

PUBLIC LANDS AND FORESTS LEGISLATION

HEARING
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED ELEVENTH CONGRESS
FIRST SESSION
ON

S. 1470

H.R. 762

S. 1719

H.R. 934

S. 1787

DECEMBER 17, 2009



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PUBLIC LANDS AND FORESTS LEGISLATION

THURSDAY, DECEMBER 17, 2009

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

The subcommittee met, pursuant to notice, at 2:35 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Ron Wyden presiding.

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

Senator WYDEN. The subcommittee will come to order, and good afternoon to all.

We have 3 of our colleagues here today, and I will just have a very brief opening statement, recognize the chairman of the full committee, Senator Bingaman, is here. Senator Risch is here.

Today, we are going to consider 5 bills that are pending before the subcommittee: S. 1470, The Forest Jobs and Recreation Act of 2009; S. 1719 to convey national forest land to the town of Alta, Utah; S. 1787, The Federal Land Transaction Facilitation Reauthorization Act of 2009; H.R. 762 to validate final patent 27-2005-0081, and for other purposes; and H.R. 934 to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands.

We are going to hear from Chairman Baucus and Senator Tester and Senator Crapo in just a moment.

I do, as we begin, want to mention that yesterday we were able in the State of Oregon to bring together timber industry folks and environmentalists to find common ground. We have never been able to do that before. It is going to make it possible for us to get saw logs to mills in eastern Oregon—we have got communities there with more than 20 percent unemployment—and, at the same time, also protect some of the old growth that Oregonians treasure.

I know that Senator Tester has been working very, very hard to develop a homegrown solution. Chairman Baucus and I have gone through a whole host of the timber debates over the years. So it is great to have my chairman here as well.

I know Senator Tester and Senator Baucus have been working together. Then, of course, Senator Crapo and I go back through the days of county payments and a host of other resources issues.

So before we recognize our colleagues, let me first go to Chairman Bingaman and then Senator Risch for any comments they would like to make.

**STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM
NEW MEXICO**

The CHAIRMAN. Mr. Chairman, thank you having this hearing.

Let me mention two of the agenda items on your list that I have particular interest in. One is S. 1787. This is a bill I introduced to reauthorize the Federal Land Transaction Facilitation Act. That is an act that we put in law as part of the Valles Caldera National Preserve legislation back in 2000. Senator Domenici was a strong advocate for this.

It allows the BLM to retain revenues from the sale of surplus lands and use those revenues, along with other Federal land management agencies, to acquire in holdings within federally designated conservation areas. This has been a good thing. BLM has, I think, favored this reauthorization. I hope we can move ahead with that quickly.

Also just to mention Senator Tester's bill, which he has come to speak to me about, as has Senator Baucus. The two of them have worked hard together on this legislation, and I think it is very important legislation.

I remember chairing a hearing 15 years ago with Senator Baucus up in Missoula, which he invited me to come to and on an earlier Montana wilderness proposal. I know that these can be contentious issues. I do believe there are some policy issues that we need to understand better and address as this bill moves forward, and I look forward to hearing both from the sponsors of the legislation and also, of course, from the administration and the other witnesses.

Let me also just mention I believe this is the first hearing that Harris Sherman has been here for. We welcome him, the new Under Secretary for Natural Resources and Environment in the Department of Agriculture.

Also I wanted to recognize Ed Roberson. Ed is here. He is testifying for the BLM today also for the first time before our committee. Ed is currently the Assistant Director at the BLM. He previously was managing the district office in Las Cruces, New Mexico. Did a great job there. I am sure he will do a great job here in Washington as well.

But thank you for letting me participate.

[The prepared statement of Senator Bingaman follows:]

PREPARED STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

Mr. Chairman, thank you for scheduling this hearing. I'd like to briefly comment on S. 1787, which is a bill I introduced to reauthorize the Federal Land Transaction Facilitation Act. While the law's title is unwieldy, it has proven to be a very important management tool for the Bureau of Land Management and it provides important benefits to not just the BLM, but the Forest Service, National Park Service, and U.S. Fish and Wildlife Service as well.

Under the law, which was originally enacted in 2000 as title II of the bill establishing the Valles Caldera National Preserve, the BLM is able to retain revenues from the sale of surplus lands, and use those revenues, along with the other Federal land management agencies to acquire inholdings within federally designated conservation areas, with a priority on those areas containing exceptional resources. As the BLM's testimony notes, over \$113 million has been raised through this program since its enactment.

The initial law was authorized for 10 years and will expire next summer, unless it is reauthorized. My bill would permanently reauthorize the program and would

allow the revenues from any lands identified for disposal as of the date of enactment of this Act to be used for acquisition of inholdings.

I understand we may need to make a few minor adjustments to the bill to make sure we aren't affecting certain state-specific land acquisition programs, such as the ones established in Idaho and Utah as part of the Omnibus Public Lands bill enacted earlier this year, and we will work with the BLM to make sure we accurately account for those programs.

Mr. Chairman, I know that Senator Tester's forests bill is the major item on the agenda today, and I wanted to commend him - and Senator Baucus who is a cosponsor of the bill - for working so hard to try and resolve many longstanding contentious forest management and wilderness issues. I chaired a hearing over 15 years ago in Missoula on an earlier Montana wilderness proposal, which ultimately was not enacted into law, so I appreciate how difficult of an issue this is. I believe there are a number of policy issues we will need to address as this bill moves forward, and I look forward to working with Senators Tester and Baucus, the other members of the committee, and the Administration to try and resolve those issues.

Mr. Chairman, I'd like to welcome Harris Sherman, who is the new Under Secretary for Natural Resources and Environment at the Department of Agriculture, who I believe is testifying before the committee for the first time this afternoon. With his responsibilities for the Forest Service, among other agencies, the Under Secretary has a critical role in shaping our federal land policies, and I look forward to working with him not only on the Montana bill, but also on the many important forest issues facing the committee.

And finally, I'd like to recognize Ed Roberson, who is testifying for the BLM today, also for the first time before this committee, I believe. Ed is currently the Assistant Director at the BLM, but previously was the District Manager at the BLM field office in Las Cruces. Ed did a great job in New Mexico, and I know he'll do equally well here in Washington. I'm pleased to welcome him here this afternoon and look forward to his testimony later in the hearing.

Thank you.

Senator WYDEN. Thank you, Chairman Bingaman.
Senator Risch.

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

Senator RISCH. Thank you, Mr. Chairman, for holding this hearing.

I am interested particularly, obviously, in hearing regarding the Montana situation. Obviously, I am always delighted when States are able to do this internally and the impetus for the management plan comes from the State itself, rather than coming from the banks of the Potomac.

In Idaho, we did that with 9.2 million acres of roadless. We have the only roadless plan in America that is on the books right now. It was done in a collaborative fashion with participation from both ends of the spectrum and everything in between. I did that when I was Governor.

Senator Crapo did the same thing with a very sensitive piece of ground in the Owyhees that has been very contentious over the years and was able to bring all the parties together. So I am anxious to hear about the process in Montana.

Of course, we have a modest interest in it because there is a piece of it that is up against Idaho. In fact, I guess in the winter-time, the only access is from Idaho. I suggested to Senator Tester maybe we ought to look at the States lines. He didn't think that was a good idea. So we are going to have to look at it from a different perspective, which I am glad to do.

So, with that, thank you very much, Mr. Chairman.
Senator WYDEN. Thank you, Senator Risch.

I think it is appropriate to begin with Chairman Baucus. I also want to say, as we begin this hearing, that the county payments legislation, which has been a lifeline throughout the West, simply could not have happened without Chairman Baucus. It was a tough fight in 2000, but it was impossible last year. Somehow, Chairman Baucus was able to spearhead that effort.

So, Mr. Chairman, please proceed as you would like.

Senator BAUCUS. You are more than generous. You are much too generous because, frankly, Senator, you, frankly, carried most of the water on that.

Mr. Chairman, I just think it is appropriate that the sponsor of the bill proceed first.

Senator WYDEN. Whatever is your pleasure.

Senator BAUCUS. My colleague Senator Tester. I mean, I am co-sponsoring the bill. He is the primary guy. He is the one that has put it all together. I just think it is only appropriate that since it is his bill, that he take the lead here. I will follow up.

Senator WYDEN. Typical of Chairman Baucus.

Senator Tester, I gather after you are done, we will have Chairman Baucus, and we will have Senator Crapo. Senator Tester, you and Senator Crapo are going to sit in with the subcommittee later through the day?

Senator CRAPO. If there is time. I know that Senator Tester will.

Senator WYDEN. OK. Let us go with Senator Tester.

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

Senator TESTER. Thank you, Mr. Chairman.

Thank you, Senator Baucus, and I will sit in after I get done with my testimony to hear the other folks testify.

Before I get into my testimony, I want to thank you for holding this hearing. Obviously, I also want to thank Chairman Bingaman. It is good to be back in the room. Hopefully, I will be back here some day. But thank you for your leadership in the whole committee, Senator Bingaman.

I want to thank you, Senator Wyden, for inviting me to speak on the Forest Jobs and Recreation Act of 2009. I appreciate your consideration of this critical piece of legislation for the State of Montana and for the country as a whole.

I know you, as you spoke in your opening remarks, have introduced a similar piece of public lands legislation for Oregon yesterday, demonstrating the critical need to address these issues in the West.

Mr. Chairman, I also want to thank the senior Senator from Montana, Senator Max Baucus, for co-sponsoring this legislation. I want to thank the Forest Service and the folks on this committee for working with me and my staff on this bill, and I look forward to continuing those efforts.

I want to acknowledge the work of the many Montanans who brought this proposal to me, many who have flown across the country to join us here today. If you could take a moment, I would like to have those individuals who have come here to support this bill from Montana stand up, please.

Senator WYDEN. Welcome to all.

Senator TESTER. Yes, and I want to thank you all for being here. I would especially like to welcome to Washington the Montanans who have come to testify on this bill—to Mr. Baker of the Montana Wilderness Association, to former Montana senator Sherm Anderson, owner of the Sun Mountain Lumber and a good friend of mine. I want to thank you for your continued efforts on this bill.

Mr. Koehler, I look forward to finally hearing your comments on the bill this afternoon. Commissioner McGinley, although I have addressed many of the Beaverhead County concerns while drafting this bill, I understand that you may still have some concerns. I appreciate you sharing them with us today.

I would like to thank Governor Schweitzer and the many counties who have also submitted testimony for the record and their support of this initiative. At this time, I would like to introduce their testimony, along with the voices of many Montanans and national groups who have worked diligently on this bill, and they are contained in this full—

Senator WYDEN. Without objection, they will go in the record.

Senator TESTER. I want to, once again, thank Senator Baucus for his co-sponsorship and his support in this effort. His tenure in this body means a lot, and he has helped me a lot through this process. I just want to make my appreciation for that known to the senior Senator from Montana.

Twenty years ago, fights on these issues were not just rhetorical. Communities were deeply divided. Even death threats were issued. But after all the fighting, no one won.

In 1988, shortly after President Reagan vetoed Montana's last wilderness bill that was introduced by Congressman Pat Williams, Congressman Williams said, "If this bill doesn't pass, years from now"—and this was in 1988—"If this bill doesn't pass, years from now, people are going to look back and say 1988 was the year when the timber industry started downhill because the congressional delegation couldn't reach an agreement on a wilderness bill."

Here we are, almost 22 years later, and Congressman Williams's words could not have been more prophetic. The mounting problems in Montana are evident, starting with our timber industry.

In 1988, Montana had 38 timber mills. Now we have 10, and each one of those is struggling. In 1988, the mills received 40 percent of their timber from Federal forest lands. Today, that number is roughly around 10 percent.

I do not quote these numbers to say that the 1980s were better. Most of us in this room could agree that the land management on our national forests then was not sustainable. Harvest levels in Montana peaked in 1988. That forced the pendulum to swing to where we are now, which is also not sustainable.

But as we face greater and greater climatic effects, such as drought and pine needle and forest products infrastructure, it becomes of greater and greater importance that our forest infrastructure stays put. We cannot afford to lose these people who know how to manage the forest and who know how to work the woods. We need their skills to restore our forests, to protect clean water that flows from them, and protect our communities from wildfire.

Last year, in my State, 1.8 million acres were attacked by mountain pine beetle. That gives us the dubious distinction of holding

the record for the highest mortality by any insect anywhere in the country.

I saw it firsthand when I flew over the Beaverhead-Deerlodge forest recently. It was a sea of red pushing three-quarters of a million acres. You will have to excuse me, but are those pictures up?

No, they are not. But that is OK. We will get them to you. It is absolutely incredible to see it—red, dead trees.

Bug kill is not the only unprecedented effect on the landscape. Wildfires are burning bigger, hotter, and more often. Nationwide, from 1960 to 1999, an average of 3.6 million acres burned annually. Since the new millennium, that number has almost doubled to more than 6 million acres annually.

It isn't just acres burned that pose a danger. It is the financial cost to our communities. The Forest Service has spent an average of \$3 billion a year on forest fires since 2000, almost double what it spent last century.

The face of our forest is changing, and how we manage our forest must change, too. I am proud to say that not only do Montanans understand this, they are asking us to do something about it. That is why they asked me to carry this legislation.

I want to be clear. This legislation was made in Montana by Montanans about 5 years ago. After years of yelling at each other over the forest, people finally started talking to one another. They realized when they started having these conversations that they had more in common than they ever imagined.

That is how 3 collaborative efforts in 3 different places of the State of Montana began. In the southwestern part of Montana, we had a collaborative effort on the Beaverhead-Deerlodge National Forest; in the Blackfoot River country of the Seeley District on the Lolo National Forest, another collaborative effort; and finally, in the far northwestern corner of the State in the Yaak on the Three Rivers District of the Kootenai National Forest.

Each group independently came up with proposals that were similar, each one to address the great need to manage and restore our forests. Each attempted to resolve motorized and nonmotorized conflicts on recreation lands, and all made recommendations on designated wilderness.

They each approached me with their proposals shortly after I came to the U.S. Senate and asked me to carry their legislation. I looked closely at all 3 proposals because they were very similar. I rolled them into one piece of legislation, honoring what each group brought me while incorporating the views of even more Montanans.

Mr. Chairman, I believe this new approach, looking at the entire forest to determine what use is appropriate and where, is the right approach for our national lands in Montana. Like Secretary Vilsack, I also firmly believe working together is the key to success in forest management.

The Secretary outlined his goals for the Forest Service earlier this year. He said that collaboration, stewardship, and restoration are critical tools to preserving our national forests.

He said, and I quote, "Given the threats that our forests face today, Americans must move away from polarization. We must work toward a shared vision, a vision that conserves our forests

and the vital resources important to our survival while wisely respecting the need for a forest economy that creates jobs and vibrant rural communities.”

Ladies and gentlemen, I am here to tell you that is exactly what S. 1470 aims to do. First, this bill aims to shift forest management away from timber volume toward forest health by directing the Forest Service to kick off landscape-level stewardship projects once a year, each year, in each of the 3 places.

There is a reason that this bill avoids mandates on board-feet and instead directs the number and size of landscape-level projects. We are less interested in numbers and more interested in a holistic approach to thinking about the landscape. This means that the goal is not just the wood taken from the land. It is also the stewardship.

Second, the bill recognizes that the forests should provide places to play by designating over 300,000 acres of recreation land.

Last, the bill designates 677,000 acres of wilderness, the first such designation in Montana in more than 25 years. It resolves outstanding wilderness study areas on Forest Service and Bureau of Land Management ground by designating some and releasing others.

It adds to our treasured landscapes like the Bob Marshall Wilderness, the Anaconda-Pintler Wilderness, and for the first time, it would designate some land in the Yaak Valley as wilderness.

I suppose some of the bill’s critics will seize on the acreage numbers for mechanical treatment and the sheer size of the landscape projects. They will use historic numbers to paint a picture of forest devastation. But these historic records don’t fully inform the discussion. They show numbers of acres harvested for commercial saw logs. They are numbers of board-feet removed.

I think we need to talk about acres treated, acres restored. The forest management in this bill doesn’t quite wedge into the columns of the old spreadsheets. We cannot compare the old ways of yesteryear with the path that we are forging today.

Mr. Chairman, I am aware that this bill will continue to be refined, and I welcome that discussion. Through open houses, my Web site, and phone calls, I have heard from literally thousands of Montanans on this bill, and they have made some good suggestions. Let me give you a few examples.

For the recreation areas, I intend to clarify that snowmobilers not only have access to the routes and trails they use today, but also to the overland areas that they use today. In order to protect critical grizzly habitat and ensure the Forest Service is able to put together successful projects on the Kootenai National Forest, I will ask the agency to help me determine how best to expand the zone of where the forest and restoration activities of this bill can occur on the Kootenai.

I will ask the agency and conservationists in Montana to consider a designation other than wilderness for the highlands near Butte, where occasional wilderness survival trainings occur for our men and women that are headed to Afghanistan.

I also intend to continue further discussions—further discuss the Mount Jefferson area with my friends Senator Crapo and Senator

Risch. I know there are people on both sides of the State line who have vested economic and recreational interests in this area.

But as I have stated in each one of my town hall meetings, if we all give a little, we all get a lot. We are so very fortunate as Americans that the generations that came before us thought it wise to put aside forests for all the Nation to own. How we manage and protect them is a profound responsibility. This legislation is a bold step forward, but it is not without its critics.

One thing is for certain. It brings some uncommon bedfellows together to support a new way to perform forest management. I know we will all learn from this approach, and there is nothing I would rather do for the Forest Service than help them perform the critical work that it must do to ensure that we all have clean water, healthy forests, a place to hunt, fish, and camp into the future.

Let me say this. It is easy to chastise from the sidelines. It is easy to use the bully pulpit to preach. It is easy to draw lines in the sand and to claim the superiority of your values or narrow interest. But it is much more difficult to step up and join the conversation, reflect deeply on our common values, and build a consensus to move forward.

Change is not easy, and no one expects it to be. But not facing up to our challenge is not an option. We need to address those challenges head-on. This bill was not created overnight. The concerns people have about it here will not be fixed overnight either.

But I did not come to the U.S. Senate to shy away from hard issues. This is what is important to the people of Montana. They have worked tirelessly toward a solution for our forests, and so will I. That is why I look forward to continue to work with this committee and the Forest Service to solve these issues so that this bill can make a practical, lasting, common-sense impact on the ground and on the lives of all Montanans.

Once again, I want to thank you, Mr. Chairman.

I want to thank the rest of the committee for their time.

Senator WYDEN. Senator Tester, thank you for an excellent statement. I know how strongly you feel about this and all the home-grown effort and energy that has gone into it.

I will have some questions for you in a minute. I am just struck, as I listen to you, that there is ringing through what you have said something that we are hearing all through the West. That is that westerners have seen, we have reached that moment where we have got to stake out some fresh approaches in natural resources.

What we have always wanted in the West was a win-win. We wanted to have strong rural economies, and we wanted to protect our treasures. Too often, what we have seen as a result of current policy is what westerners often call a lose-lose. You don't get what you need in terms of jobs, good-paying jobs in rural areas, nor do you protect the treasures. What you usually do is just end up in Federal court suing each other.

So we are going to take your approach very seriously. Thank you for all of your efforts. You have talked to me about this many, many times. Probably not as many as our guests can imagine, but we will work very closely with you.

Chairman Baucus, for whatever remarks you would like to make.

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

Senator BAUCUS. Thank you, Mr. Chairman.

I want to first thank my colleague Jon Tester for working very hard, an extraordinary amount of time and effort to try to get this right, get the right balance on this legislation. I don't know if people really appreciate how much time and effort he has put into it, but he has. He deserves to be commended for it.

Thank you, Chairman Wyden, Senator Risch, Senator Bennett, and also Chairman Bingaman of this committee.

I want to allude a little bit to what Senator Bingaman mentioned and Senator Tester did as well. All of us in Western States, particularly with lots of natural resources, wrestle with these kinds of questions all the time. Back it was about 34 years ago the first time I started wrestling and got involved in this.

I will never forget working on wilderness bills. It was a State-wide bill. It was 1988. John Melcher was in the Senate here, and our delegation, congressional delegation sat down and poring over maps, trying to draw boundary lines for wilderness, trying to protect certain areas that should be protected, what cabins, what private land should be protected, what not. I have never spent so much time on anything as I did that.

The exception now is healthcare reform. That is taking more time.

[Laughter.]

Senator RISCH. You are not done yet.

[Laughter.]

Senator BAUCUS. Not done yet.

You know, it struck me this is not a good way to be doing this. I mean, sure, we should be drawing lines. But really, more of this should be not top-down, but bottom-up. We should be spending a lot more time listening to and really agreeing to agreements that have been reached at home.

But we didn't do it that way, and President Reagan vetoed the bill. Senator Melcher was defeated in large part because of this issue back home. The timing could not have been worse for him. But I hope we have learned some lessons, and I just, therefore, very much appreciate the effort and the approach that Senator Tester has made here to make this as bottom-up. It is not top-down.

That is, as I said at the beginning, at the outset, all the time he has spent on this. I have, too. But nothing compares to the amount of time that he has spent on this. It was an awful time.

The veto of that bill was really important, gasoline on fire. Montanans were very, very worked up, each side. Both sides. Remember, there were "women for timber" and all these slogans out there. "This family is supported by timber dollars," or just very, very narrow and vitriolic. Groups weren't talking to each other.

I remember I talked to someone in the environmental side, and I said, "Bozeman, I said why don't you go—" He was very upset with YR. That is a company down in Livingston. I said, "Why don't you go over and talk to those folks? Maybe you can work out some accommodation."

Oh, no. We can't do that. We can't talk to them.

It just struck me. That is the heart of the problem. Nobody is talking to anybody. This, as I said, is a much different approach.

Jon has mentioned beetle kill. It is terrible. I don't have to tell you all that. It is terrible in the West. It is getting worse and worse, and it is getting scary, frankly, the beetle kill. There is so much of it.

I am coincidentally, totally out of coincidence, am reading a book right now. It is called—I think it is 1910. It is about the largest fire in our Nation's history. In 1910, it was on the border with Idaho, coincidentally, Montana, and in August 1910, there were over 2,000 fires burning.

Roosevelt was the prior President, had named Gifford Pinchot head of the Forest Service. They called them little GPs, little Gifford Pinchots who were the rangers of the time, just trying to do what they could to put out these fires. They couldn't—small fires just at the time. They had a hard time doing it, scrambling around.

At that point, 1910, Taft was President. Taft kept getting these urgent messages from the West saying, There are fires out here. Finally, Taft committed several thousand soldiers to go out and fight fires in Montana and Idaho.

I don't want to be an alarmist. I am not an alarmist. But with all this beetle kill now and the fires we had at home a summer ago, they burned so hot. Talking to the incident managers on these fires, they are hot because different conditions, things are drier and so forth.

I am not saying there is going to be another 1910 because we are a lot better at fighting fires now than we were back then. But you can just feel that with all the beetle kill and the summers are so dry, it is not good. Something is going to happen.

There are a couple of things we can do. We could try to go into some of these areas where there is beetle kill and figure out some way to get ahead of the curve if we possibly can.

I might say, too—well, I like this in a couple of respects because Jon is really focused on jobs in this bill, and he is focused on protection—both. Certain acreage designated for, as he said, for stewardship, management of forest in a way that is sensitive to the land, but very constructive. It is not just going saw down trees, and he has really worked hard at it to help preserve jobs.

Just this week, our paper mill in Montana—we only have one—Smurfit-Stone announced it is going to close up, 400 jobs gone. In fact, I talked to the top union guy today, trying to figure out ways to kind of keep the plant going if there is a way. Tax credits to get biomass to help provide fuel for this—not fuel, supply for this plant so that the paper mill can produce, and it is just tough. We are losing jobs because we don't have the economy that we once had. Jon's bill gets at that.

In addition, tourism. Our growth industry in Montana is tourism. Guess how many people visited Montana last year? Eleven million. Eleven million people visited. Why? It is because of the open spaces. It is because of our forests. People like to come to Glacier Park, to Yellowstone, national forests, fish, bring the family, and so forth.

Tourists spent \$3 billion in Montana last year. That might not sound like a lot, but to Montana, that is a lot. That is the growth

industry. When there are fires, there all this beetle kill gets out, fewer tourists come.

I remember last summer there was a fire in Glacier. I think it was last summer or the summer before. I have forgotten exactly what year it was, and you could hear the tourism industry fell off. People were not coming because they didn't want to come where the fires were. It is just we have got to get ahead of this, and the more we can get ahead, we are going to have more pristine forests and we are going to keep our tourism.

Interesting, too, reading this book, 1910, there is a quote in there. You know, you find things. Teddy Roosevelt was up in the North Fork of the Flathead, and he was just so impressed with all the deer he saw. He saw a big deer herd, and he told Gifford Pinchot that. That is what tourists see when they come to Montana. They see a real glacier, and they all see the North Fork of the Flathead and other parts of Montana.

There have been big fires there in the last couple of years, and there is beetle kill there, too. I am not saying this bill is going to solve it all. But clearly, this is on the right track. It is homegrown. It is bottom up. It is thoughtful. It is ways to get ahead of the game here, and it is very, very balanced.

Since turn of the century, last century, the big contest—on the one hand, the railroads, you know, the miners. That is a real opportunity of jobs to make a lot of money in the West, all this vast reserve of western forest. On the other hand, Teddy Roosevelt worried about land being plundered, and Gifford Pinchot being named the head of the Forest Service to try to get some balance there.

It is the perennial problem we always have in the West, as you well know. It has been with us from the beginning. It is with us now. Again, this bill tries to get at that in a very balanced way.

I commend Senator Tester very much. He has gone and worked very hard. It is very thoughtful, and I just urge the committee to think positively about this bill.

Senator WYDEN. Chairman Baucus, thank you, and I think you really lay out for us not just the history, but almost a roadmap for the future.

I was struck by your comments about the fires. It is clear to me that a lot of these fires, they are not natural fires. These are infernos that just come about as a result of neglect because we haven't implemented the kind of policies that you all are looking at and some of the other suggestions.

So we are going to work very closely with you, and I know you have one or two things you have got to deal with on the floor. So if you would like to be excused, Mr. Chairman, you can.

Colleagues, any questions for Chairman Baucus. Senator Bingaman or——

Senator RISCH. He could stay here rather than go to the floor. [Laughter.]

Senator BAUCUS. In many respects, it would be a lot more fun. Thank you very much.

Senator WYDEN. Chairman Baucus, anything else you would like to——

Senator BAUCUS. Thank you, no. Thank you.

Senator WYDEN. OK. Thank you.

Let us go to Senator Crapo. Welcome.

**STATEMENT OF HON. MIKE CRAPO, U.S. SENATOR
FROM IDAHO**

Senator CRAPO. Thank you very much, Mr. Chairman and Chairman Bingaman and Senator Risch and Senator Bennett, other members of the committee.

Before Senator Baucus leaves the room, I just want to also thank him for the good working relationship which he and I have had over the past. We have worked on the Endangered Species Act and county payments and a number of other issues, and I appreciate working with him very closely.

Healthcare.

[Laughter.]

Senator CRAPO. I want to say about my friend Senator Tester that we also developed a very good, close working relationship. We serve together on the Banking Committee, where we have that small issue of financial regulatory reform and the multitude of issues that are coming about there about the threats to our economy. We have worked on those as well as resource issues as well, and I appreciate that working relationship.

The purpose of today's hearing, obviously, is to consider a number of the bills that are before this committee, and one of those that has already been mentioned a lot is S. 1470, the Forest Jobs and Recreation Act, which Senator Tester has introduced and has spent so much time working on, as well as with Senator Baucus.

The first thing I want to do is recognize the importance and emphasize the challenges associated with collaborative decision-making. There have been references today already to the Owyhee initiative that I have been involved in in Idaho that, fortunately, to a conclusion at the legislative level with the support of the members of this committee in helping to move it forward and getting it signed into law.

But that was an 8-year process, very similar to what Senator Tester has just described as he has gone through in Montana. Now we are working on the implementation of that. So, I do truly understand how critical it is that we do have collaborative decisions that are built from the ground up and that we here in Washington support those and help to make them a reality.

Because, frankly, our public and our Federal public lands and the opportunities that they provide are very vast, but the disagreements that we see develop with regard to the management of them is also very vast. It is building the consensus to move forward on those that is the right way to approach decisionmaking these days.

Senator Tester and Senator Baucus deserve tremendous credit for their leadership on public lands management in Montana, and I wish them the best, and particularly Senator Tester with this legislation, as he moves forward with it. Also, as already has been mentioned today, Mr. Chairman, there are some issues that Idahoans have with regard to this legislation and the boundaries and the impacts of some of the boundaries and some of the designations as they relate to Idaho and the opportunities that Idahoans have to engage in the use of our tremendous public lands.

Senator Risch and I have already spoken personally with Senator Tester about those, and as he has indicated, we are working together to find, again, a collaborative solution to those kinds of issues that we can move forward on.

We do have a witness from Idaho here today, and I want to conclude my testimony by just giving an introduction to him. I suspect Senator Risch may say something about him as well.

But we have today with us Chairman, County Commissioner Ronald “Skip” Hurt, who currently serves as the county commissioner in Fremont County, Idaho. Commissioner Hurt is serving his second 2-year term as county commissioner representing Island Park and Ashton and other communities in eastern Idaho.

Prior to returning from the Forest Service in January—to retiring from the Forest Service in 2007, Commissioner Hurt spent 19 years working for the U.S. Forest Service in various locations, and he also served for 18 years as the north zone fire management officer on the Targhee National Forest, which is the forest which we will be working with you on here, on this legislation, and served for 3 years in the Fremont County Sheriff Reserve, 2 of those as captain.

Commissioner Hurt has an endless list of accomplishments, both on the commission and off. But I don’t want to wear out my welcome here before the committee. So I won’t go through all of those.

In his testimony, Commissioner Hurt is going to address the concerns that have been expressed about the designation of the south side of Mount Jefferson area as wilderness, and I appreciate his input on this matter and his service to the people in Fremont County. I am actually very glad that my colleagues here in the Senate are getting an opportunity to hear from him and to learn from his wisdom and expertise in terms of these land management issues.

