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S. HRG. 114–380

PENDING PUBLIC LANDS, FORESTS, AND MINING LEGISLATION

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

ON

S. 160/H.R. 373
S. 365
S. 472
S. 583
S. 814
S. 815
S. 1240

MAY 21, 2015

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PENDING PUBLIC LANDS, FORESTS, AND MINING LEGISLATION

THURSDAY, MAY 21, 2015

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:30 p.m. in Room SD–366, Dirksen Senate Office Building, Hon. John Barrasso, Chairman of the Subcommittee, presiding.

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

Senator BARRASSO. The Subcommittee will come to order.

This is our first legislative hearing in the Public Lands, Forests and Mining Subcommittee this Congress. The purpose of today's hearing is to receive testimony on seven bills pending before the Subcommittee.

Four of these bills were considered by the Subcommittee in the last Congress. The four bills are S. 160/H.R. 370, Senator Heller and Representative Hecht's bill to expedite Good Samaritan Search and Rescue Operations. This one is important to help bring closure to families of missing persons as quickly as possible. S. 814 and S. 815, Senator Wyden's Tribal Land Conveyance bills in Oregon; and, S. 1240, Senator Heinrich's bill to designate two new wilderness areas in the Rio Grande del Norte National Monument in Northern New Mexico.

We will update the records of the four bills and allow members, especially those who are new to the Subcommittee, an opportunity to ask any questions that they might have.

The remaining three bills are new to the Subcommittee. S. 365, was introduced by Senator Hatch and co-sponsored by Senator Lee. This bill will restore grazing levels in the Grand Staircase Escalante National Monument and provide needed certainty to the family ranching operations and communities located there. This is one of President Clinton's Antiquity Act monuments which is still causing reverberations in Utah today.

S. 472, another bill from Senator Heller, will authorize several land conveyances to facilitate sensible development in Douglas County in Nevada. The Federal Government controls over 50 percent of the land base in this one county, so it is not surprising that the county has come to Congress for help.

Finally, S. 583, Senator Risch's Sawtooth National Recreation Area and Jerry Peak Wilderness additions bills. Senator Risch will have an opportunity to speak to them shortly.

First let me turn to the Ranking Member, Senator Wyden, for his remarks.

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

Senator WYDEN. Thank you very much, Mr. Chairman. I just want to say at the outset since this is our first forestry hearing that I am very much looking forward to working with you on these issues.

Mr. Chairman, I also see our friend and colleague from Idaho, Senator Risch here, and we all work together on these issues often.

I can remember when I was Chairman of this Subcommittee. It is an important Subcommittee particularly for those of us from the West trying to find fresh, creative approaches to deal with the challenges, it is especially important to our constituents.

Let me make a quick apology to our guests from Idaho. We know that it is a challenge getting back here. I apologize, I am busy with the Trade bill on the floor, so I am going to have to chase off here in a moment but look forward to working with you all.

Of course, Ms. Weldon and Mr. Murphy, two professionals that we have worked with often and we are glad to have you here. Again, my apologies with respect to not being able to stay.

Chairman Barrasso was kind enough to let me make some brief remarks with respect to two important bills from my constituents, Oregon tribal bills, S. 814 and 815.

The Coos, Lower Umpqua and Siuslaw Indians and the Cow Creek band of Umpqua Tribe of Indians have waited a long, long time for these bills. I am glad that they are being heard once again in the Committee.

This is the second Congress that I have introduced these bills individually and as part of my O and C lands legislation, and I hope it will finally be the end of the discussion and we will act on them.

It is long past time for Congress to do the right thing and designate these lands as tribal lands, righting a wrong that happened long ago but still impacts tribal members in my state and across the country. Termination era policies are a shameful part of American history with long standing impact on the nation's first peoples.

The Cow Creek and Coos Tribes were restored to Federal recognition in the 1980's but have yet to regain any land. These tribes deserve the right to exercise their tribal sovereignty, to grow an economy, support and protect tribal members, embrace and celebrate their cultural and religious priorities and raise new generations of tribal members who understand the importance of their heritage. In order to do that they have got to have a land base to call home.

The two bills will convey more than 17,000 acres and more than 14,000 acres of land that is now managed by the Bureau of Land Management to the Secretary of the Interior to hold in trust for the Cow Creek Band of Umpqua Tribe of Indians and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, respectfully.

Both the Cow Creek and the Coos Tribes testified before the Subcommittee in a hearing on November 20, 2013, and they are going to submit written testimony today to, once again, stress the impor-

tance of these bills to their tribal sovereignty and the future of their tribal members.

[The information referred to follows.]

WRITTEN STATEMENT FOR THE RECORD
CHAIRMAN MARK INGERSOLL FOR THE CONFEDERATED TRIBES OF THE COOS, LOWER UMPQUA, AND SIUSLAW INDIANS
SUBMITTED TO THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING
S. 814 (114TH CONGRESS)

I am Chairman of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. I speak for our Members and for our Tribal Council. On behalf of the Tribe, I thank you for the opportunity to submit these materials for inclusion in the hearing record on S. 814.

S. 814 is a straightforward bill that will yield jobs -- and justice. We are grateful for the support of Senators Wyden and Merkley. We respectfully ask that the Subcommittee join Senators Wyden and Merkley in supporting S. 814.

The bill transfers from the Bureau of Land Management (BLM) to the Bureau of Indian Affairs (BIA) responsibility for managing approximately 14,408 acres of land in three watersheds draining to the Pacific Ocean in Oregon. These watersheds are the homes of the Ancestors of the three tribes that make up our Confederated Tribes. All of the land lies within the ancestral territory of the Coos, Lower Umpqua, and Siuslaw Indians. If the bill becomes law, the United States will continue to hold title to the land, and, through the BIA, will hold the land in trust for the Tribe as part of our Reservation.

In March, 2013, Senators Wyden and Merkley publicly released a discussion draft of what eventually became S. 1414 in the 113th Congress and now takes the form of S. 814. Immediately after release of the discussion draft, the Tribe intensified its broad-based consultations about the proposal. These efforts included consultations with the local communities of which the Tribe is a part; with groups representing individuals sharing with the Tribe economic, recreational, and environmental protection interests; with neighboring federally-recognized Indian tribes; with neighboring private property owners; with the State of Oregon and its political subdivisions; and with both the BIA and the BLM. Details of some of these consultations are set out in the exhibits to this statement.

The substance of S. 814 has enjoyed the bipartisan support of elected officials from the region in Oregon in which the lands are located or who have an official role in government-to-government relations between the Tribe and the State of Oregon. For example, Governor Kate Brown supported the proposal as Secretary of State.

Senator Wyden himself conferred with representatives of the Association of O & C Counties in a successful effort to identify adjustments to the discussion draft that protect those counties from any perceived reduction in timber revenue harvest payments. These adjustments appeared as Section 7 of S. 1414 and are carried forward into Section 6 of S. 814. We have no objection to these provisions.

The substance of S. 814 enjoyed bipartisan support in the House of Representatives during the 113th Congress. The essence of S. 814 was embedded in three measures approved by the House of Representatives: The substance of S. 814 was Title III, Subtitle D, Part 2, of H.R. 1526 (113th); Section 396 of H.R. 4 (113th); and Title III of H.R. 5701 (113th). All three of those measures passed the House in the 113th Congress.

We are happy to report that bipartisan support for the substance of S. 814 continues in the current Congress. Rep. DeFazio is the principal sponsor of H.R. 1438. That bill is functionally

identical to S. 814. On April 16, 2015, Representative Walden became a cosponsor on H.R. 1438.

In the 113th Congress, this Committee also examined and acted favorably on the substance of S. 814. Senator Wyden introduced and Senator Merkley co-sponsored S. 1414. The Subcommittee on Public Lands, Forests, and Mining held its hearing on S. 1414 on November 20, 2013. The substance of the bill heard by the Subcommittee later became Title II, Subtitle A of S. 1784. The Committee on Energy and Natural Resources reported favorably on S. 1784 and recommended that the bill, with the amendments including the substance of S. 814, be passed.

We appreciate the strong efforts many Members made on our behalf in the 113th Congress. None of the bills in which our ambitions were included reached the finish line. We take some comfort in the fact that the substance of S. 814 in no way contributed to the demise of any of the legislative vehicles in which it was embedded. We hope that the labors of the Members who stood for the Tribe in the 113th Congress will be rewarded, and the Tribe's dreams realized, in the 114th Congress.

Broad, bi-partisan support for the substance of S. 814 has been maintained over time and through many legislative twists and turns for a simple reason: S. 814 is good policy.

Under S. 814, the National Indian Forest Resource Management Act (NIFRMA) will require the BIA, working with our Tribe, to create and adopt a management plan for the newly-designated trust forest lands. The National Environmental Policy Act (NEPA), one of the federal laws whose applicability is ensured by Section 5 of S. 814, requires an Environmental Assessment or Environmental Impact Statement prior to major action by a federal agency. The BIA's adoption of the NIFRMA management plan will be a major federal action. As a result, S. 814 will require the BIA, working with the Tribes, to complete an Environmental Assessment or Environmental Impact Statement prior to the approval of the NIFRMA management plan.

The NIFRMA/NEPA planning process will require the BIA, working with the Tribe, to assess, and as necessary, avoid or mitigate potential impacts to the environment as identified by government agencies and the general public. The Endangered Species Act will require the BIA, working with the Tribes, to consult with the US Fish and Wildlife Service and the National Marine Fisheries Service to further the conservation of threatened and endangered species. The National Historic Preservation Act will require the BIA, working with the Tribe, to assess any undertaking which could adversely affect any historic property and to take steps to avoid or mitigate any adverse effects to that property.

While these and other federal laws will require the BIA and the Tribes to be good stewards of the land, we will be good stewards of the land not simply because the law requires it, but because that is who we are.

Most of the land has been logged in the past by clear-cut logging or regeneration harvesting. Most of the land is now forested with second-growth plantation stands, with some small, scattered remnant stands of older forest. We excluded many tracts from the proposal to avoid older stands, late-successional reserves, and critical habitat for threatened or endangered species. Although it would have been impossible to completely avoid such areas, we tried to minimize the inclusion of older stands, late-successional reserves, and critical habitat. The supplemental materials submitted in conjunction with this statement include detailed breakdowns of the characteristics of each tract.

In making every decision, we consider how our Ancestors would view our work and how our decisions will affect the seventh generation of our descendants. We expect the outcome of

the NIFRMA/NEPA planning process to be a plan reflecting our culture and our seven-generation perspective on land and resource management. Our management philosophy, which is deeply embedded in our traditions, our culture, and our Tribal law, will shape a plan that neither bars all commercial use nor manages the forest as an industrial tree farm. NIFRMA prohibits the timber harvest from exceeding the sustained yield of the forest while also allowing "the retention of Indian forest land in its natural state when an Indian tribe determines that the recreational, cultural, aesthetic, or traditional values of the Indian forest land represents the highest and best use of the land." We expect to construct a forest management plan for holistically managing these lands, integrating a combination of intensive but sustained-yield forestry and conservative restoration forestry, yet avoiding the extremes of either approach. The combination of the Tribe's management philosophy with the continued applicability of federal laws as required by S. 814 will permit modestly increased commercial use of the forestlands at the same time we begin to restore them to a condition our Ancestors would recognize and the seventh-generation of our descendants will appreciate.

Jobs -- for the broader community as well as for Tribal members -- will be one yield from the shift in management of public lands from one agency within the Department of the Interior to another agency within the same Department. Timber from the trust forestlands will be harvested by local loggers and moved to mills by local log truck drivers. The stand will then be replanted by local tree-planters. Roads will be maintained by local equipment operators. Fish and wildlife habitat will be actively improved by local restoration specialists. Some of the local jobs sustained by S. 814 will be filled by local tribal members and some by non-tribal local workers. In every case, their wages will sustain families and circulate in the local economy.

The Tribe does not own, and has no intention of building, a lumber mill. S. 814 prohibits the export of raw logs. The logs will stay stateside, helping to sustain domestic mills and the employees dependent on a sustainable flow of logs to those mills.

Justice is the second predictable result of S. 814. We were the original trustees of these lands. The United States failed to ratify a treaty (which we signed in good faith) that would have provided due process for the forced dispossession of 1.6 million acres of our ancestral territory. As of today, only 153 acres are held in trust by the United States for the Tribe. We remain the only western Oregon tribe that did not, as a result of the tribes' respective restoration Acts, regain control of a significant acreage of our ancestral lands nor receive a financial payment.

My people watched as the new managers of our lands lurched from unsustainable harvest levels to litigation-driven gridlock. Like our non-Tribal neighbors, members of our Tribe send our children to public schools, use public libraries, and rely on the local public infrastructure sustained, in part, by federal timber management policy. Our members have the same investment in our local communities -- including the duty to pay property taxes on the homes that we own -- as our non-Tribal neighbors.

The Tribe's connection to these lands has an added and unique dimension. For generation upon generation during our stewardship of these lands, we avoided the extremes of the past 150 years. The land sustained us spiritually as well as materially. We used the forest, and the forest was not harmed.

S. 814 restores our Tribe to a central role in managing less than one percent of our ancestral lands. S. 814 is a step in the direction of justice as well as in the direction of jobs.

We sincerely thank you again for the opportunity to have submitted this statement for your records in support of S. 814. Despite its simplicity, S. 814 has the potential to yield both jobs and justice.

INDEX TO SUPPLEMENTAL WRITTEN MATERIALS
Submitted with Chairman Ingersoll's Written Statement

CONFEDERATED TRIBES OF THE COOS, LOWER UMPQUA, AND SIUSLAW INDIANS BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING: MAY 21, 2015, HEARING ON S. 814 (114TH CONGRESS)

A Tract-by-tract analysis of public lands affected by S. 814 (114th Congress) and H.R. 1438 (114th Congress) (Separately Bound).

B Frequently asked questions about S. 814 and H.R. 1438 (114th Congress), and their antecedents.

C Summary of consultation since public release of the Wyden/Merkley discussion draft in March, 2013.

- **Ex. C-2** Community Forums
- **Ex. C-3** Government-to-Government consultations with neighboring tribes
- **Ex. C-14** Government-to-Government consultations with State of Oregon
- **Ex. C-16** Association of O&C Counties
- **Ex. C-17** BIA and BLM

D Representative statements about substantively equivalent antecedents to S. 814 / H.R. 1438.

- **Ex. D-2** Governor Kitzhaber
- **Ex. D-7** Then-Secretary of State (now Governor) Brown
- **Ex. D-8** State Legislators
- **Ex. D-14** *The World* (Coos Bay Region) Editorial
- **Ex. D-15** Timber Industry
- **Ex. D-16** National Congress of American Indians

E Tribe's Petition to the President of the United States.

F Text of H.R. 1438 (114th Congress, First Session).

S0060672.v3

A.

Tract-By-Tract Analysis of Public Lands Affected By S. 814 (114th Congress) and H.R. 1438 (114th Congress).

Originally Prepared In Reference To S. 1414 (113th Congress)

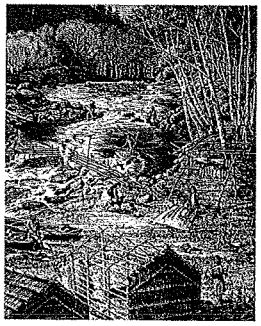
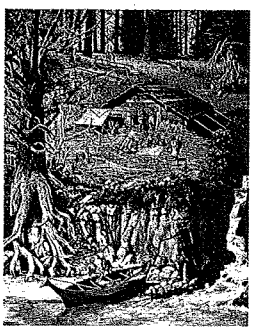
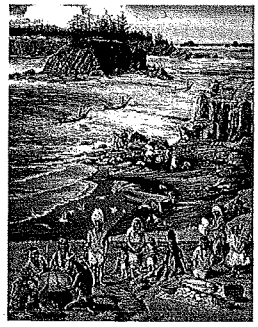
(Tract-by-Tract Analysis Separately Bound and Separately Submitted: Only the Title Page is Reproduced Under this Divider)

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit A - 1 To Statement of Chairman Ingersoll

S. 814 (114th Congress)

Oregon Coastal Land Act

Tract-by-Tract Analysis

Reprinted For The May 21, 2015, Hearing Before The Subcommittee On Public Lands, Forests and Mining
Originally Submitted On November 20, 2013, To The Subcommittee In Support of S.1414 (113th Congress)

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit A - 2 To Statement of Chairman Ingersoll

B.

Frequently Asked Questions About S. 814 / H.R. 1438 (114th Congress) and Their Antecedents

Frequently Asked Questions

S. 814 (114th Congress) / H.R. 1438 (114th Congress)

Does S. 814 or H.R. 1438 transfer the federal government's title to anyone else?

No. Both bills simply place Federal lands into trust for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians ("Tribe"). Neither bill alienates the federal government's title.

Does S. 814 or H.R. 1438 diminish county timber revenue?

No. Lands known as "public domain" lands -- already managed by the BLM but not currently treated as O & C lands -- will be added to the class of lands subject to the Oregon & California Railroad Act of 1916. The addition of public domain land offsets the actual or hypothetical effect on county revenue resulting from conveyance of specified lands out of the O & C class and into trust for the Tribe.

What impact, if any, would either bill have a on federal revenues?

Neither bill would have a significant negative impact on federal revenues.

S. 814 (114th) and H.R. 1438 (114th) are substantially the same as Part 2, Subtitle D, of Title III of H.R. 1526 (113th). In total, Title III of H.R. 1526 would have required BLM to transfer management authority over 1.3 million acres of federal lands to non-federal parties. The Congressional Budget Office estimated that under current law "BLM would collect receipts totaling $9 million a year over the 2015-2017 period . . . ." H. Rept. 113-213, page 64 (113th Congress). The CBO estimate provides a starting point for considering the federal revenue impact of S. 814 and H.R. 1438.

Approximately 14,408 acres are affected by S. 814 and H.R. 1438. That is approximately 1.1 percent of the total number of BLM acres transferred by H.R. 1526 to the state of Oregon and Coos County. If one assumes that every BLM acre has the identical revenue-generating capacity, then the impact on federal revenues of the acres affected by H.R. 1438 (114th) would be approximately $100,000 annually. For two reasons, that estimate -- insignificant even at $100,000 per year -- is much more likely to be a ceiling than a floor.

First, approximately 16 percent of the total acres transferred into trust by S. 814 and H.R. 1438 are timberlands withdrawn from potential commercial timber harvest or designated "late successional reserve" (older trees). See, Table entitled "Breakdown by Percentage" in the Tract-by-Tract document separately submitted to the Subcommittee. Placing these lands into trust could not have any federal revenue impact because they cannot produce any revenue under the status quo.

Second, the remaining annual revenue impact of $84,000 still does not take account of the positive budgetary effects of changes in economic output, employment, capital stock, and other macroeconomic variables that would result from the legislation. Though emphasizing management for spiritual and cultural purposes, the Tribe expects the final Indian Forest Management plan to include at least some element of commercial forestry.

The dynamic beneficial effect on local economies from commercial forestry in Indian Forests is specifically expressly addressed by the BIA in the following passage from the agency's manual for administering NIFRMA:

> The significance of the Indian forestry program cannot be judged by the cumulative total of net revenues received from the sale of forest products and the wages taken home by program employees. The overall effect of the program on the community must be included. * * * The important point is that for every one direct job created by the management of the forest resources, many more service related jobs are also created. The woods worker and his family must have a place to bank, to buy groceries, to shop for furniture, etc., and a portion of the employees of these businesses are needed because of the demand this worker creates. BIA, Indian Forest Management Handbook, 53 IAM 2.8.C.26, at page 39.

The Tribe, lacking any current forest land, will build the necessary forest management infrastructure through contracts and direct hiring. The bills prohibit export of timber harvested from the lands. The Tribe neither owns nor plans to build and operate a mill. Commercial forest products produced from the Tribe's new forest will be harvested and milled by men and women (including tribal members) and local businesses who pay federal income tax. Forest resources from tribal lands will also contribute to the stability of supply required by forest product companies threatened by uncertain supply.

Does either bill create an exception to federal laws otherwise applicable to commercial forestry activity on federal lands?

No. Section 5 of S. 814 and Section 5 of H.R. 1438 specify that all "applicable federal laws" will continue to apply to such harvest. Both bills specifically prohibit export of unprocessed logs to the same extent prohibited by federal law and regulations applicable to other federal lands.

Does either bill permit commercial forestry activity under circumstances in which it would be prohibited by the Endangered Species Act? The National Environmental Protection Act? The Clean Water Act?

No, no, and no.

Which federal laws are "applicable" pursuant to Section 5 of S. 814 and Section 5 of H.R. 1438?

The Tribe interprets Section 5 of S. 814 and Section 5 of H.R. 1438 (lands "shall be managed in accordance with all applicable federal laws.") to include at least the following: National Indian Forest Resource Management Act, Endangered Species Act, National Environmental Protection Act, Clean Water Act, Archeological Resources Protection Act, and National Historic Preservation Act.

If S. 814 or H.R. 1438 became law, how would the Tribal Government manage hunting, fishing, and recreational issues on the land?

These issues will be managed in consultation with Tribal Members, other users, and the State of Oregon. The Tribe already has initiated discussions about these issues with the State of Oregon.

In 1855, President Pierce issued an executive order reserving a region of the Oregon coast as a reservation. Does either bill include any part of the area set aside by President Pierce?

No.

Does either bill permit the Tribe to use any of the land for gaming activity carried out under the Indian Gaming Regulatory Act?

No. Section 5 of each bill states that the land "shall not be eligible, or used, for any gaming activity carried out under Public Laws 100-497 (25 U.S.C. 2707 *et seq.*)."

For more information, please contact:

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P0524451.v5

C.

Summary of Consultation And Hearings Since Public Release of the Wyden/Merkley Discussion Draft in March, 2013

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit C-1 To Statement of Chairman Ingersoll

CONFEDERATED TRIBES OF
COOS, LOWER UMPQUA AND SIUSLAW INDIANS
TRIBAL GOVERNMENT OFFICES
1245 Fulton Ave. • Coos Bay, OR 97420 • (541)888-9577 • 1-888-280-0726
General Office Fax: (541) 888-2853 • Administration Fax: (541) 888-0302

FOR IMMEDIATE RELEASE: April 5, 2013

Tribe To Host Community Briefings About Land Restoration Proposal

The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians will host three Community Briefings about draft federal legislation restoring tribal control over 14,804 acres of BLM land in Lane, Coos, and Douglas counties. The public is invited. Briefings will be held:

Sunday, April 14, 2013, at 4:00 p.m.
Coos Bay Public Library, 525 Anderson Ave., Coos Bay. Adjourn: 6:00 p.m.

Monday, April 15, 2013, at 7:00 p.m.
Reedsport Public Library, 395 Winchester Avenue, Reedsport. Adjourn: 9:00 p.m.

Tuesday, April 16, 2013, at 7:00 p.m.
Mapleton Grange Hall, 10880 E. Mapleton Rd, Mapleton. Adjourn: 9:00 p.m.

Each briefing will have the same agenda. Information about the Tribe's history and culture will be on display for the first 30 minutes. Formal proceedings will begin with an invocation from Tribal Chief Warren Brainard. Tribal representatives will describe the history of the Tribe, detail the proposal, and answer questions from the audience.

Public comments will be invited. Former Florence Mayor Phil Brubaker will moderate throughout the meeting.

For more information about the Tribe and the discussion draft, visit the Tribe's website at www.ctclusi.org and click on Ancestral Lands Restoration Proposal. Viewers may leave a comment on the website.

Contact:

Bob Garcia 541-999-1320
Pete Shepherd 503-871-3787
April 5, 2013

HARRANG LONG
GARY RUDNICK P.C.
ATTORNEYS AT LAW

PETER D. SHEPHERD
Admitted in Oregon
333 High Street NE, Suite 200
Salem, OR 97301-3614
pete.shepherd@harrang.com
503.371.3330
503.371.5336 (FAX)

July 19, 2013

VIA EMAIL: WSHAMMEL@COWCREEK.COM

Wayne A. Shammel
Tribal Attorney
Cow Creek Band of Umpqua Tribe of Indians
2371 NE Stephens Street, Suite 100
Roseburg OR 97470

VIA EMAIL: BRETTKENNEY@COQUILLETRIBE.ORG

Brett Kenney
Tribal Attorney
Coquille Indian Tribe
3050 Tremont
North Bend OR 97459

Re: Umpqua Eden – A Tract Included in the Discussion Draft of the Coos, Lower Umpqua, and Siuslaw Indians' Ancestral Lands Proposal

Dear Wayne and Brett:

Over the months since public release of the discussion draft, the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians have continued our discussions with anyone having a question or concern, including federally-recognized Indian tribes in Oregon.

During that process, the Confederated Tribes of Siletz Indians of Oregon noted their interest in ensuring access to a specific parcel within the discussion draft. The tract is approximately 36 acres on the lower Umpqua River. It is called "Umpqua Eden."

My client has always intended to allow continued reasonable access of federally-recognized tribes, and of enrolled members of other tribes, to all of the tracts in the discussion draft. We've imagined that Indian access for cultural, spiritual and other non-commercial purposes would be worked out through the informal mechanisms that we perceive generally have worked well between federally-recognized tribes.

The Confederated Tribes of Siletz Indians suggested that an inter-tribal access agreement would be one way of addressing that tribe's heightened concerns as to the Umpqua Eden tract. My client agrees with this approach as to Umpqua Eden, though, of course, our Tribal Council cannot give its final approval until the text of the proposed agreement is settled.

On instructions from my client, I have tendered to the Confederated Tribes of Siletz Indians a *draft* of such an access agreement. A copy is enclosed.

The draft is framed as a three-way agreement between my client, the Confederated Tribes of Siletz Indians, and the Confederated Tribes of the Grand Ronde Community. As drafted, it allows for the later addition of other federally-recognized tribes. The draft expressly disclaims any effect on existing formal or informal understandings between tribes as to any land other than Umpqua Eden. The agreement could not, of course, replace or affect any requirement of law. For example, discoveries of human remains on the Umpqua Eden tract would still trigger all of the requirements of federal law applicable to such events, including notice to potentially interested tribes.

Chairman Garcia asked me to inform you and your respective clients of developments concerning the issue and its potential resolution through an intertribal access agreement. If you have comments, questions, or concerns about the Umpqua Eden tract or about the draft access agreement, please don't hesitate to call me. In addition, if your client's policy makers prefer to communicate directly with Chairman Garcia on the question of access to Umpqua Eden, each of you have my authorization to contact him directly notwithstanding the fact that I represent the Coos, Lower Umpqua, and Siuslaw Indians as to this issue.

Sincerely,

Peter D. Shepherd

PDS:jl
Enclosure
S0056755.1

DRAFT 1.0 – REASONABLE ACCESS AGREEMENT

INDIAN ACCESS / COOS, LOWER UMPQUA, AND SIUSLAW

LAND CONVEYANCE LEGISLATION

1. Background. Members of the 113th Congress have publicly circulated a draft of legislation that would, if introduced as a bill and passed into law, transfer responsibility for managing certain tracts of federal land from the Department of the Interior, Bureau of Land Management, to the Department of the Interior, Bureau of Indian Affairs, to be managed by the latter as trust reservation lands for the benefit of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

a. Umpqua Eden. One of the tracts that would be transferred pursuant to the draft is known to the Parties as "Umpqua Eden." Appendix A to this Agreement is a map showing Umpqua Eden. Appendix A is incorporated by this reference into the terms of this Agreement. Umpqua Eden is located in the tidewater portion of the Umpqua River.

b. Shared Heritage. Some of the enrolled members of each of the Parties trace their family lineage to the Indians who lived in the region in which Umpqua Eden is located.

c. Additional Tracts. This Agreement applies only to Umpqua Eden. Upon the written consent of all the then-existing parties, additional tracts of land may be added as Appendices to this Agreement.

2. Parties. The Parties to this Agreement are the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, Confederated Tribes of the Siletz Indians of Oregon, and the Confederated Tribes of the Grand Ronde Community of Oregon.[1]

a. This Agreement is not intended to, and does not, confer any legally-enforceable benefits or rights on any person or entity not expressly identified as a party.

b. This Agreement is not intended to, and does not, impose any legally-enforceable duty on any person or entity not expressly identified as a party.

c. The Parties have from time-to-time cooperated to provide access to sites of ceremonial, sacred, or cultural significance. This Agreement is not intended to, and does not, repeal, modify, or supplant any informal cooperative agreement, whether written or oral, securing such access. This Agreement is not intended to, and does not, prevent the Parties from informally resolving any issue as to any tract of land other than Umpqua Eden or any subsequently-added tracts.

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[1] Names were copied from a BIA Notice entitled *Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs*, Federal Register, Vol. 77, No. 155 (Friday, August 10, 2012).

Conveyed by CTCLUSI's legal counsel pursuant to ORE 408 and FRE 408.

DRAFT

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit C-5 To Statement of Chairman Ingersoll

d. Upon the written consent of all the then-existing parties, additional federally-recognized tribes may become parties to this agreement.

3. Purpose and Clarification.

a. Purpose. The purpose of this Act is to guarantee that each of the Parties and every enrolled member of each of the Parties have reasonable access to Umpqua Eden, and to any other tract added by subsequent agreement of the Parties, for all lawful ceremonial, sacred, cultural, or other non-commercial purposes, notwithstanding the enactment of law substantially the same as the draft legislation described in paragraph one of this Agreement.

b. Clarification. Nothing in this Agreement is intended to be, or shall be, evidence in support or derogation of a claim of priority vis-à-vis another party, regardless of the forum in which the claim is made. Nothing in this Agreement is intended to, or does, establish or sever anyone's existing or claimed cultural, legal, or religious connection to Umpqua Eden or to any subsequently added tract. Decisions made or positions taken in the course of dispute resolution proceedings under authority of this Agreement are not intended to, nor may they be cited or claimed to establish or sever anyone's existing or alleged cultural, legal, or religious connection to Umpqua Eden or to any subsequently added tract.

4. Access. All of the Parties, and every enrolled member of each of the Parties, shall have reasonable access to Umpqua Eden, and to any other tract added by subsequent agreement of the Parties, for all lawful ceremonial, sacred, cultural, or other non-commercial purposes, notwithstanding the enactment of law substantially the same as the draft legislation described in paragraph one of this Agreement.

a. Guarantees of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians: guarantee to every party:

i. Upon request of the party or enrolled member of a party seeking access, unrestricted access by any party, and by the enrolled members of any party, to Umpqua Eden for any lawful ceremonial, sacred, cultural, or other non-commercial purpose, subject only to the terms of this Agreement. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians shall not unreasonably delay action on such a request for access, nor shall it unreasonably deny such a request.

ii. Not to engage at Umpqua Eden in any commercial logging activity or in any commercial harvest of any natural resource from that tract.

DRAFT

b. Obligation To Assist in Ensuring Orderly Accomodation of Access. Each of the Parties pledge their mutual best effort and good faith cooperation to facilitate the purposes of this agreement and the fulfillment of its guarantee. The pledge includes, but is not limited to, confirming for another party that an individual seeking access is an enrolled member of a party and providing information to another party about the activity intended to be conducted on the tract by the individual or tribe seeking access.

c. Optional Protocols To Facilitate Access. Upon unanimous consent, the Parties may agree upon supplemental written protocols or procedures to facilitate efficient administration of this Agreement and efficient execution of its terms. The protocols or procedures may include, without limitation, procedures for the Confederated Tribes of the Siletz Indians of Oregon, the Confederated Tribes of the Grand Ronde Community of Oregon, or their respective enrolled members to make use of Umpqua Eden or any subsequently added tracts. If the Parties fail to agree on such supplemental written protocols or procedures, the obligations imposed by this Agreement nevertheless are enforceable according to their terms.

5. Disputes. These sections govern how the Parties will resolve disputes arising from this Agreement or from an allegation of breach, unenforceability, or inapplicability of the Agreement.

a. Informal, Direct Consultation. A party aggrieved or allegedly aggrieved by another's decision or behavior with respect to enforcement or failure to comply with any part of this agreement shall inform each of the other Parties of the grievance. The Parties shall promptly confer in good faith. If the dispute is resolved through direct consultation, the resolution shall be succinctly and fairly summarized in writing by the grievant. The summary, together with any comments by any of the other Parties, shall be distributed to the Parties.

b. Legal Action to compel adherence to the terms of the Agreement. An aggrieved party may seek judicial relief in the Federal District Court for the District of Oregon if the Parties have tried and failed to resolve the dispute by informal, direct consultation.

c. Limited Waiver of Sovereign Immunity. Each of the Parties, in accord with the requirements of their respective Constitutions and laws, shall execute a valid limited waiver of sovereign immunity permitting the enforcement of this Agreement by the federal courts under the circumstance described above.

i. This agreement is a nullity, conveying no rights and imposing no burdens, unless each and every party has approved of the form and content of the limited waiver of sovereign immunity offered by each of the other Parties. This agreement is also a nullity, conveying no rights and imposing no burdens as to any subsequently-added party, unless each and every party has approved of the

form and content of the limited waiver of sovereign immunity offered by the subsequently-added party.

ii. Approvals shall be executed by the duly-authorized agent of each of the Parties in the table below:

Name of Party Offering Limited Waiver	Limited Waiver Offered as Exhibit __ to this Agreement	Signature of Authorized Agent of first approving Party	Signature of Authorized Agent of second approving Party
Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians	Exhibit B		
Confederated Tribes of the Siletz Indians of Oregon	Exhibit C		
Confederated Tribes of the Grand Ronde Community of Oregon.	Exhibit D		

iii. The limited waiver of sovereign immunity required as a condition of the enforceability of this Agreement may forbid damages, monetary relief, or liability for attorney fees and costs.

6. Relationship to Existing Law. Nothing in this Agreement is intended to, or does, override or contradict any party's obligation or right under existing federal laws governing discovery, disposition, or removal of human remains, archeological excavations, or removal of cultural objects. In the event of a conflict between a federal law or regulation and this Agreement, the law or regulation shall control.

7. Effective Date, Duration, Renewal, Amendment.

a. Effective Date. This Agreement is effective on the date on which all of the following conditions have been fulfilled:

i. There has been enacted into law legislation transferring responsibility for managing Umpqua Eden from the Department of the Interior, Bureau of Land Management, to the Department of the Interior, Bureau of Indian Affairs, to be

managed by the latter as trust reservation lands for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; and

ii. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, Confederated Tribes of the Siletz Indians of Oregon, and the Confederated Tribes of the Grand Ronde Community of Oregon have all approved the Agreement in the manner required by their respective laws and Constitutions; and

iii. The authorized agents for all of the Parties have approved all of the limited waivers of sovereign immunity offered by each of the other Parties.

b. Duration. This Agreement shall be effective and in force for 10 years from its effective date, whereupon it shall expire.

c. Renewal or Modification. The Parties may at any time, by unanimous written consent of the then-existing Parties, extend or renew the Agreement or modify any of its terms.

8. Signatures. Affirmation of Authority to Execute this Agreement.

TABLE OF APPENDICES

[N.B. For purposes of this draft, the Appendices have been omitted]

Appendix A:	Map describing Umpqua Eden
Appendix B:	Limited Waiver of Sovereign Immunity – Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Appendix C:	Limited Waiver of Sovereign Immunity – Confederated Tribes of the Siletz Indians of Oregon
Appendix D:	Limited Waiver of Sovereign Immunity – Confederated Tribes of the Grand Ronde Community of Oregon

S0056742.3

DRAFT

Conveyed by CTCLUSI's legal counsel pursuant to ORE 408 and FRE 408.

Confederated Tribes of Siletz Indians
P.O. Box 549 Siletz, Oregon 97380
(541) 444-2532 • 1-800-922-1399 • FAX: (541) 444-2307

November 1, 2001

Chairman Ron Brainard
Confederated Tribes of Coos,
Lower Umpqua and Siuslaw Indians
Tribal Government Offices
1245 Fulton Avenue
Coos Bay, OR 97420

Dear Ron:

I am writing in response to your letter of August 7, 2001, regarding the July 23, 2001 meeting between the Tribal Councils of the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

It was because your letter does not reflect the understanding we reached at that meeting and we were trying to respond in a positive way that serves our mutual interests that it has taken this long to respond.

Let me restate the commitments the Siletz Tribe was prepared to make at the July 23rd meeting regarding the Coos Tribe's efforts to obtain transfer to the Mapleton Ranger Station and to amend the Coos Restoration Act to provide for a larger reservation than the reservation created by the Act.

The Mapleton Ranger Station is located within the boundaries of the original Siletz or Coast Reservation established in 1855. As the successor in interest to the tribes located by the federal government on that reservation, and as the recognized tribe with authority over the Siletz or Coast Reservation and with a legal interest in the Siletz or Coast Reservation area, the Siletz tribe must be consulted with and give its consent to the Coos Tribe's efforts to obtain the Mapleton Ranger Station.

The Siletz Tribe recognizes that the Ranger Station is located within the aboriginal area of the Siuslaw Indians some of whom are members of the Confederated Tribes of Siletz Indian of Oregon, and others who are members of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

The Siletz Tribe has no plans currently, for use of the Ranger Station and is agreeable with the Coos Tribe obtaining the property for governmental use.

The Siletz Tribe's consent would of course, be contingent on the agreement that the Coos Tribe would not interfere with Siletz tribal members' gathering activities within the Ranger Station lands.

The Siletz Tribe is also supportive of the Coos Tribe's efforts to add lands to the existing Coos Reservation to the extent the Coos Tribe seeks lands which are located outside of the original Siletz or Coast Reservation.

The Siletz Tribe retains a sovereign interest in all lands located within the boundaries of the original Siletz or Coast Reservation, and has a priority in adding any lands within this geographic area to the Siletz Reservation. The Siletz Tribe does not support the efforts of the Coos Tribe to obtain reservation lands that are located within the original or Coast Reservtion. This is the position the Siletz Tribe adopted in passing a resolution in 2000 supporting the Coos Tribe's efforts to expand their reservation, which we forwarded to you under cover letter. It remains the Siletz Tribe's position.

The Mapleton Ranger District is located within the boundaries of the original Siletz Reservation as well as within the aboriginal homeland of the Siuslaw people. Case law affirms federal responsibility for recognized title - that land confirmed to a tribe or confederation of tribes by treaty and/or executive order. In the 1855 Coast Treaty, the Siuslaw Indians agreed to confederate with other coastal tribes and other tribes and bands thereafter located on the Coast or Siletz Reservation.

A substantial part of the aboriginal territory of the Siuslaw Indians was included within the Siletz Reservation, and the Siuslaw Indians were a signatory to the Coast treaty. Those tribes and bands confederated on the Siletz Reservation under that treaty and other tribes subsequently located on the Siletz Reservation were dealt with as one tribal entity by the United States government. There is extensive documentation showing that the Alsea sub-agency and Siletz Agency were administrated jointly just as there is documentation which shows some separate dealings with the Agency and sub-Agency. There is little indication that the Umpqua sub-Agency or Alsea sub-Agency had much to do with the Siuslaw Indians at all. The Coos and Lower Umpqua Indians were removed from their homelands to the Siletz or Coast Reservation.

Nothing in the 1875 legislation diminishing the Siletz Reservation required the consent of the Coos, Lower Umpqua or Siuslaw tribes. The legislation provided expressly for the consent of "the Indians" located on the present reservation to be obtained. No mention of tribes is made anywhere in this legislation. Individuals from the Coos, Lower Umpqua and Siuslaw bands or tribes moved to the remaining Siletz Reservation after passage of the 1875 legislation; this movement occurred over time and some of the Indians did not move onto the remaining reservation until forced from their prior homes. Some individuals from the Coos and Lower Umpqua tribes or bands moved over time back to the Coos Bay area. The "tribes," however, which had previously been

confederated on the Siletz Reservation, did not formally move anywhere else, and there is no documentation of a formal tribal movement from the southern part of the Siletz Reservation to any other location.

The situation of these tribes and bands is similar to that found by the Ninth Circuit Court of Appeals in *United States v. Oregon*, 29 F.3d 481 (9th Cir. 1994), addressing the legal status of the bands and tribes of Indians that signed the Yakama Treaty of 1855. Just as in that case, the Coast Treaty and the establishment of the Coast or Siletz Reservation by Executive Order in 1855 established a tribal entity that represented the tribes and bands confederated on the Reservation and with which the United States would thereafter deal.

Individuals from the original Coos, Lower Umpqua and Siuslaw bands and tribes received allotments on the Siletz Reservation or received other types of allotments while maintaining their membership in the Confederated Siletz Tribes. References to Court of Claims judgments is irrelevant because those cases involved aboriginal title, and no compensation was paid for diminishment of the original Siletz Reservation. Individual Coos, Lower Umpqua and Siuslaw Indians who were members of the Confederated Siletz Tribes did receive compensation from disposal of the remaining Siletz Reservation.

It is an historical fact that the Coos, Lower Umpqua and Siuslaw Indians were located on the Siletz Reservation and that members of those tribes and bands became integrated with the Confederated Siletz Tribes.

The Siletz Tribe has conducted years of research on the Siletz Tribe's history and its findings have been reviewed and validated by eminently qualified experts in the field. We are confident of the conclusions we have reached on the issue of the modern day Siletz Tribe's legal interest in the original Siletz or Coast Reservation are prepared to advocate and defend that interest in any appropriate forum.

In summary, the Siletz Tribe fully supports the efforts of the Coos Tribe to obtain additional reservation lands that are located outside the boundaries of the orignal Siletz or Coast Reservation. However, the Siletz Tribe is willing and prepared to negotiate conditions and terms for the transfer of the Mapleton Ranger Station which lies within the boundaries of the Siletz or Coast reservation, for the use of the Coos Tribe. The Siletz Tribe's position is based on its legal, sovereign and equitable claim to lands within the original Siletz or Coast Reservation.

I hope this letter is sufficient for your purposes; it does accurately state the position of the Siletz Tribe.

Sincerely,

Delores Pigsley
Tribal Chairman

HARRANG LONG
GARY RUDNICK P.C.
ATTORNEYS AT LAW

PETER D. SHEPHERD
Admitted in Oregon
333 High Street NE, Suite 200
Salem, OR 97301-3614
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March 20, 2013

VIA EMAIL ONLY: LIANI.REEVES@STATE.OR.US

Liani Reeves
Office of the Governor
160 State Capitol
900 Court Street NE
Salem OR 97301

Re: Discussion Draft of Oregon Coastal Land Conveyance Act

Dear Liani,

A discussion draft of a bill directing the transfer into trust as reservation land of certain forested tracts in Lane, Douglas, and Coos Counties recently has been released. The website of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, http://ctclusi.org, contains links to the discussion draft, maps and materials prepared by the Tribe about the draft.

If the land became part of the reservation of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, fish and wildlife would pay no heed. They would move as seamlessly as before from the Tribe's jurisdiction to the State's jurisdiction, and back. Waters would run from adjoining tracts into the federal lands designated as reservation lands, and from the Tribe's reservation into the lower parts of the watersheds, in the same courses and channels as if Congress had never acted. Biology and hydrology would compel a collaborative approach even if the government-to-government mandate of state law did not.

We respectfully request the opportunity promptly -- that is, during the current period of public review of the discussion draft -- to begin discussions with appropriate state officials for the purpose of identifying the best science-based framework for management of the fish, wildlife, and water resources related to the reservation lands. Fishing, hunting, and other recreational uses of the lands would be the primary initial focus of the discussions.

The principles we think could emerge from this collaboration are independent of the source of the legal authority by which they might be implemented. For example, we imagine the creation of principles that the Tribe itself might enact pursuant to its plenary authority to regulate hunting, fishing, and recreation on its reservation lands.

In the discussions we envision, the Tribe's representatives will scrupulously adhere to the limitations placed on them by Articles II[1] and VI, Section 3 (a) (2)[2] of the Tribal Constitution. Much as the Governor and executive branch agencies lack the power to commit the State Legislature to the passage of proposed laws, so do the Tribe's representatives lack the power to commit the Tribe to any constriction on hunting, fishing, or gathering rights possessed or claimed by the Tribe.

We do not imagine that the collaborative approach would end upon introduction and passage of a bill derived from the discussion draft. Use of the lands would be governed, after the proposal becomes law, by the National Indian Forest Resources Management Act (NIFRMA). NIFRMA requires the federal government to create and adopt a detailed forest management plan. That plan must, in turn, include an Environmental Impact Statement (EIS) satisfying the requirements of the National Environmental Protection Act. Many aspects of the regulation of the land's natural resources will be dependent on, and incorporated into, the EIS and the NIFRMA plan. And, as noted above, the effect on the Tribe of potential regulatory structures might be dependent upon approve by the process specified in the Tribal Constitution. It nevertheless is possible, even at this early stage, and in full compliance with the Tribal Constitution, to begin identifying issues and considering general principles of scientific management of the lands.

Governor Kitzhaber's commitment to the government-to-government process is deeply appreciated by the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. We hope this invitation will be warmly received by the State of Oregon.

Sincerely,

Peter D. Shepherd
for the Confederated Tribes of Coos, Lower Umpqua
and Siuslaw Indians

PDS:jl
cc: Chairman Bob Garcia
Thomas Tuchmann
Roy Elicker
Richard M. Whitman
S0054164.1

[1] Article II states that "No tribal decision affecting [the exercise of hunting, fishing, or gathering rights of members] shall be made except by a full vote of the tribal membership."

[2] Article VI, Section 3(a) (2) states that "diminishment, negotiation, or settlement of any hunting, fishing, or gathering rights possessed or claimed by the Confederated Tribes, including the settlement of any land claims involving the tribe's aboriginal lands" cannot occur except on "approval of three-fourths (? thirty-five (35) percent of the membership of" all tribal members parti

ASSOCIATION OF O & C COUNTIES

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PORTLAND, OREGON 97205
(503) 227-5501

PRESS RELEASE
March 20, 2013

FOLLOW UP TO INFORMATION RECEIVED YESTERDAY FROM THE ASSOCIATION OF O&C COUNTIES

Contact: Commissioner Doug Robertson
President, Association of O&C Counties
(541) 440-4201

After recognizing the concerns brought forth by the Association of O&C Counties regarding the reduction of the O&C land base, Senator Wyden, as evidenced by his statement, has committed to a no net loss policy to protect the O&C land base.

Using the language from the September 30, 1996 Coquille Forest Act, transferring O&C lands to the Coquille Indian Tribe, can serve as an effective model that addresses the interests of all parties.

STATEMENT FROM SENATOR RON WYDEN:

"The tribal land conveyance proposals for the Coos and Cow Creek tribes are discussion drafts, so this is exactly the right time for Commissioner Robertson and others to offer suggestions to improve the actual legislation. One of things that addresses Commissioner Robertson's concerns is that there will be no net loss of O&C lands. The no net loss issue is not addressed in the discussion draft, but we have made it clear that it will be included in the final draft. In other words, the total acres of O&C lands will remain the same under any tribal land conveyance legislation."

"I would like to personally thank Senator Ron Wyden for recognizing the sensitive nature of and need to preserve the integrity of the O&C land base by committing to a no net loss provision in any future land transfer to the Cow Creek Band of Umpqua Indians and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. In addition, I would like to thank the tribes and their consultants for helping to shape a positive plan which will allow all parties to move forward.

The Association of O&C Counties look forward to working with Senator Wyden on a permanent solution to the management issues surrounding the O&C lands that includes the legal, historical, and congressional mandates associated with this unique category of federal lands."

Commissioner Doug Robertson
President, Association of O&C Counties

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
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CONFEDERATED TRIBES OF
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April 19, 2013

VIA FAX: 202-208-6334	**VIA FAX: 202-208-5242**
Kevin Washburn United States Department of the Interior Assistant Secretary for Indian Affairs MS-4141-MIB 1849 C Street, N.W. Washington, D.C. 20240	Neil Kornze Principle Deputy Director BLM Washington Office 1849 C Street NW, Rm. 5665 Washington DC 20240 Phone: 202-208-3801

Re: Request for Meeting Week of April 29, 2013
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians

Dear Assistant Secretary Washburn and Principle Deputy Director Kornze:

I am Chairman of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. One of our attorneys, Pete Shepherd, and I will be in Washington D.C. during the week of April 29, 2013. I respectfully request the privilege of a meeting with the appropriate personnel from each of the parts of the Department of Interior for which you have responsibility. Next week, Pete will follow up on this request with your offices.

We wish to discuss two issues. Our primary purpose is to provide you with information about our proposal to restore to the Tribe control over a small part of the Tribe's ancestral territory. We write both of you because the restoration would be accomplished by shifting into trust status lands currently within the responsibility of the Bureau of Land Management.

Secondarily, we wish briefly to inform you of the efforts we have made to resolve our ongoing dispute with a neighboring tribe, the Confederated Tribe of Siletz Indians, about legislation pending in the Senate and the House.

In 1855, my ancestors executed a treaty with the United States. The treaty was never ratified. The people of the Coos and Lower Umpqua nevertheless were forcibly removed from their ancestral homeland to lands reserved by Executive Order. The Siuslaw remained in place, as their ancestral territory was within the area set aside by Executive Order and known as the "Coast Reservation." By successive Congressional action, the reserved region was whittled away

and, eventually, entirely eradicated. Over the years, my people returned to their homes, only to find them occupied by new owners. In the eyes of the United States, we were squatters on our own homeland.

Together with other Oregon tribes, Congress "terminated" my Tribe in 1955. In a series of Acts in the 1970s and 1980s, Congress reversed the termination Acts. The 1984 Act applicable to my Tribe was bittersweet: Unlike all the other restored tribes in Western Oregon, Congress denied us any form of compensation for the taking of our ancestral lands. This injustice remains unrequited.

Lately, United States Senators Merkley and Wyden have circulated a discussion draft of legislation that would ameliorate the injustice worked upon my Tribe by history. If the draft becomes law, three forested tracts in Western Oregon currently managed by the BLM would be managed as reservation trust lands by the Bureau of Indian Affairs. More information about the proposal is available on our website: www.ctclusi.org. The text of the discussion draft is available through the website.

Meanwhile, Representatives DeFazio, Schrader, and Walden have circulated a discussion draft of legislation that could affect our ancestral lands in a different way. Parts of our ancestral territory have become known in modern times as the O & C reverted lands.

On April 11, 2013, the House Committee on Natural Resources, subcommittee on Public Lands, conducted a hearing about management of federal forest lands, including O & C lands. A fair or comprehensive revision to the management of O & C lands cannot be accomplished without taking account of my Tribe's interest in recovering control over a part of our ancestral lands. During that hearing, I was gratified to hear Rep. DeFazio ask witnesses representing Oregon Governor John Kitzhaber and an association of Oregon counties benefiting from the O & C lands to state their view of the possibility of folding the content of Senator Merkley and Senator Wyden's discussion draft into Rep. DeFazio's possible legislation reforming the management of O & C lands.

Given that the Senate and House discussion drafts described above have not yet been introduced as bills, we understand that the Department of the Interior could not state a position. We do wish, however, to establish contact with the official or officials within your respect areas of responsibility who may, when the drafts mature into bills, be involved in helping to formulate the Department's position. We understand that the members of Oregon's Congressional Delegation are engaged in active consultation about the House and Senate discussion drafts, and that our proposal for restoration of a part of our ancestral lands is a part of that consultation.

Secondarily, I wish briefly to address the unrelated conflict between my Tribe and the Siletz. In the 113th Congress, this dispute centers on S. 402 and H.R. 931. Answers provided by the Bureau of Indian Affairs to questions posed by the Honorable Don Young during the 112th

Congress have, unfortunately, been misused by the Siletz in an attempt to persuade Congress to functionally codify aspects of the historical injustice done my Tribe. We have a very different perspective on the dispute than the Siletz have expressed. We nevertheless have gone to great lengths to try to resolve the dispute. We look forward to discussing this with you.

Sincerely,

Robert Garcia

Robert Garcia
Tribal Council Chairman

RG/jl

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit C - 19 To Statement of Chairman Ingersoll

CONFEDERATED TRIBES OF
COOS, LOWER UMPQUA AND SIUSLAW INDIANS
TRIBAL GOVERNMENT OFFICES
1245 Fulton Ave. • Coos Bay, OR 97420 • (541)888-9577 • 1-888-280-0726
General Office Fax: (541) 888-2853 • Administration Fax: (541) 888-0302

May 6, 2013

VIA FAX: (202) 208-5320
AND EMAIL: kevin.washburn@bia.gov

Kevin Washburn
United States Department of the Interior
Assistant Secretary for Indian Affairs
MS-4141-MIB
1849 C Street NW
Washington D.C. 20240

***** SCHEDULING REQUEST *****

COPY VIA EMAIL TO:
Liberty Metcalf (liberty.metcalf@bia.gov)
Bryan Rice (bryan.rice@bia.gov)
Sequoyah Simermeyer
(sequoyah.simermeyer@bia.gov)

VIA FAX: (202) 208-5242
AND EMAIL: nkornze@blm.gov

Neil Kornze
Principle Deputy Director
BLM Washington Office
1849 C Street NW, Room 5665
Washington D.C. 20240

***** SCHEDULING REQUEST *****

COPY VIA EMAIL TO:
Noreen Battle (nbattle@blm.gov)
Jerry Cordova (jerry_cordova@blm.gov)
Lynda Boody (lboody@blm.gov)

Re: **Request for Meeting on June 11, 12, or 13, 2013**
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians

Dear Assistant Secretary Washburn and Principle Deputy Director Kornze:

I am Chairman of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. A delegation from our Tribal Council and one of our attorneys, Pete Shepherd, will accompany me to Washington D.C. during the week of June 10, 2013. I respectfully request the privilege of a meeting with each of you. Our delegation would be pleased to meet with you jointly or separately.

I appreciate the time Mr. Kornze made available to us on May 2, 2013. I understand that Mr. Washburn's schedule did not permit him to meet with us, but I nevertheless appreciate Mr. Washburn and Mr. Simermeyer's facilitation of our meeting with appropriate staff. We found the meetings informative. We hope you and your respective staff also found them useful.

During our visit on May 2, 2013, Mr. Shepherd and I discussed a discussion draft promulgated by United States Senators Merkley and Wyden. The draft would ameliorate the injustice by which my tribe remains the only federally-recognized tribe in Western Oregon never to have received money or significant lands in exchange for the taking of our ancestral lands. If the draft becomes law, three forested tracts in Western Oregon currently managed by the BLM would be managed as reservation trust lands by the Bureau of Indian Affairs. I refer you to my letter of April 19, 2013, and to the tribe's website, www.ctclusi.org. for more information. As we indicated during our discussions, we hope that the weeks between now and the time of our next visit to Washington, D.C. will see significant forward progress on our ancestral lands proposal.

Mr. Shepherd's legal assistant is Jane Leonhardt. She is coordinating our schedule during the upcoming visit. Please contact her directly to make these arrangements. She may be reached at 503-371-3330 or by e-mail at jane.leonhardt@harrang.com.

Sincerely,

Robert Garcia

Robert Garcia
Tribal Council Chairman

RG/jl

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit C-21 To Statement of Chairman Ingersoll

Survey Workload Background

Section 2 of S. 814 (114th Congress) and the corresponding section of H.R. 1438 (114th) require the Secretary of the Interior to complete a survey of boundary lines of the lands to be taken into trust for the benefit of the Tribe. The bills allow a full year for fulfillment of this requirement.

The Tribe interprets both bills to permit the Secretary to invoke the flexible joint BLM/BIA standards for sufficiency of boundary determinations. The Standards establish a flexible system that permits the Secretary to minimize survey expense while at the same time marshaling sufficient boundary evidence -- including preexisting evidence in the form of already-completed surveys.

The Tribe commissioned a preliminary study of the extent to which surveys already provide evidence of boundaries of the lands to be transferred into trust. Many of the boundaries already have been documented in surveys.

Reference:

STANDARDS FOR INDIAN TRUST LANDS BOUNDARY EVIDENCE HANDBOOK
Office of Trust Services
In collaboration with the Bureau of Land Management and the Office of the Special Trustee for American Indians (An Insert for the Indian Affairs Manual at: 52IAM2-H)
Division of Real Estate Services MS-4644 MIB
Bureau of Indian Affairs
05/08/2012

The Standards are available on-line at: http://www.bia.gov/cs/groups/xraca/documents/text/idc-018418.pdf (Last Viewed October 27, 2013).

Tribe's Contact: Pete Shepherd 503-871-3787

S 0060200.5

S0060200.v6

Brief History and Current Status of Umpqua Eden

Umpqua Eden ("Takimiya") is a small isolated BLM-managed tract on the south shore of the Umpqua River approximately half-way between the town of Reedsport and the river's mouth. Archaeological evidence from the site establishes that it has been inhabited by the Lower Umpqua Tribe for at least 3,000 years. Ethnographic evidence also establishes the cultural and historical importance of the site to the Coos, Lower Umpqua, and Siuslaw Indians. The Tribe's website describes the site and its significance to the Tribe in more detail. http://ctclusi.org. Archeological and ethnographic detail about the site is summarized in Chapter 4 of C. Melvin Aikens' *Archeology of Oregon* (1993), available on-line at the BLM's website. www.blm.gov/or/resources/heritage/files/AAO-chapter4.pdf. (Last viewed 11/12/2013).

In 1993, the Archaeological Conservancy, with the support of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, obtained an option to purchase Umpqua Eden from its private landowners. Preservation and protection of the Tribe's spiritual, cultural, and historical connections to the tract featured prominently in the Conservancy's enthusiasm for the transaction. *See*, The Archeological Conservancy Newsletter (Fall, 1993). www.archaeologicalconservancy.org/TAC%20Newsletters/Newsletters1993.pdf (Last viewed 11/12/2013).

The United States acquired its title from the Archeological Conservancy on August 31, 1994. Warranty Deed 94-19416, Recorded in Douglas County Deeds and Records at Book 1315, page 353 - 354. The deed states that "[Archeological Conservancy] covenants and warrants **to the United States** and its assigns that * * * [the property] is **free and clear of liens, claims or encumbrances,** *except as shown above* * * *." Italicized emphasis in original; bold-face emphasis added. The only claims or encumbrances identified run in favor of public and governmental interests in the part of the tract below the ordinary high water mark, certain interests in favor of the Port of Umpqua, certain previously-recorded mineral rights, and easements held by a private timber company. A copy of the deed accompanies this analysis.

The United States, rather than its administrative subdivisions, holds title to Umpqua Eden. S. 814 and H.R. 1438 direct transfer of management responsibility. Neither bill alienates title.

Umpqua Eden is an historic property listed in the National Register of Historic Places. Although all of Umpqua Eden as described in both bills is significant to the Tribe, the National Register listing includes only six acres. The nomination was placed at the same time the site's former prior private owners were consummating their transaction with the Archeological Conservancy. The Oregon State Advisory Committee on Historic Preservation did not review the nomination until after the site had been acquired by the United States. The Archeological Conservancy, the Tribe, and the BLM, among others, supported the nomination. The State Advisory Committee and State Historic Preservation Office concurred in the nomination. *See* Comments of the Oregon State Historic Preservation Office, Umpqua/Eden Site (Takimiya) 35 DO 83. The United States has listed the site in its list of historic sites since January 11, 1996.

The Tribal Historic Preservation Office is part of the National Park Service. Before undertaking any change in the use or management of Umpqua Eden which could affect the six-acre historic property, the United States, acting through the Bureau of Indian Affairs as Trustee for and in consultation with the Tribes, would be obliged to consult with the Tribal Historic Preservation Office and any other affected federal agencies or parties involved in the proposed undertaking as described in Section 106 of the National Historic Preservation Act. *See,* http://www.achp.gov/106summary.html (Advisory Council on Historic Preservation's summary of the Section 106 process)(Last viewed 11/12/13).

The Tribe presumes that the Advisory Council on Historic Preservation would participate in such consultations as needed. While the management of Umpqua Eden will ultimately be determined through a resource management planning process subject to the requirements of the currently proposed legislation, NEPA, and other applicable Federal laws, the Tribe envisions the retention of Umpqua Eden in its natural state given the Tribe's determination that recreational, cultural, aesthetic, and traditional values of Umpqua Eden are the tract's highest and best use.

For more information, please contact:

Pete Shepherd
Of Counsel for the Tribe
Pete.shepherd@harrang.com

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit C - 24 To Statement of Chairman Ingersoll

94-19416

OR 49649

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

book 1315 page 353

WARRANTY - DEED

For the true and actual consideration of $70,000.00, receipt of which is hereby acknowledged, The Archaeological Conservancy, Inc., a California non-profit Corporation, hereinafter called Grantor, whether one or more, does hereby grant, bargain, sell and convey to the UNITED STATES OF AMERICA, and its assigns, the following described real property together with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas, State of Oregon, to wit:

Parcel 1: Lot 1, the East Half of the Northwest Quarter (E½NW¼), and the Southwest Quarter of the Northwest Quarter (SW¼NW¼) of Section 5, Township 22 South, Range 12 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING therefrom that portion conveyed to International Paper Company by deeds recorded July 9, 1963, in Book 325, Page 467, and June 29, 1965 in Book 352, Page 205, Records of Douglas County, Oregon.

Parcel 2: Lots 4, 5, and the Nathan Schofield Donation Land Claim No. 38 in Section 32, Township 21 South, Range 12 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING therefrom that portion conveyed to International Paper Company by deeds recorded July 9, 1963, in Book 325, Page 467, and June 29, 1965 in Book 352, Page 205, Records of Douglas County, Oregon.

LESS AND EXCEPTING from the above, any portion within Sislands, including but not limited to, that property described in Book 996, Page 535, Recorder's No. 87-12638, records of Douglas County, Oregon, and as set forth in that Act, dated October 21, 1876, entitled "An act to amend an Act to provide for the sale of Tide and Overflow Lands on the Sea-Shore and Coast".

ALSO LESS AND EXCEPTING from the above, those mineral rights as granted in Book 316, Page 1, Recorder's No. 310832, records of Douglas County, Oregon.

The parcel of land to which the above description applies contains 127.28 acres more or less.

Said property is subject to:

1. Rights of the public and governmental bodies in and to that portion of the premises described herein lying below the ordinary high water mark of the Umpqua River, including any ownership rights which may be claimed by the State of Oregon below high water mark.

