
MISCELLANEOUS PUBLIC LAND BILLS

HEARING
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS,
AND MINING
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

ON

S. 37	S. 1300
S. 343	S. 1301
S. 364	S. 1309
S. 404	H.R. 507
S. 509	H.R. 862
S. 753	H.R. 876
S. 1169	H.R. 993

JULY 30, 2013



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MISCELLANEOUS PUBLIC LANDS BILLS

TUESDAY, JULY 30, 2013

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

The subcommittee met, pursuant to notice, at 10:40 a.m. in room SD-366, Dirksen Senate Office Building, Hon. Joe Manchin presiding.

OPENING STATEMENT OF HON. JOE MANCHIN, U.S. SENATOR FROM WEST VIRGINIA

Senator MANCHIN. The Subcommittee on Public Lands and Forests and Mining will come to order. This afternoon, the subcommittee will consider 13 bills, including several bills that were considered in previous years.

We also have 3 bills on the agenda which would extend public land withdrawals for military installations in Montana, New Mexico, and California. The current authorizations for these areas expire in the near future, so I hope to have these bills ready for markup at a full committee business meeting as soon as possible.

Several bills on today's agenda are sponsored by members of the committee, and I look forward to working with them to get their bills ready for mark up.

In addition, Senator Baucus and Senator Tester have asked to speak in support of their bills relating to Federal land management in Montana. I know both Senators have spent years developing and refining their proposals, and I will work with them to address any remaining issues.

In general, I believe the Senators from the affected States know best about how to resolve land management issues in their State, and I think their views should be taken very seriously.

I believe many of the bills on today's agenda are noncontroversial. In particular, I want to note my support for H.R. 507, which would allow for the conveyance of 2 small parcels in southern Arizona to the Pascua Yaqui Indian Tribe.

The chairman has met with me and conveyed the importance of these additions to the reservation. It appears that the tribe has worked closely with the Arizona congressional delegation so that the bill has strong local support.

At this time, I'd like to recognize our chairman, Senator Ron Wyden, from Oregon.

[The prepared statement of Senator Reid follows:]

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

Thank you Chairman Manchin and Senator Barrasso for the opportunity to address your subcommittee about this bipartisan proposal to facilitate the remediation and redevelopment of a dangerous abandoned mine site near Lake Mead.

This February, I reintroduced the Three Kids Mine Remediation and Reclamation Act of 2013 together with Senator Heller. A companion bill was introduced in the House, where it is backed by all members of the Nevada congressional delegation. Last Monday, the bill passed the House under suspension of the rules.

The onset of World War I nearly 100 years ago required the U.S. military to replace foreign natural resource imports with domestic supplies, including manganese needed for steel production. Therefore, the Three Kids Mine in Henderson, Nevada, began producing manganese in 1917, and continued to support the building of warships and tanks through 1961, after which it was mostly abandoned and used occasionally as a storage site for federal manganese reserves. The Three Kids site was forgotten for decades, until the population explosion in southern Nevada put the mine right in people's backyards.

Today, the Three Kids Mine site is littered with hazards, including three large mine pits that are hundreds of feet deep, ruins from the mine facility, and a sludge pool of mine tailings made up of arsenic, lead, and diesel fuel.

As a result of how the mine was developed and managed, about three-quarters of the site is federal land managed by the Bureau of Land Management (BLM) and the Bureau of Reclamation, while the remaining portion is privately owned. Unfortunately, because of the complicated land ownership pattern and the immense cost of cleanup, the federal government was never able to initiate the reclamation process.

To turn the Three Kids Mine site into a job-creating opportunity while also cleaning up this public health and safety hazard, our legislation directs the BLM to convey the 948 acres of federal land on the site to the Henderson Redevelopment Agency at fair market value, after taking into consideration the cost of cleanup for the whole mine site.

The City of Henderson will then be able to take advantage of Nevada redevelopment laws designed to address blight conditions such as the Three Kids Mine. The land conveyance directed by S. 343 would allow Henderson to work with local developers to finance and implement a plan to remediate the abandoned toxic mine site. The cleanup will be undertaken to meet stringent state and federal standards. Local officials and developers will finally be able to turn this wasteland into safe, productive land for the local community.

The project will take decades from start to finish, but the City of Henderson and the developers are committed to the effort, and have worked hard to put together a viable plan to fix this old problem without costing taxpayers a dime for cleanup. Keeping our communities safe, healthy, and livable is critical. Removing this physical and environmental hazard from Southern Nevada is a high priority for the City of Henderson, and for our delegation.

I look forward to working with this committee to move S. 343 through the legislative process.

Thank you again for the opportunity to submit testimony. I request that my statement be included in the record.

**STATEMENT OF HON. RON WYDEN, U.S. SENATOR
FROM OREGON**

The CHAIRMAN. Thank you very much, Chairman Manchin, Senator Barrasso, for your courtesy, and also to our witnesses as well. I know everybody has a tight morning, and I have to chair a hearing for Senator Murray on health care, something that Chairman Baucus and I care a lot about, so I'll be brief.

Today, you all are going to look at 3 bills that Oregonians care a great deal about. The Oregon Eastside Forest legislation in particular is legislation that encompasses a historic agreement between the timber industry and the environmental community.

Certainly, Senator Tester knows something about trying to put those together.

The heart of the challenge, of course, Mr. Chairman and colleagues, is the West is on fire. We have millions and millions of

acres of these overstocked stands that are essentially magnets for fire.

Senator Flake, of course, has seen the horrendous consequences of this most recently.

What we ought to be doing is going in there, getting that material, thinning out the forests so they'll be healthier, and getting that material to the mills so we can get folks back to work.

This is particularly important in Eastern Oregon, where we have only a handful of surviving timber mills. What we say, of course, to the environmental community is, if you really, really treasure the land, you ought to get in there, work with all sides, thin these overstocked forests out, because if we don't, we won't have much of anything left other than a lot of burn material.

So I'm very pleased, Chairman Manchin, that you're looking at that legislation today.

I'm pleased that the Forest Service supports the legislation, in fact, has essentially, even before the bill has been enacted, tried to put in place some of the provisions of the legislation.

Then second, you all are considering S. 1309. This is a bill I've introduced at the request of the administration that will extend the military withdrawals for key military installations in California and Montana. This is something that is time sensitive, and I appreciate your scheduling that.

Finally, Mr. Chairman, on another important forestry matter that I think all Westerners care about, you are going to be considering legislation today to reauthorize stewardship contracting before the authority expires at the end of the fiscal year. I think this is extraordinarily important throughout the West. Again, it's something that allows us to start building a new ethic around forest health, and I appreciate your consideration of it.

My thanks to you, Mr. Chairman and colleagues, for letting me intrude this way on a busy morning. I look forward to working with you.

Senator MANCHIN. Thank you, Mr. Chairman.

At this time, we will hear from our ranking member, Senator Barrasso.

**STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR
FROM WYOMING**

Senator BARRASSO. Thank you very much, Mr. Chairman, for holding this hearing. I welcome each of our witnesses today, including Senators Baucus and Tester.

Today, we have several Bureau of Land Management public domain land withdrawals that are important to our Nation's military readiness. I understand they are time sensitive, so I'm pleased that we have them able to be included in this hearing.

There are also complex public land bills before us today with important policy implications for our land management agencies that we have to look at very carefully.

I would like to note Senator Flake's bill to renew and update nationwide stewardship contracting authority for the Forest Service and the Bureau of Land Management. I applaud Senator Flake for his efforts.

I commend my colleagues, Senator Tester and Chairman Wyden, for offering constructive legislative responses to the dysfunctional status quo we all agree exists with respect to forest management.

It's my hope that S. 37 and S. 1301 will serve a greater purpose. I hope these bills act to advance the debate over forest management nationwide. I hope they encourage a bipartisan solution to address the systemic problems that are preventing the Forest Service and the Bureau of Land Management from getting timber out of our forests.

Senator Wyden, our committee chairman, said at our June 26th forest management hearing that there are 3 main obstacles to getting more timber harvested. One was funding; the second was planning and NEPA; and the third was litigation. I think he's absolutely right.

I am committed to working with him and all of my colleagues interested in active forest management. We need to address these obstacles head-on, and we need to do it for the sake of all our forests and rural communities, not just those in selected States.

Mr. Chairman, I'll submit the remainder of my comments for the record.

Thank you, Mr. Chairman.

[The prepared statement of Senator Barrasso follows:]

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- (1) funding,
- (2) planning and NEPA and;
- (3) litigation.

I think he is absolutely right.

I am committed to working with him, and all of my colleagues interested in active forest management.

We need to address these obstacles head on.

And we need to do it for the sake of all our forests and rural communities, not just those in Montana and Oregon.

Legislating forest management state by state is at best bad policy, at its worst it could unravel the national forest system.

This has been well-researched by Dr. Martin Nie, a professor at the University of Montana.

Dr. Nie's research led him to the conclusion that Congress and the Forest Service should oppose forest-specific legislation. He noted that most of the challenges faced are systemic not place-based and deserve a national-level response.

I would like to submit Dr. Nie's previous testimony from 2009 on Senator Tester's bill and his 2011 Environmental Law Reporter article analyzing place-based national forest legislation to include both Senator Tester and Senator Wyden's bills.

Some of the bills we are considering today also create more wilderness.

Currently, there are 110 million acres of land have been added to the wilderness system.

Additionally, tens of millions of acres are protected as 'roadless' by the Forest Service and the Bureau of Land Management.

In my view, we need to a more balanced approach between adding lands to the wilderness system and . . . Congress releasing lands the agencies currently manage as wilderness study areas.

Despite Congress having the sole authority to designate wilderness . . . this Administration and the environmental community continue to manage our public lands as "defacto" wilderness.

A good example of defacto wilderness management is the recent federal court decision in Montana upholding a Forest Service ban on motorized activities in "recommended wilderness areas."

This decision could have far reaching implications for management of recommended wilderness areas identified in forest plans all across the country.

This is very troubling to me and something I am taking very seriously.

Mr. Chairman, we need to restore the balance between environmental protection, resource development, and access for recreation on our public lands.

As an example, I would like to submit for the record the International Mountain Bicycling Association's comments on S. 37.

Their comments illustrate how wilderness designations further limit public access for recreation.

The federal land agencies must maintain their core mission of multiple use.

Thank you, Mr. Chairman.

Senator MANCHIN. Thank you, Senator Barrasso.

At this time, do we have any members—Senator Heinrich, do you have any statements to be made at this time?

**STATEMENT OF HON. MARTIN HEINRICH, U.S. SENATOR
FROM NEW MEXICO**

Senator HEINRICH. Thank you, Mr. Chairman. I will make a short statement about S. 753, and I certainly appreciate this hearing very much.

Earlier this year, I introduced S. 753 with Senator Tom Udall and Senator John Cornyn to reflect a 3-party agreement between White Sands Missile Range, Fort Bliss, and the Bureau of Land Management. This bill allows for land transfers and withdrawals that will add critical safety, security, and planning buffers to White Sands Missile Range and Fort Bliss. It will play an integral role in accomplishing their national security missions.

Specifically, this bill would transfer 5,100 acres of land from the Bureau of Land Management to the Army in order to provide a critical safety and security buffer to NASA's White Sands Test Facility and the Department of Defense Aerospace Data Facility, which are both important tenants to the White Sands Missile Range.

It transfers to 2,050 acres of land in Fillmore Canyon from the Army to the Bureau of Land Management to create a boundary that's more clearly identifiable to the public to prevent accidental trespass onto Fort Bliss.

Finally, it will preclude the BLM from selling or exchanging approximately 35,000 acres of land in order to prevent incompatible development for the Fort Bliss Dona Ana Range complex and train-

ing areas. This land is still accessible to the public for recreation, for grazing, transportation, and all the other existing uses.

I think I'll wrap it up there, and just jump into the questions after we get started.

Senator MANCHIN. Thank you.

Senator Flake.

**STATEMENT OF HON. JEFF FLAKE, U.S. SENATOR
FROM ARIZONA**

Senator FLAKE. I just want to say thank you, Mr. Chairman, for consideration of this piece of legislation, particularly S. 1300, to renew and update the stewardship contracting.

I want to thank Senator Baucus for his support of that legislation, and others on this panel, and I look forward to hearing about it.

Also, 2 other Arizona bills are being considered as well. That's much appreciated. Thanks.

I yield back.

Senator MANCHIN. Senator Risch, at this time, do you have any statements, opening statements?

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

Senator RISCH. Briefly. Thank you, Mr. Chairman.

First of all, I want to thank Senator Tester for his efforts on the Mount Jefferson bill.

In Idaho, we love Mount Jefferson because, in the wintertime, you have to come through Idaho to get to Mount Jefferson, which is a good thing. The southern part of the Mount Jefferson area is heavily used by Idahoans, particularly for snowmobiling.

We've had this bill here—how many years, Jon? Is this the second year? Too many years.

But in any event, the Idaho people were very concerned that we don't have that southern half closed to snowmobiling. Senator Tester and I have discussed this ad nauseam and have come to an agreement on it.

Unfortunately, the bill that was reprinted this year did not have the agreement in it. As I understand it, we're going to go back to the portion of the bill dealing with southern Mount Jefferson that we agreed on previously. If that's the case, I'm in.

So, thank you very much, Senator.

Thank you, Mr. Chairman.

Senator MANCHIN. Senator Cantwell, do you have an opening statement?

**STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR
FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman, and thank you for holding this hearing. I hate to hold up my colleagues, but I do have an important piece of legislation that's on the agenda.

So I did want to mention that Senator Murray and I both introduced an urgently needed piece of legislation, which is very important to the Pacific Northwest. It is the Green Mountain Lookout that sits on a portion of the Glacier Peak Wilderness area and of-

fers spectacular views of Glacier Peak to the south and Mt. Baker to the north.

Built in 1933 by the Civilian Conservation Corps, it served as part of a fire detection system for the North Cascades. The lookouts served this role for more than 50 years.

For these historic roles, the Forest Service nominated the Green Mountain Lookout, along with 7 other lookouts, to be part of the National Register of Historic Places.

In 1987, the National Park Service recognized this historic value and officially listed it in the National Register.

Today, it's one of only 16 of the original 90 that existed. It's a very, very popular destination for many hikers.

The Forest Service is currently working on an Environmental Impact Statement to remove the lookout next summer based on a court decision and things that we're moving through.

So I can't imagine that Congress really intended to remove or destroy these kinds of historic hiking attractions when it passed in 1964 Wilderness Act. So my colleague and I would like to preserve the lookout on Green Mountain.

This has been endorsed by the Wilderness Society, the National Trust for Historic Preservation, the Nature Conservancy, the Back Country Horsemen of America, the Mountaineers, and a variety of other groups and organizations.

So I look forward to hearing any input on that, which is also on the docket today.

I thank the chairman.

Senator MANCHIN. Thank you very much.

At this time, we'll hear from our Senators.

Senator Baucus, if you'd like to start?

**STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR
FROM MONTANA**

Senator BAUCUS. Thank you. Mr. Chairman, Senator Heinrich, Senator Cantwell, Senator Barrasso, Senator Risch, Senator Flake, thank you all for being here.

I'm also very pleased to hear Chairman Wyden and also you, Senator Flake, talk about stewardship contracting and the importance of it. I might say, in Montana, it's extremely important. I think it's flagging a little bit, and we need to reenergize stewardship contracting. Thank you for pushing it.

Thank you very much for the opportunity to testify on the Rocky Mountain Front Heritage Act.

The late novelist Bud Guthrie described how "the feel of the country settled in on the Rocky Mountain Front, the great emptiness and age of it, the feel of westward mountains old as time, and plains wide as forever, and the blue sky flung across."

Nowhere do the Rocky Mountains proclaim themselves more spectacularly than in Montana. I might say that photograph here on my left does not do it justice. It is very difficult to photograph the feel and the majesty, as you all know, of landscape. It's much, much more dramatic than that photograph to your left.

Just think, when settlers came across America, near Jon Tester's place near Big Sandy, and saw those mountains just explode out of the plains. It's incredible. It's amazing. What awe they must

have had for Mother Nature, for God, for life, who they are. It's astounding. That does not do it justice.

The Front is one of the most breathtaking examples of the Rockies in the West. It is the long staccato wall where the plains, washboard flat for hundreds of miles, as I mentioned, dash themselves against the ramparts of the Rockies. Instead of long foothills, we have an astonishing right angle just leap out of the plains.

This last spring, I drove down Highway 89 along the Front, passing the reefs and peaks, Guthrie here, Castle, Sawtooth, like old friends at full salute. From these peaks, you can peer out across the Big Sky Country, way far up west into the forks of the Sun River, the finest elk country in the West, almost up to Spotted Bear Pass and the Three Sisters swinging their legs over the Chinese Wall.

No wonder here, Guthrie said, the soul of man finds a place.

That spring day happened to be the migration season for snow geese. Tens of thousands of geese flew above us near Freezeout Lake, bleaching the blue sky on the way north.

That's a photograph over there of some of the geese. I'm not exaggerating. That day, the sky was just covered with geese. They blotted out the sun, almost like the eclipse of the sun.

Tens of thousands of snow geese flying along the Front, north to feeding grounds and breeding up in Canada and Alaska.

Now, Haystack Butte tells you something important about the Front. Part of this land was settled. People live here. They grow crops and livestock. They raise haystacks. They raise families.

They share the simple reason I'm here this morning. Montanans want to keep the Front the way it is. It's our heritage.

I first introduced the Heritage Act 2 years ago on behalf of thousands of Montanans who support this made-in-Montana bill. This is not a top-down bill. This is a bottom-up bill.

In the best tradition of public lands, Montanans from all walks of life came up with the Heritage Act themselves. I'm determined to bring it to the finish line.

It's good policy today that ensures our moral obligation for tomorrow, for our kids and our grandkids.

Montanans worked for hours gathering support, walking trails and pastures together, redrawing boundaries, draining coffee cups, draining beer taps in towns like Choteau and Augusta, putting this bill together. I'm so honored to carry the work of these rugged folks forward.

They came up with a good balance, 200 acres of conservation management area, 67,000 acres of wilderness additions in places already managed that way—already managed as wilderness—and a plan to block the invasion of noxious weeds like spotted knapweed that damage forage for livestock.

This bill is about jobs. It protects public land for sportsmen who spend \$10 million locally each year.

It limits road building but protects current motorized use.

The version introduced is this Congress further strengthens protections for ranchers who've been responsible stewards in the land.

Most importantly, it rewards Montanans for being willing together to write their own destiny rather than reacting to change when it comes.

The Heritage Act will keep the Front the way we want it, the way it is.

I thank you and I urge your support. I also want to state my very strong support for Senator Tester's Forest Jobs bill, and urge the committee to move forward with Limestone Hills withdrawal. For those who don't know, Limestone Hills is in Montana. It's between Townsend and Helena, Montanan. It's important to our Guard in our State.

Also support for Senator Flake's stewardship legislation. He's on the right track, and I hope we can move that forward, too.

Thank you.

Senator MANCHIN. Senator Tester.

**STATEMENT OF HON. JON TESTER, U.S. SENATOR
FROM MONTANA**

Senator TESTER. I want to thank you, Senator Manchin, and Senator Barrasso as well, as well as the rest of members on this committee, as well as Chairman Wyden and Ranking Member Murkowski for allowing us to have this hearing today, I very much appreciate it, on the Forests Jobs and Recreation Act.

I think each one of you know the need to break through the gridlock that has characterized forest management over the years.

Mr. Chairman, like Senator Wyden and Senator Murkowski, you understand the importance of bridging the divide in order to get things done.

Ranking Member Barrasso, I know these issues are as important in Wyoming as they are in Montana.

It is the same spirit of compromise and the urgent need to encourage the timber economy of Western Montana that I offer the Forest Jobs and Recreation Act. This Forest Jobs and Recreation Act is a product of a lot of diverse interests working together to craft a bill that breaks through the gridlock, and that's good for Montana and good for the country.

Business owners, loggers, conservationists, sportsmen, sports-women, have put aside their differences to support Montana's timber economy, to restore fish and wildlife habitat, and to protect some of this country's most breathtaking landscapes.

It is important to note that many of the stakeholders that helped craft this bill used to only meet in the courtroom. Now they meet to find common-sense solutions that create jobs and protect Montana's outdoor heritage.

The Forest Jobs bill would also help mitigate the devastating wildfires that are becoming all too common in the West by actually allowing us to cut some trees again.

I look at this subcommittee and I see many members whose States grapple with the challenges brought on by wildfires.

In Montana alone, last year, we had more than 1 million acres burn, and more than a half of dozen fires are burning right now.

We can all agree that something needs to be done to break through the gridlock and responsibly manage our forest so the West isn't up in smoke again.

By mandating responsible logging of 100,000 acres in our National Forests in Montana, we'll reduce the amount of hazardous fuels that fires feed on. As I have said in the past, this bill is a

testament to what is possible when diverse collaboration comes together in good faith and looks for common ground on tough issues.

Now we've received a lot of great input from folks while traveling the State. Their ideas and feedback have led to changes in this bill to make sure it works for Montanans.

Nearly 10,000 acres of the proposed wilderness were dropped due to mineral potential in the East Pioneer Mountains. There's a sheep trailing provision that will allow mechanized transportation through proposed Snowcrest wilderness areas, so that local ranchers can herd their sheep to existing grazing allotments.

I'm proud to be a part of this made-in-Montana legislation, and I look forward to working with all of you to provide my State's timber and recreation industries with the tools they need. The timber industry and our forests can't wait any longer.

If I might say, this timber management, everybody on this panel understands that the Forest Service needs some tools. This is a tool the Forest Service can use, and I think you can see it in their testimony.

Some would say that wilderness is a waste of time and doesn't create anything. The fact is that wilderness isn't. Wilderness is something that creates jobs in Montana. We're recruiting business because of our wilderness climate. So it helps a lot.

Some would say that cutting trees is unnecessary because we're not building enough houses anymore to cut any trees. That's gobbledegook. The fact of the matter is that if we can keep our timber industry going, if we can keep those mills that are going in our State right now, we can have a partner in managing our forests while creating jobs, while creating wood, while storing carbon in houses, which will also help climate change.

Some would say that the sportsman stuff is overrated. Look, in this country, sportsmen's issues raise billions and billions and billions of economic. This bill will help sportsmen be able to have clean fisheries, better habitat for elk and deer, and, quite frankly, better opportunities for snowmobilers and other motorized users.

So that's the crux of this. For more than 30 years, for more than 30 years, everybody has been losing on our National Forests. This is a breakthrough.

As Senator Barrasso said in his opening statement, this can be used as a template throughout the West, but we have to get this implemented first.

Thank you for that.

I also want to say that I'm a proud sponsor of Senator Barrasso's legislation that he just described. He is absolutely correct. The Rocky Mountain Front is one of the most incredible places in the world, and we need to make sure that it's there for future generations. I want to applaud his leadership on this issue. It just didn't happen this year by the way. He's been working on this since he came to the U.S. Senate a few years back.

The other thing I'd like to say is that the Limestone Hills Withdrawal bill that is before this committee is very, very important. It's important for 2 things.

First of all, the BLM doesn't need this headache. The Army needs this to be taken care of, because there's a range there, unexploded ordnance and other things that are very, very impor-

tant. The third thing is there's a mine in there. So it's very important that they're able to move forward with their ability to create jobs.

So this is all very, very important. I very much appreciate your folks' ability to take a look. You have a busy schedule today with 13 bills. These are 3 bills that I consider very important.

Thank you for your courtesy.

Senator MANCHIN. Are there any questions for our Senators from the committee?

If not, thank you so much.

Senator BAUCUS. Can we ask questions?

Senator MANCHIN. Senator, with your seniority, you can ask anything you want.

Senator BAUCUS. Thank you very much for getting these bills passed. Thank you.

Senator MANCHIN. Thank you so much.

We will have our next panel now come forward.

First of all, I want to thank our panel for being here. But before we get started with our panel, I would, at this time, extend privileges to Senator Risch, who has comments to make and a statement.

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

Senator RISCH. Mr. Chairman, thank you very much, and I apologize but I have another commitment, as many of us do.

I want to speak very briefly about H.R. 876. It was sponsored by Representative Mike Simpson and has been for some time.

H.R. 876 is an important issue in the State of Idaho. Back when the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness areas in Idaho were created, they were done at a time when Congress was moving forward very quickly on wilderness areas. Sometimes, issues fell through the cracks, and this bill addresses one of those issues.

We have in these wilderness areas a number of ranches and recreation facilities, lodges, if you would, along the Salmon River and other places. These places use water in various ways, sometimes to generate electricity from a very small type of generator, other times for irrigation and what have you.

When the bill was created, it did not provide for the continuation of these facilities. They should have been grandfathered in the bill; they weren't.

This particular bill recognizes those facilities, extends to them the grandfather rights that they should have had, and allows the private owners to continue to use those.

I'm really not aware of any pushback on these. It was an oversight when the bills were passed. Congress isn't very good at fixing mistakes that they make sometimes in a bill. This is a correction and should be done.

Thank you very much, Mr. Chairman.

Senator MANCHIN. Thank you, Senator.

At this time we have our panelists, and we'd like to start with Katherine Hammack, if you will.

Katherine, your statement, we have for the record your complete statement, so if you want to summarize your positions on the bills that pertain to you.

STATEMENT OF KATHERINE G. HAMMACK, ASSISTANT SECRETARY OF THE ARMY, (INSTALLATIONS, ENERGY AND ENVIRONMENT) U.S. ARMY

Ms. HAMMACK. Absolutely. Thank you very much, Chairman Manchin, and other distinguished members of the committee, for the opportunity to talk about 3 bills right here that all pertain to withdrawal of public lands in Montana and New Mexico for use by the Army.

We support S. 753 for the withdrawal of over 42,000 acres of public lands adjacent to Fort Bliss and White Sands Missile Range in New Mexico.

Senator Heinrich, thank you for your support of the Army and the important training mission there.

We also support the intent of the Limestone Hills Training Area Withdrawal Act, S. 1169, and thank Senator Tester for his support.

The Army does coordinate with the mining operation, as the Senator mentioned. We support allowing existing mining claims to proceed in development and in accordance with previously approved plans. However, we have one significant concern with the language in the bill.

We object to language that would expand the rights for mineral disposition or exploration by allowing claimants to amend or relocate mining claims, and reinstate expired claims. This provision would give unprecedented latitude to claimants over lands that may be required for military training, including live fire impact areas. It would severely limit the ability of the Army to plan and conduct training on the property.