Again, I want to thank Senator Tester for his leadership and his friendship, and I look forward to working with him on this.

I thank you, Mr. Chairman, for this opportunity.

Senator WYDEN. Thank you, Senator Crapo.

There is zero prospect that you will ever wear out your welcome around here. So we appreciate your coming.

Both of you are welcome to sit in. Chairman Bingaman or Senator Risch or Senator Bennett, any questions for our colleagues?

Senator RISCH. Just a comment, Mr. Chairman.

Senator Tester, the photograph that you brought to us, both Senator Crapo and I have toured the area and viewed it from the air like this around Stanley, Idaho. I don’t know if you are familiar with that. It is in the Sawtooths, some of the prettiest country in America, really. It looks a lot like that.

When I was in my junior and senior year in the College of Forestry at the University of Idaho, we were studying entomology, and we were studying the life cycle of the homoptera and enoptera, part of which we call bark beetles then. Today, they are pine beetles. But in any event, we went looking for an infestation, and we had to look a long time to find a small group of trees that were infested.

Now we see in Idaho areas just like this that make up tens of thousands of acres that are infested. So it is a serious problem, and

Senator Wyden and I are working on some legislation that is going to specifically address that.

Thank you.

Senator WYDEN. We are, indeed.

Colleagues, you are welcome to come sit in.

Let me check with my friend and colleague Senator Bennett, who joined us. Senator Bennett, would you like to make an opening statement, or what is your pleasure?

**STATEMENT OF HON ROBERT BENNETT, U.S. SENATOR
FROM UTAH**

Senator BENNETT. Thank you very much, Mr. Chairman.

I appreciate your scheduling this hearing. I have a piece of legislation on the docket, and I will be glad to explain it now or after we hear the witnesses.

Senator WYDEN. We have two witnesses from the administration, but you are welcome to go ahead now if you choose.

Senator BENNETT. All right. This is a major piece of legislation involving 2 acres of land, and I know that in the greater scheme of things, 2 acres of land disappear pretty quickly. But to the town of Alta, Utah, 2 acres of land are very important because on those 2 acres of Forest Service land sit the city hall and other municipal buildings of the town of Alta.

To put it in context, the total population of Alta is 370 people. Now people think of Alta as the great ski lodge, and that is true. But the people who actually live in the town of Alta are basically people who work at the ski lodge there in low and medium income level.

The town of Alta, every time they want to do anything with respect to one of their buildings, municipal buildings, has to go to the Forest Service to get permission and go through various hoops because the Forest Service owns the land. The lease requirements are you have to come here. So, my legislation is very simple. It conveys the land out of the Forest Service over to the town.

You say, well, why can't they afford all this? Eighty-five percent of the land within the boundaries of the town is public land now, restricting any kind of tax base that is there. As I have said, the majority of their residents are classified as low to moderate income. For example, they want to add slightly to their community center. They can't do that because they don't own the land.

So this would convey the land. The fair warning to the witnesses, the administration has said they aren't objecting to this, but they don't want to convey the land for free, and they think that we should get fair market value.

Well, if you assume that there was a ski resort going to be built on this land, the fair market value for these 2 acres would be \$500,000, and there is no way the town of Alta can come up with \$500,000. I am going to question the witnesses from the administration about bills that we passed yesterday, which conveyed land up to total of 3,321.5 acres for free.

If we can convey land and set the precedent that in other circumstances, that much land, over 3,000 acres, can be conveyed to various entities for free, I am going to ask them how come we can't get rid of these 2 acres for free and point out, as a businessman,

over time, the Forest Service will make money on this deal. Because right now, as long as the Forest Service holds the land, every time there is any kind of request, the Forest Service has administrative costs of its own that run up. All of those administrative costs will go away if the town gets its land.

So this is the most significant piece of legislation that we are going to examine over 2 acres, but I appreciate your indulgence in letting me take the time to talk about it and look forward to questioning the witness.

[The prepared statement of Senator Bennett follows:]

PREPARED STATEMENT OF HON. ROBERT F. BENNETT, U.S. SENATOR FROM UTAH

Mr. Chairman, I want to thank you for scheduling this hearing and including, among the bills on the docket, my legislation, S.1719. Currently, all of the municipal buildings for the Town of Alta, Utah are built on public land under special use permits from the U.S. Forest Service. My legislation will allow the Town of Alta to receive title to the land under its buildings and adequate land adjacent to their buildings for future additions. S. 1719 allows a maximum of 2 acres to be conveyed.

Undersecretary Sherman's testimony on behalf of the administration opposes my bill because the land is conveyed for free. Instead, they urge using administrative authority under the Townsite Act to convey the land and charge a market price to the town. However, the Town of Alta cannot use the administrative process to acquire this land because it cannot afford to pay the market value of the land estimated at \$500,000. The following facts are relevant in understanding the need for this legislation:

1. Almost 85% of the land within its boundaries is public land, greatly restricting the town's tax base. In fact, the majority of Alta's 370 residents are classified as low to moderate income. \$500,000 is too high a price tag for such a small and low-income tax base.
2. Any time the town needs to do maintenance or work on its facilities the town must consult with the Forest Service to verify that what they are about to do is covered under the existing permit. The town would like to add to its small community center but cannot do so unless they own the land.
3. For those who associate Alta ski resort with the Town of Alta, they should understand that they are separate entities.
4. For those who ask whether the town could just impose a lift ticket surcharge to cover the cost of the 2 acres, the town already imposes a room tax. Another surcharge would make it impossible to compete with surrounding resorts and such action could lead to damaging an already fragile tax base.
5. In fact, conveying the land would reduce the Forest Service's administrative costs that are associated with issuing and administering the special use permits required under current law.

I find the Administration's testimony interesting. Yesterday, the full committee favorably reported out three bills sponsored by Democrats that give more than 3,321.5 acres away to various entities for free. They are: S. 940—Southern Nevada Educational conveyance (2,410 acres), S. 1139—Wallowa Oregon Conveyance (1.5 acres), and S. 1140—La Pine Oregon Conveyance (910 acres). Why the new demand to charge market value for conveying these properties? This is the question I would like answered.

Senator WYDEN. We will have that opportunity momentarily, and we will be working with you.

Let us bring forward Harris Sherman, Under Secretary of Agriculture for Natural Resources and Environment, and Edwin Roberson, Assistant Director for Renewable Resources and Planning for the Bureau of Land Management.

Gentlemen, welcome. I also want to—following up on Chairman Bingaman—Mr. Sherman, give you also a formal welcome from the subcommittee. I know we will be working closely with you. I enjoyed our visit very much yesterday, and you are going to be one busy public servant. You are going to have a lot on your plate.

We will make your prepared remarks a part of the record in their entirety, as with yours, Mr. Roberson. Please proceed.

STATEMENT OF HARRIS SHERMAN, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Mr. SHERMAN. Thank you, Chairman and members of the committee.

My name is Harris Sherman. I am the new Under Secretary for Natural Resources and the Environment at USDA. I am very pleased to be here and to share the thoughts of the department on two bills, S. 1470 and S. 1719.

I did submit written testimony, and I will just summarize the key points of both of my written testimonies.

First, in response to Senator Bennett, our comments on S. 1719. This bill requires the Secretary of Agriculture to convey Forest Service land to the town of Alta without consideration. We acknowledge, Senator, the importance of this land to the town of Alta. We would like to convey the land to the town of Alta.

But the Forest Service and the department do have a long-standing policy that taxpayers should receive fair market value for property, and we lack authority to sell land without consideration. So, for those reasons, we cannot support the bill.

We do have the authority under the Townsite Act to make these conveyances, and we, of course, would work with the town of Alta to do that. I recognize, Senator, that Congress can, indeed, go ahead and pass legislation to allow this to happen. But at least our policy is that we object to conveying this land without consideration.

If I can, I would like then to turn to S. 1470. At the outset, the department strongly supports many of the concepts in Senator Tester's bill, and these include, first, landscape-scale restoration. We think it is critically important to do restoration on a much larger basis than we have done in the past.

We second support the collaboration that is referenced in this bill with all of the stakeholders working together to forge common interests and common solutions and to find compromise. For too long, this has been the missing element that has frustrated the department, frustrated communities and States in terms of making real progress with respect to restoration.

Third, we support increased use of stewardship contracting, which allows us to get the timber out of the forest but to also address protection of water quality, protection of wildlife habitat, to reclaim roads, and to restore and replant our forests.

Fourth, we support very much the focus on jobs and sustainable rural communities. The closure of mills, such as we have seen with Smurfit-Stone, have a devastating impact on the employees, on local communities, and the States. We think it is vitally important that we have a strong and viable timber industry, and without a viable timber industry, we will not be able to accomplish the restoration that is necessary.

Last, we support the designation of wilderness in Montana. This issue has been outstanding, as Senator Tester said, for a long time, going back to 1977 when the Montana Wilderness Study Act was

proposed or enacted. So we applaud that. We think that would be a very constructive step in the right direction.

Now, with that said, I do want to be candid in saying we have some concerns with S. 1470, particularly Title I of the bill. As a general matter, the department believes that we can make progress on the goals that Senator Tester is focused on without site-specific legislation. The Forest Service clearly has the statutory authority to move forward on all of the goals in his bill, with the exception of the designation of new wilderness areas.

The Forest Service can, should, and will build off the collaborative efforts that have been undertaken and started in Montana. The Forest Service can clearly move more aggressively with landscape-scale restoration. We prefer the opportunity of demonstrating this before we move to specific legislation.

I do totally concur, Senator Wyden, with your remarks that we have to try new approaches here. I think it is very important. But we would like to try these new approaches on an administrative level first if we can.

If the committee decides to go forward with the bill, we would urge you, first, to alter or remove the highly specific timber supply requirements, which, in our view, are not reasonable or achievable.

Second, we would like to urge you to amend the National Environmental Policy Act-related provisions, which, in our view, are flawed and are legally vulnerable.

Third, we would urge you to consider the budgetary implications to meet the bill's requirements. If we were to go forward with S. 1470, it would require far greater resources to do that, and it will require us to draw these moneys from forests within Region 1 or from other regions.

Last, there are a number of other issues that I have flagged in my written testimony that we think need to be addressed and, hopefully, corrected.

I want to emphasize that I have had a very constructive dialog with Senator Tester and his staff. We will continue that dialog going forward, and we are anxious to try to find solutions here.

So let me simply close my opening statement by thanking Senator Tester for his bill, thank him for his commitment to Montana's natural resources and to the communities in Montana, and just say to this committee that we must find answers to best land stewardship practices on our national forests, and we must work to ensure that we can sustain rural communities.

Thank you very much, and I would be happy to answer your questions.

[The prepared statements of Mr. Sherman follow:]

PREPARED STATEMENTS OF HARRIS SHERMAN, UNDER SECRETARY, NATURAL
RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

S. 1470

Mr. Chairman, Members of the Committee, I am Harris Sherman, Undersecretary of Agriculture for Natural Resources and Environment. Thank you for the opportunity to share the Department's views on S. 1470, the Forest Jobs and Recreation Act of 2009.

S. 1470 directs the Secretary of Agriculture to select areas of at least 50,000 acres to carry out landscape-scale restoration projects. In selecting the areas, the Secretary would be required to give priority to landscapes on the Beaverhead Deerlodge

National Forests and specific ranger districts on the Lolo and Kootenai National Forests. The bill requires a decision to carry out at least one landscape-scale restoration project annually for 10 years or until a certain number of acres have been treated mechanically. The bill provides very specific management direction and establishes timeframes and targets for the identified portions of the three national forests. The bill also requires an advisory committee for each landscape-scale restoration project implemented by the Secretary, a monitoring report every five years, and a biomass study and plan. The bill designates twenty wilderness areas totaling 624,000 acres, three recreation areas totaling 245,300 acres, and a special management area of 74,000 acres. Some of the designations apply to lands managed by the Bureau of Land Management and we defer to the Department of the Interior on those provisions.

I want to thank Senator Tester for his engagement and involvement with stakeholders in Montana in the development of this bill. The legislation recognizes the diverse interests that look to the National Forests and Grasslands for their livelihood and recreation. I applaud his effort to bring diverse interests together to find solutions that provide a context for restoration, renewal and sustainability of public landscapes.

The Department supports the concepts embodied in this legislation including collaboratively developed landscape scale projects, increased use of stewardship contracting, active restoration of the national forests, and the designation of wilderness. I understand and share in the frustration over how controversial and contentious the debate surrounding management of natural resources in Montana has become. I sincerely appreciate the efforts of all involved in developing a legislative framework to address the issues that drive the debate and are represented in the bill being considered by the committee today. While we support the concepts of the legislation, the Department has concerns regarding components of Title I which I will address later in my testimony.

BACKGROUND

Throughout the nation, the Forest Service is working with citizens' groups to develop collaborative solutions to help us provide the best possible stewardship of the national forests. Two notable efforts in Montana include the Montana Forest Restoration Committee and the group working on the "Southwestern Crown of the Continent." The Montana Forest Restoration Committee is a group consisting of thirty-four members representing conservationists, motorized users, outfitters, loggers, mill operators, state government and the Forest Service. This group recently developed a set of 13 forest restoration principles and an associated implementation plan that the Committee members unanimously support. Projects that will help rejuvenate and restore National Forest System lands at a landscape level are in both the planning and implementation phases as a result of this ongoing effort. As important as the development of a meaningful set of restoration principles is, even more important is the collaborative process that has resulted in relationships built on trust that will provide the basis for future collaborative work and specific projects that restore our national forests over the long term.

The second Montana collaborative group is working on a proposal for the "Southwestern Crown of the Continent" through the Collaborative Forest Landscape Restoration Program authorized under the Forest Landscape Restoration Act. This large and very diverse group consists of many Federal, State and private entities who share the common interest of restoration and stewardship of the national forests as well as surrounding state and private lands. The group is currently looking at ecological and economic opportunities on a landscape of up to 1 million acres and plans to submit its proposal this spring.

I also want to thank the Senator for addressing the long-standing issue of wilderness designation in Montana. Designation of additional wilderness areas in the National Forest System can help sustain biodiversity, connect landscapes, and increase our understanding of ecological systems. As a result, the Forest Service is better equipped to respond to a changing climate and to provide ecosystem services. Additionally wilderness can play a role in fostering the connection between people and nature. However, conflict and controversy over which lands should be included in the National Wilderness Preservation System has too long divided people who treasure these public lands. This bill not only proposes to designate lands as Wilderness, but also includes nearly 320,000 acres as National Recreation Areas or other special areas. The resolution of those lands included in the Montana Wilderness Study Act of 1977 is especially important.

Each of the national forests included in this legislation has a Land 79 and Resource Management Plan that was developed with full public involvement. The Bea-

verhead-Deerlodge National Forests completed a revision of the plan in January of 2009. These plans include recommendations on which lands would be most suitable for inclusion into the National Wilderness Preservation System.

I would like to now turn to specific comments on the bill.

COMMENTS ON TITLE I

While the Department supports the concepts of the legislation, we have concerns regarding components of Title I, including the highly prescriptive provisions related to the National Environmental Policy Act and the specificity regarding levels of treatment and outputs. The prescriptive language would limit the discretion of land management professionals to select landscape projects based on broader criteria, such as the condition of forest resources and community needs and capacity. Further, the bill would create unrealistic expectations on the part of communities and forest products stakeholders that the agency would accomplish the quantity of mechanical treatments required. If we were unable to meet the requirements of the bill, there could be profound impacts upon local, rural economies and on the credibility of the agency.

The bill also contains provisions which are duplicative of existing authorities. These provisions could be problematic because they could lead to confusion during implementation.

I recognize and value the importance of the concepts in S. 1470 and this administration can and will reach out and work with collaborative groups to achieve the goal of restoring our national forests. However, I believe site specific legislation is not necessary to facilitate this effort. The Department would prefer to have the opportunity to demonstrate our commitment and capability to bring diverse interests to the table to work toward the goals this bill includes, not just in Montana, but in all of the National Forest System.

Further, S. 1470 directs the Secretary to place priority use of existing resources on portions of these three national forests. This establishes a potentially harmful precedent because it may lead to multiple site specific legislative efforts transferring much needed resources from other units of the National Forest System where priority work must also be accomplished.

S. 1470 in particular includes levels of mechanical treatment that are likely unachievable and perhaps unsustainable. The levels of mechanical treatment called for in the bill far exceed historic treatment levels on these forests, and would require an enormous shift in resources from other forests in Montana and other states to accomplish the treatment levels specified in the bill.

Lastly, the bill sets direction for how the agency must meet the 116 requirements of the National Environmental Policy Act (NEPA). This provision, subsection 102(b)(6), raises new challenges for effective planning, analysis and implementation of restoration projects by requiring analysis of large areas, without the opportunity to tier to site- or project-specific analyses, thereby requiring analysis for all permitting and approval actions at a landscape scale. By prescribing how NEPA should be accomplished, the bill complicates the agency's approach to NEPA implementation and could result in greater controversy as the agency determines how to harmonize the requirements of the bill, the requirements of NEPA, CEQ regulations implementing NEPA, and the Forest Service's own regulations. We look forward to working with the staff to address concerns and provide for an integrated, inclusive approach to planning on a more defined scale.

COMMENTS ON TITLE II

We defer to the Department of the Interior on the wilderness provisions of Title II pertaining to lands under the jurisdiction of the Bureau of Land Management. Most land designations included in Title II of this bill are generally consistent with the direction and recommendations in the land and resource management plans mentioned earlier. Specifically:

- Thirteen of the wilderness areas are generally consistent with our land and resource management plan wilderness recommendations.
- Seven additional wilderness areas are not recommended in the land and resource management plans but the plan direction is to maintain their semi-primitive non-motorized characteristics.
- The six other congressionally designated areas are consistent with Forest Plan direction to manage for recreation and thus we support these designations.

We would like to work with the Committee to address some technical boundary issues and in particular I want to highlight four areas:

- **Highlands:** This area was recommended for wilderness in the Beaverhead-Deerlodge Land and Resource Management Plan. S.1470 includes a number of special provisions. Specifically the bill allows for helicopter landings for military exercises. When the Forest Service made its wilderness recommendation it envisioned the military flights being relocated to a different location when the special use authorization expired, and thus viewed them as temporary in nature. S. 1470 would permanently authorize helicopter landings for military training within the Highlands area. We are not aware of a military landings being legislatively authorized in wilderness before and we are concerned that a precedent may be established by this legislation. We would like to work with the committee to either remove this requirement or explore alternative designations for the Highlands area.
- **West Pioneers:** West Pioneers is a Wilderness Study Area and we very much appreciate the Senator's progress toward resolution of the area. The Beaverhead-Deerlodge Land and Resource Management Plan did not recommend this area for wilderness because the relatively gentle terrain will make the wilderness boundary very difficult to implement and make any motorized closures difficult to enforce. We support the entire area being designated in this bill as a national recreation area, as this designation is generally aligned with and the land and resource management plan direction for this area which is to manage for a variety of recreation opportunities.
- **Mt. Jefferson:** During the development of the Beaverhead-Deerlodge Land and Resource Management Plan, the recommended wilderness boundary was drawn to exclude a very popular snowmobiling area. The boundary in S. 1470 as proposed includes this snowmobiling area in the wilderness and therefore snowmobiling would be prohibited. Snowmobilers access the area primarily from Island Park, Idaho where that small community relies on the income from snowmobilers to sustain it through the winter months. We ask that the committee accept the Land and Resource Management Plan recommended wilderness boundary for this area.
- **East Pioneers:** The Beaverhead-Deerlodge Land and Resource Management Plan wilderness recommendation for this area included the trail to Tendoy Lake. The proposed wilderness boundary in S. 1470 excludes the trail to Tendoy Lake specifically to provide access for Off Highway Vehicles. This Off Highway Vehicle trail has significant resource damage that cannot be mitigated because of the terrain. We suggest that the committee follow the Forest Service recommendation to include the entire area in the East Pioneers Wilderness.

S. 1470 contains instructions for administration of the wilderness and special management areas. Though several of the provisions in the bill are the result of consideration of specific situations, some may not be necessary and could result in confusion and negative effects to wilderness character. We look forward to working with the committee to address concerns regarding provisions related to fire prevention in wilderness, motorized access for grazing purposes in the proposed Snowcrest Wilderness, installation or maintenance of hydrological, meteorological or climatological instrumentation in wilderness, outfitter- and guide permits, language for managing special management areas through timber harvest, jurisdiction for regulating types of access and activities; and authorization of motorized access to operate and maintain water improvements.

We have begun discussions with Senator Tester's staff on the provisions with which we have concern and offer our assistance to the Senator and the committee to continue the dialogue on these provisions.

In closing, I want to thank Senator Tester for his strong commitment to Montana's communities and natural resources. We look forward to working with the Senator and his staff, the committee, and all interested stakeholders in an open, inclusive and transparent manner to help ensure sustainable communities and provide the best land stewardship for our National Forests.

S. 1719

S. 1719 would direct the Secretary of Agriculture to convey, without consideration, certain parcels of land not to exceed two acres located in the Wasatch-Cache National Forest to the Town of Alta, Utah for public purposes. The bill includes a clause for reversion of the property to the United States, at the election of the Secretary based on the best interests of the United States, if the land is not being used for the purpose stated in the bill.

While we support Alta's need to consolidate their municipal resources, the Department cannot support the bill because it does not provide for market value compensation for the conveyance. It is long-standing policy that the taxpayers of the United

States receive market value for the sale, exchange, or use of their National Forest System land. Based on recent land sales in the Alta area, we estimate the average value of the lands to be conveyed under S. 1719 to be \$500,000. Although, the bill does require the Town of Alta to cover the Federal land survey costs associated with the conveyance, it does not clearly state who would be responsible for bearing other administrative costs associated with the conveyance.

The Forest Service currently manages the area around Alta through a very complex suite of existing special use permits including transportation and utility rights-of-way, for the benefit of the Town and the public. We also believe that the Forest Service can meet the objectives of the bill administratively through the Townsite Act, which would allow the Forest Service to convey the land to the Town of Alta at federally-approved market value. Conveyances under the Townsite Act require identification of a location that serves community objectives that would outweigh public objectives and values if the land were to be maintained in Federal ownership, and must take valid existing rights and uses into consideration.

Although we cannot support the bill as written, we are eager to work with the bill's sponsors, the Town of Alta, and the Committee, in hopes of assisting the Town in achieving its desire to consolidate its municipal resources.

Senator WYDEN. Thank you, Mr. Sherman, and you can be certain you will have many.

Mr. Roberson, welcome.

**STATEMENT OF EDWIN ROBERSON, ASSISTANT DIRECTOR,
BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE IN-
TERIOR**

Mr. ROBERSON. Thank you, Mr. Chairman, members of the committee.

I appreciate the opportunity to be here and thank you for inviting the Department of Interior to testify on four bills of interest to the department.

I will be very brief in summarizing my prepared testimony and ask that it be submitted for the record, and I believe you have already said that it will. So thank you.

First, we will talk about Senator Tester's bill. The Bureau of Land Management supports wilderness designations on BLM-managed lands included in S. 1470. The legislation would designate five BLM wilderness areas totaling 60,000 acres and would release over 75,000 acres of wilderness study area status—from wilderness study area status. We would like the opportunity to work with you and the committee on boundary modifications and management language, just for clarification purposes.

The vast majority of the designations and other substantive provisions of S. 1470 apply to the National Forest System lands, and we defer to the Department of Agriculture on those provisions.

Senator Bingaman, the administration strongly supports S. 1787 and encourages Congress to move swiftly to reauthorize the Federal Land Transaction Facilitation Act. Over the past decade, the Department of Interior has made a number of important acquisitions using FLTFA provisions, and reauthorization will allow us to continue to use this critical tool for enhancing our Nation's treasured landscapes.

By extending the FLTFA, the Congress will allow the BLM to continue a rational process of land disposal that is anchored in public participation and sound land use planning while providing for land acquisition and to augment and strengthen our Nation's treasured landscapes on several of our agency lands and Forest Service lands.

The Bureau of Land Management supports H.R. 762, which affirms a land patent and an associated land reconfiguration completed in Nevada in 2005. These land transactions implemented provisions of the 1988 Nevada and Florida Land Exchange Act, which directed the exchange of BLM-managed lands in Nevada for critical wildlife habitat and private ownership in the Florida Everglades.

At the request of the landowners involved and the U.S. Fish and Wildlife Service, the Nevada portion of the land exchange was reconfigured to enhance the habitat for desert tortoise and other Mojave Desert wildlife species while providing for economic development in rural south-central Nevada. H.R. 762 was passed by the House of Representatives in July.

I am accompanied by Rick Sayers, the chief of the Division of Consultation, Habitat Conservation Plans, Recovery, and State Grants from the U.S. Fish and Wildlife Service, who would be happy to answer any questions that you might have with regard to the wildlife benefits of H.R. 762.

The Department of Interior strongly supports H.R. 934, which would convey 3 geographical miles of submerged lands adjacent to Northern Mariana Islands to the government of Northern Mariana Islands. The department recommends 3 technical and perfecting amendments that are fully described in the written testimony that I have provided, and I am accompanied by Steve Sander, the Director of Legislative Affairs in the Department of Interior's Insular Affairs Office.

Mr. Sander will be happy to answer any questions you have regarding H.R. 934.

I want to thank you for inviting me to testify. Be happy to answer your questions, any questions you might have, and tell my former Senator from New Mexico that I am quite proud to be here in Washington and be sitting before you and the rest of the committee.

Thank you, Mr. Chairman.

[The prepared statements of Mr. Roberson follows:]

PREPARED STATEMENTS OF EDWIN ROBERSON, ASSISTANT DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

S. 1470

Thank you for inviting the Department of the Interior to testify on S. 1470, the Forest Jobs and Recreation Act of 2009. The Bureau of Land Management (BLM) generally supports the wilderness designations included in S. 1470 on BLM-managed lands. We would like the opportunity to work with the Sponsor and the Committee on boundary modifications and management language clarifications.

The vast majority of the designations and other substantive provisions of S. 1470 apply to activities on National Forest System lands. We defer to the Department of Agriculture on those provisions.

BACKGROUND

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

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

S. 1470

Title I of S. 1470, "Stewardship and Restoration" applies solely to National Forest System Lands. Accordingly the Department of the Interior defers to the Department of Agriculture on those provisions. The majority of the designations in Title II of the bill, "Designation of Wilderness and National Recreation Areas," are also on National Forest System Lands, and again we defer to the Department of Agriculture. We concur with many of the concerns raised by the Department of Agriculture in their testimony about nonstandard language and exceptions to the 1964 Wilderness Act.

Sections 201(d) and (e) of S. 1470 designate five wilderness areas on lands administered by the BLM in southwestern Montana: the Blacktail Mountains Wilderness (10,670 acres), Centennial Mountains Wilderness (23,250 acres), Farlin Creek Wilderness (660 acres), Humbug Spires Wilderness (8,900 acres), and Ruby Mountains Wilderness (15,500 acres). The BLM supports these designations. All of these areas meet the definitions of wilderness in that they are areas where the land and its community of life are untrammelled. These areas have retained their primeval character and have been influenced primarily by the forces of nature, with outstanding opportunities for primitive recreation or solitude.

The BLM would like the opportunity to discuss several possible boundary modifications with the Sponsor and the Committee. For example, boundary modifications to the proposed Humbug Spires, Ruby Mountains, and Centennial Mountains Wilderness areas could improve manageability by providing more clearly definable boundaries for both the public and Federal land managers. In addition, boundary changes to the proposed Centennial Mountains Wilderness could help protect this critically important corridor as a single coherent whole, thereby protecting the genetic diversity of the fauna inhabiting the Greater Yellowstone Area and the Bitterroot Range. In the case of the proposed 660-acre Farlin Creek Wilderness, the BLM recommends transferring the administrative jurisdiction of this small area to the Forest Service and including it in the adjoining 77,000 acre East Pioneers Wilderness Area.

Section 203 of S. 1470 proposes to fully release five BLM-managed wilderness study areas (WSAs) in Beaverhead and Madison counties from WSA restrictions thereby allowing a full range of multiple uses. In addition, five other WSAs would be partially released from WSA status and partially designated wilderness, as noted above. In all, over 74,000 acres of WSAs are proposed for release, while nearly 59,000 acres are proposed for wilderness designation; we support these provisions. In addition we recommend the addition of the East Fork Blacktail WSA as wilderness.

The 6,100-acre East Fork Blacktail WSA is among the areas proposed for release by S. 1470. The BLM believes that designation of most of this area merits consideration as wilderness. It is bordered on two of its three sides by the proposed Forest Service Snowcrest Wilderness Area, and the third side abuts the Robb-Ledford Game Range managed by the State of Montana. One option would be to release approximately 40 acres to accommodate an existing road leading to a camping area, while designating the remainder as wilderness. Designation would protect the west flank of the Snowcrest Range, better provide for high-quality primitive hunting opportunities, and help ensure consistent management.

Finally, the wilderness management language in section 202 includes some anomalies that we believe are unintended and could lead to confusion. For example, section 202(j)(2)(B) could be misinterpreted to allow motorized access to areas designated as wilderness-which would be inconsistent with the 1964 Wilderness Act. We would like the opportunity to work with the Sponsor and the Committee to ensure that the bill's provisions are consistent with the 1964 Wilderness Act.

CONCLUSION

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

Thank you for the opportunity to testify on S. 1787, the Federal Land Transaction Facilitation Act Reauthorization of 2009. The Administration strongly supports S. 1787 and encourages the Congress to move swiftly to reauthorize the Federal Land Transaction Facilitation Act (FLTFA). Over the past decade, the Department of the Interior has made a number of important acquisitions using the FLTFA's provisions. Reauthorization of the Act will allow us to continue to use this critical tool for enhancing our Nation's treasured landscapes.

BACKGROUND

Congress enacted the FLTFA in July of 2000 as Title II of Public Law 106-248 (frequently referred to as the "Baca Bill"). As originally enacted, the FLTFA is scheduled to sunset on July 24, 2010, just seven months away.

