, let's start with that one.

Mr. ROUNTREE. Sure. What it would probably do is just place a greater emphasis on the area, in terms of its restoration. One of the things that the bill talks about in terms of national monuments and national conservation areas, conservation, protection, and restoration. In many of these areas there are invasive plant species. That would certainly be something that we would be interested in trying to rectify in these areas.

More than anything else, though, I think it just means that with this special designation by Congress, the Bureau of Land Management would be more inclined to focus greater attention into the restoration of the area.

Mr. BISHOP. Do you have anything other than invasive species that would be specifically restored by this particular piece of legislation?

Mr. ROUNTREE. It could be, if there was any damage that was done, either through erosion or perhaps some previous use, those areas would probably want to be restored, as well.

Mr. BISHOP. So is wilderness a renewable resource? Can wilderness be restored?

Mr. ROUNTREE. It is, I think, something that a lot of people have argued about. Certainly the earth has a way of rectifying itself, or at least being able to erase some of the scars and many of the areas that we found did not have wilderness characteristics. In a sense, I guess you could say that it is.

Mr. BISHOP. How many wilderness inventories does BLM perform each year?

Mr. ROUNTREE. I don't have the number. The inventories that we do do—and I will be happy to provide those to you——

Mr. BISHOP. Thank you.

Mr. ROUNTREE [continuing]. Are done in response to our resource management planning. Currently we have somewhere in the neighborhood of 40 to 70 underway. A part of that resource management planning process is inventorying resources for things like wilderness characteristics, much as we would wildlife or recreation or other uses out on the public lands.

So, those would be primarily the major instances. When we have large surface-disturbing activities, if there is large solar plants, for example, wind energy plants, we look to see whether or not the inventories are current. If they are not, then we use the best available means to determine whether or not the areas do have lands with wilderness character, if inventories have not been conducted.

Mr. BISHOP. So you are telling me there are new acres, additional acres of new wilderness, that are discovered following each inventory?

Mr. ROUNTREE. Not wilderness, but lands with wilderness character.

Mr. BISHOP. Do you have any kind of recommendation of how many acres of new wilderness were developed in these new inventories?

Mr. ROUNTREE. I do not. We——

Mr. BISHOP. Is that something else you can get back with me?

Mr. ROUNTREE. I will be happy to. Yes, sir.

Mr. BISHOP. Because one of the problems seems—everything seems to be stacked in favor of wilderness. On the one hand, the agency guidelines direct managers to overlook the real definition of wilderness in this naturalness, by overlooking naturalness. And I appreciate you getting back to me specifically on those particular issues.

Mr. ROUNTREE. Absolutely.

Mr. BISHOP. You did leave the staff briefing on these manuals pursuant to the letter we sent to you, but I want that answer there.

But on the one hand you seem to be able to say that these definitions can be changed or modified in some way to overlook naturalness. And on the other hand, you also say that these wilderness sources are renewable. They can come back, they can be restored. Either way you win on this concept. I mean by those definitions, liberally applied, the deck on my apartment could be considered having wilderness characteristics, and over a period of time restored to a wilderness pattern. It seems like there is no win on any of those.

Let me move on to another one, which deals with national monuments that were recently designated by the President that were originally private property. In fact, they were private property until, I believe, just 2 days before the designation was made, in which, in that period of time, they had been donated to the Federal Government, it is especially amazing that they were able to do so in an agency that takes months and sometimes years to actually

get permits approved. But they were able to move very quickly on that.

So, what I would specifically like to ask dealing with those two pieces of property, is how does the Department of the Interior accept donations of private property for inclusion in national monuments?

Mr. ROUNTREE. Again——

Mr. BISHOP. Especially those—let's——

Mr. ROUNTREE. Sure.

Mr. BISHOP. Let's not make it too broad for you.

Mr. ROUNTREE. Sure.

Mr. BISHOP. Specifically those that were created by the Antiquities Act.

Mr. ROUNTREE. I am unfamiliar with those acquisitions, Mr. Chairman. We will be happy to get back with you.

My staff is telling me those were National Park Service acquisitions.

Mr. BISHOP. OK. I would still like to know what—how do you accept those types of things. We have sent that letter already. I am still anxiously awaiting for a response to it, and will probably repeat the questions again until I do get a response to the letter that was there for the record.

So, I am—is Mr. Frost available to answer that one?

Mr. FROST. I——

Mr. BISHOP. Smart thinking.

Mr. FROST. We would have to get back with you. I don't know the details on that.

Mr. BISHOP. Well, then, let me not let you go so easy, and I will redo the questions that we asked earlier and still are waiting for the answer.

Is there a vetting process? Is this a public process? Two questions.

Mr. FROST. I think there are a variety of ways in which we acquire donations. And again, I am not the lands guy here, so I don't want to tread in areas and sort of get myself into a hole.

Mr. BISHOP. Well, let's make sure that when I do get back an official answer, it is specific about those two areas that were acquired in 2 days and made public property so very quickly before the designation took place. And I want to know what the vetting process was, and if the public was involved in that kind of a process. Do you——

Mr. FROST. And so—just—can I just——

Mr. BISHOP. Please.

Mr. FROST. Basic clarification. So you are talking about the First State National Monument up in Delaware? Is that the one?

Mr. BISHOP. No.

Mr. FROST. So which ones are you——

Mr. BISHOP. Cesar Chavez and the Buffalo——

Mr. FROST. Oh, Charles Young Buffalo Soldiers?

Mr. BISHOP. Yes.