Therefore, the Army objects to allowing mining claimants to operate without regard for withdrawal and reservation.

Of note on the Limestone Hills Training Area Withdrawal Act, our rights to use this property or our authority to use this property expire in March 2014. So unless this legislation is passed, it will have severe impact to the Montana National Guard.

Finally, the Army supports S. 1309 and thanks Senator Wyden for introducing it at the administration's request. This contains the administration's fiscal year 2014 National Defense Authorization Act legislative proposal for the Limestone Hills withdrawal.

So I want to keep it short. You do have my written statement. I look forward to answering any questions.

[The prepared statement of Ms. Hammack follows:]

PREPARED STATEMENT OF KATHERINE G. HAMMACK, ASSISTANT SECRETARY OF THE ARMY, (INSTALLATIONS, ENERGY, AND ENVIRONMENT) U.S. ARMY

Thank you, Chairman Manchin, Ranking Member Barrasso and other distinguished Members of the Committee for the opportunity to provide comments on S. 1169, legislation to withdraw public lands in Montana for use by the Army, and S. 753, legislation to withdraw public lands in New Mexico.

Limestone Hills Training Area Withdrawal Act of 2013

S. 1169, the Limestone Hills Training Area Withdrawal Act, would withdraw and reserve approximately 18,644 acres of federal land that comprises the Limestone Hills Training Area (LHTA) for use by the Army, and assign primary management

of the property from the Department of the Interior to the Department of the Army for a 25-year period.

The lands comprising the LHTA are public domain lands, currently under the control of the Bureau of Land Management (BLM). The legislation would enable continued training on the land by the Montana National Guard (MTNG) and other active and reserve components of the armed forces that have used the property for training purposes for several decades. In order for the Army to continue occupying the property, the land must be “withdrawn from the public domain,” which can only be accomplished by an Act of Congress. Unless legislation is passed, the Army’s current authority to use the property will end in March 2014.

The LHTA is operated by the MTNG and is their only large-scale live fire and maneuver training area. It is a critically important training asset for the MTNG, used by approximately 3,800 Guardsmen annually, for diverse training involving small arms, crew-served weapons, mortars, and demolition activities. The LHTA represents a realistic, open training environment within a reasonable travel distance for most Guardsmen and for equipment, which is maintained off site. This regional training asset allows us to avoid the expenditures of time, money, and fuel that would result if training had to be located elsewhere.

The LHTA is also used by the active and reserve components of the other branches of the military and is made available in some cases for use by other federal, state, and local agencies. Some 10,000 personnel from other services use the site each year. Many of those personnel are from special operations units who are preparing for rotations in Afghanistan and other forward locations. The LHTA is especially valuable because of the variety of training conducted there, which is reflected in the number and diversity of organizations that train there.

There are a number of other, non-federal activities that occur at the LHTA, and the Army is respectful of the multiple uses of the property. We are particularly proud of the collaborative relationship among the MTNG, the BLM, and the other stakeholders in the area. The Army closely coordinates with the operators of an active limestone mine within the withdrawal area. The Army firmly supports allowing existing mining claims to proceed to development in accordance with previously approved plans of operations, and we are confident this can occur. The MTNG plans meticulously to ensure that training and mining operations are held at a safe distance, and that any unexploded ordnance (UXO) is removed from the mining area. Training activities are also deconflicted with grazing operations, wildlife habitat, and use of two public roads that traverse the property. There is a proven track record of accommodating multiple uses of the property while fulfilling military training and mission needs.

The MTNG is party to an existing agreement with the BLM and with Graymont Western US, Inc., the current mine operator. This agreement specifies the procedures that the parties follow to coordinate and deconflict their respective activities. As provided for in the legislation, the Army is prepared to enter into a new agreement to update those procedures during the withdrawal period. We do not foresee any difficulty in maintaining procedures to ensure that training and readiness are maintained while accommodating the needs of other parties.

While the Army supports withdrawal of the property to enable its continued use for military training, the Army has significant concerns with certain language in the bill that would legislatively expand certain rights for mineral disposition or exploration. The Army opposes inclusion of Subsection 4(a)(3), which would provide an opportunity for certain mining claimants to amend or relocate mining claims and to reinstate expired claims. This provision would give unprecedented latitude to these claimants, which could impact land required for military training—including live fire impact areas. This would severely limit the ability of the Army to plan and conduct training on the property.

The Army supports allowing existing mining claims to proceed to development in accordance with previously approved plans of operations and in accordance with applicable law and regulation. However, the Army strongly objects to this Subsection as it would grant particular mining claimants the ability to operate without regard for the withdrawal and reservation. There is no clear precedent for this provision, which stands in opposition to the normal purpose and effect of military land withdrawals. By granting unique privileges to certain mining claimants, this provision is also contrary to the normal operation of mining laws and regulations, which provide equal treatment for all claimants who are similarly situated.

The LHTA is an important asset for the readiness of the armed forces. If the land is not withdrawn, Limestone Hills will be returned to the BLM and the MTNG would be forced to conduct its primary training events at other locations. Changing training venues could markedly increase the costs to the MTNG over current expenditures. Additionally, UXO contamination would need to be mitigated if the

range were closed. Since funding for UXO removal from active ranges is controlled and prioritized differently from funding for cleanup of closed ranges, if the range is closed, Army priorities and schedules for UXO removal would be affected. We appreciate the effort to keep this important training asset open and available.

Noting the strong objection to Subsection 4(a)(3), we support S. 1169 with the exclusion of that provision. The Department of Defense has submitted a legislative proposal to the Congress for consideration that would also address the withdrawal requirements for LHTA. The proposal, introduced as S. 1309, is fully coordinated and agreed to within the Administration, and would provide urgent and necessary authority to continue training and operations.

S. 753, a bill to provide for national security benefits for White Sands Missile Range and Fort Bliss

The other legislation I would like to discuss is S. 753, which involves the withdrawal of 42,700 acres of public lands in New Mexico and reservation of 5,100 of those acres for use by the Department of the Army. The bill would also transfer administration of 2,050 acres from the Army to the Department of Interior. These lands are directly adjacent to Fort Bliss and the White Sands Missile Range (WSMR). As the two largest military installations in the United States, Fort Bliss and WSMR consist of nearly 5,000 square miles of land that accommodates military training, research, development, and test and evaluation. In addition to Army test activities, WSMR hosts several other federal tenants, including NASA and the National Reconnaissance Office (NRO).

A portion of the withdrawal, totaling 37,600 acres, is adjacent to the Dona Ana tank gunnery and artillery range complex at Fort Bliss. Training in this location can generate significant noise, vibration, and dust, which can all migrate off the installation. Army analysis has determined that noise levels occurring in the area to be withdrawn are higher than is recommended for various categories of use and development. The Army is concerned that residential and commercial development may occur in that area. The legislation would ensure that incompatible development does not occur in that area. In doing so, the legislation would establish an enduring buffer for the live-fire ranges in the Dona Ana training area.

A separate 5,100 acre portion of the land that would be withdrawn by this legislation is adjacent to tenant operations at WSMR: the NASA White Sands Test Facility; the NASA Goddard Space Flight Center Tracking and Data Relay Satellite Systems facility; and the NRO Aerospace Data Facility—Southwest. These operations are co-located and have special security and safety requirements. The land set aside for their use, while large enough to handle the mission, no longer resides in a remote location. As with many locations in the southwest, this area has seen a large increase in population in recent years. The facilities sit close to the border of a public access area, and a number of security incidents in the area have highlighted the value of having a controlled stand-off area. This legislation would reserve for military control a one-mile stand-off area between those tenant activities and the public access area, which would improve the security for these facilities.

The bill would also return administration of a small area at Fort Bliss from the Department of the Army to the Department of the Interior. The 2,050 acre parcel, previously withdrawn for military use, would be transferred to the BLM. This parcel has relatively limited training value for Fort Bliss due to its limited access from the installation. The Army does not object to the return of this land to BLM, but we offer one technical comment on the provision. Since the parcel was originally withdrawn by Public Land Order 833, a partial legislative revocation of that Public Land Order would ensure a clear interpretation of congressional intent.

The Army has worked cooperatively with the Bureau of Land Management and other neighbors and stakeholders in addressing land use issues in this area. We appreciate the cooperation and interest of all parties who support the various missions at Fort Bliss and WSMR. The Army supports this legislation, which would protect those important national security missions.

Thank you for the opportunity to discuss these topics, I look forward to any questions you have.

Senator MANCHIN. Thank you so much.

I might state that I'm so sorry that I did not introduce your full title: Assistant Secretary of the Army, Installations of Energy and Environment, Office of the Assistant Secretary of the Army, U.S. Army.

Thank you so much.

At this time we're going to hear from the Hon. Roger Natsuhara. He's the Acting Assistant Secretary of the Navy.

STATEMENT OF ROGER M. NATSUHARA, ACTING ASSISTANT SECRETARY OF THE NAVY (ENERGY, INSTALLATIONS AND ENVIRONMENT) U.S. NAVY

Mr. NATSUHARA. Thank you, Mr. Chairman, and members of the subcommittee. I want to thank you for holding this hearing.

I'm pleased to appear before you today to discuss the Department of Navy's need for the Land Withdrawal legislation addressed in S. 1309.

I also want to thank Senator Wyden for introducing the bill on behalf of the Administration.

I would like to make just a couple brief comments about why we need this legislation. Thank you, Mr. Chairman, for entering my full written statement into the record.

The existing military land withdrawals for Naval Air Weapons Station China Lake and the Chocolate Mountain Aerial Gunnery Range expire in October 2014 and require congressional action. Signed legislation is required this year to preserve the very important testing, development, and training missions we conduct at those bases.

The proposed expansion of Twentynine Palms is critical to national defense. Although Twentynine Palms has served the Marine Corps well since in 1940s, lack of sufficient training space inhibits us from properly training Marine Expedition Brigades today and in the future.

The preferred alternative identified in the February 2013 Record of Decision on Twentynine Palms represents the minimum area required to support MEB training and is a product of extensive public outreach efforts that incorporated public input.

Thank you for the opportunity to testify before you today. I welcome your questions.

[The prepared statement of Mr. Natsuhara follows:]

PREPARED STATEMENT OF ROGER M. NATSUHARA, ACTING ASSISTANT SECRETARY OF THE NAVY (ENERGY, INSTALLATIONS, AND ENVIRONMENT) U.S. NAVY

Chairman Manchin, Ranking Member Barrasso, and members of the Subcommittee, I am pleased to appear before you today to discuss the continuing need for the Department of the Navy's land withdrawals in the Southwest.

A number of Department of Navy installations are located wholly or partially on public lands that have been withdrawn from the public domain for military purposes. Since the passage of the Engle Act, such military land withdrawals exceeding 5,000 acres must be authorized in statute. The military land withdrawals for Naval Air Weapons Station, China Lake and the Chocolate Mountain Aerial Gunnery Range expire next year and can only be renewed by an Act of Congress. China Lake supports the Navy's research, development, acquisition, testing and evaluation of cutting edge weapons systems for the warfighter. It consists of over 1.1 million acres of land of which over 90 percent are withdrawn public lands. The installation supports approximately 9000 hours of aircraft and weapons training annually and is of critical importance in maintaining national military readiness. The Department has no viable alternative location where it can perform the testing, training and operations that are conducted at China Lake.

The aerial gunnery range located in the Chocolate Mountains consists of about 459,000 acres of which approximately 227,000 acres are withdrawn public lands. The range supports Marine Corps, Navy, and Air Force aircrew training in air combat maneuvering and tactics; airborne laser system operations; air-to-air gunnery and air-to-ground bombing, rocketry, and strafing. The range is the primary range

for the Marine Corps' advanced aviation tactics school, serves east coast Marine aviation units by providing capability not available on the east coast, and is the primary "backyard" range for the 3rd Marine Aircraft Wing. Navy Special Warfare units also use this gunnery range to conduct ground combat training.

In addition to the renewal of existing military land withdrawals at China Lake and the Chocolate Mountains, the Department of Navy requests a new land withdrawal at Marine Corps Air Ground Combat Center in Twenty-nine Palms, CA to meet current and future training requirements. Although ground operations are winding down in Afghanistan, the world is still a very uncertain place, with the threat environment only growing more complex. As the Nation's premier "first responders" in conflict, the Marine Corps must remain nimble and flexible enough to engage the enemy with the appropriately sized and right mix of forces on the battlefield.

This withdrawal is required to expand the existing training environment and provide sufficient maneuver area, both land and airspace, to conduct sustained, combined arms, live-fire and maneuver field training for Marine Expeditionary Brigade (MEB)-sized Marine Air Ground Task Forces (MAGTF). A MEB-the primary forcible entry contingency response force-consists of three battalion task forces and associated command, aviation, and combat logistics support elements.

MEBs must be capable of performing a variety of missions throughout the spectrum of conflict because they will encounter complex situations containing asymmetric threats, nonlinear battlefields, and unclear delineation between combatants and noncombatants. To overcome these challenges and operate effectively, MEBs must train in a realistic setting, which the current installation configuration cannot provide. Twenty-nine Palms, established in the 1950s and sized for the weapons and tactics of the time, is simply not big enough to accommodate the way the Marine Corps must train to fight today's battles.

To accomplish this, the Department intends to purchase private and state lands adjacent to the Combat Center, pursue the establishment and modification of Special Use Airspace through the Federal Aviation Administration and request a military land withdrawal of additional public lands. Because of the amount of acreage being requested, this land withdrawal also requires an Act of Congress. We recognize the public's keen interest in retaining access to Johnson Valley for recreational purposes. Our land withdrawal request-developed through public input-preserves public access to Johnson Valley, the area prized by the off-highway vehicle recreation enthusiasts due to its unique terrain features. Our withdrawal request represents a reasonable solution for preserving public access while providing space for required military training.

As required by the current law, the Department has worked with the Department of Interior, the Bureau of Land Management, and the Federal Aviation Administration in preparation for these withdrawals over the last several years. The Administration has submitted a legislative proposal through which these land withdrawals would be enacted as part of Fiscal Year 2014 National Defense Authorization Act.

The need to enact legislation and authorize these withdrawals is urgent. As our Department of Defense colleagues have stated in previous testimony earlier this year, the consequences of failing to enact withdrawal legislation could, in some of these instances, cause severe impacts on DOD and the military Services if we are forced to stop training and testing. In all cases, DOD has a compelling need for the withdrawn land in order to successfully conduct its testing, training, missions and operations with the capabilities and competence that it must maintain.

Our Nation's Navy and Marine Corps operate globally, which includes having the ability to project power, effect deterrence, and provide humanitarian aid whenever and wherever needed to protect the interests of the United States. To do this, however, requires forces who train as they would fight and weapons that deliver as promised. We ask for your support in giving our men and women what they need to prevail. I look forward to working with you to sustain the war fighting readiness and quality of life for the most formidable expeditionary fighting force in the world. Thank you for the opportunity to testify before you today and I welcome your questions.

Senator MANCHIN. Thank you so much, sir.

Now we have Mr. Ned Farquhar—pretty close—Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior.

Thank you, sir.

STATEMENT OF NED FARQUHAR, DEPUTY ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. FARQUHAR. Thank you very much, Mr. Chairman, and members of the subcommittee. We appreciate the opportunity to testify today on behalf of the Department of Interior Bureau of Land Management. I'm going to very briefly summarize our position on 8 bills and submit my statements for the record.

The first is that the department supports S. 37, the Jobs and Recreation Act, and S. 364, the Rocky Mountain Front Heritage Act, as they apply to lands administered by the BLM. We defer to the Department of Agriculture Forest Service as these bills apply to the National Forest system lands as well.

Both of these bills provide conservation designations for special areas in the State of Montana. Permanent designation in these lands ensures that hunters, hikers, anglers, and other recreationists will continue to enjoy these areas of southwestern Montana and the Rocky Mountain Front.

On S. 1300, this stewardship bill, we would extend BLM stewardship contracting authority, which expires this year. This important authority allows the BLM to efficiently and flexibly accomplish needed restoration work in concert with local agencies and organizations.

The department supports the extension and would support the bill if amended to address some technical concerns.

On S. 343, the Three Kids Mine, the Secretary would be directed to convey 948 acres of Federal land at the abandoned Three Kids Mine site to the Henderson Redevelopment Agency in Nevada. In exchange, Henderson would pay the United States for the value of this land minus the estimated cost of cleanup and adjacent private parcels. Henderson would then be responsible for cleanup at the site.

The department supports the goals of 343 and welcomes the opportunity to work with the committee to make modifications to the bill as outlined in our fuller testimony.

On H.R. 507, the Pascua Yaqui bill, which provides for the conveyance of 20 acres of public land near Tucson for the Pascua Yaqui Tribe, the department supports holding the lands in trust for the tribe, but has concerns about provisions regarding a private lease on unrelated lands and its implications for the Secretary to exercise the trust responsibilities that the Interior Department has with tribal partners. We look forward to resolving this and other issues in the bill.

We appreciate the importance of the military installations that we're talking about today for the security of the Nation, and we support the multiple missions of our Armed Forces. We're proud to work closely with the Department of Defense and the branches represented today to offer public lands to support military readiness, training, and testing, and assist the military in meeting its mission needs.

The main bill today, S. 1309, the Military Land Withdrawals Act introduced by Senator Wyden at the administration's request, reflects our 2014 National Defense Authorization Act legislative proposal for the 3 public land withdrawals in California and the one

in Montana. We urge the Senate to pass this bill because these withdrawals are expiring soon.

We also support S. 753, Senator Heinrich's bill for the White Sands Missile Range in Fort Bliss in New Mexico. We'd like to work with the subcommittee and the sponsor on some technical modifications.

The administration supports the continued use of the Limestone Hills training area in Montana by the Army. We have some concerns as expressed by our partners in the Army about some of the language in S. 1169 related to location and maintenance of mining claims. We look forward to working with you on those as well.

Thank you for inviting us to be here today and to testify. We'll be happy to answer your questions.

[The prepared statement of Mr. Farquhar follows:]

PREPARED STATEMENT OF NED FARQUHAR, DEPUTY ASSISTANT SECRETARY, LAND & MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

ON S. 37

Thank you for inviting the Department of the Interior to testify on S. 37, the Forest Jobs and Recreation Act. The Bureau of Land Management (BLM) supports the wilderness designations on BLM-managed lands included in S. 37.

The vast majority of the designations and other substantive provisions of S. 37 apply to activities on National Forest System lands. We defer to the Department of Agriculture on those provisions.

Background

The southwestern corner of Montana is a critically important biological region. Linking the Greater Yellowstone Area and the Bitterroot Mountains of Idaho and Montana, these areas include important wildlife corridors that allow natural migrations of wildlife and help prevent species isolation. The Centennial Mountains are particularly noteworthy in this regard. The diversity of wildlife throughout this area is a strong indicator of its importance. Elk, mule deer, bighorn sheep, and moose, as well as their predators, such as bears, mountain lions and wolves, travel through this corner of Montana.

Outstanding dispersed recreational opportunities abound in this region as well. A day's hunting, hiking or fishing may be pursued in the splendid isolation of the steeply forested Ruby Mountains or in the foothill prairies of the Blacktail Mountains, areas largely untouched and pristine. For the more adventurous, Humbug Spires offers 65 million year-old rocks now eroded into fanciful spires, appreciated both for their climbing challenges as well as their scientific value.

S. 37

Title I of S. 37, applies solely to National Forest System Lands. Accordingly the Department of the Interior defers to the Department of Agriculture on those provisions. The majority of the designations in Title II of the bill are also on National Forest System Lands, and again we defer to the Department of Agriculture.

Section 203(b) of S. 37 designates five wilderness areas on lands administered by the BLM in southwestern Montana: the Blacktail Mountains Wilderness (10,675 acres), Centennial Mountains Wilderness (23,700 acres), Humbug Spires Wilderness (8,900 acres), East Fork Blacktail Wilderness (6,125 acres), and Ruby Mountains Wilderness (16,300 acres). The BLM supports these designations and we appreciate the Sponsor and the Committee working with us over the last year to refine these boundaries. All of these areas meet the definitions of wilderness in that they are areas where the land and its community of life are untrammelled. These areas have retained their primeval character and have been influenced primarily by the forces of nature, with outstanding opportunities for primitive recreation or solitude. We continue to encourage the Sponsor and the Committee to consider expanding the boundaries of the Centennial Mountains Wilderness in order to protect this area as a single coherent corridor, thereby providing enhanced benefit for the genetic diversity of the fauna inhabiting the Greater Yellowstone Area and the Bitterroot Range.

Furthermore, we support the transfer of administrative jurisdiction over the 660-acre Farlin Creek area to the Forest Service for inclusion in the adjoining 77,000-acre East Pioneers Wilderness Area.

Section 205 of S. 37 proposes to fully release four BLM-managed wilderness study areas (WSAs) in Beaverhead and Madison counties from WSA management thereby allowing the consideration of a full range of multiple uses. In addition, in five other WSAs, some areas would be released from WSA status and other areas would be partially designated as wilderness, as noted above. In all, over 66,000 acres of WSAs are proposed for release, and nearly 66,000 acres are proposed for wilderness designation; we support these provisions.

Conclusion

Thank you for the opportunity to testify. We look forward to working cooperatively with the Congress to designate these special and biologically significant areas in this dramatic corner of Montana as wilderness.

ON S. 343

Thank you for the opportunity to testify on S. 343, the Three Kids Mine Remediation and Reclamation Act. Over the past several years, the Bureau of Land Management (BLM) has worked with the City of Henderson, Nevada, and other Nevada governmental entities in search of administrative remedies to redevelopment challenges at the abandoned Three Kids Mine. The Department of the Interior (Department) supports the goals of S. 343, which aims to provide legislated solutions to the issues surrounding the Three Kids Mine area and clears the way for its eventual redevelopment. However, the BLM would prefer that the Committee consider H.R. 697 as introduced, which the Department supported in testimony on March 21, 2013.

Background

The Three Kids Mine is an abandoned manganese mine and mill site on 314 acres of private land located along the south side of Lake Mead Drive, across the highway from Lake Las Vegas, in Henderson, Nevada. The mine and mill operated from 1917 through 1961, in part providing steel-strengthening manganese to the defense industry and contributing to the United States' efforts in World War I and II. Federal manganese reserves were stored in the area from the late 1950s through 2003. Approximately five years ago, the City of Henderson and Lakemoor Canyon, LLC, approached the BLM with a plan for redevelopment of the area if the site could be remediated.

S. 343 directs that 948 acres of public lands adjacent to the private site be conveyed to the Henderson Redevelopment Agency, bringing the total size of the redevelopment project area to 1,262 acres. Of the 948 acres of public lands, 146 acres are contaminated and will require mine reclamation and environmental remediation. The most severe contamination appears to be on the 314 private acres where the mine and mill were located. No viable former operator or responsible party has been identified to remediate and reclaim the abandoned mine and mill site. Today, the site's deep open pits, large volumes of mine overburden and tailings, mill facility ruins, and solid waste disposal areas pose risks to public safety and to human health and the environment. The Nevada Division of Environmental Protection (NDEP) identified the Three Kids Mine site as a high priority for the implementation of a comprehensive environmental investigation, remediation, and reclamation program. Representatives of the BLM, the Bureau of Reclamation, and the Department of the Interior Solicitor's Office have worked with the City of Henderson and representatives of developer Lakemoor Canyon to find solutions to the complex challenges of remediating this site.

S. 343

S. 343 designates the combined 314 acres of private land and 948 acres of public land as the 1,262-acre "Three Kids Mine Project Site" and provides for the conveyance of the public lands to the Henderson Redevelopment Agency. The legislation provides that fair market value for the Federal lands to be conveyed should be determined through standard appraisal practices, and that, subsequent to the determination, the Secretary of the Interior (Secretary) should determine the "reasonable approximate estimation of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site." The fair market value would be adjusted by deducting the cost estimate prepared by the Secretary. The Henderson Redevelopment Agency would pay the adjusted fair market value of the conveyed land to the United States, if any.

The bill makes the conveyance of the land conditional upon the State of Nevada executing a mine remediation and reclamation agreement that obligates a party to perform the cleanup and which must be backed up by financial assurances. While the BLM has not established a range for the cost of cleanup, a proponent of the

transaction estimated the cost of remediating the public and private lands at between \$300 million and \$1.3 billion. While it is possible that the cost of remediating and reclaiming the entire project area might exceed the fair market value of the Federal land to be conveyed, the cost of the transaction will be known only after the Secretary completes the appraisal and remediation cost estimate process as outlined in the legislation.

The Department supports innovative proposals to address the cleanup of the Three Kids Mine. We support the goals of S. 343, and prefer that the Committee consider H.R. 697 as introduced, which the Department supported in testimony on March 21, 2013.

Conclusion

Thank you for the opportunity to present testimony on S. 343.

S. 364

Thank you for the invitation to testify on S. 364, the Rocky Mountain Front Heritage Act which designates approximately 208,000 acres of Federal land in Montana as the Rocky Mountain Front Conservation Management Area. S. 364 primarily affects lands managed by the United States Forest Service (FS). The Department of the Interior defers to the Department of Agriculture regarding designations on lands managed by the FS. Over 13,000 of the acres proposed for special designation under the bill are managed by the Bureau of Land Management (BLM). The Department of the Interior supports the designation of the BLM lands as part of the Rocky Mountain Front Conservation Management Area (CMA).

Background

A unique and stunningly beautiful area in west-central Montana, the Rocky Mountain Front is located within Pondera, Teton, and Lewis and Clark Counties and contains unparalleled cultural, recreational, scenic, and biological resources. The lands administered by the BLM are dominated by massive limestone cliffs rising to an elevation of 7,700 feet and include grasslands, shrub lands, and limber and white-bark pine forests. Numerous wildlife and fish populations are supported by the highly varied topography and diverse vegetation that for generations has provided an outstanding experience for hunters, anglers and other recreationists. Hunttable populations of elk, mule deer, big horn sheep, mountain goats and black bear all occur within the area being considered in the proposed legislation. In addition, threatened species including grizzly bear, Canada lynx, and bull trout are found on these BLM-managed lands.

Congress recognized this priceless region in 2006 when it included the withdrawal of the entire area from new mining claims and mineral leasing in section 403(a) of Public Law 109-432. The BLM currently manages these lands for their important resource values as administratively-designated Outstanding Natural Areas (Blind Horse, Ear Mountain, Chute Mountain and Deep Creek-Battle Creek).