2. Grants of rights of way and disposal acres, including the terms and provisions thereof, in favor of the Port of Umpqua, as recorded in Volume 101, Page 285, and subsequently granted by Port of Umpqua to the United States of America, as recorded in volume 101, Page 318, Deed Records of Douglas County, Oregon.

3. Conveyance of mineral rights, including the terms and provisions thereof, to First National Bank of Oregon, Portland, Trustee, as recorded in Volume 316, Recorder's No. 310832, Deed Records of Douglas County, Oregon.

TAX STATEMENTS TO:
GRANTEE ATT
BLM Coos Bay District Office
1300 Airport Lane
North Bend, Or. 97459

AFTER RECORDING RETURN TO:
Key Title Company
Roseburg, Or. 97470

MAY-25-1994 13:01 503 756 8363 P.02

Received Time Oct. 8. 2013 10:39AM No. 1822

08/25/94 13:04 ☎503 756 9383 B.L.M. 005

BOOK 1315 PAGE 354

4. Appurtenant easement established in Easement Agreement with JP Timberlands, dated March 5, 1990 and recorded at Book 1093, Page 379, Recorders No. 90-3774, Douglas County, Oregon

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever.

Grantor covenants and warrants to the United States of America and its assigns that, *except as shown above*, he is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to convey this conveyance, and that said real property is free and clear of liens, claims or encumbrances, *except as shown above*; and that Grantor will defend the title to the real property conveyed herein and the quiet possession thereof against the lawful claims and demands of all persons.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses *and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.*

Dated this 31st day of August 1994.

Mark Michel
President,
The Archaeological Conservancy

STATE OF New Mexico
COUNTY OF Bernalillo } ss

On this 31st day of August, 1994, personally came before me, a notary public in and for said County and State, within named Mark Michel to me personally known to be the identical person described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same as his voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in the certificate first above written.

Yvonne E. Joseph
Notary Public in and for the
State of New Mexico
Residing at: Albuquerque
My commission expires: 11/24/97

NOTARIAL SEAL
YVONNE E. JOSEPH
NOTARY PUBLIC STATE OF NEW MEXICO
My commission expires 11/24/97

(SEAL)

AUG-25-1994 13:02 503 756 9383 P.03

STATE OF OREGON
COUNTY OF DOUGLAS } SS.
I, GAY FIELDS, COUNTY CLERK AND RECORDER OF CONVEYANCES, DO HEREBY CERTIFY THAT THIS INSTRUMENT WAS RECORDED
94 SEP -1 AM 11:15
GAY FIELDS
DOUGLAS COUNTY CLERK
IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY
BY [signature] DEPUTY
FEE
94-19416

Received Time Oct. 8. 2013 10:39AM No. 1822

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit C - 26 To Statement of Chairman Ingersoll

D.

Representative Statements About Substantively Equivalent Antecedents to S. 814 / H.R. 1438.

JOHN A. KITZHABER MD
GOVERNOR

Statement of Governor John Kitzhaber
State of Oregon
Before the
Subcommittee on Public Lands and Environmental Regulation
Committee on Natural Resources
United States House of Representatives

April 11, 2013

Mr. Chairman and members of the Subcommittee, I am Governor John Kitzhaber and I am pleased to provide my perspective on issues related to the Oregon and California (O&C) lands in Oregon.

I would like to thank you Mr. Chairman and members of the subcommittee for taking the time to address this important and unique issue in my state. I would also like to recognize Congressman Peter DeFazio, Congressman Greg Walden and Congressman Kurt Schrader for their strong leadership on this very difficult issue. Oregonians, indeed all Americans, have strong and diverse views regarding how public forests should be managed. It takes real courage to step up and propose the changes that are reflected in the *O&C Trust, Conservation and Jobs* Act. Thank you for your leadership and please know it is appreciated back home.

Mr. Chairman, I hold very strong conservation values. I believe that our public lands can and should be managed to provide a diversity of forest types, including ecosystems ranging from early to late successional stages and preserving old growth. Our forests should provide clean water for domestic uses and for aquatic ecosystems to flourish. Our forests should be managed so that Americans have places to recreate and come to appreciate the tremendous natural values of our forests, grasslands and waterways. Yet, I also believe a portion of these public lands can simultaneously provide some sustainable level of timber to support local and regional economies.

Some say these are mutually incompatible goals, but given our large, resource rich public lands system, I respectfully disagree. We are currently at a place regarding Oregon's O&C lands where the pendulum has swung from harvest levels in the 1980s that largely did not sustain a wide array of conservation attributes to current practice that only forecasts a 15 to 25 year window of thinning sales. Timber volume levels from thinning alone do not provide adequate quantity and quality of logs to local mills, nor do they produce adequate funds for basic public services in the 18 O&C Counties.

So where do we go from here? The status quo is not working and while increasing federal timber harvest will not solve all of rural Oregon's economic challenges, it can serve as a foundation. Congress should act to find a solution for O&C lands that helps Oregon counties improve financial stability, ensures adequate supplies of timber to support mills and jobs, and continues to meet aquatic and land conservation goals.

PAGES OMITTED IN THE INTEREST OF BREVITY

Suitable habitat is assessed at the stand level and combines an array of measurements including canopy closure, tree diameter, and structural diversity. A rough approximation for suitable habitat is any native forests older than 120 years although stands between 80-120 years serve as habitat where distribution of older forest is limited.

Our analysis showed that suitable habitat for NSO increased as after 50 years of implementation for all runs. However, projection of suitable habitat for MAMU declined when applying the Trust in Run C but increased under Runs D & F.

In the midst of the Panel's work, the US Fish and Wildlife Service (USFWS) released their final Critical Habitat rule for the Northern Spotted Owl (NSO). Critical habitat is a network of large landscape areas designed specifically to fulfill an endangered specie's range of needs, including nesting, roosting and foraging habitat.

In general, implementation of Run C as modeled would have significant impact on Critical Habitat as identified by USFWS. For Run C, approximately 27% of the identified Critical Habitat acres on the O&C Lands were scheduled for a regeneration harvest over the first 50 years of management. With additional thinning, 55% of Critical Habitat on O&C Lands would experience a harvest in the first 50years. By design, no regeneration harvests were scheduled in Critical Habitat for Runs A, D & F. Thinning was prescribed however and was scheduled in 35% of stands identified by the USFWS. Due to time constraints, the Panel was not able to conduct population modeling as used by USFWS but ultimately it would be important to do so to understand the risk of increased harvest to future species viability.

Conclusions and Recommendations[8]

Given the short timeframe allowed and recognizing the inherent role of Congress in the ultimate resolution, development of a detailed proposal proved difficult for the O&C Panel. However, I believe significant process was made in three important areas:

- First, a foundation of understanding and trust was created between Panel participants.
- Second, it is clear that federal legislation is needed to achieve any significant progress.
- Third, O&C Lands Report contains an array of ideas that could be integrated in different ways to create a durable solution for all parties.

Based on the Panel's consideration and these conclusions, I believe a legislative solution can and should be passed into law that includes the following equally important elements.

- **Stable Timber Supply** – Stable and predictable timber sale levels above current harvest levels can and should be achieved with minimal impact old growth and aquatic ecosystems.
- **Adequate County Funding** – Timber harvest and/or revenues generated from land disposition can significantly improve the stability of O&C counties. Oregon and state and local governments should share in the responsibility to fill any gap that may remain between timber revenues and the funding required to keep counties fiscally viable.
- **Protect Unique and Special Places** – There are approximately 118,000 acres deserving of wilderness protection and an additional 30,000 acres worthy of protection as part of a

[8] See letter submitted to the Oregon Congressional Delegation on February 6, 2013. http://www.oregon.gov/gov/GNRO/docs/OCDelegationLetter.pdf

conservation network. Additional acres should be considered for protection as priority watersheds for fish habitat as salmon strongholds and Wild and Scenic River designation

- **Durable and Adaptive Conservation Standards** – To achieve timber harvest goals on Federal land, ecological forestry-based regeneration harvest should be used in stands 120 years old or younger, and certain riparian buffers should be modified in recognition of evolving science that concludes such modifications can be made. Once these modifications have been made, the late successional old growth strategy and aquatic conservation strategy components of the Northwest Forest Plan should be institutionalized in a manner that dedicates those areas to the conservation of endangered species and other conservation values as the dominant use. And adaptive management process should be developed to incorporate future scientific findings where and when appropriate.
- **Achieve Certainty** - The O&C Act should be amended to include some combination of a dominant use mandate on certain acres for timber production and on other acres for conservation. In addition, a reallocation of some non-strategic acres should be made to a trust and/or sold to a community nonprofit or private buyer. Together such actions would create certainty for an array of different forest uses and outputs.
- **Tribal Considerations** - A number of tribes exist with ceded lands and ancestral history tied to the O&C land area. I believe an O&C solution should consider land management impacts on these tribes' ancestral lands, participation in management authority and/or land restoration requests.

In closing Mr. Chairman, I would strongly encourage the Committee to pass legislation that includes the elements outlined above and then work with your colleagues in the Senate to craft a balanced long-term solution. I feel confident that if we think in creative new ways that we can provide for most of what everybody wants from our O&C forests. Conversely, failure to act is bad for our rural communities and in the long run bad for our conservation efforts as well.

Thank you again for this opportunity to testify and I would be happy to answer any questions you may have.

House Committee on Natural Resources

Subcommittee on Public Lands and Environmental Regulation

Legislative Hearing on H.R. __, H.R. 1294, H.R. 818, H.R. __, and H.R. 1442

April 11, 2013

Transcript Of a Portion of The Testimony of

Douglas County Commissioner Doug Robertson, for the Association of O & C Counties

And

Tom Tuchmann, Forestry and Conservation Finance Advisor

Office of Governor John Kitzhaber

Congressman DeFazio: The discussion draft [concerning O & C Lands] did not include the recent legislation that has been introduced by Senators Wyden and Merkley regarding settlement with two tribes that has never been brought to fruition. Do either of you have a comment on the inclusion of those in a final version of this bill?

Commissioner Robertson: Congressman DeFazio. Senator Wyden and Merkley have introduced a discussion draft as you know proposing something in the neighborhood of 32,000 acres divided between the two unlanded tribes left in the State of Oregon. Our concern initially was that if that land was going to come from the O & C land base that there be something in the way of equal acres, value, or volume to replace it. In other words, a no net loss to the O & C land base. Through discussions subsequent to the release of the discussion draft Senator Wyden has agreed to that and we're confident that there will be no negative impact on the O & C land base.

Congressman DeFazio: Thank you. And the Governor would favor inclusion?

Mr. Tuchmann: And the Governor would favor that as well.

KATE BROWN
SECRETARY OF STATE

BRIAN SHIPLEY
DEPUTY SECRETARY OF STATE

SECRETARY OF STATE
136 STATE CAPITOL
SALEM, OREGON 97310-0722
Phone 503-986-1523 & Fax 503-986-1616
oregon.sos@state.or.us

April 18, 2013

The Honorable Peter DeFazio
2134 Rayburn House Office Building
Washington DC, 20515

Dear Congressman DeFazio:

I am writing to urge your support for the restoration of tribal land for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

During my many years serving on the Oregon Legislative Commission on Indian Services, I worked with tribes on issues ranging from establishing a formal government-to-government relationship with the state to ensuring tribes have access to vital health care under the Oregon Health Plan.

One issue that continuously presents a challenge for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians is that it is the only federally-recognized tribe without a land base of its own. When Congress restored the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, it did not return a land base or provide monetary compensation. The time has come for this injustice to be addressed.

Although preserving spiritual and cultural values are the Tribe's primary concerns, the lands should be economically self-sufficient. If the lands were transferred to the Tribe, the Tribe would manage them under a forest management plan adopted by the Bureau of Indian Affairs pursuant to the National Indian Forest Resources Management Act. The Tribe will generate much-needed economic activity where counties have been hit the hardest by the harvest reductions on O & C lands and where double-digit unemployment persists.

Restoring land would establish justice for the Tribe and create opportunity for tribal members and non-tribal members alike. I hope that you will continue to work with all of Oregon's tribes and support federal legislation in the 113th Congress with these benefits in mind.

Sincerely,

Kate Brown
Oregon Secretary of State

TED FERRIOLI
District 30

Senate Republican Leader

OREGON STATE SENATE
SALEM, OR
97301

April 4, 2013

The Honorable Greg Walden
2182 Rayburn House Office Building
United States House of Representatives
Washington, DC 20515

Dear Representative Walden,

As the Senate member of the Legislative Commission on Indian Services, I have learned that land is of great cultural, spiritual, and economic importance to Oregon's nine federally-recognized tribes. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians did not receive monetary compensation or a significant land base when Congress restored the Tribe's governmental status in 1984.

The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians have discussed with me a draft of legislation that would address the needs and benefits of restoration of tribal lands. A copy of the discussion draft and the associated map are enclosed.

Although spiritual and cultural values are the Tribe's primary motivations, the lands must also be made economically self-sufficient. If lands were transferred as proposed in the discussion draft, the Tribe would manage them under a forest management plan adopted by the Bureau of Indian Affairs, pursuant to the National Indian Forest Resources Management Act. Once that plan is in place, the Tribe's harvest will generate new economic activity in parts of Oregon suffering chronic double-digit unemployment and hardest hit by the O & C lands crisis.

This proposal would establish justice for the Tribe and create opportunity for tribal members and non-tribal members alike. I hope that you will support federal legislation in the 113th Congress realizing these benefits, whether that action comes as part of a comprehensive reform of federal law or as a stand-alone bill similar to the discussion draft.

Sincerely,

Senator Ted Ferrioli
Member, Legislative Commission on Indian Services

Enclosures: 2

cc: The Honorable Suzanne Bonamici
439 Cannon House Office Building
United States House of Representatives
Washington, DC 20515

The Honorable Earl Blumenauer
1111 Longworth House Office Building
United States House of Representatives
Washington, DC 20515

The Honorable Peter DeFazio
2134 Rayburn Office Building
United States House of Representatives
Washington, DC 20515

The Honorable Kurt Schrader
108 Cannon House Office Building
United States House of Representatives
Washington, DC 20515

The Honorable Ron Wyden
221 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Jeff Merkley
313 Hart Senate Office Building
United State Senate
Washington, DC 20510

Legislative Commission on Indian Services
900 Court St. NE, Room 167
Salem, OR 97301

ARNIE ROBLAN
STATE SENATOR
DISTRICT 5

OREGON STATE SENATE
900 COURT ST. NE, S-417
SALEM, OR 97301

RE: Coos, Lower Umpqua, and Siuslaw Indians -- Ancestral Lands

Dear Rep. DeFazio:

I know that you are working very hard to create a workable, long-term, and stable framework that unlocks the underutilized potential of O & C lands, increases local government control over those lands, increases budgetary predictability for local governments, and still protects the environment cherished by all Oregonians. I hope that Congress enacts into law an appropriate balance among the many competing considerations.

As Co-Chair of the State Legislative Commission on Indian Services, I observed first-hand the cultural, spiritual, and economic importance of land to Oregon's nine federally-recognized tribes.. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians did not receive monetary compensation or a significant land base when Congress restored the Tribe's governmental status in 1984. This is an injustice that should be ameliorated.

The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians have discussed with me a discussion draft of legislation that would address the injustice done the Tribe. Copies of the discussion draft and associated map are enclosed. Although spiritual and cultural values are the Tribe's primary motivations, the lands must be made economically self-sufficient. If lands were transferred as contemplated in the discussion draft, the Tribe would manage them under a forest management plan adopted by the Bureau of Indian Affairs pursuant to the National Indian Forest Resources Management Act. Once that plan is in place, the Tribe's harvest will generate new economic activity in parts of Oregon suffering chronic double-digit unemployment and hardest hit by the O & C lands crisis.

The Tribe has taken pains to avoid to the greatest extent possible provisions that would create any well-founded opposition to the proposal. For example, the Tribe did not seek, and the discussion draft does not provide, any exemption from federal laws for the protection of the environment. Sixty-nine percent of the trees on the Lower Smith Tract (Douglas County) and eighty-eight percent of the trees on the Tioga Tract (Coos County) are less than 75 years old. Ninety-eight percent of the trees on the Lake Tract (Lane County) are less than 75 years old. Critical habitat for the Northern Spotted Owl and Marbled Murrelet could not be entirely avoided in all of the tracts. But even as to tracts containing such habitat, the BIA will be required to create and adopt an Environmental Impact Statement as part of its forest management plan before any change in the treatment of critical habitat can occur.

Justice for the Tribe. Opportunity for tribal members and non-tribal members alike. Continued applicability of federal laws for the protection of the environment. I hope that you will support federal legislation in this Congress realizing these benefits, whether that action comes as part of a comprehensive reform of federal law or as a stand-alone bill similar to the discussion draft.

Sincerely,

Senator Arnie Roblan, District 5

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) -- May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit D - 10 To Statement of Chairman Ingersoll

Office Phone: (503) 986-1705 - Email: sen.arnieroblan@state.or.us
District Office: P.O. Box 1410, Coos Bay, OR

FLOYD PROZANSKI
STATE SENATOR

DISTRICT 4
503-986-1704 - Capitol
541-342-2447 - District
Email: sen.floydprozanski@state.or.us

OREGON STATE SENATE
900 COURT ST NE
SALEM, OREGON 97301

April 10, 2013

Congressman Peter DeFazio
2134 Rayburn Office Building
Washington, DC 20515

Re: Coos, Lower Umpqua, and Siuslaw Indians -- Ancestral Lands

Dear Congressman DeFazio,

I know that you are working hard to create a workable, long-term, and stable framework that unlocks the underutilized potential of O&C lands, increases local government control over those lands, increases budgetary predictability for local governments, and still protects the environment cherished by all Oregonians. I hope that Congress enacts into law an appropriate balance among the many competing considerations.

Land is culturally, spiritually, and economically important to Oregon's nine federally-recognized tribes. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (Tribes) did not receive monetary compensation or a significant land base when Congress restored their governmental status in 1984. The Tribes have discussed with me a discussion draft of legislation that would restore some of the Tribe's ancestral territory to its control.

Although spiritual and cultural values are the Tribes' primary motivations, the lands must be made economically self-sufficient. If lands were transferred as contemplated in the discussion draft, the Tribes would manage them under a forest management plan adopted by the Bureau of Indian Affairs pursuant to the National Indian Forest Resources Management Act (NIFRMA). Once that plan is in place, the Tribe's harvest will generate new economic activity in parts of Oregon suffering chronic double-digit unemployment and hardest hit by the O&C lands crisis.

The Tribe has taken pains to avoid, to the greatest extent possible, provisions that would create any well-founded opposition to the proposal. For example, the Tribe did not seek, and the discussion draft does not provide, any exemption from federal laws for the protection of the environment. The BIA will be required to create and adopt an Environmental Impact Statement as part of its forest management plan before any change in the treatment of critical habitat can occur.

I hope that you will support federal legislation in this Congress realizing these benefits, whether that action comes as part of a comprehensive reform of federal law or as a stand-alone bill similar to the discussion draft.

Very truly,

Floyd Prozanski

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit D - 11 To Statement of Chairman Ingersoll

CADDY HANEN McKEOWN
STATE REPRESENTATIVE
HOUSE DISTRICT 9

HOUSE OF REPRESENTATIVES
900 COURT ST NE
SALEM, OR 97301

April 8, 2013

Representative Peter DeFazio
U.S. House of Representatives
2134 Rayburn Office Building
Washington, D.C. 20515

Dear Representative DeFazio:

I know that you are working very hard to create a workable, long-term, and stable framework that unlocks the underutilized potential of O & C lands, increases local government control over those lands, increases budgetary predictability for local governments, and still protects the environment cherished by all Oregonians. I hope that Congress enacts into law an appropriate balance among the many competing considerations.

Land is culturally, spiritually, and economically important to Oregon's nine federally-recognized tribes. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians did not receive monetary compensation or a significant land base when Congress restored the Tribe's governmental status in 1984. This is an injustice that should be ameliorated.

The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians have discussed with me a discussion draft of legislation that would address the injustice done the Tribe. Copies of the discussion draft and associated map are enclosed.

Although spiritual and cultural values are the Tribe's primary motivations, the lands must be made economically self-sufficient. If lands were transferred as contemplated in the discussion draft, the Tribe would manage them under a forest management plan adopted by the Bureau of Indian Affairs pursuant to the National Indian Forest Resources Management Act. Once that plan is in place, the Tribe's harvest will generate new economic activity in parts of Oregon suffering chronic double-digit unemployment and hardest hit by the O & C lands crisis.

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Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit D - 12 To Statement of Chairman Ingersoll

503-986-1409 - rep.caddymckeown@state.or.us - www.leg.state.or.us/mckeown - 503-986-1409

create and adopt an Environmental Impact Statement as part of its forest management plan before any change in the treatment of critical habitat can occur.

Justice for the Tribe. Opportunity for tribal members and non-tribal members alike. Continued applicability of federal laws for the protection of the environment. I hope that you will support federal legislation in this Congress realizing these benefits, whether that action comes as part of a comprehensive reform of federal law or as a stand-alone bill similar to the discussion draft.

Sincerely,

Representative Caddy McKeown
Oregon House District 9

Cc: Senator Ron Wyden
Senator Jeff Merkley
Representative Suzanne Bonamici
Representative Greg Walden
Representative Earl Blumenauer
Representative Kurt Schrader

The World

Justice and opportunity

MARCH 25, 2013 11:00 AM

In the 1850s, South Coast Indian tribes were in no position to bargain. European diseases had ravaged their populations. Their ancestral homelands stood in the path of white settlers' relentless march.

Three tribes — the Coos, Siuslaw and Lower Umpqua — signed a treaty surrendering 1.6 million acres in return for various promises. The result was a shameful history of betrayal, exile, imprisonment and neglect that all but extinguished the tribes.

Given that record, a proposal to return a tiny fraction of the tribes' traditional holdings deserves a favorable reception from Congress.

U.S. Sens. Ron Wyden and Jeff Merkley, D-Ore., have lofted a "discussion draft" of a bill restoring 14,804 acres to the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. A third of that land lies in the Coos Watershed.

In a conversation with The World's editorial board, tribal Chairman Bob Garcia described a "tribal paradigm" of land management, balancing the polarized viewpoints (cut, don't cut) that paralyze timber policy in Oregon. He explained the tribe's philosophy as long-term, pragmatic and holistic, with twin goals of economic benefit and forest health.

To make the plan politically feasible, the tribe chose sites it hopes will cause minimal controversy. Garcia said the trees there are mostly 30 to 70 years old, in areas uninhabited by marbled murrelets, the latest focus of endangered-species litigation.

The proposal offers benefits not only for the tribe, but also for the broader community. Garcia foresees intensified land management, which means creating a modest number of local jobs. Harvest eventually may increase, and Garcia hopes the land could become a model for managing other federal lands.

Of course, the very attributes that make the proposal appealing also invite opposition. Some people, regrettably, abhor any idea that might enrich a tribe. Some environmentalists distrust any plan that might weaken the logging gridlock.

But Wyden and Merkley's proposal combines justice with opportunity. It deserves serious and sympathetic discussion.

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit D - 14 To Statement of Chairman Ingersoll

March 19, 2013

Chairman Bob Garcia
Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians
1245 Fulton Ave.
Coos Bay, OR 97420

Dear Chairman Garcia:

The Douglas Timber Operators ("DTO") Board of Directors has reviewed the Discussion Draft of the Confederated Tribes land conveyance bill. Our Board has long been supportive of the Tribe's efforts to secure a tribal land base of trust lands. As you know our industry and counties have also been searching for a solution to the larger O&C timber issues that continue to plague our community. While we hope that the tribal lands legislation will ultimately occur in that larger context, we also recognize that the Tribe has no control over how the legislative process will unfold. As such, our Board unanimously voted to support the discussion draft, although we do have a few concerns about provisions of this discussion draft and offer the following comments.

Specifically, we question the need for a full survey of these lands as part of the conveyance. We question whether this is even feasible given the number of parcels involved and the short time frame specified in the bill. Our biggest fear is that the cost of this survey would come from, and/or at the expense of the BLM timber sale program and/or staffing. We would suggest that this survey requirement is superfluous and unneeded. These lands can be conveyed without a full survey. If this provision can't be removed from the bill, then we want to be assured that these costly surveys will not come at the expense of the timber sale program.

In closing, we appreciate the opportunity to review and comment on your bill. Furthermore, we hope the Confederated Tribes will continue to call for responsible active forest management on the other federal lands in Douglas, Coos and Lane Counties which are a critical part of our community health.

Sincerely,
Douglas Timber Operators

Robert E. Ragon
Executive Director

Douglas Timber Operators, Inc. • 3000 Stewart Parkway • Suite 208 • Roseburg, Oregon 97471
Phone (541) 672-0757 • Fax (541) 672-3833

Recycled Paper

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit D - 15 To Statement of Chairman Ingersoll

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
Jefferson Keel
Chickasaw Nation

FIRST VICE-PRESIDENT
Juana Majel Dixon
Pauma Band of Mission Indians

RECORDING SECRETARY
Edward Thomas
Central Council of Tlingit & Haida Indian Tribes of Alaska

TREASURER
W. Ron Allen
Jamestown S'Klallam Tribe

REGIONAL VICE-PRESIDENTS

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Central Council of Tlingit & Haida Indian Tribes of Alaska

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GREAT PLAINS
Robert Shepherd
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MIDWEST
Matthew Wesaw
Pokagon Band of Potawatomi

NORTHEAST
Lance Gumbs
Shinnecock Indian Nation

NORTHWEST
Fawn Sharp
Quileute Indian Nation

PACIFIC
Don Arnold
Scotts Valley Band of Pomo Indians

ROCKY MOUNTAIN
Scott Russell
Crow Tribe

SOUTHEAST
Larry Townsend
Lumbee Tribe

SOUTHERN PLAINS
George Thurman
Sac and Fox Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh

WESTERN
Ned Norris, Jr
Tohono O'odham Nation

EXECUTIVE DIRECTOR
Jacqueline Johnson Pata
Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

The National Congress of American Indians
Resolution #SAC-12-056

TITLE: Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Land Restoration Legislation

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians were restored to Federal Recognition pursuant to the Tribes' Restoration Act of October 17th, 1984 (Public Law 98-481); and

WHEREAS, the Tribe's ancestral homeland comprises 1.6 million acres in the Siuslaw, Lower Umpqua, and Coos River watersheds, in addition to seaways and waterways; and

WHEREAS, in 1855 a treaty was negotiated by the Federal Government and signed by the Tribes obligating the United States to provide services and benefits to the Tribes in exchange for relinquishment of the Tribes' ancestral lands; and

WHEREAS, the Federal Government never ratified the treaty it had negotiated and never fulfilled the promises it made to the Tribes; and

WHEREAS, the Federal Government never paid any compensation to the Tribes for the loss of the land and resources, and imprisoned many Tribal members on the Coast Reservation for many years; and

WHEREAS, although diminished by starvation, disease, and hardships endured during their forced removal to the Coast Reservation, Tribal members removed to the Coast Reservation eventually rejoined Tribal members who had remained in their ancestral territories; and

WHEREAS, continuously from the establishment of the Oregon Territory in 1849 to the present, the United States has asserted its jurisdiction over the Tribes and throughout the Tribes' ancestral lands; and

WHEREAS, the establishment and maintenance of Tribal ancestral homelands is considered by NCAI to be one essential foundation upon which the preservation of Tribal culture and sovereignty is established.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby support the introduction and passage of Federal legislation restoring certain identified lands that interfere with no other Tribe's land claims and that are within the ancestral territories of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.

President

ATTEST:

Recording Secretary

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) -- May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit D - 17 To Statement of Chairman Ingersoll

E.

Tribe's Petition to the President of the United States

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit E - 1 To Statement of Chairman Ingersoll

Petition of The People of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians To The President of The United States of America

We, the People, formerly enjoyed in our ancestral territory for time immemorial the blessings of life, liberty, and pursuit of happiness that are our self-evident and inalienable rights. We built every benevolent sovereign Government, we established justice, ensured domestic tranquillity, provided for the common defense, promoted the general welfare, and labored to secure the blessings of liberty for more than seventy generations and more of these descendants.

History is evident to require detailed proof but is witness to the fact that until the present generation, the United States and its citizens neither respected our inalienable rights and wisdom, nor has nurtured the gulf between the words of the Declaration of Independence and the reality of our experience.

-- Treaties were negotiated in good faith with agents of the United States have languished without consideration by Congress, and later were unilaterally abrogated by the United States.

-- The courts of the United States have from time to time denied the history we, the People, have experienced, and they have refused the testimony of our elders.

-- Our lands—the lands upon which our ancestors, and their ancestors for innumbered generations, had fished, hunted, gathered, raised their families, and died—were taken from us without due process of law and without just compensation.

-- Our children were removed from their homes by agents of the United States, compelled to board in distant schools, punished for speaking the tongue of their ancestors, and denied their cultural heritage.

-- Our traditions as a People were, between [illegible] and [illegible], denied by laws of the United States.

We the People, have waited far too often the bitter reality that self-evident truths are not self-executing. We, too, give heed to the promissory note etched for all time for all people in Thomas Jefferson's hand. We, too, labor daily to secure on Earth the blessings revealed all people by the Creator. We, too, bleed so many of our fellow citizens of the United States and of other Indian Nations respectfully send repeatedly have petitioned the United States for redress of our grievances. Too often our Petitions have been ignored or rejected.

Even as we struggled to make real our birthright, the People joined with fellow Americans to safeguard the promises of freedom extended so long ago by the founders of the United States. Our sons, our blood, flowed in common streams with the sons and blood of all Americans across fields, together, to protect and defend the United States against foreign aggressors. Today our sons and daughters serve proudly in the armed forces of the United States side-by-side with the descendants of those whom the United States helped settle on the lands of our ancestors.

-- Through disappointment, privation and injustice we have moved forward together.

-- Together we have secured the passage of laws acknowledging our existence.

-- Together we are taking strides towards economic self-determination.

-- Together we are lifting up friends and neighbors and hundreds as we fight poverty, limited access to healthcare, and educational opportunity.

And still a seeming injustice stands over progress and threatens our confidence in the ultimate triumph of justice. Despite our repeated Petitions, the United States continues to deprive us of nearly all of our ancestral lands. We have been and continue to be kept apart by the United States from the heritage our ancestors justly intended that untold generations to come should enjoy.

Therefore, as respectful petitioners and representatives of an independent Sovereign, with supplicants, we have petitioned Congress to enact law restoring to our control a small fraction of the lands taken from our ancestors. While this small measure of restorative justice is achieved, the People of the United States and the People of our Tribe will have been lifted up in nearly equal measure. With renewed confidence in the proposition that the United States is the world's last, best hope for justice, we, the People, will again walk in our ancestors' footsteps, will again be nourished and sustained by the bounty of our lands, and will again protect and preserve the restored Lands for bounty upon seventy generations of our sons and daughters.

Now, hopefully that justice will prevail, we, the People, respectfully petition for your support of law restoring our control over parts of our ancestral lands.

And, when justice has prevailed, as it must eventually prevail, we respectfully invite you to be the honored guest of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians in memorializing our ancestors and commemorating the righteous victory of all of us together, Indian and non-Indian alike, over the injustice of our mutual history.

Therefore, we, the People of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, through our duly elected representatives, hereby submit this Petition.

Dated this 28th day of May 2015

Robert Bennett Anna McNatt
Chris Dawn Brandt Mark Ingersoll Ron Brandt
Bessie Benson Lisa Springer

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit E - 2 To Statement of Chairman Ingersoll

Petition of The People of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians To The President of The United States of America

We, the People, formerly enjoyed in our ancestral territory for time immemorial the blessings of life, liberty, and pursuit of happiness that are our self-evident and inalienable rights. As befits every benevolent Sovereign Government, our ancestors established justice, insured domestic tranquility, provided for the common defense, promoted the general welfare, and labored to secure the blessings of liberty for seven upon seventy generations and more of their descendants.

History too evident to require detailed proof bears witness to the fact that until the present generation, the United States and its citizen-settlers assaulted our inalienable rights and widened, rather than narrowed, the gulf between the words of the Declaration of Independence and the realities of our experience.

-- Treaties we negotiated in good faith with agents of the United States have languished without consideration by Congress, and later were unilaterally abandoned by the United States.

-- The courts of the United States have from time-to-time denied the history we, the People, have experienced, and they have refused the testimony of our elders.

-- Our lands -- the lands upon which our ancestors, and their ancestors for unnumbered generations, had fished, hunted, gathered, raised their families, and died -- were taken from us without due process of law and without just compensation.

-- Our children were removed from their homes by agents of the United States, compelled to board in distant schools, punished for speaking the tongue of their ancestors, and denied their cultural heritage.

-- Our existence as a People was, between 1954 and 1984, denied by laws of the United States.

We, the People, have tasted far too often the bitter reality that self-evident truths are not self-executing. We, too, are heirs to the promissory note etched for

all time for all people in Thomas Jefferson's hand. We, too, labor daily to secure on Earth the blessings rendered all people by their Creator. We, too, like so many of our fellow citizens of the United States and of other Indian Nations, respectfully and repeatedly have petitioned the United States for redress of our grievances. Too often, our Petitions have been ignored or rejected.

Even as we struggled to make real our birthright, the People joined with fellow Americans to safeguard the promise of freedom extended so long ago by the founders of the United States. Our tears, our blood, flowed in common streams with the tears and blood of all Americans as we fought, together, to protect and defend the United States against foreign aggressors. Today, our Tribe's sons and daughters serve proudly in the armed forces of the United States side-by-side with the descendants of people whom the United States helped settle on the lands of our ancestors.

Through disappointment, privation and injustice, we have moved forward together.

-- Together, we have secured the passage of laws acknowledging our existence.

-- Together, we are taking strides towards economic self-determination.

-- Together, we are lifting up friends and neighbors as burdened as we by poverty, limited access to healthcare, and educational opportunity.

And still a searing injustice stains our progress and threatens our confidence in the ultimate triumph of justice. Despite our repeated Petitions, the United States continues to deprive us of nearly all of our ancestral lands. We have been, and continue to be, kept apart by the United States from the heritage our ancestors justly intended that we and generations to come should enjoy.

Therefore, as respectful petitioners and representatives of an independent Sovereign, not supplicants, we have petitioned Congress to enact law restoring to our control a small fraction of the lands taken from our ancestors. When this small measure of restorative justice is achieved, the People of the United States, and the People of our tribe, will have been lifted up in nearly equal measure. With renewed confidence in the proposition that the United States is the world's last, best hope for justice, we, the People, will again walk in our ancestors' footsteps, will again be nurtured and sustained by the bounty of our lands, and will again protect and

preserve the restored lands for seven upon seventy generations of our sons and daughters.

Now, hopeful that justice will prevail, we, the People, respectfully petition for your support of law reestablishing our control over parts of our ancestral lands.

And, when justice has prevailed, as it must eventually prevail, we respectfully invite you to be the honored guest of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians in a ceremony honoring our ancestors and commemorating the righteous victory of all of us, together, Indian and non-Indian alike, over the injustice of our mutual history.

Therefore, we, the People of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, through our duly-elected representatives, hereby submit this Petition.

Dated this ___ day of May, 2013.

F.

H.R. 1438 (114th Congress, First Session).

I

114TH CONGRESS
1ST SESSION

H. R. 1438

To require that certain Federal lands be held in trust by the United States for the benefit of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2015

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on Natural Resources

---

A BILL

To require that certain Federal lands be held in trust by the United States for the benefit of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Coastal Lands Act".

SEC. 2. DEFINITIONS.

In this Act:

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit F - 2 To Statement of Chairman Ingersoll

1 (1) CONFEDERATED TRIBES.—The term "Con-
2 federated Tribes" means the Confederated Tribes of
3 Coos, Lower Umpqua, and Siuslaw Indians.
4 (2) OREGON COASTAL LAND.—The term "Or-
5 egon Coastal land" means the approximately 14,408
6 acres of land, as generally depicted on the map enti-
7 tled "Oregon Coastal Land Conveyance" and dated
8 March 27, 2013.
9 (3) SECRETARY.—The term "Secretary" means
10 the Secretary of the Interior.
11 **SEC. 3. CONVEYANCE.**
12 (a) IN GENERAL.—Subject to valid existing rights,
13 including rights-of-way, all right, title, and interest of the
14 United States in and to the Oregon Coastal land, includ-
15 ing any improvements located on the land, appurtenances
16 to the land, and minerals on or in the land, including oil
17 and gas, shall be—
18 (1) held in trust by the United States for the
19 benefit of the Confederated Tribes; and
20 (2) part of the reservation of the Confederated
21 Tribes.
22 (b) SURVEY.—Not later than 1 year after the date
23 of enactment of this Act, the Secretary shall complete a
24 survey of the boundary lines to establish the boundaries
25 of the land taken into trust under subsection (a).

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit F - 3 To Statement of Chairman Ingersoll

1 **SEC. 4. MAP AND LEGAL DESCRIPTION.**

2 (a) IN GENERAL.—As soon as practicable after the
3 date of enactment of this Act, the Secretary shall file a
4 map and legal description of the Oregon Coastal land
5 with—

6 (1) the Committee on Energy and Natural Re-
7 sources of the Senate; and

8 (2) the Committee on Natural Resources of the
9 House of Representatives.

10 (b) FORCE AND EFFECT.—The map and legal de-
11 scription filed under subsection (a) shall have the same
12 force and effect as if included in this Act, except that the
13 Secretary may correct any clerical or typographical errors
14 in the map or legal description.

15 (c) PUBLIC AVAILABILITY.—The map and legal de-
16 scription filed under subsection (a) shall be on file and
17 available for public inspection in the Office of the Sec-
18 retary.

19 **SEC. 5. ADMINISTRATION.**

20 (a) IN GENERAL.—Unless expressly provided in this
21 Act, nothing in this Act affects any right or claim of the
22 Confederated Tribes existing on the date of enactment of
23 this Act to any land or interest in land.

24 (b) PROHIBITIONS.—

25 (1) EXPORTS OF UNPROCESSED LOGS.—Fed-
26 eral law (including regulations) relating to the ex-

Subcommittee on Public Lands, Forests and Mining
Hrg on S. 814 (114th Congress) – May 21, 2015
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Exhibit E - 4 To Statement of Chairman Ingersoll

1 port of unprocessed logs harvested from Federal
2 land shall apply to any unprocessed logs that are
3 harvested from the Oregon Coastal land taken into
4 trust under section 3.
5 (2) NON-PERMISSIBLE USE OF LAND.—Any real
6 property taken into trust under section 3 shall not
7 be eligible, or used, for any gaming activity carried
8 out under Public Law 100–497 (25 U.S.C. 2701 et
9 seq.).
10 (c) LAWS APPLICABLE TO COMMERCIAL FORESTRY
11 ACTIVITY.—Any commercial forestry activity that is car-
12 ried out on the Oregon Coastal land taken into trust under
13 section 3 shall be managed in accordance with all applica-
14 ble Federal laws.
15 (d) AGREEMENTS.—The Confederated Tribes shall
16 consult with the Secretary and other parties as necessary
17 to develop agreements to provide for access to the Oregon
18 Coastal land taken into trust under section 3 that provide
19 for—
20 (1) honoring existing reciprocal right-of-way
21 agreements;
22 (2) administrative access by the Bureau of
23 Land Management; and
24 (3) management of the Oregon Coastal lands
25 that are acquired or developed under the Land and

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Exhibit F - 5 To Statement of Chairman Ingersoll

1 Water Conservation Fund Act of 1965 (16 U.S.C.
2 460l–4 et seq.), consistent with section 8(f)(3) of
3 that Act (162 U.S.C. 460l–8(f)(3)).

4 (e) LAND USE PLANNING REQUIREMENTS.—Except
5 as provided in subsection (c), once the Oregon Coastal
6 land is taken into trust under section 3, the land shall
7 not be subject to the land use planning requirements of
8 the Federal Land Policy and Management Act of 1976
9 (43 U.S.C. 1701 et seq.) or the Act of August 28, 1937
10 (43 U.S.C. 1181a et seq.).

11 **SEC. 6. LAND RECLASSIFICATION.**

12 (a) IDENTIFICATION OF OREGON AND CALIFORNIA
13 RAILROAD GRANT LAND.—Not later than 180 days after
14 the date of enactment of this Act, the Secretary of Agri-
15 culture and the Secretary shall identify any Oregon and
16 California Railroad grant land that is held in trust by the
17 United States for the benefit of the Confederated Tribes
18 under section 3.

19 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—
20 Not later than 18 months after the date of enactment of
21 this Act, the Secretary shall identify public domain land
22 in the State of Oregon that—

23 (1) is approximately equal in acreage and con-
24 dition as the Oregon and California Railroad grant
25 land identified under subsection (a); and

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Exhibit F - 6 To Statement of Chairman Ingersoll

1 (2) is located in the vicinity of the Oregon and
2 California Railroad grant land.
3 (c) MAPS.—Not later than 2 years after the date of
4 enactment of this Act, the Secretary shall submit to Con-
5 gress and publish in the Federal Register one or more
6 maps depicting the land identified in subsections (a) and
7 (b).
8 (d) RECLASSIFICATION.—
9 (1) IN GENERAL.—After providing an oppor-
10 tunity for public comment, the Secretary shall re-
11 classify the land identified in subsection (b) as Or-
12 egon and California Railroad grant land.
13 (2) APPLICABILITY.—The Act of August 28,
14 1937 (43 U.S.C. 1181a et seq.), shall apply to land
15 reclassified as Oregon and California Railroad grant
16 land under paragraph (1).

O

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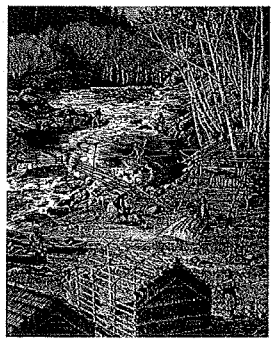
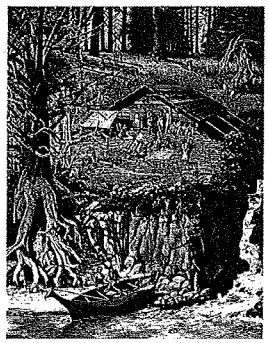
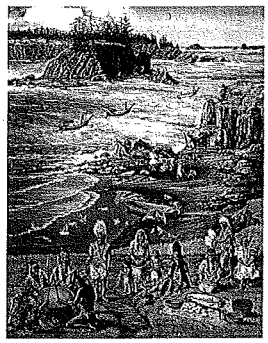
Exhibit F - 7 To Statement of Chairman Ingersoll

S. 814 (114th Congress)

Oregon Coastal Land Act

Tract-by-Tract Analysis

Reprinted For The May 21, 2015, Hearing Before The Subcommittee On Public Lands, Forests and Mining
Originally Submitted On November 20, 2013, To The Subcommittee In Support of S.1414 (113th Congress)

Tract-By-Tract Analysis
Oregon Coastal Land Act

Tab I.

ALL TRACT SUMMARY

Breakdown by Acres

11/20/2013

Tracts		Land Use Allocations (LUA)			Timber Age Categories (Years)				Federal Status				NSO
Tract	Acres	Late Successional Reserve (LSR)	Matrix	Administratively Withdrawn	0-74	75-124	125 or older	Not Forest	Coos Bay Wagon Road	Oregon and California	Public Domain	Acquired	2012 Proposed Northern Spotted Owl Critical Habitat
Húunat'a (Lower Smith)	4,974	1,526	3,448	0	3,638	25	1,303	8	0	4,974	0	0	608
Tekeat (Tioga)	4,563	721	3,842	0	4,001	0	546	16	0	4,563	0	0	635
Pkiitii (Lake)	4,977	0	4,977	0	4,911	33	27	6	0	4,937	40	0	4,977
Takimiya (Umpqua Eden)	146	0	146	0	0	0	146	0	0	0	0	146	0
Macy	37	0	0	37	0	0	37	0	0	0	37	0	0
Xitlxaldich (Coos Head)	54	0	0	54	0	54	0	0	0	0	54	0	0
Talbot	36	0	36	0	36	0	0	0	0	0	36	0	0
Total	14,787	2,247	12,449	91	12,586	112	2,059	30	0	14,474	167	146	6,220

Breakdown by Percentage

Tracts		Land Use Allocations (LUA)			Timber Age Categories (Years)				Federal Status				NSO
Tract	% of Total	Late Successional Reserve (LSR)	Matrix	Administratively Withdrawn	0-74	75-124	125 or older	Not Forest	Coos Bay Wagon Road	Oregon and California	Public Domain	Acquired	2012 Proposed Northern Spotted Owl Critical Habitat
Húunat'a (Lower Smith)	33.6%	30.7%	69.3%	0.0%	73.1%	0.5%	26.2%	0.2%	0.0%	100.0%	0.0%	0.0%	12.2%
Tekeat (Tioga)	30.9%	15.8%	84.2%	0.0%	87.7%	0.0%	12.0%	0.4%	0.0%	100.0%	0.0%	0.0%	13.9%
Pkiitii (Lake)	33.7%	0.0%	100.0%	0.0%	98.7%	0.7%	0.5%	0.1%	0.0%	99.2%	0.8%	0.0%	100.0%
Takimiya (Umpqua Eden)	1.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Macy	0.3%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Xitlxaldich (Coos Head)	0.4%	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Talbot	0.2%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Total	100.0%	15.2%	84.2%	0.6%	85.1%	0.8%	13.9%	0.2%	0.0%	97.9%	1.1%	1.0%	42.1%

Tract-By-Tract Analysis
Oregon Coastal Land Act

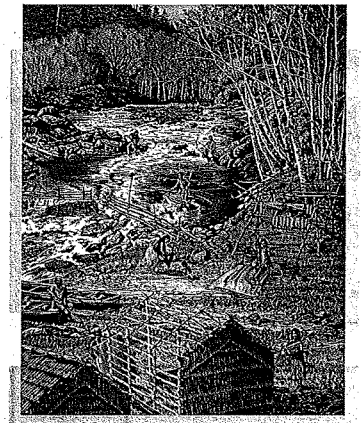
Tab II.

LAKE TRACT

Pkiitii (Lake Tract)

The large forested tracts are by and large homogenous in that they are dominated by second-growth Douglas-fir plantation stands. These tracts were chosen for their relative lack of controversial characteristics including stand composition. Douglas-fir plantations are not typically associated with traditional cultural values. Second-growth Douglas-fir plantation stands are characteristic of large portions of the Tribe's ancestral lands today. Second-growth Douglas-fir plantation stands contribute relatively little to the ecological diversity of the forest landscape.

Siuslaw



"It was never my wish to give up my country."
Siuslaw Dick, Headman

"I understand the Washington Chief wants to send us money. What for? I know the mind of my people. They do not want money."
Siuslaw John, Chief of the Siuslaw

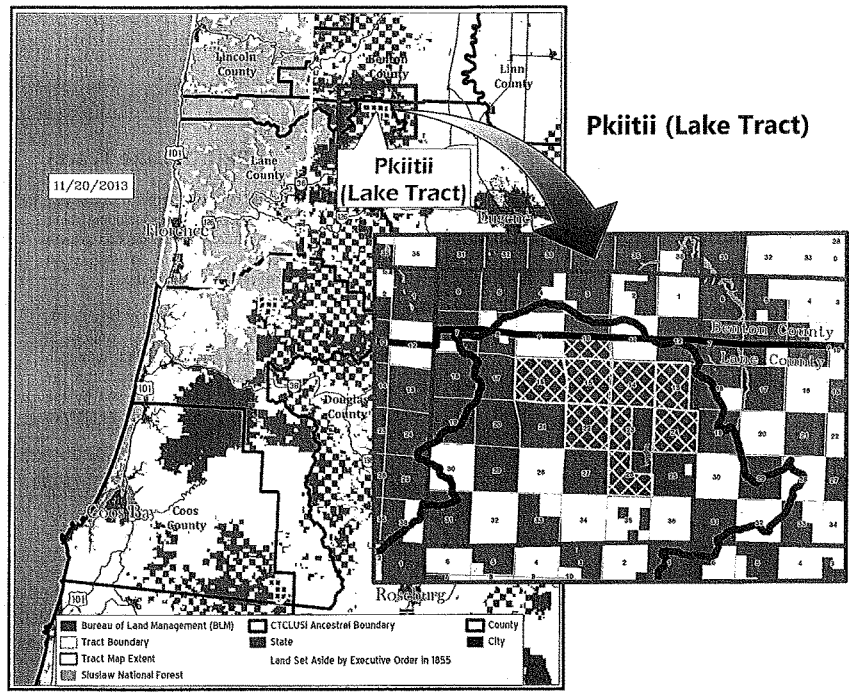
The Lake / Pkiitii Tract is in the headwaters of Lake Creek, which ultimately feeds into Triangle Lake. Andrew S. Charles described seeing the evidence of tribal hunting in the hills around Triangle Lake. Charles testified before the US Court of Claims and later was interviewed by the ethnologist and linguist John P. Harrington. As Charles testified and later told to Harrington::

> *"Well, at Chickahominy Hill [south of Triangle Lake] you can see the holes that are left where the pitfalls were made for the big game, and you can see the old fire remains there and you can see the bones there under the ground where you scrape the ground away; that is what we found at Chickahominy Hill, and then toward the Triangle Lake we find the same thing - the holes in the ground, the remains of the pitfalls, and another one at Cummins Camp you can see a lot of remains of pitfalls and the fire places where the fires were, the ashes and burned rocks."*

Charles also mentioned the Triangle Lake area as a place where the Siuslaw would welcome their Kalapuya neighbors from the east to trade, socialize, and gamble.

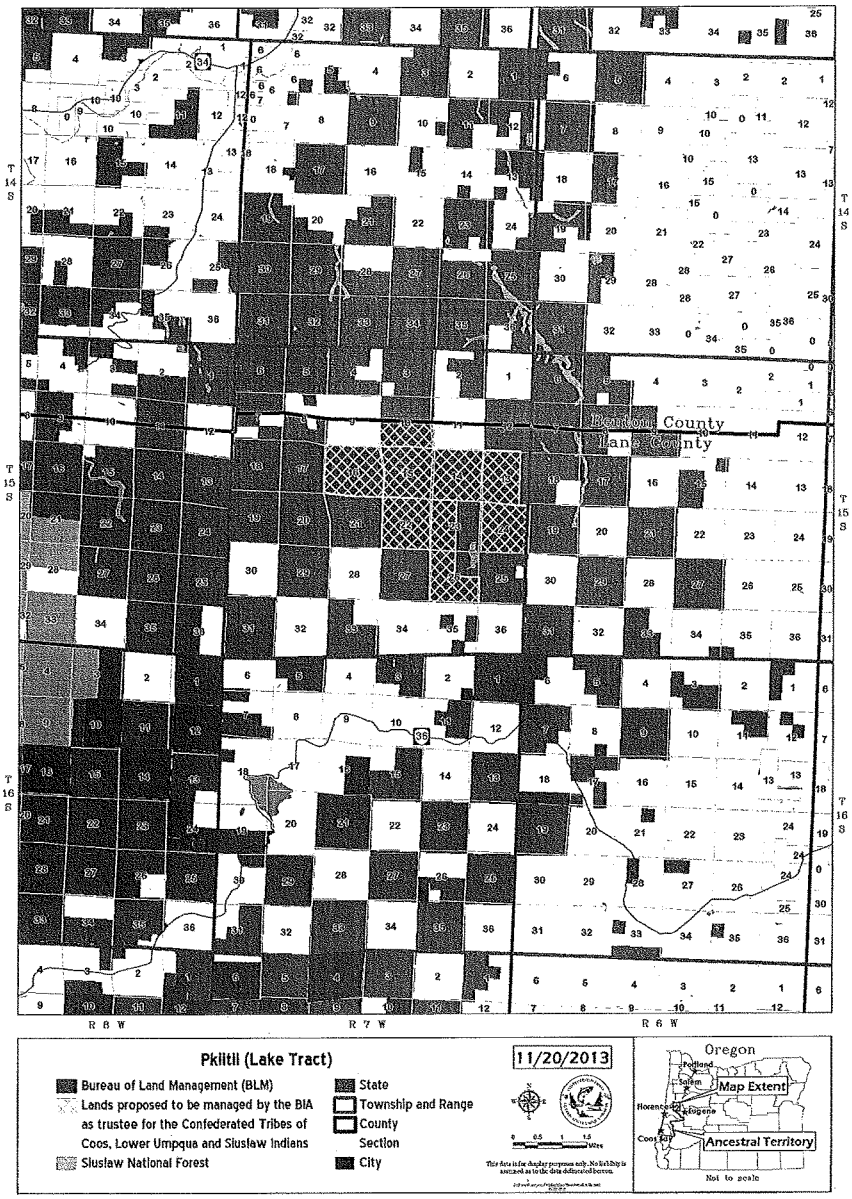
The Lake Tract also includes the former allotment of Abbie Mashell, a member of the Barrett Family. The Barrett family is the largest family within the Siuslaw Tribe. The Lake Tract holds symbolic value for its inclusion of an allotment which was lost due to the naivety or misfortune of an earlier generation of Tribal Members who were struggling to learn to live in the new world.

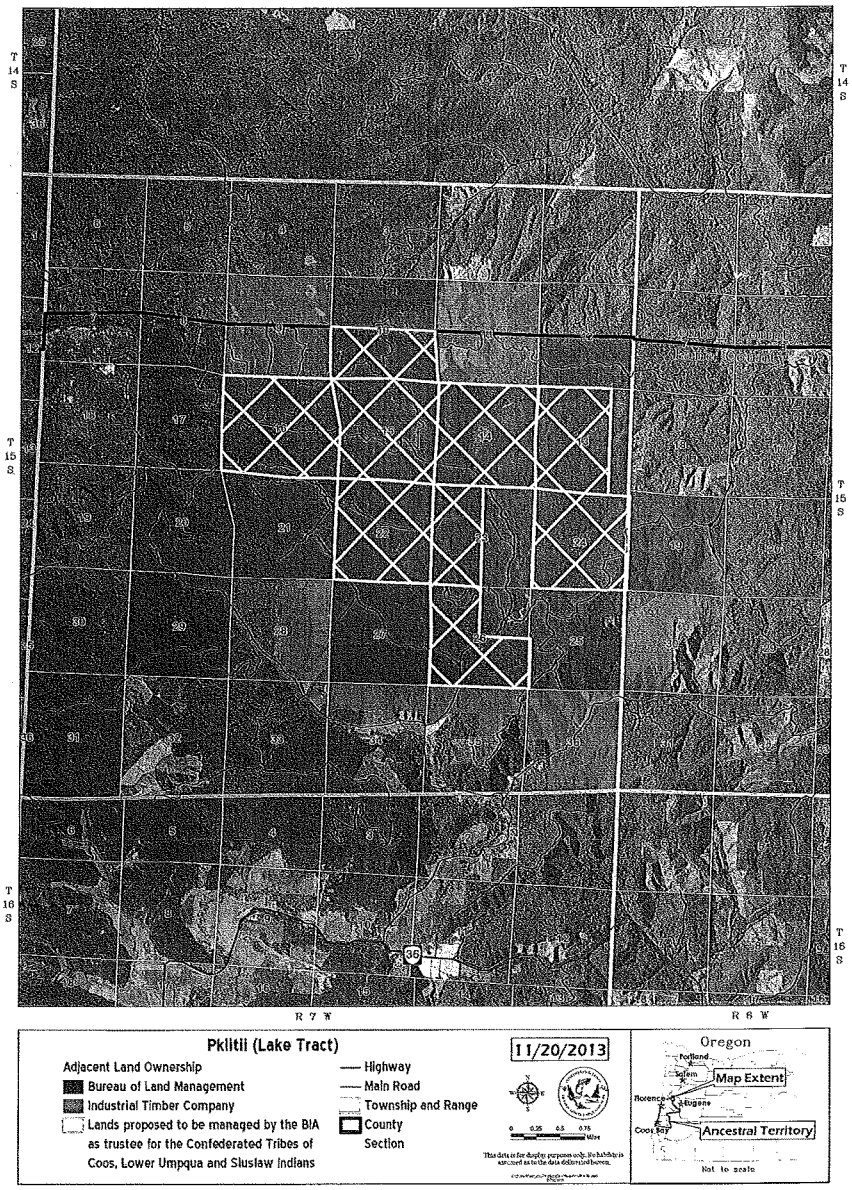
The Lake Tract does not include any land set aside by President Pierce in 1855. It also excludes the Hult Log Storage Reservoir, a recreational area frequented by local residents.



Pkiitii (Lake Tract) Statistics	
Current Manager	BLM
Acres	4,977
O & C Railroad Revested Land	99%
Acres Within Land Set Aside by Executive Order in 1855	0%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	1%
Acquired	0%
County	Lane
Matrix and Adjacent Riparian Reserve	100%
Late Successional Reserve and Adjacent Riparian Reserve	0%
Administratively Withdrawn	0%
Timber Stands under 75 years	98%
Timber Stands 75 – 124 years	1%
Timber Stands over 124 years	1%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	100%
Legal Description: $S^{1/2}$ Sec. 10, $W^{1/2}E^{1/2}$, $W^{1/2}$ Sec. 13, Sec. 14, Sec.15, Sec. 16, Sec. 22, $W^{1/2}$ Sec. 23, Sec. 24, $NW^{1/4}$, $S^{1/2}$ Sec. 26, T. 15 S., R. 7 W., WM	

*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.


Douglas County
Lane County
T 14 S
T 15 S
T 16 S
R 8 W
R 7 W
R 6 W
Pkiltil (Lake Tract)
Bureau of Land Management (BLM)
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Siuslaw National Forest
State
Township and Range
County
Section
City
11/20/2013
Miles
Oregon
Portland
Salem
Map Extent
Eugene
Florence
Coos Bay
Ancestral Territory
Not to scale


T 14 S
T 15 S
T 16 S
R 7 W
R 6 W
Pkiltii (Lake Tract)
Adjacent Land Ownership
Bureau of Land Management
Industrial Timber Company
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Highway
Main Road
Township and Range
County
Section
11/20/2013
Oregon
Portland
Salem
Map Extent
Florence
Eugene
Coos Bay
Ancestral Territory
Not to scale

Tract-By-Tract Analysis
Oregon Coastal Land Act

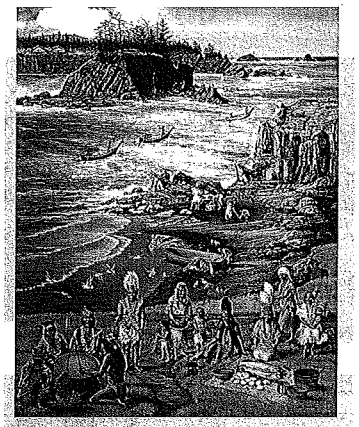
Tab III.

TIOGA TRACT

Tekeat (Tioga Tract)

The large forested tracts are by and large homogenous in that they are dominated by second-growth Douglas-fir plantation stands. These tracts were chosen for their relative lack of controversial characteristics including stand composition. Douglas-fir plantations are not typically associated with traditional cultural values. Second-growth Douglas-fir plantation stands are characteristic of large portions of the Tribe's ancestral lands today. Second-growth Douglas-fir plantation stands contribute relatively little to the ecological diversity of the forest landscape.

Coos

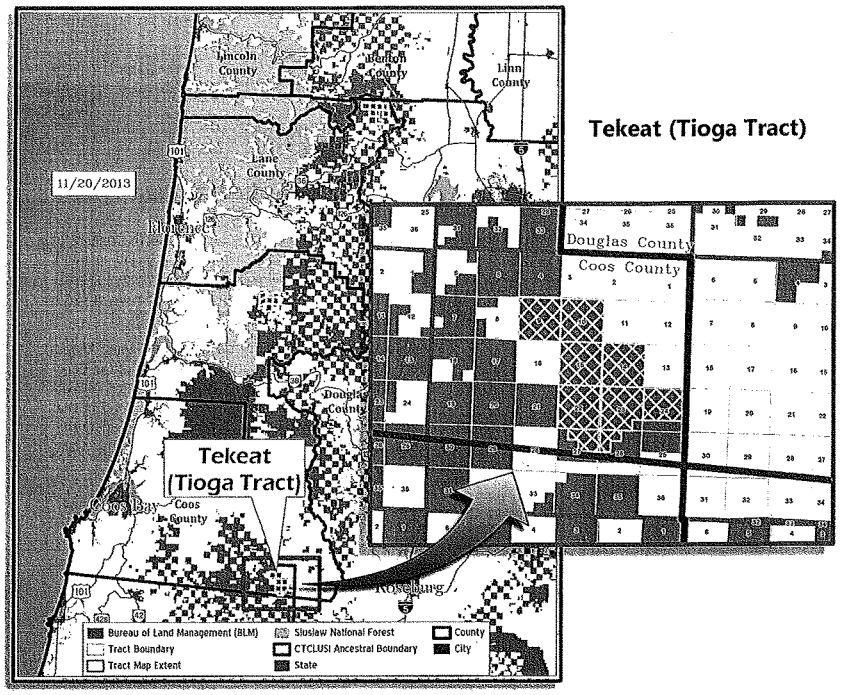


"We are in trouble. I was ashamed when one man said 'He did not want to be driven like the Coos.' The whites had made us poor by driving us from our old country. I have a heavy heart on account of the treaty we made with General Palmer ... It was not a small country we gave the whites. It was a large country ... When we sold our land we never received any pay. You do not see me with a team or wagon. I do not owe anybody anything, but the Great Chief owes me a great deal for the Country we sold.
Coos Jeff, Headman

In his testimony before the US Court of Claims, James Buchanan described the southeast boundary of the Coos Indian country as the summit mountain called Tekeat Mountain. The Tioga/Tekeat Tract includes land in the Coos Watershed by the summit of the ridge dividing the Coos, Coquille, and Umpqua drainages, but the tract boundary does not cross the watershed divide.