Under the FLTFA, the Bureau of Land Management (BLM) may sell public lands, identified for disposal through the land use planning process prior to July 2000, and retain the proceeds from those sales in a special account in the Treasury. The BLM may then use those funds to acquire, from willing sellers, inholdings within certain Federally-designated areas and lands that are adjacent to those areas that contain exceptional resources. Lands may be acquired within and/or adjacent to areas managed by the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), the U.S. Forest Service (FS), and the BLM. To date, approximately 29,400 acres have been sold under this authority and approximately 17,000 acres of treasured landscapes have been acquired.

The 1976 Federal Land Policy and Management Act (FLPMA) provides clear policy direction to the BLM that public lands should generally be retained in public ownership. However, section 203 of FLPMA allows the BLM to identify lands as potentially available for disposal if they meet one or more of the following criteria:

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

The BLM identifies lands that may be suitable for disposal through its land use planning process, which involves full public participation. The process of identifying these lands does not typically include review of other considerations such as the presence of threatened or endangered species, cultural or historic resources, or encumbrances because these considerations are not included in the FLTFA criteria. Before the BLM can sell, exchange, or otherwise dispose of these lands, however, it must undertake extensive environmental impact analyses, clearances, surveys, and appraisals for the individual parcels.

Before the enactment of the FLTFA, the BLM had the authority under FLPMA to sell lands identified for disposal. The proceeds from those sales were deposited into the General Fund of the Treasury. However, because of the costs associated with those sales (including environmental and cultural clearances, appraisals, and surveys), few sales were undertaken. Rather, the BLM relied largely on land exchanges to adjust land tenure. This can often be a less efficient process.

Once the FLTFA was enacted, the BLM developed guidance, processes, and tools to complete the FLTFA land sales. Working cooperatively, the BLM, NPS, FWS, and FS then developed guidance, processes, and tools for subsequent FLTFA land acquisitions. The BLM markedly increased sales under the program over the last few years. Recent market conditions, however, have led to less-robust sales than earlier in the life of the program.

Since it was enacted, the BLM utilized FLTFA to sell 309 parcels previously identified for disposal totaling 29,437 acres, with a total value of approximately \$113.4 million. Over the same time period, the Federal government acquired 28 parcels totaling 16,738 acres, with a total value of approximately \$43.8 million using FLTFA authority. An additional 11 parcels, totaling 1,282 acres and valued at approximately \$23 million have been approved for acquisition. Work on these acquisitions is proceeding swiftly.

Some lands identified for disposal and sold through the FLTFA process are high-value lands in the urban interface. For example, in 2007 the BLM in Arizona sold at auction a 282-acre parcel in the suburban Phoenix area for \$7 million. However, many of the lands the BLM has identified for disposal are isolated or scattered parcels in remote areas with relatively low value. Frequently, there is limited interest

in acquiring these lands, and the costs of preparing them for sale may exceed their market value.

Since the inception of the FLTFA, the BLM has deposited \$108.9 million into the Federal Land Disposal Account. That figure represents 96% of the total revenues from these sales. Approximately \$4.5 million has been transferred to the states in which the sales originated, as provided for in individual Statehood Acts (typically 4% of the sale price).

Using the FLTFA proceeds, the BLM, NPS, FWS, and FS have acquired significant inholdings and adjacent lands from willing sellers, consistent with the provisions of the Act. For example, just last month the BLM used FLTFA funds to complete the acquisition of 4,573 acres within the BLM's Canyons of the Ancients National Monument in southwest Colorado. These inholdings encompass 25 documented cultural sites, and archaeologists expect to record an additional 700 significant finds. The acquisition also included two particularly important areas: "Jackson's Castle," which is archeologically significant; and the "Skywatcher Site," a one-of-a-kind 1,000 year old solstice marker. The following are a few additional examples of important FLTFA acquisitions:

- Elk Springs Area of Critical Environmental Concern (ACEC), New Mexico/BLM—This 2,280-acre acquisition protects critical elk wintering habitat.
- Hells Canyon Wilderness, Arizona/BLM—A 640-acre parcel constituting the last inholding within the Hells Canyon Wilderness, located just 25 miles northwest of Phoenix.
- Grand Teton National Park, Wyoming/NPS—This small (1.38 acres), but critical inholding within the Park was acquired and protected from development.
- Zion National Park, Utah/NPS—A combination of FLTFA and Land and Water Conservation Fund monies were used to acquire two 5-acre inholdings that overlook some of the Park's outstanding geologic formations. These areas were previously target for development.
- Nestucca Bay National Wildlife Refuge, Oregon/FWS—This 92-acre dairy farm on the outskirts of Pacific City, Oregon was slated for residential development and was acquired to protect a significant portion of the world's population of the Semidi Islands Aleutian Cackling Goose.
- Six Rivers National Forest, California/FS—Over 4,400 acres were acquired within the Goose Creek National Wild and Scenic River corridor, preserving 4 miles of the river known for dense stands of Douglas fir, redwoods, and Port Orford cedar.

S. 1787

S. 1787 would both extend and enhance the original FLTFA through four major changes.

First, the bill eliminates a 10-year sunset provision included in the original FLTFA. This change would enable the BLM to plan for and implement this program on a long-term basis.

Second, under the original FLTFA, only lands identified for disposal prior to July 25, 2000 were eligible to be sold. S. 1787 modifies that restriction by allowing any lands identified for disposal through the BLM's land use planning process by the date of enactment of S. 1787 to be sold through the FLTFA process. The Department supports this change, which recognizes the usefulness and importance of the BLM's land use planning process. However, we would recommend eliminating this restriction rather than simply moving the date forward.

The BLM currently oversees the public lands through 172 Resource Management Plans (RMPs). Since 2000, the BLM has completed 67 new RMPs, 18 major amendments to existing RMPs, and numerous smaller land use plan amendments. Additionally, the BLM is currently involved in planning efforts on 35 new RMPs, all of which the agency expects to complete within the next three years. Planning updates are an ongoing part of the BLM's mandate under FLPMA. In this process, the BLM often makes incremental modifications to the plans, and identifies lands that may be suitable for disposal. All of these planning modifications or revisions are made in compliance with the National Environmental Policy Act, and are undertaken through a process that invites full public participation.

Third, the original FLTFA only allows acquisitions of inholdings within, or special lands adjacent to Federal units that existed prior to July 25, 2000. S. 1787 eliminates this limitation as well, and we support this change. In March of this year, President Obama signed the Omnibus Public Land Management Act of 2009 (Public Law 111-11) into law, which designates or expands numerous wilderness areas, wild and scenic rivers, national park units, and other units of the BLM's National Land-

scape Conservation System. S. 1787 will allow the use of FLTFA funds to acquire inholdings within these areas and areas designated by other legislation enacted after July 2000.

Finally, S. 1787 adds exceptions to the FLTFA in recognition of specific laws that modify the FLTFA with respect to some particular locations. The FLTFA does not apply to lands available for sale under the Santini-Burton Act (P.L. 96-586) and the Southern Nevada Public Land Management Act (P.L. 105-263). S. 1787 additionally exempts lands included in the White Pine County Conservation, Recreation, and Development Act (P.L. 109-432) and the Lincoln County Conservation, Recreation and Development Act (P.L. 108-424).

However, we note that S. 1787 does not account for some provisions of the Omnibus Public Land Management Act of 2009 that modify the application of FLTFA at specific sites or for specific purposes. The portions of the Omnibus Public Land Management Act of 2009 that contain language regarding the applicability of the FLTFA include:

- Owyhee Public Land Management (Title I, Subtitle F);
- Washington County, Utah (Title I, Subtitle O);
- Carson City, Nevada, land conveyances (Title II, Subtitle G, section 2601); and
- Douglas County, Washington, land conveyance (Title II, Subtitle G, section 2606). We are happy to work with the Committee, as appropriate, to address these special provisions.

CONCLUSION

Thank you for the opportunity to testify in strong support of S. 1787, the Federal Land Transaction Facilitation Act Reauthorization of 2009. By extending the FLTFA, the Congress will allow the BLM to continue a rational process of land disposal that is anchored in public participation and sound land use planning, while providing for land acquisitions to augment and strengthen our Nation's treasured landscapes.

H.R. 762

Thank you for the opportunity to testify on H.R. 762, a bill which affirms a land patent and an associated land reconfiguration completed in 2005. These land transactions protect habitat for desert tortoise and other Mojave Desert wildlife species while providing for economic development in rural south-central Nevada. The BLM supports this bill, which passed the House of Representatives without amendment on July 15, 2009.

BACKGROUND

The Nevada-Florida Land Exchange Authorization Act of 1988 (NFLEA, P.L. 100-275) authorized the exchange of approximately 29,055 acres ("fee" lands) of BLM-administered lands in Coyote Springs Valley, Clark and Lincoln Counties, Nevada, for approximately 5,000 acres of private land in the Florida Everglades owned by Aerojet-General Corporation (Aerojet). The purpose of the land exchange was to protect habitat in Florida needed for the recovery of wildlife species listed under the Endangered Species Act (ESA). The NFLEA also entitled Aerojet to lease an additional 13,767 acres ("leased" lands) of BLM-administered land in Coyote Spring Valley for 99 years, with an automatic 99-year lease renewal term unless terminated by the lessee.

Aerojet initially intended to use the fee lands for the construction of rocket manufacturing facilities. The Federal leased lands were to remain substantially undeveloped and serve as a conservation area and buffer for the rocket facilities. Aerojet never built the manufacturing facilities and the fee lands changed ownership in 1996 and 1998. In accordance with the NFLEA, the Secretary of the Interior approved the assignment of the leased lands from Aerojet to Harrich Investments LLC, and then from Harrich Investments to Coyote Springs Investment LLC (CSI), respectively.

CSI proposed to develop a planned community on the original Aerojet fee lands. Because the proposed development would affect critical habitat for the desert tortoise, an ESA listed species, the U.S. Fish and Wildlife Service (FWS) asked the BLM in 2001 to consider reconfiguring the boundary of the leased lands to benefit desert tortoise habitat. Reconfiguration of the leased lands was undertaken pursuant to the NFLEA.

Under the original configuration, the leased land was an island surrounded by the fee lands acquired by Aerojet. This configuration was designed to meet the needs of the planned Aerojet manufacturing facilities, but it provided limited habitat con-

servation benefits. Reconfiguring the lands would enhance conservation by consolidating the fee lands in a single parcel adjacent to U.S. Highway 93, and by placing the leased lands contiguous to protected habitat on BLM-managed public lands. This configuration would increase habitat connectivity and provide more effective conservation for desert tortoise and other Mojave Desert species.

In 2005 the Bureau of Land Management (BLM) issued a corrective patent to CSI for the reconfigured lands in Clark County. The Western Lands Project and the Nevada Outdoor Recreation Association (plaintiffs), who claimed that the BLM should have prepared an analysis of the corrective patent under the National Environmental Policy Act (NEPA) and the Federal Land Policy and Management Act (FLPMA), subsequently brought suit in the U.S. District Court in Nevada. The action has been stayed and has not yet been briefed on the merits.

Continuing with its project proposal, CSI then prepared a Multiple Species Habitat Conservation Plan (MSHCP) to protect tortoise habitat and, consistent with the ESA, applied to the U.S. Fish and Wildlife (FWS) for an "incidental take" permit necessary for project approval. The FWS, with the BLM as a cooperating agency, assessed the CSI proposal in an Environmental Impact Statement completed in July 2008. In October 2008, the FWS issued a Record of Decision authorizing an incidental take permit to CSI with numerous conservation stipulations to protect desert tortoise habitat. A key conservation stipulation is the land reconfiguration authorized by the BLM's corrective patent.

In November 2008, the plaintiffs stipulated with the BLM to a stay of the lawsuit for one year pending action by Congress on legislation affirming the corrective patent.

H.R. 762 affirms and validates the corrective patent issued by the BLM in 2005 and its associated land reconfiguration. The bill enables implementation of the land reconfiguration stipulated in the Coyote Spring MSHCP, which will protect critical habitat while allowing economic development in south-central Nevada. The BLM supports the bill, which passed by the House of Representatives without amendment on July 15, 2009.

Thank you for the opportunity to testify. I would be happy to answer any questions that you may have.

H.R. 934

Mr. Chairman and members of the Committee on Energy and Natural Resources I am pleased to appear before you today on behalf of the Department of the Interior to support enactment of legislation that would convey the three geographical miles of submerged lands adjacent to the Northern Mariana Islands to the Government of the Northern Mariana Islands. The Administration would strongly support this bill if amended to address the issues outlined below.

The bill is intended to give the Commonwealth of the Northern Mariana Islands (CNMI) authority over its submerged lands from mean high tide seaward to three geographical miles distant from its coast lines.

It has been the position of the Federal Government that United States submerged lands around the Northern Mariana Islands did not transfer to the CNMI when the Covenant came into force. This position was validated in Ninth Circuit Court of Appeals opinion in the case of the Commonwealth of the Northern Mariana Islands v. the United States of America. One consequence of this decision is that CNMI law enforcement personnel lack jurisdiction in the territorial waters surrounding the islands of the CNMI without a grant from the Federal Government.

At present, the CNMI is the only United States territory that does not have title to the submerged lands in that portion of the United States territorial sea that is three miles distant from the coastlines of the CNMI's islands. It is appropriate that the CNMI be given the same authority as her sister territories.

I have three comments on the bill, and then a recommendation. First, the Territorial Submerged Lands Act, which became public law in 1974, contains several sections that refer to the territories by name. H.R. 934 inserts the CNMI's name only in section 1, but not in section 2, which reserves military rights and navigational servitudes. In order to achieve consistency, the Department recommends that the CNMI be included in all provisions of the Territorial Submerged Lands Act where other territories are named.

Second, H.R. 934 includes language interpreting "date of enactment" in the original act as meaning "date of enactment" of H.R. 934 when referencing the provisions of H.R. 934. For those who will later interpret the statute, it would be helpful if the interpretation is included in the main statute itself, rather than being relegated to a separately listed amendment or reference note.

Third, on January 6, 2009, by presidential proclamation, the Marianas Trench Marine National Monument was created, including the Islands Unit, comprising the submerged lands and waters surrounding Uracas, Maug, and Asuncion, the northernmost islands of the CNMI. While creation of the monument is a historic achievement, it should be remembered that the leaders and people of the CNMI were and are these three islands' first preservationists. They included in their 1978, plebiscite-approved constitution the following language:

ARTICLE XIV: NATURAL RESOURCES

Section 1: Marine Resources. The marine resources in the waters off the coast of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction under United States law shall be managed, controlled, protected and preserved by the legislature for the benefit of the people.

Section 2: Uninhabited Islands. . . . The islands of Maug, Uracas, Asuncion, Guguan and other islands specified by law shall be maintained as uninhabited places and used only for the preservation and protection of natural resources, including but not limited to bird, wildlife and plant species.

It is important to note that the legislature has never taken action adverse to the preservation of these northern islands and the waters surrounding them. The people of the CNMI are well aware of their treasures. CNMI leaders consented to creation of the monument because they believed that the monument would bring Federal assets for marine surveillance, protection, and enforcement to the northern islands that the CNMI cannot afford.

If enacted as passed by the House, H.R. 934 would become a public law enacted subsequent to the creation of the monument. H.R. 934's amendments to the Territorial Submerged Lands Act would convey to the CNMI the submerged lands surrounding Uracas, Maug, and Asuncion without addressing the effect of this conveyance on the administrative responsibilities of the Department of the Interior and the Department of Commerce. Presidential Proclamation 8335 establishes shared management responsibilities for the Marianas Marine National Monument between the Department of the Interior and the Department of Commerce. The proclamation further states that the "Secretary of Commerce shall have the primary management responsibility. . . with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801 et seq.) and any other applicable authorities." The proclamation provides that submerged lands that are granted to the CNMI "but remain controlled by the United States under the Antiquities Act may remain part of the monument" for coordinated management with the CNMI. The Department of the Interior seeks to harmonize all interests in the waters surrounding the CNMI's three northernmost islands and provide sufficient control over the submerged lands and waters of the monument to enable co-management of the Islands Unit of the monument. Thus, the Department recommends that language be included in H.R. 934 referencing the proclamation that created the monument, including the Federal and CNMI roles. Such harmonizing language is intended to protect the Islands Unit of the monument and at the same time acknowledge the prescient and historic conservation effort of the leaders and people of the CNMI in protecting Uracas, Maug, and Asuncion, and their surrounding waters.

I have appended to my written statement legislative language that would (1) address the submerged lands surrounding the Northern Mariana Islands to the Government of the Northern Mariana Islands, and (2) clearly address the three issues of concern to the Department that I raised here today. The Department of the Interior strongly supports H.R. 934 if it is amended to include the legislative language provided. The Department of the Interior looks forward to the Commonwealth of the Northern Mariana Islands gaining rights in the submerged lands surrounding them similar to those accorded her sister territories.

APPENDIX

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Public Law 93-435 (48 U.S.C. 1705) is amended:

- (a) by inserting the words 'the Commonwealth of the Northern Mariana Islands,' after the word 'Guam,' wherever it appears, and
- (b) by adding at the end the following language:

'Sec. 7. All provisions of this Act that refer to "date of enactment", shall, when applicable to the Commonwealth of the Northern Mariana Islands, mean the date of enactment of the amendment that included the Commonwealth of the Northern Mariana Islands in this Act.

'Sec. 8. Nothing in this Act is intended to amend, repeal, or otherwise alter the Marianas Trench Marine National Monument as described in Presidential Proclamation 8335 dated January 6, 2009, including the proclamation's provisions that reference the management responsibilities of the Secretaries of the Interior and Commerce and the rights, responsibilities of officials of the Commonwealth of the Northern Mariana Islands.'

Senator WYDEN. We have questions. Mr. Chairman, would you like to start the questions?

The CHAIRMAN. Sure. I am glad to, Mr. Chairman.

Let me ask Secretary Sherman first, this is with regard to S. 1470. I believe you stated and your testimony includes the statement that the levels of mechanical treatment that are called for in the legislation are likely unachievable and perhaps unsustainable. I guess that raises the question in my mind as to whether the Forest Service was involved in the discussions, the collaborative discussions that led to this legislation that Senator Tester and Senator Baucus put forward here.

Did the Forest Service discuss sustainability and achievability with the various stakeholders as part of those discussions? Are you aware as to what the history of that is?

Mr. SHERMAN. Senator, I have recently—in the past week or two, my staff has had discussions with Senator Tester's staff. But my understanding is that the regional and local offices of the Forest Service did not have—were not participants in the stakeholder process.

The CHAIRMAN. That was before your watch, I understand?

Mr. SHERMAN. That is correct.

The CHAIRMAN. But your understanding is that the Forest Service views on some of these issues that you are now bringing to the committee's attention were not raised?

Mr. SHERMAN. That is my understanding.

The CHAIRMAN. I think you also say in your testimony that the levels of mechanical treatment that are called for in the bill would require an enormous shift in resources from other forests in Montana and also from other States in order to accomplish the treatment levels that are specified.

What kinds of resources are we talking about here that would have to be shifted, and would they include—I think you mentioned the possibility not only of having resources from that region, which is Region 1, as I understand the way you designate your regions, but are you also talking about shifting of resources from other regions that the Forest Service manages?

Mr. SHERMAN. Senator, there are a number of different categories of cost that would be involved in meeting the goals of this bill. Part of the costs relate to the processing of the National Environmental Policy Act. Under this bill, we would have to address one environmental impact statement per year of at least a 50,000-acre size, and we would be doing that each and every year for a period of 10 years. So that is one area of cost.

A second area of cost is the advertising, sale, and implementation of these stewardship contracts.

Then, third, there are a number of costs that relate to the restoration of these projects, the obliteration of roads, the fixing of culverts, the planting of trees, and so forth. So these are different cost centers.

Now, the Forest Service advises me that these costs would be considerably more expensive than the costs that are currently being incurred in the 3 national forests that are being addressed here. If that is the case, then we would have to look to other forests within Region 1 to help to support these efforts, or we would have to look to other regions to help support the efforts.

I do not have a precise cost figure of how much more it would be, but it would certainly run into the millions of dollars on an annual basis.

The CHAIRMAN. You talked, I think, also in your testimony about your concern about site-specific legislation. Could you elaborate a little bit as to what you are talking about there?

Mr. SHERMAN. We anticipate, if Congress were to pass this bill, there will be other areas of the United States, other regions or other forests within regions which will also seek similar site-specific legislation. There are collaboratives going on in various parts of the country—in Oregon, in California, Arizona, New Mexico, Colorado, Wyoming, and parts of the East and the Southeast.

I think that there is the likelihood that if Congress were to move forward and pass legislation such as we are talking about today that other regions will want to do so similarly. Now if that happens, I think my concern is that there will be somewhat of a balkanization that occurs between the different regions in the country. Those who are first in may get funded, and those who come later may find that there are less funds available.

There will be certain haves and have nots that result from this process. In some ways, there is no longer a true national review, a national effort to sift out what priorities ought to exist across the country.

The Forest Landscape Restoration Act, which you passed not too long ago, did anticipate this issue. It set a template for looking at landscape-level restoration, having this reviewed at a national level, picking projects from different regions, which were worthy of going forward here. It seems to us that that approach perhaps might be the best approach to prevent the balkanization that might come otherwise.

But I want to stress that we are open to new ideas here. If there are ways to make this work that don't pit regions against each other and to allow us to truly prioritize with the limited resources we have, we are certainly open to a discussion about that.

The CHAIRMAN. Thank you very much. Appreciate the opportunity to ask questions.

Senator WYDEN. Thank you, Mr. Chairman.

I have only one area that I want to get into with you, Mr. Sherman, and you have been at your post for a grand total of 30 days, I think. So you certainly are coming right up into the thick of it.

It is on this question of collaboration, and it is in your prepared testimony you cited it again. Let me get your assessment on this issue with respect to how you are looking at it at this point, early in your tenure.

All over the West, there are lots of collaborations, no question about that. What there also is, is enormous frustration that the Forest Service is today not doing enough to support those collaborative efforts, and it is not doing it nearly fast enough.

I think what you are going to hear during your tenure is that this effort must be sped up. It must be much more aggressive and focused. If it is not—I know we will have a chance to talk about the Oregon legislation—what is going to happen in the rural West is a lot of those areas are going to end up sacrifice zones. They don't have a lot of time.

In a lot of those areas, the infrastructure, the mills and the engines of the rural economy, it is not going to be there if there isn't additional support from the Forest Service and concrete, significantly more focused, and bolder work done. So we are going to be talking a lot about it.

Understand that in the rural West, not only are people frustrated, they can't understand how it is that their Government can come up with billions of dollars—I mean we now own car companies, insurance companies, investment houses—how it is that we can't find a way to get the Forest Service support for these home-grown collaborative efforts.

So my question to you is, since you have been there for just this short period of time, what is your early thinking, your thinking at this point about how the Forest Service would substantially increase the support for collaborative work, especially in the woods of the rural West?

Mr. SHERMAN. Senator, I completely agree with you about the urgency of moving forward more aggressively on the collaboration of all of the stakeholders throughout the country who are interested in these issues. We must do a better job of this, and I think Secretary Vilsack's speech in August of this year on the national forests and the private forests emphasized the importance of collaboration.

We need to do a better job. We need to do this at all levels of the Forest Service. We need, at the local levels and the district ranger offices and forest supervisor offices, to work very, very hard bringing these disparate groups together and finding common interests and common strategies for dealing with these problems.

So we are going to be working at this, and hopefully, we will be making progress at this. Without progress on collaboration, we are going to be frustrated whether we have a bill here or whether we proceed under our typical administrative processes because, without collaboration, we end up with litigation, and the process comes to a standstill.

So my hope is that we will put collaboration at the top of our list because without it, we can't make progress.

Senator WYDEN. I think what you will find in these discussions, and my sense is we are going to have lots of them, is that this committee, on both sides of the aisle, is going to make sure that we get results. In other words, we have heard in the past from a variety of administrations about lots of processes. But we haven't gotten enough results on the ground, and we are going to be interested in working with you to find the right mix of administrative

steps and legislation, legislation that in many instances can give you more tools in order to stake out this positive direction we want.

But we have got to get results. That has got to be the bottom line as you go forward in the days ahead, and we will have plenty of conversations about this.

Senator Risch.

Senator RISCH. Yes. I am a little disappointed, Mr. Sherman, to hear you talk about the resistance from the administration regarding—and you put it delicately, and I appreciate that—but regarding the business of people in their local States, in their local areas actually being able to resolve these problems.

I know this is going to come as a great shock to a lot of people in Washington, D.C., but you know the people in the States really do a pretty good job of resolving their own problems if you let them do it. You just indicated, well, there should be this national thing with the national priorities.

When I became Governor, the issue on the roadless matter was put on my plate, and I had a lot of people saying, look, don't mess with that. They have been at this 40 years, and nobody has been able to resolve this. Stay away from it. Forget it. Go on and do something else.

But the first thing that struck me, and maybe it was my forestry background, I don't know. But the first thing that struck me when I looked at it was that for 40 years, the Forest Service had been attempting to resolve the roadless area issue by one-rule-fits-all. So, the first thing I did was we broke it down into, believe it or not, 280 different areas that you would refer to as a balkanization.

But we took the 280 because anyone who deals with land knows that every acre is unique, in and of itself, and generally, a watershed is unique in and of itself. We broke it down into 280. Then what we did was we argued back and forth and came up with essentially four different themes, if you would, and five if you include the special themes such as areas of religious significance to tribes and ski hills and things like that.

But we broke it basically into four, and believe it or not, once we did that and once we broke it up and said, look, these are the four different kind of areas, let us find out what local people think. The next thing we did was we gave it to the county commissioners.

There are 44 counties in Idaho, and I think there was roadless in 35 of them. They held hearings, and they had people come in, both national and local, and they took each of those areas and went through it and looked at it. At the end of the day, it was amazing when they sat around the table, both people from the environmental community and people from the industrial and forest community, how they looked at it, and they said, yes, well, here is one. Look at this.

Well, this is a unique piece of ground that nobody is ever going to cut trees in here, nobody is ever going to build roads in here. Nobody ever should. Anybody disagree with that? Everybody looked at it and said, yes, you know, I think you are probably right on that.

You get another piece. You look at it and say, wait a minute, this one has already got roads throughout it. This shouldn't be in

roadless to begin with. Can we give this one up back to the general forest? Yes.

At the end of the day, we had these millions of acres in Idaho and a broad spectrum of types of acres and came to a resolution of it to where all people could buy into it. If we had just cut loose with that and sent it to Washington, D.C., this would never, ever, ever have gotten done.

My point is I would hope that you would revisit the issue of who it is that would be better to analyze these unique pieces of ground and come up with a proposed resolution of how the land should be managed. Because the collaborative method and the method of actually giving it out to the areas where those lands sit worked remarkably well in Idaho, and there are people in the room who participated in that from both sides of the spectrum who I think would corroborate that.

Mr. SHERMAN. Senator, if I may respond just briefly?

Senator RISCH. Please.

Mr. SHERMAN. I think it is very important to reemphasize that we support local collaboration. We think it is essential. I think many of the solutions must be generated locally. I think there is a way to take those solutions and blend them into the programs and the processes of the Forest Service.

There is going to be, overall, budgetary issues we and you have to deal with. I mean, if we had more money, it would be very, very helpful so we could move forward with all of these programs across the country. But the local solutions and the local collaboration are essential to our making progress on this, and I just want to emphasize that with you.

Senator RISCH. Thank you.

Thank you, Mr. Chair.

Senator WYDEN. Senator Bennett.

Senator BENNETT. Thank you very much, Mr. Chairman.

Mr. Chairman, going back to the 3 bills I referred to, all of which passed this committee without any remuneration, to be honest and fair with you, only one of them was a Forest Service piece of land. The other two were BLM lands. I understand there is no such requirement in the BLM?

Mr. ROBERSON. That is correct.

Senator BENNETT. So the first question that arises in my mind is do you have a requirement to get fair market value if you convey the land to the BLM?

[Laughter.]

Mr. SHERMAN. That is an excellent question, Senator. I do not know the answer, but I will get the answer.

Senator BENNETT. If you could, I would appreciate it.

Mr. SHERMAN. I will. I mean, BLM does have the statutory authority to convey land without consideration, whereas the Forest Service does not. So I will look into that, and I will get back to you.

Senator BENNETT. OK. I would appreciate that. Now I understand that one of them, and it has to do with the chairman here, because it is a piece of land in Oregon, and it makes our land exchange look really big because it was just 1.5 acres. It was Forest Service land, and checking into the history of it, there was consideration.

The Forest Service was paid \$1 for the 1.5 acre in how do you pronounce it, Mr. Chairman, Wallowa?

Senator WYDEN. Wallowa.

Senator BENNETT. Wallowa. The Wallowa, Oregon, conveyance was 1.5 acre, and the Forest Service was paid \$1. We will be happy to match that and, indeed, move it up for the 2 acres, make it a \$1.50 or even double it and make it \$2 for the 2 acres.

The administration did not express an opposition to that. I want you to be consistent here. I want you to be consistent on the side of saying there is a de minimis level at which this thing is not required because that applied in the Wallowa conveyance, and I would like it to apply in the Utah conveyance as well.

Will you check into that and see what the fact situation is?

Mr. SHERMAN. Senator, I will. Just as a historical note, my understanding is, in that particular case, the Forest Service acquired the property from the city of Wallowa in the 1930s for \$1, which is an interesting historical fact.

Senator BENNETT. So you didn't make any money when you sold it?

[Laughter.]

Mr. SHERMAN. Apparently not. I am also advised that the Deputy Chief of the Forest Service, when he did testify, he did express our serious concern over the proposed bill because it deviated from our statutory authority and from our past policies. But I will check into this, and I will get back to you.

Senator BENNETT. I understand he did express concern, but the concern ultimately was withdrawn so that when the committee acted, the official record indicated the administration was not opposed to it. Could you double check that for me?

Mr. SHERMAN. I will, and I will get back to you.