S. 364

S. 364 designates over 200,000 acres of federal land in Montana's Rocky Mountain Front as the Rocky Mountain Front Conservation Management Area. Approximately 13,000 acres of public land managed by the BLM would be included in that designation. Running along the eastern edge of the CMA, the lands managed by the BLM are largely closed to motorized access and include a trail system popular with those seeking a wilder recreational experience.

The overall management scheme envisioned for the CMA is consistent with current BLM management of these lands. Under the provisions of S. 364, motorized vehicles within the CMA would be limited to roads and trails designated for their use and grazing would be allowed to continue where it currently exists.

The BLM recommends that the bill be amended to specify that the BLM-managed lands within the CMA be included in the BLM's National Landscape Conservation System (NLCS). The CMA is very similar to BLM's National Conservation Areas (NCAs) and inclusion in the NLCS is appropriate.

Conclusion

Thank you for the opportunity to testify in support of S. 364 as it applies to lands managed by the BLM.

ON S. 1300

Thank you for the opportunity to testify on S. 1300, the Stewardship Contracting Reauthorization and Improvement Act. This legislation would provide for the reauthorization of stewardship contracting authority for the Bureau of Land Manage-

ment and the U.S. Forest Service. The Department supports the reauthorization of stewardship contracting authority, would support this legislation if amended, and would appreciate the opportunity to work with the sponsor to address a few technical concerns.

Background

Stewardship contracting authority was established for the BLM in the FY 2003 Omnibus Appropriations Act and expires at the end of FY 2013. The authority allows the BLM to award contracts for forest health and restoration treatments, including hazardous fuels reductions, for a period of up to ten years and to use the value of timber or other forest products removed as an offset against the cost of services received. The BLM has enjoyed many successes in using stewardship contracting authority, thereby achieving goals for forest and woodland restoration and conducting both hazardous fuels reduction and habitat restoration treatments. In addition, stewardship contracts create jobs and revenue growth for local communities and help to protect local communities from wildland fire. From 2003 through 2012, the BLM entered into over 400 stewardship contracts on approximately 108,000 acres of BLM-managed lands. The BLM's future strategy for stewardship projects includes increasing the size and duration of these projects.

S. 1300

S. 1300 extends until 2023 the authorization of stewardship contracting to achieve land management goals. The BLM supports stewardship contracting authority, as it provides the BLM with needed flexibility to work with contractors to achieve the agency's land and forest health goals, and saves taxpayer resources because the value of forest products removed are used to offset the cost of the management action. In addition, changing the requirement to obligate cancellation costs upfront is inconsistent with budgeting principles and would understate the Government's liability under the contract. Finally, the Administration has concerns about broad waivers of long-standing acquisition laws.

Conclusion

The Department looks forward to working with the sponsor and the Subcommittee on technical amendments. Thank you again for the opportunity to testify, and I would be glad to answer any questions.

ON H.R. 507

Thank you for the opportunity to testify on H.R. 507, which provides that certain public lands in the Tucson, Arizona, area are declared to be held in trust by the United States for the benefit of the Pascua Yaqui Tribe (Tribe), subject to valid existing rights and to additional restrictions in the legislation. The Department of the Interior (Department) supports holding the lands in trust for the Tribe, but has concerns that the legislation makes the trust declaration subject to an additional, unrelated restriction.

Background

The Tribe's lands are located in Pima County, near Tucson, Arizona, and are a combination of lands held in trust by the United States and lands purchased and held in fee by the Tribe. Some of these fee lands are the subject of pending "fee-land-to-trust-land" applications with the Department. The Tucson Unified School District (District) operates the Hohokam School on private lands adjacent to the tribal lands.

The Tribe is interested in acquiring two parcels of public land totaling approximately 20 acres. One parcel is an undeveloped, isolated 10-acre tract of land administered by the Bureau of Land Management (BLM). The second is a tract of approximately 10 acres that was patented under the Recreation and Public Purposes Act (R&PP) to the District, but never developed.

H.R. 507

H.R. 507 declares that approximately 20 acres of public land are to be held in trust by the United States for the benefit of the Tribe, subject to valid existing rights, following the approval of a private lease agreement by the Secretary of the Interior (Secretary). The lands include one 10-acre parcel of BLM-managed land (designated in the legislation as "Parcel A") and one 10-acre parcel patented to the District under the R&PP (designated "Parcel B"). Parcel B's trust status is deferred under the bill (Sec. 3(b)) subject to the District relinquishing its R&PP patent. In addition, under the bill (Sec. 3(c)), neither Parcel A nor Parcel B can be declared held in trust until the Secretary or a delegate approves and records a private lease agreement between the Tribe and the District for the operation of a regional trans-

portation facility serving the Hohokam School located on restricted Indian land of the Tribe. The lease agreement pertains to lands unrelated to Parcel A or Parcel B.

H.R. 507 references a map titled: PYT Land Department and dated Jan. 15, 2013. The BLM would welcome the opportunity to work with the bill sponsor and committee on a new land status map to accompany the legislation.

The Department supports holding these two tracts of public land in trust for the Tribe. The Department has concerns that the additional requirement in Sec. 3(c), that the Secretary approve a private lease, on Tribal lands, for the District and the Tribe, as a precondition to holding in trust Parcel A and Parcel B—unrelated lands—may have implications for the Secretary's exercise of trust responsibility to the Tribe.

Finally, the Department notes that section 5 of H.R. 507 addresses the treatment of water rights that may be associated with the land to be taken into trust for the benefit of the Tribe. The Department has concerns regarding Section 5's restriction on its ability to assert reserved water rights that the Tribe may have or claim on the two tracts of public land because it could restrict the ability of the Tribe and of the United States as trustee on behalf of the Tribe from fully asserting and protecting the water rights of the Tribe.

Conclusion

H.R. 507 represents an opportunity to improve land use for both the Tribe and the District on two isolated tracts of public land. Thank you for the opportunity to testify. I will be glad to answer any questions.

ON S. 1169 AND S. 1309

Thank you for the opportunity to present testimony on three public land withdrawal bills, S. 753, S. 1169, and S. 1309. S. 753 seeks to achieve boundary solutions at White Sands Missile Range (WSMR) and Fort Bliss in New Mexico. The Administration supports S. 753, but would like to work with the Subcommittee and the sponsor on technical modifications to the bill. S. 1169, the Limestone Hills Training Area Withdrawal Act, would withdraw approximately 18,644 acres of public land for use by the Department of the Army (Army) in Montana. The Administration supports the continued use of the lands identified in S. 1169 by the Army, but has concerns with the provision related to the location and maintenance of mining claims. We look forward to working with the Subcommittee and the sponsor on modifications to address these concerns. S. 1309, the Military Land Withdrawals Act, was introduced at the Administration's request. The bill reflects the Administration's FY 2014 National Defense Authorization Act (NDAA) legislative proposal for three public land withdrawals in California and one in Montana. The Administration urges the Senate to pass S. 1309 to support military use of the lands at Chocolate Mountain Aerial Gunnery Range (CMAGR), Naval Air Weapons Station (NAWS) China Lake, Marine Corps Air Ground Combat Center (MCAGCC) Twentynine Palms, and Limestone Hills Training Area.

Background

Public lands are managed by the Department of the Interior (DOI) through the Bureau of Land Management (BLM). Public land withdrawals are formal lands actions that set aside, withhold, or reserve public land by statute or administrative order for public purposes. Withdrawals are established for a wide variety of purposes, e.g., power site reserves, military reservations, administrative sites, recreation sites, national parks, reclamation projects, and wilderness areas. Withdrawals are most often used to preserve sensitive environmental values and major Federal investments in facilities or other improvements, to support national security, and to provide for public health and safety. Withdrawals of public lands for military use require joint actions by DOI and the Department of Defense (DOD). DOD has a number of installations, training areas, and ranges that are located partially or wholly on temporarily or permanently withdrawn public lands. Many of these withdrawals support installations that are critical to the nation's ability to provide for the readiness of the Armed Forces. Approximately 16 million acres of public lands are withdrawn for military purposes.

There was no limit on the amount of public land that could be withdrawn administratively at a single location for military use until 1958 when the Engle Act (P.L. 85-337) became law. The Engle Act requires an Act of Congress to authorize military land withdrawals aggregating 5,000 acres or more for any one defense project or facility. Similarly, there was no limit on the time period of administrative withdrawals until 1976 when the Federal Land Policy and Management Act (FLPMA) (P.L. 94-579) became law. FLPMA allows the Secretary of the Interior to adminis-

tratively make withdrawals aggregating 5,000 acres or more for purposes other than military use, for a period of not more than 20 years. Legislative military withdrawals have traditionally included time limits, with renewal required every 15, 20, or 25 years, depending on the terms in the legislation.

DOI appreciates the importance of military installations for the security of the Nation and supports the multiple missions of our Armed Forces. We are proud to be able to offer public lands to support military readiness, training, and testing, and are proud to be able to assist the military in meeting its mission needs. Throughout the country we have established productive partnerships and other working arrangements with the military and we intend to continue these mutually beneficial arrangements. We are especially appreciative of the military's stewardship of the withdrawn lands they manage. These arrangements have worked out well for all concerned and should continue.

The Administration believes that the traditional, periodic review that is a part of the legislative withdrawal process is vital to promoting the highest quality stewardship and management of the public lands proposed for withdrawal in these bills. This process provides opportunities for DOD and the military branches to evaluate their continued use of the lands and obtain the participation and assistance of DOI in sound management, for DOI to ensure that the lands are being managed in ways that could allow their eventual return to the public domain for broader public use, and for the Congress and the public to provide input and oversight.

S. 753, Boundary Solutions at White Sands Missile Range (WSMR) and Fort Bliss

WSMR is a test range of approximately 2.2 million acres in parts of five counties in southern New Mexico, making it one of the largest military installations in the United States. WSMR is contiguous to Fort Bliss to the south, which is used for military training. The majority of the lands that comprise both WSMR and Fort Bliss, over 2.4 million acres, are public lands withdrawn and reserved for the use of the Army under Public Land Order (PLO) 833 and by Public Law 106-65.

S. 753 seeks to achieve boundary solutions at WSMR and Fort Bliss. First, the bill would withdraw and reserve approximately 5,100 additional acres for use by the Army at WSMR, to allow for an additional buffer area between the current public access areas and operations of several WSMR tenants, such as the NASA White Sands Test Facility and the NASA Goddard Space Flight Center Tracking and Data Relay Satellite Systems Facility. The Administration supports the goal of allowing the use of the lands by the Army. However, these lands receive significant public use, mainly in the form of hunting and livestock grazing. Because the introduced bill does not address grazing, the reduction in the existing grazing permit and removal of any authorized range improvements within these lands would be carried out in accordance with BLM's grazing regulations at 43 C.F.R Part 4100.

S. 753 would also withdraw approximately 37,600 acres of public lands from the operation of certain public land laws, in order to establish a zone to buffer the noise, dust and vibrations from the live fire training activities on the adjoining Dona Ana tank gunnery and artillery range complex at Fort Bliss. These lands would remain under the full management of the Department of the Interior, but they would be withdrawn from the public land laws, the mining laws, and the mineral leasing, mineral materials, and geothermal leasing laws. The Administration supports the withdrawal of these lands, consistent with a similar provision included in the Administration's FY 2014 NDAA legislative proposal.

Additionally, S. 753 would transfer to the Secretary of the Interior administrative jurisdiction over approximately 2,050 acres of public lands previously withdrawn and reserved for the Army's use under PLO 833. The lands are part of an area known as Filmore Canyon, and are adjacent on two sides to the BLM's Organ Mountains Area of Critical of Environmental Concern (ACEC). Filmore Canyon is adjacent to the community of Las Cruces and includes hunting opportunities and scenic lands that are popular for year-round hiking. The BLM manages the Organ Mountains ACEC for significant scenic values and endangered wildlife species, and the ACEC contains cultural sites eligible for listing on the National Register of Historic Places. The Administration supports the return of these lands to full management by the Department of the Interior as part of a cohesive boundary solution at WSMR and Fort Bliss. We would like to work with the Subcommittee and the sponsor on technical modifications.

S. 1169, Limestone Hills Training Area Withdrawal Act

The Limestone Hills Training Area consists of 18,644 acres of public lands in Broadwater County, Montana that have been used for military training since the 1950s. In 1984, the BLM issued the Army a right-of-way formally permitting use of the training area for military purposes. The current right-of-way expires on

March 26, 2014. The Montana Army National Guard is the primary DOD user of the training area, which is also used by reserve and active components from all branches of the military services for live fire, mounted and dismounted maneuver training, and aviation training. The withdrawal of the Limestone Hills Training area is necessary because the BLM has determined that it no longer has the authority to permit the use of the lands for military maneuvers under a right-of-way instrument.

S. 1169 would withdraw and assign general management of the training area to the Army, but would keep management of grazing and mineral resources with the BLM. This arrangement is consistent with the Administration's FY 2014 NDAA legislative proposal, and the Administration supports the goal of allowing the use of the lands by the Army under a withdrawal and reservation. However, the introduced bill contains a provision related to the location and maintenance of mining claims that is at odds with the Administration's legislative proposal, and with which the Administration has concerns.

Section 4 of S. 1169 would legislatively expand certain rights for mineral disposition or exploration. It would set a new precedent for public land withdrawals by allowing the opportunity to cure discrepancies in the original location or the failure to maintain several hundred mining claims in the Indian Creek mine area for the duration of the withdrawal. The legislative language could be interpreted to allow mining claimants to take in new land under existing claims, which could impact land required for military training—including live fire impact areas. By granting unique privileges to certain mining claimants, this provision is contrary to the normal operation of mining laws and regulations, which provide equal treatment for all claimants who are similarly situated. The Administration looks forward to working with the Subcommittee and the sponsor on modifications to address these concerns and on more technical changes to incorporate general provisions from the FY 2014 NDAA legislative proposal.

S. 1309, the Military Land Withdrawals Act

S. 1309, the Military Land Withdrawals Act, represents the Administration's legislative proposal to enact four public land withdrawals as part of the FY 2014 NDAA. This proposal was jointly prepared by DOD and DOI and represents extensive discussions and consensus building between the two agencies to achieve common goals. Presently, the two existing withdrawals for NAWS China Lake, California, and CMAGR, California, enacted in the California Military Lands Withdrawal and Overflights Act of 1994 (1994 California Act) (P.L. 103-433), will expire on October 31, 2014. Additionally, the Marine Corps seeks a new withdrawal of public lands at MCAGCC Twentynine Palms, California, to expand its training areas to support increased requirements. Finally, the Army needs to convert its use of public lands at the Montana Army National Guard, Limestone Hills Training Area, from a BLM issued right-of-way to a legislative withdrawal.

Unlike prior legislative withdrawals which were uncodified, stand-alone provisions of law, the withdrawals made under S. 1309 would be codified in a new chapter of title 10, United States Code. This would make the withdrawal process substantially more efficient for both the Executive and Legislative branches by providing commonality among the withdrawal provisions, placing them in a location that is easy to find and refer to, and, if used for future withdrawals, reducing the need to reconsider and revise "boilerplate" provisions with each proposal. Also, this codification would allow changes to withdrawal provisions without having to wait the decades that might pass before the next withdrawal took place. This new flexibility would greatly aid the ability of DOD, DOI, and Congress to soundly manage withdrawn lands.

S. 1309 includes many general provisions applicable to all four of the withdrawals. Among these are provisions for: the development of maps and legal descriptions; access restrictions; changes in use; authorizations for non-defense-related uses; management of range and brush fire prevention and suppression; on-going decontamination; water rights; hunting, fishing, and trapping; limitations on extensions and renewals; application for renewal; limitation on subsequent availability of lands for appropriation; relinquishment; interchanges and transfers of Federal lands; delegability of certain responsibilities by the Secretary of the Interior; and immunity of the United States. Most of these general provisions are similar, if not identical, to previously applied provisions in existing withdrawal statutes.

The interchanges and transfers provision is included to address boundary management issues involving both withdrawn public lands and acquired real property. For example, there is a need for boundary adjustment on the northern side of CMAGR to address uncertainties and resource management conflicts associated with the BLM-managed Bradshaw Trail. The Bradshaw Trail is popular with off-

highway vehicle users, and is, in part, maintained by the local government, in coordination with the BLM. However, the trailhead and some of the trail's length currently crosses acquired real property administered by the Department of the Navy (Navy) and the Marine Corps. In the case of the expansion of MCAGCC Twentynine Palms, the Navy will likely seek to purchase various inholdings within the proposed withdrawal boundary. It could be beneficial to both departments if these inholdings could be converted, by interchange or transfer, to BLM public lands. In any case, the interchange provision is limited to acre-for-acre in order to avoid expanding the footprint of DOD lands. The transfer provision is limited to the Engle Act 5,000 acre limit (total) for any one installation over the 25-year life of the withdrawal. These provisions are designed to allow for small administrative adjustments to promote sound land management without impinging upon the role of Congress in managing Federal lands.

Naval Air Weapons Station (NAWS) China Lake, California

NAWS China Lake consists of over 1.1 million acres of land in Inyo, Kern, and San Bernardino Counties, California, of which 92 percent are withdrawn public lands. Under a Memorandum of Understanding between the Navy and DOI, the Commanding Officer of NAWS China Lake is responsible for managing the withdrawn land. The installation is home to approximately 4,300 DOD personnel and its primary tenant is the Naval Air Warfare Center Weapons Division. The current 20-year legislative withdrawal expires on October 31, 2014.

The 25-year renewal included in S. 1309 is modeled on the current successful management scheme instituted as part of the 1994 California Act, which allows the DOD and DOI to combine their unique capabilities and assets for the benefit of the resources and the public by cooperatively managing natural and cultural resources, recreational resources, grazing, wild horses and burros, and geothermal resources. For example, the Navy manages the wild horses and burros on-the-ground at NAWS China Lake and the BLM manages the gathering, holding and adoption of the animals. In addition, the BLM and NAWS China Lake have a unique agreement to collaboratively produce geothermal energy at the installation, which currently produces over 150 megawatts of power.

Chocolate Mountain Aerial Gunnery Range (CMAGR), California

The CMAGR was established in 1941. The range consists of about 459,000 acres in Imperial and Riverside Counties, California, of which approximately 227,000 acres are withdrawn public lands under the co-management of the Marine Corps and the BLM. The remaining lands are under the administrative jurisdiction of the Department of the Navy. The two sets of lands form a checkerboard pattern of administrative jurisdiction. The Marine Corps primarily uses the lands for aviation weapons training, including precision guided munitions and Naval Special Warfare training. The current 20-year withdrawal is set to expire on October 31, 2014.

S. 1309 provides for a 25-year renewal and would allow the BLM and Navy to institute the same type of cooperative management that has been successful at China Lake. The Chocolate Mountain range is home to a number of species such as desert tortoise and big horn sheep, and contains a wide range of archeological resources.

Marine Corps Air Ground Combat Center (MCAGCC) Twentynine Palms, California

MCAGCC Twentynine Palms currently consists of 596,000 acres of land in San Bernardino County, California. In 1959, approximately 443,000 of those total acres were administratively withdrawn and reserved for the use of the Navy under PLO 1860. DOD is now seeking to expand this installation with the withdrawal of approximately 154,000 acres of public lands adjacent to MCAGCC. The added training lands would create a training area of sufficient size with characteristics suitable for the Marine Corps to conduct Marine Expeditionary Brigade (MEB) level training. MEB training requires sustained, combined-arms, live-fire and maneuver training of three Marine battalions with all of their associated equipment moving simultaneously toward a single objective over a 72-hour period.

S. 1309 meets the important training needs of the Marines, and, recognizing that there will be impacts to public access, also includes a unique management structure to mitigate some of the loss of access to lands popularly used for off-highway vehicle (OHV) recreation. The bill provides for continued, year-round public access to the western third of the Johnson Valley OHV area. In addition, a shared use area of about 43,000 acres of the withdrawn lands would be available for OHV use for ten months out of the year, when there is no active military training.

Limestone Hills Training Area, Montana

As previously stated, the legislative withdrawal of the Limestone Hills Training area is necessary because the BLM has determined that it no longer has the authority to permit the use of the lands for military maneuvers under a right-of-way instrument. Under S. 1309, general management of the training area would be assigned to the Army, but the BLM would retain management of grazing and mineral resources for the lands withdrawn and reserved.

Conclusion

Thank you for inviting our testimony on S. 753, S. 1169, and S. 1309. The Department of the Interior, which has always been part of the Nation's national defense team, is committed to supporting military missions and training needs, while protecting natural resources and other traditional uses of the public lands. I would be happy to answer your questions.

Senator MANCHIN. Thank you, sir.

At this time, we will have Ms. Leslie Weldon, Deputy Chief, Forest Service, Department of Agriculture.

STATEMENT OF LESLIE WELDON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Ms. WELDON. Thank you, Mr. Chairman, and members of the subcommittee. Thanks for the opportunity to share the administration's views on bills we have before us today.

We'd like to express our appreciation to Chairman Manchin and the committee for their continued interest in natural resources management.

S. 37, the Forest Jobs and Recreation Act of 2013 would direct the Secretary of Agriculture to develop and implement forest and watershed restoration projects on 70,000 acres of the Beaverhead-Deerlodge National Forest and 30,000 acres of the Kootenai National Forest within 15 years of enactment.

The bill describes treatment methods, annual acreage targets, standardized criteria to prioritize areas for restoration, and hazardous fuels reduction projects.

It also requires consultation with an advisory committee or collaborative group for each restoration project implemented, and calls for monitoring.

The bill designates 24 wilderness areas totaling over 666,000 acres, 6 recreation areas totaling over 289,000 acres, and 3 special management areas of over 80,000 acres.

The administration supports S. 37 and looks forward to working with the committee and sponsor on the bill to develop modifications that could provide greater opportunities to accomplish the shared goals of restoration, recreation, and economic development.

S. 364, the Rocky Mountain Heritage Act, would establish the Rocky Mountain Front conservation management area in Montana. The department supports the designation and establishment of the Rocky Mountain Front Heritage Act of 2013. S. 364 would address noxious weeds, nonmotorized recreation, road construction and decommissioning, and designate additions to the National Wilderness Preservation system for the Bob Marshall and Scapegoat Wilderness. We would like to work with the sponsor and the committee to define and clarify questions of scope and timing for noxious weed management and the nonmotorized recreation plans.

S. 509, the Fruit Heights Land Conveyance Act, would require the Secretary of Agriculture to convey without consideration approximately 101 acres of land from the Uinta-Wasatch-Cache National Forest in Fruit Heights City, Utah, for public purposes.

While supportive of the city's desire to expand public purposes, the department does not support S. 509. It is longstanding policy that the United States receive market value for any conveyance of National Forest system land.

The parcel to be conveyed was purchased by the United States in 2002 for \$3.2 million for the purposes of securing an important North-South route of the Bonneville Shoreline Trail and to protect valuable winter range for mule deer. We would like to work with the bill sponsors, Fruit Heights City, and the committee to explore alternatives to this conveyance without consideration to achieve the goals of the city.

S. 1300, the Stewardship Contracting Reauthorization and Improvement Act, would repeal the existing stewardship contracting authority in Section 347 of the Department of Interior and Related Agencies Appropriation Act of 1999 and replace it with a provision that would be added to the Healthy Forest Restoration Act of 2003. The Forest Service supports reauthorization of stewardship contracting and could support S. 1300, if amended.

The legislation would reauthorize stewardship contracting for 10 years and provide authority that is substantially the same as the existing authority with a few exceptions. The bill contains new authority that would clarify a contracting procedure, modify a requirement on potential cancellations, modify fire liability, and provide flexibility and offset funding.

Stewardship contracting is a critical tool that allows the Forest Service to more efficiently complete restoration activities. The Forest Service supports efforts to increase the amount of forest restoration work on National Forest System lands, and we would like to work with the committee on several aspects of the language, including the offset for stewardship contracts and agreements in this bill, cancellation costs, and fire liability.

S. 1301, the Oregon Eastside Forest Restoration Act of 2013, would provide for restoration of forest landscapes and management on National Forests in the Eastside Forest in the State of Oregon. The administration supports S. 1301, and we want to continue to work with the committee and chairman on some aspects of this legislation.

This legislation would authorize the Secretary to select all or part of one or more National Forests in Oregon and the Secretary would then be directed to carry out landscape-scale planning, prioritize vegetation treatments, and hazardous fuels reduction.

There are numerous concepts in the legislation that the department strongly supports, including expanding collaborative restoration efforts, efficient implementation of the National Environmental Policy Act, greater dialog over areas of conflict prior to decision, and monitoring to track our results on the ground.

We believe we are well-positioned to meet the intent of the bill.

H.R. 404 would amend the Washington State Wilderness Act of 1984 to allow for the operation and maintenance of the Green Mountain Lookout. The department supports this bill.

This legislation provides sufficient latitude to the Secretary of Agriculture to consider appropriate management strategies for the future, including removal of the lookout to a different location if conditions of the facility or use in the area warrant such action.

H.R. 862 is a bill designated to correct an erroneous private survey on the Coconino National Forest in Arizona. The department supports this bill.

The bill provides a flat rate of compensation for land to be conveyed rather than the market value of the property. We would like to work with the sponsor and the committee on this issue, but otherwise, it's a great efficiency for us.

Finally, the Idaho Wilderness Water Resources Act, the department continues to support the objectives of this legislation to assure the permitting of land management of the water facilities within the Frank Church Wilderness.

This concludes my statement, and I would be pleased to answer any questions for you.

[The prepared statement of Ms. Weldon follows:]

PREPARED STATEMENT OF LESLIE WELDON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

ON S. 37

Mr. Chairman, Members of the Committee, I am Leslie Weldon, Deputy Chief, National Forest System, U.S. Forest Service, United States Department Of Agriculture. Thank you for the opportunity to share the Department of Agriculture's views on S. 37, the 'Forest Jobs and Recreation Act of 2013.'

S. 37 directs the Secretary of Agriculture to develop and implement forest and watershed restoration projects on 70,000 acres of the Beaverhead-Deerlodge National Forest and 30,000 acres of the Kootenai National Forest within 15 years of enactment. The bill prescribes treatment methods, annual acreage targets, and standardized criteria to prioritize areas for restoration and hazardous fuel reduction projects. It also requires consultation with an advisory committee or collaborative group for each restoration project implemented by the Secretary, and calls for a monitoring report every five years. The bill designates twenty-four wilderness areas totaling approximately 666,260 acres, six recreation areas totaling approximately 288,780 acres, and three special management areas totaling approximately 80,720 acres. Some of the designations apply to lands managed by the Bureau of Land Management and we defer to the Department of the Interior on those provisions.