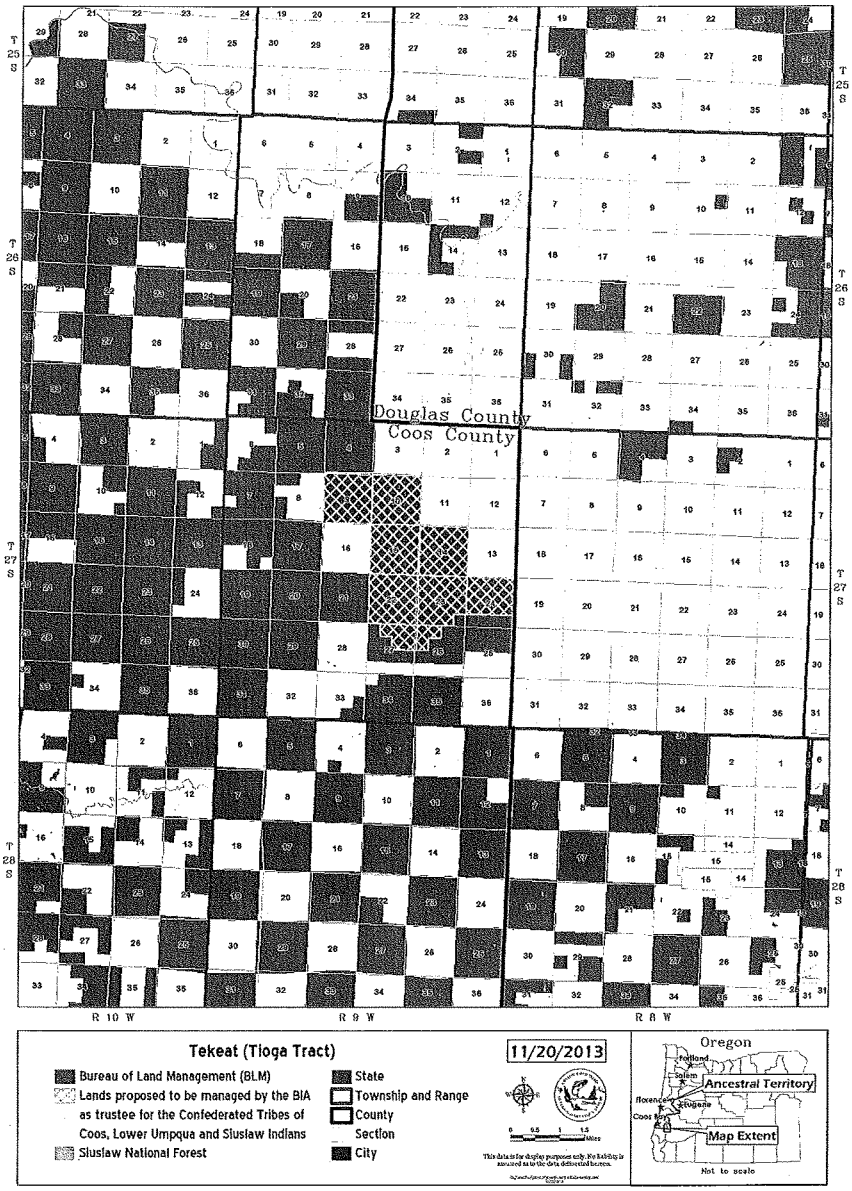
At the end of his testimony in the afternoon of November 11, 1931, James Buchanan was asked if he had "anything further that he desires to say that is material and pertinent to the issues in this case." Speaking through his translator, Mr. Buchanan answered:

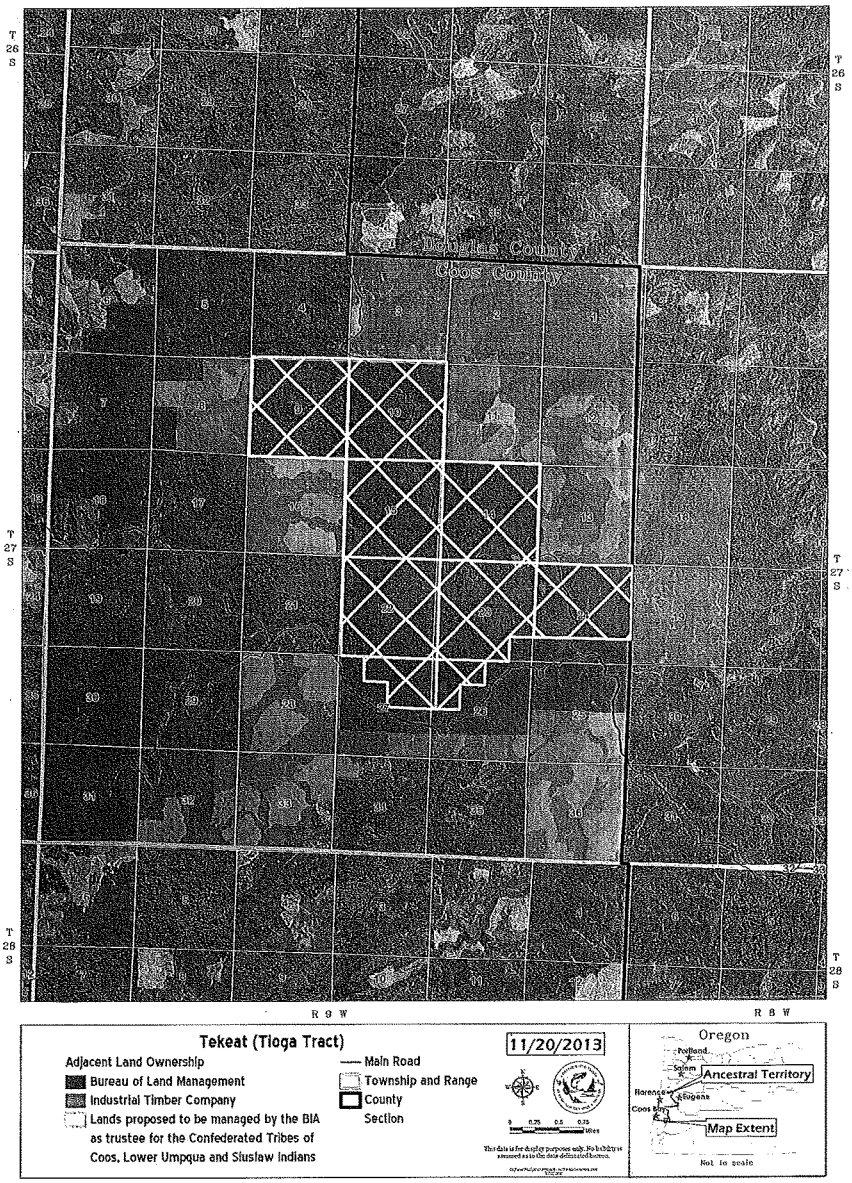
> *"Prior to taking possession of our country we were happy and there was no trouble between us and the white residents and I feel sorry to think that we are in most destitute circumstances; that the white people have come and reaped the golden harvest of our country while a number of us are now today living from hand to mouth. At the time when the country was taken away from us we believed within our heart's own hearts that the promises of the whites were fully as good as the promises of the Indians. Through the promises we moved away and gave up everything. I think under the terms of the treaty that it would [be] a wise thing if the Government of the United States would reconsider the situation of these destitute Indians. We have waited in vain for the period of seventy-six long years and we would like to have a settlement of some kind from our Government."*



Tekeat (Tioga Tract) Statistics	
Current Manager	BLM
Acres	4,563
O & C Railroad Revested Land	100%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	0%
County	Coos
Matrix and Adjacent Riparian Reserve	84%
Late Successional Reserve and Adjacent Riparian Reserve	16%
Administratively Withdrawn	0%
Timber Stands under 75 years	88%
Timber Stands 75 – 124 years	0%
Timber Stands over 124 years	12%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	14%
Legal Description: Sec. 9,10,14,15,22,SW$^{1/4}$SE$^{1/4}$,N$^{1/2}$SE$^{1/4}$,SW$^{1/4}$,N$^{1/2}$ Sec. 23, N$^{1/2}$S$^{1/2}$, N$^{1/2}$ Sec. 24, SW$^{1/4}$NW$^{1/4}$,N$^{1/2}$NW$^{1/4}$ Sec.26, NE$^{1/4}$NW$^{1/4}$, NE$^{1/4}$ Sec. 27, T. 27 S., R. 9 W., WM	

*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.


Douglas County
Coos County
T 25 S
T 26 S
T 27 S
T 28 S
R 10 W
R 9 W
R 8 W
Tekeat (Tioga Tract)
Bureau of Land Management (BLM)
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Siuslaw National Forest
State
Township and Range
County
Section
City
11/20/2013
Miles
Oregon
Portland
Salem
Ancestral Territory
Eugene
Coos Bay
Map Extent
Not to scale


T 26 S
T 27 S
T 28 S
Douglas County
Coos County
R 9 W
R 8 W
Tekeat (Tioga Tract)
Adjacent Land Ownership
Bureau of Land Management
Industrial Timber Company
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Main Road
Township and Range
County
Section
11/20/2013
Miles
Oregon
Portland
Salem
Ancestral Territory
Florence
Eugene
Coos Bay
Map Extent
Not to scale

Tract-By-Tract Analysis
Oregon Coastal Land Act

Tab IV.

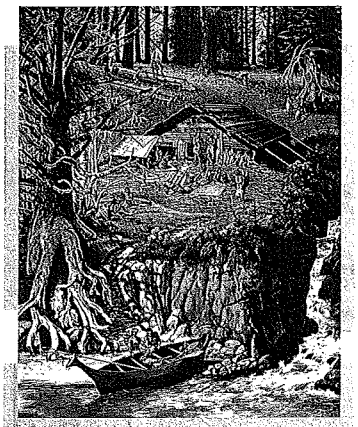
LOWER SMITH TRACT

Húunat'a (Lower Smith Tract)

The large forested tracts are by and large homogenous in that they are dominated by second-growth Douglas-fir plantation stands. These tracts were chosen for their relative lack of controversial characteristics including stand composition. Douglas-fir plantations are not typically associated with traditional cultural values. Second-growth Douglas-fir plantation stands are characteristic of large portions of the Tribe's ancestral lands today. Second-growth Douglas-fir plantation stands contribute relatively little to the ecological diversity of the forest landscape.

The falls at Smith River were an especially important gathering place for fishing, especially for lamprey (eels) and salmon.

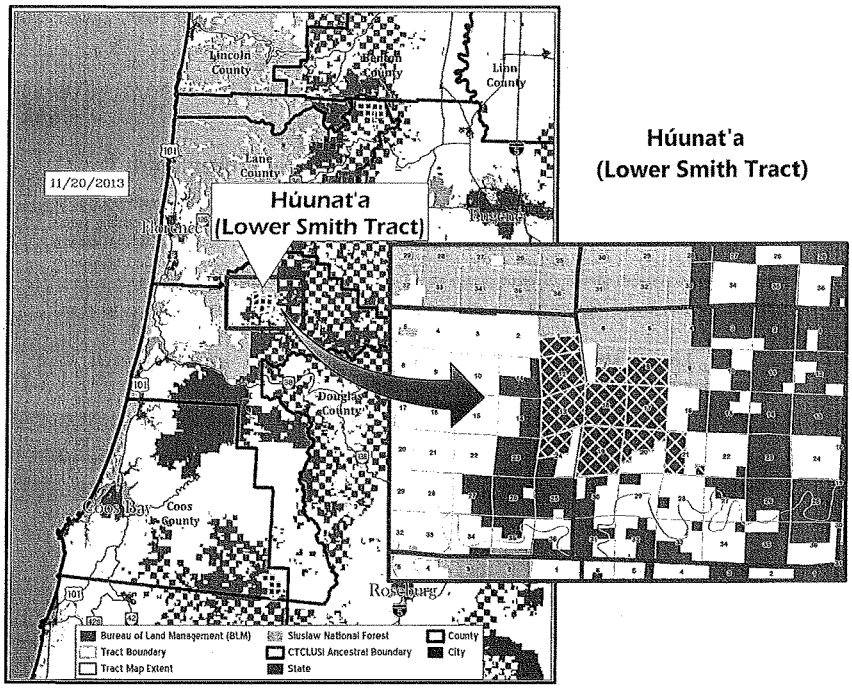
Lower Umpqua



"We will not give up our land. I know the whites have much money, but I want none of it, though I am poor."
Sopenny, Umpqua Headman

Lower Umpqua tribal member Spencer Scott was interviewed by ethnographer and linguist John P. Harrington in 1942. Scott said his mother Louisa (who in 1909 was one of Leo Frachtenberg's Siuslaw/Lower Umpqua language informants) told him the place name for Smith River Falls but he could not recall it. We do have this story, though ...

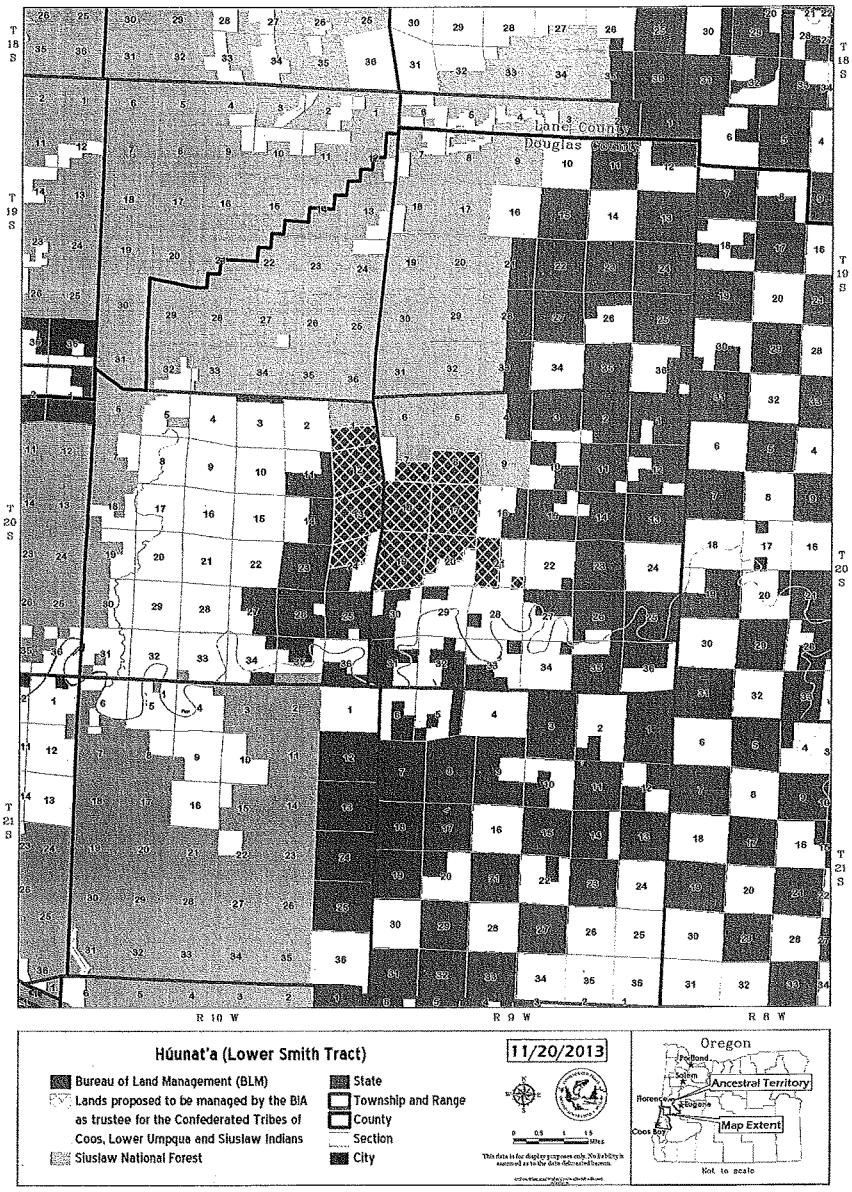
> *"Story takes place in Smith River's Falls (Umpqua). Butter Ball-old-lady raised grandchild. [Butter Ball is another name for the Bufflehead duck.] They were poor. Parents were dead. They went to Tide Water to get fish to dry for winter. They boy grows up to be a man. He went out getting fish, she cut it and dried it. The grandmother showed him to make spears to fish. One night while sleeping he dreamed that he saw a pretty bird on a rock way up the falls. When he woke up he saw grandma crying. He asked her for reason. She said "I heard you talking". Boy never said anything but fixed his spear and went up to Falls. He travelled all day and when dark came he could not get back at night. He slept under a tree not eating anything a whole day and night.*
> *He dreamed same dream. He woke up and made another start. He was told a dream that if he get up to Falls he will discover wealth. He finally came within sight of Falls. He saw all kind of salmon. Close to Fall he saw a rock sticking out from water and on it a bird. He wanted to catch it. He threw stones at it and could not hit it. Bird dove into water and he saw it was down into water. He decided to dive after it. When he dove down he got to a house ... "*

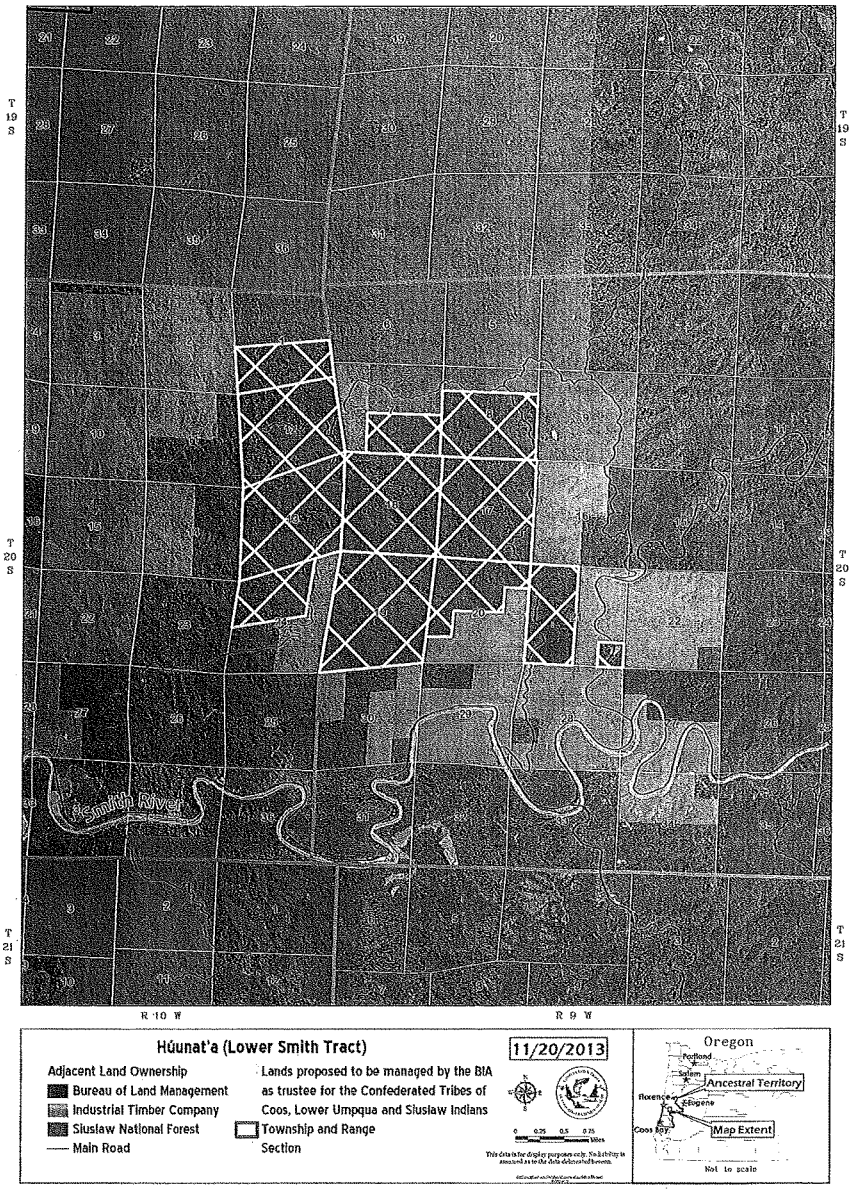


Húunat'a
(Lower Smith Tract)

Húunat'a (Lower Smith Tract) Statistics	
Current Manager	BLM
Acres	4,974
O & C Railroad Revested Land	100%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	0%
Acquired	0%
County	Douglas
Matrix and Adjacent Riparian Reserve	69%
Late Successional Reserve and Adjacent Riparian Reserve	31%
Administratively Withdrawn	0%
Timber Stands under 75 years	73%
Timber Stands 75 – 124 years	1%
Timber Stands over 124 years	26%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	12%
Legal Description: $S^{1/2}$ Sec 1, Sec. 12, Sec. 13, $W^{1/2}NE^{1/4}$,$NW^{1/4}$ Sec. 24, T. 20 S., R. 10 W., WM $E^{1/2}SW^{1/4}$, $SE^{1/4}$ Sec. 7, $S^{1/2}N^{1/2}$,$S^{1/2}$ Sec. 8, Sec. 17, Sec. 18, Sec.19, $NE^{1/4}NE^{1/4}$,$W^{1/2}NE^{1/4}$,$NW^{1/4}SW^{1/4}$, $NW^{1/4}$ Sec. 20, $SE^{1/4}SE^{1/4}$,$W^{1/2}$ Sec.21, T. 20 S., R. 9 W., WM	

*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.


Lane County
Douglas County
T 18 S
T 19 S
T 20 S
T 21 S
R 10 W
R 9 W
R 8 W
Húunat'a (Lower Smith Tract)
11/20/2013
Bureau of Land Management (BLM)
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Siuslaw National Forest
State
Township and Range
County
Section
City
Oregon
Portland
Salem
Ancestral Territory
Florence
Eugene
Coos Bay
Map Extent
Not to scale


T 19 S
T 20 S
T 21 S
R 10 W
R 9 W
Smith River
Hǔunat'a (Lower Smith Tract)
11/20/2013
Adjacent Land Ownership
Bureau of Land Management
Industrial Timber Company
Siuslaw National Forest
Main Road
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Township and Range
Section
Oregon
Portland
Salem
Florence
Eugene
Coos Bay
Ancestral Territory
Map Extent
Not to scale

Tract-By-Tract Analysis
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Tab V.

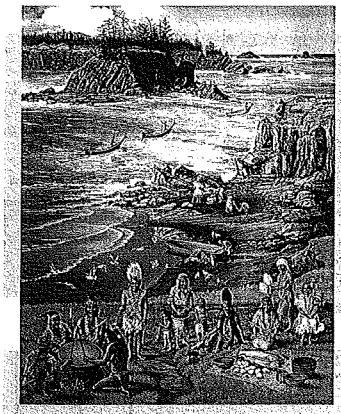
COOS HEAD TRACT

Xitlxaldich (Coos Head Tract)

The Xitlxaldich Tract contains a mix of trees typically between 74 and 125 years old which struggle to thrive in the shallow soil immediately adjacent to the wind and salt spray of the coast. Some pockets of the tract contain trees or small stands of cultural, aesthetic, or scenic value. Such trees and small stands would likely be incorporated into the planned redevelopment of this former Army and Naval facility.

In his 1932 interview with the anthropologist Melville Jacobs, James Buchanan reported the name Xitlxaldich (meaning the place of dim light becoming daylight) for the tunnel by Coos Head known today as Tunnel Point and which gives its name to the geological Tunnel Point Formation. The Xitlxaldich Tract surrounds on three sides the former 41-acre Coos Head Naval facility that the Tribes regained in 2005.

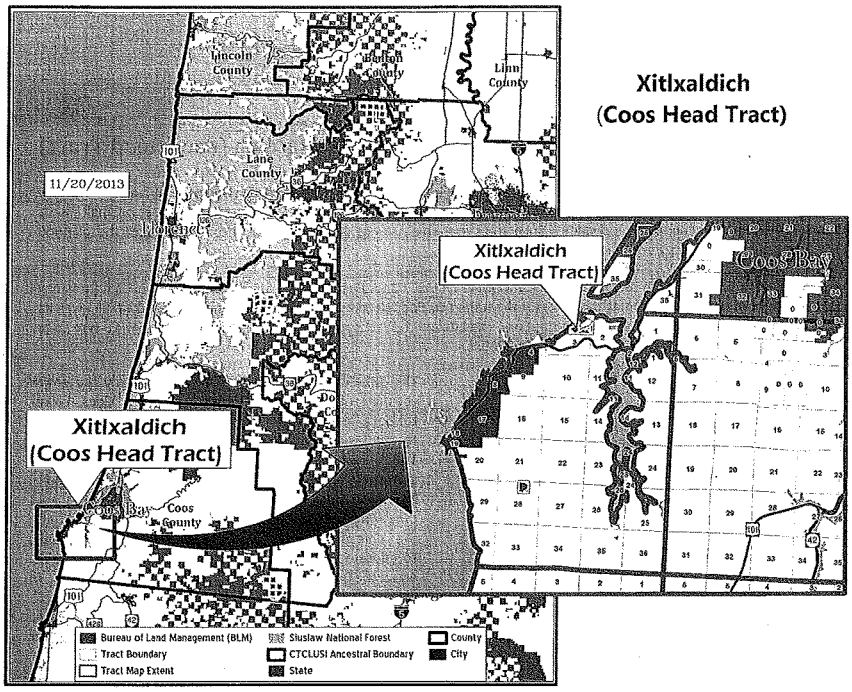
Coos



'We are in trouble. I was ashamed when one man said 'He did not want to be driven like the Coos.' The whites had made us poor by driving us from our old country. I have a heavy heart on account of the treaty we made with General Palmer ... It was not a small country we gave the whites. It was a large country ... When we sold our land we never received any pay. You do not see me with a team or wagon. I do not owe anybody anything, but the Great Chief owes me a great deal for the Country we sold.
Coos Jeff, Headman

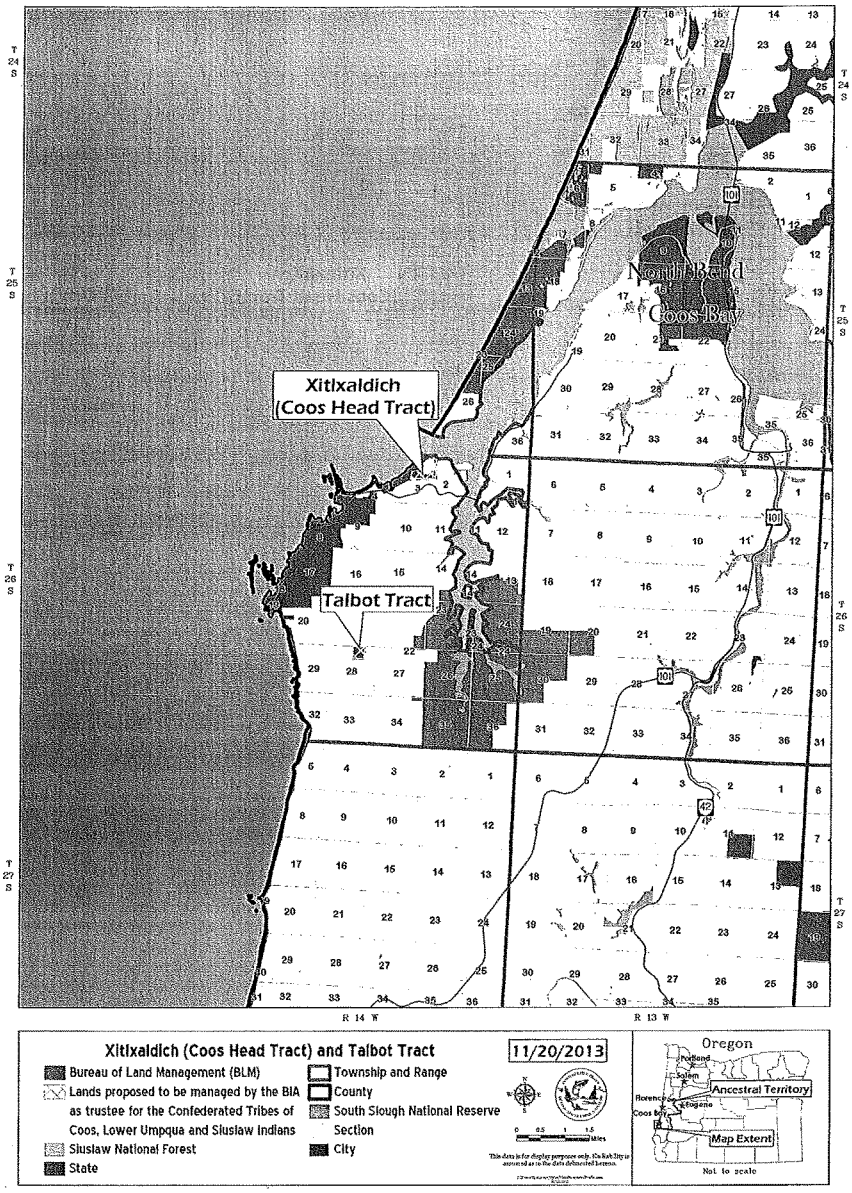
The Xitlxaldich Tract provides a view of nearly the entire coastline of the ancestral territories of the Coos, Lower Umpqua, and Siuslaw Tribes: such a vista is very significant to the Tribes. The Xitlxaldich Tract will complement the Tribe's existing Coos Head Tract which the Xitlxaldich Tract surrounds on three sides. The combined Coos Head – Xitlxaldich Tract will serve as the Confederated Tribes' seat of government, provide some housing, and is planned to be the home of a cultural and natural history interpretive center to educate the tribal membership and the general public about the unique natural and cultural history of the area. In so doing, the interpretive center will promote economic self-sufficiency for the Tribal economy and provide economic stimulus and long-term economic support to the broader community.

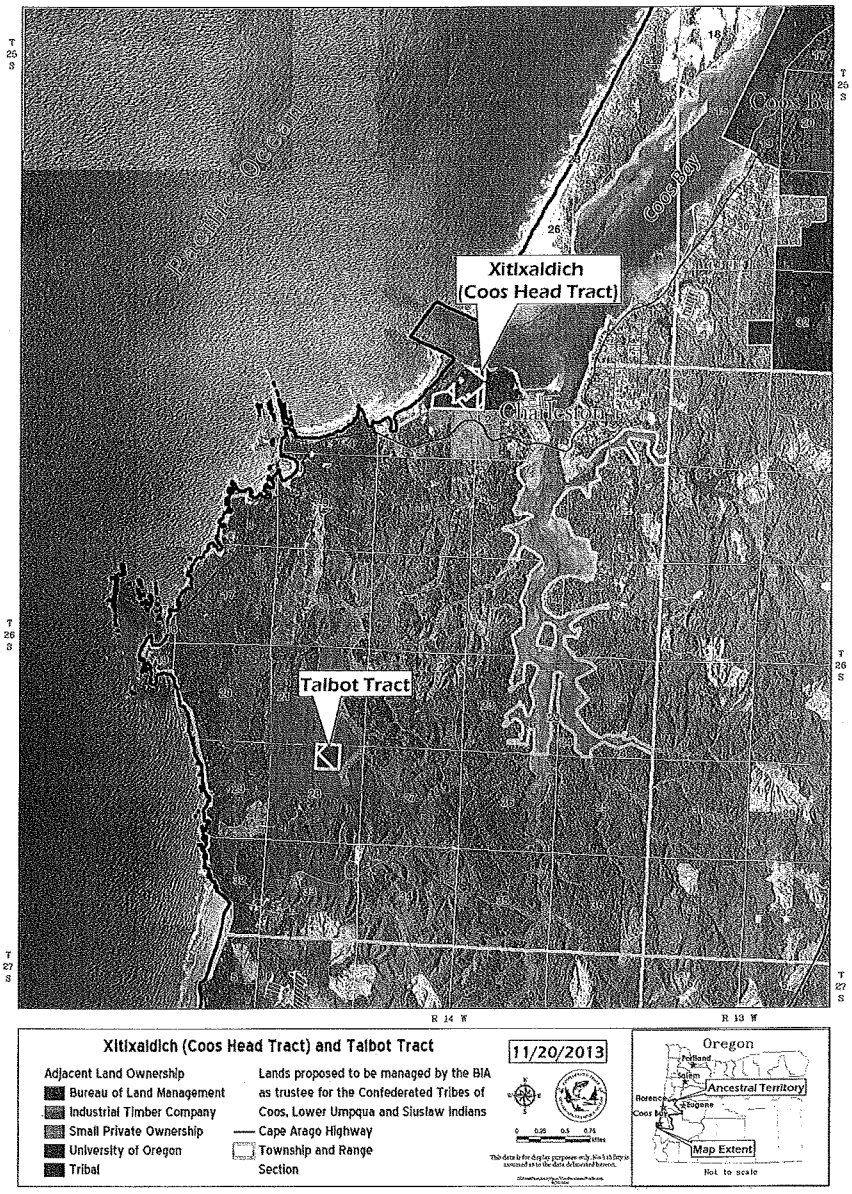
Archaeological sites are found all around the Xitlxaldich Tract – such as at Yoakam Point and Balidich (Gregory Point) along the coast to the south, and such as Kiltlich on the lower Bay and Milukwitch on South Slough – but to date no archaeological sites have been found at Coos Head, presumably due to the history of extensive site disturbance and development by the US Army and Navy and the Oregon Air National Guard.



Xitlxaldich (Coos Head Tract) Statistics	
Current Manager	BLM
Acres	54
O & C Railroad Revested Land	0%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	100%
Acquired	0%
County	Coos
Matrix and Adjacent Riparian Reserve	0%
Late Successional Reserve and Adjacent Riparian Reserve	0%
Administratively Withdrawn	100%
Timber Stands under 75 years	0%
Timber Stands 75 – 124 years	100%
Timber Stands over 124 years	0%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	0%
Legal Description: Tax Lot: 26S14W03TL0010100, 26S14W03TL0010300, 26S14W02TL0190000, 26S14W02TL0190200	

*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.


Xitixaldich
(Coos Head Tract)
Talbot Tract
North Bend
Coos Bay
T 24 S
T 25 S
T 26 S
T 27 S
R 14 W
R 13 W
Xitixaldich (Coos Head Tract) and Talbot Tract
Bureau of Land Management (BLM)
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Siuslaw National Forest
State
Township and Range
County
South Slough National Reserve Section
City
11/20/2013
Oregon
Portland
Salem
Florence
Eugene
Coos Bay
Ancestral Territory
Map Extent
Not to scale


Xitixaldich
(Coos Head Tract)
Talbot Tract
Pacific Ocean
Coos Bay
Charleston
T 25 S
T 26 S
T 27 S
R 14 W
R 13 W
Xitixaldich (Coos Head Tract) and Talbot Tract
Adjacent Land Ownership
Bureau of Land Management
Industrial Timber Company
Small Private Ownership
University of Oregon
Tribal
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Cape Arago Highway
Township and Range
Section
11/20/2013
Oregon
Portland
Salem
Ancestral Territory
Eugene
Map Extent
Not to scale

Tract-By-Tract Analysis
Oregon Coastal Land Act

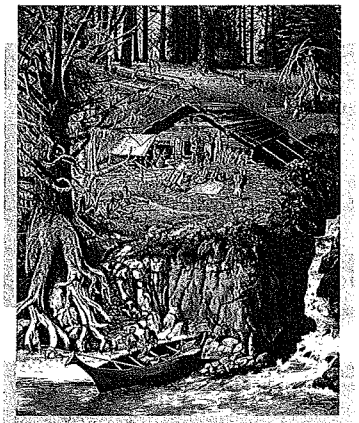
Tab VI.

UMPQUA EDEN TRACT

Takimiya (Umpqua Eden Tract)

Takimiya is a village site. As such, Takimiya contains the elements typical of the many other traditional villages in the Tribe's ancestral lands: level ground, proximity to a drinking-water source, proximity to food (here shellfish beds,) proximity to a navigable waterway, and a generally pleasant place for generations to live, die, and be buried. Takimiya became the site of a post office and small Euro-American settlement before it reverted to forest. Open space remains in and around the site of archaeological excavations which were undertaken in the later 20th century. Otherwise, Takimiya is now dominated by alder, but there are two iconic old spruce which surely saw daily life at the village of Takimiya and which draw tribal members to them today.

Lower Umpqua

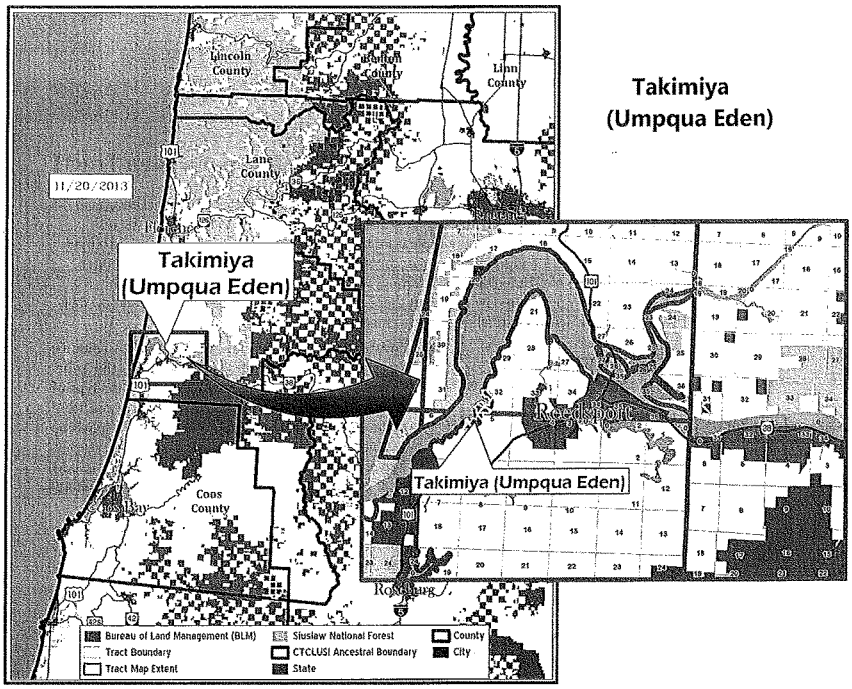


"We will not give up our land. I know the whites have much money, but I want none of it, though I am poor."
Sopenny, Umpqua Headman

Takimiya was, is, and will always remain a traditional village site of upmost cultural significance to the Tribe. Forest management of Takimiya will consist of the type of low intensity – low impact forest management practiced by the Ancestors who lived a Takimiya. Open space will be maintained, and traditional and sustainable cultural levels of harvest of trees and shrubs will be done to support cultural activities while maintaining the unique cultural and environmental qualities of the site.

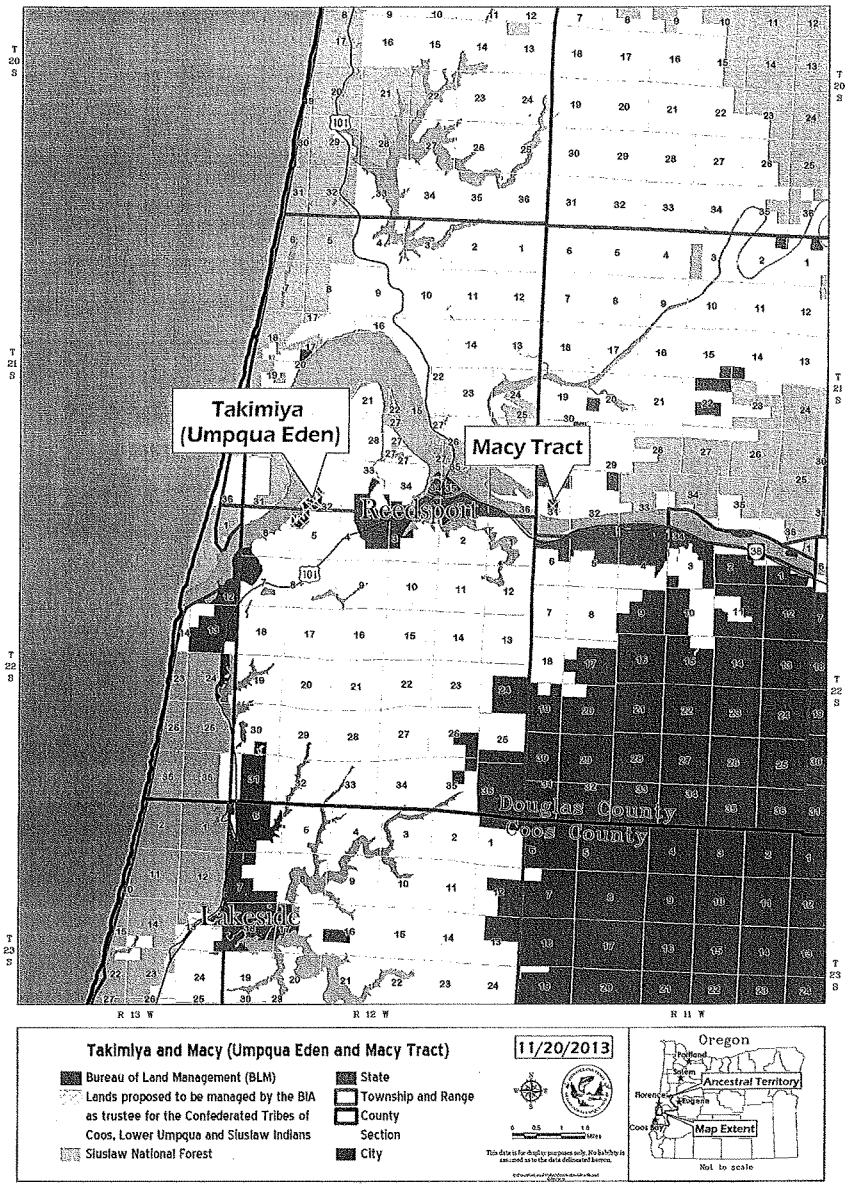
Takimiya (Umpqua Eden) was the first prehistoric site on private land (at that time) along the Oregon Coast to be nominated to the National Register of Historic Places. Several coastal sites have been occupied earlier, but Takimiya remains an important site based on the quality and quantity of retrieved artifacts and of potential ethnographic information.

Takimiya is remarkable because it spans thousands of years of history. Fish and seal bones retrieved in the excavation have been carbon dated at 3,000 BP. The presence of wealth blades and pipes point to trading activity. Obsidian debitage was found in high concentration compared to other coastal sites. Archaeological deposits also include a whale bone platter, gaming sticks and pipes, and horse bones (possibly from the Jedidiah Smith incident.) Clay pipe and stone sculptures found here are unique on the coast and hold religious significance. Archeologists believe that the people of Takimiya retained traditional habits longer than peoples in other parts of Oregon: this may be because of its remote location. The unbroken historical timeline, confirmation of seasonal round activities, and locality of ancient myth texts make this place an especially important piece of the Tribe's identity.



Takimiya (Umpqua Eden) Statistics	
Current Manager	BLM
Acres	146
O & C Railroad Revested Land	0%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	0%
Acquired	100%
County	Douglas
Matrix and Adjacent Riparian Reserve	100%
Late Successional Reserve and Adjacent Riparian Reserve	0%
Administratively Withdrawn	0%
Timber Stands under 75 years	0%
Timber Stands 75 – 124 years	0%
Timber Stands over 124 years	100%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	0%
Legal Description: Tax Lot: 21123200300, 21123200500, 22120500200	

*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.

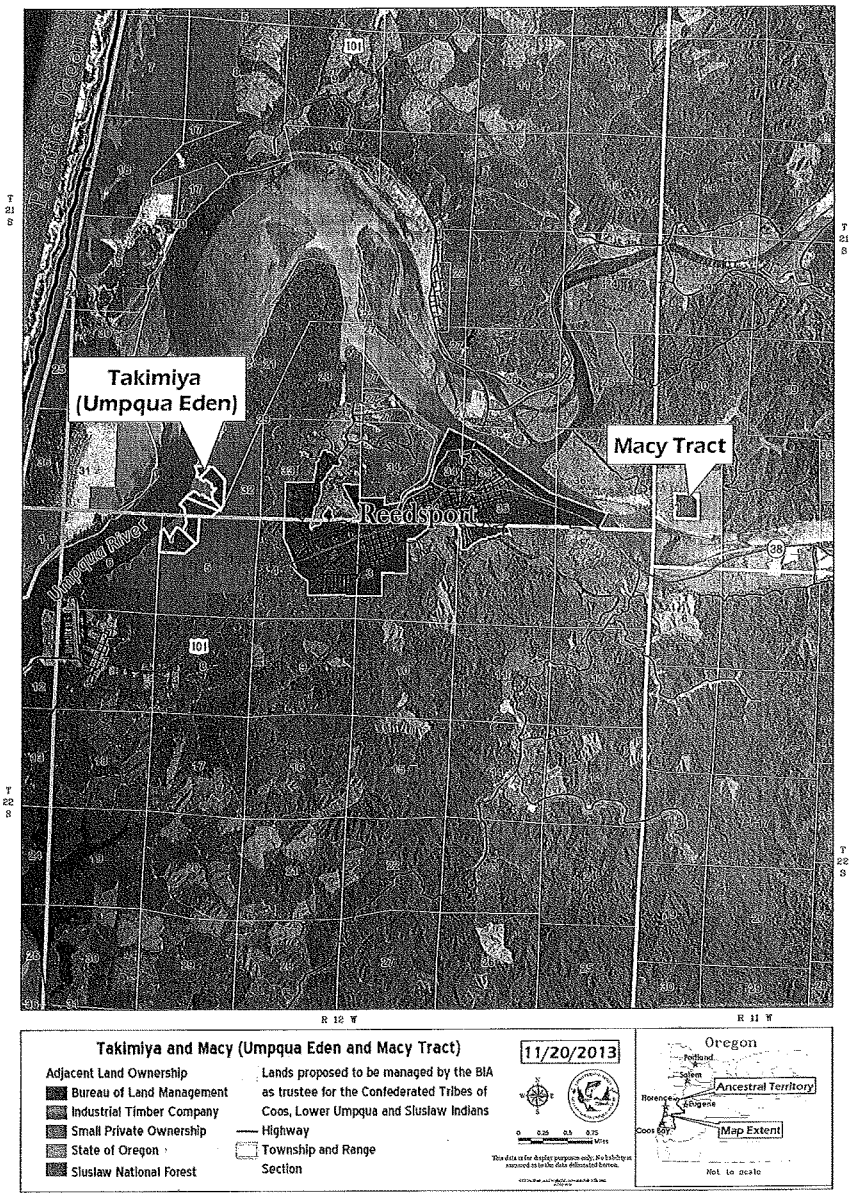


Takimiya and Macy (Umpqua Eden and Macy Tract)

- Bureau of Land Management (BLM)
- Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Siuslaw National Forest
- State
- Township and Range
- County
- Section
- City

11/20/2013

This data is for display purposes only. No liability is assumed as to the data delineated hereon.


Takimiya
(Umpqua Eden)
Macy Tract
Reedsport
Umpqua River
101
38
T 21 S
T 22 S
R 12 W
R 11 W
Takimiya and Macy (Umpqua Eden and Macy Tract)
11/20/2013
Adjacent Land Ownership
Bureau of Land Management
Industrial Timber Company
Small Private Ownership
State of Oregon
Siuslaw National Forest
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Highway
Township and Range
Section
Oregon
Portland
Salem
Florence
Eugene
Coos Bay
Ancestral Territory
Map Extent
Not to scale

Tract-By-Tract Analysis
Oregon Coastal Land Act

Tab VII.

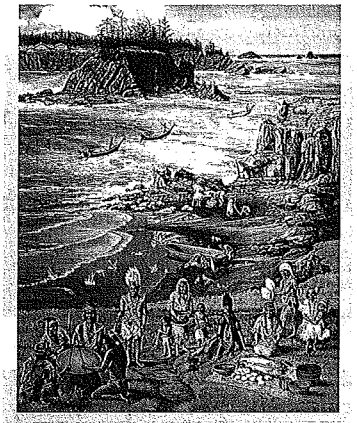
TALBOT TRACT

Talbot Tract

The Talbot Tract is forested predominantly by second-growth Douglas-fir stands which also include a significant Sitka spruce component due to the tract's proximity to the coast.

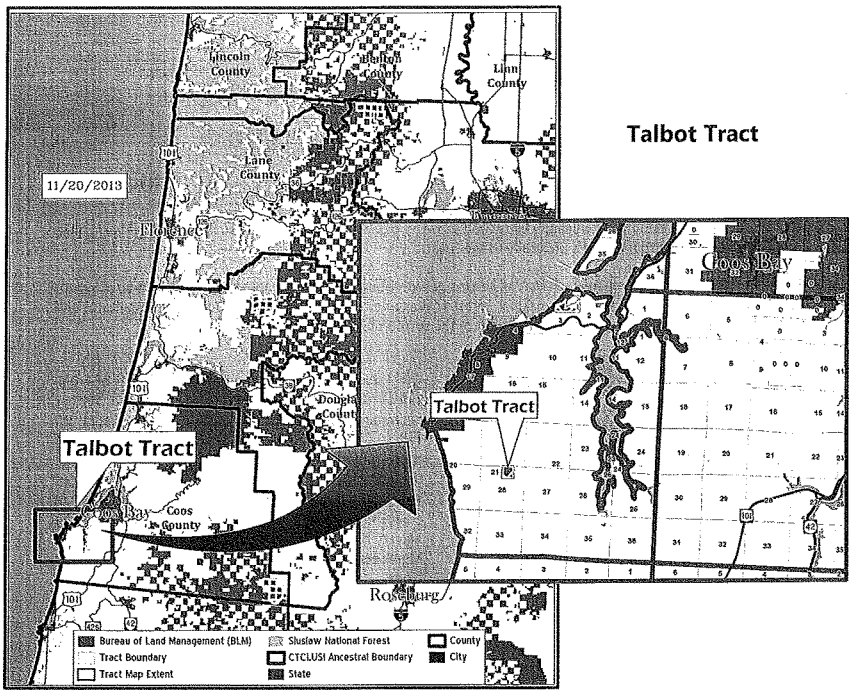
The Talbot Tract is a very small isolated stand of second-growth Douglas-fir stands including a significant Sitka spruce component. In the development of the Tribal Forest Management Plan, the Tribe will consider the cultural and ecological values of the stand and the management of the surrounding forest.

Coos



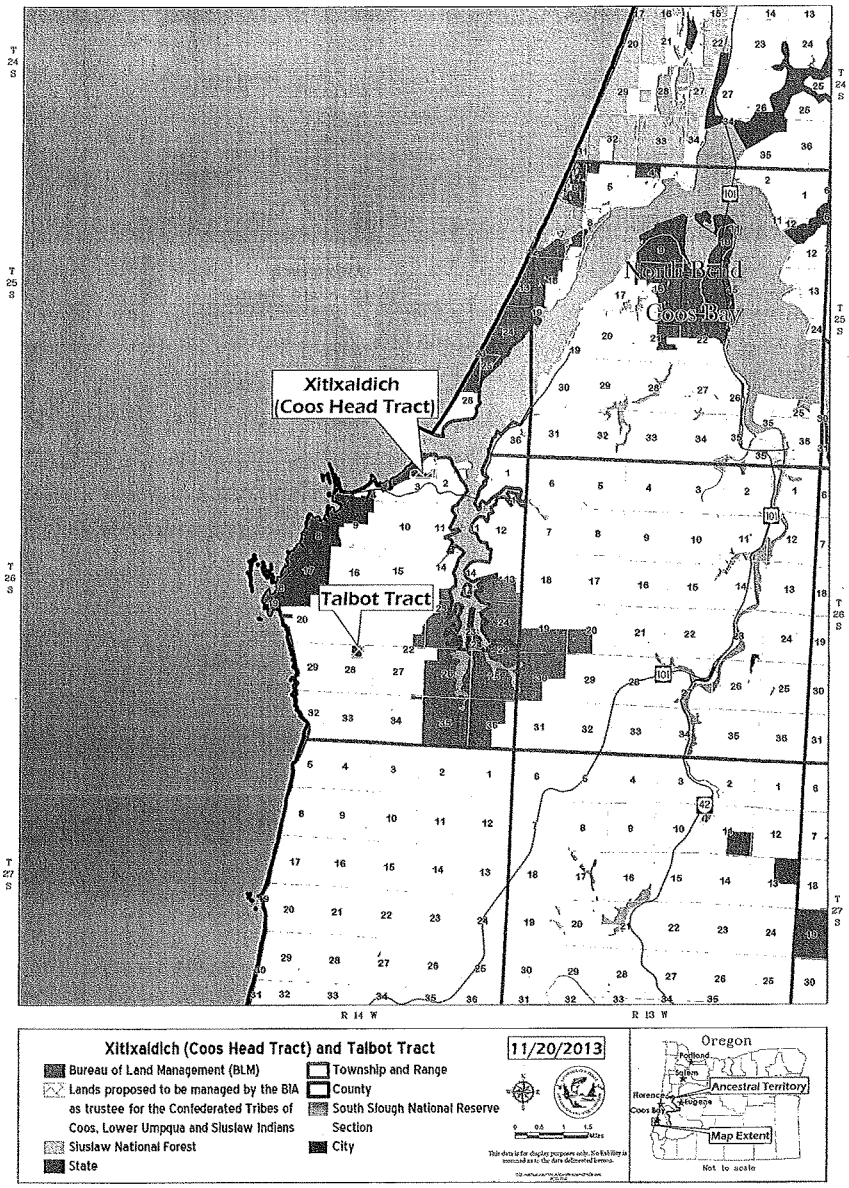
'We are in trouble. I was ashamed when one man said 'He did not want to be driven like the Coos.' The whites had made us poor by driving us from our old country. I have a heavy heart on account of the treaty we made with General Palmer ... It was not a small country we gave the whites. It was a large country ... When we sold our land we never received any pay. You do not see me with a team or wagon. I do not owe anybody anything, but the Great Chief owes me a great deal for the Country we sold.
Coos Jeff, Headman

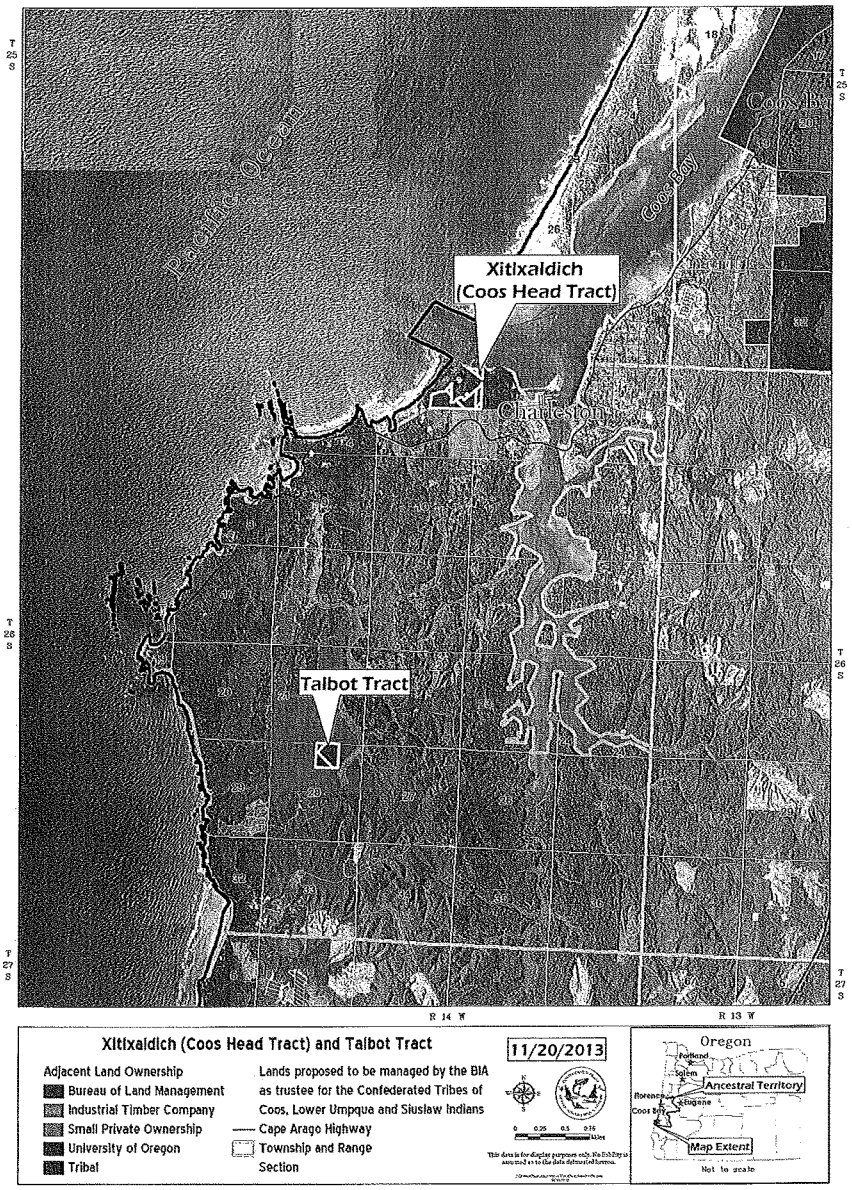
The Talbot Tract adjoins the former allotment of Frank Talbot which itself is contiguous with the former allotments of Jane Talbot, Martha Talbot, Laura W. Talbot, William B. Talbot, and Florence Talbot. Several of these Talbots died young, but the remaining Talbots are the ancestors of the largest family in the Miluk Coos Tribe. The Talbot Tract holds symbolic value as being adjacent to an allotment which was lost due to the naivety or misfortune of an earlier generation of Tribal Members who were struggling to learn to live in the new world.



Talbot Tract Statistics	
Current Manager	BLM
Acres	36
O & C Railroad Revested Land	0%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	0%
Acquired	100%
County	Coos
Matrix and Adjacent Riparian Reserve	100%
Late Successional Reserve and Adjacent Riparian Reserve	0%
Administratively Withdrawn	0%
Timber Stands under 75 years	100%
Timber Stands 75 – 124 years	0%
Timber Stands over 124 years	0%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	0%
Legal Description: NW 1/4 NE 1/4 Sec. 28, T. 26 S., R. 14 W., WM	

*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.


Xitixaldich
(Coos Head Tract)
Talbot Tract
North Bend
Coos Bay
T 24 S
T 25 S
T 26 S
T 27 S
R 14 W
R 13 W
Xitixaldich (Coos Head Tract) and Talbot Tract
11/20/2013
Bureau of Land Management (BLM)
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Siuslaw National Forest
State
Township and Range
County
South Slough National Reserve
Section
City
Oregon
Portland
Salem
Florence
Eugene
Coos Bay
Ancestral Territory
Map Extent
Not to scale


Pacific Ocean
Coos Bay
Xitixaldich
(Coos Head Tract)
Charleston
Talbot Tract
T 25 S
T 26 S
T 27 S
R 14 W
R 13 W
Xitixaldich (Coos Head Tract) and Talbot Tract
11/20/2013
Adjacent Land Ownership
Bureau of Land Management
Industrial Timber Company
Small Private Ownership
University of Oregon
Tribal
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Cape Arago Highway
Township and Range
Section
Oregon
Portland
Salem
Ancestral Territory
Florence
Eugene
Coos Bay
Map Extent
Not to scale

Tract-By-Tract Analysis
Oregon Coastal Land Act

Tab VIII.

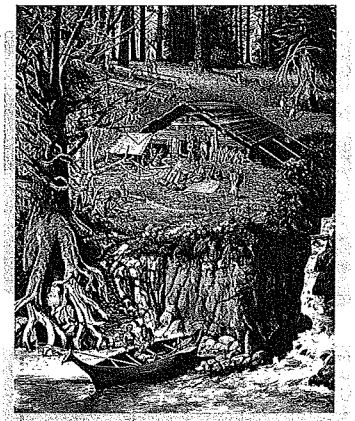
MACY TRACT

Macy Tract

The Macy Tract is composed of mature forest near the confluence of the Umpqua and Smith Rivers on the old Macy Allotment. The Macy Allotment Tract overlooks the lowlands of the old Macy Allotment, the Umpqua River, and the Dean Creek Elk Viewing Area across the river. The scenic qualities of this tract are culturally significant to the Tribe.

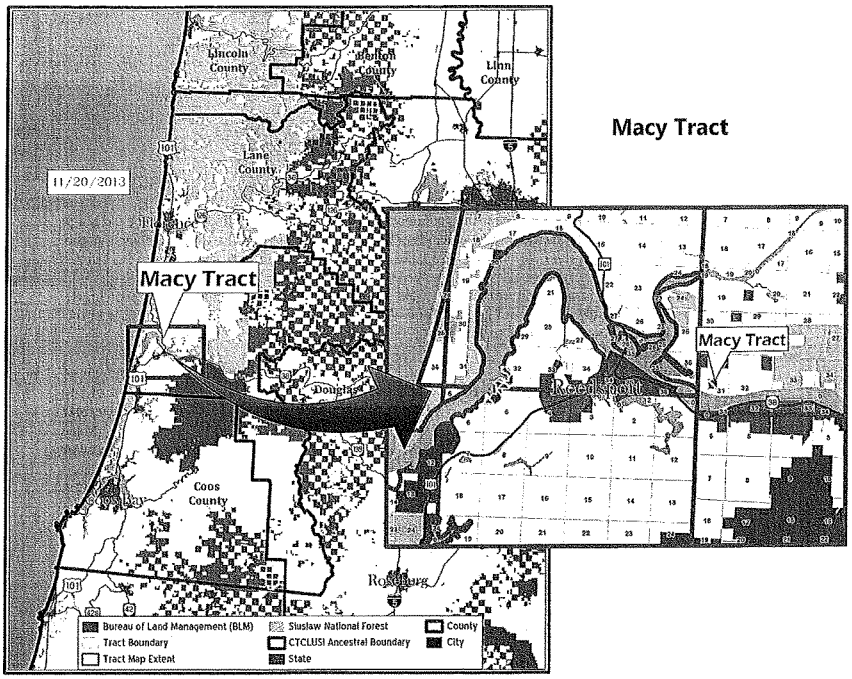
The Macy Tract is a very small isolated natural mature stand surrounded by privately managed forests. In the development of the Tribal Forest Management Plan, the Tribe will consider the cultural and ecological values of the stand and the management of the surrounding forest.