Senator BENNETT. In the meantime, talk to your friends at the BLM and see if they want a couple of acres. That may be the easiest way to do it.

Mr. SHERMAN. I have got a fellow right here I can talk to. So—

Senator BENNETT. Yes. Make a deal with them and let them pick up these acres, and then we will give them the \$2.

Thank you very much, Mr. Chairman.

Senator WYDEN. We are not going to pummel this question of the city of Wallowa, but just so the record is clear, the city of Wallowa—so it is clear with respect to Wallowa, the city of Wallowa gave it to the Forest Service for \$1.

Mr. SHERMAN. That is correct.

Senator WYDEN. In effect, what happened is we gave it back to them. Having said that, we are going to work very closely with Senator Bennett because we always do, my longtime ally.

Senator BENNETT. Thank you.

All right. Senator Tester.

Senator TESTER. Thank you, Mr. Chairman, and I appreciate the flexibility to allow me to ask a few questions.

I just want to make one real quick statement, and correct me if I am wrong, Harris. But the Forest Service has been advocating collaboration for, what, 10 years. Would that be a fair statement? On the ground collaboration.

Mr. SHERMAN. I am certainly aware, at least in my home State, where the Forest Service did—has promoted collaboration, that is correct, over a period of time.

Senator TESTER. You know as well as anybody, because you have been in the business for a while, that the easiest way to—and this really goes off the chairman's question. But the easiest way to really kill a good collaborative effort is not to support it once it happens. You are not there. In fact, you are not there at all.

But the key is, is so many times, we advocate for things to happen at this level at the legislative branch of the U.S. Congress, and then folks step up to the plate and they do it, and we don't support them. So, I think it is critically important if we are going to keep energy on the ground, if we are going to tell folks to collaborate and they actually do set aside their differences—and might I add, this is my bill. But this really isn't my bill.

This bill was put together by folks that we are going to hear from in a minute that, quite honestly, sat down and set an example that we should learn from in the U.S. Congress and said how can we work together? Not how can we divide ourselves from one another?

So that energy needs to be supported, and I think you are there, Harris, and I appreciate that.

I just had a couple of real quick questions. Fire. If fire hits a region, where do you get the money?

Mr. SHERMAN. Where do we get the money? We have a fire budget.

Senator TESTER. OK. Is there a fire budget for each region?

Mr. SHERMAN. My understanding is there is a fire budget for each region.

Senator TESTER. OK. If that fire budget runs out, where do you get the money?

Mr. SHERMAN. We have to seek it from our national programs?

Senator TESTER. Yes. You have to seek it from somewhere else. The point is, is that with this bill, you have the ability to go out and do some things in the forest that I think can help that fire budget. I am not saying forest isn't going to burn. It is going to burn. There is no ifs, ands, or buts about it.

But if you look at that red forest, there are some opportunities out there to help save some dough, too, and that is important to know.

It is also important, and going off Chairman Bingaman's question, the forest plan for the Beaverhead-Deerlodge in particular was started in 2002, and this collaborative group absolutely used it as a way to move forward. So even though they might not have been there, per se, they were there, per se, through their plan.

The last thing I would say is that the Beaverhead-Deerlodge has a goal in their forest plan of some 35 million board-feet. If you do the math backward on it, that amounts to about 7,000 acres of logging, which is exactly what this bill requires, and it comes out of the Forest Service plan. Do you have a comment on that?

Mr. SHERMAN. I really don't. In my discussions with the Forest Service, they have advised me that with the Beaverhead-Deerlodge forest, over the past 5 years, we have averaged about 1,000 acres a year, a little bit less than 1,000 acres a year.

Senator TESTER. Yes.

Mr. SHERMAN. So the ramp-up to 7,000 acres could be challenging. Now, again, it depends on the definition of mechanized treatment. If mechanized treatment is kind of historical commercial timber development, that would be difficult. If the definition of mechanized is broadened to include other things, we could do better. But it still is a significant increase in the level of activity.

Senator TESTER. We understand that. We will work with you on that. But with the beetle kill and the 1.9 million acres, I think we can figure this out. I really do, and I appreciate it.

One last thing. You are from the State of Colorado. That is a State that has one mill left to process timber that comes off our forests. As I understand it, as infrastructure disappears, it becomes harder, if not impossible, to perform work on the landscape. Could you just speak to the potential increased costs as we potentially see, as we have seen for the last 22 years, our timber industry dissolve and that infrastructure go away? What kind of impact does that have on the Forest Service budget and your ability to do restorative work?

Mr. SHERMAN. It has a tremendous impact, Senator. We must have a viable timber industry if we are going to address the challenges ahead of us. In my home State, we are down to one mill, and that has been very, very problematic in terms of getting restoration work done.

Senator TESTER. I want to thank both of you for being here. I appreciate your testimony, and I appreciate your honesty. Thank you. Thank you, Mr. Chairman.

Senator WYDEN. Thank you both.

Let me leave you with one last thought, if I might, Mr. Sherman, having kind of listened to this and had a chance just to talk to you briefly. It is almost like, as you get into this topic, you have to work this backward. Because the one word that folks in the rural West want to hear is "results."

You know, they listen to all the Washington discussion, which strikes people as a lot of talky-talk about process and people going to meetings and all the rest, but what I think we are going to be measured on—you, myself, Senator Tester—is people are going to say how many acres did you get treated that you really took a step to make the forest healthy again?

In our part of the world, they are going to say how many acres did you get treated? They are going to say how many saw logs did you actually get to the mills because there is great concern that biomass, which I am a great supporter of, I think it is going to make a big difference in energy, that biomass alone is not, for some time to come, going to keep the mills running. So people are going to say how many saw logs did you get to the mills?

Then they are going to say what did you do to protect old growth? We love our treasures.

So that is what we have got to figure out through this combination of administrative initiatives and legislation is to be able to show folks that on our watch we actually got results for them, and we are going to work very closely with you. I hope you have seen that this is a very bipartisan subcommittee. Throughout my time, I have been both the chair and the ranking minority member on this subcommittee, and we pretty much conducted our business the

same way whether I was the chair or the ranking minority member.

So we are going to work very closely with you. It is going to be bipartisan. But we have got to get some results because that is what our constituents are demanding of us. That is what they send us here for, to get results.

We will give you the last word, if you like?

Mr. SHERMAN. I just want to thank the committee, and I promise you that the department is going to work closely with this committee and with the Congress, and hopefully, we are going to get some significant results. So thank you.

Senator WYDEN. Very good.

Mr. Roberson, thank you. We will excuse you both at this time.

Let us see, our next panel, the Honorable Mike McGinley; the Honorable Ronald Hurt; Sherman Anderson, president/owner of Sun Mountain Lumber, Deerlodge; Matthew Koehler of the Wild West Institute of Missoula; Tim Baker with the Montana Wilderness Association; and Chris Wood, chief operating officer of Trout Unlimited and a frequent guest here at this subcommittee.

All right. We are going to make your prepared remarks a part of the record in their entirety. I know that there is almost a biological urge to just read what you have written. But we will make your prepared remarks a part of the record, and if you could just summarize? This is a big panel. I know Senator Tester is going to have a lot of questions.

We will just begin with you, Mr. McGinley.

**STATEMENT OF MIKE MCGINLEY, COMMISSIONER,
BEAVERHEAD COUNTY COMMISSION, DILLON, MT**

Mr. MCGINLEY. Thank you. Thank you, Chairman Wyden and members of the Public Lands and Forests Subcommittee and Senator Tester, thanks for this opportunity to share our views and concerns about S. 1470.

We are not here to resurrect or reargue the complex and contentious wilderness issues from yet another rural western viewpoint. We instead are here to address other provisions in this bill that we believe will have extremely unfavorable, unintended consequences that may set precedence for ill-conceived legislated management of forest and BLM lands.

Unfortunately, the primary sponsor of this bill chose to use as a blueprint for this legislation a document analyzed and deemed unworkable for national forest management by management professionals in the Department of Ag. This bill represents language that will mandate management potentially detrimental to the public lands' health. We have encountered no evidence that would indicate that by simply transforming this inadequate and unworkable management approach into Federal law that it somehow would magically evolve into successful means of management of public lands.

Specifically, restoration of, improvements on, and projects within the national forests must be accomplished with landscape-scale restoration projects by the use of stewardship practices. Stewardship practices are nothing new. They have been part of the Forest Serv-

ice management arsenal for many years and have been explored and used where practical.

In research and feasibility of success, we asked Forest Service stewardship professionals about the potential for success of projects through stewardship contracts. Our information indicates that stewardship contracts are only successful when there is a considerable value in timber.

Given the current U.S. economic climate, there is little value in this timber. Thus, this bill's mandated landscape restoration projects have a small chance for success while restricting traditional management prescription and removing management flexibility for the Forest Service.

It is our belief that this bill will actually allow further deterioration of public resources by limiting the tools that can be used by the Federal land managers. Funding is currently in place for SRS through 2011. The formula for funding SRS is dependent on forest receipts.

This bill, by mandating the stewardship contracts are the only means to accomplish landscape-scale restoration projects, discontinues traditional timber sales and, therefore, the funding for SRS.

Consequently, either local county residents will need to make up this loss, or educational and transportation services will have to be curtailed. Therefore, this bill does not encourage economic or social stability, nor does it promote collaboration between forest restoration activities and communities per its findings and purposes.

Forest jobs would be an outcome of this bill. However, after the date of enactment, this bill only appropriates the Secretary has 1 year to issue a record of decision to implement one or more landscape-scale restoration projects. To do this, the agencies must conduct a NEPA analysis, form resource advisory boards, entertain local collaborative forest management groups, report on the effectiveness of using resource advisory boards to reduce appeals and litigations, plus conduct a study on biomass combined heat and power assistance projects, and then negotiate the stewardship contracts and conduct the projects on the ground.

No specific funding is provided to accomplish this huge assignment. Given the timelines mandated by this bill and the lack of funding to do the work, it appears to us is a sure means to perpetuate the endless injunctions and litigations.

The authority for the jobs portion of this bill extinguishes itself in 15 years or after 70,000 acres. The Beaverhead-Deerlodge forest is directed by law to mechanically treat 7,000 acres per year for 10 years. Consequently, by the forest jobs portion of the bill are gone in 10 years or legal and lawsuits may cancel the jobs portion of the bill.

Concurrently, the opportunity for ample lawsuits is made possible when 7,000 acres per year are not treated. So this bill provides the legal basis for suing the Forest Service for not obeying the law and yet does nothing to alleviate the injunctions and lawsuits that may halt landscape restoration projects.

Responding to these injunctions and legal actions by Forest Service personnel is one of the greatest barriers of the flow of wood products from public forests. Senate 1470 does nothing to remove the major obstacle in generating more predictable flow of wood

products for local communities and actually does nothing to create forest jobs.

Also included in my written testimony are over 1,000 names on written petitions and letters from many of the different groups in Beaverhead County that oppose this legislation.

Thank you for your time, and I would be welcome to stand for questions. Thank you.

[The prepared statement of Mr. McGinley follows:]

PREPARED STATEMENT OF MICHAEL J. MCGINLEY, COMMISSIONER, BEAVERHEAD COUNTY COMMISSION, DILLON, MT

Chairman Wyden and honorable members of the Public Lands and Forests Subcommittee, thank you for this opportunity to share our views and concerns about S. 1470. We are not here to resurrect or reargue the complex and contentious wilderness issue from yet another rural western viewpoint. We, instead, are here to address other provisions in S. 1470 that we believe will have extremely unfavorable unintended consequences and will also set precedence for ill-conceived legislated management of National Forest and Bureau of Land Management lands contrary to the investigation, analysis and recommendations of the experts employed by established US land management agencies in the Department of Agriculture and Department of the Interior.

Some background information is in order. Beaverhead County, in concert with Madison County, Montana, participated as a cooperating agency in the revision process for the Beaverhead-Deerlodge National Forest's Revised Land and Resource Management Plan. The process began in 2001 with the Record of Decision on the Revised Plan being signed in 2009, thus there was an 8-year effort to bring forth a revised management plan for a 3.3 million acre National Forest. In 2006, a three environmental groups and 4 timber products businesses joined together to pool their financial, media outlet, and membership resources to form what is known as the "Partnership". Essentially, they were conceived as and have remained as an exclusive, narrowly focused, special interest lobby dealing with virtually only 2 public land management issues. They brought forth a document entitled the "Partner Strategy" which they used to attempt to hijack the Revision process by having it considered as a viable Alternative for management the Beaverhead-Deerlodge National Forest. Their "Strategy" document failed to accomplish this goal as the Forest Service deemed it inadequate as a viable management Alternative because it did not include input from a wide array of stakeholders and did not addresses the myriad issues and management needs of a National Forest as mandated by law (Forest and Rangeland Renewable Resources Planning Act of 1974). Upon failing to get their "Strategy" accepted as an Alternative in the Revised Forest Plan, the "Partnership" used their document as the management language in a drafted bill entitled the Beaverhead Stewardship Act of 2007. They then sought both local and national support for their creation and Federal sponsorship throughout both houses of Congress. That failed, too. Unfortunately, the primary sponsor of S. 1470 bill chose to ignore valid criticism of this "Strategy" document, chose to exclude the majority of impacted stakeholders, chose to use this flawed and judged inadequate document as the blueprint upon which S. 1470 is based. Consequently, we believe that S. 1470 represents language that will mandate management for a National Forest, and those management directives have already been analyzed, evaluated, and judged inappropriate, unworkable, and detrimental to our public lands' health by land management professionals in the Department of Agriculture. We have encountered no evidence that would indicate that by simply transforming this unworkable management approach into Federal Law, somehow it would magically evolve a successful means of managing resources on public lands.

A central philosophical and operational paradigm contained in the "Partnership Strategy" and now fully incorporated in S. 1470 is restoration of National Forests by tackling landscape scale restoration projects by use of stewardship forestry practices. Stewardship practices are nothing new. They have been part of the Forest Service management arsenal for many years and have been explored and used where practical. Stewardship practices entail goods and services being exchanged for public resources. For example, timber would be exchanged for restoration services on the National Forest. In researching feasibility of success of S. 1470 we asked a stewardship professional on the Beaverhead-Deerlodge about the potential for success of such mandated large, minimum 50,000 acres, projects through stewardship contracts. Our information indicates that stewardship contracts are only successful

when there is considerable value in timber. . .that is timber, not salvaged "beetle" infected, "beetle-killed" or otherwise standing dead trees. . .and given the current US economic climate there is little value in timber. Thus, such S. 1470 mandated grandiose landscape-scale restoration projects have small chance for success, while restricting traditional management prescriptions and removing management flexibility for the Forest Service. It is our belief that this bill will actually allow further deterioration of public resources by limiting tools that can be used by federal land managers.

Both the House and Senate recognized the importance of providing educational opportunities for children in rural areas throughout the US by appropriating funds to SRS (Secured Rural Schools) from 2008 through 2011. S. 1470 by mandating that stewardship contracts are the means to accomplish landscape-scale restoration projects essentially removes the basis for funding SRS in areas of the State of Montana. Please recall that Stewardship contracts are an exchange of goods for services. Traditional timber sales and their associated funding allocations will cease. Thus, when there is no timber harvest on National Forests, there will be no SRS monies for local governments' rural schools and road systems. For example, in 2009, the Beaverhead County Schools received \$505,585.91 and the Beaverhead County Road fund received \$1,012,690.09 from SRS funding. Consequently, either the 9000 residents of Beaverhead County will need to make up this loss, \$1.5 million in 2009, or educational and transportation services will have to be curtailed, or other services will have to be eliminated to make up for the S. 1470 initiated shortfall. In reviewing the lofty Findings and Purposes of S.1470 sacrificing rural children's educational opportunities plus rural transportation for forest restoration and wilderness is not mentioned. And, having rural education and transportation bear the burden of this bill definitely does NOT encourage economic and social stability NOR does it promote collaboration between forest restoration activities, wilderness, and communities.

Forest jobs are to be an outcome of this bill. However, essentially no "forest" jobs or entities or funding or specific employment opportunities are created by this bill. The work load created by this S. 1470 falls upon the Secretary of Agriculture or Secretary of the Interior and thus, the agencies of those two Secretaries. After the date of enactment of this bill the appropriate Secretary has one year (and each year after) to issue a record of decision to implement one or more landscape-scale restoration projects. The agencies must conduct NEPA analysis, form resource advisory boards, entertain local collaborative forest management groups, and report on the effectiveness of using resource advisory boards to reduce appeals and litigation, plus conduct a study on biomass combined heat and power system projects, and then negotiate the stewardship contract and to conduct the project on the ground. No specific funding is provided to accomplish this Herculean assignment in one year other than funds not otherwise appropriated from the US Treasury and unallocated budget at the local Forest Supervisor level. Given the timelines mandated by this bill and lack of funding to do the work, it appears to us as a sure means to perpetuate endless injunction and litigation by those interests that do not approve of this kind of resource use.

The authority for the "jobs" portion of the bill extinguishes itself in 15 years or when 70,000 acres is treated. The Beaverhead-Deerlodge National forest is directed by law to mechanically treat 7,000 acres per year for ten years; consequently the "forest jobs" portion of the bill is gone in 10 years. No provisions are included to extend any portion of the authority based on future injunction or pending litigation. Thus, legal action and lawsuits that hold up stewardship projects for 10- 15 years cancel the "jobs" portion of the bill. And, the opportunity for ample lawsuits is inherent when 7,000 acres per year each year are not treated! So, this bill provides the basis for suing the Forest Service for not obeying the law and yet does nothing to alleviate injunctions and lawsuit that potentially will halt landscape-scale restoration projects thus negating creation of "forest jobs". We contacted personnel in the Forest Service to inquire about barriers to harvesting wood products from National Forests, specifically the Beaverhead-Deerlodge National Forest. Responding to injunction and legal actions by the Forest Service require huge investments in time, energy and money. Thus, S. 1470 does nothing to remove a major obstacle in generating a more predictable flow of wood products for local communities of the State, and in actuality does nothing to substantially create "forest jobs".

We believe the collective wisdom of this committee and its members fully recognize that the "devil is in the details" and that S. 1470 leaves much to be desired in well thought out details that will not create negative unintended consequences. In its present form this bill creates many more contentious problems, may cause further deterioration of our public resources, presses hardships on local governments,

denies education opportunities to rural children, and does not support the Findings of Congress or achieve its Purposes.

Thank you for this opportunity to testify before your Committee.

Senator WYDEN. Thank you, Mr. McGinley.
Mr. Hurt.

**STATEMENT OF RONALD "SKIP" HURT, IDAHO
COMMISSIONER, FREMONT COUNTY**

Mr. HURT. You got to me quicker than I thought you would.
Greetings from Fremont County and the State of Idaho.

I would like to correct Senator Crapo, if I could? Is that legal to do that?

Senator WYDEN. Sure.

Mr. HURT. I spent 41 years with the Forest Service and retired 3 1/2 years ago. The last 25 years of those were years spent on the Ashton/Island Park ranger district as a fire management officer. My folks were initial attack on the North Fork fire of 1988.

Senator Tester, you have an issue there you need to deal with, that red timber. We averted that and logged the area in our country.

Also, I served on a national fire management overhead team for 17 years. So I am well aware of what that red timber is going to do to your State when it catches on fire.

Currently, I am serving my second term as a Fremont County commissioner. I come here today not as a paid environmentalist or a lobbyist, but as an elected official of Fremont County, and I am very concerned about the portion of S. 1470 and the direct result or impact that it is going to have on our economy in the Island Park area.

We, as a county, have no issue with the northern portion of the proposed Mount Jefferson wilderness area, but we do take issue with the southern portion. The northern portion, as you probably know, is nonmotorized at this time. The southern portion is motorized, and there is a lot of snow machine, snowmobiling done in there.

The Beaverhead-Deerlodge management plan, the preferred alternative, is just exactly that. The northern portion of the wilderness would be nonmotorized, would accommodate the snowshoers, the cross-country skiers. The southern portion would accommodate the snowmobilers, which access that country from the Idaho side.

Right now, we feel what we have in place is a win-win situation for all factions—snow machiners, cross-country skiers. That is in place and has worked well for the last 5 years. The Idaho Snowmobile Association and the local residents collaborated with the Forest Service concerning this matter and felt like that we had their stamp of approval for this decision.

I would like to talk a little bit about some of the economic impacts that this wilderness will have on the Island Park area. If this is removed from the accessible land that can be ridden by snowmobiles, it will literally put some of our snow machine rental dealers in Island Park out of business. This, in turn, is going to have a domino effect on restaurants, the motels, cabin rentals, and eventually, the tax base of Fremont County.

Excuse me. Fremont—or Island Park area generates 51 percent of the property tax base in Fremont County. So you can see why we are concerned about losing this portion of the country to ride in.

Our neighboring county to the southeast of us currently has \$127 million worth of foreclosures in their county. Now this is not due to any proposed wilderness bill or Senate bill. This is due to just the economy. It stands to show you that our part of the country is headlong into this recession. We need jobs.

I had lunch last week with one of the rental dealers from Island Park. Kevin Phillips is his name. There are 3 rental dealers up there. He told me at that time, 90 percent of his rental business is Mount Jefferson bound. Those large groups are coming in from the Midwest specifically to ride on Mount Jefferson.

His last comment to me was, “This is a very real situation, and if Mount Jefferson is lost to the riding public, myself and other businesses will be out of business within a year from the closing of the area.”

The residents of Island Park retooled after the collapse of the logging industry some 20 years ago. By removing the availability to ride Mount Jefferson, I think this is going to place us into another one of those retool situations, but where do we go from here? That is a very large portion of their business to be losing, and I don’t know that they can come back from this economically.

National statistics indicate that only 3 percent of the population actually use designated wilderness areas. They also indicate that less than 3 percent use these areas in the winter. I assume a lot of these wilderness areas are a lot more accessible than Mount Jefferson is.

We just don’t think it makes good economical sense for the Island Park area to close down a riding area that only 3 percent, less than 3 percent of the users will use.

Senator WYDEN. Mr. Hurt, I am sorry to interrupt you. If you could perhaps summarize the remaining thoughts you have? You are a little over at this point.

Mr. HURT. OK. Sure. In the 1970s, the Targhee forest, Ashton/Island Park ranger districts had the largest timber sale in the history of the Forest Service, the longest and the largest timber sale. It was logging beetle killed timber. We got there and logged it before it turned red like it is in Montana at this time.

When we logged that, hundreds of acres of clear-cuts were generated in this operation. Those clear-cuts were used to ride snow machines in. Those clear-cuts have now regenerated, and those areas are lost. So that is forcing the snow machines to a different area.

Also, most of you are aware that the restrictions on Yellowstone National Park, with the type and quantity of snow machines that are allowed into the park. We share a common boundary with Yellowstone National Park. This is limiting the number of folks that come to Island Park to ride because part of that trip was into Yellowstone, and now they can’t go in there without a guide.

If we lose Mount Jefferson, we will lose another 2,500 acres to ride in, and we just don’t feel that it is worth ruining our economy of that community for those 2,500 acres.

I guess in closing I would just say this, Mr. Chairman, the recession is alive and well in Fremont County. We are aware that our country is in some financial straits. I think we need to understand that those marks and tracks left in this wilderness area by these riders will melt in the spring. They will go away in the spring.

But if Mount Jefferson, southern portion of Mount Jefferson is taken, put into wilderness, the economic impact it will have on Island Park, Idaho, will probably devastate that community.

Thank you.

[The prepared statement of Mr. Hurt follows:]

PREPARED STATEMENT OF RONALD "SKIP" HURT, IDAHO COMMISSIONER,
FREMONT COUNTY

INTRODUCTION

Greetings from Fremont County in the Great State of Idaho

Thank you Mr. Chairman and committee members for this opportunity to testify on behalf of the citizens of Fremont County

I retired from the U.S. Forest Service 3 years ago after working 41 years, 25 of those years were spent in Fire Management on the Ashton - Island Park Ranger District of the Caribou - Targhee National Forest.

Currently I am serving my 2nd term as a Fremont County Commissioner.

I come here today not as a paid environmentalist or lobbyist but as an elected official to discuss S. 1470, Forest Jobs and Recreation Act of 2009. I am very concerned about the welfare of the residents of Fremont County and the economic impact that S 1470 will have on the businesses of Island Park and eventually Fremont County.

We as a County have no issue with the Northern portion of the proposed Mt. Jefferson Wilderness area. We do take issue with the Southern portion of the area being included in the proposed wilderness area. In the Beaverhead - Deerlodge Management Plan the preferred alternative is to leave the Southern portion open to snowmobiling and close the Northern portion to snowmobiling. This alternative is a win win for the users of the area (including cross country skiers, snow shoeing and snowmobiles) and has been working well for the last 5 years. This is an issue that the State Snowmobile Association and local residents have collaborated with and have the stamp of approval from the Forest Service.

ECONOMIC IMPACTS

1. Removing Mt. Jefferson from the public lands which are available to ride will put the local snowmobile rental dealers out of business. This in turn will have a domino effect on the local restaurants, motels, rental cabins and eventually the tax base of Fremont County. The Island Park area generates 51% of the property taxes in Fremont County. Many snowmobile users own cabins in the area and do spend a lot of money while recreating here. Our neighboring county has \$127 million worth of foreclosures and has laid off workers, reduced hours on other workers and reduced services. This is not due to any wilderness bill but does show that this part of our country is head long into the recession.

2. Kevin Phillips one of three snowmobile dealers in Island Park told me over lunch this past week that 90% of his snowmobile rentals are bound for Mt Jefferson. These users are coming in large groups from the Midwest specifically to ride in the Mt. Jefferson area. His final comment to me was, "this is a very real situation and if Mt. Jefferson is lost to riding, myself and other businesses will be gone in less than a year after the closing of the area".

3. The residents of Island Park re-tooled their economy following the collapse of the logging industry in the area some twenty years ago. By removing the availability to ride in the Mt. Jefferson area they will be forced into an economic corner which they will not be able to escape.

4. National statistics indicate that only 3% of the population actually uses the designated wilderness areas across the country. They also indicate that it is less than 3% during the winter months. I assume these numbers apply to those wilderness areas which are more accessible than Mt. Jefferson.

5. Does it make good economical sense to destroy a community's economy and life style for a user rate of less than 3% and a land mass figure of less than ° of 1% of the total acreage to be designated as Wilderness under S 1470?

6. To designate the Southern area of Mt. Jefferson as wilderness will cost the State of Idaho, Fremont County and Island Park jobs, business and recreation opportunities

LIMITED RIDING AREA

1. In the 70's and 80's the Island Park and Ashton Rangers Districts of the Targhee National Forest had the largest and longest lasting timber sale in the history of the Forest Service. This timber sale clear cut thousands of acres of beetle killed Lodge Pole Pine and lasted well over 20 years. A saw mill was built in the County to accommodate the large volume of timber being generated. As a result of this massive timber sale hundreds of large open areas were created to ride snow machines in. It has been over 2 decades since the last timber was cut in that sale and those clear cuts have now re-generated with new 20' trees. With these new trees the riding opportunities have all but disappeared in those large openings. It was a very good plan for the Forest health but has forced the snowmobiles to other areas.

2. In the past few years the snowmobile use in Yellowstone National Park has been severely reduced with the limitations being placed on the number and kinds of snowmobiles allowed in the Park. The Island Park area has a common boundary with Yellowstone National Park. The limitations in the Park have also restricted the riding opportunities from Island Park into the Yellowstone area.

3. If the Southern portion of the proposed Mt. Jefferson Wilderness Area is placed in to wilderness status another 2500 acres of riding area will be eliminated.

4. In the Island Park area approximately 250 miles of snowmobile trails are groomed at least once each week. Fremont County is the largest trail grooming program in the State of Idaho. These trails connect too many other trails in Montana and Wyoming. These trails are used by the less experienced riders that come to the area. Mt. Jefferson is used by the intermediate and advanced riders

ISSUES TO BE CONSIDERED

- Mt. Jefferson is a destination to snowmobile riders as Yellowstone National Park is too many vacationers.
- The Southern half of the proposed wilderness area is less than 1 % of the total land mass that Senator Tester has requested in S. 1470
- The Southern portion is completely surrounded and protected on the Idaho side from motorized vehicles during the summer months by a Roadless Area which shares a common boundary with the proposed wilderness.
- Is the economic stability of this small Idaho community worth the 3% of the local population that might use this area in the summer and even less in the winter?
- The compromise of shared users has been in place for 5 years and has worked satisfactorily up to now.
- The Southern portion of the proposed wilderness is only accessible from Idaho and meets the needs of recreation dependent economies in the local communities.
- Fremont County has the largest and most active Search and Rescue unit in the state of Idaho. They have completed several rescues of cross country skiers and snowmobile riders in this area. If this area is placed into a wilderness classification where only cross country skiing and snow shoeing have access the Search and Rescue will have no motorized means of access to needed rescues.
- It is the only area in Island Park where the rugged challenging high mountain experience can be found.
- Mt. Jefferson can also be easily accessed by intermediate riders who are seeking outstanding scenery.
- A few back county skiers use the area; their needs can be satisfied by the Northern half that is closed to snowmobiling.

CONCLUSION

Mr. Chairman and committee members the recession is alive and well in Fremont County. I ask you at this time to exclude the Southern portion of Mt. Jefferson from the proposed Wilderness designation.

In closing I would ask that you remember that the snow machines tracks left by users of this area will disappear when the snow melts, but if this wilderness area

is permitted the economic impact on the businesses and the community of Island Park will last forever.

I would like to thank the committee for the opportunity to testify today
[Graphics have been retained in subcommittee files.]

Senator WYDEN. Very good. Thank you very much, Mr. Hurt.

Let me just say to our witnesses I am going to have to keep you all, at this point, to 5 minutes. We will make your prepared remarks a part of the record.

I know people really don't believe that, but it will take place. If you could just summarize your concerns, I know you have got Senators from your home States, and they would like to ask some questions. I am sure you would like to answer them.

So, Mr. Anderson, welcome.