The Department (USDA) supports S. 37 and looks forward to continuing to work with the Committee and Sponsor to develop modifications to the bill that could provide greater opportunities to accomplish the shared goals of restoration, recreation and economic development.

The concepts embodied in this legislation, collaboratively developed landscape scale projects, increased use of stewardship contracting, and the importance of a viable forest products industry in restoring ecosystems and economies are fundamentally sound. USDA does have reservations about legislating forest management decisions and would hope that the work the Forest Service is doing to increase the pace and scale of forest restoration and management of the National Forests will make this type of legislation unnecessary in the future. In fact, the Forest Service is currently engaged in numerous programs and activities on the National Forests of Montana and around the nation that embrace the concepts in this bill.

Examples of the work we are carrying out in the spirit of this legislation are underway as large-scale restoration projects on the national forests of Montana include: the Larry Bass Stewardship Project on the Bitterroot National Forest where we are completing hazardous fuel reduction work and are re-investing stewardship receipts to accomplish hazardous fuel/bark beetle work within and around a popular ski area on the forest; Sparring Bulls and Young Dodge, two large landscape projects on the Kootenai National Forest developed with a local collaborative group; and the Southwestern Crown of the Continent project, which will treat close to 200,000 acres on the Lolo, Flathead and Helena National Forests with funding provided under the Collaborative Forest Landscape Restoration Program.

Planned projects are increasingly focused on large landscape ecosystems to address shared issues across forest boundaries. For example, the Boulder Vegetation Project and a complex of projects planned on the Helena National Forest that focus on bark beetle infestations occurring on the two forests.

Efforts such as these have helped the agency and stakeholders gain experience in identifying the factors necessary for the success of large-scale restoration projects, and I acknowledge the Senator's incorporation of their input into this legislation. I offer our continued support for further collaboration on addressing remaining concerns to ensure that it can serve as a model for similar efforts elsewhere.

We recognize that the proposed bill is the product of a collaborative effort. Such efforts are critically important to increasing public support for needed forest management activities, particularly in light of the bark beetle crisis facing Montana and other western states. We believe these efforts can significantly advance forest restoration, reduce litigation surrounding restoration where parties are willing to collaborate, and make it easier to provide jobs and opportunities in the forest industry for rural communities. While we have seen significant successes from collaboration in some parts of the country, there are areas where groups are not interested in collaboration and continue to use appeals and litigation as methods to delay or stop forest treatments that restore resilient forests, reduce severe wildfire potential and other objectives. Montana in particular continues to see substantial litigation activity.

As noted above, USDA is concerned about legislating forest management direction or specific treatment levels on a site-specific basis. USDA wants to work with the Committee to ensure that this does not negatively impact other Forest Service priorities in Region 1 or draw important resources from priority work on other units of the National Forest System. We also would like to work with the Committee and sponsor on other aspects of the bill such as defining mechanical treatments, establishing reporting requirements, and provisions effecting other funds and road-density standards found in Title I.

Regarding the land designations in Title II that pertain to lands under the jurisdiction of the Forest Service, we support the wilderness recommendations made in each Forest's land and resource management plan given the depth of analysis and public collaboration that goes into them. Regarding the input from the Department that the Senator has incorporated, there are two items in S. 37 for which I would like to express the Department's appreciation in particular: (1) the adjustments to wilderness area designations in Title II, which more closely reflect the extensive collaboration, analysis and resulting recommendations of the Beaverhead-Deerlodge 2009 Forest Plan and other forest plans; and (2) the incorporation of the CFR 212.1 definitions of "designated road, trail or area" in the bill provides for consistency of implementation.

In closing, I want to thank Senator Tester once again for his strong commitment to Montana's communities and natural resources. We appreciate the close work of the Senator's staff with the Forest Service to refine legislation that would provide a full suite of significant benefits for the people, economy, and forests of Montana and the nation. The continuing commitment to bring diverse interests together to find solutions that provide a context for restoration, renewal, and sustainability of public landscapes and to foster healthy rural economies is evident in the legislation being considered by this Committee today.

We want to underscore our commitment to the continuing collaboration with the Senator and his staff, the Committee, and all interested stakeholders in an open, inclusive and transparent manner to provide the best land stewardship for our National Forest System Lands.

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

ON S. 364

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you today and provide the Department of Agriculture's views regarding S. 364, the "Rocky Mountain Front Heritage Act of 2013", which would establish The Rocky Mountain Front Conservation Management Area in Montana.

The Department supports S. 364 and would like to work with the Committee to define and clarify questions of scope and timing for the noxious weed management and the non-motorized recreation opportunities.

The Rocky Mountain Front area of Montana on the Lewis and Clark National Forest lies just to the south of Glacier National Park and the Blackfoot Indian Reservation. It is an area where the plains meet the great continental divide. The area is marked by spectacular scenery and lush grasslands and that is home to a broad

range of Montana's fauna and flora. The west side of the area is adjacent to the 1.5 million acre Bob Marshall Wilderness Complex most of which was designated by the original 1964 Wilderness Act. The east side of the area is bordered by vast private ranchlands that have helped define Montana's western heritage.

S. 364 would designate approximately 195,000 acres of Federal land managed by the Forest Service and approximately 13,000 acres of Federal land managed by the Bureau of Land Management (BLM) as the Rocky Mountain Front Conservation Management Area (CMA). The bill would also designate additions to the National Wilderness Preservation System of approximately 50,400 acres to the Bob Marshall Wilderness and approximately 16,700 acres to the Scapegoat Wilderness; both areas would be managed by the Forest Service. The Department defers to the Department of the Interior on the designation of lands managed by the Bureau of Land Management (BLM).

The Rocky Mountain Front CMA would be managed to conserve, protect, and enhance its recreation, scenic, historical, cultural, fish, wildlife, roadless, and ecological values. Within the CMA, S. 364 would permit the use of motorized vehicles only on existing roads, motorized trails and designated areas. S. 364 would allow for the construction of temporary roads as part of a vegetation management project in any portion of the CMA not more than 1/4 mile from designated roads. The bill also would authorize the use of motorized vehicles for administrative purposes including noxious weed eradication or grazing management. Livestock grazing would continue within the Conservation Area and Wilderness Areas where established prior to the date of enactment.

S. 364 would require the Secretary to prepare a comprehensive management strategy for the Rocky Mountain Ranger District on the Lewis and Clark National Forest to prevent, control, and eradicate noxious weeds. The Secretary also would be required to conduct a study to improve non-motorized recreation trail opportunities.

For decades, the Forest Service has worked in partnership with landowners to protect the economic and social value of the land considered for designation as the CMA. There are 21 Federal land grazing allotments in the CMA. The landscape also provides some of the best backcountry recreation experiences in the world. Because of the popularity of the area, Federal and private land managers have realized that there must be specific management emphasis placed on how the lands are used and protected. As more people enjoy and use this area, influxes of noxious weeds have occurred that could change the native ecosystem structure and function and seriously impact the private ranches. S. 364 calls for measures that would direct Federal agencies to work with State and private organizations to implement projects that concentrate on the prevention, control and eradication of invasive plants such as spotted knapweed (*Centaurea maculosa* Lam.) that are threatening to change the ecosystem. The Lewis and Clark National Forest routinely works with other agencies and land owners to address noxious and invasive weed concerns. The Lewis and Clark National Forest is in the process of developing a memorandum of understanding with the U. S. Department of Agriculture Natural Resources and Conservation Service (NRCS) that addresses how the agencies will work together regarding noxious weed control measures on the interface between private and Federal lands.

The Department supports the intent described in the bill to address noxious weeds. The Department also supports the National Forest System lands identified for motorized and non-motorized recreation use, including mountain biking, in the conservation areas. The provisions in S. 364 are consistent with the current travel management plan for the Rocky Mountain Ranger District. The travel management plan was approved by the Lewis and Clark National Forest Supervisor in October of 2007 after extensive public participation. Approximately 67,000 acres of land are identified in the forest plan for the Lewis and Clark as either recommended to Congress for wilderness designation or for further study for their potential as wilderness. The Department supports the wilderness designations included in this bill.

The Department recognizes the management of vegetation along current motorized forest roads is an important component of this bill. Public safety is an important consideration in an area that is impacted by mountain pine beetle, which has created physical risk to the roadways and possible increased fire risk due to ignitions from road users. The Beaver-Willow Road, a previously established road, crosses through the Bear-Marshall-Scapegoat-Swan inventoried roadless area. As we understand the bill, the road's location in an inventoried roadless area would not preclude timber harvest within 1/4 mile of the Beaver-Willow Road.

S. 404, "To Preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest", would amend the Washington State Wilderness Act of 1984 (Public Law 98-339; 98 Stat.300; 16 U.S.C. 1131 note) by inserting language that would allow for the operation and maintenance of Green Mountain Lookout. The Department supports the bill.

The Green Mountain Lookout represents a slice in time of the history of the area, and is a feature that is appreciated by many visitors. S.404 would provide the opportunity for future wilderness visitors to see how human influence has shaped our wildlands. This legislation provides sufficient latitude to the Secretary of Agriculture to consider appropriate management strategies for the future, including removal of the lookout to a different location if the condition of the facility or use in the area warrants such action.

The Lookout was built in 1933 for fire detection on Green Mountain in what is now known as the Mt. Baker-Snoqualmie National Forest. In 1968 the Glacier Peak Wilderness Area was expanded by Congress to include a portion of the lookout site. In 1984 Congress passed the Washington Wilderness Act which designated the remainder of the peak as wilderness. In 1988 Green Mountain lookout was listed on the National Register of Historic Places. The Forest Service regularly staffed the lookout through 1984, and subsequently it was used for fire detection on an as-needed basis. It was closed in 1995 due to its deteriorating condition which posed a safety hazard to the public.

The 1990 Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan (Forest Plan) designated Green Mountain Lookout as a special wilderness allocation that accepted the non-conforming use of the lookout along with direction to "stabilize and preserve" the structure. An analysis using a categorical exclusion which did not analyze alternatives for dealing with the lookout was prepared under the National Environmental Policy Act (NEPA) and a decision memo was completed in September 1998 which authorized the use of a helicopter and mechanized tools to rehabilitate the lookout. Rehabilitation efforts, including replacement of the deteriorated substructure, occurred from 1999 to 2001 with the help of grant money and the contribution of thousands of volunteer hours. Heavy snow during the winter of 2002 resulted in damage to the new foundation. Later that year, after consultation with the Washington State Historic Preservation Officer, the Forest Service authorized the dismantling and removal of the structure to a temporary site outside of Wilderness on the Mt. Baker-Snoqualmie National Forest. In doing so, each piece was identified and individually tagged so that it could be reassembled and restored to its exact original location and position, retaining those features which convey its historical significance. All work on the lookout was done in conformance with the Secretary of the Interior's Standards and Guidelines for Rehabilitation of Historic Properties.

Many volunteer workshops over the years repaired and custom-manufactured missing parts to the original specifications. The lookout foundation was prepared on-site in 2009 and the disassembled lookout was flown back to Green Mountain and reassembled on the new substructure.

A complaint was filed in the United States District Court by Wilderness Watch during the fall of 2010, alleging the repairs violated the NEPA and the Wilderness Act. In March, 2012, the District Court issued a decision in favor of the plaintiff. The Court determined that the Forest Service failed to justify an exception to prohibited conduct in a wilderness area with the 2002 decision to rehabilitate and reconstruct the lookout using helicopters and mechanized tools. The Court also found a NEPA violation based on the failure to conduct an Environmental Assessment, an Environmental Impact Statement, or, at a minimum, a reassessment of whether a categorical exclusion intended for repair and maintenance of recreation sites and facilities was applicable to the plans to dismantle, restore, and reconstruct the lookout in a wilderness area. In September 2012, the Court directed the Forest Service to determine how to move forward.

The Forest Service is currently implementing the Court's order. The initial steps have been taken to prepare the plan and draft an Environmental Impact Statement that will determine the specific action to be taken. A final decision is expected by June 2014. Should the bill become law, the Forest Service will use the planning and EIS process to consider appropriate management strategies for the future, including removal of the lookout to a different location if the condition of the facility or use in the wilderness area warrants such action.

ON S. 509

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify on S.509, the 'Fruit Heights Land Conveyance Act.'

S. 509 would require the Secretary of Agriculture to convey without consideration approximately 101 acres of land from the Uinta-Wasatch-Cache National Forest to Fruit Heights City, Utah for public purposes. While supportive of the City's desire to expand for public purposes, the Department does not support S. 509.

It is long standing policy that the United States receive market value for the sale, exchange, or use of National Forest System land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of the Federal Land Policy and Management Act (43 U.S.C. 1701), as well as numerous land exchange authorities.

The parcel to be conveyed was purchased by the United States in 2002 using appropriated Land and Water Conservation Act funds appropriated for the purpose of securing an important North-South route for the Bonneville Shoreline Trail and to protect valuable winter range for mule deer. The land was acquired from a willing seller at market value for \$3,244,000 with the assistance of the Trust for Public Land.

The parcel was conveyed to the United States subject to valid existing rights, and the conveyance of the parcel by the United States and subsequent development by the City would be subject to the same rights. Specifically, the mineral estate is owned by a third party and there are easements for power lines, two buried irrigation pipelines, and access easements for multiple private homes.

Under S.509, the conveyance would also be conditioned upon the City using the conveyed land for public purposes. If the land is ever used for anything other than public purposes, the land would revert to the United States at the election of the Secretary. Public purposes are not defined and could cover a vast array of land uses including municipal waste treatment facilities and industrial parks. This lack of public purpose definition could cause future management conflicts with adjacent National Forest System land.

Although the Department does not support S.509, we are willing to work with the Bill sponsors, Fruit Heights City, and the Committee, to explore alternatives to this conveyance without consideration to achieve the goals of the City.

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

ON S. 1300

Mr. Chairman and Members of the Committee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 1300, the "Stewardship Contracting Reauthorization and Improvement Act." The Forest Service supports reauthorization of stewardship contracting and could support the bill if amended.

Stewardship contracting is a critical tool that allows the Forest Service to more efficiently complete restoration activities. Reauthorizing stewardship contracting authority and expanding the use of this tool are crucial to our ability to restore landscapes collaboratively. The authority allows the government to carry out restoration work at a reduced cost by offsetting the value of the services received with the value of forest products removed. In fiscal year 2012, approximately 25 percent of all timber volume sold on National Forest System lands was under a stewardship contract. The stewardship contracting authority has proved to be a valuable tool in many locations to implement restoration activities and meet multiple land management objectives including hazardous fuels reduction, wildlife habitat improvement, forest health improvement, and non-native invasive plant species control.

S.1300 would repeal the existing stewardship contracting authority in section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 and replace it with a provision that would be added to the Healthy Forests Restoration Act of 2003. That provision would reauthorize stewardship contracting for 10 years and provide authority that is substantively the same as the existing authority with a few exceptions. The bill contains new authority that would:

- Clarify the contracting procedure for stewardship contracting by making clear that the various statutes that apply to normal Federal procurement actions do not apply these activities;
- Modify the requirement to obligate funds to cover any potential cancellation or termination costs to allow the obligation of funds in economically or programmatically viable stages, providing advance notification of Congress and OMB;

- Require the Chief and Director to modify the fire liability provisions for all stewardship contracts and agreements to mirror the fire liability provisions currently contained in the Forest Service Integrated Resource Timber Contract and Forest Service Timber Sale contracts which limit the contractor's liability for non-negligent fire. Allow the Chief and the Director to use excess receipts to satisfy outstanding liabilities for cancelled stewardship agreements and contracts; and
- Allow the Chief and Director to offset spending on stewardship contracting using any additional amounts that may be made available to the Chief or the Director for the applicable fiscal year.

Consistent with the purposes of S. 1300, the Forest Service supports efforts to increase the amount of forest restoration work on NFS lands. However, the Forest Service would like to work with the Committee on several aspects of the language related to the offset for stewardship contracts and agreements in this bill as well as to rethink provisions that would waive current acquisition laws and practices and not require potential termination and cancellation costs to be fully funded.

I want to thank the Committee for its interest, leadership, and commitment to stewardship contracting, our national forests and their surrounding communities. This concludes my prepared statement and I would be pleased to answer any questions you may have.

ON S. 1301

Mr. Chairman, and Members of the Subcommittee, I am Leslie Weldon, Deputy Chief for the U.S. Forest Service. Thank you for the opportunity to share the Administration's views on S. 1301, Oregon Eastside Forests Restoration, Old Growth Protection and Jobs Act of 2013. We would like to express our appreciation to Chairman Wyden for the leadership, energy and effort that went into developing this legislation and for his work to bring diverse interests together.

The Administration supports S. 1301; however, we are concerned that the agency may not have the capacity required to achieve the management targets prescribed in the bill. We want to continue to work with the Committee and the Chairman on this and other issues. USDA also has reservations about legislating forest management decisions and would hope that the work the Forest Service is doing to increase the pace and scale of forest restoration and management of the National Forests will make this type of legislation unnecessary in the future.

There are numerous concepts in the legislation that the Department strongly supports including: conducting assessments at a broad landscape scale to focus our efforts to achieve restoration results on the ground, reducing our road system to what is needed, maintaining a much needed wood products industry and infrastructure, promoting sustainable use of biomass as an energy source, and collaborating with interested parties. We recognize the need to substantially increase the number of treatment acres for ecological reasons. We look forward to working with the Chairman and the Committee to ensure good alignment between the legislation and our current efforts to achieve our common goal of restoration that provides ecological, social and economic benefits.

S. 1301 would authorize the Secretary to select all or part of one or more National Forests in Oregon as part of the Initiative. The provisions of the bill would apply to the covered area selected by the Secretary for a period of 15 years. In the covered area, the Secretary would be directed to seek accomplishment of certain land management goals, consider opportunities to carry out certain objectives, use landscape scale planning, prioritize vegetative management and hazardous fuel reduction to achieve performance goals, and carry out projects that would, to the maximum extent practicable, mechanically treat not less than 60,000 acres in the first fiscal year following enactment, not less than 80,000 acres in the second fiscal year; and not less than 100,000 acres in each of the subsequent years.

S. 1301 also would direct the Secretary to delineate areas of aquatic and riparian resources in the covered area and would provide that vegetative management projects in the delineated areas protect and restore those resources and comply with aquatic and riparian protection requirements in the existing land management plans. The Secretary would be directed to have an advisory panel prepare a restoration report of the covered area to establish land management goals and carry out ecological restoration projects including projects at a landscape scale.

In implementing these provisions, the Secretary would seek advice from the scientific advisory panel established under the bill. The Secretary also would consult with collaborative groups. On National Forests in Oregon and Washington, we are currently engaged in an eastside restoration strategy and are engaged in numerous

efforts to encourage and expand programs and activities that embrace many of the concepts in this legislation.

When Secretary Vilsack articulated his vision for America's forests, he underscored the overriding importance of forest restoration by calling for complete commitment to restoration. He also highlighted the need for pursuing an "all-lands" approach to forest restoration and for close coordination with other landowners to encourage collaborative solutions.

To that end, the President's FY 14 budget proposal includes a \$757 million Integrated Resource Restoration line-item. This integrated funding approach will allow the Forest Service to apply the landscape scale concept, similar to the landscape scale efforts envisioned in this bill, across the entire National Forest System. In addition, the FY 14 budget provides \$40 million, the full authorized amount, for the Collaborative Forest Landscape Restoration Program (CFLRP).

Three notable and selected CFLRP projects in eastern Oregon include the Skyline Project, the Lakeview Stewardship Project, and the Southern Blue Mtn. Projects. These three projects represent over 1,600,000 acres of landscapes in eastern Oregon in desperate need of restoration work, which has begun. On all three projects, the Forest Service is working with the associated collaboratives to prioritize accomplishment of restoration work. CFLRP funding for these three projects is over \$5 million dollars per year for the next 8 years. This funding is combined with matching National Forest System funding to increase the pace of restoration implementation in the project areas and doubles the amount of acres we can restore.

The Forest Service is very interested in expanding collaborative restoration efforts within the State of Oregon and throughout the country. We are focusing on advancing several principles we believe are paramount to accomplishing restoration on the entire National Forest System. These principles include collaboration with diverse stakeholders, efficient implementation of the National Environmental Policy Act, greater dialogue areas of conflict prior to the decision, ensuring opportunities for local contractors, expansion of the use of stewardship contracting if reauthorized, and monitoring to track our results on the ground.

As Secretary Vilsack has noted previously, the Forest Service has reservations about legislating specific treatment levels and other aspects of our forest plans and identified several items of concern with the legislation. However, the Senator's office, Committee staff, and the Forest Service worked together and made significant progress in addressing these concerns. The Agency has a meaningful national approach to management of the national forests that takes into account local conditions and circumstances through the development and implementation of Land and Resource Management Plans. Achieving performance levels proposed in this bill may be outside agency current capacity. USDA wants to ensure that this does not negatively impact other Forest Service priorities in Region 6 as well as shift funds from other areas of the country where high priority work is also underway and important to achieve. In addition, specific levels of treatment may also result in unrealistic expectations on the part of the communities and forest product stakeholders that the agency would accomplish the quantity of treatment required. In addition, we have various corrections, clarifications, and modifications to suggest and would be happy to work with the Committee staff to address these matters. They include the number of forests covered by this legislation, suggested planning area acres thresholds, the setting of age limits for harvest, compatibility with PACfish and Infish, Environmental Impact Statement timelines, and budgets.

We have a strong interest in accelerating our restoration activities to achieve resilient landscapes and ecologically and economically healthy communities and we look forward to working with you to achieve these common objectives.

I want to again thank Chairman Wyden for his leadership and strong commitment to Oregon's national forests, their surrounding communities, and forest products infrastructure. I look forward to working with the Senator, his staff, and the Committee, and all interested stakeholders to help ensure sustainable communities and provide the best land stewardship for our national forests. This concludes my prepared statement and I would be pleased to answer any questions you may have.

ON H.R. 862

Chairman Manchin and members of the Subcommittee, thank you for the opportunity to appear before you today to provide the Department of Agriculture's views on H.R. 862, a bill designed to correct an erroneous, private survey on the Coconino National Forest in Arizona.

The Department supports this bill.

In 1960-61, privately contracted surveyors surveyed two sections of land in what is now known as the Mountaineer Subdivision, which largely abuts the Coconino

National Forest. Both surveys were found to be inaccurate when the Bureau of Land Management conducted a survey in 2007. The BLM survey correctly re-established the boundary of the National Forest System lands.

Because of the erroneous private surveys, approximately 19 parcels totaling 2.67 acres of National Forest System land now have structures built on them. Although the Forest Service has authority under the Small Tracts Act (Public Law 97-465) to sell this land to the homeowners, H.R. 862 would more quickly and efficiently resolve the issue with all property owners at the same time.

Section 1(c) of the bill would provide for consideration in a fixed amount of \$20,000. To ensure that appropriate compensation for the land to be conveyed is recovered on behalf of the American taxpayer, an appraisal should be done consistent with Federal appraisal standards and the homeowner would pay the appraised value. The bill should also provide that the homeowner should bear other administrative costs associated with the conveyance.

I would be happy to answer any questions you may have.

ON H.R. 876

Mr. Chairman, and Members of the Committee, thank you for the opportunity to share the Administration's views on H.R. 876, the 'Idaho Wilderness Water Resources Protection Act.'

The U.S. Forest Service supports H.R. 876. The bill authorizes the issuance of a special use permit for the continued use of water storage, transport, or diversion facility located on National Forest System lands in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in Idaho. The permits will only be issued to the water system owners of the water systems identified within these two wilderness areas and if certain conditions are met. We would like to work with the committee and the sponsor to locate on a map the water facilities authorized under this bill.

Currently, there are over 20 water developments within the Frank Church-River of No Return and Selway-Bitterroot Wilderness Areas that predate establishment of the wilderness, in some cases by decades.

These developments include hydropower developments, irrigation, and domestic water uses. The legislation establishing both wilderness areas did not address these pre-existing water developments. H.R. 876 would direct the Forest Service to issue special use authorizations, if the Secretary makes the following determinations: the facility was in existence when the wilderness area on which the facility is located was designated as part of the National Wilderness Preservation System; the facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation; the owner of the facility has a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that pre-dates the date of designation; and it is not practicable or feasible to relocate the facility outside the wilderness and achieve the continued beneficial use of water on non-Federal land. We understand that the bill does not create any rights beyond what is provided in the special use permit and that both maintenance responsibilities and liabilities continue with the permit holder, and not the Federal government.

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

Senator MANCHIN. Thank you.

At this time, I will start the questioning and then we'll go back and forth through our Senators up here for further questions.

First of all, this will be to Ms. Katherine Hammack.

You mentioned that the Army has significant concerns with language in Senator Baucus's bill—that's S. 1169—relating to the activities of the limestone mine operator. I understand there's an existing agreement that specifies how the mine and the military training will coexist.

Why is there now a conflict? Is the current operating agreement with the mine no longer adequate?

Also, I think in this question, do you know if the Governor of the State of Montana is an agreement with the proposed withdrawal language from the Montana National Guard, since the Governor

would be the commander in chief for the National Guard in Montana.

Ms. HAMMACK. In regards to the first question, we are in support of the existing mining claims in the existing agreement. Unfortunately, the language expands that to claims that have been closed or retired, and allows additional claims to be allowed. So it goes beyond the existing mining claims.

So that is our objection. It's going beyond the existing agreement, the existing mining claims, essentially opens up the whole area.

Senator MANCHIN. Can I ask a question, the limestone mining in that region, is it by law required to reclaim that land for use? I would think if it would be reclaimed properly, you would still have adequate use of it.

Ms. HAMMACK. The concern in the legislation is it opens up the aperture beyond the existing agreements, which have been in place for many years and are regularly reviewed.

Senator MANCHIN. I mean, the land that they've already mined, is it usable after they get done with it?

Ms. HAMMACK. There is an agreement by which it is restored to a point where there can be multiple uses of the land whether it is by the Army, grazing, timber, or other areas.

Senator MANCHIN. So there's reclamation. Is reclamation part of this?

Ms. HAMMACK. That is my understanding, yes, sir.

Senator MANCHIN. Do you know if the Governor is in agreement?

Ms. HAMMACK. My understanding is that the Governor is in agreement with the withdrawals as specified in S. 1309, which is the administration's proposal.