Lower Umpqua



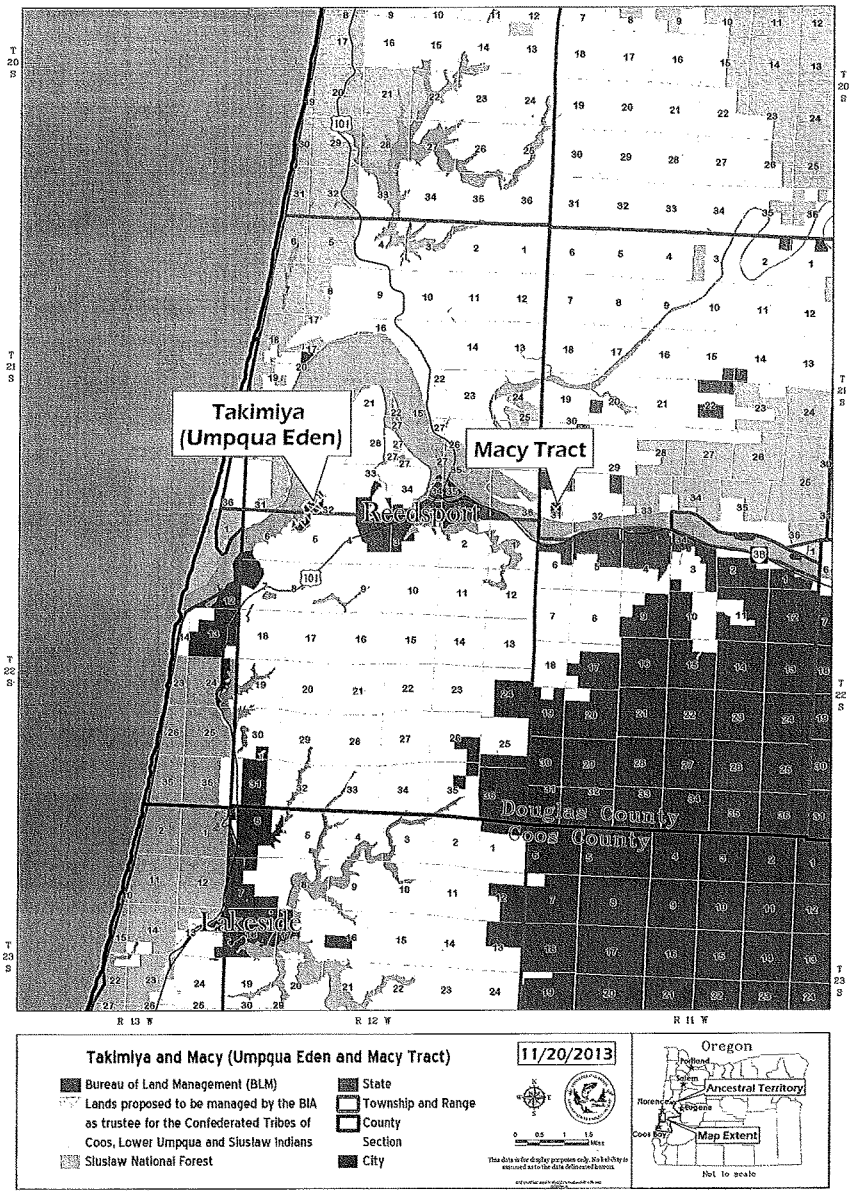
"We will not give up our land. I know the whites have much money, but I want none of it, though I am poor."
Sopenny, Umpqua Headman

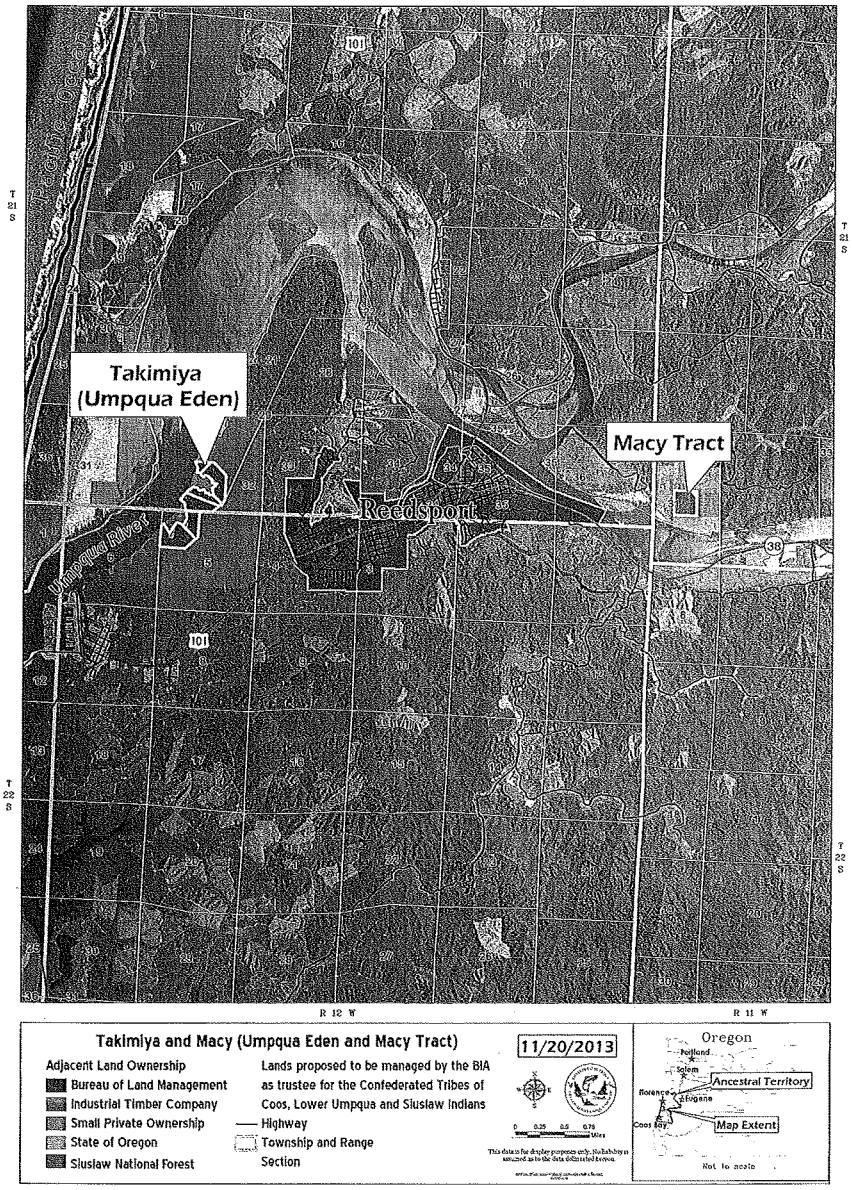
The Macy Tract is a portion of the former allotment of Lizzie Macy. The Macy Tract adjoins a portion of the former allotment of Annie Macy and is near the former allotments of James Macy and Gus Macy. Macy descendants comprise the largest family within the Lower Umpqua Tribe. The Macy Tract holds symbolic value as an allotment which was lost due to the naivety or misfortune of an earlier generation of Tribal Members who were struggling to learn to live in the new world.



Macy Tract Statistics	
Current Manager	BLM
Acres	37
O & C Railroad Revested Land	0%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	100%
Acquired	0%
County	Douglas
Matrix and Adjacent Riparian Reserve	0%
Late Successional Reserve and Adjacent Riparian Reserve	0%
Administratively Withdrawn	100%
Timber Stands under 75 years	0%
Timber Stands 75 – 124 years	0%
Timber Stands over 124 years	100%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	0%
Legal Description: SW1/4NE1/4 Sec. 31, T. 21 S., R. 11 W., WM	

*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.


Takimiya
(Umpqua Eden)
Macy Tract
Reedsport
Lakeside
Douglas County
Coos County
T 20 S
T 21 S
T 22 S
T 23 S
R 13 W
R 12 W
R 11 W
101
38
Takimiya and Macy (Umpqua Eden and Macy Tract)
11/20/2013
Bureau of Land Management (BLM)
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Siuslaw National Forest
State
Township and Range
County
Section
City
Oregon
Portland
Salem
Ancestral Territory
Florence
Eugene
Coos Bay
Map Extent
Not to scale


Takimiya
(Umpqua Eden)
Macy Tract
Reedsport
Umpqua River
101
38
T 21 S
T 22 S
R 12 W
R 11 W
Takimiya and Macy (Umpqua Eden and Macy Tract)
Adjacent Land Ownership
Bureau of Land Management
Industrial Timber Company
Small Private Ownership
State of Oregon
Siuslaw National Forest
Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Highway
Township and Range
Section
11/20/2013
0 0.25 0.5 0.75 Miles
Oregon
Portland
Salem
Ancestral Territory
Florence
Eugene
Coos Bay
Map Extent
Not to scale

Senator WYDEN. So I look forward to working again with my colleagues, Chairman Barrasso and Senator Risch. I also see Senator Heinrich here. We have worked together often and well on these issues. I look forward to that cooperation to finally close the book on this and give the Coos, Lower Umpqua and Siuslaw Indians and the Cow Creek Band of Umpqua Tribe of Indians the land base they richly deserve.

Again, Mr. Chairman, thank you and my apologies for the hectic nature of the next few hours. I look forward to working with you.

Senator BARRASSO. Thank you, Senator Wyden, for your efforts on this issue as well as so many that you are so heavily involved with in the Senate.

Thank you.

Senator Risch, I would like to turn to you.

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

Senator RISCH. Thank you very much.

Senator Wyden, before you go, thank you for your work on, fire on Western acres. It has been a pleasure working with you on timber issues, and I look forward to continuing.

Senator WYDEN. Big thanks.

Senator RISCH. To the Chairman, thank you so much for holding this hearing.

Senate bill 583 is a companion bill to House bill 1138. They are exactly and precisely the same, even in the punctuation in the bill.

We have people here who are experts on this matter who are going to testify here today.

What these two bills do is add additional wilderness acres in Idaho. This has a long history, and I cannot go any further without saying that Congressman Simpson is the hero on this. He has worked at this tirelessly. He has had to back up and retool and start over again, at least once that I am familiar with, and he has done really a magnificent job of bringing people together.

This bill is truly the work of the collaboration process to which a lot of people in this room subscribe and with which they are very familiar.

We have here from Idaho, Mr. Rick Johnson, who is head of the flagship, if I might say so, conservation organization in Idaho. I had the privilege and honor of working with Mr. Johnson when I was Governor as he helped me craft a roadless rule for the State of Idaho, not just me, but it was lots and lots of people that did that.

I am always happy to brag that we have the only, not withstanding Colorado, with all due respect, it is not exactly the same, but we have virtually the only roadless rule in the United States that has been approved and been approved all the way through the Ninth Circuit Court. Our litigation is over in that regard. We have really put the cap on 40 some years of litigation and arguing, and brought some common sense and, most of all, some stability to the issue.

Mr. Johnson, who has been deeply, deeply, involved in this particular bill, is here to help us today.

I can say that Representative Simpson has really brought a consensus to this and has virtually everybody on board with all due respect to Ms. Stevenson, who represents the Mountain Bikers and who is in disagreement with the bill. However, I understand that her objections are the same objections that are in every wilderness bill. Although she will correct me I am sure if I am wrong on that, but that is that you cannot use the bicycles in the wilderness areas which is really not something we wanted to tackle in this bill and really should not be tackling in this bill.

To my two friends from the Federal Government, I understand they are going to state their concerns, as they always do. The fact that there are 907 acres in this bill that are actually conveyed out of the hands of the U.S. Government. Now to put this in perspective, they are conveyed to public agencies to be used only for a public purpose since the Forest Service owns and controls 20 plus million acres in the State of Idaho, and the BLM owns and controls almost 12 million acres in the State of Idaho. And this bill only conveys 907 acres. I will apologize already that you will not see me tear up over the fact that this does convey 907 acres out of the hands of the Federal Government.

So, with that, this is a great compromise. It is well done. It is something that is really in the best interest of the people of the State of Idaho.

With that, thank you, Mr. Chairman, for holding the hearing.

Senator BARRASSO. Thank you, Senator Risch.

Senator Heinrich, I invite you to make any comments you would like.

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

Senator HEINRICH. Thank you, Chairman Barrasso. I really want to thank you for including my bill, the Sueldos del Norte Conservation Act, on today's agenda.

This is a bill that would establish two wilderness areas within the Rio Grande del Norte National Monument. These two areas were part of the original legislative proposal for this area that Senator Bingaman introduced in the Senate that I was a co-sponsor of in the House, and it really helps further the community vision for this landscape.

I also want to put in a plug for Senator Risch's bill. My mother's side of the family is from Idaho, places like Twin Falls and Buhl. I have been watching this community effort for many, many years. I got a chance to work with Congressman Simpson in the House a little bit on these issues, and I think this is a very balanced approach. I appreciate all the work that has gone into it.

Senator RISCH. I appreciate that.

Senator BARRASSO. Thank you, Senator Heinrich.

Now, I would like to ask and invite Senator Heller for any comments he would like to make on his legislation.

STATEMENT OF HON. DEAN HELLER, U.S. SENATOR FROM NEVADA

Senator HELLER. Mr. Chairman, thank you.

I was just wondering, if there is any place Senator Heinrich is not from. [Laughter.]

Senator HELLER. Since he——

Senator HEINRICH. Well they did move down to——

Senator HELLER. To Fallon, Nevada.

Senator HEINRICH. To Fallon from Idaho. So. [Laughter.]

Senator HELLER. That is wonderful.

Anyway, Mr. Chairman, thank you and Senator Wyden for including my bills to address a couple of very difficult public lands issues that Nevada is facing.

As you know, Mr. Chairman, prompt action on these types of bills is extremely important and the well being of us Western States. So thank you very much, again, for holding this hearing.

As you know, the Federal Government administers roughly 85 percent of the land in Nevada, the highest percentage of any state in the nation. This presents our local and state governments with many unique challenges. Those communities often work closely with the congressional delegation to develop bills to improve public land management.

Last Congress I was proud to work with Chairman Murkowski on the Public Lands package. It was ultimately enacted into law as part of the National Defense Authorization Act. The eight Nevada bills included in that package were the culmination of nearly a decade worth of work on public lands bills, and I appreciate the Chairman's leadership on these issues.

I hope my two bills here before us today will be the next in these public lands successes.

Douglas County Conservation Act, the first one, is a grassroots-driven proposal that balances the needs to spur economic development while preserving our state's western character.

In 2009, Douglas County embarked on a long process to develop legislation that adjusts Federal land ownership and management throughout the economy. Over the course of six years they performed outreach activities, held a series of community open houses, obtained the input of stakeholder groups and several hundred thousand community members. Ultimately the Board of Commissioners unanimously approved the framework of a bill and requested that Congress move forward.

As a result, Representative Amodei, Senator Reid and I introduced the bill in February with the support of our entire congressional delegation. The final product jump-starts economic development throughout Douglas County while ensuring the rural character of Carson Valley remains intact.

Specifically, it conveys lands to local governments and the Washoe Tribe for important public works projects. Additionally it would promote conservation of riparian and the state sage grouse habitat along the Carson River and improve recreation opportunities.

I want to particularly underscore the conveyance of flood control management areas and important water resource infrastructure parcels to Douglas County which are critical to the long term economic competitiveness of the region. Four flash flood events that occurred in July and August 2014, ravaged the region causing more than a $1 million worth of damage throughout the area. The county

has started construction on two projects to reduce the flood risks and conducted additional studies to identify additional flood risks.

Whereas out East, local governments can acquire land on their own to build public works projects; unfortunately out West, as you know as well as I do, we have to get congressional approval.

These conveyances are critical to the county's long-term flood control and transportation planning efforts. This bill was developed from the bottom-up, not the top-down, the way public lands bills should be written. As a result, it has garnered nearly unanimous local support ranging from the Washoe Tribe to local towns and general improvement districts.

My second bill, the Good Samaritans Search and Recovery Act, would solve a long-standing public safety issue on public lands. Congressman Joe Hecht and I first introduced this legislation in 2013 in response to the tragic stories of Mr. Keith Goldberg and Air Force Staff Sergeant Antonio Tucker. Both of these individuals were missing for over a year before volunteer, Good Samaritan rescue teams received Government authorization to begin searching.

Keith Goldberg, a Las Vegas taxi cab driver disappeared on January 31st, 2012. He was believed to be a victim of murder, but the police were unable to find his remains in the Las Vegas desert. When new evidence pointed toward the Lake Mead Recreation Area, the Goldberg family reached out to a private search and rescue team to look for Keith. All that prevented the rescue team from discovering the body was the bureaucratic red tape of the Park Service which refused to allow them to search the area without a permit and a $1 million insurance policy. After the family spent six months finding an insurer and raising the money to buy the policy, Keith's body was found within two hours.

Staff Sergeant Antonio Tucker's family suffered a similar frustrating ordeal. Staff Sergeant Tucker was stationed at Creech Air Force Base when he went missing on June 23rd, 2012. He was believed drowned.

Like the situation with Keith Goldberg, a search team offered to look for Staff Sergeant Tucker but was blocked by the Department of the Interior. When the team finally received authorization to search nearly a year later, they found the body in two days.

No family should have to go through what the Goldberg and Tucker families have had to endure. This bipartisan, common sense legislation that expedites access to public lands for search and recovery organizations has been thoroughly vetted in this Congress. It has had multiple hearings between the House and Senate, attracting no significant opposition, and last year it passed the House by a vote of 413 to zero. I am confident it can garner similar overwhelming support in the Senate, so let's get this done.

Again, thank you for the opportunity, Mr. Chairman, for allowing me to testify today. I look forward to working together to move these bipartisan proposals through the U.S. Congress.

Senator BARRASSO. Thank you very much, Senator Heller.

It is now time to hear from our witnesses. Ms. Leslie Weldon is the Deputy Chief of the U.S. Forest Service; Mr. Tim Murphy is the Acting Assistant Director for the Bureau of Land Management; Mr. Rick Johnson is the Executive Director for the Idaho Conserva-

tion League; and, Ms. Brett Stevenson is the Board of Director member for the Wood River Bicycle Coalition.

At the end of the witness testimony, we will begin questions. Your full written testimony will be made part of the official hearing, so please keep your statements to five minutes so that we may have time for questions.

We look forward to hearing your testimony beginning with Ms. Weldon. Would you please proceed?

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

Ms. WELDON. Thank you, Chairman Barrasso and members of the Subcommittee for the opportunity to present views of the U.S. Department of Agriculture regarding S. 160, the Good Samaritan Search and Recovery Act; S. 472, the Douglas County Conservation Act; and S. 583, the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act.

I'd like to begin with S. 160 which the Department supports with just minor technical corrections and amendments.

One provision of S. 160 would direct the Secretary of Agriculture to develop and implement a process to expedite access to National Forest System lands for eligible organizations and individuals to conduct Good Samaritan search and recovery missions for missing individuals presumed to be deceased at the time the search is initiated.

This and the desired intent of the act, which is to allow expedited access to Federal lands for search and recovery missions, are substantially consistent with current Forest Service policies and guidelines governing these types of activities and access. However, the provisions requiring development and implementation of a process to expedite access may be a bit redundant with some of the work in the process that we already have in place on the National Forest System.

The Forest Service right now participates as a strong partner in coordination and leadership with local law enforcement agencies who are our lead in leading search and rescue and subsequent recovery missions. We value local law enforcement agencies and the talent and commitment they bring in leading these coordinated efforts. We also acknowledge the critical importance to family and friends of timely recovery.

Regardless of the ultimate outcome of the congressional consideration of S. 160, the Forest Service is committed to working with all organizations and dedicated men and women who volunteer their time and expertise to assist in the search and recovery of those that are missing.

The Douglas County Conservation Act of 2015. With that, I'd like to bring up just a couple of points covered in my written testimony.

In general regarding land conveyances, the Department's interest is to see that the public is appropriately compensated for lands that are taken out of public ownership. In Section 102 regarding the concessionaires at Round Hill Pines Management Area and Zephur Shoals Management Area, we'd like to continue and encourage the efforts that are happening on the ground now to look

for solutions to ensure that we are providing the best public services we can through the concessionaires in place for these very popular recreation sites. We believe that locally-developed solutions would carry more ownership for all parties involved.

In Section 2 or Title 2, Section 201 regarding the transfer of the identified NFS lands to the Department of Interior to be held in trust for the benefit of the Washoe Tribe, I'd like to add that in addition to supporting this bill, the Forest Service continues to work with the tribes and maintains communications on numerous current issues of concern to both parties as part of our government-to-government relationships.

Regarding S. 583, to Senator Risch and Congressman Simpson, we really express our appreciation for your emphasis and focus for supporting this bill. As it was said earlier, it's been a long time in the making and we're glad to see this kind of progress. We'd like to echo the support from all the local levels involved in bringing this solution forward.

The Department supports the bill as it applies to lands managed by the Forest Service, and we defer to the Department of Interior for matters concerning land administration by the BLM.

The Department supports designation of Hemmingway, Boulder-White Clouds and Jim A. McClure-Jerry Peak Wilderness. Most of the National Forest System makers that would be designated are already part of their respective forest plans for the area, and that National Forest System acres that would be designated by the bill, not recommended, are part of previously identified roadless areas.

So we would just like to emphasize our support for this bill. And appreciate the efforts to continue it moving forward.

And I'm available to take any questions that you have.

[The prepared statement of Ms. Weldon follows:]

Statement of
Leslie Weldon
Deputy Chief
National Forest System
Forest Service
U.S. Department of Agriculture

Before the
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
United States Senate

Concerning
S. 160, "to direct the Secretary of the Interior and Secretary of Agriculture to expedite access to certain Federal land ...for Good Samaritan search-and-recovery missions"

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 160, the Good Samaritan Search and Recovery Act.

S. 160 would direct the Secretary of Agriculture to develop and implement a process to expedite access to National Forest System lands for eligible organizations and individuals to conduct Good Samaritan search-and-recovery missions for missing individuals presumed to be deceased at the time the search is initiated. S. 160 would provide that an eligible organization or individual may not be required to have liability insurance if the organization or individual agrees to release the United States from all liability. The bill also would require that the process include provisions clarifying that an eligible organization or individual would not be considered to be a Federal volunteer when carrying out a Good Samaritan search-and-recovery mission, and that the Federal Torts Claims Act and the Federal Employee Compensation Act would not apply to a Good Samaritan search-and-recovery mission.

Additionally, it would require the Secretary to provide notification of the approval or denial of a request to carry out a mission not more than 48 hours after the request is made. If a request is denied, the agency would be required to provide a reason and describe actions needed to meet the requirements for approval. The bill would also require the Secretary to develop partnerships with search and recovery organizations to help coordinate, expedite, and accelerate mission efforts. A report is also required to Congress no later than 180 days after the date of enactment on plans to develop partnerships, as well as efforts to expedite and accelerate Good Samaritan search-and-recovery mission efforts for missing individuals on Federal land.

The Department supports S. 160 with technical corrections and amendments. The provisions specified in S. 160 and the desired intent of the Act, to allow expedited access to Federal lands for search and recovery missions, are substantially consistent with current Forest Service policies and guidelines governing these types of activities and access. The provisions requiring the development and implementation of a process to expedite access would be unnecessary and redundant in most search and recovery cases on National Forest System lands.

The Forest Service currently has very few access restrictions to Federal lands under its jurisdiction for the type of activities described in the Act. Notable exceptions would include some restrictions to areas designated as Wilderness, and special area closures for events such as fire or avalanche.

The provisions requiring the development and implementation of a process to expedite access would be unnecessary in most search and recovery cases on National Forest System lands. In most areas, the County Sheriff has the primary responsibility for search, recovery, and rescue operations on National Forest System lands and can act without a permit issued by the Forest Service. The Forest Service currently has cooperative agreements with County Sheriffs, which could address procedures for them to conduct search and rescue missions on National Forest System lands.

Mr. Chairman, regardless of the ultimate outcome of the congressional consideration of S. 160, the Forest Service is committed to working with all organizations and the dedicated men and women who volunteer their time and expertise to assist in the search and recovery of those missing.

This concludes my prepared statement. I am happy to answer any questions you may have.

Statement of
Leslie Weldon
Deputy Chief
National Forest System
Forest Service
U.S. Department of Agriculture

Before the
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
United States Senate

Concerning
S. 472, to promote conservation, improve public land, and provide for sensible development in Douglas County, Nevada, and for other purposes.

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 472, the Douglas County Conservation Act of 2015.

The bill would, among other things, provide for conveyances to the State of Nevada and Douglas County Nevada; provide authority for competitive sales of certain Federal lands; address concessionaire permits; transfer lands from the Secretary of Agriculture to the Secretary of the Interior to be held in trust; and resolve the Burbank Canyons Wilderness Study Area.

The Department supports the goals and many of the objectives and provisions of the Bill, but, as it pertains to USDA/Forest Service-managed lands, we do not support S.472 as currently drafted.

Title I Section 101 –This section directs conveyance of several parcels for no consideration. It is consistently our position that the public needs to be compensated for its resources. This section also specifies that the Department utilize a reversionary provision in the conveyance of various parcels. While we appreciate language that makes reversion at the discretion of the Secretary, Forest Service resources can be more efficiently utilized if we do not have the permanent obligation of monitoring for compliance. Also, some parcels are oddly configured or would create isolated inholdings, surrounded by National Forest land. We would like the opportunity to work with the sponsors and the committee to develop configurations of parcels that increase the management efficiencies for all parties, and additionally, there are a number of resource and trail access issues that affect various parcels. We would like the opportunity to work with the sponsors and the committee to address these as well. Please note that the Department does support conveyance of two parcels to the State for use as a park, if language is added which specifically reserves rights-of-way for the Tahoe Rim Trail, a trailhead and parking area.

Title I Section 102 – This section directs the Department to make publicly available a prospectus for Round Hill Pines Resort and Zephyr Shoals recreation areas. The Forest Service is already using its authority to issue and manage Special Use Permits to concessionaires for facilities in these two recreation areas. The Round Hill Pines Management Area is already under

Special Use Permit, and the Forest Service is in discussions with the existing concessionaire in Zephyr Cove to expand their permit boundary and include the other developed recreation areas including Zephyr Shoals. Specifically;

Round Hill Pines Management Area is already under a 20-year Granger-Thye permit, with a 10-year extension opportunity. The permit was issued in 2013 to a concessionaire for the operation of the Round Hill Pines Resort, a family-oriented lakeside resort and marina on the East Shore of Lake Tahoe.

Zephyr Shoals Management Area as described in the legislative map dated January 27, 2015, includes the 448-acre area encompassing Zephyr Shoals (the Dreyfus Estate), an existing trail system, and an upland area across from Zephyr Shoals. It also includes the Zephyr Cove Resort, Zephyr Cove Corrals, and Zephyr Cove Campground, which are all currently under Special Use Permit to concessionaire Aramark.

The Forest Service is currently in discussions with Aramark regarding incorporating the Zephyr Shoals area into its existing permit boundary, and Aramark has offered some initial concepts for the site. The Department believes that incorporating this area into the permit boundary of an adjacent, successful concessionaire is preferable to issuing a prospectus to operate Zephyr Shoals as a separate site. A prior prospectus issued by the Forest Service for Zephyr Shoals generated no viable bids, due to issues with site access and the need to address the structures currently on site. Section 102 also states that should the Forest Service not meet the legislation's 30-month timeline, then jurisdiction of the land would be transferred, without consideration, for a period of 99 years to Douglas County. The Department believes this would not be in the best interest of the public.

Title I Section 103 - This section authorizes the conveyance, without consideration, of Federal Land subject to valid and existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 not later than 180 days after the date on which the Secretary receives a request from the County. The Department supports the objectives of Douglas County government in providing for flood control, open space and outdoor recreation, but to the extent that this provision pertains to the Forest Service, the Department does not believe that an outright conveyance is necessary to meet those objectives. If Douglas County has specific flood control, recreation or other public management needs, then the Forest Service has the authority to issue Special Use Permits to the County for occupancy and use of those lands.

Title I Section 104 – Authorizes the sale of Federal lands described in subsection (b) to qualified bidders, notwithstanding sections 202 and 203 of the Federal land Policy and Management Act of 1976, and subject to valid existing rights. The Department supports the objective of providing authority to dispose of isolated, unmanageable parcels, including those which have lost their national forest character. We would like to work collaboratively with the local governments to determine appropriate parcels.

Title II Section 201- This section authorizes the transfer of Federal Land to the Tribe. The Department supports transfer of the identified National Forest System lands to the Department of

the Interior, to be held in trust for the benefit of the Washoe Tribe. The Forest Service has concerns over two of the identified parcels, which may be needed for future administrative purposes. We would like the opportunity to work with the sponsors and the committee to address concerns with those parcels.

Title II Section 202 – This section authorizes the department to develop and implement a cooperative management agreement for the identified Federal Parcel. The parcel referenced in this section is isolated from other National Forest System lands. The Department believes a transfer to the Department of the Interior, to be held in trust for the benefit of the Washoe Tribe and a conveyance to Douglas County at market value would be more appropriate than the proposed cooperative management agreement.

Title III – This Title resolves the Burbank Canyons Wilderness Study area by designating it as Wilderness. The term 'Wilderness' should be defined as the Burbank Canyons Wilderness designated by subsection 301(a) so that it is clear that the scope is local to Burbank Canyon Wilderness. Additionally, we have concerns with Section 302(i)(5)(B) which limits the ability of the President to develop new water facilities in any present or future designated wilderness in Douglas County. The President's discretion under the Wilderness Act to review and approve any potential water resource facilities that is deemed in the national interest should not be limited. This Title would remove that Presidential discretion for any National Forest System lands in Douglas County that Congress may designate as Wilderness in the future. Otherwise, we defer to the Department of the Interior on the Bill's provisions dealing with the Burbank Canyons Wilderness Study Area.

Title IV – This Title authorizes the Department to transfer Forest Service land or interest in Forest Service land described in subsection (b) as needed, on request by the State or County to the State or County, without consideration. The Department does not support Title IV as currently written because we believe the public needs to be appropriately compensated for their land. We welcome the opportunity to work with the sponsors and the Committee on language that gives the Secretary discretionary authority to convey parcels which are unsuitable for Forest Service administration or which have a necessary public purpose, but for which the public would receive market consideration.

This concludes my remarks. Thanks for the opportunity to testify.

Statement of
Leslie Weldon
Deputy Chief
National Forest System
Forest Service
U.S. Department of Agriculture
Before the
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
United States Senate
Concerning
S. 583, to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, and for other purposes.

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 583, the ''Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act''. To Senator Risch and other members of the Idaho delegation, we wish to thank you for your work on this bill. The Department supports the bill as it applies to lands managed by the Forest Service. We have included recommendations for your consideration, and we have also included concerns with the Bill that we would like to work with the Committee and sponsor to address. We defer to the Department of the Interior for matters concerning land administered by the Bureau of Land Management.

Title I Wilderness Designations

Section 101 would add additional areas in central Idaho to the National Wilderness Preservation System – 68,000 acres in the Sawtooth and Challis National Forests to be known as the "Hemingway-Boulders Wilderness"; 90,777 acres in the Sawtooth and Challis National Forests to be known as the "White Clouds Wilderness"; and approximately 120,148 acres in the Salmon-Challis National Forest and Challis District of the Bureau of Land Management to be known as the "Jim McClure-Jerry Peak Wilderness."

The Department supports designation of the Hemingway-Boulders, White Clouds and Jim McClure-Jerry Peak Wildernesses as depicted on the maps referenced in the Bill. Most of the National Forest System acres that would be designated as wilderness by the bill were recommended for wilderness designation in their respective forest plan. The National Forest System acres that would be designated as wilderness by the bill that were not recommended for wilderness in their plan are either inventoried roadless areas or their current management direction is compatible with wilderness designation.

We recommend that language be added to the bill that would authorize the agency to maintain historical structures that may exist in the designated wilderness areas. The agency has language that we would be happy to share with you.

Section 102(e)(1) addresses livestock grazing on the lands designated as wilderness. The Department supports the language requiring the continuation of existing livestock grazing within designated wilderness in accordance with the 1964 Wilderness Act and House Report 96-617, also known as the "Congressional Grazing Guidelines." We also support the proposal by the Idaho delegation in section 102(e)(2) to allow voluntary and permanent reductions in grazing in the designated areas. We would like to work with the sponsor and Committee on technical issues with the language of section 102(e)(2) regarding the donation of grazing permits. The Department also has minor technical corrections regarding references to provisions of the Wilderness Act in Section 102 of the Bill that we would be happy to share with the Committee.

The Department has concerns with section 103(b). The President's discretion under the Wilderness Act to review and approve any potential water resource facilities that is deemed in the national interest should not be limited.

Title II – Land Conveyances for Public Purposes

Section 202 requires either conveyance or issuance of a special use authorization of a one acre parcel to Blaine County, Idaho for a school bus turnaround. Recently, Blaine County commissioners informed the Forest Service that they are no longer interested in developing a turnaround at this location. We recommend removing this section.

Section 203(d) requires the conveyance, without consideration, of the Forest Service road that passes through the parcel of National Forest System land, to the City of Stanley, Idaho, under section 206. The Department has concerns with conveying the road because the Forest Service currently manages the parcel that the road accesses. In addition, the Department believes the public should be appropriately compensated for its resources.

Section 206 requires the Secretary of Agriculture to convey an approximately four-acre parcel to the City of Stanley, Idaho for workforce housing. The City of Stanley is iconic on the central Idaho landscape. It is also a Designated Community under the Private Land Regulation and intrinsic to the Sawtooth National Recreation Area. The Department recognizes that the need for local workforce housing is a challenging concern for the City. We share that concern as the lack of housing can result in unauthorized use of National Forest System lands. However, the Department has concerns with section 206 as currently drafted and would like to work with the Committee to resolve these concerns.

The bill directs conveyance of the parcel for no consideration. Our consistently-held position is that the public must be compensated for its resources. Additionally, the bill requires removal of Forest Service improvements that are currently being used at the public's expense. The identified parcel is physically separated from the City of Stanley and surrounded by Federal land. We would welcome the opportunity to work with the sponsors and the City to identify a parcel that is potentially better suited for private development, including a Federal parcel within the developed area of Stanley and adjacent to existing infrastructure.

This concludes my remarks. Thank you for the opportunity to testify.

Statement of
Leslie Weldon
Deputy Chief
National Forest System
Forest Service
U.S. Department of Agriculture

Before the
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
United States Senate

Concerning
S.814, to provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
S.815, to provide for the conveyance of certain Federal land in the State of Oregon to the Cow Creek Band of Umpqua Tribe of Indians

S.814 would provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians and **S.815** would provide for the conveyance of certain Federal land in the State of Oregon to the Cow Creek Band of Umpqua Tribe of Indians. We defer to the Department of the Interior for its position on these bills. There are no NFS lands included within the boundaries of the "Canyon Mountain Land Conveyance map dated 6-27-2013 or the Oregon Coastal Land Conveyance Map dated 6-27-2013.

This concludes my remarks. Thanks for the opportunity to testify.

Senator BARRASSO. Thank you, Ms. Weldon.

Mr. Murphy?

STATEMENT OF TIMOTHY MURPHY, ACTING ASSISTANT DIRECTOR, NATIONAL CONSERVATION LANDS & COMMUNITY PARTNERSHIPS, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Mr. MURPHY. Good afternoon, Mr. Chairman and Mr. Ranking Member and members of the Subcommittee. Thank you for the opportunity to discuss the seven bills being considered by the Committee today.

I'm Tim Murphy, BLM State Director for Idaho and currently acting as the BLM's Assistant Director for National Conservation Lands and Community Partnerships. The BLM looks forward to working with the Committee to address the important issues raised by these bills.

I'm accompanied by Simeon Clevenger, Acting Deputy Director for Emergency Services at the National Park Service. He's available to respond to questions related to the Park Service or to H.R. 373 and S. 160, the Good Samaritan Search and Recovery Act.

The Department supports S. 160 and H.R. 373 with amendments. These bills would require the Secretary of Interior and Agriculture to develop and implement a process to expedite access to Federal lands for Good Samaritan search and rescue missions. We'd like to work with the Committee to amend these bills as outlined in the National Park Service statement for the record to allow expedited access for search and recovery missions without complicating existing procedures or causing unintended impacts to relationships between Federal agencies and search organizations.

S. 365 directs the BLM to develop a management program to improve rangeland conditions and restore livestock raising to the level of use that existed prior to the designation of the Grand Staircase Escalante National Monument. The BLM supports the bill's goal of improving the rangeland health and supporting grazing within the Grand Staircase Escalante National Monument, and we support the use of existing regulations to address grazing permit renewals, but the BLM does not support grazing use targets that are drawn or set in an arbitrary number. We look forward to working with the sponsor on this issue.

S. 472, the Douglas County Conservation Act, authorizes Federal land conveyances and sales in Douglas County, Nevada. It directs the Secretary of Interior to take into trust approximately 1,000 acres of Federal land for the benefit of the Washoe Tribe of Nevada and California and designates about 12,000 acres of Burbank Canyon's wilderness. The BLM generally supports the goals of the bill as it pertains to BLM and we'd like the opportunity to work with the sponsors and Subcommittee to address the various issues including paleontological resources issues, fund management, language ensuring uniform appraisal standards and practice and other technical issues.

S. 583, the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act, would designate three wilderness areas in Central Idaho including two that would be partially managed by the BLM. These lands contain outstanding wildlife habitat and

beautiful mountain terrain. The legislation also includes several conveyances to local government. The BLM supports this legislation and commends Senator Risch, Congressman Simpson, and the Idaho Delegation for their hard work over many years of this proposal. We look forward to continuing to work with the delegation on the proposal.

S. 814, the Oregon Coastal Land Conveyance Act and S. 815, the Cow Creek Umpqua Land Conveyance Act would together provide roughly 32,000 acres of BLM managed lands in Western Oregon to be held in trust on the behalf of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians and the Cow Creek Band of the Umpqua Tribe of Indians. The BLM welcomes the opportunity to work with Congress on the transfer of lands into trust status and supports the goals of S. 814 and S. 815. We'd like the opportunity to work with the sponsor and the Committee to address various issues with the bill.

S. 1240, the Cerros del Norte Conservation Act would designate two new wilderness areas, about 21,000 acres within the Rio Grande del Norte National Monument in New Mexico. These new wilderness areas would protect the Ute Mountain, a centerpiece within the monument that's home to elk and other wildlife and the Rio San Antonio which contains a rugged gorge that offers opportunities for solitude. The BLM appreciates the sponsor's work on this legislation and supports the bill.

In conclusion, thank you again for the opportunity to be here today to discuss these seven bills. I'd be glad to answer any questions that you may have.

[The prepared statement of Mr. Murphy follows:]

Statement of
Timothy M. Murphy
Acting Assistant Director
National Conservation Lands & Community Partnerships
Bureau of Land Management
Department of the Interior

Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, & Mining
S. 365, To improve rangeland conditions and restore grazing levels within the Grand Staircase-Escalante National Monument, Utah
May 21, 2015

Introduction

Thank you for the opportunity to present testimony on S. 365, which pertains to the Bureau of Land Management's (BLM) administration of grazing within the Grand Staircase-Escalante National Monument (GSENM) in Utah. The Presidential proclamation designating GSENM in 1996 included language specifically providing for the continuation of grazing on the monument under the normal standards and procedures used to manage grazing on other BLM lands. The BLM supports the bill's goal of improving rangeland health and supporting grazing within GSENM, yet the Administration opposes the bill as currently drafted because it appears to set an arbitrary grazing-level target rather than establishing appropriate grazing levels according to resource conditions and through public processes. The BLM is committed to continuing to work with Congress and the public as we plan for grazing on GSENM.

Background

GSENM spans nearly 1.9 million acres of America's public lands. From its spectacular Grand Staircase of cliffs and terraces, across the rugged Kaiparowits Plateau, to the Escalante River Canyons, the Monument's size, resources, and remote character provide extraordinary opportunities for geologists, paleontologists, archeologists, historians, and biologists in scientific research, education, and exploration. GSENM was established in 1996 by Presidential Proclamation 6920 under the Antiquities Act of 1906 to protect a spectacular array of historic, biological, geological, paleontological, and archeological objects. The proclamation did not affect existing grazing permits and specified that grazing uses continue to be governed by the normal standards and procedures used to manage grazing on other BLM lands. No reductions in permitted livestock grazing use have been made as a result of the Monument's designation.

Management of resources at GSENM is governed by the 1999 Monument Management Plan. However, the MMP deferred most decisions related to the management of livestock grazing, and livestock grazing on GSENM is generally managed according to four Management Framework Plans (MFPs), which were signed in 1981, making them among the BLM's oldest land use plans. The MFPs were amended to address grazing on a few allotments in 1999, but most allotments in GSENM are still managed under direction that is now nearly 35 years old. The BLM is currently preparing a Livestock Grazing Monument Management Plan Amendment and associated Environmental Impact Statement (EIS) to ensure the long-term sustainability of GSENM rangelands while accounting for the many changes that have occurred since 1981. The BLM is

working in formal cooperation with Kane and Garfield counties and the state of Utah and has allowed for maximum public input in developing the plan.

There are 79 active livestock grazing allotments, with 91 permittees currently authorized to graze cattle and horses on GSENM. Overall permitted use within GSENM is at roughly the same level now as it has been since the early 1990s. No reductions have occurred as a result of the designation of GSENM, though small reductions within limited areas have taken place under normal BLM procedures to protect riparian resources and to address other issues. Similar changes are routinely made across the west to address these sorts of resource concerns. Since 1999, the BLM has used its authority under an annual appropriations rider to renew all expiring livestock grazing permits/leases on the monument.

In contrast to permitted use, actual grazing use levels in GSENM have varied considerably from year to year. BLM range conservationists nationwide work closely with grazing permittees to identify and address resource issues. Livestock operators throughout the BLM often operate voluntarily at an actual level of use that is below their permitted level due to fluctuations in market prices, their operational needs, drought conditions, or vegetation condition. As a result of such voluntary adjustments, actual use levels have averaged just over half of permitted use levels for more than two decades.

S. 365

S. 365 is intended to improve rangeland conditions and restore grazing levels within GSENM. Under the bill, the BLM would be required to implement a management program to improve rangeland conditions for wildlife and livestock and to restore livestock grazing to the level of usage in those areas that existed as of September 17, 1996. In issuing livestock grazing permits, the Secretary would be required to incorporate standards and guidelines consistent with the 1997 "Utah Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah" and applicable livestock grazing regulations, as is now the case.

The BLM supports improving rangeland conditions by using the "Utah Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah" and all applicable BLM regulations related to grazing when issuing or renewing grazing permits on GSENM. Under the BLM's current planning process, we anticipate updating the grazing direction in GSENM according to the Utah Standards and Guidelines, and we believe the MMP amendment will provide a framework for future restoration work that will address the bill's goal of improving rangeland conditions. However, the BLM does not support managing rangelands according to arbitrary targets of use, which may be inappropriate depending on resource condition, but rather supports management of rangelands by adjusting targets of use according to resource conditions and through transparent public processes under the principles of multiple use and sustained yield.

Conclusion

Thank you for inviting me to testify on S. 365. The Department of the Interior is committed to ensuring that grazing within the GSENM is managed in a manner that will achieve land health standards through proper grazing management. I would be glad to answer any questions you may have.

Statement of
Timothy M. Murphy
Acting Assistant Director, National Conservation Lands & Community Partnerships
Bureau of Land Management, Department of the Interior
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, & Mining
S. 472, the Douglas County Conservation Act
May 21, 2015

Thank you for the opportunity to present testimony on S. 472, the Douglas County Conservation Act. The bill authorizes Federal land conveyances and sales in Douglas County, Nevada, and designates approximately 12,330 acres of land managed by the Bureau of Land Management (BLM) as the Burbank Canyon Wilderness. The BLM largely supports the conveyance and conservation goals of S. 472, as it pertains to BLM-managed lands, and would welcome the opportunity to work with the sponsors and the Subcommittee on modifications to the bill.

Background

Douglas County, located in northwestern Nevada, is home to nearly 47,000 people and holds spectacular value for recreation because of its close proximity to Lake Tahoe, Topaz Lake, the Sierra Nevada Mountains, and the Pine Nut Mountains. It also boasts significant historic, cultural, and paleontological treasures.

The BLM regularly leases and conveys lands to local governments and nonprofit entities for a variety of public purposes. These leases and conveyances are typically accomplished under the provisions of the Recreation and Public Purposes Act (R&PP Act) or through direction supplied by specific Acts of Congress. Such direction allows the BLM to help states, local communities, and nonprofit organizations obtain lands at nominal cost for important public purposes. The BLM generally supports appropriate legislative conveyances at nominal cost if the lands are to be used for purposes consistent with the R&PP Act, and if the conveyances have reversionary clauses to enforce this requirement.

Land Conveyances & Sales (Title I)

Lake Tahoe State Park & Concessionaires (Sections 101 & 102)

The BLM defers to the U.S. Forest Service (USFS) on the provisions in the bill regarding Lake Tahoe State Park and concessionaires at Round Hill Pines and Zephyr Shoals, which affect lands administered by the USFS.

Conveyances to Douglas County (Section 103)

S. 472 directs the Secretary of the Interior and the Secretary of Agriculture to convey approximately 7,990 acres of Federal land to the county for flood control and public purposes consistent with the R&PP Act. The Secretaries would convey this land subject to valid existing rights. While the county would receive the land itself at no cost, the county would pay any administrative costs associated with the conveyance (e.g., cultural and cadastral surveys). The county would also have the option to acquire the Federal reversionary interest in these lands, and the proceeds from the conveyance of such interest would be disbursed and deposited as described in the testimony on section 104.

The BLM generally supports these conveyances, to the extent they pertain to BLM-managed land, and would like to work with the sponsors and the Subcommittee on minor and technical modifications to this provision. Specifically, we recommend that the county assume the appraisal and other administrative costs associated with acquiring the reversionary interest, consistent with the county assuming the cost of survey and other administrative costs as part of the initial conveyance. Further, we recommend that the sponsors and the Subcommittee extend the time required to convey the reversionary interest to at least 90 days to allow for sufficient time to process the conveyances. The BLM also notes that there is at least one active mining claim within the parcels identified for conveyance to Douglas County; however, conveyances under the bill would be subject to valid existing rights.

Some of the parcels identified for conveyance present resource and recreation concerns. For example, the areas proposed for conveyance contain an abandoned mine site and a pending geothermal lease nomination, as well as an equestrian staging area and an Off-Highway Vehicle (OHV) staging and riding area that receive moderate to high use throughout the year. The conveyance may also affect motorized access and an authorized project for the construction of a non-motorized trail. Finally, some of these conveyances may reduce the acres of BLM-managed lands within the Buckeye Grazing Allotment, which may require the BLM to reduce the Animal Unit Months (AUMs) permitted for the allotment. In order to address these issues, we would like to work with the sponsors and the Subcommittee on boundary modifications or developing additional language for the bill.

Additionally, portions of some of the parcels identified for conveyance are within the Ruhenstroth Paleontological Area, which contains paleontological resources protected under Federal law and has been proposed as an Area of Critical Environmental Concern (ACEC) in the Carson City District Draft Resource Management Plan (RMP). The BLM does not support conveyance of this paleontological site.

Federal Land Sales (Section 104)

The bill also authorizes the sale of up to 10,616 acres of Federal land through a competitive bidding process. Of these lands, approximately 616 acres have already been identified on the legislative map, of which approximately one-half is managed by the USFS, and the other half is managed by the BLM. The remainder is comprised of no more than 10,000 unspecified acres of BLM land that has been or will be identified as potentially suitable for disposal in the Carson City Consolidated RMP, or in any subsequent RMP amendments for the planning area. The additional lands for sale would be selected jointly by the Secretary of the Interior and the county to be offered to qualified bidders within one year of enactment. The bill also directs that before any of the unidentified lands are offered for sale, the state or county may elect to obtain them for public purposes in accordance with the R&PP Act. In that event, the Secretary of the Interior would retain the elected lands for conveyance to the state or county.

Under the bill, five percent of the proceeds from the sales of land and Federal reversionary interests would be disbursed to the state for general education programs. Ten percent would be disbursed to the county to implement the county Open Space and Agricultural Implementation Plan. The remaining 85 percent would be deposited into a special U.S. Treasury account, which

would be available to the Secretaries of the Interior and Agriculture to: (1) reimburse costs of the BLM and USFS incurred in preparation of land sales (e.g. the costs of surveys and appraisals and the costs of compliance with the National Environmental Policy Act and the Federal Land Policy and Management Act); (2) reimburse costs incurred by the BLM and USFS in preparing for and carrying out the transfers of land to be held in trust by the United States for the Washoe Tribe of Nevada and California; and (3) to acquire environmentally sensitive land in the County, consistent with the Douglas County Open Space and Agricultural Lands Preservation Implementation plan or any subsequent amendment.

Finally, the bill amends the Southern Nevada Public Land Management Act (SNPLMA) to permit Douglas County to use proceeds from SNPLMA land sales to acquire land for parks, trails, or natural areas and for conservation initiatives within the Carson River watershed, within the Walker River watershed, or for the conservation of sage-grouse habitat.

The BLM does not object to this land sale authority or amendment to SNPLMA, but would like the opportunity to work with the sponsors and Subcommittee on amendments, including minor and technical modifications, fund management for the special account, and language to ensure appraisals are conducted according to uniform appraisal standards and practices. In addition, the BLM notes that a portion of the parcels are adjacent to Hot Springs Mountain, which is culturally important to the Washoe Tribe of Nevada and California.

Tribal Cultural Resources (Title II)

S. 472 (Section 201) also directs the Secretary of the Interior to take into trust approximately 1,016 acres of Federal land for the benefit of the Washoe Tribe of Nevada and California, subject to valid existing rights. The Secretary would be required to complete a survey to establish the boundaries of this land within 180 days of enactment. The Secretary would also be authorized to carry out fuel reduction and other landscape restoration, in consultation and coordination with the Tribe. The BLM supports this provision.

The BLM defers to the USFS on the Cooperative Management Area provision (Section 202), which affects lands administered by the USFS.

Designation of Burbank Canyons Wilderness (Title III)

Finally, the bill designates approximately 12,330 acres of BLM-managed land as the Burbank Canyons Wilderness and releases approximately 1,065 acres of the Burbank Canyons Wilderness Study Area (WSA) from further study. The Burbank Canyons area is comprised of rugged canyons set in the Pine Nut Mountains. Riparian areas provide important habitat for wildlife, and steep, rugged ridges contribute to the area's scenic beauty and the recreational experiences available to hikers, horseback riders, and hunters. The BLM supports the designation of the Burbank Canyons Wilderness and the release of the remaining portion of the WSA, but would like to work with the sponsors and Subcommittee to refine some of the language in the bill. The Department recommends the use of standard language for both the designation of the wilderness and the release of the Wilderness Study Area. The BLM also recommends clarifying language related to technical issues, facilities outside the wilderness boundary, and the protection of existing uses compatible with or outside the wilderness designation.

Transfer of Administrative Jurisdiction Over Forest Service Land (Title IV)
The BLM defers to the USFS on the transfer of administrative jurisdiction over USFS land to the state or county.

Conclusion
Thank you again for the opportunity to testify on S. 472, the Douglas County Conservation Act. We appreciate the sponsors' work on this legislation, and we look forward to working with the sponsors and the Subcommittee to meet the needs of Douglas County.

Statement of
Timothy M. Murphy
Acting Assistant Director, National Conservation Lands & Community Partnerships
Bureau of Land Management, Department of the Interior
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, & Mining
S. 583, Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act
May 21, 2015

Thank you for the invitation to testify on S. 583, Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act. The Department of the Interior supports S. 583 as it applies to lands managed by the Bureau of Land Management (BLM) and would like the opportunity to work with the sponsor and the Committee on technical modifications to the legislation and minor boundary modifications to improve manageability. We defer to the Department of Agriculture regarding provisions of S. 583 which apply to National Forest System Lands.

Background

The Boulder-White Clouds area of central Idaho captivates the imagination with crystal lakes, high mountain backcountry, and abundant wildlife. Hunters, hikers, ranchers and other stakeholders have come together to support preservation of these unique and treasured lands managed by the U.S. Forest Service (FS) and the BLM.

The lands managed by the BLM in this region represent diverse ecosystems ranging from lower elevation sagebrush and grasses to lodgepole and limber pine at the higher elevations. There are large forested areas in the upper reaches of Bear, Mosquito, Sage, and Lake Creek drainages. The highest point is Jerry Peak at over 10,000 feet where there are spectacular vistas of the surrounding mountain ranges. Herd Lake, at over 7,000 feet, is a small blue gem within the steep rocky terrain. From the small Herd Lake campsite visitors can hike the trail along the creek to Herd Lake. The shores of the lake have scattered pines and there are wonderful opportunities to fish for rainbow trout.

This varied and magnificent terrain provides habitat for wildlife, including deer, elk, black bear, mountain lion, bighorn sheep, and antelope. Coyotes and golden eagles are also common. The area is attractive to hunters and a significant portion of the yearly visitation occurs during hunting season.

S. 583

S. 583 is the result of many years of collaborative efforts by the Idaho Congressional delegation. Their dedication to resolving public land use issues in central Idaho is commendable. Title I of the bill designates three new wilderness areas – Jim McClure-Jerry Peak Wilderness (approximately 117,000 acres), White Clouds Wilderness (approximately 91,000 acres), and Hemingway-Boulders Wilderness (approximately 68,000 acres) and contains provisions related to their administration. Approximately 24,000 acres of the proposed Jerry Peak Wilderness are managed by the BLM, along with approximately 450 acres of the proposed White Clouds Wilderness. The FS manages the other federal lands within the proposed wilderness areas. The Department of the Interior supports the proposed wilderness designations on lands managed by

the BLM and would welcome the opportunity to work with the sponsor and the Committee on minor boundary modifications to the Jerry Peak Wilderness to improve manageability. We would also like to recommend minor modifications to management language to be consistent with usual wilderness management language. Section 108 releases nearly 80,000 acres of BLM-managed lands in four wilderness study areas (WSAs) from WSA restrictions.

Livestock grazing on the public lands designated as wilderness, and in the surrounding area, is addressed in section 102(e) of the bill. The BLM supports this standard language on the management of livestock grazing on public lands within designated wilderness. Section 102(e) also establishes the "Boulder White Clouds Grazing Area" on nearly 770,000 acres of public lands administered by the FS and BLM – surrounding and including the three areas designated as wilderness. Under the provisions of this section, ranchers with Federal grazing permits or leases within this area may choose to voluntarily donate their permits or leases to the Secretary of Agriculture or Interior. The Secretaries are required to accept these donations, and to permanently terminate all grazing on the land covered by the permit or lease. Partial donation and congruent partial termination of grazing is also provided for under this subsection. Grazing can be a compatible use within wilderness, and there is a long history of legislation accommodating grazing within wilderness designations. However, we also recognize and support the proposal by the Idaho delegation to allow voluntary and permanent reductions in grazing in these unique and environmentally sensitive areas.

Title II of S. 583 provides for the conveyance, at no cost, of 12 small tracts of public lands to local governments for public purposes. The BLM generally supports the conveyances of nine individual parcels of BLM-administered lands to local governments, but notes that some of the parcels to be conveyed contain habitat for the Greater Sage-Grouse. We would like the opportunity to work with the sponsor on modifications to some of the conveyances to minimize impacts to Greater Sage-Grouse habitat. We defer to the FS regarding three conveyances of National Forest System lands. As provided in the bill, each of the conveyances of lands managed by the BLM would be for uses consistent with public purposes allowed under the R&PP Act, which authorizes the Secretary of the Interior to lease or convey public lands at nominal cost for recreational and public purposes, including parks and other facilities benefiting the public. In general, the BLM supports appropriate legislative conveyances if the lands are to be used for purposes consistent with the Recreation and Public Purposes (R&PP) Act, if the conveyance includes a reversionary clause to enforce this requirement, and if the benefitting local government is responsible for the administrative costs of the conveyance.

Among the proposed conveyances of BLM-administered public lands are 10 acres for a fire hall, 80 acres for a waste transfer site to Custer County, and 23 acres to the city of Clayton for a cemetery. The BLM has reviewed each of these conveyances in the bill. We believe they are in the public interest, and support their no-cost conveyance for uses that would be allowed under the R&PP Act if the bill is amended to provide that the receiving parties cover the costs of the conveyances, including any needed surveys and the preparation of conveyance documents.

Conclusion

Thank you for the opportunity to testify in support of S. 583. We applaud the work of the Idaho delegation, of the sponsor of this bill, Senator Risch, and the vision and commitment of

Congressman Mike Simpson, who has championed the effort to protect these unique landscapes in Idaho for over a decade in partnership with his colleagues in the Senate.

We look forward to working with Members of the Idaho delegation and the Committee to make further, minor modifications to the bill to permanently protect these important landscapes as a part of the National Wilderness Preservation System and to affect the land transfers directed in the bill to provide specific public benefits to local communities.

Statement of
Timothy M. Murphy
Acting Assistant Director, National Conservation Lands & Community Partnerships
Bureau of Land Management, Department of the Interior
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, & Mining
S.814 Oregon Coastal Land Act
S.815 Cow Creek Umpqua Land Conveyance Act
May 21, 2015

Thank you for the opportunity to testify on S. 814, the Oregon Coastal Lands Conveyance Act and S. 815, the Cow Creek Umpqua Land Conveyance Act. S. 814 would provide that approximately 14,804 acres of Bureau of Land Management (BLM)-managed lands in western Oregon be held in trust on behalf of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. S. 815 would provide that approximately 17,519 acres of BLM-managed lands in western Oregon be held in trust on behalf of the Cow Creek Band of Umpqua Tribe of Indians. The bills would also require the Department of the Interior to reclassify an equal number of acres of public domain lands as Oregon and California (O&C) lands to compensate for the loss of O&C lands transferred by the bills.

The Department of the Interior welcomes opportunities to work with Congress on the transfer of lands into trust status and supports the goals of S. 814 and S. 815. The BLM would like the opportunity to work with the sponsor and the Committee to address various issues related to the bill, including current uses of the lands, consistency with other laws, and the difficulty of identifying public domain lands to be reclassified as O&C lands.

Background

Both the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Cow Creek Band of the Umpqua Tribe of Indians have expressed their desire to acquire culturally significant tracts of land in the region as well as forest lands to be managed for the financial benefit of tribal members. The BLM strongly believes that open communication between the BLM and tribes is essential in maintaining effective government-to-government relationships, and the BLM has a positive working relationship with the tribes in the area.

In western Oregon, the BLM currently manages roughly 2.2 million acres of Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands under the O&C Lands Act 1937. Under the Act, 18 O&C counties receive yearly payments equal to 50 percent of receipts from timber harvests on public lands in these counties. Since 2000, the BLM has made payments to the 18 O&C counties based on the authorities provided for the in the Secure Rural Schools Act, which has been reauthorized through FY 2016. The BLM's FY 2016 Budget request also includes a proposal for a five-year reauthorization of the Act.

S. 814

S. 814 would provide that seven tracts comprising approximately 14,804 acres of BLM-managed lands be held in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (the Tribes). The bill directs all right, title, and interest of the United States to

the identified lands, subject to valid existing rights, to be held in trust for the benefit of the Tribes.

These parcels are located in western Oregon's Coos, Douglas, Benton, and Lane Counties, and include tracts such as the Coos Head, Talbot Allotment, and Umpqua Eden parcels, which are of particular cultural significance to the Tribes, as well as areas such as the Lower Smith River and Tioga tracts, managed for timber production.

While the transfer would be subject to valid existing rights, the BLM would like to continue to work with the sponsor on access concerns on certain parcels. S. 814 includes language to address the BLM's concerns about an earlier version of the legislation by honoring existing reciprocal right-of-way agreements and providing for administrative access by the BLM. However, we note that under the bill, the public would lose access to certain recreational trails and to the Hult Reservoir Recreation Area.

S. 814 also includes lands identified for transfer that were acquired with funding from the Land and Water Conservation Fund (LWCF) Act of 1965, which requires that these lands remain available in perpetuity for the use and enjoyment of the public. The BLM would like to work with the sponsor to ensure consistency with the LWCF Act.

The BLM notes that the lands identified for transfer in S. 814 contain critical habitat for the northern spotted owl and marbled murrelet. We note that if these lands are held in trust, the BLM will not be able to complete its land management objectives for these lands related to the recovery of these species.

S. 815

S. 815 would provide for approximately 17,519 acres of BLM-managed land in Douglas County, Oregon, to be held in trust for the benefit of the Cow Creek Band of Umpqua Tribe of Indians (the Tribe). The bill directs all rights, title, and interest of the United States to the identified lands, subject to valid existing rights, to be held in trust for the benefit of the Tribe. The lands identified for transfer would be used to restore and expand the historic and economic base for the Tribe in southwestern Oregon. The parcels are scattered and interspersed with private lands, and include many areas popular with hunters, anglers, and campers.

While the transfer would be subject to valid existing rights, the BLM has access concerns related to some parcels. The BLM recommends the bill be amended to include similar language to S. 814 in Section 5(d) honoring existing reciprocal right-of-way agreements and administrative access by the BLM.

The BLM suggests that corresponding language from S. 814 Section 5(e) be inserted into S. 815 to ensure that land taken into trust under S. 815 would not be subject to the land use planning requirements of the Federal Land Policy and Management Act of 1976.

The lands proposed for transfer in S. 815 also include populations of the Federally threatened Kincaid's lupine and critical habitat for the northern spotted owl. We note that if these lands are held in trust, the BLM will not be able to complete its land management objectives for these

lands related to the recovery of these species. The identified parcels also include numerous sites of cultural and historical importance. The BLM would like to work with the sponsor to clarify language related to the protection of wildlife and cultural resources.