**STATEMENT OF SHERMAN ANDERSON, PRESIDENT AND
OWNER, SUN MOUNTAIN LUMBER, INC., DEER LODGE, MT**

Mr. ANDERSON. OK, thank you.

Senators and Chairman Wyden, members of the committee, my name is Sherm Anderson. I come from a small town in Montana, 3,500 residents, Deerlodge.

My wife and I are small business owners. We own Sun Mountain Lumber and Sun Mountain Logging. This bill is very important to our industry in Montana. In Montana, 61 percent of the total forested land is on national forests.

There are 2 means of treating our forests, one by mechanical means and one by fire. The mechanical, of course, involves us, what we do for a living. We are in the wood products industry.

The other is fire. There is room for both. Fire is an integral part of our ecosystem, and the 2 must work together.

We in the West are watching our forests deteriorate and die from insect and disease, causing serious threat of catastrophic fires that will soon come, destroying not only the resources that we use and enjoy, but also, yes, putting homes and lives in harm's way and at great risk.

Our timber under contract currently is located 90 percent on private forest land, 7 percent on State lands, and only 3 percent on national forests. Remember, we are surrounded in our particular facility, within 25 miles completely surrounded by national forests who own 61 percent of the forests, and we only have 3 percent of our total timber base under contract with the forests.

This problem comes from over 25 years of fighting over the use of our public lands. This out-of-balance use of public lands puts our industry at serious risk of survival. As all of us are well aware of, in Colorado, New Mexico, Arizona, Utah, and Wyoming, where they have totally lost their forest products infrastructure, and now they scramble to try to find means to manage their forests in and around these communities, and they have none.

Why is this? Our forest plan is driven by 2 factors—controversy and budgets. We cannot manage our forests driven by these 2 factors. Budget constraints occur when 50 percent of the total budget is used for fire suppression.

This bill solves some of the controversy through extensive collaboration by many diverse partnerships throughout the State of

Montana. Is everyone happy with the results? No. Does everyone get everything that they want? No.

But this bill is a great start. We must try something different because, obviously, what we have done in the past and what we are now doing is not working. I and the majority of Montanans are convinced that this will work. It simply gives the Forest Service a workable tool to manage our forests and accomplish their management objectives while protecting and creating jobs that are necessary to help manage our pristine national forests which we all use.

Senators, Senator Tester, I can't say enough about your guts at bringing this forward, and I would appreciate and thank you and I would appreciate due consideration from this committee to look at this seriously for the betterment of our national forests in Montana that we all use.

I thank you for the opportunity and close.

[The prepared statement of Mr. Anderson follows:]

PREPARED STATEMENT OF SHERMAN ANDERSON, PRESIDENT AND OWNER, SUN
MOUNTAIN LUMBER, INC., DEER LODGE, MT

Senators, Chairman Wyden, Members of the Sub-committee on Public Land and Forests of the Senate Committee on Energy and Natural Resources:

I would like to submit written testimony in support of the Forest Jobs & Recreation Act, Senate Bill 1470, sponsored by Senator Jon Tester and co-sponsored by Senator Max Baucus, both from my state of Montana.

I live in the small town of Deer Lodge, MT, population of 3,500 people, located in southwestern Montana. My wife and I own and operate several small businesses in Deer Lodge. The sawmill, when in full operation, employs 225 people and our logging company employs 50 people. We also hire for contracted services another 50 to 75 people.

This bill is very important to us and many other wood products industry people in Montana that rely on timber as a renewable resource for not only our livelihood but also for the many others in our small rural communities who are so dependent on the wood products industry located in and around these small towns.

In a state where approximately 61% of our forested land is owned and managed by the U.S. Forest Service, the wood products industry is one crucial tool that is absolutely necessary for helping to manage these lands. The only other available tool is fire.

We are watching our forests each year deteriorate and die from insect infestation and disease, creating a serious threat of catastrophic wildfires to come, destroying not only the timber resource but also the habitat connected to it: wildlife, fisheries, recreation, livestock grazing, domestic water supplies, energy supply (power, gas and oil transmission lines), homes, communities and yes, putting many people's lives at risk. Not only those of us who live in and around the forests but those individuals whose job it becomes to try to protect these communities, people and resources by trying to control these fires.

Now let me give you just one specific example of why this bill is so important:

Our sawmill utilizes fifty million board feet (12,500 truckloads) of logs per year. On the Beaverhead-Deerlodge National Forest that surrounds us, the old forest plan had an allowable sale quantity of forty million board feet of timber per year. The new forest plan calls for reducing this to fourteen million board feet per year, these harvest levels for a forest of over three million acres, a forest that could easily sustain forty million board feet per year! The reasons given by the Forest Service for not only the reductions in the forest plan but also the Forest Service's inability to produce what was in the old forest plan are many. The two major reasons given are controversy and budget constraints - nothing mentioned about sustainability. They cannot adequately manage our forests driven by controversy and budgets that continue to be used up in trying to control wildfires. Fifty percent of their budget is now being used for wildfire suppression.

Our current timber sale volume under contract consists of 90% private, 7% State, and 3% National Forest timber. Now, keep in mind we are surrounded by 61% of our forested land being National Forests. This is a similar example of many other mills and forests and communities throughout Montana. We need to have access to

these National Forests for the wood products industry to survive in Montana. This problem comes from over 25 years of fighting over the use of these public lands. This gridlock has created huge problems for all users of our public lands. We have lost a large percentage of our wood products infrastructure over that same period of time and it continues. We all are witnessing what happens when the infrastructure is gone as has happened in Colorado, New Mexico, Arizona and Utah, where they are now struggling, having no other means but fire to manage their forests. When you lose the woods products industry, as they have in these states, you also lose the trained work force that is necessary to do restoration work.

In Montana, we have seen our industry shrink from 38 sawmills employing approximately 15,000 people in both the mills and woods, to just 10 mills today and about 5000 workers. We also have two particle board plants and a pulp mill that is depended on sawmills for their raw material supply. All of these facilities are at risk due to the ongoing conflicts over management of our National Forests.

This bill attempts to resolve the gridlock by bringing together diverse groups with many different interests to resolve problems and create jobs, by managing our forest resources, performing needed restoration work, preserving our high mountain backcountry, guaranteeing recreational opportunities, protecting our water, hunting and fishing, grazing for livestock and all other uses of our precious National Forested lands.

I thank Senator Tester for presenting this bill. I ask for your support to move this bill forward. I ask for your support for not only the people who live in Montana but all of the people in this great nation that come to Montana to enjoy all it has to offer.

Senator WYDEN. Thank you very much, Mr. Anderson.
Mr. Koehler.

**STATEMENT OF MATTHEW KOEHLER, EXECUTIVE DIRECTOR,
WILD WEST INSTITUTE**

Mr. KOEHLER. Mr. Chairman and respected members of the committee, Senator Tester, thank you very much for the opportunity to testify at this important hearing.

My name is Matthew Koehler, and I am the executive director of Montana's Wild West Institute. I am here today representing the Last Best Place Wildlands Campaign, a coalition of conservation organizations and citizens dedicated to wildlands protection, forest restoration, and the sound long-term management of our public lands.

Our coalition includes fourth-generation Montanans, small business owners, veterans, retired Forest Service supervisors and district rangers, hikers and backpackers, hunters and anglers, outfitters and guides, scientists and community leaders. We have provided the committee with a line-by-line analysis of this bill, including specific recommendations.

We also produced a document expressing our concerns, which has been signed by over 50 conservation groups in Montana and around America. Our coalition supports forest and watershed restoration, protecting our roadless wildlands, and sustainable jobs in the woods. Therefore, the issue before this committee today is not what the drafters of this bill intended to do, rather the issue before you is what this bill as written actually would do.

Our coalition believes that despite Senator Tester's best intentions, this bill represents a serious threat to America's public lands legacy. The mandated logging provisions are unprecedented and represent an unscientific override of current forest planning.

The notion that Congress should legislate logging levels on public lands is antithetical to the National Forest Management Act and irresponsible, given that lumber consumption in America has

dropped 55 percent. The bill undermines the National Environmental Policy Act by imposing an unrealistic and arbitrary 12-month NEPA timeline, which would preclude the Forest Service from accurately assessing environmental impacts, essentially setting the agency up for failure.

The bill would localize the management of our national forests, opening the floodgates for mandated logging, mining, grazing, drilling, or road building for national public lands elsewhere. This could fragment and balkanize the entire National Forest System and ignores the basic principle that these national public lands belong equally to all Americans.

As the bill is currently written, it contains several provisions that abrogate the Wilderness Act by allowing nonconforming uses. It also releases wilderness study areas currently protected by law by the late Montana Senator Lee Metcalf.

The numerous unfunded mandates included in this bill could cost U.S. taxpayers well over \$100 million and raises the very real potential expressed to the committee by Secretary Sherman for other national forests to have their funds raided and transferred to the forests that are part of this bill.

Over the past 5 years, long before this bill was introduced in Congress, open, inclusive, and transparent collaborative processes have sprung up around Montana. Citizens and Forest Service professionals have been rolling up their sleeves, getting out on the ground, discussing differences, and, most importantly, focusing on areas of common ground.

For example, a set of Montana restoration principles has been developed, and we have established restoration committees for the Lolo and Bitterroot National Forests, both of which border the Beaverhead-Deerlodge. These efforts have been so fruitful that the Lolo committee, for example, was recently given the Forest Service's Breaking Gridlock Award.

This is part of the story that you are not hearing from supporters of this bill. While they complain of gridlock, the fact is that, on the Lolo, we haven't seen a timber sale lawsuit in 2 years. On the Bitterroot, there has been only one timber sale lawsuit in the last 7 years. The major impediment for many logging and fuel reduction projects right now and for the foreseeable future is the fact that we are in a severe economic crisis and demand for wood has plummeted, leaving many sales without any bidders.

Finally, I would be remiss if I failed to mention that this bill and the exclusive self-selective process used to develop it, particularly on the Beaverhead-Deerlodge, has engendered more distrust and hard feelings than anything I have witnessed before in Montana. Members of our coalition and a large segment of the public have felt excluded, disenfranchised, and ignored throughout this entire process.

Again, our coalition supports forest restoration, wilderness, and sustainable jobs in the woods. If the goal is to get diverse interests working together on scientifically based restoration projects or bona fide fuel reduction projects near communities, let us build upon what is already happening. Congress does not need to mandate logging and throw science-based planning and management out the window.

Thank you again for the opportunity to testify, and I look forward to answering any questions.

[The prepared statement of Mr. Koehler follows:]

PREPARED STATEMENT OF MATTHEW KOEHLER, EXECUTIVE DIRECTOR, WILD
WEST INSTITUTE

Mr. Chairman and members of the Committee, Happy Holidays and thank you for the opportunity to testify at this important hearing regarding S.1470.

My name is Matthew Koehler and I'm the executive director of the WildWest Institute, a Montana-based conservation group. Our mission is to protect and restore forests, wildlands, watersheds and wildlife in the northern Rockies. We help craft positive solutions that promote sustainability in our communities through jobs restoring naturally functioning ecosystems and protecting communities from wildfire. We also ensure that the Forest Service follows the law and best science when managing our public forests by fully participating in the public decision process and through on-the-ground monitoring.

I'm here today representing the Last Best Place Wildlands Campaign, a coalition of conservation organizations and citizens dedicated to wildlands protection, Wilderness preservation, and the sound long-term management of our federal public lands legacy. Our Montana-spawned coalition includes small-business owners, scientists, educators and teachers, 4th and 5th generation Montanans, hikers and backpackers, hunters and anglers, wildlife viewers, outfitters and guides, veterans, retired Forest Service and Bureau of Land Management officials, ranchers and farmers, former loggers and mill workers, health care practitioners, craftspeople, and community leaders—all stakeholders committed to America's public wildlands legacy.

Our coalition has produced a number of documents*, which I have provided at the end of this testimony. I would like to respectfully ask that these documents be included in their entirety in the official record for this hearing. The first document is our coalition's detailed, line-by-line Analysis of S.1470 (also available at: <http://testerloggingbilltruths.files.wordpress.com/2009/12/analysis-of-s-1470.pdf>). The second item is Keeping It Wild! In Defense of America's Wildlands, which has been signed by fifty conservation groups from Montana and around the country (also available at: <http://testerloggingbilltruths.wordpress.com/keeping-it-wild-in-defense-of-americas-public-wildlands>).

SUMMARY OF S.1470

S.1470 affects over 3 million acres of National Forest System and Bureau of Land Management lands in Montana and contains a nearly bewildering list of new definitions, designations, management practices, required studies, reports and publications. Approximately 680,000 acres are designated as new Wilderness Areas, another 336,000 acres as National Recreation Areas, Protection Areas, Recreation Areas, and Special Management Areas, each with their own management language. Nearly 3 million acres are designated as Stewardship Areas where logging is expressly allowed and encouraged. It mandates that at least 100,000 acres of the Beaverhead-Deerlodge National Forest and the Three Rivers District of the Kootenai National Forest be logged within 10 years as well as an undetermined amount on the Seeley Lake District of the Lolo National Forest.

The findings, purposes and subsequent sections of S.1470 clearly define it as a bill whose primary purpose is promotion of commercial logging through localized management of National Forest System lands. Touted as a bill that is good for the environment, S.1470 would accomplish several conservation goals, including the designation of new wilderness areas and headwaters protection for several streams important to native fish. S.1470 does contain admirable language for restoration of fish, wildlife and watersheds, and there is a potential to lower road density in some watersheds. However, these restoration goals are optional, unlike the mandated logging, and S.1470 effectively jeopardizes these goals through its action provisions and the methods dictated.

The various sections of the bill have been carefully constructed to affect a desired outcome that would be difficult to challenge through citizen appeals or litigation. For example, Sec. 2(a)(2)(A) "encourages the economic, social, and ecological sustainability of the region and nearby communities." Sec. 2(a)(2)(B) "promotes collaboration," 2(b)(2) declares a major purpose "to reduce gridlock and promote local cooperation and collaboration in the management of forest land." It does this through use of "advisory committees" or "local collaborative groups." Again, this seeks the

*Documents have been retained in subcommittee files.

localization, through private interests, of National Forest System lands. 2(b)(3) states a purpose is enhancement of forest diversity and production of wood fiber to accomplish habitat restoration and generation of a more predictable flow of wood products for local communities. This purpose is later matched with the definitions of the bill to establish commercial logging as the primary means of fish and wildlife habitat restoration. For example, one of the definitions S.1470 uses for restoration is "maintaining the infrastructure of wood products manufacturing facilities."

S.1470 is not a budget-neutral bill. It authorizes practically unlimited expenditures from the U.S. Treasury and other sources, and empowers "Resource Advisory Committees" or "Local Collaboration Groups" to spend federal funds, including on private, non-National Forest System lands. This provision and others in S.1470 give the "Resource Advisory Committees" or "Local Collaboration Groups" sweeping powers that could effectively, if not officially, usurp management and budgetary authority from the Forest Service and grant it to private interests. Professional staff from the Forest Service will be replaced with citizen committees whose members are mandated to include industry groups. S.1470 also authorizes the Secretary of Agriculture to expend taxpayer funds for Fiscal Year 2010 to pay a federal share in construction of "combined heat and power biomass systems that can use materials made available from the landscape-scale restoration projects."

The different funding provisions of the bill raise a real potential for other National Forests and Forest regions to have their funds transferred to projects under S.1470. Pitting one forest against another for funding is unhealthy and does not promote a holistic, ecosystem approach to public lands management in the Northern Rockies.

It is important to note that in legislation there is specific legal meaning to terms such as "shall" versus "may" or "can." The word "shall" has the force of law, once a bill is enacted and signed into law by the President. Thus, when S.1470 states the Secretary "shall generate revenue," "shall maintain the infrastructure of woods products manufacturing facilities that provide economic stability to communities in close proximity to the aggregate parcel (timber harvest unit) and to produce commercial wood products," it means just that. It will be the law that the Secretary must keep specific, private timber mills open and fed with timber from public lands, at least through the term of authority, if not indefinitely. This is not only an open-ended subsidy, it interferes with free enterprise.

Ultimately, where there is a question of ambiguity, Courts will review a bill's purposes and its legislative history to divine Congress' intent. When purposes conflict, the overall goals of the bill will prevail. When wilderness and ecological restoration are consistently listed last, as they are in S.1470, a Court can be expected to conclude the logging provisions take precedence.

In summary, the S.1470 is a significant departure from traditional wilderness bills. It contains several major precedent-setting provisions potentially detrimental to national public lands management that may be repeated in future bills. These include:

- 1) Localizing of National Forest management by private, local entities for private profit. Other members of Congress may seek to exploit similar special management for national public lands in their states. This could represent the fragmentation of National Forest system management and regulations to a serious degree and ignores the basic principle that national public lands belong to all Americans, not just those in nearby local communities.

- 2) Mandated logging of National Forest land is an unscientific override of current forest planning by professional Forest Service staff. The logging mandates greatly exceed the average levels since the 1950s on the Beaverhead-Deerlodge and are an unbelievable 14 times the sustainable level recently calculated by the Forest Service. The mandated logging area includes the Three Rivers District of the Kootenai National Forest, where the endangered grizzly bear population is nearly extinct due to very heavy logging and roadbuilding.

- 3) Numerous unfunded mandates and blank check spending authority for the Secretary of Agriculture and Secretary of the Interior. Gives "Resource Advisory Committees" or "Local Collaboration Groups" spending authority and allows funds to be drawn from other forests and Forest Service regions to implement S.1470, pitting forests against another for funding. This creates hard feelings and mistrust rather than cooperation. Authorizes the Secretary to build heat and power generating facilities, a new expansion of authority. Mandates numerous studies, reports, plans and publications, and numerous 10-year contracts, competing with other forests in the region for staff time, printing and distribution. Dedicating staff to the numerous reports and planning removes them from other management duties.

4) Contains several provisions that abrogate the Wilderness Act by allowing non-conforming uses including military aircraft landings, motorized access, and other intrusions.

5) Releases numerous Wilderness Study Areas protected by law under S. 393, sponsored by the late Senator Lee Metcalf (D-MT), and releases BLM-administered Wilderness Study Areas that have been protected for more than 30 years.

6) Requires expedited environmental analysis under NEPA and adds new provisions to appeal regulations that place additional requirements on appellants that will limit some citizens' ability to participate in the planning process.

THE STATE OF COLLABORATION IN MONTANA: AN ON-THE-GROUND LOOK

Over the past five years, long before S.1470 was introduced in Congress, open, inclusive and transparent collaborative processes have sprung up on national forests around Montana. From the Kootenai National Forest to the Lolo National Forest, up on the Bitterroot National Forest and over to the Lewis and Clark National Forest, citizens and Forest Service professionals have been rolling up their sleeves, getting out on the ground, sitting around maps, discussing differences, and most importantly, focusing on areas of common ground and agreement.

For example, in January, 2007, thirty-four representatives of conservationists, motorized users, outfitters, loggers, mill operators, state government and the Forest Service held a meeting at Lubrecht Experimental Forest, facilitated by the National Forest Foundation, to form the Montana Forest Restoration Committee (<http://montanarestoration.org>). All agreed that restoring Montana's forests was a goal worth pursuing.

The result of this open, inclusive, transparent collaborative process was the development of a set of Montana Restoration Principles and Implementation Plan (<http://montanarestoration.org>) that reflect the integrity, commitment, agreement and honorable work of all these diverse people.

With a goal of working together to achieve good restoration work on the ground, individual Restoration Committees have been formed for the Bitterroot National Forest and the Lolo National Forest (both of which share a border with the Beaverhead-Deerlodge National Forest), which include the full spectrum of interests and again, are open, inclusive and transparent in nature.

By all accounts the Lolo and Bitterroot Restoration Committees have been a great success. Not only have tensions been reduced and potential conflicts addressed openly and honestly, but following full environmental analysis by professional land managers with the Forest Service and an open, inclusive public process as required by NEPA, solid restoration and fuel reduction projects are moving forward as a result.

In fact, the US Forest Service has been so impressed with the successful work of the Lolo Restoration Committee, that we received the agency's "Breaking Gridlock Award" in 2008. Also, in June 2008, Montana Governor Brian Schweitzer wrote the Lolo Restoration Committee "to express my appreciation for your efforts with the Montana Forest Restoration Committee. Your service on the Lolo Forest Restoration Committee is crucial to finding consensus on restoring the national forests in Montana. I have reviewed and support the Forest Restoration Principles document, and appreciate the unprecedented level of cooperation and partnership that went into this effort."

Make no mistake. If the goal is to get diverse interests working together with the Forest Service to move forward with bona fide fuel reduction work around communities and scientifically-based restoration projects the US Congress doesn't need to undermine NEPA and throw science-based forest planning out the window by mandating logging, as S.1470 proposed. Rather, one just needs to look at the excellent, successful work of the Lolo and Bitterroot Restoration Committees. The proof, as they say, is in the pudding.

For example, just last week an article in the Missoulian titled "Bull trout, loggers, goshawks benefit in Lolo National Forest timber sale settlement" included this fact, "The settlement marks a trend of greater cooperation between the Lolo National Forest and its environmental watchdogs...In the past two years, only two [timber] sales have been appealed, and neither has gone to court."

On the Bitterroot National Forest there has been only one lawsuit involving a timber sale since 2002. Let me repeated that fact: one timber sale lawsuit on the Bitterroot National Forest in the past seven years. Furthermore, the fact is that right now on the Bitterroot National Forest there are at least 15,000 acres of fuel reduction, thinning and logging projects already through the NEPA process or just about finished.

Ironically, the major impediment for some of these logging projects moving forward is the economic reality that we're in the middle of huge economic crisis and

the steepest decline in lumber consumption in US history, with lumber demand down over 50% and new home construction down 70%.

One such project already through the NEPA process is the Trapper Bunkhouse Land Stewardship Project on the Darby Ranger District of the BNF. The project, which wasn't appealed or litigated, authorizes logging, thinning and fuel reduction work on nearly 5,000 acres of the BNF. The FEIS for this project was issued in April 2008.

Almost a year later I wrote the Darby District Ranger to inquire about the status of this project. On March 19, 2009 I got this response: "As it stands we may not get any bidders since a majority of the timber is not tractor ground and market conditions are bleak." Hearing nothing for a few more months, I again wrote in July 2009 and got this response from the District Ranger, "Markets have not improved, in fact have gotten worse so sales in the Bitterroot are not very appealing at this time. We had a pre-bid trip for prospective bidders and did not generate much optimism. There was much interest but current market conditions were prohibitive for them being able to make successful bids."

Unfortunately, for whatever reason, these facts about successful open, inclusive, transparent collaborative processes in Montana seem lost on supporters of S.1470. In their sustainable PR push to sell S.1470 to the public they appear willing to just ignore all of this excellent, heartfelt working together to find common ground that's happening in Montana right under their noses.

Instead, Senator Tester and supporters of S.1470 have taken to the airwaves and traveled around the state complaining about all the supposed "gridlock" that's apparently preventing the Forest Service from doing any management of our public lands. Senator Tester even went so far as to tell a Bozeman crowd "lawsuits have stopped forest management cold," (<http://bozemandailychronicle.com/articles/2009/09/29/news/10tester.txt>). Really? Of course, while such statements might make for good politics, they also look pretty silly when one considers them in the context of the facts outlined above.

Finally, let's be honest and frank here. It's been well documented that the "collaborative process" used by the Beaverhead Partnership was an exclusive, self-selective affair. Unlike the open, inclusive and transparent processes described above in conjunction with the Lolo and Bitterroot Restoration Committees, which have the full support of the Forest Service, the Beaverhead Partnership intentionally excluded the voices and interests that didn't already agree with what three conservation groups and five timber mills had come up with behind closed doors. Not only were many public lands interests excluded at the outset in 2006, but concerns, questions and proposals for improving their plan have been systematically ignored and dismissed. Again, this hardly represents a model "collaborative process" for dealing with public lands management.

This Committee needs to be fully aware that the Beaverhead Partnership proposal that makes up the bulk of S.1470, was not an open, inclusive or honest attempt at finding consensus. Furthermore, these self-serving, disingenuous actions by supporters of S.1470 are having a tremendous negative impact on the future of existing and potential successful efforts to work together and find common ground solutions.

CONGRESS MANDATING LOGGING LEVELS IS UNPRECEDENTED, ANTITHETICAL TO NFMA

S1470 mandates a minimum of 100,000 acres of logging on the Beaverhead Deerlodge (BHDL) National Forest and the Three Rivers District of the Kootenai National Forest. The logging mandates greatly exceed the average acres logged annually on the Beaverhead-Deerlodge National Forest going all the way back to the 1950s (Source: http://www.fs.fed.us/r1/forest_range/timber_reports/silviculture_reports/2008_nhavr_rpt.pdf). The mandated cut on the BHDL is also an unbelievable 14 times the sustainable level recently calculated by the Forest Service. The mandated logging area on the Three Rivers District of the Kootenai National Forest, includes core habitat for the endangered grizzly bear, whose populations on the Kootenai is nearly extinct due to very heavy logging and roadbuilding.

Mandated logging of National Forest land is an unscientific override of current forest planning by professional Forest Service staff. The notion that the US Congress should legislate logging levels on a national forest is antithetical to the National Forest Management Act (NFMA) and current national forest planning. There should be little debate in this Committee about the need to use planning and, with it, environmental analysis to establish sustainable allowable sale quantities for national forests reflecting ecological, social and economic concerns. NFMA does not prescribe specific timber sale levels.

No law to my knowledge has ever established or mandated a specific timber harvest level for any national forest. The Ketchikan Pulp Company (KPC) and foreign-owned Alaska Pulp Corporation (APC) timber sale contracts that were a dominant factor in management of the Tongass National Forest decades ago, set some contractual obligations for the Forest Service to provide timber in return for a commitment on the part of the companies to continue to operate pulp mills in the region. But, even under these conditions, the agency had the flexibility to adjust levels of timber offered for sale to reflect changing conditions in the region. The existence of the contracts did obligate the government to offer timber for sale and this did strongly influence how the Tongass was managed. But, even this was not a specific, mandated level of logging as is proposed in S.1470.

WILL S.1470 CONFLICT WITH PREEXISTING AGENCY MANDATES, ENVIRONMENTAL LAWS, AND PLANNING REQUIREMENTS?

This question was asked by Dr. Martin Nie in a recent commentary about S.1470 (<http://www.headwatersnews.org/p.ForestJobsAct092809.html>). Dr. Nie is professor of natural resource policy at the University of Montana's College of Forestry and Conservation. He is also a leading expert on Forest Service policy. Here was Dr. Nie's response:

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

S.1470 UNDERMINES NEPA, JEOPARDIZES SAFEGUARDS PROVIDED PUBLIC LANDS

S.1470 undermines the National Environmental Policy Act (NEPA) by imposing an unrealistic and arbitrary 12-month NEPA timeline that would preclude the Forest Service from accurately assessing environmental impacts of road building, logging, habitat loss, water degradation, weed infestation, and other costs of developing public wildlands. S.1470 also adds new provisions to appeal regulations that place additional requirements on appellants that will limit most citizens' ability to participate in the planning process.

S.1470 mandates unsustainable logging quotas regardless of environmental costs, thereby jeopardizing safeguards provided public lands by the Clean Water Act, Endangered Species Act, National Forest Management Act, Wilderness Act, and Federal Land Policy and Management Act. Furthermore, S.1470 disenfranchises public lands stakeholders, by overriding legitimate science-based forest planning that involves full public information and participation. It deprives the public of our rights to be included in irreversible decisions concerning our own land. For example, if S.1470 passes, a Billings, Montana resident who wanted to appeal a timber sale over concerns with mandated logging in prime grizzly bear habitat on the Kootenai National Forest would be required to drive 500 miles (one way) to voice his/her concerns. Public lands are not merely local fiefdoms to be managed solely for extraction-oriented industries. The public at large must be included in decision-making concerning its own land.

The language contained within S.1470 also raises serious questions regarding judicial review. For example, could citizens challenge the adequacy of an EIS under the mandated 12-month NEPA timeline contained in S.1470? And even if a court finds the NEPA analysis to be inadequate could the court affect the project in any substantive way?

Even Dr. Nie questions whether S.1470 complies with NEPA. In his article cited above, Dr. Nie wrote, "Complying with the National Environmental Protection Act is one big unanswered question in the FJRA. The bill requires the USFS to satisfy its NEPA duties within one year. But without additional support it's hard to fathom the agency meeting this deadline, given that it takes the USFS about three years to complete an EIS. When it comes to meeting NEPA obligations, the USFS needs more funding, leadership, and institutional support, not more law."

Finally, over the course of preparing for this testimony, I've had the unique opportunity to speak directly with Forest Service managers who would be directly affected by S.1470. While these Forest Service managers might not speak out publicly, I can assure you that based on my conversations, there is widespread concern within

the Forest Service that S.1470 undermines NEPA and the Forest Service's ability to professionally manage our public lands.

BY THE NUMBERS: MANDATED LOGGING IN S.1470 VS. HISTORIC LOGGING

What follows is some information compiled from U.S. Forest Service records regarding historical logging on the Beaverhead Deerlodge National Forest (Source: http://www.fs.fed.us/r1/forest_range/timber_reports/silviculture_reports/2008_nharv_rpt.pdf). The info will clearly demonstrate how S.1470, which would Congressionally mandate a minimum of 7,000 acres of logging per year for ten years on the Beaverhead Deerlodge National Forest, would compare with historical logging on this same forest. (Note: prior to their merger in 1996, the Beaverhead and the Deerlodge were separate forests).

From 1959-1996 the Beaverhead NF averaged 1621 acres of logging per year. The greatest acreage logged on the Beaverhead NF in that time period was 4168 acres in 1987.

From 1954-1996 the Deerlodge NF averaged 1592 acres of logging per year. The greatest acreage logged on the Deerlodge NF in that time period was 4332 acres in 1971.

The average acres logged per year for the Beaverhead and Deerlodge forests combined from 1954-1996 was 3213 acres/year.