Senator MANCHIN. This question will be to Mr. Natsuhara. In 1309, the military land withdrawals, are the military land withdrawals for the China Lake and Chocolate Mountain sites simply renewals of existing authority or are they changing current uses?

Mr. NATSUHARA. They are essentially the same. There is some additional training, the number of evolution, but the training and testing are the same in both locations.

Senator MANCHIN. Also, you discuss the proposal of new military land withdrawal at Twentynine Palms to be used for marine field training and noted the area is also popular for off-road vehicle recreation.

What steps are you taking to avoid conflict between the military and the recreational use?

Mr. NATSUHARA. We work very closely with the public through the Environmental Impact Statement process. In fact, the alternative we selected was a new alternative developed during that process with the off-road vehicle community, and over a third of the land withdrawals that we're requesting would be available for 10 months of the year. So it would be shared to use with them.

Senator MANCHIN. My final question goes to Ms. Leslie Weldon. On S. 37 and S. 364, I have a question about those 2 Montana bills, the Forest Jobs and Recreation Act and the Rocky Mountain Front bill.

What will be the effect of the wilderness and conservation designations on existing hunting and fishing uses on those National Forest lands?

Ms. WELDON. Thank you. The designation of those areas as wilderness will allow hunting and fishing to continue. That hunting and fishing—

Senator MANCHIN. Is there agreement for that, because usually, with the wilderness designation, that doesn't happen?

Ms. WELDON. What is interesting about these areas is they have already been through a public process with the S. 37 that have them as part of forest plans. The difference would be just the ability and type of access, but these are already backcountry areas. So we don't think there would be much difference.

Senator MANCHIN. So, basically, the hunters and sportsmen will still have access?

Ms. WELDON. Yes.

Senator MANCHIN. Be able to use the lands being used?

Ms. WELDON. Yes.

Senator MANCHIN. Are they able to do any habitat rehabilitation, or is it going to be all natural?

Ms. WELDON. Within wilderness, we would favor more natural through wildfire, compared with other more intensive mechanical-type treatments.

Senator MANCHIN. OK, I have no further questions at this time.

Senator Flake.

Senator FLAKE. Thank you, Mr. Chairman, and I thank the witnesses.

Mr. Farquhar, with regard to S. 1300, you mentioned that you would support, if there were a couple of amendments to the legislation. Can you describe those? What do you need in order for the BLM to support?

Mr. FARQUHAR. Senator Flake, the stewardship contracting tools that are provided right now don't have the same ceiling provisions, and there's kind of a technical budget issue there that we're concerned about in the administration.

The BLM actually doesn't exercise that very often itself, because our contracts are smaller and not over as long a term. But we do think, along with the Forest Service, that that provision would need to be changed.

Senator FLAKE. OK, assuming that that could be rectified, then you would be able to support?

Mr. FARQUHAR. Senator, we're very enthusiastic about stewardship contracting, very grateful that you've introduced this bill.

Senator FLAKE. OK, thank you.

Ms. Weldon, can you speak to that as well? I know there are concerns for the offsets, but we have to deal with that anyway here. So assuming that that can be fixed, you'd be OK as well?

Ms. WELDON. Yes, we are quite enthusiastic about the prospect of having this reauthorized for 10 years. We believe that there's some opportunity for us to work through the issues that are there, and we would really appreciate continuing to work with you on those.

Senator FLAKE. Thank you. I know that there was some concern on the ceiling.

Ms. WELDON. Yes.

Senator FLAKE. Flexibility there. If you look in other areas, flexibility in this ceiling is used in the Department of Defense as well.

In fact, in 1998, Jack Lew, who was then acting OMB Director, issued a memorandum encouraging agencies to look at cancellation ceiling flexibility to enter into these contracts with energy efficiency.

They said that out-year costs and potential cancellation charges are not required to be financed upfront. So what we're looking at here, which I think everyone has identified as a potential obstacle—not a potential obstacle, has been an obstacle, some of these long-term contracts. We see it in other areas or other agencies being used. So we hope that we're able to come to an agreement there.

Ms. WELDON. Yes, we're very encouraged to see some other examples that could hopefully be used as a model here as well.

Senator FLAKE. Thank you. I don't need to tell you how desperate we are in Arizona to—

Ms. WELDON. Yes.

Senator FLAKE [continuing]. To ramp up this process and to treat more acreage. We've seen over the past 10 years 2 once-in-a-lifetime fires. We burned nearly a million acres. About a fourth of our entire forests in Arizona have gone up in smoke and more are threatened certainly unless we move ahead and go beyond just the wild land-urban interface but get deep into the forest.

We believe that this will allow us to move more quickly, and we would greatly appreciate your input as we go along, and your support for this legislation.

So thank you so much.

Ms. WELDON. Thanks very much.

Senator MANCHIN. Senator Heinrich.

Senator HEINRICH. Thank you, Chairman, and I want to thank my colleague from Arizona as well for his work on stewardship contracting. That's critically important.

I want to thank Assistant Secretary Hammack for being here today to provide the Department of Defense's thoughts and perspectives on our legislation in New Mexico, and to articulate why these land boundary adjustments are so important for the military training in the region.

I want to say upfront that I look forward to working with Deputy Secretary Farquhar to address the technical issues that you referenced. We're more than happy to make that happen.

This is a very important bill for southern New Mexico and, frankly, an important bill for our national security. So I appreciate the subcommittee's work today.

Assistant Secretary Hammack, in your testimony, you kind of describe how the Dona Ana tank gunnery and artillery range complex at Fort Bliss can generate an awful lot of noise and vibration and dust. Can you go into a little greater detail about why the withdrawal is so important for the future of Fort Bliss and military training in the region as a whole?

Ms. HAMMACK. Certainly. What we are seeing on our bases throughout the United States is encroachment, and encroachment from residential housing, from commercial enterprises can conflict with the training activities that occur.

In this area on the southern boundary of Fort Bliss where we do a lot of our training and it is one of our national training centers,

we are concerned that the continued encroachment of the city could cause additional conflict. The withdrawal of these lands as boundary conditions are really acting as a compatible use buffer. We do not have intention of doing training on them but preserving them from development so that the mission of the base can be preserved.

Senator HEINRICH. In a related question, S. 753 transfers jurisdiction over about 5,100 acres from the BLM to the Army, a little over 2,000 acres from the Army to the BLM, and then this buffer area, just over 35,000 acres that you referenced, and keeps the BLM from disposing or developing that particular part.

Can you talk a little bit to the committee about why it's important to do these 3 things together as opposed to a more piecemeal approach?

Ms. HAMMACK. They all have the same impact, and that's a very good point. The impact is buffer.

We are not going to do training on them. We're not going to do live-fire training on them. But it preserves the security mission.

The 5,100-acre portion that is withdrawn for the benefit of NASA and the NRO Aerospace Data Facility is a mission that's close to the boundary. We have security issues. We've already seen some security issues there, because of the close proximity to public access.

So giving us this standoff of 5,100 acres still reserves the lands for use by missions that are not conflicted. So it's wildlife sustainment, endangered species, et cetera. But it gives us a physical security boundary to ensure that we don't have trespassers that could inhibit the mission that we are doing there.

Binding these all together, they all have the same reason. It's a buffer that we need for the military.

Senator HEINRICH. Better stated than I could have myself, so thank you.

I did want to ask, Deputy Assistant Secretary Farquhar, on the 35,000 acres that basically becomes a buffer under this legislation, would any of the current uses in that area, the multiple uses that exist there today under Bureau of Land Management management, be prohibited if this bill is passed?

Mr. FARQUHAR. Senator Heinrich, I'm not aware of any uses that would be prohibited, but I'd rather get back to you with more detail and a correct answer.

Senator HEINRICH. Thank you. I appreciate your time.

Thank you, Chairman.

Senator MANCHIN. Thank you.

Senator Cantwell.

Senator CANTWELL. Thank you, Mr. Chairman.

I wanted to ask Deputy Chief Weldon, first of all, thank you so much for your testimony in support of S. 404. I wanted to just clarify.

The Forest Service, were you looking to remove or destroy this lookout prior this court decision?

Ms. WELDON. We were not. We were actually looking at restoring it and having it continue to occur within the area.

Senator CANTWELL. OK. Have you talked to people in the local community? What have they said about it?

Ms. WELDON. There's good support for having it retained as a historic part of the landscape there within the wilderness.

Senator CANTWELL. OK, so if this legislation was passed this year, the lookout would still be preserved in that time period?

Ms. WELDON. I believe we would need to finish some analysis to allow us to do the complete job of the restoration work we want to do there. But that is something that doesn't require an extensive NEPA process. We think it could be done relatively soon, but I'm not sure if it would be within the year.

Senator CANTWELL. OK, my point was if this legislation, 404, passed by the end of the year, you wouldn't be destroying the lookout tower before then, is my point.

Ms. WELDON. No, we would not.

Senator CANTWELL. OK, all right.

Thank you, Mr. Chairman.

Senator MANCHIN. Are there any more questions from the Senators?

If not, we're going to in recess just for a minute. Senator Barrasso is coming back. He had to go to another committee hearing. Then he had a few questions to ask, if you could just remain where you are now, we'll be right back with you.

Thank you.

[Recess.]

Senator MANCHIN. Senator Barrasso will not be able to make it back, so at this time, the committee stands adjourned.

[Whereupon, at 11:45 a.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF LESLIE WALLACE TO QUESTIONS FROM SENATOR BARRASSO

Question 1a. I would like to inquire about the budget and resource capacity for the two bills, S. 37 and S. 1301. As I stated in my opening, I appreciate the concern with the status quo on our forests and the desire to get more timber produced. I also recognize that for the foreseeable future the Forest Service budget will be severely constrained.

In your past testimony from May 18, 2011 on S.220, a similar version of S. 1301, the Forest Service said:

“Achieving performance levels proposed in this bill is outside agency current capacity and could result in the shifting of funds from other areas of the country where high priority work is also underway and important to achieve.”

Now this time your testimony changes slightly to “may be outside current capacity” and

“USDA wants to ensure that this does not negatively impact other Forest Service priorities in Region 6 as well as shift funds from other areas of the country . . . ”

This language about USDA concerns also appears in your testimony regarding S. 37.

It seems this is a distinction without a difference. Does the Forest Service still have the same basic concerns about these bills?

Answer. Yes. Funding issues are still a concern.

Question 1b. If these bills are signed into law, as currently written, does the agency have the money needed to implement all of the timber work without negatively impacting other priorities?

Answer. At the current budget level, no.

Question 1c. If increased funding is necessary but not provided by Congress to accomplish the performance levels in these bills, will the Forest Service direct funds from other forests or regions to accomplish them?

Answer. It would depend on the language in the bill, and on our priorities as determined at the time.

Question 1d. How will the USDA ensure that these bills don't result in shifting of funds from other areas of the country?

Answer. It is true that USDA may need to shift funds from other areas. Depending on the language in the bill we will continue to evaluate needs in all national forests and allocate funds accordingly.

Question 2. Both S. 37 and S. 1301 legislate forest management direction and, in some cases, specific treatment levels or harvest mandates that apply on a state or forest-specific basis. From your testimony it appears that you believe this is a poor idea.

As a land management agency, do you support Congress legislating management prescriptions on a state-by-state and forest-by-forest basis?

Answer. As a general rule, we don't support legislating prescriptions on a state-by-state or forest-by-forest basis, as new research and data often suggest new management approaches. In addition, site specific attributes need to be considered in developing optimum prescriptions to meet the objectives for individual analysis areas.

Question 3a. I'd like to clarify some specifics in S. 1301 that may have policy implications nationwide.

Last Congress's version of this bill would have sunset after 15 years, this version permanently legislates management for the Eastside Forests including legislating diameter caps and age limits for tree harvest.

Congress has never legislated diameter caps or age limits on tree harvest. That would be a significant new precedent.

Does the Forest Service support legislating diameter caps on tree harvest?

If yes, Will you provide me the scientific basis for this precedent?

If no, Why not?

Answer. No. Site specific attributes and best available science needs to be considered in developing optimum prescriptions to meet the objectives for individual areas.

Question 3b. Does the Forest Service support legislating age limits on tree harvest?

If yes, Will you provide me the scientific basis for this precedent?

If no, Why not?

Answer. No. Site specific attributes need to be considered in developing optimum prescriptions to meet the objectives for individual analysis areas. In addition, the age of a tree cannot be discerned with a visual inspection, necessitating boring of the tree, which is time consuming and can be harmful to the tree.

Question 4a. Section 4(e)(2)(C)(i) references the Decision Notice establishing the 21" diameter "eastside screens" prohibitions as an alternative to the 150 year old age prohibition included in Section 4(e)(1). However, Section 4(e)(2)(C)(ii) maintains a prohibition on cutting any live tree over 150 years of age. Please provide the following information:

What purpose does the Forest Service see for the exception to use the 21 "eastside screens located at 4(e)(2)(C)(i) if it is still prohibited from harvesting any tree older than 21" (150 years).

Answer. The proposed text appears to try to give some flexibility to cut trees greater than 21 inches as long as they are less than 150 years old. This would be hard to implement, though, because one cannot use visual inspections to determine the age of a tree, and boring trees can be harmful and be quite time consuming.

Question 4b. By including a reference to the eastside screens decision notice in legislation, would the Forest Service be barred from administratively changing the eastside screens requirement in future forest plan revisions?

Answer. Possibly. We need to do a more thorough legal analysis of this issue.

Question 5. This year there is a new provision in S. 1301, an earmark carve out of 5 percent of the national funds for the 'Forest Health-Federal Lands' budget line item under the State and Private Forestry appropriation which would provide approximately \$2.4 million of national funding to just three forests in Oregon.

How would this carve out affect other national forests and your program priorities nationally that receive funding from this appropriation program account?

Answer. It would reduce the amount available to other regions and forests.

Question 6a. S.404 is a great example of how broken our legal system really is with respect to implementation of environmental laws. In this case, it's the Wilderness Act. First, the Forest Service as I understand it made 65 helicopter trips to repair and restore a lookout tower in a wilderness. Now, the Forest Service is being told by a judge, who agreed with an environmentalist lawsuit, to remove the historic lookout tower built in 1933.

This one example of an unintended consequence is why many people are so skeptical of wilderness designations. Today we have legislation before us to preserve a man-made historical structure that the Wilderness Society calls a "local wilderness treasure."

Answer. The flight costs were approximately \$100,000. The cost to rebuild the structure was approximately \$108,000.

Question 6b. How much did the litigation cost the Forest Service? Were any legal fees requested to be reimbursed by the plaintiffs? If so, how much?

Answer. The Forest Service does not collect data on Forest Service costs for litigation. For the Plaintiffs, the legal fees requested were \$89,392 and the final dollar amount awarded was \$70,804.19.

APPENDIX II

Additional Material Submitted for the Record

MONTANA FOREST.ORG,
July 26, 2013.

Hon. RON WYDEN,
Chairman, Committee on Energy & Natural Resources, 221 Dirksen Senate Office Building, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member, Committee on Energy & Natural Resources, 709 Hart Senate Office Building, Washington, DC.

Hon. JOE MANCHIN,
Chairman, Subcommittee on Public Lands, Forests & Mining, 306 Hart Senate Office Building, Washington, DC.

Hon. JOHN BARRASSO,
Ranking Member, Subcommittee on Public Lands, Forests & Mining, 307 Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMEN AND RANKING MEMBERS,

We write as representatives of a diverse Montana coalition who strongly support S. 37, Senator Tester's Forest Jobs and Recreation Act. Thank you for scheduling a hearing on this legislation, and we look forward to working with you on this important bill.

As business owners, loggers, conservationists, sportsmen and sportswomen, we have worked hard to put aside our differences to ensure that: rural Montana has a healthy economic future, we restore fish and wildlife habitat, and protect some of the state's most deserving wild places. Collaboration is a common buzzword meaning different things to different people. To us, it means sitting down with our neighbors and sometime adversaries long enough to get to know one another and discover the values that we share as Montanans. It means respecting one another and forging a common vision for our communities' future. We have done this in laying the foundation for the Forest Jobs and Recreation Act.

It wasn't easy. Montana's history of disputes over natural resources management and land protection is long and bitter. Over time, we've realized these fights haven't produced any winners. Our way of life and outdoor heritage has suffered as a result.

The timber industry and some native trout populations have both been in decline and are just hanging on. Iconic elk populations in the state saw their vital habitat continually fractured by road building. Some of Montana's pristine—and popular—backcountry never got the protection it deserved, costing us precious wilderness quality lands. Passage of S. 37 moves us beyond this divisive past.

Combining a solid plan for forest stewardship with the protection of key public lands will help to ensure Montana's future economic prosperity. Montana's outdoor heritage makes our state unique, and our public lands are an important economic driver. Many businesses and individuals come to Montana because of the high quality of life associated with abundant public lands and outdoor recreation, bringing jobs, investment, and economic development to our communities.

As you are aware, the Forest Jobs and Recreation Act advances four major goals:

- Maintain a healthy timber industry that provides wood products and jobs in rural Montana communities.
- Improve degraded but important fish and wildlife habitat.
- Protect public land to ensure access for future generations.
- Support a robust recreation economy including both motorized and non-motorized use.

The bill achieves these goals by:

- Designating 677,000 of wilderness across western Montana.
- Implementing forestry projects designed to reduce fuel loads in fire-prone areas, decrease road densities, and produce wood products.
- Designating national recreation and special management areas to provide a variety of outdoor recreation opportunities.

By achieving these goals, Congress will help advance Montana's economic development by:

- Providing direct jobs in the timber industry, and the communities that rely on it;
- Expanding economic opportunities through restoration activities as well as increased recreation and tourism;
- Providing a desirable place to live and work that will help attract new businesses and jobs.

This legislation will help to resolve forest management conflicts that have remained unresolved for decades. Much of the measure focuses on one primary outcome: protecting and restoring critical watershed and forest health and function.

Some parts of Montana's national forests are impaired by previous management, beetle and disease infestations, and excessive fire suppression. High road densities, clogged culverts, and compromised forest stand structure have altered wildlife habitat and water quality. Our wood products infrastructure—the very tools necessary for restoration—is at risk of disappearing. This legislation aims to increase the pace and scale of restoration of forestlands, while reducing the Forest Service's road maintenance costs, leading to important improvements in ecosystem health.

Many years of hard work created this legislation. Montana's forests, wood products industry, communities, fish and wildlife populations deserve a chance to see it enacted. We welcome the opportunity to work with you and our entire congressional delegation to achieve passage of a bill that rewards the promise of so many working together for a common goal.

Thank you for your leadership and for considering our support for this important legislation.

Sincerely,

SHERM ANDERSON,
Sun Mountain Lumber.

BARB CESTERO,
Greater Yellowstone Coalition.

ROBYN KING,
Yaak Valley Forest Council.

PETER AENGST,
The Wilderness Society.

BRIAN SYBERT,
Montana Wilderness Association.

DAN DALY,
Roseburg Forest Products.

ED REGAN,
RY Timber.

TOM FRANCE,
National Wildlife Federation.

BRUCE FARLING,
Montana Trout Unlimited.

LOREN ROSE,
Pyramid Mountain Lumber.

WAYNE HIRST,
Wayne Hirst and Associates.

TIM LINEHAN,
Linehan Outfitting Company.

NICK GEVOK,
Montana Wildlife Federation.

STATEMENT OF THREE RIVERS CHALLENGE PARTNERSHIP, TROY, MT

ON S. 37

It humbles us for the Senate committee to receive this testimony about our small but vital place-based peace proposal. With all the pressing domestic obligations of the Senate, we are keenly aware of the time demands upon the committee's members.

The immensity of the domestic concerns of the day are familiar to us. Our own domestic issue is important to us—it is as vital to us at a local level as it is to all the rest of the country, shared stakeholders in these public lands, whether they ever visit or use these lands directly or not, and passage of this bill will bring peace, solace, and solitude to future generations, and will preserve a way of life in northwest Montana that is otherwise fast-vanishing, but we will get to the specifics of that momentarily. We first wish to thank our Senators for their leadership, and the committee, with its oversight on these beloved federal lands upon which so many of these diverse interests take place.

Although our issue is smaller than the federal deficit, smaller than immigration, smaller than global warming—smaller, perhaps, than anything else you will look at this year—and how odd, for such a state as Montana to submit so compact and modest a proposal—it is huge in our hearts. In the Yaak Valley of extreme northwest Montana, up on the Canadian and Idaho borders, we have been waiting for over 45 years for such a proposal, and quite frankly, the success of this venture came only when the local environmental community stopped exclusively pressing for what it wanted and needed, and thought to ask what it was their opposition wanted—that they were for, rather than simply what they were against—that the Three Rivers Challenge's various interest groups first began to consider what useful and effective collaboration might create a map of common ground, and the value such a map would hold for land managers.

In this regard, though our proposal is an extremely local suggestion for a relatively small portion of one ranger district on one National Forest, the much-beleaguered Kootenai—we hope there might be larger benefits and implications for polarized communities who seek to choose collaboration over the gridlock and crippling social and economic and ecologic effects of unthinking and ceaseless war. We hope and believe the success of our project can serve as a model for the rest of the West, and the country—or any community, anywhere—on any issue, with our mapping of common ground.

Our meetings have been open to the public, with an invitation to any and all who are interested in coming up with positive solutions for the creation of such a map—such an experiment—and through hundreds of meetings over the last five years we have performed extensive outreach to not only local individuals and groups, but state and regional and national interests as well. Our supporters are comprised of a gold-standard mix of what were once the most unlikely of allies, and include representatives from hunting and fishing guides, local snowmobile clubs, the local ATV club, stewardship forestry contractors, loggers, roadbuilders, local and state and regional environmental groups, school boards, and the general business community.

In a nutshell, with regard to the Three Rivers (“Yaak”) portion of Senator Tester's and Senator Baucus' bill, the following goals are accomplished: wilderness and special areas are protected in the Yaak; overstocked forests will be treated to reduce fire risk and to help provide a sustainable flow of fiber for the local and regional wood products industry; forest restoration needs will be accomplished, resulting in healthier watersheds and wildlife habitat, and local employment; and the needs of motorized as well as nonmotorized recreation are addressed. Guides and outfitters benefit as well from a healthier local economy and by being able to provide wilderness and backcountry experiences to their clients, and by the retention of trout and elk populations.

Please accept our general testimony above, and the specific testimony below.

Wildlife.—Hand-crafted over six years, contour by contour, in consultation with state and federal biologists, the Three Rivers Challenge protects—and increases—critical grizzly bear habitat. It protects the headwaters of the imperiled inland redband trout, a species whose habitat local conservation groups are working to improve in order to recover the species, hopefully without the expense of an Endangered Species listing. The Yaak Valley is about more than grizzlies, trout and wolverine, however—it is home to salamanders, frogs, vireos in the springtime, carnivorous sundews, ferns and orchids, and protecting some of the wildest and farthest reaches of the valley will help ensure protection for the habitat of these and so many other species. The Forest Jobs and Recreation Act, and the Three Rivers Challenge compo-

ment within that bill, is good for wildlife, and the state's rod and gun clubs, and guides and outfitters, ask you to support it.

Timber Industry.—The timber industry in Lincoln County and the West is dying. Slower growth rates that elsewhere in the country, diminishing ecological thresholds, at-times overzealous litigation, unfair foreign competition, dramatic increases in labor-saving technology, the bursting of the housing bubble, increased insurance costs, fluctuating interest rates, and other factors, all in play even before the recession hit, have resulted in one mill after another closing. Particularly hard hit are the independent family-owned mills. Not only are we losing good-paying manufacturing jobs that are the backbone of many families' existence in our community, we are also quickly losing the infrastructure and skillsets required for forest management in sensitive and overstocked areas-next to towns and homes-at the precise time when we can least afford it, as many forests begin to collapse from fire suppression, heat, drought, and insects.

The Forest Jobs and Recreation Act, and the Three Rivers Challenge component within it, is good for what little remains of the Montana timber industry, and the Three Rivers Challenge asks you to support it.

Community Dynamics.—Success for local forest collaboration and more effective execution of land management prescriptions rests upon the success of Senator Tester's and Senator Baucus' Forest Jobs and Recreation Act, as does the hope that future political leaders will, with positive reinforcement, match their courage on this measure that has been decades in the making. Multigenerational conflict and hostilities so deepset and established that their reasons or causes are sometimes not even remembered are fading quickly now, as a result of the fledgling trust and shared hopes of the parties involved in this historic proposal. The decades of polarization-and their associated lack of productivity-will be a thing of the past, with the passage of this relatively small but landmark legislation.

Wilderness.—The Forest Jobs and Recreation Act, and the Three Rivers Challenge component within it, protects the first wilderness area in the Yaak ever, since the Yaak's first omission from wilderness designation in 1964, when the Wilderness Act was originally passed. The Yaak Valley is one of Montana's wildest and most biologically diverse; it is the only valley in the Lower 48 for which it can be said no species has gone extinct since the end of the last Ice Age. The Yaak has been identified by the public as well as the U.S. Forest Service as the most under-represented forest-type in the National Wilderness Preservation System in Region One, and some of the lands protected in the Three Rivers Challenge agreement within this legislation contain lands that received the highest wilderness capacity rating of any place on the Kootenai National Forest.

Further, passage of the Forest Jobs and Recreation Act will help through its collaborative nature to detoxify the concept of wilderness in the region, which can only help the concept and future of wilderness in Montana. The Forest Jobs and Recreation Act, and the Three Rivers Challenge component within it, is good for wilderness, and we ask you to support its passage, after 45 years of waiting.

Recreation Community.—The Forest Jobs and Recreation Act will protect access for motorized as well as nonmotorized recreation opportunities, providing permanent access to current existing use by snowmobiles in portions of the Northwest Peaks, Buckhorn Ridge, and Mt. Henry Roadless areas, while identifying adjacent areas to be set aside for wildlife displacement. The needs of primitive campers and backcountry skiers have also been identified and provided for in our agreement. As well, our agreement calls for a study to help identify noncontroversial loop routes for ATV usage. By codifying existing usage and identifying protected areas, wise allocation of various noncompatible resource use is established, and recreational interests are rewarded and encouraged.

We thank you again the committee for your kind attention to this matter on which we have labored with such diligence and commitment for so long-nearly half a century, in some instances-and we look forward to the positive community and cultural changes that will be accomplished at the state and regional level, and we wish to reiterate, again, our gratitude to our Senators for their bold leadership, which we hope the committee will fully support.