O&C Forestry

Because many of the lands to be taken into trust by both S. 814 and S. 815 have been identified for potential future timber sales, the BLM believes that the transfer of these lands would reduce the quantities of timber that could be offered in future timber sales, resulting in a potential reduction of timber revenues to the United States and to the O&C counties.

Under the bills, the BLM would be required to identify and reclassify public domain lands as O&C lands to avoid a net loss to the acreage of O&C lands. The BLM is concerned that there are insufficient public domain lands of comparable condition, in the vicinity of the O&C lands to meet this objective. The BLM would like to continue to work with the sponsor and the Committee on this issue.

The Draft Western Oregon Resource Management Plan/Environmental Impact Statement (Draft EIS) was released on April 24, 2015. The Draft EIS does not analyze the impacts of this transfer in any of the alternatives. The BLM is concerned that if these bills became law, there may not be sufficient time to address these transfers and their impact to resources and uses in the Final EIS. The Final EIS Record of Decision is scheduled to be signed in spring 2016.

The BLM also recognizes that timeframes to complete cadastral surveys required by both bills are longer than in previous versions, giving the BLM up to 1 year to complete the surveys of the boundaries of the transfer. However, the BLM is still concerned with being able to meet this requirement and would like to continue to work with the sponsor on a timeline that would add flexibility to the survey requirements.

Conclusion

The Department of the Interior welcomes opportunities to work with Congress on the conveyance of lands into trust status and supports the goals of S. 814 and S. 815. We look forward to working with the sponsor and the Committee to address the various issues we have outlined in this testimony, as well as other minor technical issues.

Statement of
Timothy M. Murphy
Acting Assistant Director, National Conservation Lands & Community Partnerships
Bureau of Land Management, Department of the Interior
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, & Mining
S. 1240, Cerros del Norte Conservation Act
May 21, 2015

Thank you for the opportunity to testify on S. 1240, the Cerros del Norte Conservation Act. On March 25, 2013, President Obama designated the Río Grande del Norte National Monument on 242,555 acres of land administered by the Bureau of Land Management (BLM) in northern New Mexico. This legislation includes the designation of two wilderness areas within the new Río Grande del Norte National Monument – the proposed 13,420-acre Cerro del Yuta Wilderness and 8,000-acre Río San Antonio Wilderness. The Department supports the designation of these two new wilderness areas.

Background

The Río Grande del Norte National Monument lies north of Taos on the border with Colorado and straddles New Mexico's Taos and Rio Arriba Counties. Rising in stark contrast from the monument's broad expanse, the Cerro de la Olla, Cerro San Antonio, and Cerro del Yuta volcanic cones provide visible reminders of the area's volatile past. Between these mountains, the dramatic gorge of the Río Grande Wild & Scenic River is carved into the landscape, revealing the dark basalt beneath the surface of the Taos plateau.

The proposed Cerro del Yuta Wilderness has at its centerpiece a symmetrical volcanic dome soaring to over 10,000 feet in altitude. Covered by ponderosa, Douglas fir, aspen, and spruce on the north side, and pinyon and juniper on the south side, the mountain provides important habitat for wildlife, including the herds of elk that draw hunters to the area. The volcanic dome provides an outstanding opportunity for peak climbing, and the forested slopes create a strong sense of solitude.

The proposed Río San Antonio Wilderness consists of a flat plain bisected by the Río San Antonio. This grassland plain is dotted with occasional juniper, while the river sits 200 feet below the surface of the plateau at the bottom of a rugged gorge, the depths of which provide a microclimate for riparian vegetation, Douglas fir, and spruce. Visitors can find outstanding opportunities for solitude as they explore the gorge, which abruptly drops out of sight from the rest of the area. Protecting these characteristics will help to ensure that recreationists will continue to visit the area, bringing economic benefits to the local community.

S. 1240

S.1240 designates two wilderness areas on BLM-managed lands within the new National Monument – the proposed 13,420-acre Cerro del Yuta Wilderness and 8,000-acre Río San Antonio Wilderness. Both of these areas meet the definition of wilderness in the Wilderness Act of 1964: they are largely untouched by humans, have outstanding opportunities for solitude or primitive and unconfined recreation, are over 5,000 acres in size, and contain important

geological, biological, and scientific features. We support the designation of these areas as wilderness, and would appreciate the opportunity to work with the sponsor on potential boundary modifications for manageability.

Conclusion

President Obama's designation of the Río Grande del Norte National Monument was a tribute to both the area's extraordinary value and the steadfast support of the surrounding community for protecting this magnificent place. The Department supports S.1240 in its designation of some of the new Río Grande del Norte National Monument's wildest lands as wilderness.

Senator BARRASSO. Thank you, Mr. Murphy.
Mr. Johnson?

STATEMENT OF RICK JOHNSON, EXECUTIVE DIRECTOR, IDAHO CONSERVATION LEAGUE

Mr. JOHNSON. I am Rick Johnson. I'm the Executive Director of the Idaho Conservation League. I'm here to speak to S. 583.

Our organization has supported wilderness protection for the Boulder-White Clouds since our founding 40 years ago. The Boulder and White Cloud Mountains are a crown jewel of Idaho and deserve permanent protection, and we have been here before to talk about this.

In June 2010 when I appeared at this table, Senator Risch along with the entire Idaho delegation had just introduced a version of this bill. During the hearing Senator Risch expressed reservations. He told us that the bill needed more compromise. There has now been more compromise, and there is now much more support.

Once again, respectful of compromise, respectful of the legislative process, I am here to speak in support of this bill.

The Idaho Conservation League has worked with Representative Mike Simpson for well over a decade on this legislation. We worked with Senators Jim Risch and Mike Crapo for a long time on this too. While we all get points for persistence, this is not about us. This is about the future of the Boulder and White Cloud Mountains. This is a very special place. These mountain ranges contain the headwaters of four major rivers and are home to some of the highest elevation salmon habitat on Earth.

This is a landscape of summer and winter range for big game and critical habitat for endangered and allusive species like wolverine. It is also an unparalleled resource for many different recreational pursuits. The wild heart of the Boulder-White Clouds deserves the highest protection possible, and wilderness designation provides that.

It would also create the first designated wilderness in the Wood River Valley, a community that supports strong land protection and has long been supportive of this effort.

It is time to get the job done. One way or another prospects for protecting the Boulder-White Clouds have never been better. Many believe a bill written by the Idaho Delegation is the best path. I asked the delegation who else is on board? Their response is much different than it was five years ago. The support today is remarkable.

The Idaho Outfitters and Guides Association is supportive. Local ranchers are supportive. The Idaho Cattle Association and the Idaho Farm Bureau, never wilderness advocates, have indicated they will not stand in the way. Idaho water users are supporters of the water protections. The Sawtooth Society is supportive as is the Custer County Commission. The Idaho Recreation Council represents motorized trail bikes and snowmobile users and they are not opposed. And many conservationists support this bill including the Idaho Conservation League, who I represent, the Wilderness Society and the Pew Charitable Trust. We have also heard from individual mountain bikers who support, if not formal organizations.

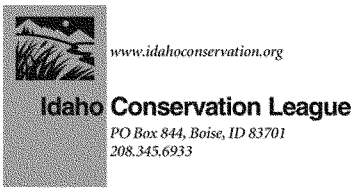
The biking groups would like access to all groups, and I sympathize and recognize that compromise is hard.

Compromise has been hard for our interests as well. If the bill passes there will, regretfully, be 57,000 fewer acres as wilderness than in the previous version of this bill. There are significant parts of the Boulder-White Clouds that are not included here that we always assumed would be ultimately protected. No one suggests this bill is perfect. It is not how I would have written it, but Senator Jim Risch and Representative Mike Simpson have long demonstrated that in order to govern, we cannot let the perfect be the enemy of the good.

There has never been such broad consensus around legislation for the Boulder-White Clouds. As we all know, there are other options for protection being discussed. This hearing is an important step, and I applaud Senator Risch and the Committee for holding this hearing. I know it took a lot of work and I appreciate that. There are many more steps ahead, however. The road is long, and the time is very short. One way or another, it's time to permanently protect this landscape and this bill would do that.

Thank you for the opportunity to be here today. I look forward to questions.

[The prepared statement of Mr. Johnson follows:]



Testimony of Rick Johnson, Executive Director, Idaho Conservation League

Before the US Senate Subcommittee on Forests, Public Lands, and Mining

Senate Committee on Energy and Natural Resources

Regarding S. 583

The Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act

May 21, 2015 – Washington, DC

Mr. Chairman and Members of the Committee, I thank you for the opportunity to appear today. My name is Rick Johnson and I am the executive director of the Idaho Conservation League. I ask that these comments be included in the hearing record.

The Idaho Conservation League was founded in 1973; we are Idaho's oldest and largest state based conservation organization. Our mission is to protect Idaho's clean air and water, wilderness, and the outdoor values that provide Idaho its extraordinary quality of life.

The Idaho Conservation League has been a strong supporter of wilderness legislation for the Boulder-White Clouds since our founding. We have worked with members of the Idaho congressional delegation, particularly, Rep. Mike Simpson, to advance wilderness designation for more than a decade. I personally have worked to protect this area for 30 years.

We have been here before. In June 2010, when I appeared at this table, Sen. Risch--along with the entire Idaho delegation--had introduced an earlier version of this bill. During the hearing Senator Risch expressed reservations. He told us the bill needed more compromise.

There has now been more compromise. The breadth of engagement in this bill is unprecedented in Idaho history.

Once again, respectful of compromise, respectful of the legislative process, I am here to speak in support of this bill. The Idaho Conservation League has worked with Rep. Mike Simpson for well over a decade on this legislation. We've worked with Sen. Risch and Sen. Crapo for a long time, too.

We all get points for persistence.

But it's not about us.

This is about the Boulder-White Clouds. These mountain ranges, containing the headwaters of four rivers with some of the highest elevation salmon habitat on Earth, are a very special place. This is a landscape of summer and winter range for big game. It is an unparalleled recreation resource for many different pursuits, all protected in this compromise bill. The wild heart of the Boulder-White Clouds deserves the highest protection in the land, and wilderness designation provides that.

It's time to get the job done.

There has never been more energy directed to the Boulder-White Clouds as there is today. One way or another, prospects have never been better. Passing this bill would get the job done. A bill written by an Idaho House and Senate member is the best path forward for a number of reasons.

The depth of support is remarkable: I asked the delegation for a sense of the groups on board. The following are either supportive, or not opposed to the current version going forward. This is far from the opposition we saw in this room 5 years ago.

- Ranchers on the East Fork of the Salmon are supportive and the Idaho Cattle Association and the Idaho Farm Bureau will not stand in the way. Idaho Water Users are supportive of the water protections.
- The Sawtooth Society is supportive as is the Custer County Commission.
- The Idaho Recreation Council representing motorized trailbikes and snowmobiles are not opposed and the Idaho Outfitters and Guides Association is supportive.

And many conservationists support this bill including the Idaho Conservation League, The Wilderness Society and the Pew Charitable Trusts.

And with respect to my friend and colleague beside me, this bill is also supported by a many mountain bikers, if not by the formal organizations. The biking groups would like full bike access. I sympathize and personally know compromise is hard. It's been hard for our interests, too. If the bill passes, we will, regretfully, have 57,000 fewer acres protected as wilderness then in the previous version of this bill. There are significant parts of the Boulder-White Clouds not in this bill we always assumed would be. We recognize compromise is hard.

I will say bikes have more access to trails in this bill then in any other Boulder-White Clouds legislation to date.

The failure to compromise is why we've failed before. It is extraordinary commitment to compromise that brings us to this committee again.

This bill is not perfect. Sen. Risch and Rep. Simpson have long demonstrated that, in order to govern, you cannot let the perfect be the enemy of the good.

There has never been so great a consensus around legislation for the Boulder-White Clouds. There are many reasons for this, but working together, we may finally have the wind at our back.

This hearing is an important step and I applaud Sen. Risch and the committee for holding this hearing. But there are many more steps ahead. The road is long and the time is very short.

One way or another, it's time to permanently protect this landscape. Passage of this bill would do that.

The Place

Central Idaho's Boulder-White Clouds are the largest roadless landscape in the lower 48 states eligible for wilderness protection. The area contains significant ecological and wilderness values and is home to a rich variety of wildlife, include threatened and endangered species. Salmon travel nearly 1,100 miles from the ocean, over dams, to return home to the highest elevation spawning habitat in United States. Rare plants are also located here that grow nowhere else on earth. The Boulder-White Clouds are a treasured landscape for many recreationists because of their remote wild character and immense opportunities for solitude. The area has a rich history from the earliest native American inhabitants dating back thousands of years to the more modern day relics of Idaho's mining boom in the late 19th and early 20th centuries.

All the resources described here are within or in the immediate vicinity of lands that would be designated wilderness by this bill.

Roadless and Wilderness Study Areas
The Boulder-White Clouds are one of the most nationally significant roadless landscapes in the United States from both an ecological and sociological perspective. At nearly 590,000 acres, the combined complex of Forest Service roadless areas and Bureau of Land Management wilderness study areas constitute the largest unprotected landscape in the United States outside Alaska.

The complex consists of two U.S. Forest Service Inventoried Roadless areas (IRAs) and four Bureau of Land Management Wilderness Study Areas (WSAs), described in greater detail below. The wild nature of this remote landscape offers unparalleled opportunities for wilderness recreation, scenic visitas and opportunities for solitude.

The Boulder-White Clouds Roadless Area (462,822 acres) is the largest U.S. Forest Service IRA in the state of Idaho and one of the largest in the lower 48 states. It is administered by the Sawtooth and Salmon-Challis National forests and is one of only two congressionally designated wilderness study areas in Idaho. The legislation does not protect this area in its entirety and, regrettably, also does not protect all of the area recommended as wilderness by the US Forest Service.

The Railroad Ridge IRA (50,818 acres) includes a unique, high-elevation ridgeline that was shaped by alpine glaciers, as well as steep river breaks above the main Salmon River. The relatively flat and broad ridgeline harbors a unique assemblage of rare and endemic plants. The Sawtooth National Forest Land and Resource Management Plan proposes the establishment of botanical special interest area or research natural area to protect these features. This area, regrettably, is not included in the legislation.

Three Bureau of Land Management wilderness study areas (WSAs) are contiguous to the east side of the Boulder-White Clouds IRA; the Boulder Creek WSA (1,930 acres); Jerry Peak West WSA (13,530 acres) and Jerry Peak WSA (14,150 acres). A fourth WSA—the Corral-Horse Basin WSA

(46,500)—is located northeast of the Jerry Peak WSA. Much of the acreage covered by the Bureau of Land Management wilderness study areas will be released to multiple use under this legislation.

Wild and Scenic Rivers
The headwaters of four major river systems originate in the Boulder–White Clouds, including the Big Wood River, North Fork Big Lost River, East Fork Salmon River, and legendary Salmon River. They are clean, free-flowing waters that provide habitat for anadromous and resident fish as well as opportunities for angling, boating, scenic viewpoints, and municipal drinking water. Many of these rivers and their tributaries are considered eligible for protection under the Wild and Scenic Rivers Act.

A comprehensive study just released by the U.S. Forest Service Rocky Mountain Research Station indicates that within the century, the high alpine waterways found in the Boulder-White Clouds will be one of just a few suitable habitats remaining in the west for threatened bull trout and other cold-water dependent species.

Fish and Wildlife
The Boulder-White Clouds is some of the most important alpine fish and wildlife habitat in Idaho. Because of the unique topography, it provides an exceptional assemblage of connected summer and winter ranges for rare and threatened animal species such as wolverine, lynx, fisher, pine martin, bighorn sheep and mountain lion. Wolverine and lynx in particular are adapted to deep snowpack, characteristic of the high mountains in the Boulder-White Clouds. The Canada lynx is listed as threatened under the Endangered Species Act. Wolverine is a candidate for listing.

The Boulder-White Clouds are also home to the highest altitude Chinook salmon and Steelhead habitat in the United States. While downstream dams have severely depleted wild stocks of salmon and Steelhead, the critical habitats found in the Boulder-White Clouds are crucial in aiding in the recovery of these species.

Because of the diversity of wildlife, including the numerable presence of deer and elk, and the backcountry wild character, the Boulder-White Clouds are a treasured destination for hunters, fisherman, and wildlife watchers.

Railroad Ridge
In the north-central part of the Boulder-White Clouds is a high alpine ridgeline known as Railroad Ridge. Unlike the jagged peaks and ridgelines that typify much of the Boulder–White Clouds, Railroad Ridge is a broad, relatively flat ridge. Shaped by glacial forces during the ice ages, Railroad Ridge hosts an array of endemic alpine plant species.

One plant species—White Cloud milkvetch—is found nowhere else on earth than Railroad Ridge. The only known population of northern sagewort in Idaho also occurs here. Slender moonwort, another rare plant found on the ridge, is a candidate species for listing under the Endangered Species Act.

Small stands of whitebark pine exist in sheltered areas just below the main ridgeline. Many of the trees are at least 1,100 years old and thought to be the oldest known whitebark pine on the planet. Right now, these stands are free of blister rust, which has infected many whitebark pine forests throughout the west.

Geothermal Features
Hot springs are located along many streams and rivers in the Boulder–White Clouds. Natural springs and tubs are found at Slate Creek, Bowery, and West Pass creek. These natural springs have a history dating back to the area's earliest inhabitants. Today, both human visitors as well as a rich variety of wildlife visit these springs.

Early Inhabitation
Historic hunting and fishing sites including blinds and shelters from early Native American inhabitants are found across the Boulder-White Clouds landscape. Many of these sites remain undisturbed even today and have significant historical and cultural value. With the area lacking formal protection, these sites remain at risk from disturbance and damage into the future.

Historic Mining Settlements
Beginning in the 1860's, early settlers from the mining booms in the west began to develop both mines and homesites within in the Boulder-White Clouds. Today, many of these mining relics still remain intact across the area and boast interesting and unique stories that accompany the abandoned structures.

The Conservation History

Before the late 1960s few people knew anything about the Boulder-White Clouds of Central Idaho. That change began in 1968. The American Smelting and Refining Company (ASARCO) proposed an open-pit molybdenum mine at the base of Castle Peak- an aptly named monolith that rises well above the surrounding peaks in the center of the White Cloud Mountains. The mining industry had never faced any considerable opposition in Idaho, a fact that led to Idaho's nickname, "The Gem State."

The controversy around the proposed mine substantially altered Idaho's history and the fate of the Boulder-White Clouds. When the state endorsed the proposed mine, the Director of the Idaho Department of Parks board, Ernest Day, resigned his post. Day's aerial photos of Castle Peak are now an iconic image known to many Idahoans. Even today, they still serve to illustrate to the public where what would have been lost if the proposed open pit mine would have been located.

Coincidentally a young Cecil D. Andrus was running for governor. Andrus took the position that this very special part of Central Idaho was too important to sacrifice to an open pit mine. In 1970, Andrus won the election largely because of the stance he took to protect the Boulder-White Clouds.

Two years later, Senator Frank Church successfully moved legislation through Congress to designate the Sawtooth National Recreation Area by an act known as Public Law 92-400. This act was a step in the right direction for the Boulder-White Clouds, withdrawing Castle Peak from mining and designating the neighboring Sawtooth Mountains as Wilderness. But in the end, the legislation punted on the issue of designating the Boulder-White Cloud Mountains, leaving the decision to a future Congress by directing the Forest Service to study the area for Wilderness designation or National Park status. Below is the excepts from Public Law 92-400 referencing the Boulder-White Clouds:

Section 5 of Public Law 92-400*: "The Secretary shall, as soon as practicable after the enactment of this Act, review the undeveloped and unimproved portion or potions of the recreation area as to suitability or non-suitability for preservation as a part of the National Wilderness Preservation System…"*

Sec 14 (a) of Public Law 92-400: *"The Secretary of the Interior, in consultation with appropriate Federal, State, and Local agencies, shall make a comprehensive analysis of the natural, economic, and cultural values of the recreation area and the adjacent Pioneer Mountains for the purpose of evaluating the potentiality of establishing therein a national park or other unit of the national park system. He shall submit a report of the results of the analysis along with his recommendation to Congress by December 31, 1974."*

Sec 14 (2) of Public Law 92-400: *"The establishment of a national park in the mountain peaks and upland areas together with such portions of the national recreation area as may be necessary and appropriate for the proper administration and public use of the and access to such park lands, leaving the valleys and low-lying lands available for multiple-use purposes…"*

Legislative Wilderness efforts

Over the course of the last four decades, many attempts at Wilderness legislation for the Boulder-White Clouds have occurred.

In 1984, Sen. James McClure (R-ID) introduced wilderness legislation that would have protected a portion of the Boulder–White Clouds. Throughout the 1980s and into the early 1990s, various attempts to move legislation failed. Key participants at various times included Sen. McClure, Gov. Cecil D. Andrus (D), Rep. Richard Stallings (D-ID), and Rep. Mike Crapo (R-ID).

In 2004, Congressman Mike Simpson introduced his first Boulder–White Clouds wilderness bill, the Central Idaho Economic Development and Recreation Act. Simpson's legislation was based on addressing key interests of those who had played a rolling in stopping past initiatives to protect the Boulder-White Clouds: ranchers, counties, motorized users, and wilderness advocates. With each group, he proposed making sure they got something more than they could get any other way, on their own. Simpson and his staff tirelessly met with agency officials, proponents and opponents to craft a middle ground for wilderness protection for the Boulder-White Clouds.

Conservation groups such as the Idaho Conservation League, The Wilderness Society, and Campaign for America's Wilderness, worked with Congressman Simpson to improve his wilderness bill, adding wilderness acreage and removing or modifying some objectionable provisions. Motorcycle and snowmobile groups continued to oppose any additional wilderness in Idaho.

In 2006, the bill passed the U.S. House. At the close of Congress, the Central Idaho Economic Development and Recreation Act was included in the very-end-of-session tax extenders bill. In the last hours of the lame duck session, the Speaker substituted another measure. This was the closest that the Central Idaho Economic Development and Recreation Act ever came to passage.

In 2010, the Central Idaho Economic Development and Recreation Act, after being unable to move in the House, was renegotiated with Senate Democratic committee staff and reintroduced by the entire Idaho congressional delegation: Rep. Mike Simpson, Rep. Walt Minnick (D-ID), Sen. Mike Crapo (R-ID) and Sen. Jim Risch (R-ID). At a Senate Committee hearing, after supporting Simpson's bill as governor and then as a bill sponsor, Sen. Risch withdrew his support and stopped committee action on the bill. His action, presumably, was the result of pressure from the motorized use community. Idaho Governor Butch Otter raised objections with the legislation before the hearing, providing yet another unexpected setback.

In 2011, on the first day of the 112th Congress, Simpson reintroduced CIEDRA but no hearing was ever scheduled.

In March of 2015, Rep. Mike Simpson along with Sen. Jim Risch introduced a scaled-back version of previous legislative efforts, re-naming the new bill the Sawtooth National Recreation Area Plus or SNRA+. This is the legislation before us today.

A cutback of approximately 60,000 acres of wilderness was included in this version to ensure that no motorized routes would be closed. This key aspect of the reworked legislation helped bring Sen. Risch back on board. To date, the House has not scheduled a hearing.

This long history has been the subject of considerable media (local, regional and national print and television) and academic attention (masters theses and doctoral dissertations). The long and involved evolution of collaborative conservation spurred on by the Boulder-White Clouds has, thus far, failed to protect this area, but it has reshaped conservation in Idaho. Another collaborative endeavor, the Owyhee Initiative, led to passage of the first wilderness bill for Idaho in 29 years, in the Omnibus bill signed by President Barack Obama in 2009.

Idaho Conservation League's Engagement and Support of The Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act

No other conservation organization in the state of Idaho has worked as closely or as long to get the Boulder-White Clouds protected as the Idaho Conservation League. For decades—since our founding 42 years ago—the Idaho Conservation League has supported wilderness protection for this area. We have worked closely with Rep. Mike Simpson for 12 years to advance his compromise bills in Congress. Over many years, his efforts have been blocked by the left and later by the right, and, remarkably, he keeps leaning into it, looking for the rarest of paths in Congress: the center.

This will mark the third time I've testified in front of Congress for this bill; once in 2005, once in 2010, and now I am here before Congress again. We've come close in the past, but close is not enough to protect this nationally unique and incredibly special area. While the Idaho Conservation League stands in support of this bill we have earned a measure of skepticism that Congress can really get this job done. We hope to be proven wrong.

This bill is not perfect; the Idaho Conservation League would have written it very differently. We've seen the wilderness area get smaller each time compromises were made and this is

disappointing. We are concerned that the lands surrounding one of primary rivers leading up into the Boulder-White Clouds, the East Fork of the Salmon River, have been cut from this proposal. We are disheartened that much of the land that the Bureau of Land Management has for many years managed as wilderness study areas will be released.

We have time and time again, weighed in on the failure of many U.S. Forest Service managers to not manage agency recommended wilderness as such. Despite both recommendations from agencies and Congress, many of these managers have chosen to continue to let motorized use grow and become entrenched in the agency's recommended wilderness, which ultimately resulted in the reduction of thousands of acres of land being removed in this bill from wilderness designation.

The Idaho Conservation League is a supporter and strong believer that the Boulder-White Clouds can wait no longer for the protections they deserve. Too much time has passed already. We are looking at all means to secure protection. We believe the most effective way to manage this critical area is as a whole, across the landscape, rather than in pieces.

But we do not fault the delegation for the compromises made. Instead we applaud the dedicated effort to protect this world-class place and we commend the leadership demonstrated to get this done.

This bill before Congress today is the culmination of fourteen years of work by Rep. Mike Simpson to reach a common-sense collaborative solution. Rep. Simpson has spent years working to build bridges, going out and meeting with communities, with landowners, and interest groups. He has worked long and hard to incorporate the needs and interests of the people who live, work, and play in the affected landscape. The components of this bill are based on good faith negotiations concluded with handshakes, all values and actions we see too little of today.

Most importantly, the bill before Congress today gives much of the Boulder-White Clouds area the wilderness protection it deserves and that is a great thing. If this legislation is enacted, which we believe it should be, it would bring closure to the 40+ year Boulder-White Clouds conservation effort in Idaho and honor not only the land itself but also the prominent Idaho leaders from both political parties that have dedicated themselves to the protection of this incredible area. Over the past 40 years, champions of the Boulder-White Clouds have included former Governor of Idaho and Former Secretary of the Department of Interior Cecil D. Andrus (D), Former Idaho U.S. Senator and past Chairman of this committee, James McClure (R), Former U.S Senator and conservation advocate Frank Church (D), and long-time wilderness advocate and local grass-roots leader Bethine Church (D).

Specifics on S. 583; The Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act

Wilderness Designation
The Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act (S.583) would designate 275,665 acres as wilderness. This designation would protect critical alpine areas, including nearly 150 peaks over 10,000 feet in elevation. It would also provide protections for much of the areas' spawning beds for salmon, habitat for wildlife, and backcountry recreational experiences for generations of Americans to come.

A total of 153,883 acres of recommended wilderness and wilderness study areas (WSA) would be released to multiple use management. Under previous legislation (Central Idaho Economic Development and Recreation Act or CIEDRA), a total of 332,928 acres would have been designated as wilderness with approximately 131,500 acres of recommended wilderness and wilderness study areas (WSA) being released to multiple use.

The Idaho Conservation League believes that many of these eligible yet not included areas exemplify extraordinary wilderness character and the exclusion of these areas is disheartening for us to see. Many of these areas that were not proposed for wilderness were the result of extraordinary measures taken to provide access for motorized recreation in recommended wilderness.

Grazing
It is a common misconception that the Wilderness Act of 1964 prohibits grazing operations in the wilderness. As this Committee is fully aware, established grazing operations are permitted within designated wilderness areas. The Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act (S.583) is consistent with the Wilderness Act by allowing existing grazing operations to continue within the wilderness boundary. Rep. Mike Simpson has worked very hard to ensure impacted landowners and grazing permitees are aware that grazing would continue under wilderness designation.

S.583 also provides a mechanism for willing ranchers to retire their grazing leases and permits and receive fair compensation for the termination of their grazing rights. When a rancher chooses to voluntarily retire their grazing rights, fair compensation will be paid by private funding sources already lined up. This important provision has no negative fiscal impact on the federal budget and ensures that the quality of rangelands, wildlife habitat, and streamside areas in the Boulder-White Clouds only improve over time. The Idaho Conservation League supports this mechanism and feels that this will be a critical element to preserving the long-term ecological integrity of the area while also protecting the heritage and life-style that ranching represents to the west.

Outfitting and Guiding
S. 583 allows for outfitting and guiding operations within the proposed wilderness areas when such ventures lead to and support the realization of the values of wilderness protection.

State Jurisdiction over Fish and Wildlife
S. 583 does not affect the State of Idaho's jurisdiction over the management of fish and game species within the wilderness areas. The Idaho Department of Fish and Game will continue to regulate hunting and fishing activities within and outside the wilderness areas designated by S. 583.

When the Idaho Department of Fish and Game believes that it is necessary to take active steps to manage or monitor populations of fish and game species within the wilderness areas designated by S. 583, the Department will have authority to do so as it always has.

The preservation of 275,665 acres as wilderness will also benefit hunters and anglers by protecting important habitat for deer, elk, pronghorn, mountain goat, bear, salmon, steelhead, trout and numerous other species. This designation will provide a lasting benefit for many fish and game

species by enhancing and protecting their habitat. The result is a legacy for generations of sportsmen to come.

Motorized Recreation
This group is an important constituency and was consulted by Rep. Mike Simpson in the crafting of this bill. While concessions given to the motorized community in previous bills resulted in a minimal closure to motorized trails, this constituent group remained opposed to Simpson's efforts.

To further address the motorized community, approximately 57,263 acres have been subtracted from the legislation. The result is no closures of motorized routes under this legislation. Additionally, the 153,883 acres of recommended wilderness and wilderness study areas (WSA) will be released to multiple uses and this poses the potential to open up more land to motorized use in the future.

Snowmobiles
Snowmobile use is a growing recreational activity in this area. Substantial concessions have been made over the years to facilitate continued winter snowmobile use in the Boulder-White Clouds. The following recommended wilderness areas have been excluded from wilderness designation to ensure continued access for snowmobiles. These areas include:

- Forth of July Basin
- Washington Basin
- Champion Lakes
- North Fork of the Big Lost River

Some wilderness acreage has been added back to the North Fork Big Wood drainage. The Idaho Conservation League supports this addition. While recommended for wilderness, previous versions of the bill excluded the drainage because of a local agreement reached between snowmobilers and backcountry skiers in 2001 that resolved recreational conflicts in the backcountry areas surrounding Sun Valley. It is our understanding that local snowmobile were consulted about this North Fork Big Wood Drainage and a new agreement was made that this area would be swapped out for a different area that had historically been included in the Wilderness bill, the North Fork of the Big Lost River region.

Motorized off-road vehicles
The wilderness boundaries created in S.583 exclude all motorized trails in the Boulder-White Clouds. Previous versions of this legislation had unprecedented provisions that created "cherry stems" within the wilderness corridor, where dirt bikers would have been able to ride with wilderness surrounding them on both sides of the trail. The areas were these cherry stems existed have been cut out of the wilderness proposal. The roads and trails within the Boulder-White Clouds that are excluded from the wilderness areas in order to maintain access include:

- Frog Lake Loop Trail 047 & 686
- Germania Trail 111
- Grand Prize Trail 112
- Washington Basin Road 197
- Washington Lake Trail 109 to Washington Lake

- Forth of July Road 209 to the Phyllis Lake turnoff
- Phyllis Lake Road
- Pole Creek Road 197
- Fisher Creek Road 132
- Williams Creek Trails 104 & 332
- North Fork of the Big Lost River Road 146
- Casino Lakes Trails 103, 232, 616, & 646
- Rough Creek Trails 617 & 647
- Railroad Ridge Area Roads 667, 669, & 670
- French Creek Trail 675
- Big Lake Creek Trail 678
- Germania Creek- Bowery Cutoff Trail 114
- Livingston Mill Road 667
- East Fork Road 12o to Bowery Guard Station
- West Pass Creek Road 063 to section 10
- Big Fall Creek Road 168
- Little Fall Creek Road 502
- Park Creek Road 140
- Herd Creek Road to Herd Lake
- Road Creek Road

This list of concessions for motorized recreation paints a pretty clear picture. Every motorized recreation opportunity that exists today (including where the use is occurring in recommended wilderness) will remain intact under the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act.

If this bill does not pass Congress, the fate of 589,750 acres of roadless land, recommended wilderness and wilderness study areas will remain undecided. Determinations on whether or not to allow motorized use in these areas will continue to be left to the discretion of the land managers charged with preserving the wilderness character. We strongly encourage Congress to not to wait any longer. The Boulder-White Clouds need protection now.

Mechanized vehicles
Wilderness designation under the Wilderness Act of 1964 is the gold standard for conservation in the United States. The Idaho Conservation League is among other things a wilderness advocacy group and we stand by the Wilderness Act. We strongly believe that the Boulder-White Clouds is one such place that is absolutely deserving of the gold standard protection. As this committee is fully aware, the Wilderness Act of 1964 precludes both motorized and mechanized travel.

S. 583 boundaries for wilderness designation include compromises to accommodate mechanized use in the Boulder-White Clouds on important and prized trails. This bill does, however, close some infrequently used trails in the Boulder-White Clouds to bikes. One of these trails, Castle Divide, runs through the heart of the proposed White Cloud Wilderness. The Idaho Conservation league does not support the loss of wilderness acreage nor "cherry stemming" through the heart of this wilderness area in order to make future accommodations under wilderness designation.

The Idaho Conservation League has worked closely with the mechanized recreation community on protection efforts for the Boulder-White Clouds. Together our groups believe that the preservation of the wilderness character and ecological values along with human-powered recreation is important to the long-term protection and management of this spectacular landscape.

Economic Development
The Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act authorizes small conveyances of federal lands to Custer and Blaine Counties and affected towns for public purposes, including such uses as public parks, a rod and gun club, cemetery, waste water transfer station, fire station, workforce housing, and a school bus turn around.

This bill also facilitates economic assistance to ranchers in the East Fork region of the Boulder-White Clouds who have seen grazing allotments reduced in recent years. Under the legislation, the Forest Service and BLM are authorized to accept and permanently retire grazing permits voluntarily donated by ranchers. Arrangements have been made through a private foundation to provide fair compensation, up to $3 million.

Previous versions of this bill known as the Central Idaho Economic Development and Recreation Act (CIEDRA) appropriated a total of $6 million to Custer County for a community center and health clinic. The majority of this money has already been received.

Conclusion

After this discussion about the importance of this place, the long conservation and legislative history, the most important thing is to go back to the place. Central Idaho's Boulder-White Clouds have for generations provided jaw-dropping scenery, remote backcountry recreational opportunities, and memories to many that last a lifetime. To the east, the high tundra slopes of Jerry Peak are refuge to herds of big game animals. To the west, rare and elusive species such as wolverine and lynx hide in the high alpine sanctuary. In between these two 10,000 foot regions dips the low elevation river bottom, the East Fork of the Salmon River, creating a critical connection of habitat where animals can migrate between their winter and summer territory.

Throughout this large and diverse area, visitors can find quiet moments surrounded in scenic grandeur that will last with them forever. It is time to provide lasting protection for this Idaho gem.

I have personally been traveled in the Boulder-White Clouds and surrounding landscape for decades. I was part of the very first group to traverse the White Clouds on skis. I have caught fish in the lakes and streams; mended blistered feet formed from walking miles on remote trails; climbed 10,000-foot peaks; and swam in the cool alpine lakes. Around campfires and around congressional hearing tables in Washington I've been talking about finally getting this area protected for a very long time. My work has merely been carrying the same torch of those who have worked to protect Castle Peak and the Boulder-White Clouds for so long and for so many years. Until that torch is carried across the finish line, our work is not done.

These are national lands, public lands, held in trust by the federal government. While many of us who live in Idaho think of these lands as our own, the fact is they belong to all Americans for now

and for generations to come. While we are far from the ramparts of Castle Peak today, where we are is totally appropriate, for it Congress that can provide this incredible landscape the protection it deserves.

This bill is the product of more than a decade of collaborative discussions and negotiations. It is the product of bridge building. It is far past the time to cross that bridge and get this done. The Idaho Conservation League stands in support of this legislation and whole-heartedly encourages Congress to move it forward so it can be signed into law.

I'd like to offer my thanks to Sen. Jim Risch and Rep. Mike Simpson for stepping up and carrying the torch for the Boulder-White Clouds.

Thank you for the opportunity to be here today.

Attachments:

- Rep. Mike Simpson's Statement on Mountain Bikes
- Endorser list from an earlier version of Simpson's bill

Idaho Conservation League testimony
US Senate Committee on Energy and Natural Resources

March 9, 2015
Representative Mike Simpson Statement on Mountain Bikes **±as Related to SNRA**

I have recently introduced legislation that will create three new wilderness areas in the majestic Boulder-White Clouds and Jerry Peak areas. Under this proposal we will have wilderness from the doorstep of Ketchum (Hemingway-Boulders Wilderness), northward towards Stanley (White Clouds Wilderness), and across to the East Fork of the Salmon and beyond (Jim McClure-Jerry Peak Wilderness). These wilderness areas alone would encompass over 430 square miles of some of Idaho's most majestic peaks, valleys, lakes and streams. They embrace Idaho treasures that would remain in perpetual solitude for future generations to hike, climb, explore, fish and hunt in a manner that will not be disturbed by manmade activities.

My bill will also ensure that traditional recreational users such as snowmobilers, hunters, motorbikers, backpackers, day hikers, mountain bikers, heliskiers, outfitters, campers and others will be able to continue the recreational activities they have come to love and enjoy in the backcountry areas of the Sawtooth National Recreation Area (SNRA). These diverse and historic recreational users are an important part of the SNRA and contribute significantly to the local economies of Stanley, Ketchum, and Challis.

Recently, I have heard concerns from some mountain biking advocates that my legislation will impact tourism and business in Idaho. It goes without saying that mountain biking is an important activity in the Boulder-White Clouds area. Mountain bikers significantly use and enjoy this area, and at the same time are strong supporters of local businesses.

The views and opinions of mountain bikers have been very important to me since I began work on CIEDRA over a decade ago. At that time, mountain bike advocates made it clear to me that the Fisher-Williams Loop was a prized trail and mountain biking experience; and I agreed it should not be wilderness or closed to mountain bikes.

While I am not a mountain biker, I have been told by members of the mountain bike community that my bill will continue to provide a wide variety of back country experiences for mountain bikers, from beginner to advanced-expert, on some of the most rugged and scenic high elevation trails in the United States.

For those advanced-expert mountain bikers, we leave open the epic Bowery Loop to the East Fork (Germania Creek Trail and Grand Prize/West Fork of East Fork Trails). This allows for loop access from Smiley Creek to the East Fork of the Salmon River and back – described as "abusive" in a mountain biking guidebook. This grueling 30 mile loop lies between the proposed White Clouds and Hemingway Boulders Wildernesses.

Additionally, the difficult Garland Lakes/Martin Creek Trail to Warm Springs Meadow, and Rough Creek and Lookout Mountain trails will remain open. Riders will see incredible scenery as they head up the Big and Little Casino Creek Trails, as well as the Boundary Creek, Gladiator Creek and Galena Gulch Trails.

Mountain bikers who want to access the solitude of high mountain lakes can ride the Frog Lake Loop to remote Frog Lake and the Fourth of July Trail to Fourth of July Lake and Washington Lake. For a one of a kind ride, Railroad Ridge will remain open to mountain bikes. There is no place on earth like Railroad Ridge for views, scenery, fauna, geology and tranquility.

For those who are concerned about losing access to backcountry trails, backcountry is a term that refers to land that is isolated, undeveloped, remote and difficult to access. All of the trails I have mentioned are certainly backcountry trails.

When completed, the Galena Lodge mountain bike trail network will provide 54 miles of non-motorized trails that will offer opportunities for families and those of all skill levels.
Sun Valley residents and recreational tourists will continue to have an abundance of mountain biking opportunities in and around the local area in the Pioneers and Smoky Mountains including Adams Gulch, Fox Creek, Chocolate Gulch, Oregon Gulch, Warm Springs Ridge, and Bear-Parker Gulch.

These are just a few of the many trails left open to mountain biking in the Boulder-White Clouds and Ketchum area. I firmly believe that some mountain bike advocates are undervaluing these incredible mountain biking experiences and opportunities.

I agree with mountain biking advocates when they tell me that having Ants Basin and Castle Divide trails in wilderness will be a loss of two very unique and incredible back country rides. I also agree with wilderness advocates when they tell me that this is the very reason why mountain bikes should not be allowed. The crux of the issue is that these trails are in the core of the proposed wilderness and have some, if not the most, scenic, undisturbed, and outstanding wilderness characteristics one can find.

While I am not certain that mountain bikes should be banned in all wilderness areas, the fact is they are. I cannot change that. Unfortunately, my bill seems to have become a proxy for a larger debate between mountain bike advocates and wilderness advocates on whether mountain bikes (or mountain bike corridors) should be allowed in wilderness areas. That needs to be resolved at a national level and not through area-specific legislation.

For those who are intent on leaving biking corridors open through the White Clouds and Hemingway-Boulders wildernesses, they do so knowing that the result will be the loss of 430 square miles of wilderness, and the ultimate protection that wilderness provides. They know that we would lose a plan that all recreational users can and should be able to live with. They know that acrimonious divisions over the management, implementation, and uses in the national monument will continue for some time.

Allowing corridors in the three proposed wilderness areas is non-negotiable, and the three wilderness areas in my bill will each remain undivided and without corridors. I am certain that anything less will result in a monument.

In regards to mountain bikers and their impact on the local and state economy, mountain biking advocates have told me that while they agree the Boulder-White Clouds deserve

protection, if "critical adjustments" to my legislation are not made, then my bill "will gravely impact the tourism and business economy of rural Idaho and the state as a whole."

I think this idea goes too far. I do not believe that if Ants Basin and Castle Divide trails are closed that no one will come to Ketchum or Stanley to mountain bike on the Fisher-Williams Loop, Frog Lake Loop, the epic Bowery Loop or all of the other remaining trails and loops that remain open. I firmly believe that there will continue to be significant riding opportunities to support a recreation economy based on mountain biking tourism.

I also believe that a national monument designation has the potential to disrupt all forms of recreation in the Boulder White Clouds or create a priority ranking where one form of recreation could be placed above or below others. My bill will ensure that mountain bikers and all traditional recreational users, both motorized and non-motorized, will be able to continue the recreational activities they have come to love and enjoy in the backcountry areas of the Sawtooth National Recreation Area (SNRA).

Thank you for taking the time to read my views on the mountain biking issue. I would be interested in your thoughts or comments if you would like to provide them to me. Please email me with the subject line "Mountain Bikes" to: **Simpson.SNRA@mail.house.gov**

Sincerely,
Mike Simpson

The following organizations and individuals support all and/or part of the Central Idaho Economic Development and Recreation Act (H.R. 163).

Association of Western Pulp and Paper Workers
Blaine County
Boulder-White Clouds Council
City of Bellevue
City of Sun Valley
City Council of the City of Hailey
City Council of the City of Ketchum
City Council of the City of Stanley
Campaign for America's Wilderness
Chaco
Cooperative Wilderness Handicapped Outdoor Group
Custer County
Idaho AFL-CIO
Idaho Conservation League
Izaak Walton League of America
Living Independent Network Corporation
National Public Lands Grazing Campaign
National Wildlife Federation
Outdoor Industry Association
Pulp and Paper Workers Resources Council
The Wilderness Society
Sun Valley Adaptive Sports
Sawtooth Society
Sun Valley/Ketchum Chamber & Visitors Bureau
Trout Unlimited
United Steel Workers Local 712 and 608
Winter Wildlands Alliance

Cecil Andrus (D-ID), former Governor of Idaho and Former Secretary of the Department of Interior.

Bethine Church, former president of the Sawtooth Society and wife of the late Senator Frank Church (D-ID).

More than 7,000 Idahoans have written in support of Congressman Simpson's efforts.

More than 150 Idaho businesses support Congressman Simpson's efforts to protect the Boulder-White Clouds area as wilderness.

Senator BARRASSO. Thank you, Mr. Johnson.

Ms. Stevenson?

STATEMENT OF BRETT STEVENSON, BOARD OF DIRECTORS, WOOD RIVER BICYCLE COALITION

Ms. STEVENSON. Thank you, Chairman Barrasso and distinguished members of the Committee for the opportunity to weigh in on S. 583. It is an honor and privilege to provide local perspective on issues that are critical to our quality of life and local economy.

My name is Brett Stevenson, and I am a native of Idaho. My parents left their careers in San Francisco before I was born in search of something new, fresh and wholesome. They discovered the Wood River Valley.

They bought land and started farming. We have become MillerCoors' Showcase Barley Farm, a distinction earned by, among other things, making irrigation adjustments to save over 150,000,000 gallons of water annually and consistently growing excellent barley.

After school I returned home to be a land-use planner for Blaine County. Five years later I went to work with Rick Johnson at the Idaho Conservation League. In 2012, I left ICL to help on the family ranch where it's all hands on deck to try to improve water management in our depleted basin.

Connections to the land and the community are what make the Wood River Valley more than just where we live. It's where we thrive.

Today I'm speaking on behalf of the Wood River Bicycle Coalition, a chapter of the International Mountain Bicycling Association (IMBA). We applaud Senator Risch and Congressman Simpson for their work on this issue, so it is with some disappointment that we find ourselves in opposition to this proposed legislation.

The Bike Coalition and IMBA support enhanced protection of the Boulder-White Clouds and Jerry Peak areas; however, in this case we do not believe that wilderness is the most appropriate solution. The Boulder-White Clouds play a critical role between the Sun Valley Resort and the Sawtooth Frank Church River of No Return Wilderness Areas. It completes the full spectrum of the areas draw attracting recreationalists of all kinds which is critical to our tourism-based economy.

Biking contributed $33,000,000 to our local economy in a single season. Closing these marquee trails to biking closes a crucial marketing element to the local economy. Our local businesses support protection coupled with continued bicycle access.

Many Americans live in urban settings with limited outdoor recreational experiences, yet we're all aware of the transformative and beneficial effects of adventures in the natural, rugged environments. These experiences provide rejuvenation, inspiration and perspective. In short, they make us better people.

The trend away from active recreation is concerning; however, one bright spot is bikes. The Outdoor Industry Association reports bicycling is the top outdoor activity for youth.

The growth in the National Interscholastic Cycling Association, including the brand new Idaho league, demonstrates this trend in youth involvement. Backcountry rides like Ants Basin and Castle

Divide develop determination, confidence, and ultimately an appreciation for the natural world and our place in it. These aspirational experiences are invaluable and irreplaceable and should be encouraged not taken away.

Select mountain biking trails in the Boulder-White Clouds and Jerry Peak area are vastly unique from front country or urban biking experiences. Riding here is the only big backcountry opportunity for mountain bikers in the entire region. It is truly like nothing else.

We appreciate the permitive use only experiences in the nearby Sawtooth and Frank Church Wilderness Areas. Trail impact from horses, pack trains and backpackers are similar to, and can even be greater than, those of bicyclists. So while this bill has accommodated motorized vehicles, Heli-skiing and snowmobiles, no consideration has been given to the continued use of marquee trails that our community cares so deeply about.

A wilderness designation eliminates the only backcountry bike experience in the area and it also tells bikers and local businesses the Idaho Delegation does not consider bicycle experience and their contribution to the local economy worth protecting.

This bill does not feel like an Idaho solution. It is not reflective of what our community wants. For the most part, we want this special place to stay just how it is today.

In order to achieve that, some level of added protection or designation may be necessary but it should be a designation that preserves the ecological value and the recreational value, particularly when the two are not mutually exclusive.

The Wilderness Act is a good tool for the protection of landscape, habitat and natural splendor; however, it is one tool in the legislative tool box. In this case we must ask ourselves what is the objective of a new designation, and is this bill achieving those goals or is it simply a feather in someone's hat?

Solutions can be crafted using existing policy. Using a one-size-fits-all approach at the cost of valued, low-impact, recreational opportunities is a disservice to our community and future generations.

The Wood River Bike Coalition and IMBA welcome the opportunity to join with other stakeholders and the Idaho Delegation to protect these treasured landscapes and the recreational experiences they provide. We ask the Committee to send this bill back to the delegation for further discussion and collaboration.

Thank you.

[The prepared statement of Ms. Stevenson follows:]

Testimony of Brett Stevenson,

Wood River Bicycle Coalition,

a Chapter of the International Mountain Bicycling Association

Before the U.S. Senate Committee on Energy and Natural Resources

Subcommittee on Public Lands, Forests, and Mining

Legislative Hearing on the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act S.583.

Thank you Chairman Murkowski, Ranking Member Cantwell, and distinguished members of the Committee. I appreciate the opportunity to weigh in on this important bill effecting the management of our public lands. It is an honor and a privilege to provide a local perspective on issues that are so critical to our quality of life and the outdoor recreation economy, nationally and locally.

My name is Brett Stevenson and I am a native of Idaho. My parents left their careers in San Francisco before I was born in search of something new, wholesome, and fresh. They discovered the Wood River Valley and something resonated. The rural authenticity, infinite amount of mountain adventure and wealth of recreational opportunities, and rugged, beautiful landscape of Idaho was where they wanted to spend their life lives and raise their children.

They bought land and started farming. For over forty years now my family has been growing barley for Coors Brewing Company and in that time, we've gotten pretty good. We have become MillerCoors' Showcase Barley Farm. A distinction earned by making irrigation adjustments to save over 150 million gallons of water annually, improving riparian habitat, fostering pollinators and consistently growing excellent barley.

My parents chose our home deliberately, one of many choices they made that helped define the type of person I would become. In choosing my career I focused on environmental studies so that I could contribute to and continue the lifestyle we grew up with. After completing my studies I returned home to be a land use planner for Blaine County. After five years working for the County, I went to work with Rick Johnson at Idaho Conservation League. ICL is Idaho's voice for conservation and is effective at protecting Idaho's clean air, water, and quality of life. After much consideration, I left ICL to help on the family ranch where it's all hands on deck to try to improve water management in our depleted basin. The connections to the land, the community, and landscape are what make the Wood River Valley more than the place we live; it is where we thrive.

The Wood River Bicycle Coalition, a Chapter of the International Mountain Bicycling Association, works to promote sustainable trails, responsible biking, and improve riding opportunities for all ages and abilities. Through partnerships and advocacy on local, regional, and national levels, the Wood River Bike Coalition works to enhance bike-

friendliness. We contributed 700 volunteer hours to restore wildfire damaged trails last spring; helped pass a levy to generate $3 million to restore our community bike path; and were awarded the distinction of "Bike Friendly Community" by League of American Bicyclist.

The International Mountain Bicycling Association (IMBA) leads the national and worldwide mountain bicycling communities through a network of 80,000 individual supporters, 180 chapters and 340 affiliate clubs, and 600 dealer members. IMBA teaches sustainable trail building techniques and has become a leader in trail design, construction, and maintenance. The organization also encourages responsible riding, volunteer trail work, and cooperation among trail user groups and land managers. Each year, IMBA members and affiliated clubs conduct more than 750,000 hours of volunteer trail stewardship on America's public lands and are some of the best assistants to federal, state, and local land managers.

We applaud Senator Risch and Congressman Simpson for their continued work on this issue, so it is with some disappointment that we find ourselves in opposition to this proposed legislation. The Wood River Bike Coalition and the International Mountain Bicycling Association support the enhanced protection and recognition of both the Boulder-White Clouds and Jerry Peak area. In fact, we support enhanced protection for even more of this amazing landscape than what this bill would create. However, we do not believe Wilderness, as used in this bill, is the most appropriate solution. These landscapes do possess incredible Wilderness characteristics, but they are also home to some of the most exceptional mountain bicycling experiences found anywhere in the world, which is an exceedingly rare combination. We would support any protective measure that embraces the existing recreational experiences, including mountain bicycling, and the character of the Boulder-White Clouds and Jerry Peak area.

The Wood River Valley Has a Broad Spectrum of Recreational Experiences

From the luxury resort accommodations of Sun Valley to the nearby primitive Sawtooth Wilderness and Frank Church River of No Return Wilderness the Wood River Valley has an outdoor experience for everyone. The Boulder-White Clouds and Jerry Peak areas play a very critical role between these two ends of the spectrum. These areas are open to diverse yet sustainable backcountry biking trails and other recreational uses. Opportunities for the full range of recreation builds an area's draw and attracts recreationalists of all kinds and abilities, which is critical to a tourism based economy like we have in the Wood River Valley.

A Healthy Recreation Economy Requires A Full Spectrum of Experiences

For reference the national outdoor recreation economy generates $646 billion in consumer spending. 81% or $525 billion of that comes from trips and travel related expenditures.[1] Outdoor recreation in Idaho produces $6.3 billion in consumer spending, directly supports

[1] Outdoor Industry Association – Outdoor Recreation Economy Report 2012

77 thousand jobs, and generates $461 million in state and local tax revenue.[2] Getting even more local, biking contributed $33 million to the Wood River Valley's economy in a single season.[3] User surveys indicate that there were over 700,000 user days on the trails.[4] For reference the Sun Valley Ski Resort's annual skier days are generally about half that amount. The trails that are subject to closure in this bill are not the only, nor the most frequently used trails in the valley, but they are the marquee trails that inspire visitors, stoke the fires of the adventurous, and draw them in. Without these superlative backcountry experiences beckoning to mountain bikers, a crucial element in the local economy will be missing.

Businesses know the value that bicyclists accessing these trails brings to their bottom line. Attached as Exhibit A is a letter circulated and signed by 124 business, 60 of which are local to the Wood River Valley, supporting a solution that protects both the character and quality of the landscape and the recreational experiences, including mountain bicycling.
To those ends IMBA, The Wood River Bicycle Coalition, The Idaho Conservation League, and The Wilderness Society created a historical agreement, attached as Exhibit B, to pursue designation of these areas as a National Monument while retaining access to all the trails open today. Rather than stopping at mutually supporting the proclamation or designation we have gone further and crafted management principles that we feel should be embraced in order to preserve the character and the access experiences found in the Boulder-White Clouds and Jerry Peak area. Some of those principles include prohibiting off trail travel, future trail expansion, and managing the heart of the area in a manner consistent with preservation of the wild character. Moreover, the agreement advocated a monitoring system be established to ensure that use levels do not cause negative effects beyond an acceptable threshold. It is this type of modern pragmatism that we support that is sorely lacking from this proposed legislation. This unprecedented depth of collaboration reflects a true community driven solution that protects and enhances the value and character of these special lands. This bill does not reflect that collaborative spirit of our community.

Bicycles are Key to Engaging Youth

The space between Wilderness and Multiple Use Management, that includes bicycle access, is more important today than it ever has been. Not just for current bicyclists but for the future of American well being. Americans often live and work in highly developed urban settings and have little to no wild lands experiences. Yet we are familiar with the transformative effect of ventures into a natural, rugged environment. These experiences form vital connections to earth, the particular place, and the people we experience them with. Having these experiences makes American's better people, we need more of them and more people to engage in them. The trends away from these experiences, and all active recreation, are something we should all be concerned about. However, one of the bright spots is bicycles. According to the Outdoor Industry Association, bicycling is the number

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[2] Id.
[3] Economic Report from Sun Valley Economic Development, 2012
[4] Trail Count Study from Blaine County Recreation Department, 2012

one outdoor activity for youth from ages 6 to 17, for young adults 18 to 24 it is third.[5] The meteoric growth of the National Interscholastic Cycling Association, including the newly formed Idaho League, which is set to have its inaugural race season this fall, demonstrates the appetite for young people to engage in active recreation that they can take with them for a lifetime. Backcountry mountain biking opportunities like Ants Basin, Castle Divide, Bowery, and West Pass shape these young people and develop connections to the land and the people they go with. The experiences found on these trails develop character traits like determination, confidence, appreciation for the natural world, and perspective of our place in it. These experiences are invaluable and irreplaceable.

Not All Trails Are Equal

The mountain biking experiences in The Boulder-White Clouds and Jerry Peak area are vastly different than other mountain biking experiences found in the frontcountry or developed sites in the Valley. The backcountry setting offers mountain bikers an opportunity to experience solitude, self reliance, and untamed landscapes. Hikers and equestrian recreationalists can find primitive use only experiences in the Sawtooth Wilderness immediately to the West or just to the north in the vast Frank Church River of No Return Wilderness.[6] The Boulder-White Clouds is the only opportunity for mountain bikers to have a big, backcountry experience in the entire region.

The proposed Wilderness designation in S.583 would change very little about the real management of these areas other than taking away current access for bicycle enthusiasts. There is little if any threat of destructive use because of the high alpine environment, steep slopes, and existing legislative limitations put in place when the area was included in the Sawtooth National Recreation Area. Existing mountain biking has not caused any form of environmental degradation.–Without adverse effects there are no justifiable reasons to designate it as Wilderness, and exclude bicycles, for the sake of having more Wilderness experiences. As pointed out earlier, the Sawtooth Wilderness and Frank Church River of No Return Wildernesses provide ample opportunity for a superlative Wilderness experience in the area. To designate this area as Wilderness eliminates the only backcountry bike experience in the area and tells mountain bicyclists and local businesses that the Idaho delegation does not consider bicycle experiences to be worth protecting. This sentiment is further amplified by the fact that multiple accommodations were made for Idahoans who enjoy recreating on motorized vehicles and over-snow vehicles but those who choose a bicycle will not be accommodated.

Conclusion

The Wilderness Act is a good tool for the protection of threatened landscapes, habitat, and natural splendor. However, it is a single tool in the legislative toolbox. There are many solutions that can be crafted using existing policy. The commands of these non-Wilderness

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[5] 2014 Outdoor Industry Foundation Participation Report (http://www.outdoorfoundation.org/pdf/ResearchParticipation2014.pdf)

[6] A map showing the proximity of these areas is attached as Exhibit C

legislative designations vary from detailed management prescriptions to slightly more directed versions of multiple use. While the majority of these designations include recreation as a purpose in their enabling legislation, relatively few are specifically targeted at protecting and enhancing outdoor recreation opportunities. Managing these places to preserve and enhance the recreation experience provides substantial benefits for local residents and makes crucial contributions to local economies. They are an invaluable component of the outdoor recreation landscape, yet they remain substantially underrepresented with regard to protection and management for the unique benefits they provide.

IMBA and the Wood River Bicycle Coalition would welcome the opportunity to join with other stakeholders and the Idaho delegation to protect these treasured landscapes, the wildlife habitat, and the recreation experiences they provide. We ask this committee to send S. 583 back to the delegation for further discussion and collaborative efforts.

Exhibit A-1

The Honorable James Risch
483 Russell Senate Office Building
Washington, DC 20510

Dear Senator James Risch,

The Wood River Bicycle Coalition and the undersigned members of Idaho's tourism, bicycle, and general organization and business community, write to you today, respectfully requesting critical amendments to the Boulder-White Clouds legislative proposal in central Idaho also known as SNRA+ (formerly CIERDA). Amendments should be made prior to introduction of the bill in order to maintain bicycle access to existing and appropriate trails in this important landscape. The attached map with explanation should help guide changes needed to reach an agreeable solution.

Diverse recreational access to public lands like the Boulder-White Cloud mountains has supported and encouraged economic development in the form of businesses, tourism and quality-of-life recruits to rural Idaho. Providing a broad range of recreation experiences is one major attraction that drives people to enjoy these lands after work, on the weekends, and plan and dream about visiting for years to come.

In the 21st century, many professionals can live in a rural economy of their choosing. Businesses and entrepreneurs are increasingly choosing places like Blaine and Custer County that have invested in a wide range of recreation assets on nearby public lands. Investments in quality of life attributes, like access to public lands for a variety of recreational activities such as mountain biking, are becoming more and more important to creating a viable and inviting environment for economic development and individuals seeking an advanced quality of life. If congress closes these marquee bike trails with this legislation, our communities will pose a distinct disadvantage in the eyes of the business owners and entrepreneurs who will provide tomorrow's jobs.

Many of Idaho's rural counties, including Custer and Blaine, rely on diverse tourism as key economic resources for the community. Custer County is already home to some of the most spectacular and significant Wilderness areas, the Frank Church River of No Return and the Sawtooth, both of which provide ample world-class hiking and equestrian opportunities where cycling is prohibited. The Boulder-White Clouds is a picturesque landscape that currently hosts the regions most valued and iconic mountain bike and multi-use trails. They are a national draw for tourists and locals alike. A healthy recreation economy relies on a range of available experiences, including Wilderness, motorized play areas and trails, and backcountry mountain biking.

Idaho needs land access and conservation solutions that make us a competitive year round destination. Mountain biking is a robust economic driver that is contributing to the sustainability and profitability of our communities. As destination mountain bicycling continues to grow, we will be competing against other western destinations that are consciously working to provide a broad mix of quality recreation experiences. Without the iconic backcountry rides such as Castle Divide and Ants Basin we will lose a competitive edge.

Exhibit A-2

We believe it is in the best interest for the state of Idaho to promote use of our incredible mountain biking opportunities and not close them. We ask that you work with our community and mountain bicycling enthusiasts to rectify these troubling aspects of the draft bill as soon as possible.

We think it would be a mistake to severely limit cycling opportunities through this legislation and our request to you is your continued support of public land access. A solution can be achieved that represents local desires, creates appropriate Wilderness and allows for continued bike access through thoughtful adjustments.

Please help us achieve a local solution we can all support.