The most acreage ever logged in a single year since 1954 on both forests combined was in 1971, when 7013 acres were logged. The next highest total was in 1966 at 5813 acres. These years were also prior to our nation having environmental laws such as the National Environmental Policy Act and the National Forest Management Act. Remember, S.1470 would Congressionally mandate a minimum of 7,000 acres of logging per year for ten years on the BHDL NF. That amount of logging per year is not only more than double the historical average on these forests, but it's the most amount of logging ever, except for one single year.

Dr. Thomas Michael Power, former chair of the Economics Department at the University of Montana, where he currently serves as a Research Professor, looked into this very issue for recent commentary on Montana Public Radio (<http://www.mtpr.net/commentaries/753>) and had this to say:

"Between 1967 and 1989, when the Forest Service was still largely unhindered by environmental concerns and harvested record numbers of trees, the average acreage harvested on the Beaverhead-Deerlodge National Forest was about 4,000 acres. The Tester bill would seek to force a harvest level two-thirds higher than that previous unfettered average harvest level."

UNFUNDED MANDATES, STEWARDSHIP CONTRACTING AND HOW WILL S.1470 BE PAID FOR?

According to recent estimates, it costs U.S. taxpayers at least \$1,400 per acre to log in the Beaverhead-Deerlodge National Forest. S.1470 fails to address at least \$100 million in costs to U.S. taxpayers that would be incurred by the Forest Service for subsidizing "below-cost" timber sales and power plants for the few specially-privileged timber corporations involved.

One major concern with S.1470 is the notion from supporters that money generated from "stewardship contracting" timber sales will pay for the significant amount of needed restoration work. The Committee should understand that over the past decade, this strategy has largely failed to pay for much restoration work in the northern Rockies, even when lumber demand and lumber prices were high.

For example, on January 2, 2009 the Missoulian ran an article in which the Forest Service acknowledged that much of the \$100 million worth of "shovel ready" projects in Montana and Idaho involve "cleaning up streambeds, obliterating roads, reclaiming abandoned mines, noxious weed control and other cleanup work left unfinished from previous [stewardship contracting] timber operations."

That's right, the logging part of these "stewardship contracting" timber sales got finished, but tens of millions in restoration work remained unfunded. And again, keep in mind that all this "work left unfinished from previous timber operations" was building up when lumber demand and lumber prices were at their peak. Now that lumber demand is down 55% and lumber prices are near historic lows, just how will "stewardship contracting" pay for all restoration work promised by supporters of S.1470?

Again, Dr. Nie delves into this issue quite deeply in his article referenced above:

The FJRA would be primarily implemented and paid for by using stewardship contracting. This tool's popularity stems partially from the highly uncertain congressional appropriations process, a process that chronically underfunds the USFS and its non-fire related responsibilities and needed

restoration work. But on the Beaverhead-Deerlodge, there are serious questions as to whether there is enough economic value in this lodgepole pine-dominated forest to pay for the restoration work. As a safety valve, the FJRA authorizes spending additional money to meet its purposes, but there is no guarantee that such funds will be appropriated, or if so, they wouldn't come from another part of the agency's budget.

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

The place-based law approach could move the national forests closer to a Park Service model, where state congressional delegations sometimes treat parks like their own fiefdoms, exercising inordinate control over a unit via committee and purse strings. And at the risk of getting ahead of myself, the approach brings to the fore other budget-related questions. Will senior congressional delegations be more successful in securing funding for place-based laws in their states? Will it create a system of "haves" and "have nots" in the national forest system? And perhaps most important, would these budgetary situations benefit the national forest system as-a-whole?

WE'RE IN A WOOD PRODUCTS DEPRESSION

I don't have to remind anyone on this Committee of the serious nature of the economic crisis currently gripping this country. Decades and decades of over-consumption and over-development have finally taken their toll, leaving our economy bruised and battered. If the sobering economic headlines of the past few years teach us one thing it should be that much of our current economic system is significantly flawed and that a new economic model—based on the principles of sustainability—is desperately needed.

The timber industry has been hit particularly hard by this economic crisis. After all, America is experiencing the worst housing slump since the Great Depression and the steepest decline in lumber consumption ever. Here are some sobering numbers from the Western Wood Products Association (WWPA) for the Committee to consider:

Lumber consumption in America has dropped over 55% since 2005. Housing starts in America are currently down 70% from the peak in 2005. The last time housing starts in America were so low was 1942 to 1945, during the middle of WWII, when most of America's resources and labor-power were directed at the war effort.

According to a presentation WWPA gave at the 2009 annual meeting of Oregon's industrial forest landowners, currently, there is an inventory of unsold homes nationally equivalent to a 7.6 months supply. Furthermore, total foreclosures for 2009 are expected to top 1 million, pushing the pre-occupied home supply out even further.

While some forecasters are calling for some sort of a housing "rebound," starting in 2012, it's important to understanding that their predictions for 1 million house starts per month by 2012 will still be just 50% of the 2 million house starts per month we saw at the peak in 2005. This is another indication that a recovering economy is not necessarily a strong economy and that U.S. lumber consumption will remain depressed for years to come.

Given all these profound economic realities one really must question the wisdom of Congress stepping in to mandate logging when lumber demand and housing starts look to remain near historically low levels for years to come.

WILDERNESS, WILDERNESS STUDY AREAS AND ROADLESS WILDLANDS

S.1470 specifically eliminates from mandated protection large portions of the late Montana Senator Lee Metcalf's wildlands legacy, Congressionally designated as Wilderness Study Areas in 1977 by his farsighted bill, S. 393. By eliminating this protection, the S.1470 opens these priceless public wildlands for road building, logging, and other development.

S.1470 promotes numerous abuses that are clearly in violation of the 1964 Wilderness Act, including motorized access into and through “wilderness,” military aircraft landings in “wilderness,” possible “wilderness” logging, and other intrusions that violate the principles of Wilderness.

This bill undermines the overwhelmingly popular Clinton Roadless Rule and Obama Roadless Initiative. Of the 17,429 Montanans who commented on the 2001 Roadless Rule, 78% were in favor of backcountry protection. Unfortunately, over one million acres of federally-inventoried roadless wildlands protected under the Roadless Rule and the Roadless Initiative would be classified in S.1470 as “Timber Suitable or Open to Harvest.”

CONCLUSION

Thank you again for the opportunity to provide testimony on S.1470. Our coalition believes that, despite the best intentions of Senator Tester, this bill represents a serious threat to America’s public lands legacy. The mandated logging provisions within the bill are unprecedented and the very notion that the U.S. Congress should legislate logging levels on a national forest is antithetical to the National Forest Management Act and current national forest planning. S.1470 undermines the National Environmental Policy Act by imposing an unrealistic and arbitrary 12-month NEPA timeline, which would preclude the Forest Service from accurately assessing environmental impacts of the mandated logging. For these, and the other numerous reasons presented in this testimony and our analysis in great detail, we ask that you oppose S.1470. I look forward to answering any questions that you may have and thank you for the opportunity to testify at this important hearing.

Senator WYDEN. Thank you very much.
Mr. Baker.

STATEMENT OF TIM BAKER, LEGISLATIVE CAMPAIGN DIRECTOR, MONTANA WILDERNESS ASSOCIATION

Mr. BAKER. Mr. Chairman, members of the subcommittee, my name is Tim Baker. I am the legislative campaign director for the Montana Wilderness Association, and I am here to testify in support of S. 1470, the Forest Jobs and Recreation Act.

First, I want to thank Senators Tester and Baucus for their leadership and their vision, and I want to thank the subcommittee for this hearing.

The Montana Wilderness Association was founded 51 years ago by Montana hunters, conservationists, and small business owners to conserve Montana’s wildlands and wilderness heritage. Today, we have 5,000 members, most of whom live in Montana, who remain dedicated to this task.

S. 1470 is a story. It is a story of Montanans who have come together to roll up their sleeves and to challenge each other to listen to one another. It is a story about building trust, and it is a story about having faith, relentless faith in the best part of ourselves.

For over 25 years, we have fought each other over forest management with no winners. The last time we designated new wilderness in Montana, we used IBM typewriters. Blackberries were for pies, and nobody had ever heard of climate change. A lot has changed since then, and changing times demand that all of us look differently to the future.

Montana is changing dramatically. Our world-class fisheries are sliding downward. Our forests are turning red on a scale never seen. Our small timber mills and rural economies are struggling, and more and more people place more and more pressure on our public lands. Clearly, we all need to look at our issues through a new lens.

We can't turn back the clock, but the changes that we see and the current and future impacts of those changes on the place that we love has reshuffled the deck to the point to where we now can come together with a common vision.

S. 1470 captures that vision. It is a vision of robust working forests, improved fish and wildlife habitat, recreational opportunity, healthy local and rural economies, and permanent protection for our most beloved wild places.

If we want collaboration to happen, then everyone has to take some risk, leaving a little of their ideology behind. That means everyone, not just conservationists, not just the timber industry, not just local elected leaders, but also the agency, the administration, this subcommittee, and the Congress.

There is a lot of talk in Washington about working together to solve big problems. Many of those folks that are in this hearing room today, we are doing it, and now we need you to join us. We checked our ideologies and we have tempered our fear, and we need you to do the same.

Our timber partners are survivors. While other mills have disappeared, they have stayed in the game, and they are leaders in their industry. They know that the very type of restoration work that we are focused on in this bill is part of their future. There is an important role for their work on public lands.

We conservationists love to talk about a restoration economy. This is how we step onto that path. S. 1470 offers a new and badly needed context for forest management. It forces us to a big view, to look at the forest as a whole, with enough room to meet many needs—wilderness for the wild back country, recreation areas, stewardship areas for management, logs for the mills.

As if that is not enough, there is something bigger going on here. As just one example, I can't count the miles or the evenings that I have spent with Sherm Anderson going to public meetings to defend the work that we are doing together. We have often had to defend each other and to defend each other's perspective, and we are better off for it.

Others are here today in this room for Montana who could tell similar stories. You know, when my dad moved to Montana in the late 1970s, I asked him why. He didn't hesitate. He said, "Montana is a place where an agreement can still rest on a handshake." That said a lot to me then, and it means a lot to me now.

Our partnership and the partnerships that are represented by S. 1470 rest upon a handshake. The timber partners are more than my partners. They are our friends. We care about them. We care about the future of their mills and about the communities that they support. It is that simple.

We all see change in front of us, and change can either lead us in a bad direction or in a good direction. I would like to think that in our part of the country, we can still sit down, neighbor to neighbor, put the past behind us, and find solutions. S. 1470 tells me that that is so.

Thank you.

[The prepared statement of Mr. Baker follows:]

PREPARED STATEMENT OF TIM BAKER, LEGISLATIVE CAMPAIGN DIRECTOR, MONTANA
WILDERNESS ASSOCIATION

I thank you for the opportunity to submit this written testimony in support of S. 1470, the Forest Jobs and Recreation Act of 2009. At the outset, I want to thank Chairman Wyden and this Subcommittee for considering this important piece of legislation. I also want to express my deep gratitude to Senators Tester and Baucus for their sponsorship and active support of S. 1470.

ABOUT THE MONTANA WILDERNESS ASSOCIATION

The mission of the Montana Wilderness Association (MWA) is to protect Montana's wilderness heritage, quiet beauty, and outdoor traditions, now and for future generations.

The Montana Wilderness Association was founded 51 years ago by Montana hunters, conservationists and small business owners to prevent further loss of Montana's wilderness heritage. Our founders were instrumental in the passage of the Wilderness Act of 1964, and MWA subsequently led the fight to win designation for virtually every wilderness area in the state, including the Scapegoat, Absaroka-Beartooth, Rattlesnake, Lee Metcalf, Great Bear, and Welcome Creek, as well as Wild and Scenic designations for the Flathead and Missouri rivers.

Today, MWA has over 5,000 members. Our members view Montana's remaining wild country as a public trust that should be managed so Montanans will always have access to great hunting, fishing, camping under the stars, and quiet mountain trails.

For the reasons described below, we strongly support this visionary legislation:

WILDERNESS DESIGNATION AND MONTANA

Everything we love about Montana is tied together by its natural heritage. Whether it's the musky scent of elk and thunder of hooves under the trees, or the plaintive song of a hermit thrush on a summer evening, Montanans are closely tied to the land. The opening words of our Montana Constitution, adopted in 1972, reflect this deep relationship:

We the people of Montana, grateful to God for the quiet beauty of our state, the grandeur of our mountains, the vastness of the rolling plains

...

Wilderness embodies core American values of freedom, self-reliance, and community. Wilderness designation keeps our wildest places intact for our families and communities. It's a commitment that doesn't dissolve with market trends or administrations—one that we can pass on to our kids and grandkids. Over the years, we've learned that without this commitment, these wild places will vanish.

Thanks to the strong leadership of Montana Senator Lee Metcalf, many wild places received permanent protection, up to the time of Metcalf's death in 1978. In 1983, the Montana Congressional Delegation came together in bipartisan fashion to honor Metcalf's legacy, protecting over 250,000 acres as the Lee Metcalf Wilderness complex.

Yet it has now been 26 years since Congress designated new wilderness in Montana. Montana today remains one of only two western states that did not pass a statewide wilderness bill in the 1980s and 1990s (Idaho is the other). Worse, Montana is the only state to have a wilderness bill vetoed, in 1988, when President Reagan pocket vetoed a statewide bill after Congress had adjourned. Consequently, there are many wild places on public land that should have been designated as wilderness many years ago, but remain unprotected today.

Subsequent to 1988, several laudable efforts were made by the Montana Delegation to fashion a statewide wilderness bill, but the issue had become too contentious to resolve. The fallout from the presidential veto was incredibly bitter and divisive. At the same time, the bigger issue of national forest management in Montana became the new battleground. As deserving wild country remained unprotected, with some areas lost forever to roads, motors and indifference, the state's timber industry faced a steep decline driven by a host of factors, one of which included supply.

TOWARD A NEW FUTURE

A few years ago I stopped by the Montana Stockgrowers meeting. They had a big poster that said "Keeping Montana Montana." I thought to myself, I'm all for that, too. We might have different ideas about what that means, but I'll bet we have more in common than not.

Montanans have always relied on each other. So we still stop on the road to help a stranded motorist. We shovel the snow off our neighbor's sidewalk. We stop and talk with strangers at the coffee shop. We pay attention to a handshake.

That's the Montana that brought my father here, and then brought me here over 28 years ago. That's the Montana that keeps me here today.

It's because of the land and the landscape. We're all affected by it, even if in different ways. The country is so big and awe-inspiring, it makes you humble. It can be so unforgiving that we know we had better stick together.

But like much of the intermountain West, Montana is changing, and those changes affect all of us. As our valleys fill up with strip malls and traffic, and open space becomes scarcer, our wildest public lands only become more valuable to us—for wildlife, water quality, recreation, and refuge. In the future there is only one certainty: more people and more pressure on our public lands. At the same time, our public forests are facing unprecedented challenges from a changing climate that is threatening our world-class fisheries and wildlife, and dramatically increasing the risks associated with wildfire.

Our economy is changing, too, with difficult circumstances for many folks, including those in the timber industry and rural Montana. The small mills in Montana are struggling and so are the rural communities that depend on them—places like Deer Lodge, Seeley Lake, and Townsend. We'll need these mills in the future to do restoration work, especially to protect our fisheries and wildlife habitat. But beyond that, we care about these people and these rural communities—these are our neighbors and our friends.

These are trying times. So once again, Montanans need to rely on each other.

If there were just one forest collaborative effort in Montana, one could easily dismiss it as an isolated occurrence, driven by a single personality or set of unique conditions. However, S. 1470 encompasses three such collaborations, in different parts of the state, with many diverse interests and players. Recent polling shows public support in Montana for S. 1470 well over 65 percent. Montanans know we all need to work together to tackle these big problems.

All three of these collaborations have one overriding objective: they seek to create a positive, productive, and predictable environment in which the Forest Service can accomplish those important things that we all want for our national forests: robust working forests, improved fish and wildlife habitat, enhanced recreational opportunities, reduced fire risk to communities, healthy local economies, and permanent protection of Montana's most beloved wild places.

The Forest Service shares these objectives, as found in Region One's own Integrated Restoration Management Strategy. Our hope is that S. 1470 can provide the agency with the tools it needs to meet these critical objectives. We all want the agency to succeed.

S. 1470 is a step toward that new future, where diverse interests come together around a common vision for our national forests. To that end, S. 1470 faithfully embraces the following three collaborations that have sprouted in Montana:

THE BEAVERHEAD-DEERLODGE FOREST PARTNERSHIP

The founding members of the Beaverhead-Deerlodge Forest Partnership include five wood products companies and three conservation groups (Sun Mountain Lumber, Pyramid Mountain Lumber, R-Y Timber, Roseburg Forest Products, Smurfit-Stone Container, National Wildlife Federation, Montana Trout Unlimited, Montana Wilderness Association).

The group came together in 2006 during the forest planning process on the Beaverhead-Deerlodge National Forest. After four months of intense discussions over the draft forest plan, the group drafted a proposed strategy for the agency to consider during the planning process, which was centered on three primary objectives:

First, wilderness designation for the most pristine public lands on the forest, for future generations to enjoy.

Second, a timber base on the forest that ensured a predictable and adequate supply of logs for Montana's independent mills, providing valuable jobs for Montanans and Montana communities.

Third, a focus on getting restoration work done on the forest, using stewardship contracts to improve fish and wildlife habitat and recreational opportunities.

After releasing the draft Partnership strategy to the public in April 2006, the Beaverhead Partners immediately set out to meet with the public and interested groups to explain the strategy and listen to input. Since then, the Partners have worked together to meet with thousands of Montanans, attending hundreds of meetings and other forums that range from public meetings with the Forest Service, Rotary and Chamber luncheons, County Commission meetings, and county fairs to smaller

gatherings with grazers, sportsmen, motorized users, and environmental groups. We worked actively with cycling clubs, backcountry horsemen, other conservation groups, motorized users, and many others, to make changes to the proposal.

In soliciting input and being open to changes to the draft strategy, the Partnership was also building public support, and asking those providing input to “come join us.” Productive meetings with folks who shared our spirit of cooperation resulted in many changes to the proposal, or the conclusion that no changes were necessary.

Naturally, not all of the outreach efforts were successful. Some groups had little or no interest in discussing a real resolution of differences. Others, like the Beaverhead County Commissioners, engaged in discussion but then refused to respond when specific and significant offers were made to address their concerns.

But the work of the Partners garnered the praise of statewide elected officials from both parties—not to mention the praise of seven other county commissions, and groups as diverse as the Montana Wildlife Federation, Rocky Mountain Elk Foundation, and the Montana Logging Association.

The final Forest Plan for the Beaverhead-Deerlodge National Forest moved significantly in the direction of the Partnership strategy, but fell short of providing the type of predictability that was the linchpin for the Partnership strategy. Since the Forest Plan, in general terms, is primarily a planning document and not an action decision, this is understandable. S. 1470 picks up where the final Forest Plan leaves off, and creates a framework for implementation that is largely consistent with the Forest Plan and provides the Forest Service with the tools necessary to achieve the Plan’s objectives.

THE THREE RIVERS CHALLENGE

The Three Rivers Challenge draws together wilderness advocates, snowmobile and ATVriders, outfitters, economic boosters, and local loggers and mills. Members include the Yaak Valley Forest Council, Kootenai Ridge Riders ATV Club, Troy Snowmobile Club, Libby Snow-Kats, Linehan Outfitting, and Chapel Cedar Works. These diverse folks put differences aside and tried to find paths to move both the Forest Service and the community ahead.

Historically, debates over the Kootenai National Forest have been high-octane brawls, leaving resentment, anger, frustration and loss in the wreckage. But this new plan—supported by an unlikely mix of timber workers, ATV and snowmobile enthusiasts, and conservationists—aims to break the gridlock and end the trench warfare that has served no one. It would:

- Create jobs in the woods, by light-on-the-land logging that leaves the forest healthier and protects communities from wildfire.
- Preserve recreational access via routes for folks who enjoy snowmobiles and ATVs.
- Protect special areas, for example, protecting Roderick Mountain as a wilderness area.

Northwestern Montana is the most productive forest land in the Rockies, yet mill after mill has shut down over the last decade. Those mills supported families and small businesses. Likewise, local conservationists, who would like to protect special places, are frustrated, as no new wilderness areas have been created on the Kootenai since 1964. Meanwhile, Lincoln County has been “discovered,” and property values have rocketed. Some of the richest wildlife habitat is lost to subdivisions, and favorite hunting spots and fishing streams are blocked behind “no trespassing” signs. Yet amid all this turmoil, there is progress and hope.

The Three Rivers Challenge, in various forms, has worked tirelessly for over eight years to bring a common vision together. The group has engaged the local community at every turn, neighbor to neighbor, to bring this proposal forward.

The efforts of the Three Rivers Challenge are strongly supported by a wide array of folks, including statewide elected officials, regional and national conservationists, motorized recreation groups, local businesses, and mill owners and workers.

THE BLACKFOOT-CLEARWATER STEWARDSHIP PROJECT

After years of extensive dialogue, a diverse group of conservationists, loggers, snowmobilers, outfitters, and local landowners crafted a pioneering vision for the upper Blackfoot Valley. Key working partners include The Wilderness Society, members of the Blackfoot Challenge, Pyramid Mountain Lumber, Clearwater Resource Council, local outfitters and ranchers, retired Forest Service officials, and the Montana Wilderness Association.

The Blackfoot-Clearwater Stewardship Project uses a landscape-level focus to simultaneously restore and protect the integrity of the landscape, and stimulate and diversify the rural economies of communities located within it.

Residents within the Blackfoot and Seeley Swan valleys have a long history of working together. This “culture of cooperation” has created a climate where timber workers and ranchers can sit down with conservation organizations as well as state and federal agencies, to collectively figure out solutions that are appropriate for both the local residents and the integrity of the landscape they live in. The Project includes three balanced components:

- A reliance on stewardship contracting to implement landscape stewardship planning, restoration and monitoring.
- Biomass utilization at Pyramid Mountain Lumber to provide an outlet for excess forest fuels.
- Wilderness designation within the Blackfoot and Clearwater watersheds while expanding important snowmobile trail linkages.

An economic analysis in 2008 shows the Project would provide a variety of direct benefits annually to local communities and businesses, including 35 to 52 new jobs, increased small business income, and at least \$1.19 million in new wages—while continuing long-term benefits to the region from healthier lands, cleaner water, better habitat, and continuing or improved recreation.

After extensive outreach across the region, this local effort has received a wide cross section of support from local governments, individuals, and organizations, including three county commissions, Seeley Lake Community Council, Backcountry Horsemen, Seeley Lake Rural Fire District, Ovando Snowmobile Club, and the Seeley Lake Driftrider Snowmobile Club.

THE WILDERNESS AREAS IN THE BILL

The Montana Wilderness Association strongly supports S.1470.

Montana’s most pristine places are where we go to hike, ski, hunt, fish, and picnic. These lands hold our families together and are the roots for our most lasting friendships. Protecting these unique places for future generations is part of our shared values, both as a state and as a nation. Our bounty of wild public lands anchors our past, present, and future. Montana historian, K. Ross Toole, noted that in Montana “wilderness is never far from the window pane.” Wilderness designation represents our commitment to these values.

S.1470 designates some of Montana’s finest wild places as wilderness, from the lush and moist Yaak Valley in northwestern Montana, to the arid, wide-open sagebrush country in southwestern Montana. Attached is a review of those wilderness areas and many of the other special designations that are contained in the bill, which are the products of the collaborative efforts described above. MWA does have concerns with a few of the changes and additions that have been made by Senator Tester in crafting S. 1470 (noted in the attached narrative), but recognizes that the extensive in-state outreach by Senator Tester is itself part of the collaborative process.

MWA supports this important legislation, and thanks Senator Tester and his staff for their hard work.

WHAT CAN WE DO TO ENCOURAGE PEOPLE TO WORK TOGETHER?

Collaboration can be very rewarding, especially as old adversaries begin to build trust and trade social and political differences for a common vision around thorny issues that have paralyzed progress by our federal government for many years.

However, collaboration is also an incredibly delicate adventure. The pressures to abandon the course and return to the fold are intense. It can split whole communities, friends, even families. When MWA first announced the Beaverhead-Deerlodge Partnership to the public, our funding suffered. The day after the announcement, my Inbox was filled with angry emails. Although we’re now well past both of those events, they serve as a reminder that this path we’ve taken is fraught with difficulty and risk.

The one upside to this negativity is that it doesn’t discriminate, everyone involved feels it. A few weeks after the announcement, I had lunch with Sherm Anderson, of Sun Mountain Lumber. He asked me what the response was within the conservation community. I replied, “They all tell me that you’ll get logs and we’ll never get any wilderness.” Sherm smiled and said, “My guys tell me that you’ll get wilderness and we’ll never see a log.” I think at that moment we both realized just how hard this would be.

Our behavior is shaped by many factors, not the least of which is reward, which can take many forms. The reward can be something tangible, like a restored watershed or a new wilderness area. Or, it can be intangible, like new friendships or a stronger sense of common purpose or vision. Some will respond only to the tangible and not see value in the intangible. Some will respond to both and others won't care about either.

If we truly want collaboration, then all of us who see value in it need to work for it. That includes the Forest Service, the Administration, and Congress. Too often over the last several years it has felt like the homage to collaboration by government is more grounded in talk than in action. It has felt like the path to collaboration is blocked by acquiescence to those too entrenched in ideology to see value in collaborating.

You have before you a group of individuals who have worked tirelessly in pursuit of a new vision, a vision that has been repeatedly endorsed by the new Administration, the Forest Service, and Congress. Many of those people are in the hearing room. For many of them, failure is simply not an option. There is no other place to go.

There is a lot of talk in Washington these days about transcending partisanship to find a common purpose. In our little corner of the world we have done exactly what the folks in Washington say they want. We've brought people together to find workable solutions to big problems. We've done a lot of hard work and, with your help, we're willing to do more.

If you want collaboration like this, your path can start here.

CONCLUSION

Just as important as the details of these collaborations, or S.1470, are the positive working relationships and friendships that have developed between many Montanans who previously were at odds with one another. This is a real Montana success story.

It's the story of the backcountry horseman who wants to ride the traditional pack and saddle trails of Monture Creek in solitude.

It's the story of the mill worker in Deer Lodge who wants to earn a decent wage and live in a prosperous community with a good quality of life.

It's the story of the angler on the Big Hole River who wants to catch trout from a healthy native population.

It's the story of the snowmobiler in Troy who wants to ride in places that will still be there for her kids.

This is a story of Montanans rolling up their sleeves and challenging each other to understand the other's perspective. It's about building trust, and putting faith in the best part of ourselves. No single interest will ever get everything it wants, but by working together we can collectively get more done for the benefit of all.

The last time Congress designated new wilderness in Montana we used IBM typewriters and rotary phones, the big store was Kmart, and nobody had ever heard of anything called climate change. Montana has changed and is changing, and unless we come together to act we may all lose the Montana we know and love.

Polling shows very strong public support in Montana for S. 1470. This isn't surprising. After all, most of us live here for the same reasons.

We all get shivers when we hear an elk bugle. We all smile in wonder when we watch a Charlie Russell sunset paint the sky. And we all have a favorite small Montana town, even if we don't live there.

As Montanans, we all love the land, even if we want to use it in different ways. And we all know that the way forward is together, not apart.

S. 1470 is all about bringing us together.

Thank you for the opportunity to submit this written testimony to support S. 1470.

[Supplemental information has been retained in subcommittee files.]

Senator WYDEN. Thank you very much.

Let us go to Mr. Wood.

STATEMENT OF CHRISTOPHER A. WOOD, CHIEF OPERATING OFFICER, TROUT UNLIMITED

Mr. WOOD. Thank you, Chairman Wyden and Senator Risch.

I appreciate the opportunity to appear before you today to provide my views on S. 1470, the Forest Jobs and Recreation Act. I

am here today on behalf of Trout Unlimited and the National Wildlife Federation.

TU and NWF strongly support the bill, and we commend Senator Tester and his staff for their extraordinary leadership in developing it. S. 1470 would protect as wilderness over 670,000 acres, as well as designate 300,000 acres of special management units.

By so doing, it will protect clean, cold water as well as essential habitats for wild and native trout, as well as some of the Nation's most storied rivers. The bill will also help to secure habitats for Canada lynx, a listed species, as well as wolverine, elk, and mountain goat, all species that need undisturbed habitats.

In his speech in Seattle that was referenced earlier by Under Secretary Sherman, Secretary Tom Vilsack spoke of the need for a "shared vision built on collaboration that will move us beyond the timber wars of the past."

For 2 decades, these Montana forests have been mired in a stalemate that fails to protect fish or restore wildlife. Wilderness has not been designated in the State for over 25 years. Hundreds of impassable culverts on the forest fragment fish habitat. Dense networks of obsolete roads restrict elk security and movement and contribute heavy loads of sediment to streams.

The notion of collaborative stewardship articulated by Secretary Vilsack is what brought together the timber companies, ranchers, sportsmen, motorized users, and environmentalists that support S. 1470. Some worry about the bill's requirement for mechanized treatment of 10,000 acres per year. None of the supporters of this bill expect or would support 10,000 acres of clear-cuts.

Furthermore, the bill has no timber supply requirements or legislated logging levels, as has been suggested earlier today. Mechanical treatment implies a number of things, from commercial to non-commercial harvest, to thinning in areas where communities and forests meet. The Forest Service will define treatment units according to existing laws and regulations and the consensus of a balanced advisory committee.

The project alternatives could range from cutting a few trees to cutting more. Importantly, the bill also makes clear that the priority will be already-roadless areas, not pristine roadless areas. Replacing blocked culverts and removing old unused roads will improve water quality and habitat for native trout while enhancing elk security and maintaining Montana's long hunting seasons.

It is important to realize that there are at least 150,000 acres of so-called wildland-urban interface covered by the bill. More than half of those are forested and could be thinned to protect human communities from the effects of fire. In other words, we could accomplish a significant percentage of the acreage targets in the bill simply by protecting human communities from the effects of fire.