Three Rivers Challenge Partnership Representatives: Wayne Hirst, Hirst and Associates Robyn King, Yaak Valley Forest Council Jerry Wandler, member, Troy Snowmobile Club Joel Chandler, member, Kootenai Ridge Riders Tim Linehan, Linehan Outfitting Company Donna O'Neil, member, Lincoln County Sno-Kats Rick Bass, Yaak Valley Forest Council

STATEMENT OF SCOTT MORRIS, PRESIDENT, DARRINGTON HISTORICAL SOCIETY,
DARRINGTON, WA

Greetings from the Pacific Northwest,

Thank you for the opportunity to testify about an issue that is very dear and personal to my community. My name is Scott Morris, and I am the president of the Darrington Historical Society. On behalf of the Historical Society, as well as many friends and neighbors, I respectfully request that the honorable members of this Subcommittee support S. 404 to preserve the Green Mountain Lookout in the Glacier Peak Wilderness. The lookout is threatened by a lawsuit that is attempting to remove it from the wilderness.

Green Mountain Lookout is a symbolic icon for our small town in the North Cascades. It was built in 1933 with a strategic and expansive view of the forests up the Suiattle River and on the flanks of Glacier Peak's volcanic ridges. In World War II it served as part of the early warning network of lookouts designed to spot aerial invasions of the West Coast.

In the 1960s, it survived, avoiding the fate of most of its counterparts, which were burned and dismantled by the Forest Service. Fear of liability and the advent of airplanes spelled doom for most lookouts. Today, only 16 remain of the more than 90 that were built in northwest Washington state.

A few of those, such as Green Mountain Lookout, found themselves inside wilderness boundaries after passage of the Wilderness Act in 1964 and subsequent wilderness expansions. In some cases, Congress has specifically exempted a few key lookouts from the law's requirement that structures be left to rot naturally in the wilderness. Unfortunately, in 1984 when the Glacier Peak Wilderness was expanded to include Green Mountain's summit, Congress did not make such an exemption for that lookout. I suspect the reason is simply because nobody could have foreseen that anybody would take issue with a historic restoration of the lookout two decades later. The lookout was placed on the National Register of Historic Places in 1987.

Indeed, as the members of the Historical Society and the Darrington community came together during the 1990s to dream up and carry out the eventual historic restoration, the comments received by the Forest Service about the project were overwhelmingly supportive, with little or no opposition.

The restoration that began in the late 1990s was completed on the mountaintop following appropriate environmental and historical restoration procedures, with a minimum of helicopter support. But by the summer of 2002, it became apparent that the foundation design was faulty. The lookout was leaning badly from heavy snows the previous winter. It was in clear danger of falling off the summit to its destruction under the weight of the next winter's snows.

Faced with a difficult decision, the Forest Service decided to remove Green Mountain Lookout, taking care to number and label the boards and windows so they could be reassembled in their proper places on a new, stronger foundation.

Extreme floods and road washouts delayed the restoration until 2009, when the lookout was finally restored atop Green Mountain. In 2010, an out-of-state, hardline group called Wilderness Watch sued the Forest Service, alleging that the restoration violated the Wilderness Act. A U.S. District Court judge in Seattle agreed in 2012 and ordered the Forest Service to remove the lookout. Later, the judge remanded the issue to the Forest Service as to how to comply with his order, and those who sued are pressuring the agency to remove the lookout as soon as this summer.

Obviously time is of the essence. We are grateful to this subcommittee for giving this bill a hearing. A companion bill is already moving in the House. I testified in person last week at the House subcommittee hearing. Fortunately, fixing this problem is easy—Congress can simply exempt Green Mountain Lookout from the Wilderness Act and allow the Forest Service to maintain and restore it. Indeed, Wilderness Watch and U.S. District Judge John C. Coughenour each pointed out that Congress has done so in other instances, including the Evergreen Mountain Lookout in the new Wild Sky Wilderness to the south of us.

The legislation that our Washington state delegation in Congress was kind enough to move forward is a modest proposal, designed to build widespread, bipartisan support. We are not asking for a far-reaching bill that substantially changes the Wilderness Act. The exemption of Green Mountain Lookout does not represent some kind of camel's nose in the tent that would somehow lead to resurrecting a bunch of long-dead lookouts in wilderness areas. The historical trend is that we are losing most of the CCC-era lookouts, and thus, Green Mountain Lookout merits an exemption.

But don't just take our word for it. We have a long list of supporters for this bill. The Wilderness Society, notably, supports S. 404. They see the lookout as enhancing the public's enthusiasm for wilderness areas. The Nature Conservancy also supports

this bill. A broad range of local, state and national groups and legislators have joined with us to protect Green Mountain Lookout, from the National Trust for Historic Preservation (and its state affiliate), to the Forest Fire Lookouts Association, the Snohomish County Council and the Darrington Town Council, among others. Support among legislators is bipartisan—Republicans and Democrats alike stand behind this bill. The Everett Herald and Seattle Post-Intelligencer have each editorialized in favor of protecting the lookout.

In the end, though, the reason so many of us feel strongly about this simple 14-by-14-foot mountaintop cabin is the sense of magic it conveys. I had the great fortune to visit Green Mountain Lookout last summer, and I was lucky enough to see firsthand the classic North Cascades lookout sunrise, with clouds filling the valleys, and only the tallest mountaintops peeking through while the sun turned everything pink. Standing on the catwalk, Green Mountain Lookout felt like a time machine, taking us back to the 1930s. It was easy to understand what drove the first generation of men and women in the Forest Service to staff these lookouts. Today, we face a vocal, extreme minority with no imagination who don't get it. But for the rest of us, we have a legacy we are asking you to protect. Thanks for your time, and thanks for supporting S. 404.

Sincerely,

STATEMENT OF MICHAEL R. BROWN, DIRECTOR OPERATIONS, WESTERN US REGION,
GRAYMONT WESTERN US INC.

ON S. 1169 AND S. 1309

Graymont Western US Inc is a member of the Graymont family of companies.

Graymont is the second largest producer of lime in North America with facilities across Canada and the United States and a partnership with Grupo Calidra, the largest lime producer in Mexico. Graymont is a family owned company committed to improving our world by responsibly meeting society's needs for quality lime and stone products.

Graymont takes a long term view of its business and the lime industry, where investments are made based upon decades of expected production. Graymont has been in the lime business for over 50 years and operates facilities on sites that have been in operation for up to 200 years. Graymont is among the leaders in the industry in adding new efficient plants and equipment and operates some of the most modern facilities on the continent.

Graymont would be directly impacted by S. 1169 and S. 1309 as these bills would authorize a withdrawal of public lands which includes the entire mine associated with the Graymont Indian Creek facility. Graymont supports S. 1169 as introduced by Senator Baucus and notes that this bill (and the related House of Representatives bills) is the only Limestone Hills withdrawal bill supported by the full Montana Congressional delegation. Graymont does not support S. 1309; specific comments on the two bills follow.

Comments Specific to S. 1169

The language in S. 1169 related to the protection of Graymont's rights is similar to the Limestone Hills withdrawal language in H.R. 1672 and H.R. 1960, both of which Graymont supports. While Graymont prefers the language in the House bills we appreciate the work of Senator Baucus and Senator Tester (cosponsor of S. 1169) and Graymont supports S. 1169 as currently drafted.

In the written testimony received by the Subcommittee from the Department of the Army in connection with Subsection 4(a)(3) of S. 1169 it was stated that "the Army strongly objects to this Subsection as it would grant particular mining claimants the ability to operate without regard for the withdrawal and reservation." In addition, oral testimony on this issue was provided by Ms. Katherine Hammack at the July 30, 2013 hearing in response to a question from Chairman Manchin on the Subsection 4(a)(3) language. Ms. Hammack stated that:

" . . . we are in support of the existing mining claims and the existing agreement . . . the language expands that to claims that have been closed or retired and allows additional claims to be allowed. So, it goes beyond the existing mining claims and so that is our objection is going beyond the existing agreement, the existing mining claims; essentially opens up the whole area."

Graymont appreciates that the Army supports the existing mining claims and the existing agreement among Graymont, the BLM, and the Montana Army National Guard.

However, the stated concern that the Subsection 4(a)(3) language allows Graymont to establish additional mining claims inside the entire withdrawal area is not supported by the language in S. 1169. Subsection 4(a)(3) does not mention additional claims and the Opportunity to Cure is clearly restricted to the land area subject to the approved plan of operations. There are 1,940 acres included in the approved plan of operations compared to a total of 18,644 acres included in the Limestone Hills withdrawal. Thus, in stark contrast to the provided testimony, 90% of the withdrawal area is unaffected by the language in Subsection 4(a)(3).

Graymont submits that it has properly secured exclusive possession and enjoyment of its mining claims. Without the language of Subsection 4(a)(3) Graymont's ability to maintain its existing mining claims under the Mining Law could potentially be adversely impacted by the withdrawal.

Any legislative language that causes a reduction in Graymont's rights must be evaluated as a cost of the withdrawal. Graymont's mining operations began before the issuance of the improperly issued right-of-way and must be fully protected as a part of the withdrawal legislation.

Comments Specific to S. 1309

The language contained in S. 1309 mirrors the Administration's proposal as part of the Senate National Defense Authorization Act (NDAA), or S. 1034. Graymont does not support the S. 1309 (and related S. 1034) language.

Graymont is concerned with the attempt to include the Limestone Hills Withdrawal as a part of a group of multiple withdrawals. The situation in the Limestone Hills is quite unique and does not lend itself to inclusion with other, more 'traditional' withdrawals. There is no other place in the United States where the military is proposing that a withdrawal surround a large existing mining operation with valid existing rights.

More specifically, there is a significant inconsistency between the General Provisions language in Section 2933(a) being proposed for the group of several withdrawals and provisions unique to the Limestone Hills. Section 2933(a) would give the Secretary concerned the ability to unilaterally "require the closure to the public of any road, trail, or other portion of the lands withdrawn and reserved by a subchapter of this chapter, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure." (Emphasis supplied). This is in conflict with the language of Section 2957d(a) which states: "The Secretary of the Army shall make no determination that the disposition of or exploration for minerals as provided in the approved plan of operations is inconsistent with the defense-related uses of the lands covered by the military land withdrawal."

It is not realistic for Graymont to conduct its mining operations if the company was constantly exposed to the possibility that the Secretary could close the area of the withdrawal to mining operations simply because it was determined to be desirable.

Graymont also has a concern that S. 1309 lacks the level of specificity regarding the issues to be included in the Implementation Agreement for Mining Activities (Subsection 2957d(d) of S. 1309 compared to Section 4(c) of S. 1169. S. 1309 also lacks reference to continuing the existing 2005 Memorandum of Agreement signed by Graymont, the BLM, and the Montana Army National Guard until the Implementation Agreement is executed.

Finally, Section 2961c(b) includes language specific to the Twentynine Palms, California withdrawal. However, this section includes puzzling language which states that the Secretary of the Army may pay Broadwater County, Montana \$1,000,000 to offset the 25-year loss of payments in lieu of taxes for lands included in the Limestone Hills, Montana withdrawal. In contrast, S. 1169 at Section 7 provides that the withdrawn lands will remain eligible for payments in lieu of taxes citing "section 6901 of title 31, United States Code." Graymont is unclear if this language in S. 1309 was included in error or why the language related to a Montana withdrawal has been included in the details of a California withdrawal.

Due to the above issues, Graymont requests that the current Limestone Hills withdrawal language be removed from S. 1309 and the language of S. 1169 be adopted as a separate withdrawal without amendment.

Background Information on Graymont's Limestone Hills Montana Operations

Graymont's Montana facility is the Indian Creek plant located near Townsend, Montana. The plant is just north of the Limestone Hills and is connected to the mine by a conveyor belt. Graymont currently employs 34 full-time employees in both the mine and the processing plant. In addition, there are 11 persons on the contract mining crew that works predominantly in the mine. These are stable, high

paying mining jobs that are vital to the economy of Townsend, Broadwater County, and the State of Montana.

Under its previous name of Continental Lime, Inc., Graymont began its activity in the Limestone Hills in 1979 when the first unpatented mining claims were located. In 1981 Continental Lime obtained Bureau of Land Management (BLM) approval of its first plan of operations and mining in the Limestone Hills has been continuous since that date. Under the Mining Law of 1872 (30 U.S.C. § 26.), in order to conduct its operations a mining claimant “shall have the exclusive right of possession and enjoyment of all of the surface included within the lines or their locations.” Maintaining exclusive possession and enjoyment of the area of its operations is critical to Graymont.

In October 2010 the BLM and the Montana Department of Environmental Quality approved Graymont’s most recent life-of-mine plan of operations covering a total land area of 1,940 acres.

Lime is produced at the Indian Creek plant in two coal/coke fired preheater kilns. The plant is equipped with lime sizing and storage facilities allowing Graymont to produce and store a full range of bulk quicklime products. High purity limestone from the quarry is trucked to a crushing plant where it is sized and conveyed to a large storage pile adjacent to the preheater kilns. Bulk truck loading facilities are provided at the plant site and rail loading is available through a terminal located on the Montana Rail Link line in Townsend.

Value of the Graymont Indian Creek Facility

The Final Legislative Environment Impact Statement prepared by the Montana Army National Guard and the Bureau of Land Management in 2008 in connection with the Limestone Hills Training Area Land Withdrawal contains, as an appendix, a report titled “Geology, Mineral Occurrences and Economic Resources Potential of the Limestone Hills Training Area.” The report contains an economic evaluation of the Indian Creek Mine. Subsequent to the time the report was prepared Graymont has obtained the approval of both the BLM and The Montana Department of Environment Quality for the “life-of-mine” expansion described in the report. Therefore, Graymont has the needed life-of-mine permit to continue its operations as far south as the area identified in the report as the Southeastern Extension Zone.

Page 48 of the geologic report notes that the value of the material quarried at Indian Creek is between \$9 and \$12 per ton of material quarried. The report also estimates approximately 121 million tons of quarry reserves under the “Moderate Mining Scenario”. Thus, a very rough calculation yields an economic value of the mineable resource of at least \$1.1 billion.

It is Graymont’s position that any language that is contained in the withdrawal legislation which results in a taking of Graymont’s existing rights will be actionable and should be calculated and used in scoring the proposed legislation.

History of Montana Army National Guard Activity

The Montana Army National Guard has conducted training activities in the Limestone Hills for over 50 years. In the early days those training activities were conducted pursuant to periodically issued BLM special land use permits. All special land use permits expired prior to 1984. The Guard currently conducts its training activities under a 30 year right-of-way issued to the State of Montana effective on March 26, 1984. By its terms the right-of-way is both “nonexclusive” and “nonpossessory.” Neither a special land use permit nor a right-of-way prevents the location of mining claims.

By letter dated January 15, 1993 the BLM informed the Guard that “a 20,080 acre training range is beyond the scope of activity to be authorized by a right-of-way and your current use is not properly authorized according to the IBLA decision.” (Emphasis supplied). The letter went on to say: “Therefore, we are requesting the MTARNG to submit an application for withdrawal of the Limestone Hills training range by the end of 1993, and to take all possible action toward securing a withdrawal by the end of 1997.” The suggested withdrawal is the subject matter of the present proposed legislation. The Guard has continued to conduct its operations under the terms of the unauthorized right-of-way pending the action by Congress on the withdrawal application. The right-of-way will terminate on March 26, 2014 and the BLM has indicated it will not be extended.

Cooperative Relationship

The BLM’s 1993 letter was, in part, in response to a Graymont application to expand its mining operations further into the area where the Guard was conducting training activities. The BLM was concerned for public safety and liability issues given the joint activities in the area. Following extensive negotiations in 1997, the BLM, Guard and Graymont agreed that continued multiple use of the Limestone

Hills area was possible. The parties arrived at a consensus as to how the joint use could occur.

Subsequently the three parties have worked cooperatively to ensure that joint operations can occur while protecting public safety and appropriately allocating liability. The most recent confirmation of that relationship is contained in a Memorandum of Agreement among the three parties dated in February, 2005.

Graymont looks forward to continuing the joint use of the Limestone Hills in a manner that will allow both Graymont and the Department of the Army to accomplish their respective missions.

GREATER YELLOWSTONE COALITION,
July 29, 2013.

Hon. RON WYDEN,
Chairman, Committee on Energy & Natural Resources, 221 Dirksen Senate Office Building, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member, Committee on Energy & Natural Resources, 709 Hart Senate Office Building, Washington, DC.

Hon. JOE MANCHIN,
Chairman, Subcommittee on Public Lands, Forests & Mining, 306 Hart Senate Office Building, Washington, DC.

Hon. JOHN BARRASSO,
Ranking Member, Subcommittee on Public Lands, Forests & Mining, 307 Dirksen Senate Office Building, Washington, DC.

RE: Greater Yellowstone Coalition Support for the Forest Jobs and Recreation Act

DEAR MR. CHAIRMEN AND RANKING MEMBERS,

Thank you for the opportunity to offer written testimony for the record on S. 37—the Forest Jobs and Recreation Act.

The Greater Yellowstone Coalition, representing 40,000 members and supporters from across the country, strongly supports S. 37, the Forest Jobs and Recreation Act of 2013. As a regional conservation organization, the Coalition's mission is to protect the lands, waters and wildlife of the Greater Yellowstone Ecosystem now and for future generations. The protection, restoration and stewardship of southwest Montana's public lands which will result from this bill's passage will substantially benefit the Greater Yellowstone Ecosystem. Because of their proximity to Yellowstone National Park, these lands are of national significance and critically important to the long-term conservation of the Greater Yellowstone Ecosystem. The bill's passage will benefit the American people as well as future generations by protecting and restoring important habitats that safeguard the region's iconic fish and wildlife.

The people of Montana strongly support of this legislation. The bill has united diverse interests to work together toward better conservation of our public lands. For this reason, the Forest Jobs and Recreation Act enjoys broad, bi-partisan support from across the state.

Conservation Benefits:

This bill will protect and restore Greater Yellowstone's natural heritage. Wilderness designations in Greater Yellowstone—the Snowcrest and Centennial Mountains, the Ruby Mountains, additions to the Lee Metcalf Wilderness, and the Blacktail range—protect some of the last and best unroaded backcountry habitats in the Montana part of the ecosystem. These core habitats are vital to the ecosystem's iconic wildlife. These wilderness areas also protect the headwaters of many of Greater Yellowstone's most famous rivers, including the Ruby, Missouri, Jefferson, and Madison. Further west, designations in the Pioneers, the Big Hole, Italian and Lima Peaks and Sapphires will protect important linkage habitats, ensuring wide-roaming species continue to disperse across southwest Montana's landscape. Such dispersal is essential for maintaining the long-term genetic viability of sensitive species such as grizzly bears and wolves.

The restoration and stewardship projects provided for in the bill will heal lands damaged by past practices, restoring fish passage in cold water streams and reducing road densities that diminish habitat quality for a variety of species. These restoration activities will become increasingly important to ensure our fish and wildlife populations are resilient in the face of a changing climate.

Broad Coalition and collaboration

The Forest Jobs and Recreation Act is the result of three place-based collaborations that brought diverse interests together to solve the challenges confronting Montana's national forests. As a regional conservation organization, focused on only a portion of Montana, the Greater Yellowstone Coalition was not a part of these original collaborations. In July, 2009, because of the benefits to the Greater Yellowstone Ecosystem resulting from S. 37, we joined the coalition supporting this legislation. Our involvement and input has been welcomed by all of the diverse partners. Key components of the bill, particularly the inclusion of the Bureau of Land Management Wilderness Study Areas, reflect the responsiveness of the original collaborations and Senator Tester to our input.

The collaboration that forms the foundation of the bill has continued throughout the bill's legislative journey. Senator Tester hosted numerous public meetings to gather feedback from diverse Montanans. He used that input, as well as his work with the Forest Service to address their concerns, to strengthen the bill which is reflected in the version introduced to the 113th Congress. The Greater Yellowstone Coalition is committed to the continued collaboration necessary to both pass and implement the Forest Jobs and Recreation Act.

We greatly appreciate the hard work of Senator Tester and his staff on S. 37 and urge the subcommittee to support its passage.

Wilderness designations

Approximately 170,000 acres of the almost 670,000 acres of wilderness proposed in the Forest Jobs and Recreation Act lie within Southwest Montana's portion of the Greater Yellowstone Ecosystem. Places such as the Ruby and Centennial Mountains, the additions to the Lee Metcalf Wilderness and the Snowcrest Range are hidden gems in Greater Yellowstone where Montana families and visitors hunt, fish, hike and camp. These lands provide important wildlife habitat for big game, rare predators and other wildlife that roam across the landscape. In particular, these areas boast some of the state's largest elk herds, longest antelope migrations, and most robust moose populations. Given these wildlife values, it is no surprise that 50 percent of the state's elk harvest comes from this part of Southwest Montana.

Wolverine, grizzly bears and wolves also depend upon these wild lands for core, secure habitat far from roads as well as important linkage habitats that ensure they can roam the landscape. The wild lands protected under S. 37 which lie beyond the Greater Yellowstone Ecosystem serve as vital stepping stones, keeping Greater Yellowstone connected to central Idaho wildlands and the northern Continental Divide ecosystem, ensuring wildlife can continue to disperse across southwest Montana. Such dispersal and migration is essential for the long-term genetic health of these rare, crucial and vulnerable species. For these reasons, we support all of the wilderness designations contained in the Forest Jobs and Recreation Act.

We offer the following specific comments regarding several of the proposed wilderness areas of particular importance to the Greater Yellowstone Ecosystem.

Mount Jefferson

This 4,500 acre proposed wilderness on the Beaverhead-Deerlodge National Forest generates passionate attention from many constituents and vocal opposition from snowmobile interests. Mount Jefferson deserves wilderness protection both on its own merits and to protect the integrity of the adjacent BLM Centennial Mountains wilderness, also included in S. 37. The wilderness boundary as proposed in S. 37 should remain intact for the following reasons:

1. High conservation value.—The Mount Jefferson proposed wilderness includes Hellroaring Creek basin, the farthest and highest headwaters of the Missouri River. Contiguous with the proposed BLM Centennial Mountains wilderness, the two areas combined create almost 30,000 acres of wilderness on the north side of the Centennial Mountains.

Mount Jefferson and the Centennials provide secure habitat for Greater Yellowstone's most valued and iconic wildlife. Moose winter among the sub-alpine fir along Hellroaring Creek. The area provides important security cover for elk in the fall during big game hunting seasons in both Montana and Idaho. Grizzly bears and wolverine, both icons of wildness that need remote backcountry to survive, use the Hellroaring drainage as important habitat.

As a rare east-west trending mountain range, Mount Jefferson and the Centennial Mountains function as an important linkage between the Greater Yellowstone Ecosystem and the wildlands of central Idaho. Wide-ranging species such as wolves, bears and wolverines use this important corridor.

Ensuring this region can still function as a linkage requires protecting large chunks of public land from habitat fragmentation.

The new wilderness proposed in S. 37 is adjacent to federally designated wilderness on the Red Rock Lakes National Wildlife Refuge, a 32,350-acre wetland wilderness in the heart of the Centennial Valley. Over 20,000 acres in conservation easements protect private lands surrounding the wildlife refuge. Thus, the wilderness designations included in S. 37 add to a remarkable conservation legacy—resulting in over 80,000 acres of protected land—in an ecologically important part of Greater Yellowstone.

2. Montana jobs and economic opportunity

Locally owned Montana businesses depend upon the quiet recreation opportunities found on the Montana side of the Centennial Mountains. Hellroaring Ski Adventures based in West Yellowstone, operates a backcountry hut and guided ski touring business in the Hellroaring Creek drainage. This is the only such operation in this part of Montana, providing a unique experience for the public on BLM and National Forest lands.

In the summer and fall, Centennial Outfitters, in Lima, MT, offers backcountry pack trips and fishing adventures in the area. Both of these businesses are negatively impacted by increasing snowmobile use on the Montana side of Mount Jefferson. Centennial Outfitters routinely finds broken windshields, oil cans, pieces of rubber, and other debris from snowmobiling. Hellroaring Ski Adventures' clients have experienced direct conflicts with snowmobilers, including noise, while seeking a quiet winter recreational experience. Outdoor shops catering to quiet recreation in the communities surrounding the Centennial Mountains support wilderness designation for Montana's side of Mount Jefferson.

3. Ensuring a balance of recreational opportunities in Southwest Montana

In addition to providing refuge for wildlife, Mount Jefferson and the Hellroaring drainage offer outstanding opportunities for quiet recreation in every season. Hunting, fishing, skiing, hiking, camping and horse packing are all popular activities. There is only very limited motorized access from the Montana side of the Centennial Mountains. As a result, Mount Jefferson and the northern Centennials are known as some of the wildest backcountry in Montana, offering solitude and quiet for those seeking a wilderness experience.

With regard to winter recreation specifically, the snowmobiling community's interest in continued access to Montana's portion of Mount Jefferson must be understood in the context of snowmobiling opportunities across the broader landscape. To suggest that closing Montana's side of Mount Jefferson to snowmobiling will negatively impact the economy of communities in Eastern Idaho is inaccurate. In fact, leaving the Montana side of Mount Jefferson open to snowmobiling eliminates one of the few opportunities for quiet, human-powered winter recreationists to escape the din of snow machines. Analysis of data for public lands within a 20-mile radius of Island Park, Idaho shows that 98 percent of those lands, or 297,933 acres, are currently open to snowmobiles. The Forest Jobs and Recreation Act, by protecting the entire Hellroaring basin and the Montana side of Mount Jefferson, would reduce this acreage by a mere 2,344 acres, bringing the percentage of public lands open to snowmobiles in the Greater Island Park area to 97 percent. (See Attachments* A and B which include maps depicting this analysis).

On a broader scale, of the 3 million total acres on the Caribou-Targhee National Forest, which surrounds Eastern Idaho's communities, nearly 2.5 million acres are open to snowmobiles while just 545,000 acres are protected for non-motorized winter activities. In Montana, on the Beaverhead-Deerlodge National Forest, 2,049,099 acres are open to snowmobiling. Immediately north of the Centennial Mountains, much of the Gravelly Range is open for winter motorized recreation.

Furthermore, the Idaho side of both Mount Jefferson and Rheas Peak will remain open to snowmobiling, offering similar terrain and high marking opportunities in the vicinity of Island Park. (See Attachments C and D which include photos of these peaks).

For Mount Jefferson and the Centennial Mountains, the relevant compromise on land use was struck in 1991. Of the 93,000 acres in the

*All attachments have been retained in subcommittee files.