Most sincerely,

Brett Stevenson, Executive Director
Wood River Bicycle Coalition
P.O. Box 3001 Hailey, ID 83333
208.720.8336
wrbc.brett@gmail.com

Mike Van Abel, Executive Director
International Mountain Bicycling Association
PO Box 20280 Boulder, CO 80308
303.545.9011
mike.vanabel@imba.com

cc: Senator Mike Crapo, Representative Mike Simpson, Representative Raul Labrador

Exhibit A-3

Idaho Businesses

Smith Optics
Ketchum, Idaho

Sturtevants
Ketchum, Idaho

John Reuter Greenworks, LLC
Ketchum, Idaho

Alpinfoto
Ketchum, Idaho

The Elephant's Perch
Ketchum, Idaho

Gather Yoga
Ketchum, Idaho

Cox Communications
Ketchum, Idaho

Big Life Magazine
Ketchum, Idaho

First Lite
Ketchum, Idaho

Dauenhauer Manuf. Co.
Ketchum, Idaho

King Electrical
Ketchum, Idaho

Adventure Dolomiti
Ketchum, Idaho

Door 2 Door Ski & Snowboard Rental Delivery
Ketchum, Idaho

New West Insurance
Ketchum, Idaho

Provisualization, Inc.
Ketchum, Idaho

4 Points, LLC
Ketchum, Idaho

Club Ride
Ketchum, Idaho

YMCA-Wood River
Ketchum, Idaho

Vertical Electric
Ketchum, Idaho

PK's Ski and Sport
Ketchum, Idaho

Thomas & Johnston, Chtd.
Ketchum, Idaho

Sawtooth Brewery
Ketchum, Idaho

Lizzy's Fresh Coffee
Ketchum, Idaho

The Haven
Ketchum, Idaho

Sun Valley Mustard
Ketchum, Idaho

Simplefill
Ketchum, Idaho

Vamps
Ketchum, Idaho

Galena Lodge
Ketchum, Idaho

Exhibit A-4

American Capital Advisory
Ketchum, Idaho

Rusch Relations
Ketchum, Idaho

PlayHard GiveBack
Ketchum, Idaho

Kith and Kin LLC
Ketchum, Idaho

Velocio Hailey
Ketchum, Idaho

Big Belly Deli
Hailey, Idaho

Dirt Bird Productions
Hailey, Idaho

CK's Real Food
Hailey, Idaho

Sun Summit South
Hailey, Idaho

Square Dot Creative Group
Hailey, Idaho

Cumulus Carpentry
Hailey, Idaho

Marketron
Hailey, Idaho

Upcycle Brand
Hailey, Idaho

Alliance Bicycles, LLC
Hailey, Idaho

The HUB
Salmon, Idaho

Redbarn Product Development, Inc.
Ketchum, Idaho

Kearns, McGinnis & Vandenberg Builders
Ketchum, Idaho

Precision Plumbing
Ketchum, Idaho

Windy City Arts
Hailey, Idaho

3rd LLC
Hailey, Idaho

ArborCare
Hailey, Idaho

Rocky Mountain Hardware
Hailey, Idaho

Sun Valley Trekking
Hailey, Idaho

Dev Khalsa Photography
Hailey, Idaho

Yellow Belly Ice Cream, LLC
Hailey, Idaho

Belle Ranch, LLC
Hailey, Idaho

Stanley Baking Company & Cafe
Stanley, Idaho

Sawtooth Hotel
Stanley, Idaho

Gravity Sports
Stanley, Idaho

Salmon Idaho Mountain Bike Association
Salmon, Idaho

Exhibit A-5

National Businesses

Saara Snow
Adventure Cycling Association

Mitch DeShields
Blaine County Recreation Dist. ID League NICA

Hill Abell
Austin Ridge Riders

Tyson Stellrecht
Backcountry Pursuit, LLC Boise, ID

Jacob Dudek
Backcountry.com

Natalie Cook
BikeToursDirect/BikeTours.com

Tony Ellsworth
BST Nano Carbon/Ellsworth Bicycles

Brian Donley
Capital Off-Road Pathfinders (CORP)

Chip Deffe
Crank and Carve, Inc./Sun Summit South

Dan Brown
Cuyuna Lakes Mountain Bike Crew

Jim Hasenauer
Emeritus Professor, CSU Northridge

Laura Mundy
Dirt Dolls of Idaho

Shane Hensley
DT Swiss

Lori Smith
Eastside Cycles

Scott Rapp
Adventure Maps, Inc.

Jay Cooper
Air Wisconsin Airlines

Gene Hamilton
BetterRide

Russ Hoefer
BikeTourFinder.net

Derek Nelson
Boise Foothills 20/20

John Giantonio
Casper Area CVB

Greg Martin
City of Ketchum

Steve Messer
Concer

John McConnochie
Cycle Alaska

Robin Seastrom
Cycle Therapy

Nate Kuder
Dakine

Jeremiah Higley
Magic Valley Cyclocross

Matt Andrews
Minnesota Off-Road Cyclists

Brian Riepe
Mountain Flyer Magazine

Exhibit A-6

Rick Reed
Five Ten

Matt Weber
Fox Head, Inc.

Brian Vaughan
GU Energy Labs

Jessica Gradhandt
Idaho High School Cycling League

Kahle Becker
Kahle Becker, Attorney at Law

Lisa Cramton
Pivot Cycles

Mark LaLonde
Planet Bike

Gary Sjoquist
Quality Bicycle Products

Robert Collins
Remax

Don Palermini
Santa Cruz Bicycles

Scott Hulgren
San Diego Mountain Biking Association

Kris Robinson
Promoshop, Inc/ Ecopromos.com

Troy Clark
Snake River Mountain Bike Club

Tristan Greaves
Southern ID Mountain Biking Association

Gordon Greaves
IonLife

Bryan Mason
Kali Protectives

Roger Hernandez
Kenda Tire

Chris Sugai
Niner Bikes

Brian Olson
Peaks to Plains Therapy

Dave Edwards
Primal

Steven King
Vista Verde Ranch

Nate Bird
Honey Stinger

Kelly Ryan
San Juan Hut Systems

Karoline Droege
Suncook Valley Sno-Riders

Dustin Bennett
Trek Bicycle Corporation

Chris Conroy
Yeti Cycles

Tim Carls
Vernon Graphix

Elayna Caldwell
Sram, LLC

Exhibit A-7

Mark Slate
Wilderness Trail Bikes (WTB)

Austin McInerny
National Interscholastic Cycling Association (NICA)

Hans Rey
Wheels 4 Life/No Way Productions

Olin Glenne
Sturtevants & Sun Valley Mountain Guides

Maurice Tierney
Dirt Rag Magazine

Kent King
Magura USA

Paul Wyandt
Zoic Clothing

Laurel Hunter
Western Spirit Cycling

Robert Miller
Two Knobby Tires

Azul Couzens
Bell Helmets

Exhibit B-1

2/28/14

MEMORANDUM OF UNDERSTANDING
between
The Wilderness Society, Idaho Conservation League,
International Mountain Bicycling Association, and the Wood River Bicycle Coalition
regarding proposed Boulder-White Clouds National Monument

In support of the mutual benefits of protecting the Boulder-White Clouds (BWC) landscape, the undersigned organizations (The Wilderness Society, Idaho Conservation League, International Mountain Bicycling Association, and the Wood River Bicycle Coalition) have reached consensus and agree to advocate for designation of the BWC area (as depicted on the attached BWC NM reference map) as a national monument (NM) for the long term preservation and enhancement of the wilderness character, world-class human-powered recreation, and historical, cultural and scientific values that define this remarkable landscape.

TWS, ICL, IMBA and WRBC (hereafter referred to as "We") members share a connection and love of this place, therefore this memorandum of understanding (MOU) captures and defines how and where We will move forward together and the public position(s) We will take regarding the following: the future of mountain biking within a Boulder-White Clouds National Monument and protection of the BWC landscape – one of the largest intact roadless areas in the lower United States – in perpetuity.

Together, We support a national monument and components of the subsequently related management plan as defined below.

Support a Presidential Proclamation
We will urge and advocate that the President, utilizing his authority under the Antiquities Act, protect the BWC as a national monument so the values and objects existing on this landscape are permanently conserved, protected and enhanced, and that the public may continue to enjoy the area in largely the same way and in the same condition that it is today.

We will advocate for a BWC NM proclamation that:

- Preserves the outstanding wilderness character and opportunities for backcountry solitude away from areas where modernity dominates the landscape and therefore is scientifically, biologically, and socially valuable and worth monitoring, maintaining, and protecting;
- Preserves and maintains unique world-class human-powered recreation opportunities in the BWC;
- Acknowledges that hiking, mountain biking, horseback riding, skiing and other forms of human-powered recreation are appropriate and important, and that a

Exhibit B-2

quiet backcountry experience for all human-powered recreation groups needs to monitored, maintained, and protected;

We will jointly and individually advocate for the BWC NM designation and the components within this MOU by:

- Promoting the principles stated within this MOU;
- Holding a local information session for local elected officials, commissioners, and other community leaders;
- Meeting with key decision makers in the US Department of Agriculture, the US Department of the Interior, and the Council on Environmental Quality.

In order to ensure the values stated above are protected in a BWC NM, We believe that the long-term protection of wilderness character and mountain biking and other appropriate human-powered recreation in the landscape can and should be balanced through active and adaptive management techniques.

Management Plan Recommendations
To protect values listed above and objects of interest on the BWC landscape, and as an agreeable mechanism to maintain outstanding wilderness character while maintaining acceptable bicycle access, We support and advocate the following joint management plan recommendations regarding management of mountain biking for the proposed BWC NM until such time a Record of Decision is signed and final:

Recommendations for Western Portion of Proposed BWC NM
With regard to lands within the proposed BWC NM lying west of the East Fork Salmon River, South Fork East Fork Salmon River and Silver Creek, We recommend that:

- The United States Forest Service (USFS) and Bureau of Land Management (BLM) manage the lands that are not part of designated motorized road/trail corridors under two management categories: Wilderness Character Zones and Human-Powered Backcountry Recreation Zones.
- **Wilderness Character Zones** should be managed to prevent degradation of their wilderness character, and specifically to prevent degradation of the following qualities: Natural (the area's ecological system are substantially free from the effects of modern civilization); Untrammeled (the area is essentially unhindered and free from modern human control or manipulation); Undeveloped (the area retains its primeval character and influence, and is essentially without permanent improvement or modern human occupation); and Solitude or Primitive and Unconfined Recreation (the area provides outstanding opportunities for solitude or primitive and unconfined recreation). We recommend that all motorized use and mechanized transportation be prohibited within the Wilderness Character Zones, except when required to address emergency situations.

Exhibit B-3

- **Human-Powered Backcountry Recreation Zones** should be managed as trail corridors to ensure a high-quality human-powered recreation experience. In the management plan, using either language-based exceptions or Non-Motorized Backcountry corridors, mountain bicycling is identified as an existing and appropriate use and should be allowed to continue on the trails listed. These shared use corridors ensure a high-quality human-powered recreation experience. Human-powered recreation is defined as outdoor recreation activities in which no motorized source of power is used as part of the activities or as part of the means of transport.
- All areas proposed for wilderness designation under the most recent draft of Representative Mike Simpson's Central Idaho Economic Development and Recreation Act should be managed as Wilderness Character Zones with the exception of trail corridors managed as Human-Powered Backcountry Recreation Zones that are identified below, and roads/trails managed as open to motorized travel as determined in the management plan.
- The following areas be managed as Human-Powered Backcountry Recreation Zones:
    - Trail #675 – French Creek (from terminus of Road 670 to terminus of Road 668)
    - Trail #678 – Big Lake Creek (from Road 670 to Jimmy Smith trailhead)
    - Trail #664 – Bluett Creek (from monument boundary to trail terminus)
    - Trail #112 – East Fork Salmon River Trail (from monument boundary near Grand Prize Gulch trailhead to East Fork trailhead)
    - Trail #111 – Germania Creek Trail (from Pole Creek Road to Germania Creek trailhead)
    - Trail #114 – Bowery/Germania Connector Trail (from East Fork trailhead to Germania Creek Trail)
    - Trail #215 – Galena Gulch Trail (from East Fork Salmon River Trail to Pole Creek Road)
    - Trail #108 – Gladiator Creek Trail (from monument boundary to East Fork Salmon Trail)
    - Trail #109 – Washington Lake Trail (from monument boundary to Germania Creek Trail)
    - Trail #110 – Chamberlain Creek Trail (Castle Divide Trail east to Germania Creek Trail)
    - Trail #047 – Castle Divide Trail (from Washington Lake Trail to Big Boulder Creek trailhead)
    - Trail #682 – Little Boulder Creek Trail (from Big Boulder Creek Trail to Little Boulder Creek trailhead)
    - Trail #671 – Warm Springs Creek Trail (from Ants Basin Trail to monument boundary)
    - Trail #219 – Ants Basin Trail (from Washington Lake Trail to Warm Springs Creek Trail)

Exhibit B-4

- Trail #104 – Williams Creek Trail (from monument boundary to Warm Springs Creek Trail)
- Trail #203 – Washington Creek Trail (from Washington Lake Trail to Castle Divide Trail)
- Trail #332 – Fisher Creek Trail (from Fisher Creek Road to Williams Creek Trail)
- Trail #647 – Rough Creek Trail (from monument boundary to Casino Lakes Trail/Garland Creek Trail junction)
- Trail #646 – Big Casino Trail (from monument boundary to Warm Springs Creek Trail)
- Trail #616 – Casino Lakes Trail (from monument boundary to Rough Creek Trail/Garland Creek Trail junction)
- Trail #672 – Garland Creek Trail (from Rough Creek Trail/Casino Lakes Trail junction to Warm Springs Creek Trail)
- Trail #603 – Martin Creek Trail (from Big Casino Trail to trail terminus near headwaters of Martin Creek)

Recommendations for Eastern Portion of Proposed BWC NM
With regard to lands within the proposed BWC NM lying east of the East Fork Salmon River, South Fork East Fork Salmon River and Silver Creek, We will seek to achieve harmony in the management plan between areas managed for wilderness character and areas managed for human-powered recreation.

General Recommendations for Proposed BWC NM
We recommend that motorized trail maintenance tools are permitted on all trails that are open to mechanized travel.

We recommend that any and all necessary trail realignments or reroutes, determined through agency management decisions that are based upon an identified need, whether social and/or environmental, be made possible and contained within the closest proximity of the original trail as possible.

In order to preserve opportunities for solitude and a backcountry experience, We recommend that the USFS and BLM develop monitoring and adaptive management plans to maintain the environmental and experiential integrity of a BWC NM.

Media and Public Communications
All external communications (media, membership outreach, alerts, etc.) will be consistent with this memorandum of understanding as presented below. Concerns or disputes with consistency will be addressed immediately through open communications between signatories.

For the purpose of strengthening trust and maintaining the integrity of this MOU, all parties to this MOU will be encouraged to the level practical, to respond in a timely and

Exhibit B-5

public manner to public discourse (written or otherwise) that comes from within each of our respective communities that is contradictory and/or detrimental to this agreement. Responses should espouse the productive value and/or specific components of this MOU in a favorable manner.

For purposes of clarity, no party to this memorandum of understanding shall make a public statement on behalf of any of the other parties without prior written consent and no party to this memorandum of understanding shall make a lobbying contact on behalf of any other party.

Sincerely,

For

Craig Gehrke
Regional Director
The Wilderness Society, Idaho Office

Date 2/28/14

Rick Johnson
Executive Director
Idaho Conservation League

Date 2/28/14

B. Stevenson

Brett Stevenson
Executive Director
Wood River Bicycle Coalition

Date 3/2/14

Exhibit B-6

Anna Laxague Date 3/1/14

Pacific Northwest Region Director
International Mountain Biking Association

Exhibit C-1

Boulder – White Clouds Backcountry Trails Landscape

This map shows the overall backcountry landscape of the Boulder--White Clouds area. All the trails seen in the "Proposed Wilderness" are currently open to bicycles and a variety of other users. All trails in the 217,088 acre Sawtooth Wilderness Area are exclusive to equestrian and hikers. Together they create a broad range of recreation experiences that are an invaluable component of the Idaho economy.

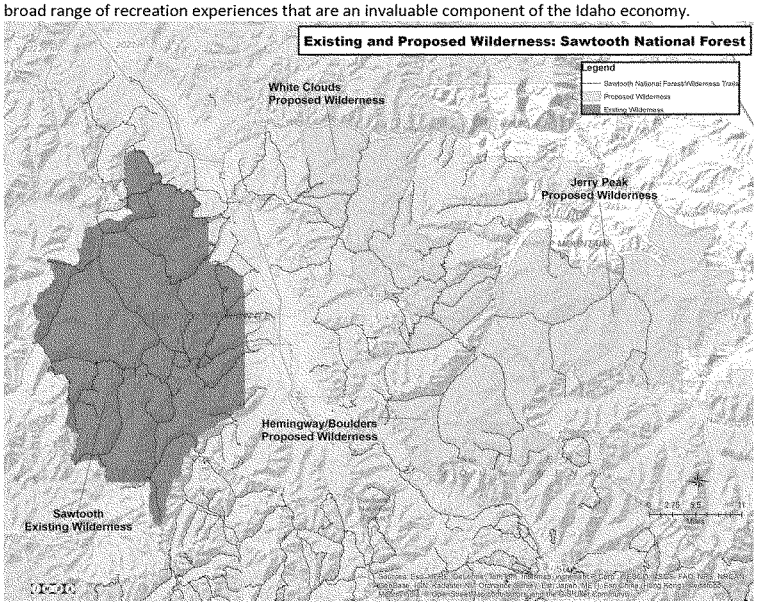
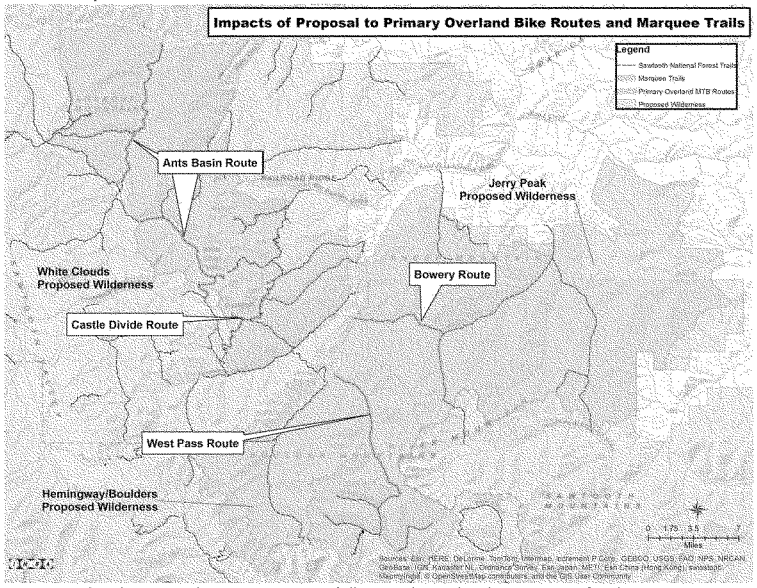


Exhibit C-2

Boulder – White Clouds Backcountry Trails Landscape

This map shows a more detailed view of the trails in the proposed Wilderness that are currently open to bicycles that would be closed if designated Wilderness without an accommodating solution. All of these trails offer important access to backcountry riding experience for locals and out of town visitors. These are the marque trails that draw mountain bikers to the Boulder-White Clouds.



Any action, legislative or administrative, must fully consider and make provisions for these rare backcountry experiences that make irreplaceable contributions to the local economy and quality of life.

Senator BARRASSO. Thank you, Ms. Stevenson.

Thank you all for your testimony.

Before we get to the questions, I would like to invite Senator Lee to make comments about his piece of legislation.

STATEMENT OF HON. MIKE LEE, U.S. SENATOR FROM UTAH

Senator LEE. Thank you, Chairman Barrasso.

Thanks to all of you for being here today and for the insight you have given us.

The farm and agriculture industry is an essential pillar of my state's economy. According to Utah State University researchers, the Utah food and agriculture industry makes up more than 14 percent of the state's GDP and provides some 80,000 jobs. This tremendous output results in an economic impact totaling $17.5 billion every year.

Much of Utah's farm industry consists of or relies in one way or another on livestock grazing. With more than 25 of the state's 29 counties reporting livestock as the dominant agricultural sector, livestock represents the single largest sector of farm income in Utah.

Unfortunately, due to restrictions on Federal lands, it is increasingly difficult for Utah's ranchers to continue their way of life. Utah has 45,000,000 acres classified as rangeland. Of that, 33,000,000 acres are owned and controlled by Federal land management agencies. Only 8,000,000 acres of Utah's rangelands are privately-owned.

This reality means that Utah's ranchers often find themselves at the mercy of Federal employees, Federal policies and administrative decisions influenced by outside interests groups who have worked to eliminate all grazing on Federally-administered lands for the past 30 years or more. Being dependent on the whims of Washington has not worked out well for Utah's ranchers. Since the late 1940's, BLM and the Forest Service have cut or suspended nearly 75 percent of Utah's total livestock grazing animal unit months, or AUMs, across the Utah landscape, from 5.4 million AUMs in 1949 to just over 2 million in 2012.

Using the Antiquities Act on September 18th, 1996, President Clinton issued a proclamation creating the Grand Staircase Escalante National Monument with 1.9 million acres of Federal land. At the time this designation occurred, the Grand Staircase Escalante National Monument was the largest Presidentially-created monument outside of Alaska. While using the Antiquities Act to further limit activity on another 2 million acres of Utah land was wholly inappropriate, at least President Clinton, at the time, looked to enshrine existing grazing rights.

To this end, to his credit, President Clinton's Presidential Proclamation and monument management plan stated as follows, "Nothing in this proclamation shall be deemed to affect existing permits or leases for or levels of livestock grazing on Federal lands within the monument. Existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation."

And yet, since President Clinton issued this proclamation, nearly 28 percent of the 106,202 livestock grazing AUMs have been suspended. Furthermore, BLM is currently in the process of amending

its management plan for the monument and is considering several options that would either decrease or eliminate grazing all together. Additionally, the Grand Staircase Escalante National Monument designation under the Antiquities Act means that BLM's priorities are not focused on improving rangeland conditions for wildlife.

In concert with Senator Hatch, I have introduced S. 365 which directs BLM to implement a program to improve rangeland conditions for wildlife and livestock carrying capacity in those areas and to restore livestock grazing to the level of usage in those areas that existed before the monument was designated as a monument. This legislation represents an opportunity for a rare win/win and will result in improved rangeland and sustainable growth for Utah's ranchers.

If this measure is signed into law, BLM will focus on preserving the Grand Staircase Escalante National Monument's rangeland by, perhaps, using controlled burns to destroy weeds or by removing Pinion and Juniper trees. Restoring forage through the improvement of rangeland conditions will allow the Grand Staircase Escalante to sustain grazing levels prior to its designation as a monument. Healthier rangeland will preserve the grazing rights Kane and Garfield County's ranchers have used for generations. Improper management of Grand Staircase Escalante not only damages the monument but it also harms the people that depend on its forage.

Because S. 365 is a common sense solution, it is no surprise that it has received broad support from Utah's agriculture and farming industry, the Public Lands Council, National Cattlemen's Beef Association, Utah Cattlemen's Association, Utah Wool Growers Association and the Utah Farm Bureau Federation. They have all endorsed S. 365, and I'd like to submit their endorsement letters for the record.

Senator BARRASSO. Without objection.

[The information referred to follows:]

May 18, 2015

The Honorable John Barrasso
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ron Wyden
221 Dirksen Senate Office Building
Washington, DC 20510

RE: S. 365, a bill to improve rangeland conditions and restore grazing levels within the Grand Staircase-Escalante National Monument, Utah

Dear Chairman Barrasso and Ranking Member Wyden,

The Public Lands Council (PLC), the National Cattlemen's Beef Association (NCBA), the Utah Cattlemen's Association (UCA) and the Utah Wool Growers Association (UWGA) strongly support the (S. 365), *a bill to improve rangeland conditions and restore grazing levels within the Grand Staircase-Escalante National Monument, Utah*. PLC is the only national organization dedicated solely to representing the roughly 22,000 ranchers who operate on federal lands. NCBA is the beef industry's largest and oldest national marketing and trade association, representing American cattlemen and women who provide much of the nation's supply of food and own or manage a large portion of America's private property.

S. 365 introduced by Senator Orrin Hatch (R-Utah) would require the Secretary of the Interior to implement a management program to improve rangeland conditions for wildlife and livestock carrying capacity, and to restore livestock grazing to the level of usage that existed as of September 17, 1996 within the boundaries of the Grand Staircase-Escalante National Monument. Ranchers are the original conservationists and the ultimate stewards of public and private lands, dedicating immeasurable amounts of time and resources to range improvement projects. Maintaining open space and keeping ranchers on public lands ensures that our western landscapes are vibrant, healthy, and productive.

Since designation of the Grand Staircase Monument in 1996, livestock grazing and other multiple uses have been drastically reduced, leading to extensive economic harm to communities in and around the monument. It is unacceptable to continue to reduce and remove livestock from the Grand Staircase and other monuments when it is ranching and grazing that largely created the conditions which led to the designation in the first place. S. 365 reverses these reductions and begins to restore the economic damage to those communities in and around the monument in Utah.

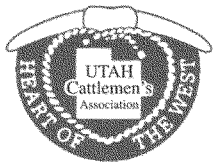
PLC, NCBA, UCA and UWGA appreciate the opportunity to provide our input on behalf of our members – the nation's food and fiber producers. We encourage members of Congress to support this positive piece of legislation.

Sincerely,

Public Lands Council
National Cattlemen's Beef Association
Utah Cattlemen's Association
Utah Wool Growers Association

Cc: Members of the Subcommittee on Public Lands, Forests, and Mining

Utah Cattlemen's Association



"Serving Ranchers Since 1890"

May 18, 2015

Chairwoman Lisa Murkowski
709 Hart Senate Office Building
Washington, D.C. 20510

Ranking Member Maria Cantwell
311 Hart Senate Office Building
Washington, DC 20510

Statement of Support by the UTAH CATTLEMEN'S ASSOCIATION for

S.365
A Bill "To improve rangeland conditions and restore grazing levels within the Grand Staircase-Escalante National Monument, Utah."

The Utah Cattlemen's Association (UCA) is pleased to provide the following comments on **S.365,** a Bill submitted by Senator Hatch and Senator Lee of Utah, dated February 4, 2015 and referred to the Committee on Energy and Natural Resources. **S.365 implements improving rangeland conditions and restoring grazing levels within the Grand Staircase-Escalante National Monument, Utah.**

Since the creation of the Grand Staircase-Escalante National Monument (GSENM) in Garfield and Kane counties of southern Utah in 1996, nearly 28% of the 106,202 livestock grazing AUM's have been suspended. This loss of federal land grazing has required cattle ranchers to reduce the number of cattle owned, or they have had to relocate those cattle to other areas of federal or private land grazing. As the local communities within the monument area are agriculturally based and have some dependence on the ranchers' access to these federal lands, these smaller rural communities can be impacted by the suspension of the AUM's within the GSENM. In our comments to the BLM in January of 2014 pertaining to the Grand Staircase-Escalante National Monument Livestock Grazing Monument Management Plan Amendment we stated that, to justify any decisions under NEPA, a socio-economic analysis would have to include in modeling the amount of AUM's prior to designation of the Glen Canyon National Recreation Area in 1972 at a starting point to realistically compare the economic impacts by the many federal actions over the years.

The UCA supports **S.365** in the intent of restoring grazing levels as were available prior to this timeframe and the monument's designation. The suspended AUM's can be restored and rangeland conditions will be improved through flexibility in management to allow use of these added AUM's as a tool combined with appropriate rangeland grazing management techniques.

150 SOUTH 600 EAST – 10-B SALT LAKE CITY, UTAH 84102
801-355-5748 E-MAIL: UTAHBEEF@AOL.COM

1. Grazing management is based on the control of livestock.
    a. Grazing managers (permitees) need access to areas where livestock can be herded and moved as conditions require.
    b. Fencing, whether permanent or temporary (portable electric), influences livestock behavior and could be a tool used to better use forage areas or allow plant growth after grazing.
    c. Grazing areas can be managed by strategically placing salt and mineral supplementation in areas to better distribute livestock and wildlife use.

2. Grazing impacts are managed by controlling the timing, duration, and intensity of grazing in order to provide adequate rest for plant regrowth and recovery.
    a. Flexibility in the dates permits are allowed to begin and end will best utilize the available forage resources.
    b. Annual precipitation should determine available forage production within a grazing allotment and should dictate livestock use of the permitted area.

3. Location of water sources controls the impact of grazing.
    a. Stock ponds need to be properly located, constructed and maintained.
    b. Construction of ponds and distribution of water resources throughout a grazing area alleviates the problem of controlling both livestock and wildlife use in riparian zones.
    c. Wildlife also benefit from the water development.

(These allowances need to be solidified in any rules or regulations pertaining to the implementation of this Bill.)

Range Improvement Projects

The effects of improving forage from increased livestock grazing management takes time and depend on many factors. Mechanical, fire and chemical treatments are more dramatic on the landscape, but when used correctly, can serve the purpose of improving rangeland forage. The removal of pinyon and juniper can add forage lost to the encroachment of these desert plants. Controlled burns can take out old stands of nuisance vegetation and noxious weeds. Chemical treatments, either ground or aerially applied, can reduce excessive shrubs and unwanted invasive species, allowing grasses to once again flourish.

Uncontrolled fire on federal lands can be very catastrophic. Many fires cover areas inaccessible to ground firefighting methods and destroy forage available for livestock and wildlife. Proper livestock grazing can reduce the fuel load that contributes to the fire destruction.

As rangeland management practices are implemented through sound science-based principles, livestock and wildlife benefit from these actions. Forage can be increased as water and other resources are managed with the objective of increasing productivity.

Cooperative Monitoring

To evaluate the impacts of a treatment or grazing plan, monitoring will be required to assess rangeland health trends and to determine future grazing practices. Any plan to improve forage should be detailed in objectives and tasks for successful outcomes. A cooperative monitoring

program using the MOU that BLM and USFS has with the Public Lands Council (PLC) with input by the local Grazing Advisory Board with the affected permittees and local grazing associations, specialists from BLM, university extension, agencies that the Utah Department of Agriculture and Food (UDAF) has placed on the Grazing Improvement Program (GIP) Technical Advisory Committee would ensure creditable expertise. In this way not only would a local knowledge be available, but the State of Utah with committee members representing the lead management of the BLM, USFS, extension, and the UDAF would be able to better justify and authorize plans. This would also make available state funds for range improvements under the control of the grazing permit holder

Summary

Flexibility for the grazing permit holder managing the livestock offers the best opportunity for a successful range improvement program. Grazing can be controlled by timing, duration of forage use, distribution of water improvements, and vegetative treatments. By appropriate monitoring, and record keeping these trends can be proven. The allowance of a cooperative monitoring process involving the local Grazing Advisory Board and the GIP Technical Committee sited in the ACT will help to bring state funds for projects to further achieve rangeland health. With this, the objective of improving rangeland conditions and the restoration of historic grazing levels within the Grand Staircase-Escalante National Monument can be achieved helping to stabilize livestock business in southern Utah.

Objectives of improved grazing would integrate management for multiple uses such as increased forage production that would benefit wildlife and livestock as well as outdoor recreation. These efforts would also provide both historical and economic stability to local communities that are supported by grazing within the GSENM.

We thank you for this opportunity to comment and look forward to further involvement in this process.

UTAH CATTLEMEN'S ASSOCIATION
Don Anderson, President
Don V Anderson

UTAH FARM BUREAU FEDERATION
9865 South State Street
Sandy, UT 84070
Tel: 801-233-3040

May 15, 2015

Chairwoman Lisa Murkowski
United States Senate
709 Hart Senate Office Building
Washington, D.C. 20510

Ranking Member Maria Cantwell
United States Senate
311 Hart Senate Office Building
Washington, D.C. 20510

RE: S. 365 To Improve Rangeland Conditions and Restore Grazing Levels within the Grand Staircase-Escalante National Monument, Utah.

Dear Chairwoman Murkowski and Ranking Member Cantwell:

The Utah Farm Bureau Federation representing more than 28,000 member families located in each of Utah's 29 counties appreciates the opportunity to submit comments on S. 365 and its efforts to improve rangeland conditions and restore livestock grazing levels within the Grand Staircase-Escalante National Monument (GSENM).

Utah Farm Bureau Federation is the largest general farm and ranch organization in the state of Utah representing more than 28,000 member families. We represent a significant number of livestock producers who use public lands for grazing sheep and cattle, including within the Monument. Livestock ranching is an important part of the history, culture and economic fabric of the state of Utah and is a major contributor to the state's economy.

Farmers and ranchers are the foundation of Utah's food and agriculture industry which is a major contributor to the Utah's economic health and well-being generating billions of dollars in economic activity and providing jobs to tens of thousands of Utah citizens. Utah farm gate sales in 2014 exceeded $1.8 billion. According to Utah State University researchers, food and agriculture's far reaching economic impact is the catalyst for $17.5 billion in economic activity.

Food and agriculture makes up more than 14 percent of the state GDP and provides 80,000 jobs. That impact is of critical importance to rural counties like Kane and Garfield Counties – home of the Grand Staircase-Escalante National Monument.

During the November 2014 Utah Farm Bureau Federation annual state convention, our delegates reaffirmed Farm Bureau's long standing commitment to multiple-use management of the public lands and the Taylor Grazing Act that mandates grazing rights on federally managed lands be safeguarded. Utah Farm Bureau Federation delegates also reaffirmed historic support of "multiple use management of natural resources on public lands by local, state and federal land management agencies."

At the American Farm Bureau 2015 annual convention, delegates from across the nation adopted policy recognizing the "public benefits provided by science-based grazing management including thriving, sustainable rangelands; quality watersheds; productive wildlife habitat; viable rural economies; reduction of wildfire hazards; and tax base support for critical public services" coming from the multiple use of the federally managed public lands. The American Farm Bureau is our nation's largest farm and ranch organization with more than 6 million members.

The Utah Farm Bureau Federation supports S.365 designed to improve rangeland conditions and restore grazing levels within the Grand Staircase-Escalante National Monument, Utah. This legislation provides needed direction to federal land management agencies in protecting the history, culture and economic foundation of Kane and Garfield Counties including multi-generational family ranching operations. In addition, the bill provides a framework for enhancing habitat and forage for multiple uses including, recreation, wildlife and livestock and addressing catastrophic wildfires through proactive grazing practices.

The 1996 Presidential Proclamation establishing the Grand Staircase-Escalante National Monument clearly foresaw a future that included livestock grazing stating: "Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation."

As Utah Farm Bureau has considered and interpreted the Presidential Proclamation and Monument Management Plan, they endorse and even embrace the ongoing and historic tenants of the Taylor Grazing Act and continuation of livestock grazing rights within the Monument as part of the past, present and future of Kane and Garfield Counties.

S. 365 sponsored by Senators Orrin Hatch and Mike Lee of Utah underscores both the historic intent of the Taylor Grazing Act and the acknowledgement of President Bill Clinton in his proclamation – protecting family owned and operated livestock ranches as part of the history, culture and economic fabric of Southern Utah. There are more than 11,000 livestock grazing AUMs (Animal Unit Months) allocated on grazing allotments located within the GSENM that are critical to the success and economic well-being of local ranching operations.

Rural counties and communities across Southern Utah have historically suffered from lackluster economic growth. Multiple-use of the public lands is critical to the economic health of rural Utah, especially Kane and Garfield Counties. A mix of private and public lands for generations has

created economically viable and sustainable ranching operations. These businesses create new wealth through the harvest of annually renewable forage that is the foundation of our rural economies. In addition, livestock grazing on the public lands provides a benefit to all Americans, not just those physically and financially able to visit the public lands states, including the Grand Staircase-Escalante National Monument. Ranching and livestock production continues to provide the economic underpinnings for rural Utah!

According to the 2015 "Economic Report to the Governor", Utah has 45 million acres classified as rangeland. Of that, 33 million acres are owned and controlled by federal land management agencies. Only 8 million acres of rangelands are privately owned. For economically viable and sustainable family ranching operations to exist in Utah, access to federal rangelands is critical. Since the late 1940s, BLM and Forest Service have cut or suspended nearly 75 percent of Utah's total livestock grazing AUMs across the Utah landscape – from 5.4 million AUMs in 1949 to just over 2 million in 2012.

It appears cutting livestock AUMs has been the strategy and the measure of the agencies for dealing with rangeland health, where in reality it has failed. Lack of proactive, science based grazing to manipulate plant communities has led to mega-infestations of noxious weeds and mono-cultures of encroaching pinyon-juniper and pine forests while becoming tinderboxes for catastrophic wild fires!

S 365 provides a framework that requires the land management agencies to recognize livestock grazing as an important part of the GSENM ecosystem and a mechanism to improve the resources that will benefit all users. At the same time development and utilization of the natural resources including harvesting the renewable forage through livestock grazing provides abundant, affordable red meat to Utahns and Americans while at the same time building sustainable rural communities.

Utah's agriculture heritage is founded in livestock production. Our pioneer ranching families grazing sheep and cattle was based on community and the lands that were held in common. S. 365 puts good management of our natural resources back on sound footing recognizing historic Congressional and Presidential promises and understanding the importance of the history, culture and economy of rural communities as provided by law.

We all understand and appreciate the uniqueness of Kane and Garfield Counties and the beauty of GSENM. But it is equally important to understand and appreciate the unique character of the ranching families of Kane and Garfield Counties who have for generations cared for the land and harvested the renewable forage producing beef for American dinner tables. These ranching families are the first environmentalists who love the land and respected the unique character their area long before there was a Monument.

According to the 2014 Utah Agriculture Statistics Garfield County has about 8,800 beef cattle and Kane County 3,700 – a total of 12,500 head. It is estimated about half of them will spend some time grazing on the Monument. Harvesting the renewable forage provides many more benefits than just beef production. Dead and dying grasses and forage are utilized allowing plants to thrive – which allows new plant growth which is preferred by wildlife. In addition, livestock grazing and harvesting tinder dry grasses dramatically reduces the chances of catastrophic wildfires.

Investments by ranchers, sportsmen and the state of Utah in partnerships like the Grazing Improvement Program (GIP) are available and are aimed at improving rangelands (private, state and federal) statewide, including GSENM. These efforts not only improve forage for livestock, they help control of noxious weeds and monocultures of invasive trees that dominate the landscape using up water limited supplies which ultimately is beneficial to wildlife habitat, recreational opportunities and reduction of wildfires.

Many do not realize that Utah's Kane and Garfield Counties with only 10 and 5 percent of their lands privately owned struggle to fund local government and in providing opportunities for private businesses to establish and thrive. Family livestock ranching has historically been the foundation of rural economic opportunity and tax base. Under the Taylor Grazing Act, grazing rights and access to public lands for livestock grazing was established based on local private land ownership and water rights - providing a foundation sustainable economic activity.

Judicious access to and use of the public lands is critical to the long-term survival of Southern Utah ranching operations. These businesses that harvest the annually renewing forage provide jobs, health care, roads, public schools and services like emergency services, search and rescue and hospitals also important to visiting tourists.

The economic realities of decisions to suspend or terminate livestock grazing AUMs on federal lands are dramatic. Let us consider what the impact of displacing or terminating even a single average sized family cattle ranching operation would be!

Utah is a cow-calf cattle production state with cattle and calves contributing more than one-third of the state's agricultural commodity sales. According to the Salina Livestock Auction, feeder cattle arriving from Kane and Garfield Counties for auction generally averaged between 450 - 550 pounds and were valued at about $2.75 per pound or $1,375 per head. An average cow-calf ranching operation with 500 mother cows and a 95-percent calf survival rate adds more than $650,000 in direct cattle sales to the local economy. Based on the economic ripple effect as those dollars are spent in the local economy, that single family ranching business is the catalyst for more than $1 million in the Kane and Garfield County economy!

A look back at last year's beef market prices ($2.75-$3.00 / pound), and around 11,500 feeder cattle sold out of Kane and Garfield County ranches brought in more than $16 million dollars and generated in excess of $25-$30 million based on a conservative economic multiplier. With about one-half of the calf crop coming from grazing allotments within GSENM, of that total, about $ 8 million in direct feeder cattle sales and between $12 - $15 million in economic activity is tied directly back to cattle grazing on the GSENM. That's worth saying again! Based on cattle sales coming from grazing allotments within GSENM, there is between $12 and $15 million of economic activity generated in Kane and Garfield Counties!

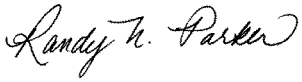
This is economic activity that is self-sustaining and renews every year with a new calf crop and annually renewing forage. In turn, ranching dollars turn over in the Kane and Garfield County economies creating jobs, paying taxes, supporting public schools and hospitals and creating opportunities for local businesses for generations.

This annual economic contribution coming from hard working ranching families to the local, state and national economy and producing meat protein to feed Utahns and Americans is significant.

Utah Farm Bureau applauds Utah Senators Orrin Hatch and Mike Lee for their vision in recognizing and bringing balance to the ecological and economic needs of the ranching families, Kane and Garfield Counties and the Monument. S. 365 provides greater clarity for federal land management agencies regarding the law and the intent of Congress in managing for multiple uses including recreation, wildlife as well as livestock grazing.

Thank you for the opportunity to offer comments.

Sincerely,



Randy N. Parker
Chief Executive Officer

CC: United States Senator Orrin Hatch
United States Senator Mike Lee
Utah Governor Gary Herbert
U.S. Representative Rob Bishop
U.S. Representative Jason Chaffetz
U.S. Representative Chris Stewart
U.S. Representative Mia Love
Utah State Senator Ralph Okerlund
Utah State Representative Mike Noel

Senator LEE. Again, I would like to thank the Committee for holding a hearing on S. 365 and focusing on a broad array of issues affecting public lands.

Thank you, Mr. Chairman.

Senator BARRASSO. Thank you, Senator Lee.

Now we will begin with questions starting with Senator Risch.

Senator RISCH. Thank you very much, Mr. Chairman.

Ms. Stevenson, I am going to start with you, and I want to be fair on this. You have heard all the people that support this bill. We tried to find a balance and bring in people who opposed this legislation, and we were not able to find anyone except you. Do you have anybody else that you want to speak up for here in opposition to this?

Ms. STEVENSON. Yes. I feel like the past several years of collaboration actually are not reflected in this bill. There have been a lot of meetings, formal public meetings, and a lot of informal meetings. And out of those meetings I think you're well aware of the memorandum of understanding between the Wilderness Society, Idaho Conservation League, IMBA and the Bike Coalition that supports a different avenue, a more flexible approach, to achieving the conservation objectives that you guys have set out to achieve.

Also, the city of Ketchum has a resolution that is supportive of an alternative of national monument that supports recreation. The city of Ketchum is very aware of the value that recreation has in local economy and to our local community.

Blaine County has a similar resolution.

Additionally, I think we've submitted to you a business letter of support asking for a national monument and protecting continued mountain biking access. That letter generated around 60 businesses signing on to that within a week's time. In a town of 5,000 people I think that's pretty significant.

Additionally there is a petition that's circulating online asking for support for the national monument. And again, as an alternative to wilderness, a more flexible one that would support continued bike access. That has gone nationally with around, I think, 100,000 signatures and 14,000 of those are from Idaho.

So I don't think it's just me. [Laughter.]

Ms. STEVENSON. Thank you.

Senator RISCH. Well the issue would be that there have been people who have taken both positions as far as a monument or a bill is concerned, and the testimony here from Mr. Johnson lists 25 or 26 of the most diverse groups that there are that support this bill.

The Association of Western Pulp and Paper Workers, Blaine County, Boulder-White Clouds' Council, City of Bellevue, City of Sun Valley City Council, City of Haley, City Council of the City of Ketchum, City Council of the City of Stanley, Camping for America's Wilderness, Custer County, Idaho AFL–CIO, the National Public Lands Grazing Campaign, a really, really diverse group of organizations.

In addition to that, we have received letters of support on the bill from the Idaho Cattle Association, the Idaho Farm Bureau, and the East Fork Ranchers. So I appreciate your focus on the bicycle situation. As Mr. Johnson pointed out, compromise is hard.

And as I understand it, also in Mr. Johnson's testimony, he lists 25 or 26 trails and roads that are going to remain open that would not have, under the previous proposals that were here. And those include Frog Lake Loop, Trail Loop 047 and 686, Germania Trail 111, Grand Prize Trail 112, Washington Basin Road 197, and it goes on and on.

Ms. STEVENSON. Yes.

Senator RISCH. So there was compromise in this bill. Would you go so far as to agree to that?

Ms. STEVENSON. Well, I would not disagree, I guess. Our point is that this bill does close around a dozen trails. We're asking for four, and those have not been considered. And I think the long list of supporters that you were echoing, I don't know if any of them would object to accommodations made to a couple additional trails. And I feel like the support for continued access on those trails is vast.

And I don't mean to be suggesting that a national monument is the only way to do it. I think there are modifications to this bill that could accommodate these goals. You could have a non-wilderness corridors or you could do it through a language based exceptions within the bill. There are also other options like the Wild and Scenic River Act using that model to apply it to a land designation.

So I feel like there are other tools that could accommodate, to a farther degree, that could accommodate mountain biking interests.

Senator RISCH. Ms. Stevenson, you have made your case here, and you have all the way through. I promise public hearings mean something.

Ms. STEVENSON. Thank you.

Senator RISCH. What you have just put out I will shop again.

Ms. STEVENSON. Thank you.

Senator RISCH. But I have to tell you I am not going to let that stand in the way of passing the bill with all the support that we have for it. I know you are sincere about this, and I know you are proceeding in good faith.

I think there has been a lot of accommodation in here but not as much as you wanted. I understand that. But in the give and take process, you never get 100 percent of what you want.

So with that, I see my time is up and then some. I guess we will do a second round in a minute, I hope.

Senator BARRASSO. Thank you, Senator Risch.

Senator Heinrich?

Senator HEINRICH. Thank you.

I actually want to ask a quick question, Mr. Murphy, on S. 365. Shouldn't rangeland condition dictate what your grazing levels are?

Mr. MURPHY. Senator, I can qualify an answer to that is yes.

Rangeland management is a data-based undertaking. The Grand Staircase Escalante is working under rangeland guidance under a land-use plan that's some 35 years old.

Senator HEINRICH. So let's make sure I understand this. Is the reductions in grazing levels that we have seen in Grand Staircase, have they been driven by the monument designation or were they driven by resource issues regarding drought, riparian areas, those kinds of things?

Mr. MURPHY. Since the monument designation, I'm not aware of any reductions. Average use since 1996 has been approximately 55 percent of permitted use.

Now that actual use is from the rangeland operators. Ranchers look at market conditions, vegetative conditions, drought. So those are permittees making those adjustments year to year.

Senator HEINRICH. If we were to mandate levels, would we be potentially locking in levels above what could be sustained in drought years?

Mr. MURPHY. In renewing grazing permits has a data-driven process now there's the grazing riders that we have used.

Senator HEINRICH. Yes.

Mr. MURPHY. We're seeking to amend the monument plan and we're doing that now. That will provide a basis or a framework for activity plan work such as using the National Environmental Policy Act, a data-driven process, to renew grazing permits.

Senator HEINRICH. Okay.

Shifting gears to another national monument, the Rio Grande del Norte, which I believe has almost the exact same grazing language.

One group that I hear from again and again in support of both the monument designation and the current bill as well has been local business owners that have seen, at least anecdotally, increases in visitation to the area. Is the BLM seeing more visitors to the area in the first couple of years since the monument designation?

Mr. MURPHY. In preparing for this hearing the information that I gathered is that there's been a 40 percent increase in visitation to the Taos area based on the monument designation, a 30 percent increase in lodging taxes. Folks coming in are procuring guide services, buying outdoor equipment, clothing and so forth and generally bolstering the economics of the Taos area based on their visitation to the monument.

Senator HEINRICH. One last point I will make, just because it has been a little bit of a confusing factor in the past, is the Rio Grande del Norte National Monument. By virtue of the fact that it was a National Conservation Lands designation within the Bureau of Land Management, hunting is one of the allowed uses as well as fishing. In fact, a buddy of mine last year took a monster elk out of the monument. I was jealous. It was bigger than the elk I got last fall.

But I just wanted to put that on the table because it has been one of the questions we have received time and again is would hunting continue in both the wilderness portions of the monument and the monument broadly?

Mr. MURPHY. Hunting would continue and I know that area somewhat, in fact family lives in that area. I haven't hunted it like you have, but I've seen the elk and I know it's a big draw for people locally as well as tourism that will continue.

Senator HEINRICH. Great.

Thank you very much.

Senator BARRASSO. Thank you, Senator Heinrich.

Ms. Stevenson, I tend to agree with the statement when you say in your testimony that the wilderness is a single tool in the legisla-

tive toolbox and that there is a lot of space between wilderness and multiple use management.

I do not see establishing a national monument by Presidential proclamation as the solution. Much of the area that is the subject of this bill is already in a national recreation area. Adding additional management layers on top of that does not seem like a good idea to me. Continuing wilderness study areas or recommended wilderness areas is not a solution either, they de facto become wilderness areas.

So it seems that maybe the real problem you have here is that mountain biking is a prohibited activity under the Wilderness Act. So I just wonder would amending the Wilderness Act to allow for mechanized travel solve the problem?

Ms. STEVENSON. I suppose that would solve the problem, but I'm not here today to advocate for that.

Senator BARRASSO. Okay.

The next question is for Mr. Johnson.

You spent over a decade working on designating wilderness in the Boulder-White Clouds region. You have also teamed up more recently with Ms. Stevenson and other stakeholders to ask the President to exercise his Antiquity Act's authority to proclaim a national monument for the whole area, about 600,000 plus acres.

So at the end of the day, what does your organization want? Wilderness or a national monument?

Mr. JOHNSON. Well, at the end of the day what we want to see happen is whatever we can get done. To be honest, after this many years, I first came to Washington, DC 30 years ago.

Senator BARRASSO. But before any of us.

Mr. JOHNSON. Right. Right.

To speak to these issues and the fact is we've not been able to bring the consensus together to get a bill passed in all that time. For a number of reasons, legislation is the right path to go. For a number of reasons, wilderness is the right path to go. It is a higher standard of protection, and it's one that we have advocated as an organization and as a conservation community for, literally, generations.

The monument is a good tool, but it is one that has political cost. There's no question. An Idaho solution is an Idaho solution, one supported by the majority party of our state and the delegation certainly is going to have the certain political resonance that something from the Administration probably is not. I would also add that there's a certainty of management that hits the ground on day one with wilderness designation. It is a clear. You said it is a single tool. It is a very effective tool to protect land. The management of a monument is a little more complicated. But in the end also there's the legislative history. There's been the discussions about protection of this landscape as wilderness for generations at this point. And we're really encouraged that we might have the opportunity to finally get the job done.

Senator BARRASSO. Thank you.

Is it fair to say then that you would be satisfied if Congress designates these areas as wilderness and would oppose the monument idea and get others to do the same?

Mr. JOHNSON. If the bill passes, absolutely. I think we have done the job if the bill passes.

Senator BARRASSO. Thank you.

Mr. JOHNSON. However, if the bill doesn't pass—you got it.

Senator BARRASSO. Mr. Murphy, with regard to Senator Lee and Senator Hatch's bill, I want to understand this correctly. As I read your testimony, the BLM is telling the Subcommittee it intentionally punted the decision-making livestock grazing in the monument in 1999 when the agency adopted its resource management plan. Now here we are 16 years later, and it wants to put a framework in place through transparent public processes. You have been managing grazing using the 35-year old framework plans all the time.

It just seems in your testimony you say you do not support managing graze lands according to arbitrary targets of use. Then you say, overall permitted use is at roughly the same level as it has been since the early 90's and that you have renewed all expiring livestock grazing permits, leases on the monument.

If this is all true, I am just not sure why you call the grazing levels in the bill arbitrary since it is what you are claiming the BLM has already done.

Can you provide some assurances that BLM will not reduce grazing levels on the monument through the Livestock Grazing Management Plan amendment that you are currently preparing?

Mr. MURPHY. Senator, thank you for the question.

When the monument plan was initiated, grazing direction, grazing planning was part of that. The issues became significant and the grazing component of that plan was tabled. So at that time when the plan was completed, there was not land-use level direction for grazing.

Some years later an amendment was initiated to readdress the grazing. After a few years, it was found that the public scoping period was wholly inadequate and that was then set aside, that amendment process. It took some years to garner support for renewing the land-use planning effort to bring grazing direction in line with other resource decisions, and in 2012 and 2013 public scoping has begun. And we're in that process now of addressing grazing management, providing direction for grazing, integrated with other resources.

Senator BARRASSO. You talk about providing direction, and I think people want to see some certainty. If you oppose setting grazing levels like S. 365 would do, what will the BLM do to provide some certainty to the ranching industry and community that are affected by this, that grazing will actually continue at current levels?

Mr. MURPHY. With the completion of the amendment that's underway, it'll provide the framework for the basis for activity plan levels, that will provide the framework for NEPA for grazing permit renewals and those renewals will be based on a data-driven process, vegetation, soil, water, air.

When I spoke about the arbitrary number, that has to do with going back to a period of time, 1996 or any date, and trying to match that date, the data-driven process will arrive at a level of

grazing management that can be supported and integrated with other resources.

Senator BARRASSO. Thank you.

Ms. Weldon, in your testimony on S. 472, Senator Heller's Douglas County bill, you expressed concerns with language that you say limits the ability of the President to develop new water facilities that are deemed in the national interest in any present or future designated wilderness, and you reiterate this concern in your testimony on Senator Risch's bill. Can you elaborate on the basis of your concern with this language, and do you have any examples of the President using that authority or what might necessitate the use of that authority?

Ms. WELDON. Thanks for your question.

I don't have any examples because I don't think this provision has been put into use with any wilderness that have been designated based on our research.

What we're simply doing is affirming the language that is in the current Wilderness Act of 1964 that states that the President may authorize and maintain if it's viewed that those new facilities are in the interest of the public. So it's affirming what's in the Wilderness Act.

Senator BARRASSO. Thank you.

We will go to a second round of questions. Senator Risch?

Senator RISCH. Thank you, Mr. Chairman.

I will try to be brief here.

Rick, one of the biggest criticisms that we have, as the delegation, have heard in Idaho regarding monument verses statute is the uncertainty that the monument brings and the struggle that it is going to take to get it up and running whereas the bill provides very clear certainty, at least in most circumstances. What are your thoughts on that?

Mr. JOHNSON. Well, there's little doubt that the bill would provide certainty from day one. That's crystal clear.

I would like to just caution, however, that I think that a monument process such as not unlike the one that has been underway driven by our organization and in a very broad coalition. We're reaching out and talking to everybody. We've done visits with the ranchers and recreation interests. We're talking to everybody we can possibly meet with. To be honest, parenthetically, it made me appreciate your job a lot more. You know, we're the ones actually in the center of the focus.

When a monument is designated, it is based upon a set of objects and it is based upon a map that is, presumably, built around the justification. We cannot speak for the White House or the Administration by any means, but we believe that they would take the good work that has been done by the coalition on the ground to build something that reflects Idaho values and we would hope that and expect that that would happen. We cannot guarantee that would happen, but we would hope and expect.

Senator RISCH. Sure.

Your continued preference is for the legislation at this point, is that correct?

Mr. JOHNSON. Correct.

Senator RISCH. Second, you were chosen to testify in favor of this, and as a result of that, are representing lots and lots of different and varied groups and some groups you are not used to representing, I might add.

Since you have that responsibility——

Mr. JOHNSON. And they're probably uncomfortable with it too, but. [Laughter.]

Senator RISCH. You said that, I did not. In any event, the numbers are really impressive, the number of groups and the wide diversity. But having said that, do you have anything else you want to add? Your time was limited at the beginning, in adding to your testimony as far as what your thoughts, or these other groups' thoughts, are on the bill?

Mr. JOHNSON. Well, I think that I would just say that this is an extraordinary place. And while we are far, thousands of miles from home, it is important to recognize that spring is coming in the Boulder-White Clouds, the mountain goats are out there, the herds of migrating elk, the Pronghorn, the salmon and steelhead in the rivers and streams. It's an extraordinary place.

And one of the things that I think is clear is people care about it deeply for many different respects. It's a large landscape, has a lot of diverse opportunities to use it. This bill takes into consideration as much as it possibly can, the diversity of uses and the diversity of habitats in a future that really protects this grand part of Idaho.

I would just close by saying it really deserves it. It is not about us. It's not about, you know, as Mr. Simpson has said, it's not even about ten years from now. It's about a hundred years from now. Will the resources that are found there today be there for future generations? And I think this bill is an extraordinary effort to bring people together.

Senator RISCH. Thank you.

I think that regardless of where people are on this issue there is not anyone who would disagree with the word that you just uttered in that regard. This is one of the most remarkable places in the world. You can travel all over the world, but you would always remember your trip to the Boulder-White Clouds. It is truly unique.

Tim, finish up your work here and get back to Idaho. We have a little sage grouse problem you may have heard of and we need your help on that.

For those of you who are interested in looking to the future, here in the audience today we have people representing the Scotchman's Peak area of North Idaho, another, probably the next candidate in Idaho. It may be in my fourth or fifth term in this job, I do not know. I hope you do not have to wait that long, but there is no doubt that there will be a movement. I want to complement them right now. They have seen and picked up on the collaborative method by which these public lands issues have been resolved in Idaho. They have been moving forward in that regard. They have been making substantial progress, and indeed have an impressive list of people who are supporting their work in that regard. So this Committee will, in all likelihood, in the future be seeing them. Is that okay with you, Rick?

Mr. JOHNSON. I'm all in. [Laughter.]

Senator RISCH. Thank you.

Mr. Chairman, thank you so much for your time. Thank you for holding the hearing.

Senator BARRASSO. Thank you, Senator Risch.

Senator Heinrich, second round of questions? No?

Hearing no other questions, members may also submit followup written questions for the record. The record will be open for the next two weeks.

Senator BARRASSO. I want to thank all of you for being here today, for your time and your testimony.

The hearing is adjourned.

[Whereupon, at 3:35 p.m. the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
May 21, 2015 Hearing: Pending Legislation
Questions for the Record Submitted to Mr. Tim Murphy

Questions from Senator Mike Lee

Question 1: In order to improve rangeland conditions and restore grazing levels within the Grand Staircase-Escalante National Monument, grazing permit holders need flexibility to manage the timing, duration, and intensity of their livestock grazing within the permitted area. How can BLM enable this flexibility through the grazing permitting process?

The BLM works closely with grazing permittees to achieve flexibility in timing, duration, and intensity within the terms and conditions of a grazing permit. During the permit renewal process, the BLM and the permittee develop terms and conditions that may adjust season of use, numbers, and rotation systems in order to best adapt to changing range conditions and promote land health. Allotment Management Plans or their equivalent may also be developed under the grazing regulations and made part of the permit through the terms and conditions to provide for additional flexibility. The BLM has found that cooperative working relationships and an open line of communication are key to providing the sort of flexibility that is needed for both the grazing operation and the health of the land. The Monument Management Plan (MMP) amendment planning process is actively engaging permit holders and other members of the public with an interest in grazing on the GSENM.

Question 2: Livestock range improvements can only be accomplished through a coordinated effort between the managing agency and the grazing permit holder. What actions does BLM plan to take on the GSENM to increase forage production that benefits both livestock and wildlife?

Range improvements can take many forms, including: treating vegetation to improve forage conditions using tools like prescribed fire, chemical applications, and mechanically-aided clearing and seeding; developing water sources for livestock and wildlife and providing alternatives to natural water sources; managing livestock forage use by installing fencing and corrals and maintaining trails and roads; and improving management practices such as pasture rotation. GSENM has been restoring desirable vegetation and improving land health for nearly 20 years. Over that time, the BLM has treated approximately 28,000 acres for rangeland health, fire rehabilitation, or erosion control. These projects have benefitted livestock and wildlife species.

The Monument Management Plan (MMP) is currently being amended. Livestock grazing and direction regarding the treatment of vegetation to meet Utah's Rangeland Health Standards and benefit both livestock and wildlife including habitat for sage grouse and other wildlife species are being addressed in that planning process with input from grazing permitttees as well as other members of the public with an interest in grazing on the GSENM.

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
May 21, 2015 Hearing: Pending Legislation
Questions for the Record Submitted to Mr. Tim Murphy

Question 3: Access to forage improvement projects is critical for the long-term stability of grazing lands. Trails for timely livestock movement and access roads to water sources must be maintained and available for use. How can open access to these features be maintained while also considering access for other uses such as recreation?

The BLM works with permittees to ensure reasonable access to grazing improvements, including the use of particular roads and trails, and the times of the year when such use is most appropriate. In the course of managing grazing operations, permittees coordinate closely with BLM range management specialists and other staff to identify and obtain access to maintain, restore or reconstruct the improvements for which they are responsible. For example, at GSENM, some range improvements may be accessed over routes open to motorized and mechanized use by the general public while others must be accessed over GSENM "administrative roads," which are closed to motorized and mechanized use by the general public but open to permittees under certain circumstances.

Questions from Senator Jeff Flake

Question 1: Please describe the consultation process between BLM, OMB, and state governments that takes place prior to a Presidential designation of a National Monument

This Administration has demonstrated a commitment to working with Governors, Congress, county commissioners, tribal governments, and the public in making Federal land use decisions. The Administration recognizes and respects the importance of public and congressional input in considering protections for natural, historic, and cultural treasures. The Administration constantly strives to take into account the interests of a wide range of stakeholders both to protect America's public lands and provide for economic development in a manner that is consistent with applicable laws and sound public policy.

Question 2: Please provide a list of any National Monuments that are presently under consideration for designation by the President under the Antiquities Act.

I am not aware of any list of proposed National Monuments under consideration by the President.

Written Statement of
Commissioner Doug N. Johnson, Chairman
Board of County Commissioners, Douglas County, Nevada

Before the Senate Energy and Natural Resources Subcommittee on
Public Lands, Forests, and Mining

In Support of
S. 472 –The Douglas County Conservation Act of 2015

May 21, 2015

On behalf of Douglas County, Nevada, I am grateful for the opportunity to submit a written statement for the record in support of **S. 472**—The Douglas County Conservation Act of 2015. Specifically, I would like to thank Senator Dean Heller, Senate Minority Leader Harry Reid, and Congressman Mark Amodei for their leadership on this bill. We appreciate the co-sponsorship of the southern Nevada Congressional delegation members who recognize the importance of this legislation to northern Nevada. Finally, I wish to thank Chairman John Barrasso (R-Wyo) and Senator Ron Wyden (D-Ore) of the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining for inviting my written testimony at this hearing.