None of the supporters of S. 1470 believe that it is an appropriate prescription for all national forests. But given the paralysis, as one former chief put it, that the Forest Service finds itself in, we should be open to all good ideas that bring people together to help sustain the lands and waters that we all depend on.

The Nation needs a strong Forest Service. We need its extraordinary knowledge and leadership to help human communities and fish and wildlife to adapt to the effects of a changing climate. We

do not think S. 1470 a panacea. We do, however, believe it vital to help foster within the Forest Service the type of collaboration and negotiation that brought us here today.

Rather than serve as a laxative for legislating collaborative, S. 1470 could have a transformative effect within the Forest Service. By sanctioning this effort to bring together diverse interests to meet the needs of the lands and nearby communities, Congress can send a clear message to the Forest Service that encourages the agency to lead, promote, or otherwise enable collaborative stewardship within the forest planning process.

President Theodore Roosevelt once defined conservation as the application of common sense to common problems for the common good. That definition is the motivating factor behind S. 1470. This bill is a demonstration of what can happen when people focus on the values that bind rather than the distinctions that divide.

We urge the committee to support and pass the bill and appreciate the opportunity to be here today.

[The prepared statement of Mr. Wood follows:]

PREPARED STATEMENT OF CHRISTOPHER A. WOOD, CHIEF OPERATING OFFICER,
TROUT UNLIMITED

Chairman Wyden and members of the Subcommittee, I appreciate the opportunity to appear before you today to provide my views as Chief Operating Officer for Trout Unlimited (TU) on S. 1470, the Forest Jobs and Recreation Act. Prior to working for TU, I served as the senior policy and communications advisor to the Chief of the US Forest Service, and on the fish and wildlife and ecosystem management staffs for the Bureau of Land Management.

Trout Unlimited (TU) is dedicated to the protection and restoration of our nation's trout and salmon resources and the watersheds that sustain them. TU has more than 135,000 members in 400 chapters across the United States. Our members generally are trout and salmon anglers who give back to the waters they love by contributing substantial amounts of their personal time and resources to fisheries habitat protection and restoration. I am offering this testimony today on behalf of TU and the National Wildlife Federation (NWF).

More than 2,000 TU and 5,000 NWF members live and work in communities around the National Forest and BLM areas in this bill, including Butte, Anaconda, Deer Lodge, Sheridan, Twin Bridges, Silver Star, Philipsburg, West Yellowstone, Cameron, Dillon, Ennis, Bozeman, Missoula, Drummond, Ovando, Bonner, Whitehall, Libby and Troy. Most members in these areas are long-time or native Montanans and they fish, hunt, hike, camp, drive, snowmobile, ski, ride horses, and collect firewood, berries and Christmas trees from these lands. A number have livelihoods directly tied to these lands, working guides and outfitters, loggers, ranch hands, staffers in natural resource agencies or operators of small businesses.

Several years ago, spurred by the recognition that National Forests in western Montana were not living up to their potential to support healthy fish and wildlife and provide jobs and recreational opportunities for local communities, TU and other local stakeholders came together to develop a shared vision for forest management. The resulting compromises provided the basis for an important part of S. 1470, which would protect fish and wildlife habitat through the designation of more than 600,000 acres of new wilderness and more than 300,000 acres of National Recreation Areas, restore degraded habitat through the removal of old roads and blocked culverts, reduce the risk of catastrophic wildfire through targeted fuel reduction projects, and create jobs for local communities through stewardship contracting. If implemented, the bill could yield significant benefits to fish and wildlife, water resources, and nearby communities.

TU has a long record of working with farmers, ranchers, industries, and government agencies to protect and restore trout and salmon watersheds nationwide. In recent years, we have bought gas leases in Montana to help protect the Rocky Mountain Front, helped to establish a successful roadless area plan for the National Forests of Idaho, and helped to establish and fund historic, broadly-supported dam removal projects from the Penobscot River in Maine to the Klamath in California and Oregon. Finding solutions to vexing resource problems is a hallmark of what we do.

Drawing on these cooperative experiences, we have worked to develop the solutions contained in S. 1470 with a diverse group of stakeholders in Montana. Bruce Farling, Montana TU's executive director, has led TU's efforts on the Beaverhead-Deerlodge, and TU volunteer Tim Linehan has been a leader in the Kootenai initiative. These people, and their coalition partners, have done courageous, outstanding work. TU strongly supports S. 1470, we deeply appreciate the work of Senator Tester and his staff for introducing it, and we urge the Subcommittee to support it.

We realize that some people have concerns about some of the provisions of this bill. We do not claim to have all the answers and look forward to working with the Subcommittee, the Forest Service, the Obama Administration, and all others who share the goals of the bill. We urge others with criticisms to provide alternatives that will achieve the goals of the bill, namely protecting vital fish and wildlife habitat, restoring forests, and sustaining local communities.

In my testimony today, I would like to focus on two major points. First, I will describe how S. 1470 would benefit fish, wildlife and local communities.

Second, I will address some of the criticisms of this legislation, and explain why in spite of the challenges we face, I believe the goals of the legislation can be achieved.

BACKGROUND ON THE DEVELOPMENT OF S. 1470

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

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

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

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

THE FISH AND WILDLIFE BENEFITS OF THE FOREST JOBS AND RECREATION ACT

Now more than ever, as changes in climate increase the challenges faced by forest managers and ecosystems, it is imperative that national forests are managed in ways that promote resiliency. At its heart, S. 1470 is a climate change adaptation strategy. By federally protecting the highest quality landscapes and then reconnecting them to adjacent areas through watershed restoration, S. 1470 will help to maintain abundant fish and wildlife populations while providing multiple benefits to human communities through good paying jobs. As we recently stated before this committee, this can be done through the following actions:

1. Protect the highest quality lands and waters.

The Forest Jobs and Recreation Act would protect as federal wilderness more than 670,000 acres of undeveloped country in 25 areas, as well as create over 300,000 acres of special management and national recreation areas. By doing so, it will protect crucial sources of clean, cold water as well as essential habitats for wild and native trout in the headwaters of some of the nation's most storied trout waters, including Rock Creek and the Madison, Beaverhead, Ruby, Jefferson, Big Blackfoot, Clark Fork and Kootenai rivers. Protection of wilderness and special management areas in the bill will also help secure habitats for

Canadian lynx, a listed species, as well as wolverines and mountain goats—all species that research tells need undisturbed habitats. Finally, it will provide vital habitats for elk security.

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

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

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

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

3. Engage communities in restoration

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

By focusing stewardship projects on previously developed landscapes with high densities of roads, the Forest Jobs and Recreation Act will help address impairments on landscapes that are prone to unnatural rates of erosion, and related effects such as exotic weed invasion, after fires. When large fires sweep through developed landscapes such as those on the Beaverhead-Deerlodge National Forest or the Three Rivers Ranger District, they significantly increase the risk of erosion from road systems after snowmelt or severe rainstorms, and subsequent colonization by exotic weeds. Similarly, post-fire storms can block road culverts with debris and mud, causing these structures to fail and resulting in channel scouring and large amounts of sediment entering into trout streams. Fire is a natural part of these forest systems. In fact, on undeveloped landscapes it can play a beneficial role, one that fish and wildlife have adapted to for eons. On densely roaded forests, the effects of fire can cause intense erosion, water quality degradation, and extirpation of local populations of fish and wildlife—not to mention the risk to nearby human communities.

CHALLENGES TO MEETING THE GOALS OF THE LEGISLATION

Montana has long been ground-zero in the “timber wars.” It was there that the deleterious effects of roading and clear cutting practices on the Bitterroot National Forest were brought to national attention through the Bolle Report, a report whose findings helped to bring about the National Forest Management Act of 1976 (NFMA). NFMA mandated a detailed forest planning process that resulted in a recommitment by the Forest Service to the concept of multiple-use. Today, however, few would argue that the NFMA planning process as currently implemented is proving effective at unleashing the extraordinary talent and skill of Forest Service employees to help combat the effects of climate change on natural resources, fish and wildlife, and human communities.

In fire-adapted ecosystems that have missed fire return intervals, we do not have the luxury of hitting a reset button. Fire must be reintroduced to these systems, but it must be done so safely. In many cases, we will require the services and skills of timber companies to thin areas before we can safely reintroduce fires. In other areas, we need them to thin around communities along the forest’s edge to help make them safer from the predicted increases in fire associated with climate change. No-one is talking about cutting old growth or entering pristine roadless areas. This bill is about land health and community safety and well-being. Given the State’s role in the history of the Forest Service, it is fitting that a diverse array of stakeholders have come together in Montana to provide an alternative path for managing public lands in the face of a changing climate.

None of the supporters of S. 1470 believe it an appropriate prescription for all of the National Forest System, but given the “paralysis” as one former Chief put it, that the Forest Service finds itself mired in, we should be open to all good new ideas that help to bring people together for the betterment of the lands and waters that sustain us all.

The collaborative process undertaken by a broad range of partners has brought about a shared vision for forest management that can protect critical fish and wildlife habitat, maintain and enhance recreational opportunities, restore habitat by removing roads and blocked culverts, reduce the risk of unnaturally intense wildfire, and support good paying, family wage restoration jobs. That said, the bill does have critics. I will present a few of the main criticisms of S. 1470, attempt to answer them, and identify areas where people can work together to find solutions that meet the needs of the Forest Service, healthy ecosystems, and local communities.

Completing the restoration projects outlined in the bill will be expensive, and may cause the Forest Service to divert funding from other important needs. Rather than look at the Forest Service budget as a zero-sum game, where dollars are spread evenly across the landscape; our strong belief is that it is more prudent to apply resources where they are needed most, and importantly, where the community capacity exists to ensure success.

Few question the need of restoration treatments on the lands covered by S. 1470. The relationships and commitment to the type of collaborative process envisioned by Secretary Vilsack, however, exist in relatively few places today. As the diverse support base of this bill makes clear, the Kootenai, Lolo and Beaverhead-Deerlodge national forests are such places. These are the areas we should make our initial investments. And if legislation is required to kick start that era of collaborative stewardship, we think that type of congressional leadership appropriate.

Leaving some forests under-funded and unable to accomplish restoration goals because resources were diverted elsewhere is not in anyone’s interest. It may be necessary to secure additional resources beyond the Forest Service’s base budget through appropriations and stewardship contracting receipts to complete the projects outlined in the bill without taking resources away from other forests. Because of the tremendous benefits provided by the bill, especially its 670,000 acres of wilderness, such investments are cost-effective and worthwhile.

Legislating forest plans is inappropriate. TU’s national staff and thousands of volunteers have participated in forest planning for decades. The Forest Service is an important and valued partner to TU and NWF. That said, the Forest Service planning process has not had a stellar record. The amendments to the 1982 planning regulations in 2000 were overturned by the Bush Administration, and subsequent efforts to revise the rules in 2005 and 2008 were deemed illegal by the courts. We plan to work with Secretary Vilsack and Chief Tidwell to make the latest attempt to revise the planning rules successful. In the meantime, we should not pass up opportunities to bring historic adversaries together, to protect crucial habitat, to restore degraded landscapes to better adapt to the effects of a changing climate, and to sustain local communities.

If we pass this legislation, we will have to do the same for forests across the country. From 1960-1989, National Forests produced 9-12 billion board feet of timber per year. Since that time, they have produced less than 2 billion per year. A recent survey of federal agencies found that morale in the Forest Service ranked 206 out of 216 agencies. Where once the agency's clear mission was to sell trees to build homes and provide other multiple uses, the agency is now struggling through its 19th year of transition.

Few wish to see the agency return to its timber cutting era. The nation, however, needs a strong Forest Service. We need its extraordinary knowledge and leadership to help human communities and fish and wildlife resources adapt to a changing climate. None of the organizations that support S. 1470 believes it is a panacea for the agency. We do, however, believe it vital to help foster the type of collaboration and negotiation that brought us here today. We do not want to see forest plans legislated across the country; but we do need to see models of collaborative stewardship enacted by the agency. For two decades, polarization and stalemate have defined National Forest management. S. 1470 could have a transformative effect within the Forest Service. Congress has an opportunity to send a clear message to the Forest Service. By sanctioning this effort to bring together diverse interests to meet the needs of the land and nearby communities, Congress will impel the agency to lead, promote, or otherwise enable them as standard-operating procedure within the Forest planning process.

We subscribe to Secretary Vilsack's vision of a new era of collaborative stewardship within the agency. S. 1470 will help provide one example of how that vision can be made into reality across the 191 million acre National Forest System.

CONCLUSION

The collaborative effort undertaken by local Montana groups is on the verge of overcoming years of controversy and delay to protect and restore Montana forests in ways that benefit local communities. There are challenges ahead, and to be certain, there may be ways to improve the bill, but S. 1470 represents a new way of doing business for the Forest Service, and we urge Congress to pass it.

Senator WYDEN. Thank you very, Mr. Wood.

I think what I will do is recognize Senator Risch, who is a member of the subcommittee, and then recognize Senator Tester, who, of course, has many questions. We will see how many we can get in. The congressional schedule, as you can imagine, is a little hectic right now.

So, Senator Risch.

Senator RISCH. Thank you, Mr. Chairman.

Commissioner Hurt, you spent I think virtually all of your time talking about the importance of snowmobiling in the south half of the Mount Jefferson area. Is that the totality of your objection to the bill, or once the snow is gone, what about four-wheeling and that sort of thing? Can you elaborate a little bit more?

All I am trying to do is get the magnitude of where you are coming from on it.

Mr. HURT. Senator, this area is protected by the roadless bill, the roadless area that you worked on when you were Governor. You can't get there—

Senator RISCH. A fine rule it is.

Mr. HURT. Yes, it is. I might add that, yes. You can't get there—

Senator RISCH. You have got to give Mr. Wood some of the credit for that, too. Jim Riley, if he is here? There he is.

Mr. HURT. It is protected in the summer from motorized vehicles. So the only access is by foot, llama, or horse. So we do—our issue is with taking it out of an area to ride for snow machines in the winter.

Senator RISCH. I have talked to lots and lots of people in Fremont County and the surrounding area, and they have all focused

on the snowmobiling issue. Is it your position that the current Forest Service travel plan regarding snowmobiling is what should be left in place? Is that what your position is?

Mr. HURT. Yes, sir. Yes, sir, it is. It is a win-win for all sides.

Senator RISCH. Thank you.

Mr. Koehler, did you participate in the drawing of this bill or the recommendations for it?

Mr. KOEHLER. No. Our organization and most members of our coalition, even though we do participate in open, inclusive collaborative processes throughout Montana, we were not a part of the drafting of the bill. You know, again, we just felt it was a real self-selected process.

You know, again, the issue isn't that some groups want to work together and some don't. For example, our restoration coordinator spends a lot of time in your State, working with the Salmon-Challis National Forest and a collaborative group that has sprung up there. We have worked together on a fuel reduction project and a restoration project, using stewardship contracting and many of the same ideas that we see expressed here.

That is not the issue. The issue is what this bill as currently written would do.

Senator RISCH. You know, I understand your position. Mine is a little different than that. It is the outcome is certainly important. The process, to me, is very important because frequently that dictates the outcome. Did you attempt to participate in the drawing of this bill?

Mr. KOEHLER. We had a meeting with the Montana Wilderness Association early on. We had a meeting with them. I believe it would have been in 2007 in Missoula with a representative of the Montana Wilderness Association. At that meeting was myself and our staff biologist, who currently is on a Fulbright Scholarship doing his research in Argentina. So he is obviously not real focused on these issues right now.

At the meeting, we brought up many of the same concerns that I brought up today, which, quite honestly, are many of the same concerns that we heard brought up by Under Secretary Sherman earlier today. We just feel as if the mandated logging provisions are unprecedented. We feel as if setting a timeline on NEPA, it really just sets the Forest Service up for failure.

Senator RISCH. Did you express these concerns to Senator Tester and his staff as they were putting the bill together?

Mr. KOEHLER. Our coalition has definitely met with Senator Tester's staff about this bill. Numerous members of our coalition have met. I remember meeting with the Senator's Missoula field director about 2 years ago, and this bill came up. Kind of more the concept because, at that time, it wasn't a bill. It was more the concept of this Beaverhead partnership.

So we have exchanged emails back and forth. Again, members of our coalition have met with the Senator's office, given them specific recommendations, and to be quite honest, none of those recommendations seem to even be given very much weight, which is a frustrating thing to have happen when, again, these are public lands. They belong equally to all Americans, and we need an inclusive, transparent, open process to manage these lands.

Senator RISCH. Couldn't agree more. Did you convey to him some things that you would be willing to give up in exchange for getting some of the things that you wanted in the bill?

Mr. KOEHLER. We did not have that discussion. I think the best way to approach that issue is to look at our line-by-line analysis of the bill. We, as a coalition of organizations and citizens, went through the bill. We provided very detailed recommendations for what we thought were improvements to the bill. So I would encourage the committee to look at that.

Senator RISCH. Again, who did you say the coalition was? That went over my head.

Mr. KOEHLER. The name we have come up with is the Last Best Place Wildlands Campaign, and we are a coalition of organizations and citizens from Montana and around the country because, again, these lands do belong equally to all Americans. We did have about 50 or 55 organizations, conservation organizations, about 15 from Montana and the rest from around the country that did, as part of my written testimony that I submitted, did express our concerns about what is in the bill.

Again, a lot of our groups, whether it is in Montana or groups elsewhere, we are committed to working together to finding solutions. But we just feel that, you know, not to belabor the process too much here, but we feel as if the process that was used, particularly on the Beaverhead-Deerlodge, was not a good process. I think the county commissioners down in Beaverhead County would express similar concerns as well.

Senator RISCH. Thank you, Mr. Koehler.

Thank you, Mr. Chairman.

Senator WYDEN. Thank you, Senator Risch.

Senator TESTER.

Senator TESTER. It has been pointed out earlier, but isn't it funny how the far left and the far right often connect up?

I would just ask Mr. Koehler a couple questions. When was the Last Best Place Wildlands Campaign formed?

Mr. KOEHLER. I would say it was formed shortly after we found out about your bill—

Senator TESTER. Which was when?

Mr. KOEHLER [continuing]. Which was in mid July, yes.

Senator TESTER. Mid July.

Mr. KOEHLER. It is a campaign. It is a coalition of organizations, as I mentioned.

Senator TESTER. OK. If we—I think the first time we met was here today, correct?

Mr. KOEHLER. No, I came to Washington, DC. I would say about a week after you were here. Your office, I believe, was still in the cafeteria, which I hope you have moved out.

Senator TESTER. Yes, we have moved out. You have gotten a hold of our Web site. Is that correct? You have sent us emails? The reason I ask is because I review all the emails, and I haven't seen one.

Mr. KOEHLER. Our organization has met with members of your staff. Our coalition have met with members of your staff.

Senator TESTER. You seem passionate about this issue. Have you?

Mr. KOEHLER. I am not sure that the issue is if I have met with you or members of your staff. To be honest, there was a time when members of your staff weren't returning our emails and weren't returning our calls.

Senator TESTER. That is because they didn't receive any because I looked at all the emails, and your name wasn't on them.

Mr. Chairman, just for the record, you need to call us if you want us to respond. Don't make the claim that is unfounded because I tend to stick up for my staff in situations like this. The reason you are here as a part of this distinguished panel is because of your passion for this issue, your passion for this issue. Otherwise, we would have had somebody else.

I have got some questions for Sherm Anderson. Some of the critics of this bill state that it will fail because the timber economics, specifically the current low market, is the reason it is going to fail. You have been in the business for a while, Sherm. How do you respond to statements that this bill is going to fail because timber markets are in the tank?

Mr. ANDERSON. Senator Tester, sometimes I feel like I have been in the business way too long. In fact, as I was sitting here listening to the commissioner, that is where I grew up, and I was there when the beetle kill moved in to Island Park, and I actually participated in those huge clear-cuts.

But this is a cyclical business. It goes up and it goes down, as do all businesses in the economy. For anyone to suggest that the state of the industry today is going to be the state of the industry tomorrow or next year or the year after is just ludicrous.

The wood products industry is always the first industry to suffer from the economy downturns of a recession, and they are always the first to rebound, historically. We went into a recession in the latter part of 2006. The actual recession was not announced until 2008. So we now are feeling that we have bottomed out, and we are starting to pull out. All indications are the recession will not be over until 2010 or 2011.

So we are looking long term here. We are not looking short term. If, in fact, that timber did not have any value, why would we be interested? I sincerely believe that from the lack of infrastructure that is actually disappearing and not only particular in our country, but in our friends to the north in Canada, that when this all washes out, there could very easily be a supply and demand issue where we cannot meet the supply.

Senator TESTER. OK. Thank you.

Chris Wood, testimony earlier this afternoon said that this bill sets the Forest Service up for failure. You have worked in the Forest Service. You have worked outside the Forest Service. Could you give me a perspective on that statement?

Mr. WOOD. I wouldn't deign to have as much knowledge as most of the folks that were here in the room from the Forest Service or the agency.

Senator TESTER. Nor is any taken.

Mr. WOOD. I will note, though, that I was a part of an EIS that was developed in 18 months that covered 58 million acres, and I—that is the Roadless Area Conservation Rule EIS, and I have more

faith, I think, in the Forest Service's ability to develop an EIS covering 50,000 acres in a year.

Senator TESTER. Let us talk about the tools that this bill gives the Forest Service. Could you bring some of them up that this bill gives the Forest Service to help achieve the goals?

Mr. WOOD. I think what it does is I think it is important to note as much what it doesn't do. It doesn't mandate logging levels. It doesn't mandate any sort of timber supply requirement. What it does is it provides congressional recognition of the need to treat acreage in already-roaded areas, using all the tools that are available to the Forest Service, particularly mechanized treatment.

I think the lack of activity in the woods in Montana and, frankly, across most of the rest of the intermountain West, dictates that this type of approach is precisely appropriate. I have less of a concern of legislating this plan if it leads to these types of collaborative efforts and sort of breaks the dam that has been built up within the agency and allows this kind of treatment to happen across the West.

Senator TESTER. This is a question for both Mr. Baker and Mr. Anderson. You can go first, if you would like, Mr. Baker.

Many say that I should separate the forest and restoration components from the wilderness and recreation portions of this bill and work on them as separate bills. I am not going to do that. But I want to know if I did do that, would you support it? Why or why not?

Mr. BAKER. If you were to separate this bill, Senator Tester, we would oppose this bill. This bill represents a vision. It represents a collaborative vision for how we should look at our forests in the future and how we can use that vision to bring different people together, diverse interests, to accomplish many things on the forest, including the wild landscape that deserves to be protected as wilderness and the roaded landscape where we need much more active management.

So I think we want to see this bill stay intact because it represents this collaborative spirit that has brought Montanans together.

Senator TESTER. Mr. Anderson, could you comment on the same question? Do you want me to repeat it?

Mr. ANDERSON. I can, Senator. We have vested over 4 years in collaboration in putting this thing together, and if you were to separate that, we would adamantly oppose it. The collaborative efforts that we have put forward and the hundreds of meetings that we have had and held throughout the areas that were involved in my estimation would be for naught if these bills were split apart.

Senator TESTER. I want to thank all the folks who provided testimony here for the panel. We have been at this for quite a while, and I want to thank the chairman once again for his indulgence in allowing me to be a part of the questions and the presentation.

Thank you, Mr. Chairman.

Senator WYDEN. Thank my colleague Senator Risch.

We thank you, Senator Tester. I know that this legislation is of great importance to you. We will be working very closely with you.

To all our witnesses, we may have Senators wishing to ask some of you questions in writing. We will hold the record open for that.

We know you have traveled a long way. For westerners making this trek, there is not a bonanza of nonstop flights. So we really appreciate everybody coming, and the subcommittee is adjourned.
[Whereupon, at 4:50 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF EDWIN ROBERSON TO QUESTIONS FROM SENATOR BINGAMAN

H.R. 934

Question 1. Today, a story appeared in the CNMI paper* stating that H.R. 934, as passed by the U.S. House of Representatives, would give the CNMI “the option of exercising full control over the submerged lands surrounding the northernmost islands of Maug, Uracas and Asuncion, or decide to enter with a co-management system with the federal government as embodied in the Presidential Proclamation (establishing the Marine Monument for these islands)”.

Does the Interior Department agree with this report that the bill, if not amended, would give the CNMI this option?

Answer. Unless evidence is presented that could harmonize H.R. 934 with the Presidential Proclamation establishing the Marianas Trench Marine National Monument, a court could reach the conclusion that the CNMI could exercise exclusive control or enter into a co-management agreement with respect to the submerged lands surrounding Maug, Uracas and Asuncion. The later enactment by Congress would control over an earlier action. In this case enactment of H.R. 934 would be later than the January 6, 2009 date of the Presidential Proclamation.

Question 2. If so, what would be the effect of CNMI having this option on the Presidential Proclamation and on management of the Monument?

Answer. The Presidential Proclamation provides that submerged lands that are granted to the CNMI “but remain controlled by the United States under the Antiquities Act may remain part of the monument” for coordinated management with the CNMI. Whether the United States retains any control under H.R. 934 depends on the plain language of the statute and the intent of Congress. If a court were to find that CNMI could exercise exclusive control under H.R. 934, it could also find that the federal government had no authority to administer the submerged lands lying up to three miles distant from the shores of Maug, Uracas, and Asuncion as part of the Marianas Trench Marine National Monument. In such an event, Federal officials would have no jurisdiction over the excised submerged lands and the protection of relatively pristine coral reef ecosystems, designated by the President as objects of scientific interest and essential to the long-term study of tropical marine ecosystems, could be called into question. Alternatively, a court could find that Congress did not intend that transfer of these submerged lands and waters would affect the existing federal management of Monument resources. Because the intent is not clear, we recommend that Congress clarify its intent with respect to the Islands Unit.

A statement for the record was submitted by the Department of the Interior to the Senate Committee on Energy and Natural Resources with substitute language for H.R. 934 as passed by the House of Representatives. Included in the substitute language was a provision referencing the Marianas Trench Marine National Monument. This proposed language was intended to guarantee the integrity of the monument, preserve existing federal management authorities in the area of the national marine monument, including the Antiquities Act and the Magnuson-Stevens Fishery

*US Senate subcommittee to discuss NMI submerged lands bill” Thursday, 17 December 2009, by Gernina Q. Casas.

Conservation and Management Act, and harmonize the interests of the CNMI and the Monument.

While creation of the monument was a historic achievement, it should be remembered that the leaders and people of the CNMI were and are these three islands' first preservationists. They included in their 1978, plebiscite-approved constitution the following language:

ARTICLE XIV: NATURAL RESOURCES

Section 1: Marine Resources. The marine resources in the waters off the coast of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction under United States law shall be managed, controlled, protected and preserved by the legislature for the benefit of the people.

Section 2: Uninhabited Islands. . . . The islands of Maug, Uracas, Asuncion, Guguan and other islands specified by law shall be maintained as uninhabited places and used only for the preservation and protection of natural resources, including but not limited to bird, wildlife and plant species.

It is important to note that the legislature has never taken action adverse to the preservation of these northern islands and the waters surrounding them. The people of the CNMI are well aware of their treasures. CNMI leaders consented to creation of the monument because they believed that the monument would bring Federal assets for marine surveillance, protection, and enforcement to the northern islands that the CNMI cannot afford.

The Department of the Interior seeks to harmonize all interests in the waters surrounding the CNMI's three northernmost islands and preserve sufficient control over the submerged lands and waters of the monument to ensure that the management of the monument is not affected by this legislation. Thus, the Department recommends that language be included in H.R. 934 referencing the proclamation that created the monument with federal and CNMI roles and preserving the statutory authorities underlying the federal roles in the Islands Unit]. Such harmonizing language is intended to preserve the Islands Unit of the monument and at the same time acknowledge the prescient and historic conservation effort of the leaders and people of the CNMI in protecting Uracas, Maug, and Asuncion, and their surrounding waters.

[Responses to the following questions were not received at the time the hearing went to press:]

QUESTIONS FOR EDWIN ROBERSON FROM SENATOR MURKOWSKI

H.R. 762

Question 1. As I understand it your agency had the potential to lose a lawsuit brought by the Western Lands Project related to the way you moved the Tortoise preserve at Coyote Springs before it was settled by the owners of Coyote Springs and the plaintiffs in that lawsuit.

If the rock-fuel plant was built, would the new placement of the preserve still be the best placement on the preserve for the wildlife on the property and/or for wildlife that migrates through the property?

Question 2. Was the Bureau of Land Management or the U.S. government a party to that Settlement agreement? If so would you please provide the Committee with a copy of that Settlement Agreement?

Question 3. If the federal government was not a party of that settlement agreement, please explain how the federal government is now sure none of the federal government's interests in the Tortoise Preserve have fully protected by the settlement between the Western Lands Group and the owners of the Coyote Springs development?

Question 4. When the government sold the power line right of way to Coyote Springs Corporation in 1993 it received about \$10.5 million for the utility right of way or about \$1,083 per acre.

What was the appraised value per acre of the entire Coyote Springs property in 1988?

Question 5. Can you help us understand how in five short years the land values in that area almost tripled?

Question 6. In the estimation of the Bureau did the passage of the Lincoln County Wilderness Act which provided for rights-of-way for water pipeline to transfer water

from Lincoln County to Las Vegas and Coyote Springs material change the value of the lands within the Coyote Springs development?

Question 5. If the original land exchange had never occurred and the lands were simply BLM fee lands; where would the Department of Interior put the Tortoise Preserve within what is now known as the Coyote Springs Development?

S. 1787

Question 1. I note in this act that it exempts the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432) and the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424) but not the Owyhee Wilderness nor the Washington County Utah Wilderness bills from Public Law 111-11 that have similar programs.

Is that an oversight that should be corrected before this bill is marked up?

Question 2. Are there other situations or laws that also should be addressed before this bill moves to a mark up?

QUESTIONS FOR HARRIS SHERMAN FROM SENATOR MURKOWSKI

S. 1470

Question 1. Does the Department support the Beaverhead-Deerlodge National Forest 2009 forest plan that recommended the south half of Mount Jefferson to be open to snowmobiling and not in Wilderness?