Centennials evaluated for wilderness suitability (including lands in both Idaho and Montana), the BLM recommended 28,000 acres for wilderness designation in Montana—including Mount Jefferson—and released 70 percent of the study area for non-wilderness use. No adjacent lands in Idaho were recommended for wilderness designation.

4. A partial designation will not work: Over a decade of experience managing the Hellroaring drainage to protect both wilderness values and to allow snowmobiling access clearly demonstrates that a partial wilderness designation for Mount Jefferson will not work.

Documented illegal snowmobile use in the BLM Centennial Wilderness Study Area led the BLM to repeatedly request that the Forest Service close the Mount Jefferson area to snowmobiles. Since 2001, the Forest Service has partially closed Forest Service lands in the Hellroaring basin to snowmobiles. During the winter, routine agency patrols consistently find evidence of trespass into both the BLM Wilderness Study area and the portion of Forest Service land closed to snowmobiles. Increased signage and patrols, aimed at reducing violations, have met with little success. (See Attachment E which provides photo documentation of snowmobile trespass).

In its final Forest Plan, the Beaverhead-Deerlodge National Forest dropped the southern half of the Mount Jefferson/ Hellroaring area from its list of recommended wilderness, leaving it open to snowmobile access. This decision is topographically unenforceable as the boundary between the open and closed areas runs along an indistinct ridge from the summit of Mount Jefferson. Although the closed area is well signed, enforcement of the boundary continues to be extremely difficult. Continued violations of the BLM Centennial Wilderness are certain under a partial closure, leading to more conflicts. (Attachment F includes a topographic map of the area).

Recognizing that this partial designation would create ongoing enforcement challenges, the final Forest Plan commits the Forest Service to monitoring, enforcement, and a reassessment of the decision if illegal intrusions into closed areas continue. Specifically, the Forest Plan Record of Decision states:

“ . . . The combination of uses allowed on Mt. Jefferson under the Revised Forest Plan represents a management challenge, because the boundary between the motorized and non-motorized use areas does not follow an effective topographical barrier to illegal motorized entry . . . If monitoring reveals that non-compliance is an issue, the decision to allow snowmobiling on Mt. Jefferson will be re-evaluated.” p. 21, Record of Decision, Beaverhead-Deerlodge National Forest Revised Forest Plan)

To protect the integrity of the proposed wilderness designations for the Centennial, it will be imperative that the Forest Service follows through on this management promise to close the area to snowmobiling if trespass continues.

Snowcrest Mountains

The Snowcrest Mountains proposed wilderness—the largest wilderness included in S. 37—represents a unique addition to the National Wilderness System. The Snowcrest Mountains, considered in conjunction with the adjacent Blacktail and Robb Ledford State Game Ranges, provide a large block of secure wildlife habitat at the western edge of the Greater Yellowstone Ecosystem. The Snowcrest Wilderness will protect unique and varied habitat types, including rolling sagebrush hills, whitebark pine stands, aspen, and alpine grasslands. The Snowcrests offer some of the highest quality wolverine habitat in southwest Montana. Wolves, bears, mountain lion and large elk herds roam these remote mountains. Due to the abundance of big game, the Snowcrest Mountains are among the most heavily hunted areas in Montana. Streams on the eastern side of the Snowcrest Mountains feed the famed Ruby River which is noted for both trout and grayling fisheries.

Traditional ranching uses will continue in the Snowcrest Mountains under S. 37, and specific language in Section 204(m)(1-2) provides for continued motorized access to maintain existing water impoundments and to trail sheep across the range to summer pasture. We appreciate the improvements made in this section, especially language tying the continued trailing of sheep across the Snowcrests to the tenure of the grazing allotments in the Gravelly Mountains. We believe as currently written, this section captures a workable compromise that maintains the Forest Service's authority to appropriately manage grazing in Wilderness.

BLM Wilderness Study Areas

The Greater Yellowstone Coalition specifically requested that administratively designated Wilderness Study Areas within the Dillon Resource Area be addressed by S. 37. These island mountain ranges provide important wildlife habitat and connectivity for wide-ranging species that reside in southwest Montana. We strongly support the proposed wilderness designations for portions of the Ruby, Blacktail and Centennial Mountains Wilderness Study Areas managed by the Bureau of Land Management. As wilderness, these lands will continue to function as refugia for critically important wildlife.

We also strongly support the addition of the East Fork of Blacktail Wilderness Study Area to the BLM proposed wilderness areas. In earlier versions of the Forest Jobs and Recreation Act, this BLM WSA was slated to be released from wilderness study status. This WSA sits in the middle of a landscape managed for wilderness and conservation purposes because it is contiguous to the Forest Service Snowcrest proposed wilderness and adjacent to two Montana Fish, Wildlife and Parks Wildlife Management Areas. This WSA has significant value for the conservation of Greater Yellowstone's wildlife and fisheries, and will be an excellent addition to the National Wilderness Preservation System.

GYC also recommends that the Peet Creek/Price Creek parcel in the western Centennial Mountains be added to the proposed Centennial Mountains Wilderness with a cherry stemmed boundary to accommodate the existing improved logging road in the E. Fork of Peet Creek. This is the largest of the five parcels recommended for release from the BLM Centennial Wilderness Study Area (approximately 3,800 acres). This parcel has significant conservation value for big game, wolverine, bears and westslope cutthroat trout. Its protection as wilderness enhances the Centennial Mountains wildlife linkage area and connectivity between Greater Yellowstone and Central Idaho.

Forest Management & Stewardship

The Greater Yellowstone Coalition supports the restoration emphasis of S. 37. Using stewardship contracts to fund road rehabilitation, stream restoration and habitat revitalization will benefit native fish and wildlife. In the southwest Montana portion of Greater Yellowstone, there are areas, such as the West Fork of the Madison River and the southern Tobacco Root Mountains, that would benefit from the stewardship projects conducted under S. 37.

The impact of this legislation on inventoried roadless lands on the Beaverhead-Deerlodge National Forest not recommended as wilderness is of particular importance to us. Three elements of the bill combine to sufficiently ensure these roadless lands will continue to provide core, secure habitat for fish and wildlife. The following elements of the bill must be retained in final legislation:

- Section 104 (a)(4) of S. 37 directs the Secretary to prioritize lands for stewardship projects which already have road densities in excess of 1.5 miles per square mile; that are within the wildland-urban interface; where habitat connectivity is already compromised due to past practices; and where forests are at high risk of severe wildfire. We believe this language appropriately focuses stewardship logging and restoration activities in previously roaded and developed areas of the Beaverhead-Deerlodge National Forest.
- All stewardship projects are to be conducted in accordance with existing environmental laws, regulations and administrative directives. Thus, the 2001 Roadless Area Conservation Rule currently in effect in Region 1 of the U.S. Forest Service will continue to apply to projects conducted under the provisions of this bill.
- Forest Plan designations of appropriate lands for timber harvest will guide where stewardship projects occur. On the Beaverhead-Deerlodge, lands designated as "suitable for timber production" do not include any inventoried roadless lands. Lands designated as "timber harvest allowed to meet other resource objectives" do include inventoried roadless lands; however, projects in this category must comply with national roadless policies and directives.

For these reasons, we believe S. 37 sufficiently protects the conservation values of inventoried roadless lands. We believe the Forest Jobs and Recreation Act will help improve the stewardship and management of national forest lands in Montana and benefit the northwest corner of the Greater Yellowstone Ecosystem.

Conclusion.—S. 37 is a balanced vision for protecting and restoring public land

The Greater Yellowstone Coalition strongly supports S. 37 and believes it provides a balanced approach to protecting and restoring public land in Montana. By protecting key public lands in southwest Montana, S. 37 contributes significantly to the

long-term conservation of the Greater Yellowstone Ecosystem, an area of great importance to Montanans and all Americans. We appreciate the hard work that has gone into strengthening the bill since it was originally introduced in 2009. We look forward to working with the Subcommittee, the Forest Service, the Obama Administration, and everyone who shares the goals of this bill to continue to refine and implement this vision for protecting our most cherished lands, restoring our forests and sustaining our communities.

We sincerely thank Senator Tester for his leadership in drafting this important legislation and his ongoing work to see it enacted. We also thank Senator Baucus for his co-sponsorship. This legislation enjoys unprecedented support across Montana as diverse interests unite behind our Senate delegation to protect and restore our treasured public lands.

GYC supports S. 37 as a new way to do business for the Forest Service and for Montana. We urge the Subcommittee to approve the bill and forward it to the full Senate for its consideration.

Sincerely,

CAROLINE BYRD,
Executive Director.
BARB CESTERO,
Montana Director.

BACK COUNTRY HORSEMEN OF AMERICA,
Graham, WA, July 8, 2013.

Hon. RON WYDEN,
Chairman, U.S. Senate, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member, U.S. Senate, Washington, DC.

Hon. DOC HASTINGS,
U.S. House of Representatives, Washington, DC.

Hon. ED MARKEY,
U.S. House of Representatives Washington DC.

RE: Support for H.R. 908/S.404, the Green Mountain Lookout Heritage Protection Act

DEAR CHAIRMAN WYDEN, CHAIRMAN HASTINGS, RANKING MEMBER MURKOWSKI AND RANKING MEMBER MARKEY,

On behalf of Back Country Horsemen of America, I urge you to take timely action to consider HR 908/S.404, the Green Mountain Lookout Heritage Protection Act, introduced in February by Representatives DelBene and Larsen and Senators Murray and Cantwell.

H.R. 908/S.404 would ensure the continued operation and maintenance of the historic Green Mountain fire lookout within Washington's Glacier Peak Wilderness Area. For decades, the Green Mountain lookout has been a popular destination for hikers seeking to enjoy impressive vistas, endless acres of wildflowers and the experience associated with visiting a historical fire lookout. Even though horse use is not allowed on the Green Mountain Trail, we nonetheless support H.R. 908/S.404 as an important means to promote human use and enjoyment of wilderness.

Built in 1933 by the Civilian Conservation Corps, the historic Green Mountain lookout is listed with the National Register of Historic Places. The Forest Service still utilizes Green Mountain as a functioning fire lookout as well as to house seasonal staff who provide educational information to wilderness visitors.

The Green Mountain lookout provides important benefits to the preservation of the Glacier Peak Wilderness and the education of wilderness visitors. If Congress does not act, the lookout will be removed or destroyed and a local treasure will be lost. We urge you to ensure passage of the Green Mountain Lookout Heritage Protection Act to ensure the permanent preservation of this important resource. We stand ready to support you in this effort. Page 2 Green Mountain Lookout Heritage Protection Act HR 908/S.404 July 8, 2013 Thank you for your efforts to preserve America's wilderness.

Sincerely,

MICHAEL K. MCGLENN,
Past Chairman, BCHA.

STATEMENT OF ANDY HAFEN, MAYOR, CITY OF HENDERSON, NV

Summary Overview

The Three Kids Mine legislation is essential to the implementation of an innovative public/private partnership that the City and its Redevelopment Agency have pursued to resolve a longstanding blight in our community, namely, environmental contamination and public safety hazards associated with the abandoned Three Kids Mine.

Henderson is located just south of the City of Las Vegas. From its origins as the townsite adjacent to a World War II-era federal magnesium production plant, Henderson has grown since its 1953 incorporation to become the second largest city in Nevada, with over 270,000 residents and encompassing over 100 square miles of land. Henderson has been nationally recognized for the quality of life offered to its residents as well as its favorable business climate. We are proud of our progressive approach to careful planning and sustainable development as well as our demonstrated commitment to the environment.

The proposed remediation and redevelopment site consists of approximately 1,262 acres of Federal and private lands within the City. The Three Kids Mine was owned and operated by various parties, including the United States, as an open pit manganese mine and milling operation from approximately 1917 through 1961. The site also was used to store Federal manganese ore reserves until 2003. In the half century since mining operations ceased, residential development has occurred next to the site. The site today contains unstable open pits as deep as 400 feet, large volumes of mine overburden and tailings, and mill facility foundations. Contaminants of concern include arsenic, lead and petroleum compounds.

S. 343 would require the Secretary of the Interior to convey the 948 acres of Federal lands at the overall 1,262-acre project site to the Henderson Redevelopment Agency or the responsible party designated by the Henderson Redevelopment Agency to complete assessment, remediation, reclamation and redevelopment of the Three Kids Mine Project Site. Fair market value would take into account the costs of investigating and cleaning up the entire mine and mill site, which includes 314 acres of now-private lands that were used historically in mine operations. Such costs would be calculated only after a comprehensive site assessment, and using nationally recognized remediation cost estimating methodologies. Finally, before the Federal lands are conveyed, the State must execute a comprehensive Mine Remediation and Reclamation Agreement with a private sector entity under which the cleanup of the entire site will occur. The enforceable agreement must include financial assurances to ensure timely performance and completion of the cleanup project. At this time, the City has an agreement in force with Lakemoor Development, known as the Master Development Planning Agreement that was executed on August 3, 2011.

Reclaiming the Three Kids Mine site will require the management of at least 12 million cubic yards of mine residue. The proposed "Presumptive Cleanup Remedy" is to use the existing onsite mine pits as permanent repositories for the mine residue, but only after site characterization, detailed engineering, and in accordance with a step-by-step work plan that will be implemented pursuant to the required Mine Remediation and Reclamation Agreement. Complete, permanent, and protective cleanup of the site is a high priority for the Nevada Division of Environmental Protection as well as for the City and its residents. It is time to remove this blight from our community and it is for this primary reason that the City is engaged in this effort.

There are two important aspects of this planned remediation project to be highlighted. First, the estimated 350 million dollar cleanup will be financed with private capital and Nevada tax increment financing at no cost to the Federal Government. The Nevada Community Redevelopment Law allows the Henderson Redevelopment Agency to finance the cleanup of blight conditions such as an abandoned mine through use of an "increment" of property taxes collected within a designated redevelopment area over a 30-year "capture period." The "increment" is a portion of the assessed value of the property which increases in value following cleanup and as the subsequent commercial and residential redevelopment build-out occurs. Henderson annexed the Three Kids Mine site and placed it in the Lakemoor Canyon Redevelopment Area in 2009. The use of tax increment financing available through the Henderson Redevelopment Agency is critical to the long-term success of this project.

Second, only through the assemblage of the 948 acres of Federal lands with the 314 acres of private lands can a cost effective and comprehensive cleanup be achieved. As the large pits suitable for use as mine residue repositories are located on the private lands, cleanup of the Federal lands without having the pits available as on-site mine residue repositories would require cost-prohibitive excavation, trans-

portation and off site residue disposal at a permitted landfill. Cleanup solely of the private lands also is not a viable option because limiting the redevelopment area to only 314 acres would not generate sufficient tax increment to render cleanup and redevelopment economically feasible. In addition, it would be inappropriate for the City to authorize residential and commercial development on what effectively would be an "island" of property immediately abutting unremediated environmental and public safety hazards.

In summary closing, enactment of S. 343 is essential for the City and its Redevelopment Agency to move ahead on this unique public/private partnership strategy to clean up the Three Kids Mine site. For over four years, the City of Henderson has worked closely with stakeholders including the Department of the Interior and the Nevada Division of Environmental Protection to advance this project. While much work remains ahead, we are confident that the Three Kids Mine site can be successfully reclaimed through this program, ultimately resulting in the resolution of a longstanding environmental problem. We are working with the author to make some minor changes to clarify that the responsible party will be a private sector entity designated by the Henderson Redevelopment Agency to complete assessment, remediation, reclamation and redevelopment of the Three Kids Mine Project Site.

Policy Rationale for Adjustment of Fair Market Value

The policy rationale behind the provision of the bill which would obligate the Secretary of the Interior to administratively adjust the fair market value of the 948 acres of Federal land proposed for conveyance based on a reasonable approximate estimation of the costs to investigate and remediate both the Federal land and the 314 acres of private land included in the overall 1,262-acre project site.

Manganese is essential to iron and steel production and during the 1940s and 1950s, the Three Kids Mine was one of the primary domestic sources of manganese in the United States. Historical documents gathered from the National Archives indicate that the United States was integrally involved in mining and milling operations at the Three Kids Mine site during this period. In addition, the United States leased portions of the private land at the site until 2003 for the storage of Federal stockpiles of manganese.

In 1942, the Defense Plant Corporation (DPC), a federal instrumentality, acquired from Manganese Ore Company surface rights to approximately 446 acres at the site, including most of the now-private land, for the development of an ore processing mill and related facilities. The DPC contracted with Manganese Ore Company to construct the mill. Title to the plant site and mill facilities was vested in the DPC.

The DPC leased the plant site and mill facilities to another federal instrumentality, the Metals Reserve Company (MRC), which in turn entered into contracts with Manganese Ore Company for the procurement of crude ore, the operation of the mill, and the purchase of manganese nodule output for national defense purposes. The DPC and MRC contracts vested the Federal government with rights to approve all significant aspects of the construction and operation of the mine and mill, which included the use of large tailings ponds that today contain several million cubic yards of contaminated waste material up to sixty feet in depth.

The WWII-era mill was deactivated in 1944, although Federal ore stockpiles remained at the site. The DPC interests transferred first to the War Assets Administration, which tried unsuccessfully to sell the mine facilities, and then to the General Services Administration. In the early 1950s, the mill was updated and the mine and mill were reactivated by Manganese, Inc. under contracts with the GSA. In 1955, Manganese, Inc. purchased the real property at the Site that had been under Federal ownership. Manganese, Inc. continued to mine and beneficiate ore for the United States under the GSA contracts until closure of the mine and mill in 1961. In addition, until 2003 private land at the site was leased to the GSA and, later, the Defense Logistics Agency, for the storage of processed manganese nodules under the Federal strategic materials stockpile program. These mining, milling, stockpiling, and associated activities resulted in extensive environmental contamination of the project site, including most of the now-private land and substantial portions of the Federal land.

In light of the extensive involvement of the United States in historical mine and mill operations on both the Federal and private lands at the site, Henderson believes it only appropriate for the estimated costs of cleaning up the entire site to be addressed by the Secretary of the Interior in administratively adjusting the fair market value of the 948 acres of Federal land as would be required under S. 343. It is the assemblage of the Federal land with the private land as facilitated by the legislation that makes remediation of the entire site feasible and economically practicable.

STATEMENT OF ROGER NATSUHARA, ASSISTANT SECRETARY OF THE NAVY (ENERGY,
INSTALLATIONS & ENVIRONMENT) DEPARTMENT OF NAVY

I write today to request that you introduce the Administration's legislative withdrawal proposal, which includes reauthorization of two existing Department of the Navy military land withdrawals, Chocolate Mountains Aerial Gunnery Range (CMAGR) and Naval Air Weapons Station, China Lake (NAWSCL), both of which are in California and will expire on October 31, 2014; and a withdrawal proposal to expand the training capacity and capability of the Marine Corps Air Ground Combat Center at Twentynine Palms, California.

These withdrawals are critical to national defense. CMAGR is the Marine Corps preeminent aerial bombing range and their only aviation range capable of supporting precision guided munitions. It is also where Navy Special Warfare units complete their final complex pre-deployment training. NAWSCL is the Navy's premier weapons test and evaluation center. The expansion of Twentynine Palms is necessary to address a critical and documented training and readiness shortfall. Although Twentynine Palms has served the Marine Corps well since the 1940s, lack of sufficient training space inhibits us from properly training Marine Expeditionary Brigades, the Marine Corps' preeminent 21st Century fighting force. Successful training of this highly specialized and complex war fighting unit of 15,000 Marines requires air-ground training on land dedicated to exclusive military use that allows for simultaneous air and ground live-fire.

Under existing law, only Congress can withdraw public lands, exceeding 5,000 acres, from the public domain for defense purposes. The Administration's legislative proposal to extend the CMAGR and NAWSCL land withdrawals and to withdraw Department of Interior (Dol) lands in Johnson Valley to expand Twentynine Palms, was included in the Administration's Fiscal Year 2014 National Defense Authorization Act legislative proposal and is the joint product of a Department of Defense and Dol agreement after a more than two year collaborative process. Failure to withdraw these lands would materially affect military readiness.

I look forward to working with you and your staff in pursuit of this important legislation. I pledge the full support of my staff should you need any information or assistance as this legislation is considered. Thank you for your continued support.

MONTANA WILDERNESS ASSOCIATION,
Helena, MT, August 1, 2013.

Hon. RON WYDEN,
Chairman, U.S. Senate Committee on Energy & Natural Resources, 304 Dirksen Senate Building, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member, U.S. Senate Committee on Energy & Natural Resources, 304 Dirksen Senate Building, Washington, DC.

DEAR CHAIRMAN WYDEN AND RANKING MEMBER MURKOWSKI,

On behalf of the Montana Wilderness Association, and our more than 5000 members, thank you for the opportunity to submit this written testimony in support of S. 364, the Rocky Mountain Front Heritage Act. I also want to express my deep gratitude to Senator Baucus for sponsoring the Heritage Act. For the record, the Montana Wilderness Association strongly and enthusiastically supports the Heritage Act.

About the Montana Wilderness Association

The mission of the Montana Wilderness Association is to protect Montana's wilderness heritage, quiet beauty, and outdoor traditions, now and for future generations. Founded 53 years ago by Montana hunters, conservationists and small business owners, The Montana Wilderness Association was established to prevent further loss of Montana's wilderness heritage. Our founders were instrumental in the passage of the Wilderness Act of 1964, and the Montana Wilderness Association subsequently led the fight to win designation for virtually every wilderness area in the state, including the Scapegoat, Absaroka-Beartooth, Rattlesnake, Lee Metcalf, Great Bear, and Welcome Creek, as well as Wild and Scenic designations for the Flathead and Missouri rivers.

Our members view Montana's remaining wild country as a public trust that should be managed so Montanans will always have access to great hunting, fishing, camping under the stars, and quiet mountain trails.

The Rocky Mountain Front

Known as the place in Montana where the Great Plains meet the Rocky Mountains and where grizzly bears still venture out onto their native prairie habitat, the Rocky Mountain Front is a wild and rugged land that provides clean water for nearby communities and habitat for prized big game animals such as elk and bighorn sheep. By providing some of the highest quality backcountry experiences and opportunities for solitude, the Rocky Mountain Front supports a way of life for many Montanans. Whether it be hunting, fishing, camping, hiking, or just watching wildlife, the Rocky Mountain Front holds the essence of that what defines Montana. To put it simply, Montana would not be Montana without the Rocky Mountain Front.

The backcountry recreation opportunities provided by the Rocky Mountain Front also have a significant economic impact on local communities. According to data collected by Montana Fish Wildlife and Parks over the past five years, sportsmen have been spending \$10 million each year as they hunt along the Rocky Mountain Front. It is the local hotels, restaurants, taverns, grocery stores, and gas stations that feel the benefits of this \$10 million pulse of economic activity. Protecting the Rocky Mountain Front so backcountry recreation opportunities remain tomorrow as they do today will ensure the economic impact of the Rocky Mountain Front is sustained and local communities benefit well into the future. Protecting the Rocky Mountain Front will maintain a lifestyle and quality of life that attracts people to Montana's communities to establish new businesses and raise families as well as contribute to the current and future economic.

The Rocky Mountain Front Heritage Act

Often referred to as a "made in Montana" solution, the Heritage Act is the result of a five-year effort aimed at protecting the wild backcountry of the Rocky Mountain Front while ensuring livestock grazing opportunities and maintaining access for hunting, fishing, horseback riding, hiking, and camping. This effort required eight public meetings, countless kitchen table discussions, and small group meetings with local permittees, elected officials, and landowners. This locally driven collaborative effort resulted in many substantive changes being made to the Heritage Act. These changes to the Heritage Act ensure there is a place for a variety of uses and activities on the Rocky Mountain Front while still protecting the wild backcountry that makes the Front such a special place for both people and wildlife.

The Heritage Act protects a substantial portion for the Rocky Mountain Front by designating approximately 67,112 acres of Lewis and Clark National Forest as additions to the Bob Marshall and Scapegoat Wilderness areas. In addition, the Heritage Act designates 208,160 acres of Lewis and Clark National Forest and Bureau of Land Management lands as a Conservation Management Area. In this Conservation Management Area, The Heritage Act limits the construction of new roads while ensuring the public use of current motorized routes, which provide public access for hunting, fishing, biking, and grazing. These routes are also used to achieve vegetation management objectives such as thinning, post and pole, and firewood gathering.

The Heritage Act also prioritizes the eradication and prevention of noxious weeds on approximately 405,272 acres of U.S. Forest Service and Bureau of Land Management lands along the Rocky Mountain Front. Prioritizing noxious weed eradication and prevention on public lands along the Rocky Mountain Front will help to protect adjacent private ranchlands and ensure important wildlife habitats remain intact.

Through the designation of wilderness additions to the Bob Marshall and Scapegoat Wilderness Areas, the designation of a Conservation Management Area on U.S. Forest Service and Bureau of Land Management lands, and the prioritizing of the eradication and prevention of noxious weeds, the Heritage Act will maintain the wild backcountry and wildlife habitats that make the Rocky Mountain Front such a wild and special place to Montanans.

Conclusion

The Rocky Mountain Front Heritage Act is a shining example of how Montanans can put their differences aside and work together to preserve our state's wild backcountry while meeting the needs of local communities. The Montana Wilderness Association strongly and enthusiastically supports S. 364, the Rocky Mountain Front Heritage Act, and the permanent protections it provides. We urge the Committee to approve the bill and send it to the floor for consideration by the Senate.

Sincerely,

STATEMENT OF MARTIN NIE, PROFESSOR, COLLEGE OF FORESTRY AND CONSERVATION,
UNIVERSITY OF MONTANA, ON S. 1470

I was asked by Senator Tester to provide written testimony on S. 1470. I want to thank the Senator, and the Subcommittee on Public Lands and Forests, for the opportunity to do so. I am a professor of natural resource policy in the College of Forestry and Conservation at the University of Montana. The following testimony draws from my research on the problems and opportunities presented by "place-based" National Forest law. I write to neither support or oppose the Forest Jobs and Recreation Act (FJRA) as currently written. Instead, I ask a number of questions that deserve serious consideration by the Committee.

There is increasing interest in "place-based," or national forest-specific legislation. In several places divergent interests are negotiating how they would like particular forests to be managed. These proposals often include provisions related to wilderness designation, economic development, forest restoration, and funding mechanisms, among others. But unlike more typical collaborative efforts, some groups are interested in possibly codifying the resulting agreements.