The Douglas County Conservation Act of 2015 is the culmination of nearly two decades of Douglas County's planning process and it upholds the goals and policies set for in both the Douglas County Master Plan and the Open Space and Agricultural Lands Preservation Implementation Plan. The Douglas County Board of County Commissioners unanimously approved the concepts and framework of the Douglas County Conservation Act of 2015.

Specifically, **S. 472** promotes the conservation of the floodplain along the Carson River, conveys public lands to local government for flood protection and public works projects, improves recreation and economic development opportunities around Lake Tahoe, permanently resolves access issues surrounding the Burbank Canyons Wilderness Study Area, protects important Sage Grouse habitat and conveys cultural lands to the Washoe Tribe of Nevada and California. Given the comprehensive nature of this legislation, I am attaching a parcel-by-parcel description of the map at the end of my statement, which identifies the specific disposition and use of each parcel.

Public Process for S. 472

The Douglas County Conservation Act of 2015 allows Douglas County to plan its future. It is the product of a six-year effort between Douglas County, the Bureau of Land Management, the U.S. Forest Service and state agencies, local towns and general improvement districts, the Washoe Tribe of Nevada and California and more than 100 local stakeholder groups. Since May 2009, hundreds of meetings have been held with these stakeholders to craft a bill, which reflects

the character and the values of our entire community. During the public process, Douglas County held numerous community Open Houses to inform the public and receive comment.

Maintaining the County's Rural Landscape

Douglas County's Master Plan envisions maintaining the rural character of its community through the use of conservation easements to protect its rural heritage, historic ranching operations, flood plain functions, and wildlife habitat. To date, nearly19,000 acres of resource-rich ranch land has been conserved through a combination of programs and funding sources. Like other counties in Nevada, federal lands owned by the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) surround Douglas County. **S. 472** enables the County to work with Federal agencies to ensure the best use of that land to encourage economic development, preserve our cultural heritage, improve access for public recreation and provide flood protection for our residents.

S. 472 conveys 7,990 acres to the County for public purposes. The land will be used for flood control detention basins, water resource infrastructure, public parks, public buildings, and all other uses authorized in the Recreation and Public Purposes Act (RPPA). Through the bill, the BLM is directed to convey 6,047 acres to the County for public purposes, of which 5,232 acres would be used for flood control. In addition, 1,943 acres of USFS land will be used for other public purposes including the creation of trails and public parks. **S. 472** outlines a process whereby the County can acquire the Federal reversionary interest in all or any portion of these acres, if necessary.

S. 472 designates 616 acres ("Lands For Disposal" on the map) of USFS and BLM lands that are to be disposed of in the first land sale, which is directed to occur within one year. Most of this USFS acreage has already been identified for disposal as part of the Nevada National Forest Land Disposal Act of 2005. Additionally, **S. 472** directs the BLM to dispose of approximately 10,000 acres. The BLM and USFS are directed to work with the County on the disposal process so that local planning needs are considered during that time. The proceeds from the sales will be allocated as follows: 5% will go to the State of Nevada; 10% will go to the County to implement the Open Space and Agricultural Lands Preservation Implementation Plan; 85% will be deposited into a special account in the Treasury known as the "Douglas County Special Account." The funds in the treasury account will be used to purchase conservation easements in Douglas County from willing sellers in accordance with the Douglas County Open Space and Agricultural Lands Preservation Implementation plan. These land conveyances will help us to preserve the rural character and cultural heritage of our community.

Enhancing Recreational Opportunities at Lake Tahoe

Lake Tahoe provides numerous recreational opportunities for Douglas County residents and it is a major tourist destination in the State of Nevada. **S. 472** would provide for the sound management and future use of two recreational areas on USFS land at the lake. The County has been concerned about the lack of attention by the U.S. Forest Service to these two areas. Round Hill Pines Resort and Zephyr Shoals sit right on the shore of beautiful Lake Tahoe. Round Hill Pines Resort has fallen into a state of disrepair hosting dilapidated cabins. Due to a lack of resources, the Dreyfus Estate buildings at Zephyr Shoals have also fallen into extreme disrepair.

Further, the U.S. Forest Service has not installed adequate restroom or trash collection facilities to accommodate the thousands who visit these beautiful beaches, which degrades water quality in the Lake.

S. 472 directs the Secretary of Agriculture, within two years of enactment, to solicit through competitive bidding, long-term concessions for the rehabilitation and management of the Round Hill Pines Resort (125 acres) and Zephyr Shoals (448 acres). By entering into longer-term concessions of these lakeside properties, the concessionaire will have the ability to restore these facilities for public use and enjoyment. If the USFS does not comply with the timeline set forth in **S. 472**, then administrative jurisdiction for these parcels at Lake Tahoe will transfer to the County to administer under a 99-year lease. The County would provide for the long-term management of these properties through its own concession leasing process. We have been pleased to see the USFS begin such a process at Round Hill Pines even before passage of the bill. S. 472 provides a way that these two beautiful properties can be revived and used by our residents and visitors at Lake Tahoe.

Lastly, **S. 472** would convey 67 acres of Forest Service Land to the State of Nevada for the Lake Tahoe-Nevada State Park. This would resolve two inholdings and the state would use the land for the creation a public park and for the conservation of wildlife and natural resources. All of these provisions in **S. 472** enhance recreational opportunities at Lake Tahoe for our community to enjoy. We would like to work with the USFS to ensure that the management of these areas continues to improve.

Preserving Cultural Lands of the Washoe Tribe of Nevada and California

Since Douglas County began this public lands process, the County has consulted with the Washoe Tribe of Nevada and California concerning their public lands concerns. In those meetings, the Tribe identified 1,016 acres of BLM land in the Pine Nut Mountain range that contains cultural resources, which are important for the preservation of the Washoe Tribe's heritage. These lands are conveyed to the Washoe Tribe through this legislation.

S. 472 also creates the Dance Hill Cooperative Management Area whereby the County, the Washoe Tribe, and the USFS will enter into an agreement to improve the management of approximately 1,811 acres. This Management Area will give tribal members regular access across these lands for cultural and religious purposes while also preserving the recreational uses on the many roads and trails in the area.

Burbank Canyons Wilderness and Recreation

Like most residents in Douglas County, I have spent most of my life enjoying the outdoors. Being an avid OHV enthusiast, it is critical to find an appropriate balance between OHV recreation and conservation. **S. 472** strikes this balance. The retention of OHV access to the Burbank Canyons Wilderness Study Area is a personal priority of mine. **S. 472** designates 12,330 acres of BLM-owned land as the Burbank Canyons Wilderness. However, the legislation will permanently leave open all existing roads so that recreational access can continue. This wilderness designation helps preserve prime habitat for the Nevada/California Bi-State Sage

Grouse populations. Even though the U.S. Fish and Wildlife Service has withdrawn its proposed listing of the Nevada and California Bi-State Sage Grouse, **S. 472** helps retain this decision by continuing protection of this habitat. Finally, **S. 472** releases 1,065 acres from the wilderness study area, and these acres are not included in the proposed wilderness designation.

Conclusion

S. 472 provides a comprehensive and balanced approach to managing federal lands in Douglas County. The County has worked hard to engage our community stakeholders and the federal agencies throughout this process to ensure that our major goals are accomplished in this legislation. We are very pleased that **S. 472** provides workable solutions on these challenging land-use issues. Thank you.

205

Description of Land Parcels in S. 472

Original Parcel #	Map Legend	Agency	Township /Range	Acreage	Bill Citation	Description of Parcel
RESOLUTION OF BURBANK CANYONS WILDERNESS STUDY AREA						
1	Proposed Burbank Canyons Wilderness	BLM	T. 11 N., R. 22 E.; T. 11 N., R. 23 E.; T. 12 N., R. 22 E.	12,330	Sec. 301	Designate the Douglas County portion of the Burbank Canyons Wilderness Study Area as Wilderness.
			Total Acreage	**12,330**		
TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE						
2	Washoe Tribe Conveyances	BLM	T. 14 N., R. 20 E.	30	Sec. 201	Archaeological Parcel, near North Sunridge Drive, designated for transfer to the Washoe Tribe in the BLM Final North Douglas County Specific Plan Amendment, June 2001.

3	Washoe Tribe Conveyances	USFS	T. 11 N., R. 21 E.	458	Sec. 201	Pine Nut Parcel, SW of Simee Dimeh Summit, identified in the Return of Aboriginal Lands to the Washoe Tribe Document as containing known prehistoric resources and being important for the preservation of Washoe cultural heritage.
4	Washoe Tribe Conveyances	BLM	T. 11 N., R. 21 E.	2.4	Sec. 201	Pine Nut Parcel, NE of Simee Dimeh Summit, identified in the Return of Aboriginal Lands to the Washoe Tribe Document as being important for the preservation of Washoe cultural heritage and for access to cultural resources.

5	Washoe Tribe Conveyances	USFS	T. 11 N., R. 21 E.	68	Sec. 201	Pine Nut Parcel, near Doud Springs, identified in the Return of Aboriginal Lands to the Washoe Tribe Document as being important for the preservation of Washoe cultural heritage and for access to cultural resources.
~~6~~	~~Washoe Tribe Conveyances~~	~~USFS~~	~~T. 11 N., R. 21 E.~~	~~161~~	~~Sec. 201~~	Parcel #6 has been removed from the Bill because it has already been transferred to the Washoe Tribe.
7	Washoe Tribe Conveyances	USFS	T. 10 N., R. 21 E.	47	Sec. 201	Pine Nut Parcel, near Leviathan Mine Road, identified in the Return of Aboriginal Lands to the Washoe Tribe Document as being important for the

						preservation of Washoe cultural heritage and for access to cultural resources.
8	Washoe Tribe Conveyances	USFS	T. 10 N., R. 21 E.	40	Sec. 201	Pine Nut Parcel, near Tree Farm, identified in the Return of Aboriginal Lands to the Washoe Tribe Document as being important for the preservation of Washoe cultural heritage and for access to cultural resources.
9	Washoe Tribe Conveyances	USFS	T. 10 N., R. 22 E.	69	Sec. 201	Pine Nut Parcel, near Victory Circle, identified in the Return of Aboriginal Lands to the Washoe Tribe Document as being important for the preservation of Washoe

						cultural heritage and for access to cultural resources.
10	Washoe Tribe Conveyances	BLM	T. 10 N., R. 22 E.	40	Sec. 201	Pine Nut Parcel, near Rest Stop, identified in the Return of Aboriginal Lands to the Washoe Tribe Document as being important for the preservation of Washoe cultural heritage and for access to cultural resources.
11	Washoe Tribe Conveyances	BLM	T. 10 N., R. 22 E.	80	Sec. 201	Pine Nut Parcel, near Holbrook, identified in the Return of Aboriginal Lands to the Washoe Tribe Document as being important for the preservation of Washoe cultural

						heritage and for access to cultural resources.
12	Washoe Tribe Conveyances	USFS	T. 10 N., R. 21 E.	132	Sec. 201	Pine Nut Parcel, on California/Nevada border, identified in the Return of Aboriginal Lands to the Washoe Tribe Document as being important for the preservation of Washoe cultural heritage and for access to cultural resources.
13	Washoe Tribe Conveyances	USFS	T. 10 N., R. 21 E.	50	Sec. 201	Pine Nut Parcel, on California/Nevada border, identified in the Return of Aboriginal Lands to the Washoe Tribe Document as being important for

						the preservation of Washoe cultural heritage and for access to cultural resources.
			Total Acreage	**1,016.40**		
COOPERATIVE MANAGEMENT AGREEMENT						
14	Cooperative Management Area	USFS	T. 12 N., R. 20 E.; T. 11 N., R. 20 E.	1,811	Sec. 202	Dance Hill Cooperative Management Parcel, the USFS, Washoe Tribe, and Douglas County shall enter into a cooperative management agreement to improve management, protect the cultural and recreational resources, and reduce the management burden of the USFS.
			Total Acreage	**1,811**		
CONVEYANCE TO STATE OF NEVADA						

15	Lake Tahoe-Nevada State Park	USFS	T. 14 N., R. 19 E.	44	Sec. 101	State Park Parcel No. 1, an inholding within the Lake Tahoe Nevada State Park, designated for transfer to the State of Nevada for trail and trailhead purposes, and to be managed as a public park and for the conservation of wildlife and natural resources.
16	Lake Tahoe-Nevada State Park	USFS	T. 14 N., R. 19 E.	23	Sec. 101	State Park Parcel No. 2, an inholding within the Lake Tahoe Nevada State Park, designated for transfer to the State of Nevada to be managed as a public park and for the conservation of wildlife and natural resources.
			Total Acreage	**67**		
SALE OF CERTAIN LAND TO FUND CONSERVATION EASEMENT ACQUISITIONS						

17	Lands for Disposal	USFS	T. 14 N., R. 20 E.	28	Sec. 104	Big Box Commercial Parcel, adjacent to Target, Best Buy, Jacks Valley Road, and Highway 395, previously identified for disposal in the Nevada National Forest Land Disposal Act of 2005, H.R. 816.
18	Lands for Disposal	BLM	T. 14 N., R. 20 E.	10	Sec. 104	Commercial Parcel, near Lyla Lane, identified in the BLM Final North Douglas County Specific Plan Amendment, June 2001, to be reserved for R&PP. Otherwise, would have been disposed with other BLM lands at that time. Was never used for R&PP.

19	Lands for Disposal	USFS	T. 14 N., R. 20 E.	24	Sec. 104	Indian Hills General Improvement District Parcel Plymouth Lane, previously identified for disposal in the Nevada National Forest Land Disposal Act of 2005, H.R. 816.
20	Lands for Disposal	BLM	T. 12 N., R. 21 E.	277	Sec. 104	BLM Bodie Flat Parcel, the Bureau of Reclamation has a mineral withdrawal on this parcel; however, since the termination of the Watashemu Project, the BOR has no Congressional authorization to act in Douglas County. The BOR supports the transfer of this parcel.

21	Lands for Disposal	USFS	T. 12 N., R. 21 E.	270	Sec. 104	USFS Bodie Flat Parcel, the Bureau of Reclamation has a mineral withdrawal on this parcel; however, since the termination of the Watashemu Project, the BOR has no Congressional authorization to act in Douglas County. The BOR supports the transfer of this parcel.
22	Lands for Disposal	USFS	T. 10 N., R. 22 E.	5	Sec. 104	Topaz Parcel No. 1. Surrounded by private residential subdivision, and previously identified for disposal in the Nevada National Forest Land Disposal Act of 2005, H.R. 816.

23	Lands for Disposal	USFS	T. 10 N., R. 22 E.	2.5	Sec. 104	Topaz Parcel No. 2. Surrounded by private residential subdivision, and previously identified for disposal in the Nevada National Forest Land Disposal Act of 2005, H.R. 816.
			Total Acreage	**616.5**		
CONVEYANCE TO DOUGLAS COUNTY						
24	Douglas County Conveyances	BLM	T. 14 N., R. 20 E.; T. 13 N., R. 20 E.	1,714	Sec. 103	Flood Control Parcel, near Stephanie Way, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters. The BLM has designated portions of this parcel for disposal.

25	Douglas County Conveyances	BLM	T. 13 N., R. 20 E.	159	Sec. 103	Flood Control Parcel, near Sunrise Pass, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters. The BLM has designated this parcel for disposal.
26	Douglas County Conveyances	BLM	T. 13 N., R. 20 E.; T. 13 N., R. 21 E.	1,285	Sec. 103	Flood Control Parcel, near Nebe Lane, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters. The BLM has designated portions of this parcel for disposal.

27	Douglas County Conveyances	BLM	T. 13 N., R. 20 E.	438	Sec. 103	Flood Control Parcel near Amber Way, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of flood waters. The BLM has designated portions of this parcel for disposal.
28	Douglas County Conveyances	BLM	T. 13 N., R. 21 E.	284	Sec. 103	Flood Control Parcel, near Carlson Court, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters. The BLM has designated this parcel for disposal.

29	Douglas County Conveyances	BLM	T. 13 N., R. 21 E.	55	Sec. 103	Flood Control Parcel, south of Juniper Road, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters. The BLM has designated this parcel for disposal.
30	Douglas County Conveyances	BLM	T. 13 N., R. 21 E.	173	Sec. 103	Flood Control Parcel, east of Sheena Terrace, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters.

31	Douglas County Conveyances	BLM	T. 13 N., R. 21 E.	78	Sec. 103	Flood Control Parcel, south of Calle del Sol, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters. The BLM has designated this parcel for disposal.
32	Douglas County Conveyances	BLM	T. 12 N., R. 21 E.	307	Sec. 103	Flood Control Parcel, south of Ron Lane, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters. The BLM has designated this parcel for disposal.

33	Douglas County Conveyances	BLM	T. 12 N., R. 21 E.	40	Sec. 103	Flood Control Parcel, south of Mountain Clover Road, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters. The BLM has designated this parcel for disposal.
34	Douglas County Conveyances	BLM	T. 12 N., R. 21 E.	42	Sec. 103	Flood Control Parcel, east of Blue Bird Road, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters. The BLM has designated this parcel for disposal.

35	Douglas County Conveyances	BLM	T. 12 N., R. 21 E.	657	Sec. 103	Flood Control Parcel, east of the Douglas County Transfer Station, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters.
36	Douglas County Conveyances	USFS	T. 12 N., R. 19 E.	40	Sec. 103	Mottsville Flood Control Parcel, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of flood waters.
37	Douglas County Conveyances	USFS	T. 12 N., R. 19 E.	75	Sec. 103	Jobs Peak Ranch Flood Control Parcel, identified by Douglas County's engineer and

						fluvial geomorpholo gist, to be used for the capture, storage, and safe release of flood waters.
38	Douglas County Conveyanc es	USFS	T. 12 N., R. 19 E.	94	Sec. 103	South Foothill Road Flood Control Parcel, identified by Douglas County's engineer and fluvial geomorpholo gist, to be used for the capture, storage, and safe release of flood waters.
39	Douglas County Conveyanc es	BLM	T. 12 N., R. 20 E.; T. 12 N., R. 21 E.	757	Sec. 103	Fairgrounds Parcel, to be transferred to Douglas County for public purposes including a future school site, bus barn, recreation, and other public purposes.

40	Douglas County Conveyances	BLM	T. 14 N., R. 20 E.	54	Sec. 103	Johnson Lane Park Parcel, currently an R&PP lease parcel, designated for transfer to Douglas County to continue to be managed as a public park.
41	Douglas County Conveyances	BLM	T. 14 N., R. 20 E.	2	Sec. 103	Sheriff's Substation Parcel, currently an R&PP lease parcel, designated for transfer to Douglas County to continue to be used as a Sheriff's Substation.
42	Douglas County Conveyances	BLM	T. 14 N., R. 20 E.	2	Sec. 103	East Fork Fire District Parcel, currently an R&PP lease, designated for transfer to Douglas County to continue to be used as a Fire Station.
43	Douglas County Conveyances	USFS	T. 12 N., R. 20 E.	4	Sec. 103	Rocky Bend Parcel, to be transferred to Douglas County to be managed as

						a public river park.
44	Douglas County Conveyances	USFS	T. 13 N., R. 19 E.	14	Sec. 103	North Tahoe Rim Trail Parcel, to be transferred to Douglas County for trail, trailhead, and parking purposes.
45	Douglas County Conveyances	USFS	T. 13 N., R. 18 E.	24	Sec. 103	South Tahoe Rim Trail Parcel, to be transferred to Douglas County for trail, trailhead, and parking purposes.
46	Douglas County Conveyances	USFS	T. 13 N., R. 19 E.	40	Sec. 103	Carson Street Parcel, near Carson Street, identified by Douglas County's engineer and fluvial geomorphologist, to be used for the capture, storage, and safe release of floodwaters. Also to be used for other purposes, including

						trail, trailhead, parking, maintenance facility, and water tank site.
47	Douglas County Conveyances	USFS	T. 13 N., R. 19 E.	23	Sec. 103	Walley's Pit Parcel, old gravel pit to be transferred to Douglas County for trail, trailhead, parking, maintenance, transportation, and other public purposes.
48	Douglas County Conveyances	USFS	T. 13 N., R. 19 E.	4	Sec. 103	Walley's North Parcel, to be transferred to Douglas County for trail, recreation, and conservation purposes.
49	Douglas County Conveyances	USFS	T. 13 N., R. 19 E.	5	Sec. 103	Walley's South Parcel, to be transferred to Douglas County for trail,

						recreation, and conservation purposes.
50	Douglas County Conveyances	USFS	T. 13 N., R. 19 E.	242	Sec. 103	Pine Basin Parcel, to be transferred to Douglas County for trails, trailheads, parking, day use area, restroom facilities, and a tunnel/under pass to allow pedestrians, equestrians, and cyclists to safely cross Kingsbury Grade.
53	Douglas County Conveyances	USFS	T. 9 N., R. 22 E.; T. 10 N., R. 22 E.	1,334	Sec. 103	Gray Hills Parcel, designated for transfer to Douglas County to be managed as part of the contiguous Topaz Lake Park for recreation, conservation, and public purposes.

54	Douglas County Conveyances	USFS	T. 14 N., R. 19 E.	31	Sec. 103	Jack's Valley Water Tank Parcel, designated for transfer to Douglas County to be used to as a water tank site.
55	Douglas County Conveyances	USFS	T. 13 N., R. 18 E.	2	Sec. 103	Lake Tahoe Regional Water Treatment Facility Parcel, designated for transfer to Douglas County to be used to consolidate the Lake Tahoe GIDs into one water treatment facility.
56	Douglas County Conveyances	USFS	T. 13 N., R. 19 E.	4	Sec. 103	KGID Water Tank Parcel, designated for transfer to Douglas County to be used as a water tank site.
57	Douglas County Conveyances	USFS	T. 14 N., R. 18 E.	1	Sec. 103	Hidden Wood Water Tank Parcel, designated for transfer to Douglas County to be used as a water tank

						site.
58	Douglas County Conveyances	USFS	T. 14 N., R. 18 E.	5	Sec. 103	Cave Rock Water Tank Parcel, designated for transfer to Douglas County to be used as a water tank site.
59	Douglas County Conveyances	USFS	T. 10 N., R. 22 E.	1.6	Sec. 103	Topaz Water Tank Parcel, designated for transfer to Douglas County to be used as a water tank site.
			Total Acreage	**7990.6**		
CONCESSIONAIRES						
51	Round Hill Pines Resort	USFS	T. 13 N., R. 18 E.	125	Sec. 102(a)(1)	Round Hill Pines Management Area, provide improved management of recreation and for other purposes to increase public access to and use of the property, to rehabilitate the historic

						structures, etc.
52	Zephyr Shoals	USFS	T. 13 N., R. 18 E.	448	Sec. 102(a)(2)	Dreyfus Estate Management Area, provide improved management of recreation and for other purposes to increase public access to and use of the property, to rehabilitate the historic structures, etc.
			Total Acreage	**573**		

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25 May 2015

Thank you for adding these comments to the record on the hearing concerning Senate Bill 365 held on the 21st of May at 2pm by the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining.

For the past decade as a scientist working with agencies, the public, land owners, and ranchers; I have studied the effects of livestock grazing in the Grand Staircase-Escalante National Monument (GSENM). Recently retired, I was employed during that time by the Wild Utah Project, a nonprofit conservation organization that promotes science in managing lands. During my research, I have spent thousands of hours collecting data, training tomorrow's scientists, helping in service projects, participating in collaborative meetings, analyzing data, and publishing results concerning my work in the GSENM.

Wild Utah Project has the expertise to use spatial data to conduct analysis using geographic information systems (GIS). In fact, my PhD concerned BLM's use of GIS in land use planning. In the testimony that follows, many of the concepts that I raise are the results of extensive computer analysis using GIS.

The proclamation for the Grand Staircase Escalante National Monument calls for the continuance of livestock grazing under the same laws and regulations that apply grazing management on all BLM lands.

In Utah, the BLM is required to manage all its rangelands in a manner that ensures those lands meet four measurable standards. These standards call for BLM management that ensures that:

1) Soils are stable and the desired plant community is at or moving towards its potential in terms of its diversity of species and productivity. This calls for little bare ground and no excessive erosion.

2) Riparian areas are in properly functioning condition. The standard looks for streambanks that can resist damage from high-flow events. Habitat for the expected aquatic and terrestrial species must be adequate for these species viability.
3) The appropriate amount, type, and distribution of vegetation support the expected native species.
4) Water quality meets state standards and there is an adequate number and diversity of macro invertebrates in the riparian area. Macro invertebrates, for example, include insects, cray fish, and snails.

To implement these standards, BLM has developed assessment methods to apply in the field for specific sites. I have been privileged to be allowed to attend BLM training on the use of these methods for assessing rangeland health standards in upland sites and in riparian areas.

The BLM has developed and adapted standards and assessment methods to address changing conditions and management needs over time.. In 1997, BLM in Utah noted the history that demanded issuing Standards and Guidelines for Healthy Rangelands[1]:

> "In America's West, rangelands are the dominant landscape. Sometimes overlooked and under-appreciated, rangelands contribute significantly to the quality of life of residents and visitors alike. BLM's 200 million + acres of rangeland have long been valued for livestock grazing and mining, but rangeland now are also prized for their recreation opportunities, wildlife habitats, watershed, cultural values, and scenery. . . .
> With time, competing interest have changed and intensified. Over the past 125 years, significant public values have been placed at risk. Irreplaceable topsoil has been lost, habitats are diminished, and clean water supplies are coming into question. A new focus is emerging from this continuing uncertainty, one that looks at the sustainability of ecosystems rather than production of commodities. The land itself is in jeopardy, and the variety of products and values that this land has produced may not be sustained for future generations of Americans unless ecosystems are healthy and productive. It is time for a change, and BLM is changing to meet the challenge. BLM is now giving management priority to maintaining functioning ecosystems. This simply means that the needs of the land and its living and nonliving components (soil, air, water, flora, and fauna) are to be considered first. Only when ecosystems are functioning property can the consumptive, economic political and spiritual needs of man be attained in a sustainable ends."

[1] BLM.1997. Rangeland health, standards and guidelines for healthy rangelands. U.S. Department of the Interior, Bureau of Land Management, Utah State Office.

For the past two decades, BLM and those that care about the land have struggled to move in this new direction. As these comments detail, today these Monument lands are too often degraded and grazing as has been practiced remains the major negative influencing force. There is hope for the health of the land if we collaborate to use the best information on the ground that we can restore the productivity and health of the lands.

This legislation, S. 365, would set this process back. The measurable standards and objective monitoring would be replaced with subjective political generalities defined by this legislation. Ironically by increasing grazing and promoting short term habitat treatments, the productivity of the land will continue to decline hurting not only wildlife and watershed health but also threatening the viability of the Monument's livestock grazing.

In the years that I have participated in scientific study and management discussions on the Monument, I have often heard that conditions have improved in general in the Monument. Local officials and some ranchers state that range conditions have improved over earlier times. Often these are beliefs based on a long history of working on the land.

Today, we need to move from a belief-based decision process for grazing management to a fact-based grazing management decision process. Personal health issues offer a fitting analogy. I may think that I am healthy and I may feel fine. However when I visit my doctor, she notes that I have high blood pressure. She then informs me that, if not addressed, I could face catastrophic health risks. The measurable facts can run counter to our beliefs.

For the habitat in the GSENM, bare ground is the equivalent measure for the land that blood pressure is for my health. For most of the habitat types, some bare ground is natural and expected. But in most areas in the Monument, field data collected by BLM and Natural Resources Conservation Service report that the Monument has more bare ground than expected.

BLM's Technical Reference 1734-6, "Interpreting Indicators of Rangeland Health" offers a layman's description of the importance of stabilizing the soil from erosion. Wind and water

can quickly remove the top layer of soil which is critical to the flora and fauna of the site. Biological crusts, persistent litter, and growing plants provide stability to the soil and resistance to wind and water forces. Technical Reference 1734-6 concludes, "The amount and distribution of bare ground is of the most important contributors to the site stability relative to the site potential: there for, it is a direct indication of site susceptibility to accelerate wind or water erosion."[2]

Biological crusts are complex living communities often just a fraction of an inch thick yet central to the stability of the system, supportive for native plants, and a source of soil nutrients. Belnap[3] states, "Biological soil crusts (BSCs) are the dominant living cover in many drylands of the world." This same conclusion applies to the GSENM. Surveys in the Monument find that biological crusts and other ground cover are too often missing.

In developing a soil survey for the GSENM, NRCS and BLM surveyed roughly a thousand sites covering almost every habitat type. The amount of bare ground was one of the key measures collected by this survey. Wild Utah Project used the agency paper field forms to create a digital spatial data set. This was then added to other geographic data to produce the map in Figure 1. The circles reflect surveyed sites. For those habitat types (called soil map units in the soil survey), the map identifies those habitats where bare ground exceeds 50%. Lands that are naturally barren such as sand dune, badlands, and slickrock were excluded from this analysis. This figure shows that most of the allotments in the GSENM have bare ground that is excessive, above 50%. Excessive bare ground provides an indicator that the sites have insufficient cover to protect the soil surface. Such conditions fail to meet Standard 1 of the rangeland health standards.

[2] Pellant, M.; P. Shaver; D.A. Pyke; and J. Herrick. 20-0-5 Interpreting indicators of Rangeland Helat5h, Version 4. Technical reference 1734-6. Bureau of Land Management. Pg 29

[3] Belnap, J. 2006. The potential roles of biological soil crusts in dryland hydrologic cycles. Hyrdological Processes 20:3159-3178

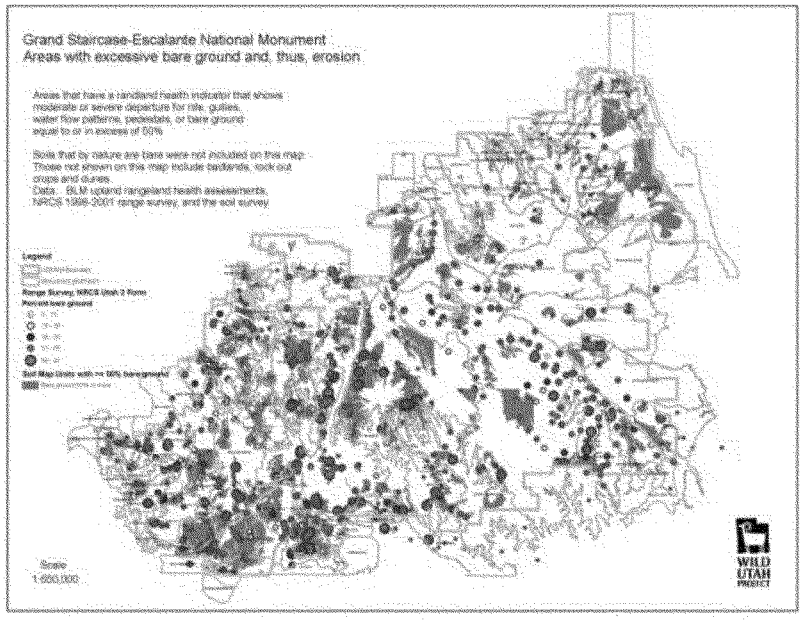

Figure 1

BLM has completed field assessments to determine which streams and springs meet their rangeland health standards. Using BLM's Technical References TR 1734-15[4] and TR 1734-16[5], BLM surveyed almost all surface streams and most springs in the Monument. The survey method asks BLM to determine if the stream or spring is functioning properly (and meeting rangeland health standards), functions at risk (and likely not meeting standards) or is not functioning (and normally not meeting standards).

[4] Prichard, D.; J. Anderson; C. Correll; R. Krapf; S. Leonard. B. Mitchell. J. Fogg; K Bebhardt; and J. Staats. 1998. A User Guide to Assessing Proper Functioning Condition and the Supporting Science for Lotic Areas. Technical Reference 1734-15, Bureau of Land Management.

[5] Prichard, D.; F Berg W. Hagenbuck, M. Manning; S. Leonard. R. Leinard. C. Noble; and J. Staats. 2003. A User Guide to Assessing Proper Functioning Condition and the Supporting Science for Lentic Areas. Technical Reference 1734-16, Bureau of Land Management.

Using BLM's assessments for lotic and lentic areas (streams and springs) in the Monument, I used GIS to create a map that describes the location and results. Figure 2 presents these data showing the streams and springs that are in properly functioning condition in blue and those that are degraded and functioning at risk in red. Except for the Escalante River and the mountain streams that feed this river, most streams and springs are functioning at risk and not meeting standards. The increases in grazing use proposed by S 365 is highly likely to perpetuate the degradation of streams and springs that now don't meet the required standards.

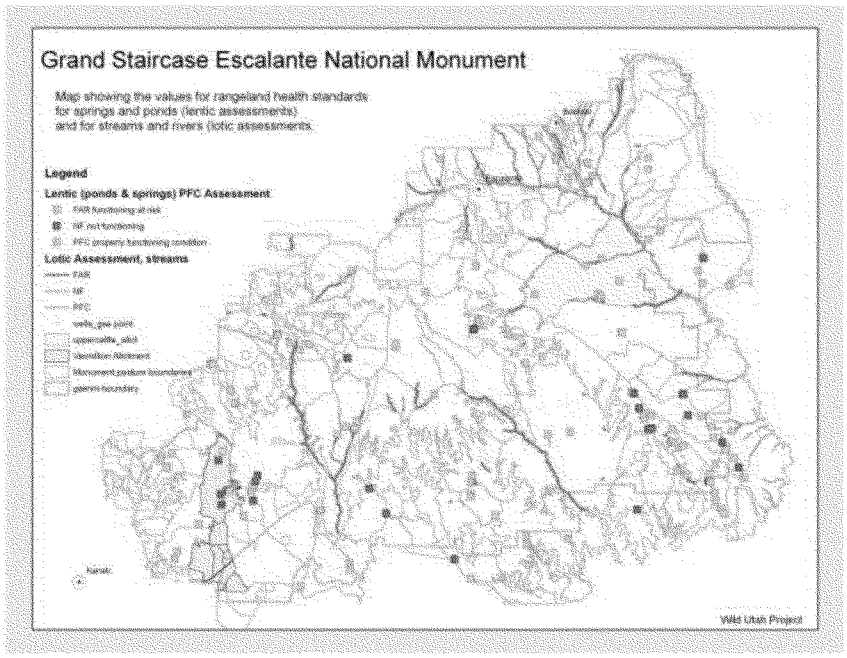

Figure 2

As part of the soil survey, the Natural Resources Conservation Service also measure the amount of forage that each soil map unit produced. The results can be used to assess the amount of grass and forbs that are used by domestic livestock and wild grazers. The Natural Resources Conservation Service concluded that the forage production in the GSENM was significantly reduced, " The herbaceous ground cover and grazeable forage may be as little as one-fourth of what it should be, resulting in accelerated erosion."[6]

Forage production has been in general decline for decades in GSENM. Satellite images taken from 1986 to 2011 were used with the Normalized Difference Vegetation Index (NDVI) to assess the change in annual plant production[7]. While increases and decreases in productivity were seen across the Monument, this analysis found an overall decrease of forage productivity in 80 of the grazing allotments. Figure 3 (Figure 1 in Hoglander et al.'s 2014 study) shows the relative changes in herbaceous plant productivity over time. Note that some allotments have seen improvement but most have not.

[6] Natural Resources Conservation Service. 2005. Soil Survey of Grand Staircase-Escalante National Monument Area, Parts of Kane and Garfield Counties, Utah. Page 72

[7] Hoglander, Cerissa ; Matt Williamson; and Cassandra Rivas. 2014. Initial Analysis of Change in Vegetation Productivity for the Grand Staircase-Escalante National Monument, 1986-2011 Grand Canyon Trust

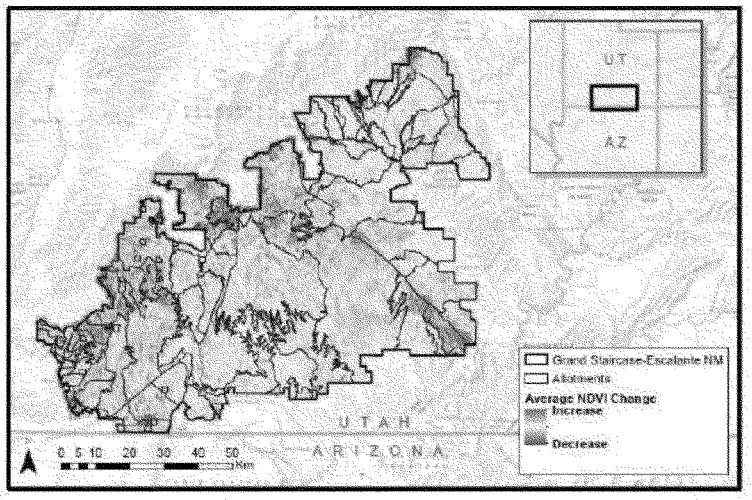

FIGURE 1 – Average change in Normalized Difference Vegetation Index (NDVI), a surrogate for vegetation productivity, from 1986-2011. Change is based on the difference between 10-year averages (1986-1995 and 1992-2011), and green values show an increase in productivity over this period while brown values show a decrease in productivity over this period.

Figure 3 Change in forage production over time in the GSENM

As part of their decision process, BLM has provided information on the amount of grazing use seen in the GSENM over time. The figures provided average the amount of grazing over a number of years. The average annual grazing use from 1996 to 2000 is 54,847 animal unit months (AUMs) for the GSENM. This amounts to 71% of the permitted number. The full permitted number for this Monument is 76,864 AUMs. The average annual grazing use from 2011-2013 is 37,028 or 37% of the permitted number. Over time, grazing use in the Monument and other allotments in Southern Utah has been significantly less than that permitted and, in recent years, this use has declined even further.

The number of cattle that can graze is normally a function of how much forage grows each year. The number of permitted livestock should be based on carrying capacity analysis. This capacity analysis assesses which lands are capable and suitable for livestock grazing in an allotment and then, based on the amount of herbaceous plant production palatable to cattle,

calculates the number of AUMs that an allotment will support. Decades ago, BLM completed carrying capacity calculations for 48 of the allotments administered by the Monument. Of those assessed, 22 allotments today have permitted numbers in excess of BLM's last carrying capacity analysis. Using current field data on forage production and following BLM methods, we found that 67 allotments have permitted numbers in excess of their carrying capacity. Most of the allotment permits in the Monument call for grazing that exceeds current forage production capability. It should be expected that cattle grazing in the Monument will be less than the permitted numbers.

The designation of this Monument did not play a role in the decline of grazing use on BLM lands. In fact the permitted numbers have largely remained constant since the Monument's designation. Based on the evidence just presented, loss of forage production on BLM lands is the dominate reason for this decline.

The most likely reason for the sharp decline in grazing use in recent decades is management's improper response to drought. Figure 4 presents an example that explains the complex nature of drought and habitat. This graph shows a history of annual precipitation and the annual grazing use in AUMs for the Dry Valley Allotment in the GSENM from 1990 to 2013. The vertical axis on the left describes AUMS and the axis on the right precipitation in terms of total annual precipitation in inches. During 1996, when this Monument was designation, a drought had just ended. Grazing had continued at the usual level of use for a number of years during the drought. During a drought, forage production is often a fraction of that grown in a normal year. Drought affects virtually every biological process in plants (Hanselka and White, 1986)[8] Howley[9] with the University of Arizona notes, "Grazing systems should be planned to give grazed areas periodic deferment or rest, and to set aside ungrazed areas to be used during drought emergencies. No grazing system will be biologically or economically sustainable if stocking rates exceed forage." Howley noted that

[8] Hanselka, C. W. and L. D. White. 1986. Rangeland in dry years: drought effects on range, cattle, and management in Livestock and wildlife management during drought. R. D. Brown (ed.). Caesar Kleberg Wildlife Research Institute, Texas A&I University, Kingsville.

[9] Howley, Larry. 1999. Rangeland Management Before, During, and After Drought. Cooperative Extension, University of Arizona College of Agriculture,

degraded range conditions exacerbate the impacts to the plant community during drought and slows recovery after the drought ends. Howley warned:

> "After drought, the color green can have a profound psychological effect, tempting you to deviate from your best-laid drought recovery plans. However, you should resist the temptation to restock to pre-drought levels no matter how "green" the range appears. Animals graze forage, not acres, and stocking rates considered to be moderate during a "normal" precipitation year may be heavy during and following dry years. Overgrazing after drought will damage surviving plants and ultimately require a much longer period of rest and recovery than with conservative, incremental restocking strategies."

As Figure 4 shows, there are several dry periods where precipitation was well below the average amount for the Dry Valley Allotment. Similar conditions were found in most allotments in the GSENM during that period. During the first drought (1996), grazing continued at the normal level well into the drought. This caused excessive grazing to occur which impedes recovery and reduced the future forage production ability for this allotment. In the 2000-2004 drought, grazing continued at normal use levels in the first year of the drought then dropped to roughly half use. Grazing use increased almost immediately once precipitation amounts indicated an end of the drought. This provided an inadequate time for recovery. In the dry years of 2007-09, grazing continued at a high rate again indicating excessive utilization. In 2010 grazing use was reduced significantly for one season then returned to higher levels. Representative of most allotments in the Monument, this demonstration shows that grazing practices do not response adequately to drought. The long-term results of this are a continued decline in the forage production which is what analysis presented earlier shows.

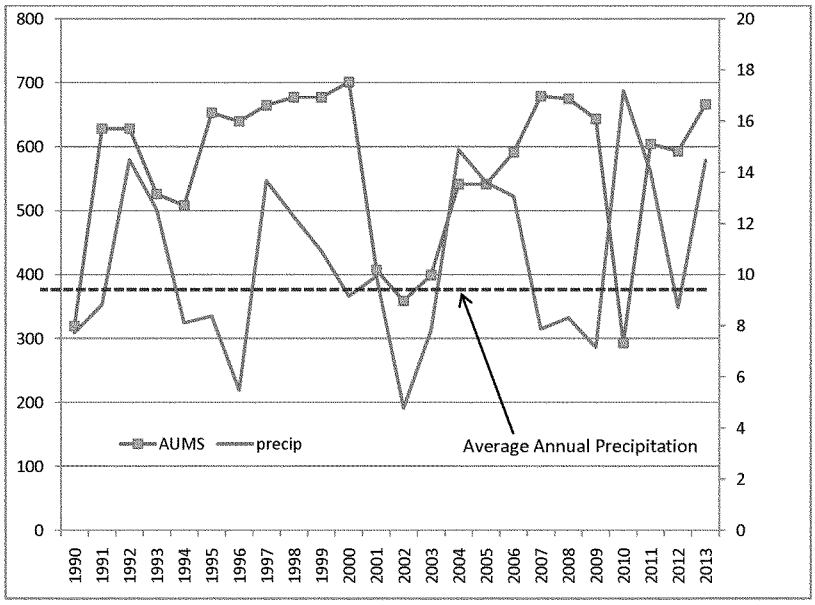

Figure 4 Grazing use and precipitation, an example Monument allotment, Dry Valley.

Range treatments which use bulldozers and tractors to remove forests and shrublands occupy roughly 4% of the GSENM. Initially, each treatment received rest from grazing for one or two years following the disturbance and seeding. For a few years, increased forage production is often seen after a treatment. But when returned to typical grazing use, these benefits normally disappear in a few years. In most cases, shrubs return and dominate these sites. Data we collected at a treatment in the Upper Hackbery Allotment showed that forage production was roughly 15% of its potential years after the treatment occurred. Today, these treated areas provide an insignificant amount in the total forage supply to the Monument.

While some treatments have been success stories, most have failed. Because of a number of factors, treating new areas will not significantly change the forage available for livestock and it will come at an enormous expense. Few areas within the Monument are suitable for such treatments and in the face of future droughts most ace are likely to fail as we have learned from past similar treatments in this Monument. The 2000-2004 drought in the Monument caused death to most of a species of grass favored by the rancher that is an exotic (non native). Crested wheatgrass, *Agropyron cristatum*, is often seeded following shrub and tree removal and not suited for droughts typical for GSENM. Native grasses suffered from this drought but are able to eventually recover. This example demonstrates one of the serious problems with treatments. Treatments that use of non-native species can lead to increased risk for habitat health over time.

The herbaceous plant community typically found in upland habitat in the GSENM evolved in the absence of large hooved grazers[10]. As a result, grass species of the monument are often more sensitive to grazing that those grasses species native to the Midwest where bison were historically common. The historic decline in native grasses and forbs on arid BLM lands is likely to be caused by grazing practices not suited for desert lands. The needed grazing practices have yet to be adopted for these conditions. The continuing deterioration of Monument habitats indicates that grazing now practiced is also not suited for these arid ecosystems. This was one of the tasks for the upcoming BLM grazing plan amendment.

There are remedies that, if applied, can restore the health and productivity of the Monument and if applied to other BLM lands can aid in their recovery too. One of the tools that have been developed to evaluate habitat responses to grazing practices has been approved for use by BLM and the Forest Service. Called the Grazing Response Index[11], this method uses three indicators to evaluate if grazing practices are positive or beneficial to the health of plants, neutral or harmful. The Grazing Response Index is the sum of three factors relative to

[10] Mack, Richard and John Thompson. 1982. Evolution in steppe with few large, hooved mammals. The American Naturalist. 119:6 pp757-773

[11] Reed, Floyd; Roath, Roy; and Bradford, David. 1999 The Grazing Response Index: a simple and effective method to evaluate grazing impacts. Rangelands. 21:4 pp 3-6.

plant health: frequency of grazing, intensity of grazing, and opportunity for the plant to recover. At this time, this is the only tool of this type approved for use by the Bureau of Land Management and Forest Service[12].

The Grazing Response Index was developed noting the shortcomings of traditional rangeland monitoring that focused on forage utilization or stubble height. Such monitoring ignored important factors to rangeland condition such as how long animals graze, when they graze and growing conditions[13].

The frequency factor is the number of times that plants are grazed during the grazing period. Grazing over a longer period of time allows ungulates to select the more preferred plants to the plant's detriment. If grazing lasts in an area for seven days or less, than the frequency factor would score "+1". If grazing occurs from 7-14 days, then the factor is a zero and if greater than fourteen days, the frequency score would be a "-1".

The intensity factor considers the amount of forage removed during the period grazed. This intensity factor is +1 for utilization less than 40% of the forage. Utilization from 40 to 55% receives a "0" and grazing utilization over 56% is "-1".

The opportunity factor describes the amount of time plants have to grow before grazed or the time they can regrow or recover after grazing. Of the three factors used in GRI, opportunity is the most important for the long-term health of plants. Based on the Ecological Site Descriptions that the National Resources Conservation Service the growing season for most herbaceous plants in the upland area is March through June. The plant growth curve predicts that 5% of the plant growth will occur in March, 15% in April, 45% in May and 35% in June. No significant growth (or recovery) is expected for upland areas in July through February in the next year. Riparian areas with perennial water may see growth in the summer and fall months. For the purposes of the Grazing Response Index, allotments that

[12] Wyman, S; Bailey D. W.; Floyd, R.;, Borman, M; Swanson, S.; Cote, S.;, Van Riper, L.; Eisner, J.; Westfall, T.; Elmore, W.; Westfall, T.; Wiley, R.; Leinard, B.; Winward, A.; and S. Leonard. 2006. Riparian area management, grazing management processes and strategies for riparian0wetland areas. Technical Reference 1737-20. Bureau of Land Management, Denver Colorado.

[13] Utah State University Behavioral Education for Human, Animal, Vegetation & Ecosystem Management 2010

graze in April through June have upland areas that are unable to recover within that same year from grazing use.

The three factors are added together for a final score. Today, most of the allotments in the Monument see grazing use with a net negative grazing response index score. For this reason, this management is not improving habitat. Part of the challenge in the upcoming planning process that BLM has underway is to design grazing practices that lead to net positive grazing response index scores. The only practical way to significantly increase forage production includes actions to restore the health of the land on a large scale. This cannot occur by increasing grazing use in the near future. Recovery takes time.

Senate Bill 365 would bring grazing back to some areas where grazing was removed in order to address conflicts. This legislation would reopen 8 allotments or pastures to grazing that were closed after 1996. All closed allotments (16 in total) in Grand Staircase-Escalante National Monument represent 3.4% of the Monument today. 94.6% of the Monument acreage is in active cattle allotments as of 2015.

Allotment	**Pasture**
Escalante River	
McGath Point	
Little Bowns Bench	River Pasture
Steep Creek	
Deer Creek	River Pasture
Deer Creek	Cottonwood Pasture
Saltwater Creek	
Steep Creek	

Figure 5 Allotments where grazing was retired with the help of willing ranchers since the Monument was established

In BLM's 2008 draft grazing EIS for the GSENM, BLM's decision to discontinue grazing in these allotments was described:

> "The primary reason for closure was to eliminate resource use conflicts between recreational users and livestock. The Escalante and its tributary canyons receive very high use from both day and overnight hikers. The canyon bottom areas are primary travel routes and use areas. The closures also benefited riparian and upland vegetation, water quality and wildlife dependent on available forage. In the years since these closures, recreational use has continued to increase substantially and riparian vegetation has noticeably increased. The Little Bowns Bench Allotment, Phipps Pasture (Phipps Allotment) and Wolverine Pasture (Deer Creek Allotment) were designated as grass banks in a 1999 plan amendment. The grass banks forage could be used in times of loss of forage elsewhere due to drought, fire, or disease. "

Retirement of grazing helped reduce conflicts between two important economic activities in this Monument, the ranching industry and the outdoor industry. In the counties that include the GSENM, the number of jobs grew by 38%, personal income by 40 percent and per capita income by 30% between 1996 and 2008 while service jobs grew from 3,627 to 5,749. State wide, the outdoor recreation industry adds over $5 billion dollars to Utah's economy each year.[14] Within the GSENM region, travel and tourism account for "37% total private wage and salary employment" and just under 1,200 jobs while farm jobs account for 8.1% of Garfield County jobs and 2.9% of Kane County employment.[15] The actual percent economic contribution provided by the Monument's livestock grazing is a subset of farm jobs and , thus, an even a smaller number than those just noted.

Livestock use in the Monuments represents a cultural heritage that is valuable today. In view of the need to protect the health and productivity of the land and resolve conflicts within the community, some compromises are needed. We need to design future Monument livestock grazing to continue this heritage yet protect other values. This legislation would renew these conflicts and undo this carefully crafted local solution.

Senate Bill 365 calls BLM to "improve rangeland conditions" and increase grazing use. Such management direction perpetuates the practices of the past that we so desperately need

[14] Outdoor Industry Foundation. 2006. The Active Outdoor Recreation Economy: A $730 Billion Annual Contribution to the U.S. Economy. https://outdoorindustry.org/images/researchfiles/RecEconomypublic.pdf?26
[15] Headwaters Economics. 2013. A Profile of Agriculture: Grand Staircase-Escalante National Monument Counties; Coconino County AZ, Garfield County UT, Kane County UT. Bozeman MT.

to fix. The GSENM has seen some improvements in habitat conditions but most areas have seen continued and increasing degradation.

These comments describe conditions seen today and, with a collaborative process based on rangeland health standards, provide constructive range management options for the future.

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May 20, 2015

Chairwoman Lisa Murkowski
709 Hart Senate Office Building
Washington, DC 20510

Ranking Member Maria Cantwell
311 Hart Senate Office Building
Washington, DC 20510

Honorable Senators:

This correspondence is written regarding Senate Bill 365, *A Bill to Improve Rangeland Conditions and Restored Grazing Levels Within the Grand Staircase – Escalante National Monument, Utah.*

Garfield County is one of the two counties that hosts the Grand Staircase – Escalante National Monument (GSENM). We are impacted by the conditions of the range and the resulting effects on wildlife and other uses. Conditions of the range have declined since the establishment of the Monument in September 1996. Encroachment of undesirable vegetation has increased, and the condition and amount of forage components used by wildlife and livestock have declined.

There are a variety of reasons that have led to the decline in rangeland health; and, although rangeland health is precipitation dependent, much can be done by the BLM to optimize natural processes. For example: 1) Seedings and previous land treatments have been neglected and have not been maintained. The resulting propagation of undesirable vegetation had taken over, leaving the ground less productive; 2) GSENM has done little to counteract a growing problem with encroaching conifers. The conifers reduce vegetative productivity 100 fold (from 3000 lbs/acre to 30 lbs/acre) and eliminate historical sage grouse habitat. In Garfield County, loss of sagebrush habitat to conifer encroachment is the single largest threat to sage grouse. So correcting GSENM's neglect is of paramount importance; 3) BLM's management of fire and mechanical treatments have been counter-productive. Coupled with overly restrictive policies regarding use of mechanical treatments and the never ending battle to get through cumbersome NEPA analysis, BLM's few efforts to do anything have been completely stalled. All of these issues, and others, result in reduced rangeland health, increased erosion, loss of limited water resources and propagation of undesirable and invasive species.

Simply put, a) BLM needs to do a much, much better job in managing the land, b) the degradation of rangeland conditions needs to be arrested immediately, and c) rangeland conditions need to be improved for increased carrying capacity and conservation of Monument lands. Without some direction from Congress, few changes in GSENM's efforts to conserve and enhance rangeland health are likely to occur.

County Commissioners
Leland F. Pollock
H. Dell LeFevre
David B. Tebbs

Camille A. Moore, *Auditor/Clerk*
A. Les Barker, *Recorder/Surveyor*
Joseph Thompson, *Assessor*
Gina Peterson, *Treasurer*

Russell B. Bulkley, *Justice Court Judge*
Barry L. Huntington, *Attorney*
James D. Perkins, *Sheriff*

The provisions of this legislation are in complete alignment with the presidential proclamation creating GSENM and are needed to serve the American public. Furthermore, the legislation emphasizes the restoration of rangeland health that is badly needed. Garfield County wholeheartedly supports the legislation proposed by Sen. Hatch, and we respectfully request your favorable consideration.

We would be happy to provide additional details and information at your request. Please contact Brian Bremner at (435) 676-1119 if you have any questions. We thank you in advance for your consideration.

Sincerely,

Leland F. Pollock Commission Chair	H. Dell LeFevre Commissioner	David B. Tebbs Commission

Statement for the Congressional Record
Office of Senator Orrin G. Hatch
May 21, 2015

Mr. President, I have always been proud of Utah's rich heritage, from the pioneers that came across the plains to the brave families that settled the territories throughout Utah and the Mountain West. Many of them traveled with little more than the shirts on their backs. Still, they brought the skills and trades necessary to be self-sufficient. They provided for their families and took pride in their land.

As the pioneers knew then, and as we know now, Utah is blessed with incredible natural resources, beautiful landscapes, and breathtaking vistas. Utahns have always understood the importance of maintaining a responsible balance between the development of our abundant resources and the need to protect the unique features of our state. But the Executive Branch threatens to disrupt that delicate balance. Countless rural communities in Utah are currently facing difficult challenges to their way of life as the Bureau of Land Management (BLM) increases restrictions on traditional economic activities, such as ranching and grazing operations on federal land.

Under President Teddy Roosevelt's leadership, Congress easily passed the Antiquities Act of 1906—a short four-paragraph law, which gave the President unilateral authority to designate unique areas as National Monuments. Such designations were intended to protect special areas in our country that have significant natural, historical, or cultural features. Congress crafted these designations to be limited in scope and "confined to the smallest area compatible with proper care and management of the objects to be protected." The Antiquities Act was essential to protect our nation's historical treasures against growing dangers, such as looters and vandals. Congress drafted this law after archaeologists began complaining that American natural treasures were turning up in overseas museums and in private collections.

After President Roosevelt signed the Antiquities Act into law, he subsequently set aside nearly 20 natural and cultural landmarks. These national monument designations were limited in scope and designed to protect specific locations rather than massive acreages. For example, the total area of our nation's first national monument, Devil's Tower in Wyoming, spans only about two square miles. Unfortunately, over time, the use of the Antiquities Act has evolved from protecting historic landmarks to restricting development across vast swaths of land without any local input.

For example, on September 18, 1996, President Bill Clinton issued a proclamation that designated nearly 1.9 million acres in southern Utah as a National Monument. Utah's entire federal delegation, the Utah State Legislature, and Governor Mike Leavitt all opposed this proclamation. President Clinton's declaration was made without so much as a 'by your leave' to the people of Utah. There were no consultations; no hearings; no town hall meetings; no TV or radio discussions; no input from federal land managers; no maps; no boundaries; there was nothing. In fact, the federal delegation had to learn about the proclamation from the *Washington Post*.

There are significant impacts on the ground when a monument is designated, not only on federal land, but also on state and private land. Had President Clinton consulted with the state and the delegation, he would have learned that the designation would landlock and render useless 200,000 acres of Utah School Trust Lands—lands held in trust for the school children of Utah. This designation deprived Utah schools of a significant revenue source. Fortunately, Utah's federal delegation was eventually able to pass legislation in Congress allowing these school trust lands to be swapped out of the monument boundary. This legislation helped the schools, but it did nothing for the locals who lost their jobs because of the President's declaration.

The only one silver lining in this debacle was language written into the President's proclamation that protected livestock grazing on the monument. While the President was fine with blocking significant mineral development and other economic activity in the 1.9 million acre area, he at least understood that blocking traditional grazing in the area was untenable. Sadly, since the 1996 monument designation, according to the Utah Cattlemen's Association, nearly 28% of the federal livestock grazing AUMs have been suspended.

According to the 2015 Economic Report to the Governor prepared by the Utah Economic Council, "Of Utah's 45 million acres of rangeland, 33 million acres are owned and managed by the federal government, while only 8 million acres are privately owned." With that in mind, most ranching operations in Utah must combine private grazing, feed importation, and access to the renewable grasses and forage through federal grazing leases in order to be economically viable. Unfortunately, since the late 1940s, the Utah Farm Bureau found that the BLM and the Forest Service have drastically cut or suspended Utah's total livestock grazing AUMs from 5.4 million AUMs in 1949 to just over 2 million in 2012.

With grazing on federal land already in peril, grazing on the monument is at even greater risk. Currently, the BLM is considering an amendment to the management plan that would eliminate grazing on the monument altogether. If the BLM eliminates grazing on the monument, there would be significant, negative economic impacts to the area. Consider the economic benefits grazing already brings to these rural counties in Utah. The Utah Farm Bureau reports that:

> "Around 11,500 feeder cattle sold out of Kane and Garfield County ranches brought in more than $16 million dollars and generated in excess of $25-$30 million based on a conservative economic multiplier. With about one-half of the calf crop coming from grazing allotments within the monument, of that total, about $8 million in direct feeder cattle sales and between $12 - $15 million in economic activity is tied directly back to cattle grazing on the monument."

Those ranching dollars create jobs in Utah's counties. The money also contributes to local tax revenue and supports public services. Eliminating grazing on the monument would have disastrous implications for the local economy.

While I view the designation of the monument as a significant risk to continued grazing in the area, there is another risk as well. The rangeland on the monument is being mismanaged. Even if the BLM decided to change course overnight and restore grazing to the historic levels

that existed before the designation of the monument, the land in its current state would not be able to sustain it. Over the last twenty years, we have witnessed a worrisome decline in rangeland health. With this decline, livestock carrying capacity has also decreased.

To protect rangeland health, I joined Senator Mike Lee and Congressman Chris Stewart to introduce The Grand Staircase-Escalante National Monument Grazing Protection Act. This bill would direct the BLM to create and implement a management program within the areas of the monument to improve rangeland conditions for wildlife and livestock carrying capacity. It would also restore livestock grazing to the historic levels that existed before the designation. There are many things BLM can and should be doing to restore rangeland health. Improving the range would not only benefit ranchers and affected communities; it would also bring significant ecological and environmental benefits to the entire area. This legislation will direct the BLM in that effort.

Statement of Willard Hedden
Executive Director
Grand Canyon Trust

Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
S. 365 — A bill to improve rangeland conditions and restore grazing levels within the Grand Staircase-Escalante National Monument, Utah
May 21, 2015

Introduction

I write to urge the committee to reject S. 365: "A bill to improve rangeland conditions and restore grazing levels within the Grand Staircase-Escalante National Monument, Utah." Despite the bill's brevity and innocuous title, it represents unprecedented interference in the ability of federal land managers to adjust levels of use to suit conditions on the ground. The troubling provision is in Section 1.(a)(2), which states that "the Secretary of the Interior shall implement a management program...to restore livestock grazing to the level of usage in those areas that existed as of September 17, 1996." That date, of course, is the day President Clinton designated the monument.

I will show that Section 1.(a)(2), despite its heavy-handed legislative meddling in professional land management, is a solution in search of a problem, as 96.4% of the Monument continues in active grazing with permitted numbers unchanged from the time before 1996. Further, the provision renders meaningless an extensive BLM management planning process that has been underway since 2013, and is on schedule to produce a Monument-wide Grazing DEIS by this fall.

In the field, compliance with this provision would eliminate the vanishingly rare un-grazed areas that managers and ranchers can use as references against which to evaluate the effects of grazing across all the rest of the landscape. Compliance would also once again plague the unique and critical Escalante River canyon with cattle, where they would concentrate and damage the water quality, destroy the recovering riparian area with its native plants and archaeological riches, and resurrect conflicts with recreationists in the premier hiking and camping destination in the Monument.

Lastly, the 1999 closure of the river canyon to grazing through amendment of the Escalante Management Framework Plan was accomplished through a proper and comprehensive NEPA process and the conclusion was supported by the Utah Governor's Office and Utah Division of Wildlife Resources. This followed a private, willing seller transaction in which several ranchers approached a conservation group requesting a buy-out so that they might restructure their operations in locations more favorable than the remote, inaccessible Escalante River Canyon. If this plan amendment is undone through legislative caprice, it will greatly chill free market solutions to environmental problems across the West. In that regard, this bill, already pointless, harmful to professional land management, and ecologically damaging, also manages to be anti-

rancher, as the grazing buy-out market is often the only market for the permits of desperate ranchers hurt by drought, fire, illness, inter-generational transfer issues and the many other problems that make grazing in arid parts of the country so risky.