Mr. FROST. OK. Cesar Chavez—OK. Thank you.

Mr. BISHOP. Those two were private property until 2 days before the designation.

So, you can probably answer this one. Was the Department of Justice or any other agencies involved in any of these proceedings, or the negotiations that lead up to the donation of private property?

Mr. FROST. Again, I don't know, but I would assume so.

Mr. BISHOP. So, I guess, once again, for the record, if you could provide me with a list of the agencies and staff members who participated in the private property donation proceedings, that was—for the record already, we have yet to receive that particular answer.

And if you would also provide an itemized cost estimate for the President's designation under the Antiquities Act, including the acquisition of those lands, preparation and rehabilitation for the structures, as well as their annual operating costs. And so you can zero in on those two pieces of property, they are the ones to which I have the greatest amount of concern.

Are either of you working on or have you been asked by the Secretary or the President to work on any upcoming national monument proclamations?

Mr. ROUNTREE. Absolutely not.

Mr. FROST. I am not aware of any for the National Park Service. I mean there is the one piece of legislation on Valles Caldera that is floating around somewhere. But that is going through the legislative process.

Mr. BISHOP. I appreciate things going through the legislative process.

Mr. Rountree, in one of the earlier answers to Mr. Grijalva, he asked you about the NEPA process. And you basically said, "We should do NEPA for everything," which I happen to admit and agree with you in that particular case, which is why it is so frustrating to have had another hearing on the EPIC Act, in which the Administration's position was the exact opposite. Whenever we have a land change, there are broad impacts because of those land change, and it would require, actually, local input. The Administration has been invited here to provide administrative input to our legislative process that deals specifically with Mr. Young and Mr. Huffman and Mr. Pearce's bills.

But at the same time, the Administration argues that it should not be held subject to any kind of legislative scrutiny or public scrutiny or a NEPA scrutiny when it uses the Antiquities Act to do something. I am sorry. Those two positions don't' work together. Either NEPA is good for the President and the legislative process, or it is not good for the President and then it is not good for the legislative process, as well. You can't have it both ways. And I find it very disconcerting to have had the testimony earlier on the Antiquities Act, that NEPA should never be used by a President, and never used in that process, because—because.

So, gentlemen, I appreciate you being here for the hearing and your testimony on these bills. There were several that I asked specifically about the New Mexico proposal. I would like those written as quickly as possible.

Mr. ROUNTREE. You bet.

Mr. BISHOP. And I will reaffirm that the letter of questions that we sent earlier, I still want a response to it. And I intend on every

hearing we have to keep asking those questions until I actually do get a response from Interior on how you went about this process. I mean if you can take the property in 2 days, you should be able to write a letter in that same period of time.

Well, I was going to ask if there are any other questions, but it is kind of a redundant question, isn't it?

I do ask unanimous consent—I guess if I object to it, that would really be bad, wouldn't it? I object—to insert a letter to the Chairman and the Ranking Member on the Benishek bill, and have that added to the record.

And I guess I have another one. I would like to ask unanimous consent to have another letter written to myself from the National Association of Former Border Patrol Officers, as well, to be inserted into the record, specifically about H.R. 995.

[The information submitted for the record by the Chairman has been retained in the Committee's official files:]

Mr. BISHOP. With that, once again, I appreciate you being here, and I want to again apologize for making you wait in that period of time. I know that used to be traditional. We tried in the transition back in 2011 to change that process so the Committee time would never have to do that. And I hope you will never have to come here again and be subject to that.

So, with that apology, I thank you for your testimony. I thank you, and I look forward with bated anticipation to your answers in written form.

There may be other questions that other Members have. We would ask you to be prepared to also respond to them within 10 days in written form, as well.

With that, without objection, the hearing is adjourned.

[Whereupon, at 12:35 p.m., the Subcommittee was adjourned.]

[Additional Materials Submitted for the Record]

The documents listed below have been retained in the Committee's official files.

- American Motorcyclist Association, Letter for the record in support of H.R. 995
- Anthony Chamber of Commerce, Letter to Chairman Bishop for the record in support of H.R. 995
- Anthony Chamber of Commerce, Letter to Chairman Hastings for the record in support of H.R. 995
- Archery Trade Association, Association of Fish and Wildlife Agencies, Boone & Crockett Club, et. Al., Letter for the record in support of H.R. 1825
- Deming Soil and Water Conservation District, Letter for the record in support of H.R. 995
- Defenders of Wildlife, Letter for the record is opposition of H.R. 1825
- Dona Ana County Sheriff's Department, Letter for the record in support of H.R. 995
- Los Cruces Chamber of Commerce, Letter for the record commending Rep. Pearce for his work to protect the Organ Mountains.
- Los Cruces Chamber of Commerce, Letter for the record in opposition to the proposal to Establish the Organ Mountain-Desert Peaks National Monument in Dona Ana County, New Mexico
- Mesilla Valley Sportsmen's Alliance, Letter for the record in support of H.R. 995
- Western Heritage Alliance, Letter for the record in Support of H.R. 995
- Hispano Chamber of Commerce de Las Cruces, Letter for the record in support of H.R. 995

- Linebery Policy Center for Natural Resource Management, Letter for the record in support of H.R. 995
- National Association of Former Border Patrol Officers, Letter for the record in support of H.R. 995
- Trout Unlimited, Letter for the record, regarding Congress's attention to hunting, fishing and shooting sports on public lands.
- Wilmeth, Steve, Letter for the record in support of H.R. 995