While S. 1470 has garnered national interest, there are place-based initiatives happening on other National Forests, including the Lewis and Clark, Colville, Clearwater and Nez Perce, Fremont-Winema, Tongass, and federal forests in Arizona, among others. Each initiative is different in significant ways. But all are searching for more durable, bottom-up, and pro-active solutions to National Forest management. Some negotiations, like that on Idaho's Clearwater and Nez Perce, may result in proposed legislation. But others, including arrangements on the Colville and Fremont-Winema, are not based on forest specific laws but instead operate through formalized agreements and protocols with the U.S. Forest Service. This bigger picture is important and I hope the Committee considers the possible impact of S.1470 on these other initiatives.

S. 1470 is a bold and constructive response to a dysfunctional status quo. It advances the debate over National Forest management in significant ways, by forcing us to address several intractable system-wide problems. Nonetheless, the legislated approach to National Forest management is a significant departure from the status quo and it raises several significant questions. Laid out below are some of the most important. They go beyond S. 1470, with the assumption that if enacted, similar place-based forest laws are forthcoming.

1. Would a proliferation of place-based forest laws disunify the relatively consistent mission and mandate of the USFS?

If replicated more broadly, the place-based approach to forest management could further disaggregate the National Forest system. Law-by-law, the National Forests could be governed by forest-specific mandates, not unlike the unit-specific enabling laws governing the National Parks and National Wildlife Refuges. A relatively consistent mission and mandate applicable to the National Forests would be replaced by more site-specific prescriptive laws detailing how particular forests must be managed. This might be good for some forests, but what effect would it have on the National Forest System?

2. Will the FJRA conflict with preexisting Forest Service mandates, environmental laws, and planning requirements?

Forest-specific laws already codified, like the Tongass Timber Reform Act and the Herger-Feinstein (Quincy Library) Act, have engendered more conflict than consensus partly because of how these laws sometimes fail to fit into the preexisting legal and planning framework. In these and other cases the USFS is forced to walk a statutory minefield with legal grenades thrown from all directions. One way or another, the agency gets sued for either complying with existing environmental laws or for ostensibly subordinating the new place-based one. These cases show that the answer to forest management might not be another law placed on top of myriad others but rather an untangling or clarification of the existing legal framework.

NEPA is one big unanswered question in S. 1470. The bill requires the USFS to satisfy its NEPA duties within one year. But without additional support it is hard to fathom the agency meeting this deadline, given that it takes the USFS about three years to complete an EIS. When it comes to meeting NEPA obligations, the USFS needs more funding, leadership, and institutional support, not more law.

3. Can the FJRA be successfully implemented and how will it be paid for?

One purpose of S. 1470 is to generate a more predictable flow of wood products for local mills, thus the bill's timber harvest mandate. The probability of achieving community stability through forest management has been debated ad nauseum. Alas, most agree that there are simply too many uncontrollable impediments to achieving this objective, like fluctuating housing starts, cheap Canadian imports,

vacillating court decisions, swings in agency budgets, and so on. Nonetheless, S. 1470 is to be admired for its focus on sustainable forests and communities, and for understanding the benefits of having a functional timber industry in Montana.

Before proceeding with a controversial legislated harvest mandate, lawmakers should consider some alternative ways to achieve greater predictability. This includes an innovative effort on the Colville National Forest to provide a steadier, sustainable, and less contested stream of timber for local mills, with accompanying restoration objectives. In this case, a collaborative group works with the agency to achieve its objectives via formalized agreement and a mutually agreed upon decision making protocol.

S. 1470 would be primarily implemented and paid for by using stewardship contracting. This tool's popularity stems partially from the highly uncertain congressional appropriations process, a process that chronically underfunds the USFS and its non-fire related responsibilities and needed restoration work. But on the Beaverhead-Deerlodge National Forest, there are serious questions as to whether there is enough economic value in this lodgepole pine-dominant forest to pay for the restoration work. As a safety valve, S. 1470 authorizes spending additional money to meet its purposes, but there is no guarantee that such funds will be appropriated, or if so, they would not come from another part of the agency's budget.

The question, then, is what happens if such envisioned funds don't materialize? Will money be siphoned from other National Forests in order to satisfy the mandates of S. 1470? Consider, for example, the White Mountain stewardship project in Arizona. The Government Accountability Office (GAO) found that this project incurred greater costs than expected and such costs have "taken a substantial toll on the forest's other programs." Furthermore, some other fuel reduction projects were not completed because their funding sources were being "monopolized" by the White Mountain project. Other National Forests in the region also paid a price to service the terms of this contract, and "[a]s the region has redirected funds toward the White Mountain project, these other forests have become resentful of the disproportionate amount of funding the project has received."

Several other budget related questions are raised by the possible replication of place-based forest laws. For example, might the approach move the National Forests closer to a National Park Service model, where congressional delegations exercise increased control over a unit via Committee and purse strings? Will senior congressional delegations be more successful in securing funding for place-based laws in their states? Will it create a system of "haves" and "have nots" in the National Forest system? And perhaps most important, would these budgetary situations benefit the National Forest system as-a-whole?

4. What precedent will be set if the RJVA is enacted?

There is a remarkable amount of interest in S. 1470. This is partly because of the precedent the bill would set by legislating management of particular National Forests, including a legislated timber supply requirement. The place-based initiatives referenced above could be impacted by S. 1470. If the bill passes in its current form, more groups will seek place-based forest laws in the future, and some of those proposals would undoubtedly contain some type of a legislated timber supply mandate. Thus, the FJRA has national implications, and for this reason it should be scrutinized carefully.

Congress has a history of deferring to state congressional delegations in wilderness politics. So, for example, if one delegation defers to Montana's in passing S.1470, Montana's delegation will be asked to play by the same rules when a different wilderness bill is being considered. And recent history shows that those proposals may not be carefully crafted or in the national interest. Potential for abuse is even more acute if individual forest bills contain special privileges and exemptions that are not available elsewhere. In this regard, subsequent efforts in codifying place-based agreements could have a dangerous snowball effect.

Also legitimate is the fear that if passed, S. 1470 creates a precedent and possible expectation that future wilderness bills must be packaged with economic development provisions (among other nonconforming uses within wilderness areas) if they are to be politically feasible. And special provisions are often replicated in wilderness law. Once used, provisions related to such matters as water rights and buffer areas are regularly stamped onto future wilderness bills as a matter of course.

To be sure, compromise is inherent in the Wilderness Act, and all sorts of special exemptions and political deals are written into wilderness laws with some regularity. But trading wilderness for a timber harvest mandate is a different beast altogether. The real question here is not whether it is reasonable to require two National Forests to mechanically treat 100,000 acres over the next ten years; but rath-

er what those numbers will look like in other states if all of a sudden harvest mandates are politically palatable.

5. Why not experiment in more serious fashion?

S. 1470 includes a vague reference to “adaptive management,” and thus an implicit acknowledgement that there are uncertainties inherent in the bill. In this vein, the bill sets up a monitoring program whereby the USFS will report to Congress on the progress made in (1) meeting the bill’s timber supply mandate, (2) the cost-effectiveness of the restoration projects, and (3) whether or not the legislation has reduced conflict as measured by administrative appeals and litigation. Not included on the list are specific ecological (non-timber related) monitoring requirements.

This is a good start. But given the importance of S. 1470, and the impact it could have on other place-based proposals, why not approach matters in a more deliberately experimental fashion? This could be accomplished in different ways but the principles would be the same: proceed cautiously, try different approaches in different places, carefully monitor the results, and go from there. These experiments could be housed within a more structured experimental framework, with appropriate legal sideboards and oversight, such as that provided by the recently enacted Collaborative Forest Landscape Restoration Program. Such a legislatively-created framework is one way of ensuring that future place-based proposals do not become used as a backdoor way of undermining environmental law and devolving federal lands to self-selected stakeholders.

If such a framework is not used, I recommend making the purpose of experimentation more central to S. 1470. This could be done by strengthening the bill’s monitoring and evaluation requirements, to include other ecological and policy/process considerations. Ecological monitoring requirements should be mandated.

Changes should also be made to S.1470 to ensure that its ecological restoration goals are achieved in tandem with its harvest mandate. I propose a reciprocal or staged stewardship contracting approach whereby future timber projects cannot proceed until certain restoration objectives are met; and once met, future timber is released in a sort of tit-for-tat sequence. This approach will alleviate widespread concerns that restoration will take a back seat to the bill’s more clearly articulated timber supply mandate.

Another possibility is to carve out some space in the bill to experiment with different ways of improving the forest planning and NEPA process. Why not try different approaches to its implementation and learn lessons from that experience? In doing so, S.1470 could teach valuable lessons that might be tried elsewhere, and the USFS could be brought into the process as partners, rather than subjects.

With a more deliberately experimental design, S. 1470 could inform a larger system-wide look at National Forest law and management. All sorts of ways in which to reform National Forest management have been proposed in the past, and most of those proposals focus on systemic measures imposed on all forests from the top-down. Rarer are proposals seeking to learn lessons from the bottom-up, and S. 1470 offers such an opportunity. So do the other place-based initiatives referenced above. All of these efforts are admirable in their goals to secure broader-based solutions and conservation strategies. It is my hope that lawmakers and others carefully study these place-based initiatives as part of a more structured and comprehensive review of National Forest law and management.

STATEMENT OF THOMAS J. CASSIDY JR., VICE PRESIDENT FOR GOVERNMENT
RELATIONS AND POLICY, NATIONAL TRUST FOR HISTORIC PRESERVATION

On behalf of our 700,000 members and supporters we respectfully urge the Committee to support S.404, the Green Mountain Lookout Heritage Protection Act. The legislation is necessary to keep a historically significant fire lookout in the Glacier Peak Wilderness Area of Washington state in light of a court ordering that it be removed at taxpayer expense.

The Green Mountain Lookout was built by the Civilian Conservation Corps in 1933 at the top of Green Mountain in the North Cascade mountains of Washington state. It served as an integral part of the region’s fire detection system until the mid-1980s and as a U.S. Army aircraft warning site during World War II. Today, it is managed by the U.S. Forest Service as an asset of the Mt. Baker-Snoqualmie National Forest. In 1984 the Green Mountain Lookout was incorporated within the boundaries of the Glacier Peak Wilderness Area. The structure was listed on the National Register of Historic Places in 1987 and has been rehabilitated in recent years by the Forest Service with the diligent help of local volunteers and a \$50,000 federal grant from the Save America’s Treasures Program.

Subsequently, the Forest Service utilized federal funds as well as thousands of hours of volunteer labor in efforts to stabilize the Lookout. After the work was completed, however, the agency was sued for the purported impositions to wilderness values that occurred in the course of its work to preserve the historic structure. Last year, a federal court ordered the Forest Service to devise a plan to address what it found to be illegal repairs to the structure. On May 2, 2013 the agency published a Notice of Intent to prepare an Environmental Impact Statement that only analyzes options that will remove the lookout from its historic location. Thus, if the lookout is to be saved, Congress must act.

Prompt action on this bill will ensure the continued operation and maintenance of the Green Mountain Lookout in the Glacier Peak Wilderness Area; without action, the lookout will be removed or destroyed, and a local wilderness treasure will be lost. S. 404, the Green Mountain Lookout Heritage Protection Act, is necessary not only to save an important piece of national history, but to save taxpayers the estimated \$100,000 expense of moving the lookout to a location outside of the wilderness.

We look forward to assisting you in any way on this issue.

THE ROCKY MOUNTAIN FRONT HERITAGE ACT,
August 2, 2013.

Hon. JOE MANCHIN,
Chairman, Subcommittee on Public Lands, Forests and Mining, U.S. Senate, Washington, DC.

DEAR SENATOR MANCHIN:

On behalf of Montana's hunters, anglers, outfitters, and the businesses that rely on the hunting and fishing industry, we thank you for your keen interest in the Rocky Mountain Front Heritage Act (S.364). Montana's Rocky Mountain Front (the "Front") is a world-class destination for hunting and fishing in a natural setting of unparalleled splendor. Flanking the public wildlands are large working ranches and family farms along with guest ranches; many of these properties have been passed down from generation to generation.

The Rocky Mountain Front Heritage Act is broadly supported by hunters and anglers in the state. In fact, the total number of 'hook and bullet' clubs, hunting guides, outdoor businesses and wildlife managers who support the Heritage Act makes up the largest category of endorsers. Together they represent thousands of Montanans who live, work, hunt/fish and recreate along the Rocky Mountain Front. These stakeholders emphatically support the RMFHA for the following reasons:

The Heritage Act was Developed with Hunter and Angler Input

The Rocky Mountain Front Heritage Act is a homegrown, collaborative solution to keep the area like it is for future generations by ensuring adequate access for both motorized and non-motorized users and conserving backcountry lands. Hunters and anglers have been directly involved in developing the bill.

In fact, a recent letter from the Great Falls Chapter of Safari Club International sums it up:

"We commend the collaborative efforts of the Coalition to Protect the Rocky Mountain Front, bringing diverse interests to the table, to discuss future management of our local area. This is a true local 'grassroots' project. The Great Falls Chapter of Safari Club International offers our continued support to projects and strategies that maintain and enhance fisheries and wildlife populations and their habitats, while continuing our hunting, fishing and recreating heritage in Montana." (Letter on file, April 2013)

Wilderness Lands Provide Valuable Hunting and Fishing Opportunities. Hunting and fishing is permitted in wilderness areas and the Heritage Act does not affect state jurisdiction over fish and wildlife. As savvy hunters and anglers know, wilderness areas protect important wildlife habitat, and provide some of the country's best opportunities for hunting and fishing.

Further, because wilderness areas contain high-quality habitat, there is much less need for habitat restoration in wilderness. Although habitat restoration activities are permissible within wilderness, consistent with the Wilderness Act, these areas are much lower priority for restoration than other, more degraded, public land habitats.

Big Game Needs Secure Habitat

First and foremost, the Front is a sportsmen's paradise; the landscape provides hunters and anglers the best that Montana has to offer in terms of wildlife habitat and hunting and angling opportunities. The RMFHA's designations of Wilderness and Conservation Management Area along with the emphasis on habitat protection through noxious weed control and eradication are complimentary components of the bill. Together, these provisions provide hunters and anglers a comprehensive "insurance policy" that will help maintain healthy, huntable wildlife and fish populations. There is a reason Montana has one of the longest and most liberal big game hunting seasons in the nation and habitat protection provided by the Heritage Act is key to protecting Montana's hunting and fishing heritage and keeping local economies in the region strong.

Economic Contribution of Hunting on the Front:

There are very few places left in the world where a hunter can go after 10 big game species—the Rocky Mountain Front is one of them. All this hunting opportunity adds up to a lot more than full freezers and life-long memories, it also adds significantly to local economies; to the tune of \$10 million that sportsmen and women spent on hunting trips to the Front in 2010.

Along the Rocky Mountain Front, expenditures by hunters and anglers have held steady through the most recent recession, making these popular outdoor pursuits a rare bright spot when compared to the struggles of the broader economy.

According to Montana Fish, Wildlife, and Parks (MTFWP) data, hunter expenditures along the Front, over a five year period from 2006 to 2010, have held steady despite the broader economic challenges facing other industries during the recent recession.

In real terms, during 2006, at the peak of the last business cycle, sportsmen hunting along the Front spent \$9.8 million; growing to \$10.4 million in 2008 in the middle of the recession; and falling only slightly in 2010 to \$10.1 million.

These impressive numbers show that the high quality of the hunting resources on the Rocky Mountain Front is known not only to local residents but also to hunters from across the region and the country. In 2010 alone, MTFWP measured more than 90,000 hunter days on its districts along the Front.

According to MTFWP most hunters visit the Front for upland game birds, deer, and elk while a smaller number of sportsmen hunted antelope, big horn sheep, moose, and mountain goats. In 2010, sportsmen hunting upland game birds spent more than \$4 million and those hunting deer and elk spent more than \$5 million.

Senator Manchin, support for the Rocky Mountain Front Heritage Act is strong in Montana because the bill will ensure that the Front that Montanan's cherish will stay like it is today for future sportsmen and women of Montana and the nation.

Again, we thank you for your willingness to hear from hunters and anglers throughout Montana about the Rocky Mountain Front Act and we look forward to working with you to ensure the passage of this worthy bill. Please contact me should you have any questions.

Sincerely,

STATEMENT OF STEVE MOYER, VICE PRESIDENT FOR GOVERNMENT AFFAIRS, TROUT UNLIMITED, ARLINGTON, VA, ON S. 37

On behalf of Trout Unlimited (TU) and its 145,000 members, I write in support of S. 37, the Forest Jobs and Recreation Act and S. 364, the Rocky Mountain Front Heritage Act, and thank you for scheduling a hearing to consider these bills. S. 37 will permanently protect nearly one million acres of Montana's spectacular backcountry and establish 670,000 acres of Wilderness, the first new Wilderness designations in Montana in over twenty-five years. The management projects spurred by this bill will focus on restoration of degraded forest lands and reduction of overall road density and the legislation strives to protect the integrity of roadless areas while complying with all existing laws, policies, regulations, and forest plans. Further, projects enabled by S. 37 will create jobs in forest restoration, provide fiber

for our timber partners in local mills, and benefit Montana communities by reducing hazardous fuels in the wildland-urban interface.

More than 2,000 TU members live and work in communities around the national forest and BLM areas affected by S. 37, including Butte, Anaconda, Deer Lodge, Sheridan, Twin Bridges, Silver Star, Philipsburg, West Yellowstone, Cameron, Dillon, Ennis, Bozeman, Missoula, Drummond, Ovando, Bonner, Whitehall, Libby and Troy. Most members in these areas are long-time or native Montanans and they fish, hunt, hike, camp, drive, snowmobile, ski, ride horses, and collect firewood, berries and Christmas trees from these lands. A number have livelihoods directly tied to these lands, working as guides and outfitters, loggers, ranch hands, staffers in natural resource agencies or operators of small businesses.

More than seven years ago, spurred by the recognition that National Forests in western Montana were not living up to their potential to support healthy fish and wildlife and provide jobs and recreational opportunities for local communities, TU and other local stakeholders came together to develop a shared vision for forest management. The resulting compromises provided the basis for an important part of S. 37, which would protect fish and wildlife habitat through the designation of 670,000 acres of new Wilderness and more than 300,000 acres of special management and national recreation areas, restore degraded habitat through the removal of old roads and blocked culverts, reduce the risk of wildfire through targeted fuel reduction projects, and create jobs for local communities through stewardship contracting. If implemented, the bill could yield significant benefits to fish and wildlife, water resources, and nearby communities.

TU has a long record of working with farmers, ranchers, industries, and government agencies to protect and restore trout and salmon watersheds nationwide. Drawing on these cooperative experiences, we have worked to develop the solutions contained in S. 37 with a diverse group of stakeholders in Montana. Bruce Farling, Montana TU's Executive Director, has led TU's efforts on the Beaverhead-Deerlodge, and TU volunteer Tim Linehan has been a leader in the Kootenai initiative. The partners in the region have done courageous, outstanding work. TU strongly supports S. 37, we deeply appreciate the work of Senator Tester and his staff for introducing it, and we urge the Senate to support it.

Background on the Development of S. 37

In an August 14, 2009 speech in Seattle, Agriculture Secretary Tom Vilsack stated that Americans must move away from polarization and "work towards a shared vision—a vision that conserves our forests and the vital resources important to our survival while wisely respecting the need for a forest economy that creates jobs and vibrant rural communities." Through a collaborative grassroots effort dating back several years, a broad range of partners has done just that, and the resulting vision has provided the basis for the legislation introduced by Senator Tester.

Prior to this collaborative process the forests were mired in stalemate that failed to protect and restore fish and wildlife. Wilderness has not been designated in the state of Montana in over 25 years, despite the broad recognition of the need to protect quality fish and wildlife habitat and public support to do so. There are hundreds of impassible culverts on the forests that fragment trout habitat. Dense networks of obsolete roads restrict elk security and movement, and contribute heavy loads of sediment to streams.

Due in part to these impacts, native salmonids, some of which are listed or candidates for listing under the Endangered Species Act, occupy but a small fraction of their historic range. Decades of fire suppression has produced homogenous even-aged stands of forests, which along with climate change and the pine bark beetle infestation increase the risk of unnaturally intense fire. The Forest Jobs and Recreation Act will enable the Forest Service to address these long-neglected needs.

The Forest Jobs and Recreation Act results from three grassroots efforts in which TU in Montana was a principal in two efforts (Beaverhead-Deerlodge and Three Rivers) and a supporter in the third (Blackfoot-Clearwater). The bill is Montana-made, and it has generated unprecedented consensus among many Montanans of different stripes that validates the notion that collaboration is vital to developing long-term popular support of public lands management.

The Fish and Wildlife Benefits of the Forest Jobs and Recreation Act

Now more than ever, as changes in climate increase the challenges faced by forest managers and ecosystems, it is imperative that national forests are managed in ways that promote resiliency. By federally protecting the highest quality landscapes and then reconnecting them to adjacent areas through watershed restoration, S. 37 will help to maintain abundant fish and wildlife populations while providing mul-

multiple benefits to human communities through good paying jobs. This can be done through the following actions:

1. Protect the highest quality lands and waters.

The Forest Jobs and Recreation Act would protect as federal Wilderness 670,000 acres of undeveloped country in 25 areas, as well as create over 300,000 acres of special management and national recreation areas. By doing so, it will protect crucial sources of clean, cold water as well as essential habitats for wild and native trout in the headwaters of some of the nation's most storied trout waters, including Rock Creek and the Madison, Beaverhead, Ruby, Jefferson, Big Blackfoot, Clark Fork and Kootenai rivers. Protection of Wilderness and special management areas in the bill will also help secure habitats for Canada lynx, a listed species, as well as wolverines and mountain goats—all species that need undisturbed habitats. Finally, it will provide secure habitat in Montana's greatest elk hunting region.

The protection of high quality habitat, along with the reconnection and restoration projects described below, will help secure populations of one ESA listed fish species, bull trout, and three additional fish species that are candidates for listing: westslope cutthroat trout, arctic grayling, and interior redband trout. All of these species now inhabit only a small portion of their historical ranges on the lands in the bill. The Wilderness and special area designations serve as critical sources for fish that are necessary for re-populating restored habitats downstream.

2. Reconnect landscapes so that fish and wildlife can survive habitat disturbances.

Restoration projects will be focused on areas of high road density. Obsolete road networks in Montana forests cause habitat fragmentation that prevents fish from dispersing to intact habitats when faced with disturbances such as fire, drought or intense storms. The Forest Jobs and Recreation Act would address the problems caused by these road networks by (1) prohibiting the construction of new, permanent roads; and (2) requiring that road densities be reduced. (For example, in the Beaverhead-Deerlodge National Forest, the road standard is to leave post-project landscapes with a road density that averages no more than 1.5 linear road mile per square-mile.) The scientifically based standard recommended by the Montana Department of Fish, Wildlife and Parks for elk security is no more than 1.5 linear miles of road per square-mile, which is the minimum needed to provide enough security for elk so that Montana can maintain its best-in-the-nation 5-week general big game hunting season. The Beaverhead-Deerlodge National Forest and the Seeley Lake Ranger District include some of the most productive lands anywhere in Montana for large, trophy elk. The road standards in S. 37 will also protect high quality habitat and improve wildlife security for a host of popular game and non-game species, including mule deer, black and grizzly bears and mountain goats.

The road standards will also greatly benefit fish by reducing erosion-prone road surfaces and road crossing structures such as culverts that are currently harming habitat and impeding movement of fish into and out of important habitats. Recent agency surveys indicate, for example, that at least 240 road culverts on the Beaverhead-Deerlodge National Forest are currently complete or partial barriers to fish movement, and the frequency of road crossing barriers on the Seeley Lake and Three Rivers Districts are even more severe. The result is reduced habitat availability for species such as bull trout and cutthroat trout. The restoration projects enabled by this legislation will improve habitat connectivity by removing roads and replacing or removing blocked culverts.

3. Engage communities in restoration.

The Forest Jobs and Recreation Act directs the Forest Service to use stewardship contracting to meet vegetation management goals, which ensures that the value of trees removed is invested back onto the same landscape in habitat restoration, elimination of pollution sources, protection of key habitats from livestock, or suppression of weeds on winter ranges, as well as improvement of recreational features such as trails used by hunters, anglers and other recreationists.

By focusing stewardship projects on previously developed landscapes with high densities of roads, the Forest Jobs and Recreation Act will help address impairments on landscapes that are prone to unnatural rates of erosion, and related effects such as exotic weed invasion, after fires. When large fires sweep through developed landscapes such as those on the Beaverhead-Deerlodge National Forest or the Three Rivers Ranger District, they significantly increase the risk of erosion from road systems after snowmelt or severe rainstorms, and subsequent colonization by exotic weeds. Similarly, post-fire storms can block road culverts with debris and mud, causing these structures to fail and resulting in channel scouring and large amounts of sediment entering into trout streams. Fire is a natural part of these forest sys-

tems. In fact, on undeveloped landscapes it can play a beneficial role, one that fish and wildlife have adapted to for eons. On densely roaded forests, the effects of fire can cause intense erosion, water quality degradation, and extirpation of local populations of fish and wildlife-not to mention the risk to drinking water sources of nearby human communities.

TU Supports S. 364, the Rocky Mountain Front Heritage Act

The Rocky Mountain Front is one of the most diverse and wildlife-rich landscapes in the lower forty-eight, drawing hunters, anglers and recreationists from throughout the West, including many TU members. Outdoor recreation supported by public lands on the Rocky Mountain Front is a significant economic engine, with hunting trips alone contributing over \$10 million to local communities in 2010.

As with the Forest Jobs and Recreation Act, the Rocky Mountain Front Heritage Act is a homegrown, collaborative solution for conflicts in public land management. S. 364 will ensure adequate access for both motorized and non-motorized users, conserve backcountry lands through the designation of 67,000 acres of Wilderness, establish 208,000 acres as Conservation Management Areas, and address the ever-growing issue of noxious weeds that put both wildlife and ranches at risk. TU supports provisions in S.364 that will help to keep the Rocky Mountain Front like it is for future generations and we urge the Senate to pass the bill.

Conclusion

The collaborative effort undertaken by local Montana groups is on the verge of overcoming years of controversy and delay to protect and restore Montana forests in ways that benefit fish and wildlife resources and local communities. There are challenges ahead, but S. 37 represents a new way of doing business for the Forest Service, and we urge the committee to pass it.

TU supports S. 37 and S. 364, and urges the Committee to approve the bills and to send them on to the floor for consideration by the Senate.

Sincerely,

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