S. 365 does not solve any problem.

One would think that an extraordinary legislative intervention like S. 365 would be justified by a federal land management agency run amok, barring ranchers from the land; but the facts do not support any such assertion. The Grand Staircase-Escalante National Monument administers 77 active grazing allotments covering 1.82 million acres of the Monument and an additional 450,000 acres of lands extending into Glen Canyon National Recreation Area (Figure 1). In the Monument lands affected by S. 365, ten allotments are officially closed to grazing by livestock. These cover 64,000 acres, or just 3.6% of the Monument. Across all the open allotments, permitted Animal Unit Months (AUMs) remain unchanged from pre-Monument levels: that is, they remain at the greatly inflated historical numbers found across the western public lands.

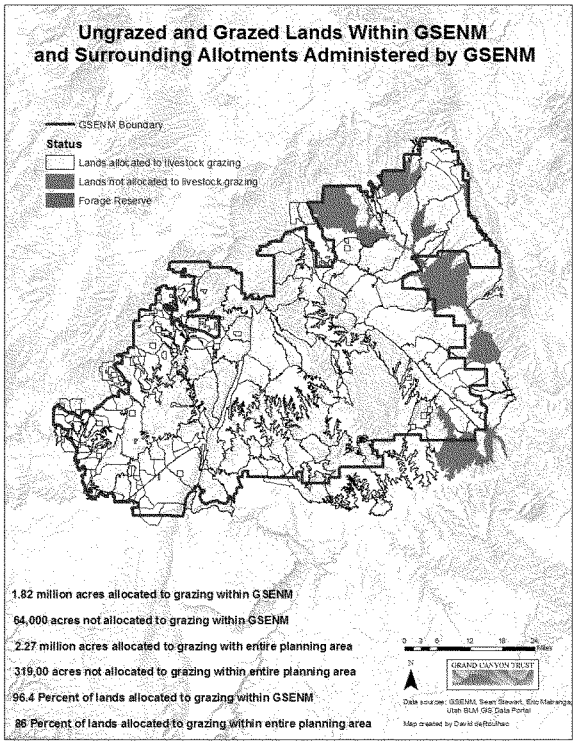

Figure 1.

Actual levels of use are set each year after consultation about the availability of forage between BLM range staff and the ranchers. Comparing actual use as a percentage of permitted use against NOAA's Palmer Drought Severity Index for the Monument yields a clear and responsive correlation between grazing levels and rainfall. In the GSENM, 13 of the 19 years since 1966 have been classified as drought. During the relatively wet years from 1996-2000, actual use was 71.3% of permitted use. In the moderate to extreme drought of 2011-2013, actual use fell to 48.2% of permitted use. These numbers are typical of grazing management on public lands.

Thus, grazing is continuing as usual across the vast majority of the landscape. Surely there is a reason for S.365's attempt to reopen that last 3.6% of the land to cows? Perhaps the un-grazed lands are suffering ecologically in comparison with the grazed areas? Field studies prove that is not so. Both BLM staff and others have documented extensive degradation of Monument lands due to the combined impacts of livestock grazing and drought. The streams are suffering from denuded, trampled banks and active head-cuts, with fouled waters and dying aquatic life. Heavily grazed pastures are ravaged by overland erosive flows during rains. Native forbs and grasses, evolved without cattle, are being depleted or eliminated by overgrazing, and the biological soil crusts that hold the soil together and fix nitrogen at the base of the food web are being destroyed. In a futile attempt to make desert grazing feasible, BLM has seeded thousands of acres in exotic crested wheatgrass monocultures, replacing native and endemic species and mechanically destroying biological soil crusts and cultural artifacts in the process.

The extent of the overgrazing can be better conveyed by photographs. Here on the left is a typical upland allotment in the Monument showing dramatic erosion and the vegetation that might have held the soil in place cropped to stubble. This photo was taken in mid-April this year. The cattle have two additional hot, dry months to graze on this pasture. What will they eat? Not surprisingly, studies show that the vegetative productivity of nearly all the uplands is in steep decline. On the right is a rare un-grazed upland showing native bunch-grasses, sagebrush, and intact biological soil crusts.

To those who are not plant ecologists, the conditions of the Monument's water sources are perhaps even more striking than the uplands. Here on the left is a typical spring, trampled and

fouled; while on the right is a spring within a small exclosure, where a fence protects the area from cows. Viewing the stark difference, one begins to understand why grazing proponents might not want any un-grazed areas standing in mute, eloquent condemnation of livestock management.

Most telling of all are the streams. These are the critical jewels that sustain wildlife and plant diversity in the desert. They are also most relevant to the present case, because the principal un-grazed area in the Monument is the Escalante River Canyon and its various tributary side canyons. These are the areas that would be reopened by S. 365. On the left below is a representative creek in the Monument, showing the denuded, trampled banks, erosion, and fouled water remaining at the end of each grazing season. On the right is the lower part of Calf Creek just above its confluence with the Escalante River. It is closed to grazing, full of fish and beaver, and the site of a successful reintroduction of otters. Not surprisingly, BLM has a major campground along this stretch of Calf Creek, visited by people from all over the country and across the world.

Much of the Monument is suffering from these ecological problems, and the depressing images of overgrazing could be multiplied ad-nauseam. But we are not talking about regulating overgrazing here—we are talking about legislatively re-opening the tiny fragments of the landscape that are not cow-burnt. We are not, as we should be, talking about how to take the 96.4% of degraded lands and move them toward the health and productivity of the lands on the right in the photo pairs; we are talking about turning the right-hand images into facsimiles of the ones on the left. Surely the American public deserves better treatment of its lands from the U.S. Senate!

At a minimum, one cannot say that grazing is being over-regulated in the GSENM. The small patches of un-grazed lands represent critical reference areas for distinguishing between climate and grazing impacts; for comparing with the ecological conditions of grazed lands and thus informing management; and for providing functional ecological systems that benefit communities and wildlife while providing resilience to extreme drought.

Economic Considerations

If the un-grazed areas provide important benefits to land health and management, perhaps S.365 would reopen them because they are critical to local economic health? Again, this is not so. According to the U.S. Bureau of Economic Analysis (USBEA.gov), at the time of the establishment of the Monument, the combined economies of Kane and Garfield counties (the affected counties) showed personal income of $179 million. In that year, farm income showed a loss of ($1.73) million. By 2013, local personal income had grown to $421 million, a rise of 237%, while farm income had continued at a loss until the wet year of 2005, when it rose to $5.1 million, only to fall again to a loss of ($2.1) million during 2013 as drought resumed and deepened. Overall, farm income was negative in 12 of the 18 years for which data are available. Ranching here, whatever the diverse motivations of the individuals, is not a mainstay of the economy. It is not sarcasm, but simple realism, to note that reopening the Escalante Canyon would have the net economic effect of letting a few additional hobby ranchers lose their shirts. In sum, one struggles in vain to grasp the purpose of Senator Hatch's bill.

S. 365 preempts an intensive management planning process.

In the years following establishment of the GSENM, BLM publicly developed plans for the Monument, culminating in a Monument Management Plan in 2000 that covered most activities and resources except grazing. This controversial subject was temporarily set aside for treatment in its own EIS, a process that took longer than expected—the document is only now nearing completion. Across 96.4% of the Monument, grazing continues under the terms of highly outdated permits from the 1980s, but BLM has been industriously working to remedy this situation in recent years.

To launch the Grazing EIS, BLM issued a 60 day scoping notice in early November 2013 and held three open houses to communicate about the process. Scoping was completed in January 2014 after more than 400 comments were received.

From the scoping process, BLM fashioned 5 alternatives to bring forward to the Draft EIS, opening an extra public comment process not required by NEPA to ask whether the alternatives truly captured a full range of options. Three public workshops were held before this second comment period was completed in January 2015.

Throughout all these activities, BLM has sought to elicit the most informed comments and suggestions by holding public workshops on subjects such as the economics of Monument grazing, field monitoring of grazing, and the functions of biological soil crusts, an object of protection named in the Monument Proclamation. A future workshop on vegetation treatments is planned for the same reasons.

Managers have also worked to deepen understanding of these issues as part of this process. Monument staff have been partnering with the Natural Resources Conservation Service to assess the current state of vegetation production across the Monument, and BLM plans, within a few weeks, to release an economics assessment to the public based on interviews with permittees, the counties, and outside economists.

The GSENM is on schedule to release a Monument-wide Draft Grazing EIS in late fall of 2015, with a Final EIS expected in 2016. Senator Hatch's S. 365 would void all of this work and public involvement with a stroke of extremely unwise legislative pre-emption.

The closure of the Escalante River to grazing is entirely appropriate.

The closing of the Escalante River began with a rancher's near death experience. Dell LeFevre, who is one of the last full-time ranchers in the Monument and is also a Garfield County Commissioner, held grazing permits for three allotments in the remote sections of the canyon. One day while riding alone in the deep backcountry checking on cattle that had been dying from eating noxious halogeton plants, a stream bank collapsed under LeFevre's horse, breaking the animal's leg and hopelessly trapping the rider beneath the stricken horse. The hot sun desiccated him over long hours until LeFevre, gripped by inspiration, strained to the utmost and managed to get a can of soda out of his saddlebag. Instead of drinking it, he poured the carbonated drink into the horse's nostrils and wriggled free when the animal rose up in a final choking spasm. He vowed that day, walking out of the canyon, that he was getting rid of his permits—the place was too remote, too full of poisonous plants, too treacherous, and too much in the cross-hairs of complaining campers. He wanted out.

LeFevre talked with several neighbors who also grazed the river. Two branches of one family wanted no part of grazing in a national monument and had already located a private land ranch in Oregon, if only they could find a buyer for their permits. Another had reached retirement age, but his only child was going blind from retinal degeneration, so their permits needed to be sold as well. These are the all-too-human stories that make private market transactions to retire grazing a compassionate response to real world situations.

In this case, LeFevre approached me about a buyout because we had become friendly when I was a Councilman in Utah's Grand County. We began a complex negotiation aimed at bringing a

proposal to BLM for consideration. Our goal was that one extended family could move to their new ranch in Oregon, another might retired with some funds in the bank for medical expenses, and LeFevre could continue ranching on a reconfigured operation built around more accessible allotments out of the canyon. For my part as buyer, I aimed for the Escalante River, jewel of the new Monument, to be closed along with several important side canyons.

BLM, after some changes, took our eventual proposal through a public process (EA UT-049-98-043) that ended in amendment of the Escalante Management Framework Plan in March of 1999. The ranchers were well compensated to relinquish their permits to BLM, and the agency reallocated the forage to wildlife and watershed restoration, finding that "This would eliminate conflicts between recreation and grazing in this area. Reallocation of these AUMs would protect and enhance riparian, wildlife, fisheries, and watershed values of the Escalante River and some tributaries." The Utah Division of Wildlife Resources commended the action in a detailed letter and Governor Michael Leavitt wrote to approve of it. Over the years, BLM's terse assessment of the benefits has proven true, especially in comparison with areas that were not retired. But perhaps it is worth quoting from the Utah Division of Wildlife Resources letter to remind ourselves what is really at stake:

"There are important wildlife values in the area that would be enhanced by the proposed changes in livestock grazing. Riparian vegetation and understory cover along the Escalante River and several tributaries would be protected and improved. Riparian habitats are highly valued for wildlife, even more so in arid regions such as the GSENM. The greatest diversity and abundance of species are found in riparian zones. Healthy and abundant streamside and floodplain vegetation benefits fisheries and water quality by providing cover and food resources, regulating water temperature, filtering and trapping sediments and nutrients, and increasing water storage for release over longer periods. The endangered Southwestern willow flycatcher, an obligate riparian species, occurs along this section of the Escalante River, along with many other bird and mammal species. Two Utah sensitive fish species, the flannelmouth sucker and bluehead sucker, as well as other native fishes are found in the Escalante River. Moreover, upland grasses, forbs, and vegetative cover would increase and provide additional forage and cover for mule deer, desert bighorn sheep, rabbits, and other small mammals, which are in turn prey species for predators such as mountain lions, bobcats, coyotes, foxes, and raptors. In addition to benefitting wildlife, increasing vegetative cover can improve watershed quality, reduce soil erosion, allow better infiltration of precipitation into the soil, and enhance recreational and aesthetic values."

Since the beginning of this entire process, nobody involved with the Escalante River closure has ever raised a complaint, yet now Senator Hatch seeks to undo the result legislatively. If this unobjectionable transaction in the flagship national monument is undone by mean-spirited legislative fiat after 16 years of benefits, then market-based private solutions to environmental conflicts will rightly be chilled everywhere. Senator's Hatch's S.365 is a harmful instrument that deserves to be rejected by the Sub-Committee.

Willard Hedden lives in Moab, Utah and is Executive Director of the Grand Canyon Trust. He served as a Councilmember in Utah's Grand County from 1994-98, and is President of North Rim Ranch, LLC, which runs a public lands cattle operation on 830,000 acres of BLM and USFS lands on the North Rim of the Grand Canyon.

Comments from the
Idaho Recreation Council
On S. 583
To
US Senate Energy and Natural Resource Committee
Subcommittee on Public Lands and Forests and Mining
May 21, 2015

Thank you to Chairman Barrasoo and Ranking Member Wyden for holding a hearing on S. 583, the Sawtooth National Recreation Area and Jerry Peak Wilderness Addition Act (SNRA+), in a timely manner and for providing an opportunity to submit testimony.

The following comments are from the Idaho Recreation Council (IRC). IRC is a 501 (c) (4) not for profit group that is composed of Idahoans from all parts of the state. We have a wide spectrum of recreation interests and a desire to preserve recreation opportunities for this and future generations. Our members include snowmobilers, off-road motorcyclists, 4X4ers, ATVers, UTVers, motorized and non-motorized boaters, Equestrians, backcountry pilots, RVers, rock hounds, and recreational miners. IRC has been actively involved in every past reiteration of a wilderness bill for the Boulder White Cloud Mountains.

As you know the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act has been through this committee before in the form of the Central Idaho Economic Development and Recreation Act (CIEDRA) in 2011. IRC opposed that bill. However, given the choice between a National Monument for this area or the past versions of CIEDRA, the IRC supports this legislation. Is it perfect? No. We of course could suggest a number of changes that in our opinion would improve the bill but we understand and appreciate that this is the final document—a take it or leave it bill.

The real threat of a National Monument of unknown dimensions with unknown restrictions or the certainty of knowing what the boundaries will be and what the restrictions will be, convinced our membership to support S. 583. We are grateful that Representative Simpson, after more than six years and multiple versions of CIEDRA has eliminated all of the key motorized recreation areas and trails from the Wilderness Areas proposed in this bill. This bill actually does meet the needs of those who prefer motorized recreation. In the past, many of the earlier versions were not as inclusive in their outreach to the non-wilderness recreation users.

The members of IRC would be remiss if we failed to explain why the motorized recreation community is so important to the many small communities that surround the current Sawtooth National Recreation Area and the areas that are being proposed for Wilderness in S. 583. Unlike Sun Valley, many of the smaller communities to the north and east of the proposed Wildernesses are not magnet communities like Ketchum and Hailey. Thus, for most of the year they rely upon motorized recreationists to infuse revenues through motels, restaurants, grocery stores and "mom and pop" sports stores that cater to snowmobilers in the winter and off-road motorized recreationists, fishermen, and hikers in the summer, and hunters in the fall. Without the visits from these user groups, the economic vitality of these communities would be seriously diminished. Access to these federal lands in the areas is key to drawing these users to towns. These rural communities cannot afford to take one more economic loss. It isn't easy making a living in a small rural mountain community that is surrounded by public land but it is possible, if there is access to the land for a variety of users including motorized. Recreation to them isn't simply an 'activity done for enjoyment when one is not working'. Recreation to them is their last hope for preserving what is left of their economy.

In conclusion, again - thank you for this opportunity to comment and we request that this written statement be included in the formal record hearing.

Sandra F Mitchell
Executive Director
501 E. Baybrook Court
Boise, ID 83706
smitchel@alscott.com

May 21, 2015

Chairwoman Lisa Murkowski
709 Hart Senate Office Building
Washington, DC 20510

Ranking Member Maria Cantwell
311 Hart Senate Office Building
Washington, DC 20510

Re: Kane County, Utah Comments - S.365 (Hatch), to improve rangeland conditions and restore grazing levels within the Grand Staircase-Escalante National Monument, Utah.

Dear Chairwoman Murkowski and Ranking Member Cantwell:

We strongly support S.365 as proposed by Utah's Senator Orin Hatch to improve rangeland conditions for wildlife and livestock carrying capacity and to restore livestock grazing to the level of usage in those areas that existed as of September 17, 1996 within the Grand Staircase-Escalante National Monument.

Kane County encompasses nearly 4,000 square miles of area. The size of the Grand Staircase Escalante National Monument encompasses almost 2,400 square miles of our county's total land area.

Additionally, families that reside in Kane County operate 32 of the Grand Staircase Escalante Monument's grazing allotments. A number of these grazing allotment holders are 3rd and 4th generation livestock producers, with long histories and definitive contributions to our local area, economy and culture. The stewardship and care that our livestock producers have provided has been motivated by the realization that year after year of active and productive landscapes are key to long term sustainability of the monument's ecosystems, watersheds and landscapes.

The Grand Staircase Escalante National Monument is unfortunately being held in an administrative stasis as the BLM struggles to find it's way through the maze of pressures it faces regarding conflicting interpretations of President Clinton's Monument Proclamation of 1996 regarding grazing. It is clear to us that that the proclamation stated that "Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation."

Senator Hatch's proposed legislation should more than adequately aid in addressing any questions about grazing levels, improving rangeland conditions and restoration of important monument landscapes. Also, in our collective opinions this legislation will provide the means to help the BLM's to fulfill its mission of "sustaining the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations".

Thank you for the opportunity to provide our comments for the record regarding S.365.

Sincerely,

James L. Matson

Kane County Board of Commissioners

Testimony from Carole King regarding the Sawtooth National Recreation and Jerry Peak Wilderness Act, HR 1138 (Simpson) and S 583 (Risch).

Originally submitted May 22, 2015. Resubmitted June 11, 2015.
*Reference to the Boulder White Cloud Wilderness bill should be understood to refer to the Sawtooth National Recreation and Jerry Peak Wilderness Act, HR 1138 (Simpson) and S 583 (Risch).

In order to fight climate change and save native species such as bull trout and lynx from extinction, it is necessary to protect the Northern Rockies ecosystem, of which the Boulder and White Cloud mountains are but a relatively small part. The Boulder White Cloud Wilderness Bill* does not protect the ecosystem. The Northern Rockies Ecosystem Protection Act (NREPA) H.R. 996 does.

I've been asking Congress for nearly a quarter of a century to pass the Northern Rockies Ecosystem Protection Act because NREPA was then and still is the only bill before Congress that ensures that the forested carbon sink and native species in that ecosystem survive over the long run.

I would also like to submit the following article showing why protection of the Northern Rockies ecosystem is necessary. Grizzly bears are an umbrella species. The scientists who helped write NREPA more than twenty-five years ago based the scope of the protection on the grizzlies' range. It is still true today that if grizzly bears are not thriving, that is an indicator that the ecosystem is not thriving. Now more than ever, grizzly bears, other large carnivores, and numerous other species in the bioregion need the biological corridors NREPA will provide so they can migrate to cooler parts of the bioregion when areas of their habitat become too warm. I refer you to the part of the article about the bears' hibernation period having ended prematurely this year.

Native species do not recognize state lines or boundaries defined by legislation beyond which their habitat is left unprotected. They need our help. That's why I'm asking most urgently that committee members and then members of Congress from all parties pass the Northern Rockies Ecosystem Protection Act, H.R. 996.

http://www.mtexpress.com/news/environment/grizzly-recovery-is-slow-in-idaho/article_6716a42e-fe7f-11e4-a213-bfbef5b0ee18.html

Thank you for placing my testimony into the record.

Carole King Klein
Stanley, Idaho

May 30, 2015
Senate Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining

All Members of the Committee,

Senate Bill 365, is not the best management solution for livestock grazing's future on the Grand Staircase/Escalante National Monument (GSENM). Trained professionals have worked on the GSENM and adjacent Glen Canyon National Recreation Area (GCNRA), and have invested many years in studying the best scenario for sustained grazing on these unique areas of Southern Utah. Making this important decision in a political atmosphere could certainly cause future problems to grazers, native wildlife, and the other important users of these lands.

My background includes mostly growing up on a farm/ranching operation in Northern Utah, followed by a college education at USU in Logan, UT. In 1968, I started my career as a Utah State Wildlife Conservation Officer and Field Biologist, living in Kanab and then Panguitch. The entire GSENM, and adjacent portions of the GCNRA, were within my area of responsibility. Over the last 47 years, I have travelled, hiked, and viewed from airplanes, helicopters and boats, many times over, nearly every square foot of the GSENM and GCNRA west of Bullfrog Bay. Following retirement, I worked seasonally for five years working for the state on a national program to gather comprehensive baseline data on the status and quality of hundreds of streams in Utah. We surveyed every stream on the Monument and Recreation Area, with over a dozen riparian sites on the Escalante River Watershed. Since 2002, I have served on the GSENM Advisory Committee, representing wildlife issues and concerns.

The GSENM and GCNRA are part of the arid landscape of Southern Utah. Most members of your committee have never lived or worked in such an arid area. I would guess that several of you have never visited, or at best, observed very little of the GSENM and GCNRA.

Some of you would probably wonder how a cow even survives in such a dry environment! Nevertheless, most of the area is managed under regulated grazing allotments. Under current management plans, a number of the allotments are holding their own, with some even showing some vegetative improvement. However, in a number of areas, improvements are possible and necessary for future grazing to continue. Cattle numbers are never the final answer, it boils down to responsible, sensible management, and how well the animals grow and prosper on the available vegetation. I have worked for decades with most of the cattle ranchers on the Monument and adjacent Recreation Area. One particular Kane County rancher was often criticized by his family and friends for not stocking his allotments to full cattle numbers each year. His answer to them was that he was not selling numbers of cows, but pounds of beef. Subsequently, he profited much more than most other ranchers in the area, and has since expanded his operation and purchased ranches in several other states.

Historically, most of the Western streams, including the Escalante River watershed, developed silt-laden floodplains that had built up over time. The thick riparian vegetation largely evolved in this arid environment by the presence of beaver and their engineering ability. Much of the early exploration of the West was largely done by the quest for the much sought after beaver pelts. As a result, beaver

were nearly extirpated from most Western watersheds, including those of Southern Utah. In this arid area, it became catastrophic, when large numbers of cattle and sheep were introduced into these verdant floodplain vegetation areas. Without beaver, and with unregulated grazing, erosion became rampant, especially beginning in the late 1880's into the 1890's.Today, most streams in Southern Utah function much like a ditch, eroded 5 to 30 feet below the historical floodplain. The lush riparian vegetation has been replaced with dryland species, such as sagebrush and rabbit-brush, or less. As a result, the riparian areas just cannot support grazing as many ranchers supposed that their pioneer ancestors enjoyed. With appropriate livestock and wildlife management, some of the streams are improving over time, and are gaining back some semblance of their historical natural riverine conditions and riparian vegetation. The Escalante River is one of the better examples of the accomplished improvement. This also is especially important for several sensitive fish species in the river, including the Roundtail chub and the large Flannelmouth sucker. The last thing needed in the area to deal with is an added endangered species because of poor land management.

Please do not destroy decades of work that has been done by going back to the old ways of doing things. If livestock grazing is to have a healthy future in this ever-drying environment, sensible adaptive management must be the norm. Please let the trained, knowledgeable, on-the-ground scientists and ranchers work out the best decisions for grazing. This is not a decision to be made in the halls of congress. Please let the current Grazing EIS process work out the details for a healthy environment for future sustainable livestock grazing. Senate Bill 365 is not the answer at this time!

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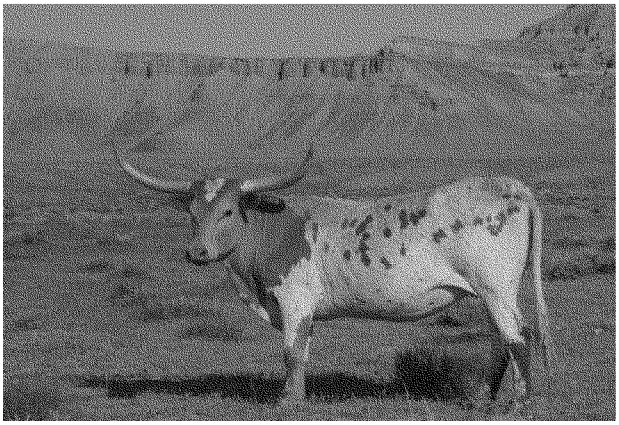
A typical grazing area on the GSENM



P.O. Box 2359 Boulder, CO 80306
PeopleForBikes.org / 303.449.4893

Submitted Testimony for the Record of Jenn Dice, Vice President, Business Network
PeopleForBikes
Subcommittee on Public Lands, Forests, and Mining Legislative Hearing on S. 583, the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act
May 21, 2015

Chairwoman Murkowski and Ranking Member Cantwell, thank you for the opportunity to submit testimony for the record regarding S. 583, the Sawtooth National Recreation Area and Jerry Park Wilderness Additions Act.

PeopleForBikes Business Network represents bicycle retailers, suppliers and manufactures across the country. Bicycling contributes significantly to the national, state and local economies. Annually, $81 billion is spent on bicycling, generating $10 billion in state and local tax revenue, and approximately 775,000 jobs are supported by the bicycling industry. In Idaho, there are 143 bicycle stores, employing approximately 775 people, with $72.4 million in bicycle related sales.

Across the country, 104 million Americans rode a bicycle last year. Communities across the country continue to see growth in people bicycling both for recreation and commuting. Also, communities across the country have identified investing in bicycle-related infrastructure as a critical part of their economic development strategy because both businesses and individuals are seeking to live in communities where there is access to bicycle-related infrastructure as well as recreational access to public lands like the Boulder-White Cloud mountains.

We are certainly supportive of protections for the Boulder-White Clouds. However, these lands offer great bicycling opportunities and are one of the last wild places in the Wood River Valley where bicycling is still allowed. Estimates indicate there are more than 70,000 users on these trails annually. These 70,000 users contribute to the local economy.

It is through the lens of both the growth in bicycling we are seeing in communities across the country as well as the economic benefits bicycle related infrastructure brings to states and communities that we are opposed to this legislation in its current form. Recreational access for mountain bicycling is critical to supporting businesses across the state of Idaho, including the 143 bicycle retailers and their employees. This legislation would eliminate the only backcountry bicycle experience in the area, sending the message of local bicycle retailers that it is not worth protecting the bicycle experience and the economic development opportunities it provides to surrounding communities.

peopleforbikes

P.O. Box 2359 Boulder, CO 80306

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PeopleForBikes Business Network and the bicycle retailers across the state that we represent would like to see the legislation amended to both protect the character of the Boulder-White Clouds and Jerry Peak, while also providing great recreational experiences for mountain bicyclists within this beautiful landscape. We believe an appropriate balance can be found to protect the lands while also enabling mountain bicyclists to enjoy the lands.

We look forward to working with the Committee to find a way to preserve these places and enhance the recreational experiences of mountain bicyclists. Finding this balance will ensure the surrounding community can benefit from the economic development potential these lands provide.

Statement of The Pew Charitable Trusts
Regarding S. 583 and S.1240

Submitted to the
Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining

For the Record of the
Hearing held on May 21, 2015

The U.S. Public Lands program at The Pew Charitable Trusts seeks to preserve ecologically and culturally diverse U.S. public lands through congressionally-designated wilderness, the establishment of national monuments, and administrative protections. We appreciate the opportunity to submit these views for the record.

S.583, Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act

The Pew Charitable Trusts supports S.583, the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act (SNRA+), with qualifications.

Resources
The Boulder-White Cloud Mountain range and surrounding area in Central Idaho boasts some of the most rugged wild lands in our nation, encompassing a roadless core of 400,000 acres that provides critical habitat to numerous fish, plant, and wildlife species. The roadless nature of the land increases its ecological value, as habitat is not yet fragmented and biological diversity is abundant. The area also contains more than 150 mountains above 10,000 feet and contains the headwaters of the main Salmon River and the East Fork Salmon River, home to the highest elevation salmon and steelhead habitat in the contiguous United States.

The Boulder-White Clouds have a rich cultural history as well, as the gold rush and other mining booms brought miners to Idaho in droves in the 1800s, and relics of mines, mining structures, and settlements can be found in parts of the landscape. Native Americans have used the Boulder-White Clouds for thousands of years as a hunting ground. Spear points have been found in the region, as well as signs of ancient occupation such as rock shelters and fire hearths.

The region also boasts tremendous recreational opportunities for Idahoans and out-of-state visitors, providing an economic infusion to local communities. Hunting and fishing is world-famous here, as the lack of roads create large contiguous tracts of land that support big game such as elk, moose, mountain goat, bighorn sheep, black bear, and cougar. Despite these time-tested benefits of the wild lands in Central Idaho—lands already owned by the federal government—the Boulder-White Clouds are not permanently protected from development and other types of short-term exploitation.

Background
Pew's U.S. Public Lands Program has been working to protect the Boulder-White Clouds region in Central Idaho for over a decade. Our local partners in Idaho have worked for more than three decades to preserve the area. Since 2004, the legislation has seen nine iterations, multiple hearings in the House and Senate, House passage, and been a hair's breadth from enactment in 2006. It has been dormant in Congress since 2010 due to inability to reach consensus over boundaries and motorized recreation provisions in the bill.

Pew appreciates the commitments of Representative Mike Simpson and Senator Risch to revisit this matter and to reach a compromise among diverse stakeholders that would resolve public land management issues in this region for generations to come. The time is ripe to protect the Boulder-White Clouds this year.

Current Legislation
The current legislation proposed by Sen. Risch and Rep. Simpson addresses the needs of various constituencies that have engaged in the legislative process since 2004: counties and communities, ranchers, motorized recreationists, and conservationists.

S.583 would facilitate a number of public conveyances for several communities and Blaine and Custer Counties. It would authorize the Department of the Interior and the Department of Agriculture to permanently retire grazing permits that would be donated voluntarily by eligible ranchers. The legislation would provide certainty to motorized vehicle recreationists by legislatively guaranteeing that key trails would remain open, and it would designate 275,665 acres of wilderness in Central Idaho. The proposed wilderness acreage in S. 583 and the identical House bill is approximately 57,000 acres less than previous bill versions, a modification made in order to address the concerns of the motorized vehicle community. This significant decrease in land protection has been a difficult compromise for Pew and our partners, such as the Idaho Conservation League and The Wilderness Society.

Wilderness, defined by the Wilderness Act of 1964 as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain," continues to be the "gold standard" for federal land designation. Pew favors wilderness designation as the first priority for the Boulder-White Clouds region, and therefore supports S. 583. However, if it appears that Congress is unable to enact this legislation quickly we will continue to strongly advocate for a monument designation as the only remaining option for protecting this ecologically and culturally rich region.

S.1240, The Cerros del Norte Conservation Act

The Pew Charitable Trusts fully endorses S. 1240, applauds Senators Heinrich and Udall for championing the proposal, and looks forward to its early approval by the Senate Energy and Natural Resources Committee.

The Cerros del Norte Conservation Act will designate two new wilderness areas, the Cerro del Yuta and Rio San Antonio, within the Rio Grande del Norte National Monument. The proposed wilderness areas will comprise approximately 21,420 acres within the 242,500-acre National Monument northwest of Taos, New Mexico.

The 2013 National Monument designation was supported by New Mexico business owners, sportsmen, Tribal leaders, veterans and faith-based organizations, as well as local elected officials. Recently, the

Director of the Bureau of Land Management testified before the Senate that the monument designation has generated considerable economic stimulus to the northern New Mexico region. We believe the addition of these two areas as wilderness within the monument will serve to increase visitation and economic sustainability to the area.

Working closely with a broad and diverse local group of supporters over the past decade, Pew has been actively engaged in championing these proposed wildernesses. We were heartened when the President protected the Rio Grande del Norte region as a National Monument in 2013, and we are encouraged by the continued interest of Senators Udall and Heinrich in providing wilderness protection for Ute Mountain (Cerro del Yuta) and San Antonio Mountain (Rio San Antonio) within the monument. Wilderness designation for Cerro del Yuta and Rio San Antonio will serve to complete the local community's vision for the protection of these historic, culturally significant, scenic, and ecologically valuable public lands.

Again, we appreciate the opportunity to submit these views for the committee's consideration. For additional information, please contact Marcia Argust, Project Director, The Pew Charitable Trusts, at 202-329-0793 or margust@pewtrusts.org.

Subcommittee on Public Lands, Forests and Mining
U.S. Senate Committee on Energy and Natural Resources
Hearing on S. 583,
"Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act"
May 21, 2015

Testimony by The Sawtooth Society

The Sawtooth Society wishes to express its wholehearted support for the "Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act" and requests that this statement become part of the formal hearing record.

The Sawtooth Society, formed in 1997 by principal sponsors of the legislation that created the Sawtooth National Recreation Area (NRA), is based in Stanley, Idaho. The Society is the only non-profit group dedicated exclusively to serving as an advocate for the Sawtooth National NRA, within which, two of the three proposed Wilderness Areas in this legislation are located. Our mission is to preserve, protect and enhance this spectacular area and we are comprised of over 1,200 members from across the state and around the country. The Society helps preserve open space in the Sawtooth NRA, has area's largest volunteer program to maintain and expand recreation facilities and enhance wildlife habitat and has funded over 160 recreation enhancement projects throughout the Sawtooth NRA through a strong partnership with the U.S. Forest Service. We are bound together by our attachment to this special landscape and our desire to protect it.

It is from this thorough knowledge of the area in question that we base our strong support for S. 583, sponsored by Senator Risch. For more than a decade the Society has supported Congressional efforts to protect these fragile, high-elevation lands as Wilderness. It is our belief the Boulder-White Clouds Mountains, which again are within the Sawtooth NRA boundaries, are the quintessential example of true Wilderness, have been studied for decades as potential Wilderness and now deserve permanent protection.

Over the last two years, there has been considerable discussion by some to encourage the President to use his powers under the Antiquities Act to declare a much larger area than the three Wilderness areas proposed by S. 583 as a National Monument. The Sawtooth Society is adamantly opposed to this step and has been highly vocal in both Idaho and Washington, DC to build an understanding of the risks involved with overlaying a National Monument, with its inherent ambiguity, on top of the already Congressionally designated Sawtooth NRA.

By any measure, the 1972 Congressional leadership, some of whom are still actively involved in the Sawtooth Society today, got it right when they enacted P.L. 92-400 with specific and unique language to protect the area through the creation of the Sawtooth NRA and the Sawtooth Wilderness Area. The result is a tremendous success story. That legacy would be threatened by creation of a National Monument and based on statements by the Administration we believe there is a significant likelihood of the President moving

forward to overlay a National Monument on this congressionally protected landscape unless S. 583, and the companion bill in the House, H.R. 1138, sponsored by Congressman Simpson, are enacted into law. That would be a tragic outcome.

The advantages of Congressional Wilderness designation versus a National Monument are many. Wilderness designation provides a permanent level of environmental protection that a National Monument designation cannot achieve. Establishment of a Congressionally mandated Wilderness follows a well-known process with a predictable outcome in contrast to the uncertain process, outcome and timetable a National Monument route involves. And, it avoids years of diverted management resources, delays of critical decisions, confusion and possible litigation for the Sawtooth NRA lands involved in the development of a multi-agency, multi-year management plan required for a National Monument.

S. 583 incorporates over a decade of important input from a wide range of Idaho stakeholders via numerous public hearings and meetings. Contrary to what one group of users is currently claiming, no single stakeholder group is unaffected or will be fully pleased with this legislation. Like most good legislation, it is a reasoned and balanced compromise.

Conservationists will get considerably less Wilderness area than they would like. Hikers and horseback riders will have to share some favorite trails with bikers. Mountain bikers will lose the use of about 10 percent of their nearly 800 miles of riding trails in the area. Snowmobilers will give up access to thousands of acres of backcountry lands where, with the more sophisticated machines (just as with mountain bikes) they might otherwise ride. And those who prefer the status-quo will have to accept change. But in exchange, they all will see the peace, solitude and pristine beauty of over 275,000 acres of magnificent land forever protected as Wilderness.

With each stakeholder giving up a little to gain a lot for all, we believe Senator Risch and Congressman Simpson have found the right middle-ground to resolve this issue once and for all. This is why a large number of groups, as diverse as the Wilderness Society, the Idaho Farm Bureau, the Idaho Cattlemen's Association and Custer County and Blaine County commissioners, are supporting S. 583.

Congressional sponsors have asked the Administration for time to pursue enactment of the Wilderness bill before they make any final decision on creation of a National Monument. This presents a unique opportunity in 2015 to "get it right" on meaningful and appropriate Boulder-White Clouds protection.

We applaud Senator Risch's leadership to seek passage of this legislation. Our support rests on the fact that Congressional action, rather than a Presidentially proclaimed National Monument, is the best way to provide additional protection — a fact even those promoting a National Monument and the Obama Administration recognize.

In summary, The Sawtooth Society has been a long-time supporter of Wilderness designation of these lands and we are steadfastly committed to this legislation. We also believe that time is of the essence. The future management and use of the Sawtooth NRA

rests on the outcome of this legislation and we urge all to support S. 583 and pre-empt a problematic and probable Presidential National Monument proclamation. These lands deserve to be included in the "gold standard" of true and permanent Wilderness that only Congress can provide. Thank you.

Submitted by Gary O'Malley
Executive Director, The Sawtooth Society
Stanley, Idaho
208.721.2909

Statement of
Craig and Ramona Sorenson
265 E. 200 S.
Escalante, UT 84726
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, & Mining
S. 365, To improve rangeland conditions and restore grazing levels within the Grand Staircase-Escalante National Monument, Utah
May 21, 2015

S.365 Comments

I and other knowledgeable local citizens have made many useful comments as part of the GSENM Grazing EIS, with some very specific recommendations on how to improve range conditions in the GSENM. Allowing the EIS to be completed, including consideration of such public comments, hopefully will result in the best possible range management strategy to be implemented; such management decisions should be based upon the best scientific analyses available and for the health of the land, not clouded by political maneuverings.

Based upon EIS comments, here are the main points:

- Science NOT politics should underlie all range management decisions. Politicians in Washington DC have little or no understanding of the GSENM and should not attempt to limit range management decisions in an area having such poor soils and grazing conditions.
- Preserving the ranching heritage is important, but should focus on helping local ranching families, <u>not</u> outside corporations. Unfortunately, many old time ranchers are selling their grazing allotments to ranching corporations (especially the Sorensen Ranch = Flying V Bar Ranch); no one in their families wants to run their ranching operations, when low profit margins don't seem to merit the hard work. The corporation's hired hands are low paying jobs and most profits are taken elsewhere rather than being reinvested in local communities. With no 'ownership', such corporations have not been good stewards of the land. Given the difficult economics of ranching, most of the other ranchers tend to have other jobs to supplement their incomes, thus they are unable to spend adequate time out on their allotments managing their livestock.
- Conflicts between livestock grazing and recreational uses should be minimized, not exacerbated. Revenues from tourism have increased dramatically since the GSENM was established while livestock revenues have declined. Areas where grazing has been retired, such as the Escalante Canyons, have become the most popular tourist destinations.
- The closure of certain grazing allotments to protect riparian habitat and reduce conflicts between grazing and recreation was reviewed and approved

by Utah Governor Leavitt and his staff in 1999. As anticipated, the closed allotments have shown a dramatic recovery with improved wildlife habitat, watershed conditions, and recreation. Grazing allotments along the Escalante Canyon corridor were voluntarily sold to the Grand Canyon Trust and the money from these sales substantially benefited ranchers such as County Commissioner Dell LeFevre . The increased tourism in this area has produced more revenue than would have resulted from livestock in this area. Resuming grazing along the Escalante corridor would negatively impact tourism revenues – you can't have both...

- S.365 would be require livestock to be moved back into the Escalante Canyons at 1996 levels and would certainly result in decreased tourism and associated revenues. There were literally hundreds and thousands of visitor complaints about cows at the trailhead registers on the Escalante River allotment prior to the grazing closure in 1999. It would set a very bad precedent for Congress circumventing conservation agreements that have benefited ranchers and the American public.
- Extensive areas of barren slickrock sandstone are a big part of many grazing allotments yet have very limited grazing potential. These scenic slickrock areas happen to be the main destination of tourist visiting the GSENM. Allowing conservation groups to buy out the slickrock portions of grazing allotments could be a real win-win situation for ranchers and recreationists. Such land management solutions would not be possible if Senate 365 were to become law.
- A cost-benefit analysis should be done before any range "improvement" projects are undertaken; previous range improvement projects are very expensive and typically have failed. If compared, investments in trying to help the livestock industry would yield less economic benefits to the local communities of Garfield and Kane Countries than comparable investments in tourism. In fact, tourism seems to be self-sustaining rather than requiring such government subsidies.
- Based upon the 2000 GSENM Management Plan, range restoration should use native plants that are more well suited to local environmental conditions, rather than introduced grasses whenever possible. However, livestock must not move into the restoration areas until the plantings are well enough established to allow sustainable grazing. Grazing management decisions need to be based upon on-the-ground conditions, and should not be constrained by Senate 365.
- The GSENM proclamation stated "nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands with the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation." Thus, Senate Act 365 is redundant and unnecessary.
- Reduction in livestock numbers since 1996 have resulted from drought, not from changes in livestock management. Being such a contentious issue, livestock grazing was not included in the GSENM's 2000 Management Plan,

so livestock grazing is still being managed with preexisting range management plans and general BLM grazing statutes. If droughts continue, then increasing livestock numbers will only increase overgrazing and ultimately lead to loss of soil and reduced overall productivity.

- The GSENM's Grazing EIS is presently underway and included a number of alternatives, most of which promote the livestock industry over other values. Knowledgeable local citizens and other stakeholders have made many useful comments, with some very specific recommendations on how to improve range conditions in the GSENM. The EIS scoping included special sessions dealing with economic impact upon ranchers. After so much time, effort and budget has been expended to develop a better range management plan, it is important that the EIS process come to fruition. Allowing the EIS to be completed, including consideration of such public comments, hopefully will result in the best possible range management strategy that will be beneficial to both ranchers and to the American public who increasingly recreate on the GSENM.
- Having Senate 365 interrupt and constrain the EIS process would be very detrimental and terrible precedent setting. The Grand Staircase Escalante National Monument has some of the most outstanding scenery and beauty in the world and people from every state and country in the world travel here to see and experience it. Discard Senate 365. Few Senators or Congressmen have much knowledge of range management and even less about on-the-ground conditions that are healthy for the land in the GSENM, so you should stand down and let those who are experts in the field just do their jobs.

RE: S. 365, a bill regarding grazing within the Grand Staircase-Escalante National Monument, Utah

I am one of the millions of Americans who have chosen to re-locate and/or visit the west. I live in Moab, where tourism is skyrocketing and the local economy is being reinvigorated as people flood in from all around the world to enjoy our spectacular western scenery and recreate in it. Moab was an old ranching and mining community that was failing and has been saved by tourism. It has become so popular, that this weekend, Arches National Park had to periodically shut down, denying tourists access due to overcrowding. Clearly, citizens of the US need additional places such as Grand Staircase-Escalante for outdoor recreation.

This dramatic trend away from ranching as the economic and cultural mainstay of southern Utah communities makes sense in light of the changing needs of our society and the importance of recreation.

When cows were first grazed in mass on virgin western grasslands, there was ample forage to sustain the industry. Long term grazing, has significantly reduced the productivity of the land, disturbed the balance between soil, plants, and wildlife and has made ranching a marginal proposition at best in southern Utah.

It is essential to note that the **title of this bill is deceptive**, as rather than improve rangeland conditions, it will actually *damage* a fragile and remote outdoor resource, and consequently negatively impact the growing recreational industry which is now the lifeblood of the local communities.

It is also misleading as it **will not** restore livestock grazing to the1996 pre-monument level of usage as currently, 96.4% of the Monument continues in active grazing *with permitted numbers unchanged*.

In 1999 several ranchers relinquished their grazing permits in the Escalante River Canyon through a buy-out by a conservation group so that they could relocate to more profitable areas. An amendment to the Escalante Management Framework Plan was done and now only this small remote portion (3.6%) is un-grazed.

S. 365, the new bill before you, **is actually anti-rancher**, as the grazing buy-out market is often the only market for the permits of desperate ranchers hurt by drought, fire, illness, inter-generational transfer issues and the many other problems that make grazing in arid parts of the country marginal or unprofitable.

Rather than improving rangeland conditions for livestock and wildlife, re-opening these areas to grazing would accelerate the degradation of the land, especially in light of the extended drought and climate change. I have personally observed un-grazed reference points in comparison with comparable areas devastated by grazing in areas no longer able to support the practice.

Passing S. 365 provides **no economic advantage to ranchers** and would potentially damage the tourism that is rapidly replacing the unprofitable ranching industry in the

area. According to the U.S. Bureau of Economic Analysis (USBEA.gov), agricultural income was negative in 12 of the 18 years for which data are available since the establishment of the Monument. On the other hand, personal income has been rising significantly. Re-opening the Escalante River Canyon would have the net economic effect of reducing taxable income to the counties.

As a citizen of this country who would like to see a vibrant economy as well as a healthy environment, I encourage members of Congress to **reject this unnecessary and detrimental piece of legislation.**

Sincerely,

Mimi Trudeau
3686 Spanish Valley Drive E3
Moab, Utah 84532
845-325-7595

Statement for the Record
U.S. Department of the Interior
before the
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining

Concerning S. 160 and H.R. 373, bills to direct the Secretary of the Interior and Secretary of Agriculture to expedite access to certain Federal land under the administrative jurisdiction of each Secretary for good Samaritan search-and-recovery missions, and for other purposes.

May 21, 2015

Mr. Chairman and members of the committee, thank you for the opportunity to present the views of the Department of the Interior on S. 160 and H.R. 373, bills to direct the Secretary of the Interior and Secretary of Agriculture to expedite access to certain Federal land under the administrative jurisdiction of each Secretary for good Samaritan search-and-recovery missions, and for other purposes.

The Department supports S. 160 and H.R. 373 with amendments.

S. 160 and H.R. 373 would require the Secretary of the Interior and Secretary of Agriculture (Secretaries) to develop and implement a process to expedite access to federal lands for eligible organizations and individuals who request access to Federal lands to conduct good Samaritan search and recovery missions for missing individuals presumed to be deceased at the time the search is initiated. The bills would require these procedures to include provisions clarifying that such groups are not considered Federal volunteers, and exempting such groups from the Volunteers in the Parks Act of 1969, the Federal Tort Claims Act, and the Federal Employee Compensation Act. The bills would also prohibit the Secretaries from requiring such organizations or individuals to have liability insurance as a condition of accessing federal lands if they acknowledge and consent, in writing, that they understand they are not protected under federal law and sign a waiver releasing the federal government from all liability related to the access granted.

The bills would require the Secretaries to notify an eligible organization or individual of the approval or denial of a request within 48 hours after the request is made and, in the case of a denial, notify the organization or individual of the reason for denial and any actions that they can take to meet the requirements for the request to be approved. The bills would also require the Secretaries to develop partnerships with search-and-recovery organizations to coordinate and expedite good Samaritan search-and-recovery missions on federal lands. Within 180 days after enactment, the bills would require the Secretaries to submit a joint report to Congress describing plans to develop partnerships and efforts being taken to expedite and accelerate good Samaritan search-and-recovery mission efforts on federal lands.

We believe that we can work with the sponsors and the committee to amend S. 106 and H.R. 373 so that they would facilitate this process, without creating an undue burden on the land management bureaus or the applicants.

We recommend amending the bills to ensure that the document required to be signed as a condition of accessing federal lands both waives rights, claims, and causes of action against the United States, and releases the United States from liability. This would provide more comprehensive protection for the federal government against lawsuits than the legislation does as currently written.

We also recommend amending the bills to provide 2 business days, rather than 48 hours, for the approval or denial of a permit, and to provide that the time period for approval or denial would start only after the land management agency has received a complete application. This would make the permit approval process more practical, as land management agencies may not have staff available to process permits after the close of business or on weekends.

In addition, we note several technical issues with the bills. For example, the meaning of the term "not-for-profit capacity," which is used in the definition of eligible organization and eligible individuals, is not clear. And the requirement in § 2(a)(1)(B) of S. 160 that eligible organizations and eligible individuals have certification in training that meets or exceeds standards established by the American Society for Testing and Materials is not needed, in our view, because federal agencies use other standards for verifying a prospective provider's qualifications and medical/fitness level. We would like to work with the Committee to address these and other technical issues in the bills.

With the amendments described in this statement, the Department believes that the legislation would allow expedited access for good Samaritan search-and-recovery missions without complicating existing procedures, or causing unintended impacts to existing relationships between federal agencies and search organizations. While we note that H.R. 373 includes some of these amendments, we would like to work with the bills' sponsors and this committee to amend both bills so that they allow expedited access for good Samaritan search-and-recovery missions without complicating existing procedures, or causing unintended impacts to existing relationships between federal agencies and search organizations.

Mr. Chairman, this concludes this statement.

From: Keith Watts <keith@earth-tours.com>
Date: Thursday, May 28, 2015 at 10:29 AM
To: "Hatch, Orrin (Hatch)"
Cc: David Brooks
Subject: Opposition to Senate Act - S.365

Dear Senator Hatch and Members of the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining ,

I understand that Senate Act 365 is being reviewed by Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining on 21 May 2015 at 2pm. I would like my concerns presented below to be considered as part of the hearing record.

I live and work in Boulder, Utah, where I run a guide service that takes my clients into the Grand Staircase-Escalante National Monument (GSENM), especially the Escalante Canyon. Some of my friends and neighbors run their cattle on the GSENM; I support the ranching heritage here. However, I am very disappointed to see your Grand Staircase-Escalante National Monument Grazing Protection Act - S.365 being advanced to the Senate. Your timing could not be worse - the GSENM is presently doing an EIS on grazing that is long overdue, and includes a variety of reasonable alternatives. Three alternatives allow grazing at existing or higher levels, one alternative would allow sustainable grazing in 94% of the GSENM, and the least likely alternative would eliminate grazing (such alternatives are required for an EIS, but are rarely chosen). Overgrazing is a problem in parts of the GSENM that needs to be corrected. Having you step in as a Senator with a proposal to limit appropriate grazing management options is a very bad idea.

I know that you want to protect the interests of your constituents, but the unbalanced favoritism that this bill gives ranchers will significantly hurt other constituents. Utahans who work in the developing tourist industry in Garfield and Kane Counties will certainly lose business if cattle are returned to the parts of the Escalante River that have been closed to grazing and if intensive range "improvements" occur even more tourist dollars will be lost. Your bill would be detrimental to the recreational opportunities for millions of Utah citizens and countless tourists who visit our wonderful state. I know first-hand that your act would negatively impact my guide business and overall tourism revenues.

Tourists come to the Escalante Canyons because its natural beauty rivals Zion and Capitol Reef National Parks, yet they don't have to contend with tourist crowds and enjoy the freedoms of having the area managed by the Bureau of Land Management. However, overgrazing destroys the essence of the natural beauty that tourists seek. The Escalante River used to be plagued by erosion resulting from overgrazing, water polluted with cattle excrement, invasive plants such as tumbleweed, and swarms of horseflies. In 1995, I backpacked down Death Hollow and the Escalante River; after marveling at the incredible beauty of the Death Hollow Primitive Area, the Escalante River was a disappointment. I literally had to run from swarms of horseflies, stepping in cows**t and thrashed by thorny weeds. When I take my guest down the Escalante today, its beauty is relatively untarnished – native grasses have returned, few biting insects annoy us, and cattle excrement is old and dry. We should not go back to the old ways of doing things that were destructive and marginally economic at best.

Revenues from increasing tourism in the GSENM are the best thing to happen to the economies of Garfield and Kane Counties in decades. Over many years, the revenues from ranching have declined, with ranchers often failing to show profits. These declines are not the result of GSENM's grazing management (they are still operating under plans from the last millennium), but are due to loss of forage resulting from drought and inherent difficulties of raising cattle in the marginal grazing lands of the GSENM. Since the GSENM was established, the revenues from tourism have shown a steady increase. In some popular areas such as the Escalante Canyons, you cannot have cattle overgrazing and still attract tourists. Before you advance your bill, you should fully analyze the economic impacts on our blossoming tourist industry.

The main area in question is the Escalante River Canyon, where grazing has not occurred since 1999. Rancher and Garfield County Commissioner, Dell LeFevre, voluntarily sold his grazing allotments to the Grand Canyon Trust for a significant sum of money that substantially benefited his ranching business. Before cattle were removed from this recreational corridor, tourists commonly complained about overgrazing and associated damage to the Escalante watershed, so the area's reputation as a tourist destination was poor. With the removal of cattle, the Escalante River Canyon has recovered dramatically and has become a major destination for increasing numbers of tourists who visit our area. Returning grazing to this recreational corridor would be a blow to our developing tourist industry in Garfield County.

If grazing in the Escalante Canyon were to be re-established at previous levels, I would have to abandon several of my most popular hiking routes because they would no longer be suitable for my clientele. For example, when cattle were reintroduced to Phipps Wash, we had to give up one of our favorite hiking routes. Because the grazing permittee constructed an unauthorized fence across Phipps Wash, the long horn steers pushed up against the fence, charging another tourist group because they had a dog. Our Earth Tours group had a difficult time getting past one large bull that charged us as we tried to pass. Luckily, the bull backed off, but it was a very disturbing experience for all involved. Our clients were bothered by the experience and by seeing the negative impacts of grazing on the natural beauty of the area, so they wrote a letter to BLM to complain. When I guide my guests on hikes in the GSENM, I always teach them about fragile cryptobiotic soils, asking that they be very careful where they walk so that these soils aren't crushed allowing soil to erode away. It is disheartening to then encounter an damaged areas that has been totally trampled by cattle. Preserving a few areas in a state of recovery without continued grazing allows tourists to better enjoy the natural beauty of the Escalante Canyons; these areas serve as a control to understand the impacts of cattle grazing in other areas.

Most of the other allotments are still open to grazing and do not have conflicts with recreationists. If the GSENM is able to proceed with appropriate management strategies, ranchers will hopefully see range improvements that will help their profitability. Ranchers might also have other opportunities for economic benefits. One possible opportunity would be for ranchers to choose to retire grazing on parts of their grazing allotments that have extensive areas of barren slickrock sandstone with little or no grazing potential. Such slickrock areas happen to be the destination of most tourists. Perhaps environmental groups would be willing to pay ranchers to stop grazing on these unsuitable parts of their allotments, benefitting both ranchers and the tourism industry. Like LeFevre, these ranchers could get a much-needed infusion of cash. Allowing such solutions to occur will be difficult given existing grazing policies, but having an Act of Congress interfere with range management in the GSENM would make it impossible to develop creative solutions to problems and allow American citizens to use these public lands appropriately.

I understand that S.365 would require the GSENM to double grazing by using intrusive vegetative management techniques of mechanically removing native forest and sagebrush communities and planting non-native grasses. Such approaches often fail and require repeated plantings, especially during droughts. The soils in the GSENM are poor, mostly wind-blown sand with little nutrients and held together by biological soil crusts (see http://www.foxnews.com/science/2015/01/19/barren-deserts-can-host-complex-ecosystems/?intcmp=obmod_ffo&intcmp=obnetwork); being easily eroded, disturbing such fragile soils with heavy machinery could be disastrous. For example, the vegetative management areas in the Circle Cliffs region that I have seen have not done well, requiring repeated plantings, but not showing substantial range improvements. These

treatments are expensive! Have you done a cost-benefit analysis? I don't have the numbers, but would imagine that the money would have been better spent just buying hay for the ranchers. I think it would be fiscally irresponsible to spend huge amounts of our tax dollars to prop up ranching in an area having marginal grazing conditions at best. We are talking about substantial government subsidies that purportedly would benefit one special interest group to the detriment of most American citizens and an international tourist industry. The biggest cost would be loss of tourism revenues; my guests come to see natural beauty of the area and would be driven away if the area is bulldozed.

The major cause of reduction in numbers of livestock grazing in the GSENM is due to years of drought that has caused a deterioration of forage; the livestock reduction did not result from detrimental management decisions by the GSENM range conservation officers. Typically, ranchers voluntarily reduce livestock number to levels that the range can sustain; Senate 365 would require maintaining unsustainable numbers of livestock. What if ranchers don't want to invest in more cattle that would end up starving due to lack of forage? Failure to reduce grazing during droughts leads to a loss of forage, increased erosion, and long-term damage to range productivity. If the drought ends and the range is allowed to recover, then the numbers of livestock grazing can increase proportionately. Given forecasts for continued drought in the southwest, the GSENM Grazing EIS needs to deal with the reality of reduced range productivity. No federal legislation can change the weather patterns. Having a bunch of ill-informed Washington DC politicians decide how grazing in the GSENM should be managed would sideline the GSENM's Grazing EIS (it includes significant input by local ranchers and other stakeholders) that seeks to improve the range conditions; such interference would not help the ranchers of Garfield and Kane counties trying to make a living in this difficult landscape. Your short-sighted act would certainly damage our tourism economy.

I think that you should allow the GSENM's Grazing EIS to proceed and see how well the new management plan works. Hopefully, their scientific analyses of how to best manage grazing will lead to improved range conditions that will benefit ranchers. Without your interference, our tourism economy will continue to prosper without federal subsidies. You and your colleagues in the Senate do not have the time nor the ability to come up with appropriate range management strategies. Please withdraw Act S. 365 until the GSENM's Grazing EIS has been completed and given a chance to make necessary range improvements.

Please let me know that you have received this e-mail and that it will be included as part of the hearing record.

Sincerely,
Dr. Keith Watts
Boulder, Utah
www.earth-tours.com
435-335-7545

From: Bill Wolverton
Date: Tuesday, May 26, 2015 at 7:00 PM
To: David Brooks
Subject: Senate Bill 365

To: Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining

Subject: Senate Bill 365

I recently wrote a letter to Senator Hatch regarding the above subject bill, to which I never received a response. Following are the principle elements of my letter. Please add these comments to the record for the hearing on the bill.

I hate having to write these sort of things. I really wish it wasn't necessary.

Senator Hatch's attempt to mandate that grazing levels in the Grand Staircase – Escalante National Monument be restored to pre-monument levels is completely unwarranted meddling and micromanaging, bypassing the agency that is supposed to manage public lands grazing. I am absolutely outraged.

Some pertinent facts:

Utah is the second driest state in the United States, and most of it is desert that is largely unsuitable for cattle in the first place.

Vegetation growth – "forage" production – is directly related to rainfall. No rainfall, no forage.

The entire southwest, including Utah, has been in a state of drought for much of the last 15 or so years.

Senator Hatch must not be aware of these things or he would not have introduced this bill. There is no amount of mechanical vegetative manipulation that will increase the amount of rainfall.

I doubt that he or any of you are aware that a citizens effort to determine actual stocking levels of several grazing allotments in the GSENM has been made by actually going out and counting all of the cows that could be found, and that it has become clear that some allotments are not being fully stocked to the levels authorized by their permits, apparently because the permit holders recognize that conditions do not permit any more. Despite that, they are still reporting to BLM that they are fully stocking the allotments and paying their grazing fees as if the allotments were fully stocked, apparently in a fraudulent effort to maintain the apparent value of the allotments to potential buyers of the permits. Of course we can only speculate as to the motivation for this. I have participated in these "cow counts" several times.

And despite the fact that some allotments are not being fully stocked, other areas continue to be grossly abused by overuse.

Senator Hatch has a great deal of disdain for the monument, "The mother of all land grabs", as he so ignorantly and foolishly characterized it right after it was designated, as if it was somehow taken away from someone, despite the fact that ownership did not change one iota. I can only see this uncalled for interference in grazing management as some sort of attempt at revenge.

I don't know just what the intent is, but if I interpret this bill correctly, it could lead to even the Escalante River being opened back up to the abuse of cattle grazing, which is absolutely appalling. The Escalante is a world class treasure. People come from all over this country and even a few from other countries to visit it for its natural and recreational values. That was how I first came here over 36 years ago, while living in California. And I couldn't get enough of it so I had to move here almost 29 years ago. People don't come here to see just another stinking barnyard littered with cow pies and trampled, beaten, and eaten, with many of the best campsites rendered unfit for human use by the cow pies. The Escalante's natural and recreational values far exceed any possible value as a cow pasture, and the damage done by nearly a century of such abuse has largely faded since 2000 when the cows were evicted. I assure you there will be a huge public outcry if this unwarranted meddling in grazing management leads to the river being turned over to cows again. I have spent many hours out there over the years cleaning up and burning the cow pies in some of the best campsites in order to make them fit for human use.

You may also not be aware that millions of dollars of mostly private money have been spent in the last several years in getting rid of invasive Russian Olive trees along the Escalante, along with other aspects of restoration of the river and its watershed. To compel grazing to resume on the river would make an absolute mockery of these efforts. I started the Russian Olive removal effort personally in 2000 while working as a back country ranger for Glen Canyon National Recreation Area. I devoted 12 years to it, and eliminated the Russian Olive from fully half of the river – 42 1Ž2 miles - before retiring, so naturally I have a very substantial vested interest in seeing the river restored. I will not stand to see it overrun by cows again and will do everything in my power to see that it doesn't happen.

You may also not be aware that the cows were not actually "evicted" from the Escalante River through any adverse action by BLM. That was accomplished by a very complex series of negotiations between the Grand Canyon Trust and the ranchers involved in order to find them more suitable land elsewhere on which to continue their operations. No one had their grazing privileges (NOT "rights") taken away.

Keep your hands of the GSENM – leave it alone and let BLM do their job. Their biggest failing is in not doing nearly enough to limit the grazing abuse to a level that the resources can sustain.

William H. Wolverton
Escalante, UT