Question 2. Given the recently completed Beaverhead-Deerlodge forest plan; why bother to go through the forest planning process if the agency is now going to support a Wilderness designation for the south side of Mt. Jefferson?

Question 3. This bill calls for approximately 10,000 acres of hazardous fuel work using mechanical removals to be accomplished each year.

If passed as currently written, how much will it cost Region One per year to accomplish the thinning called for on each of the three forests involved?

Question 4. If passed will adding 10,000 acres of timber management in those three forests impact the budgets of forests outside Region One?

Question 5a. During your testimony on S. 1470 you indicated that the Forest Service had never met with the group who developed the proposal in S. 1470. However, we know members of that group met with the Forest Supervisor of the Beaverhead-Deerlodge several times to discuss their proposal. In fact, there are press reports that indicate that the Forest Supervisor gave the group 4 months to get their proposal to the Forest Service to be considered as an alternative in the final forest plan that was completed in 2009.

We know that the group met with former Chief Abigail Kimbell when she was Regional Forester, and met with current Chief Tom Tidwell on their proposal when he was Regional Forester.

Would you please double check with local Forest Service officials and provide us with meeting logs for all District Rangers, Forest Supervisors, and Regional Office personnel related to any meeting they may have held with members of the Montana coalition that developed the proposal contained within S. 1470 between 2004 through 2009.

Question 5b. If your audit finds that Forest Service employees did in fact meet with a member or members of the coalition related to the proposal contained within S. 1470 would you please provide the Committee with a corrected transcript to your answer of the question that was asked on this issue.

BEETLE KILL

Question 6. Mr. Sherman—Last week the Forest Service announced it was shifting \$40 million to Region Two to deal with the mountain bark beetle infestation. I would also note that in the 2010 final appropriations bill the Forest Service saw a \$40 million increase in timber management funding.

Please give me the justification of sending the entire increase in timber funding received by the Forest Service to only Colorado and Wyoming?

Question 7. Please provide the Committee a detailed description of which budget line items were tapped to pay for the additional \$40 million provided to Region Two.

Question 8. Surely you realize that other intermountain western states have similar problems and similar needs, what is so critical in Colorado and Wyoming that an amount of funding equal to the total increase in the timber management 2010 budget is being focused on those two States?

FIRE AVIATION STRATEGY REPORT

Question 9. The FY 2010 Interior appropriations bill included a requirement for the agency to complete a report with a strategy for replacing slurry bombers, including a cost of the strategy no later than 30 days after October 30th when the bill was signed into law.

Given that report has languished at OMB for more than 4 years, when are you going to get that report up to this committee, as well as the other committees?

APPENDIX II

Additional Material Submitted for the Record

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 11, 2009.

Hon. JEFF BINGAMAN,
*U.S. Senate, Chairman, Committee on Energy and Natural Resources, 304 Dirksen
Senate Building, Washington, DC.*

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

DEAR CHAIRMAN BINGAMAN AND RANKING MEMBER MURKOWSKI: Thank you for your attention to H.R. 934, a bill that conveys certain submerged lands to the Commonwealth of the Northern Mariana Islands (CNMI), which I introduced on February 10, 2009. The bill provides the same benefits to the Northern Mariana Islands as are now enjoyed by American Samoa, Guam, and the Virgin Islands. The CNMI is the only U.S. jurisdiction that does not have ownership of the submerged lands three miles off its shores.

I want to share with you some background of the bill as you prepare for the hearing conducted by the Senate Energy and Natural Resources Subcommittee on Public Lands and Forests on December 17, 2009.

One issue of concern regarding H.R. 934 during consideration in the House was its effect on the Marianas Trench Marine National Monument that was established on January 6, 2009. I wanted to preserve the terms and conditions that were negotiated between the CNMI government and the federal government under the Proclamation while, at the same time, gaining control of the submerged lands around the Mariana Islands.

On June 10, 2009, the House Natural Resources Committee held a mark-up on H.R. 934. Subcommittee Chairwoman on Insular Affairs, Oceans and Wildlife Madeleine Bordallo submitted an Amendment in the Nature of a Substitute (ANS) that would make technical changes and provide assurance, under subsection (c), that H.R. 934 would not alter or amend the Marianas Trench Marine National Monument. I had requested the inclusion of subsection (c) in order to preserve the agreement between the CNMI government and the federal government under the Monument Proclamation. The ANS was agreed to by unanimous vote and H.R. 934 was favorably reported to the House of Representatives, as amended, by unanimous consent.

After the mark-up, there were concerns that subsection (c) may have unintended consequences. The intent of H.R. 934 was to convey title and rights to the submerged lands of all islands including the three northernmost islands, which constitute the "Islands Unit" in the Marianas Trench Marine National Monument. The concern was that subsection (c) may prohibit this land transfer.

As a result of further discussions with the CNMI administration and legislature, an amendment deleting subsection (c) was supported by the leaders of the Northern Mariana Islands including Governor Fitial, Senate President Reyes, and House Speaker Palacios. In addition, the non-governmental organization which had been an important advocate for the establishment of the Mariana Trench Monument, Friends of the Monument supported the conveyance of the submerged lands around all the Mariana Islands. I have attached letters* of support for your reference.

On July 15, 2009, the U.S. House of Representatives considered H.R. 934 under suspension of the rules. At my request, Subcommittee Chairwoman Bordallo offered an amended version of the ANS that would specifically delete subsection (c). With

*Documents have been retained in subcommittee files.

this support from the CNMI government, legislature and members of the public the House unanimously passed H.R. 934, as amended.

I request that this letter and the attached supporting documents be made a part of your Subcommittee's hearing record on this bill. It is my hope that this bill will be enacted as soon as possible so that the people of the Northern Mariana Islands will get back the land that they have always believed belonged to them. I ask that the Committee favorably report H.R. 934 immediately.

Sincerely,

GREGORIO KILILI CAMACHO SABLÁN,
Delegate, Northern Mariana Islands.

ANACONDA-DEER LODGE COUNTY,
Anaconda, MT, December 11, 2009.

Hon. RON WYDEN,
Chairman, Subcommittee on Public Lands and Forests, Senate Committee on Energy & Natural Resources, 304 Dirksen Senate Building, Washington DC.

RE: Senate Bill 1470, Forest Jobs and Recreation Act of 2009

DEAR SENATOR WYDEN: I urge you and the Senate Subcommittee on Public Lands and Forests to strongly support S. 1470, the Forest Jobs and Recreation Act (FJRA), introduced by Senator Jon Tester in July and cosponsored by Senator Max Baucus. We must get past the gridlock that has plagued forest management for so many years. We need to have jobs in the forests, restore our best fisheries and wildlife habitat, address fire risk, protect our best backcountry as wilderness for fishing, hunting, and clean water, and make sure that there is room for diverse forms of recreation, including motorized use and mountain bikes.

The overall objectives of this bill are to:

- Create Jobs: Members of the timber industry strongly support this bill because they believe it will help the industry survive and prosper.
- Improve Forest Health: The bill is focused on addressing issues related to the health of our forests, from beetle outbreaks to impaired fish habitat.
- Protect Our Best Fishing, Hunting, and Clean Water: The Forest Jobs and Recreation Act is good for fishing and hunting, by protecting as wilderness key wildlife and fisheries habitats, and other deserving wild places.
- Protect Recreation Opportunities: The bill protects popular areas for motorized and mountain bike recreation on public lands.

The legislation is in part based on several local collaborative efforts around the state that I have been following for several years. These efforts have brought diverse Montana citizens and groups together to find a better way to manage our national forests. Although the Anaconda-Deer Lodge County Commission has not yet formally endorsed the FJRA, it has endorsed the Forest Partnership Proposal on which the FJRA was based.

As the County's elected Chief Executive officer, I strongly believe that these collaborative efforts benefit the residents of Anaconda-Deer Lodge County, because they represent the type of cooperation among different and diverse stakeholders that we need to solve many of the serious problems on the public lands within our boundaries.

I see the promise that the Forest Jobs and Recreation Act holds for all of us who govern in counties with national forest lands.

Sincerely,

REBECCA C. GUAY,
Chief Executive.

STATEMENT OF MAUREEN CONNOR, COMMISSIONER, OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS, GRANITE COUNTY, PHILIPSBURG, MT, ON S .1470

Dear Honorable Senators of the Natural Resources Committee,

My name is Maureen Connor and I am a Granite County, Montana Commissioner. This County is approximately 1.2 million acres, of which 61% is federal forest land. Our economy and general way of life is inextricably bound to the actions or inactions of our largest land manager, the United States Forest Service.

Our 100 cattle ranches depend on creek water—watersheds that begin on National Forest land, high in the Anaconda-Pintler Wilderness Area. Our small towns are on those creeks and rivers. A small lumber mill used to employ 100 workers at a time, a large percentage of our overall workforce. That mill is now closed. In

recent years, there are very few jobs for working people, and our new retired residents move here to enjoy the natural amenities of the area. Tourism seems to be picking up, but doesn't bring enough jobs to keep our young people in the area and our economy vital.

Meanwhile, much of our forest looks like it's in a death spiral, turning bright red. As a county commissioner, I know we are not in a good position when the predicted wildfire comes eventually to restore balance to our public lands.

Several years ago our National Forest, the Beaverhead-Deerlodge began a mandated forest planning effort. That plan resulted in a number of alternatives, none of which seemed well suited to our county. A group of neighboring timber companies invited Granite County to discuss the proposed forest plan alternatives.

Those timber companies were at the table with mainstream environmental groups active in Montana. Together, through a lot of talk, a lot of meetings, and a lot of maps, Granite County became a supporter of their efforts. Personally, I thought this was remarkable, since the County hadn't been in such a collaborative effort in the past. The group was called the Partnership Strategy.

This resulted in a unique alternative proposal being hammered out and sent to the Forest Service, one that the Partnership Strategy supported. At the end of the federal process, a forest plan alternative was adopted that met some, but not all of the group's objectives.

When our new Senator Jon Tester came by to visit our County, we told him about this effort. We told him it wasn't perfect, and that maybe we thought perfection wasn't realistic given all the special interests, but that we thought it would work for our County. He listened to us.

With the Forest Plan now adopted, other objectives of the Partnership Strategy are currently before you and with your recommendation, the Congress of the United States. I continue to support this cooperative and common sense effort now through the Forest Jobs and Recreation Act, S.1470.

Thank you for your time and hard work.

STATEMENT OF SUZANNE BROWNING, CHAIRPERSON, OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS, GRANITE COUNTY, DRUMMOND, MT, ON S .1470

Dear Honorable Chairman Jeff Bingaman and Committee on Energy and Natural Resources,

I support Senator Tester and Senator Baucus's willingness to carry the Forest Jobs and Recreation Act in Congress. This courageous new bill represents hope and new opportunity for our state, because it aims to break the decades-long logjam on forest policy.

Like others, the customs and culture of Granite County dictate the use of our forest resources. Granite County is approximately 1733 square miles, of which 61% is federal land. This resource is vital to our county and communities, not just for timber, but for agriculture, watersheds, wildlife habitat, and recreation, to name a few.

Our county is changing, and we are regularly among the top growth counties in Montana. Much of our growth is in second homes for residents to enjoy the natural amenities of the area. There are very few jobs for working people or occupations to keep our young people in the area.

The stability of our local economy did rely heavily upon our mills, an industry that has a long legacy in Montana. A short time ago, one of our top five private taxpayers and one of the top private employers, Eagle Stud Mill, suspended operations to virtually nothing. In the past, there were at least three mills operating in our county.

The irony is that now, more than ever, there is a greater need for timber operators. Forest health in the county continues to decline due to unmanaged timber stands, extended fire suppression, insect infestation, and the rampant spread of noxious weeds.

With expanded growth and more homes being built on the forest fringe, there's a growing concern about the risks and costs of wildfire in Montana's wildland-urban interface, referred to as the WUI. Fire risk around our communities is high. We now talk about what to do with red trees, not green ones.

S. 1470 clearly focuses on creating positive solutions to restore our forests. These stewardship logging projects will help bring economic health back to the industry and our communities. They will cut down the risk of wildfire. They will create and save jobs. Our forests will benefit from these restoration projects, including protecting Granite County communities from wildfire and restoring watersheds.

This bill was based on a collaborative spirit. That same spirit is evident in the bill and will be evident in the timber projects. Stewardship timber projects will be

designed by “resource advisory committees” representing all forest interest groups shaping the direction of forest management.

The Forest Jobs and Recreation Act is a non-partisan bill. It isn’t solely about loggers or environmentalists. It’s the result of people from different walks of life working together on a plan to fix Montana’s forest policy so that it works for our forests and the people who rely on them.

Any plan as bold and courageous as this is of course going to see its share of criticism. But the facts of the legislation are indisputable. And based on the facts, the Forest Jobs and Recreation Act enjoys overwhelming support.

This is a vision for forest management that will bring us from the old days of the timber wars to a new day with conservationists, timber industry, and recreational advocates working on many different levels to protect and restore our public lands.

We need to work together. Together, we can build a foundation for our economy and our heritage of managing and preserving our forests for generations to come.

STATEMENT OF TERRY SCHULTZ, COMMISSIONER, BUTTE SILVER BOW COUNTY,
DISTRICT 4

I strongly urge you and the administration to strongly support S. 1470, the Forest Jobs and Recreation Act, introduced by Senator Jon Tester in July. We need to get past the gridlock that has plagued forest management for so many years. We need to have jobs in the woods, restore our best fisheries and wildlife habitat, address fire risk, protect our best backcountry as wilderness for fishing, hunting, and clean water, and make sure that there is room for diverse forms of recreation, including motorized use and mountain bikes.

The overall objectives of this bill are to:

- Create Jobs: Members of the timber industry strongly support this bill because they believe it will help the industry survive and prosper.
- Improve Forest Health: The bill is focused on addressing issues related to the health of our forests, from beetle outbreaks to impaired fish habitat.
- Protect Our Best Fishing, Hunting, and Clean Water: The Forest Jobs and Recreation Act is good for fishing and hunting, by protecting as wilderness key wildlife and fisheries habitats, and other deserving wild places
- Protect Recreation Opportunities: The bill protects popular areas for motorized and mountain bike recreation on public lands.

The legislation is in part based on several local collaborative efforts around the state that we have been following for several years. These efforts have brought diverse Montana citizens and groups together to find a better way to manage our national forests. Although our commissions have not yet formally endorsed the FJRA, we have endorsed one or more of the underlying collaborative projects.

As individual commissioners, we strongly believe that these collaborative efforts strongly benefit the residents of our respective counties, because they represent the type of cooperation among different and diverse stakeholders that we need to solve many of the serious problems on the public lands within our boundaries.

We all see the promise that the Forest Jobs and Recreation Act holds for all of us who govern in counties with national forest lands.

STATEMENT OF MIKE SHEEHY, COMMISSIONER, BUTTE SILVER BOW COUNTY,
DISTRICT 10

I strongly urge you and the administration to strongly support S. 1470, the Forest Jobs and Recreation Act, introduced by Senator Jon Tester in July. We need to get past the gridlock that has plagued forest management for so many years. We need to have jobs in the woods, restore our best fisheries and wildlife habitat, address fire risk, protect our best backcountry as wilderness for fishing, hunting, and clean water, and make sure that there is room for diverse forms of recreation, including motorized use and mountain bikes.

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We all see the promise that the Forest Jobs and Recreation Act holds for all of us who govern in counties with national forest lands.

STATEMENT OF DALE N. BOSWORTH, ON S. 1470

I am writing regarding S. 1470, the Forest Jobs and Recreation Act, introduced by Senator Jon Tester of Montana. This proposed legislation deserves strong consideration by your committee and I appreciate that you have scheduled a hearing for December 17. I have a long history in Montana. I worked on several national forests in the state, I was Regional Forester for the Northern Region of the Forest Service, and as Chief of the Forest Service my responsibilities included Montana. I am now retired and living in Missoula, Montana. There are three major reasons I support S. 1470.

First, there are many areas in Montana deserving Wilderness designation. S. 1470 would accomplish most of that. It has been difficult for the public and the Forest Service, having areas in limbo over the past several decades. It's time for Congress to act.

S. 1470 requires the use of stewardship contracting to accomplish much needed restoration work on the Beaverhead-Deerlodge National Forest. I strongly support the use of stewardship contracting and believe it is the tool of the future for accomplishing needed work on national forest system land. I urge the committee to work closely with the Forest Service to identify needed changes in the stewardship contracting authority to make it an even better tool.

S. 1470 is based on collaborative efforts across Montana. Members of those communities who have historically been at odds, came together with various proposals. That in itself is huge. If we expect that kind of behavior in the future, then there must be a positive outcome.

While there are many good aspects of S. 1470, there are a few items that I am concerned about. My biggest concern is the mandated 7000 acres of treatment per year for the Beaverhead-Deerlodge NF. I believe it would be more effective to have a goal-oriented approach. There is nothing in the legislation that makes it any easier for the Forest Service to accomplish its work. A goal of 7000 acres per year, with required reporting to Congress on the annual accomplishments, would be a better strategy. I encourage the committee to work with the Forest Service to work out solutions to these few problems with the legislation.

Mr. Chairman, the status quo is simply not acceptable. The public, the land and future generations deserve better. Thanks again for giving S. 1470 the consideration it deserves.

STATEMENT OF GEORGE WUERHNER, RICHMOND, VT, ON S. 1470

I am submitting this testimony to be included in the official hearing record regarding Senator John Tester's S.1470. Thank you.

I am a former Montana hunting and fishing guide, and have visited every large roadless area in Montana, including all areas proposed for wilderness in S.1470. I'm also an ecologist who has written 35 books, including several dealing with wildfire ecology. I'm very familiar with the lands contained in this bill.

There are some good things in the Tester's legislation and other things that I could live with if there were some modification of the bill's language.

I would like to commend Senator John Tester for addressing some long-standing issues like wilderness designation.

However, I have a problem with how the contents of the bill were developed (with limited public input), as well as with the larger philosophical idea behind the bill that "locals" in Montana should have a greater say over management of national assets (like trees) than someone living in Florida or Wisconsin. I hope this collabor-

rative quid pro quo approach does not become a model for future wilderness bills in Montana or anywhere else, though I have no problem with people trying to find common ground on things like wilderness designation if that can be achieved.

THE GOOD STUFF

Despite how it was created, there is some good aspects to this bill, not the least of which is the creation of more than 670,000 acres of new wilderness. Many of these areas—including the Italian Peaks, Lima Peaks, Snowcrest, East Pioneers, Centennial Mountains, Sapphires, and Roderick Mountain (Yaak)—contain some of the finest unprotected landscapes in Montana.

The designation of wilderness areas including the Centennials, Lima Peaks, Italian Peaks and two small wilderness areas in the West Big Hole along the Continental Divide that will increase the likelihood that the adjacent Idaho roadless lands will also garner protection.

Brief Description of Proposed Wildernesses

I have personally visited every proposed wilderness in S.1470. Because of my personal familiarity with these landscapes, I'd like to give a very brief overview of some of the areas contained in S.1470 and offer some suggested changes.

On the Kootenai National Forest in Northwest Montana lies the proposed 29,869 acre Roderick Mountain Wilderness. This heavily forested uplands is important for grizzly bear remaining in the Yaak drainage. The Yaak drainage has been severely logged in the past, and any remaining roadless lands should be given protection.

Just south of Butte are three roadless areas that have important wildlands values. The 12,000 acre Humbug Spires managed by the BLM, and 21,000 acre High land Mountains. The spires feature many granite knobs that are a favorite for climbers while the Highlands are glaciated with cirques on the flanks, while flat-topped Table Mountain offers expansive views. The proximity to Butte makes both areas important for their easy access and recreational values.

Starting in the north end of the Big Hole Valley are proposed additions to the existing 158,000 acre Anaconda Pintler Wilderness which would expand significantly protection for the lower slopes of the range. This would secure some of the more productive forested lands in the valley, including the most important big game habitat. A few of the streams offer habitat for endangered grayling, while lynx, and wolverine are both known to frequent this area.

South of Big Hole Pass are the rugged glaciated peaks and more than 30 cirque lakes of the 130,000 acre West Big Hole roadless area, including 10,621 foot Homer Young Peak, the highest in the range. Under Tester's bill this roadless area would be designated as a National Recreation Area with two small wilderness areas of 44,000 acre wilderness.

Given its spectacular scenic value as well as the value as a north-south migration corridor, as well as home to genetically unique populations of lake trout (Miner Lake) and Arctic grayling spawning habitat, this entire area should be given protection as wilderness. East of Wisdom is the 240,000 roadless acres of the West Pioneer Mountains, one of Montana's largest roadless areas and another S.393 wilderness study area. The rolling forested mountains of the West Pioneers Proposed Wilderness top out at 9,000 feet. This area has been greatly impacted by ORV intrusions in recent years. Senator Tester only proposes 25,700 acres of this range as wilderness. Given its significant biological values, the entire 148,000 S. 393 acreage should be protected at a minimum, with a 100,000 acre NRA surrounding it.

Directly east and across the Wise River, are the 145,000 acre East Pioneer Mountains Proposed Wilderness. The East Pioneers are extremely rugged, with many cirque lakes and glaciated high peaks including 11,154 foot Tweedy Mountain and 11,146 foot Torrey Mountain. The area is easily one of the more scenic mountain ranges in Montana. Under Tester's bill this area would only 76,000 acres would be protected as wilderness. The acreage should be expanded to protect the entire 145,000 acres.

The 90,000 acre Italian Peak Proposed Wilderness is part of a larger nearly 300,000 acre chunk of roadless country straddling the Continental Divide on the Montana-Idaho border. The lonely, but rugged limestone peaks, including 10,998 Italian Peak reminds me of the Canadian Rockies. Other major peaks include 11,141 foot Eighteenmile Peak. As a migration corridor along the Continental Divide, this area should be given maximum protection. Unfortunately under the Tester bill only proposes 29,500 acres as wilderness. This area needs to be expanded to the full 90,000 acre roadless area.

The 42,000 acre Lima Peak/Mount Garfield Proposed Wilderness also straddles the Continental Divide, and includes 10,961 foot Mt. Garfield. This area features many aspen groves, along with patches of conifers intermixed with open grassy

slopes that can be hiked for miles. The gentle terrain of the lower slopes of this area makes for exceptional hiking and horseback riding. Tester's bill only proposes 35,000 acres.

Several other small BLM roadless areas are also found in this region including 27,000 acres in the Ruby Range east of Dillon which Senator Tester proposes as a 15,000 acre wilderness. The Ruby Range provides some of the water for the Ruby River, a well known trout stream in Montana.

Southeast of Dillon lies the 15,000 acres Blacktail Mountains of which 10,000 acres would be protected by S. 1470. However, this is beautiful fault block mountain uplift with open grassy slopes and pockets of timber that is excellent big game habitat. Hiking the ridge crest offers expansive views of the surrounding mountainous terrain.

Marking the southwestern edge of the Gallatin Valley is the 96,000 acre Tobacco Root Mountains Proposed Wilderness. Extensively fragmented by old mining roads, the Tobacco Roots still harbor some small roadless areas. These glaciated mountains possess 28 peaks over 10,000 feet and dozens of small lakes and tarns. Senator Tester's bill would only protect a fraction of this range in the 5,223 acre proposed Lost Cabin Proposed Wilderness. This mountain range should obviously get expanded wilderness protection.

To the southwest of Dillon and the headwaters of the Ruby River lies the wildlife-filled 110,000 acre Snowcrest Range Proposed Wilderness. A long narrow range with a number of 10,000 plus peaks, the Snowcrest Range is a mixture of open grassy/sage slopes, pockets of aspen and conifers, topping out with tundra along the ridges and higher peaks. You might see pronghorn as elk on the high slopes of this range. Recently grizzly bears have been seen in this range. S. 1470 would designate 89,000 acres as wilderness, however, it releases the adjacent BLM East Fork of the Blacktail Wilderness Study area. This area is part and parcel of the larger Snowcrest Wilderness and provides one of the major trailheads leading into the proposed Snowcrest Wilderness and should be included as part of the Snowcrest Wilderness.

I fully support the 18,950 acre proposed additions to the Lee Metcalf Wilderness.

Straddling the Continental Divide west of Henry's Lake, Idaho, the 82,000 Centennial Mountains Proposed Wilderness (much of this acreage is in Idaho) is one of the few east-west running mountain masses in Montana, making it an important corridor and connector between the Greater Yellowstone Ecosystem and Central Idaho wildlands to the west. S. 1470 only proposes protecting 23,256 acres. Grizzly bears have been reported expanding into this area in recent years. Elk and moose both migrate out of the Gravelly Range and Snowcrest Range across the Centennial Valley and often winter on the southern slopes of the range. Protecting the Centennials would help preserve these migration corridors.

Most of the range on the Montana side of the border is managed by the BLM which has identified a 27,000 wilderness study area in the central portion of the range. Aspen is abundant here, and the valleys are surprisingly lush.

A small subset of the Centennial Range is the Mount Jefferson proposed wilderness. Mount Jefferson is managed by the BDNF. The proposed wilderness is 4,465 acres. The area includes a spectacular cirque as well as the headwaters of Ice Roaring Creek, an important spawning area for the endangered Arctic grayling. Wolverine use of this area has been documented. Increasing snowmobile activity threatens the wolverine.

The 77,000 acre Quigg Peak roadless area lies along Rock Creek, a tributary of the Clark Fork River and one of Montana's blue ribbon trout streams. It harbors excellent wildlife habitat for elk and deer, plus has several small trout streams including Butte Cabin Creek. Only 8,388 area recommended for wilderness, primarily because most of the acreage lies on the Lobo NF. The entire roadless area should be designated as wilderness irrespective of national forest administrative boundaries.

South of Welcome Creek in the Sapphire Range is the 103,000 acre Stony Mountain Proposed Wilderness including headwater tributaries to Rock Creek. Yet only 14,261 acres are proposed as wilderness in S.1470. The entire 100,000 acre plus roadless area should be designated wilderness irrespective of administrative boundaries.

Continuing south of Skalkaho Pass in the Sapphire Range is another 5,393 wilderness study area, the 116,000 acre Sapphire Mountain Proposed Wilderness. The highest point is 9,000 foot, Kent Peak. The Sapphire Mountain WSA is a critical link in the Sapphire/Rock Creek Wildlands corridor that leads to the Big Hole Valley further south. The Sapphire Mountain WSA is also immediately adjacent to the existing Anaconda Pintler Wilderness, and the combined acreage of 350,000 acres makes it the fourth largest continuous roadless area in Montana. S.1470 only pro-

poses 53,327 acres as wilderness, again largely because part of the roadless areas lies on the Bitterroot NF. The entire roadless area should be given protection in S. 1470.

Another major tributary of the Clark Fork is Flint Creek. The Flint Creek Range south of Deer Lodge and east of Phillipsburg contains glacier-scoured, 10,000 foot peaks, cirque lakes and a 60,000 acre proposed wilderness. S. 1470 only proposes a 9,367 acre Dolus Lakes Wilderness. This area should be expanded to include more of the 60,000 acre roadless areas.

Other Provisions of S.1470

I also support the proposed road density limits in the bill as the maximum that should be permitted. In many areas, especially where sensitive wildlife like grizzly bear are found, road densities should be limited to no more than one mile per section. Any computation of roads must include any trails accessed by motorized vehicles including ORVs and snowmobiles.

The bill also designates several hundred thousand acres of National Recreation Areas in the West Big Hole, West Pioneers, Northwest Peaks (Yaak), Thunderbolt near Helena and elsewhere. In some cases, there is a core "wilderness" component. For instance, in the West Big Hole, the Tester bill creates two small wilderness areas surrounded by the larger NRA and the same for the West Pioneers.

I oppose these NRA designations, and advocate for wilderness designations for all areas. In particular, the West Pioneers is already protected under S. 393 and unless the bulk of this area were designated wilderness, I believe it is better off remaining under S. 393 protection.

If no changes occur in the NRA acreage than at a minimum all should have a specific provision banning logging, including the West Big Hole area.

There are other parts of the bill that call for restoration of natural fire regimes, removal of roads and culverts, and so forth that will improve the ecological integrity of the areas affected. The bill's language also directs the Forest Service to prioritize logging projects in areas where road densities exceed 1.5 mile of road per square mile of habitat, where habitat fragmentation is greatest, and so on. This directive, if followed, should focus logging in areas already degraded by past logging practices and is a positive aspect of the bill. (However, the mandated treatment of 100,000 acres of land is problematic—more on this later.)

POTENTIAL PROBLEMS

Beyond the issue of how this bill was created, there are aspects of the bill that deserve additional scrutiny. I make no claims that I am expert on the bill, though I have read through in an attempt to understand it. I may be misinterpreting things or overlooking provisions that would mollify some of my concerns.

One of the problems with the bill is that while it establishes new wilderness areas, it releases a lot of currently protected acreage to potential new development. For instance, the bill specifically releases 76,000 acres of BLM WSAs. WSAs are supposed to be managed to protect wildlands values, so their release means they could be logged, opened up for more ORV use, or leased for oil and gas development. I've hiked some of these released areas like Hidden Pasture and Bell/Lime Kiln Canyon WSAs south of Dillon, and they are wonderful open, rolling grasslands with pockets of timber that are not common in our wilderness system. At the very least, I would prefer to see that all the BLM WSA not designated as wilderness remain as WSA instead of released for development.

National Recreation Areas

I previously noted that the Tester bill releases a significant acreage of the S.393 areas legislated by Senator Lee Metcalf efforts. For instance, the West Pioneers Wilderness Study Area set aside by the 1977 legislation is one of the largest unprotected roadless areas in Montana. Yet the Tester bill only designates slightly less than 26,000 acres as wilderness. Much of the remainder of this area is a proposed 129,000 acre National Recreation Area that would exclude logging, but losing more than 129,000 of WSA is very significant. The reason given to me for NRA status, as opposed to wilderness designation has been the gradual invasion of these lands by motorized usage. Nevertheless, there is no reason why ORV trails and routes can't be closed and wilderness established in this area. Wilderness designation for the entire West Pioneers WSA would be a huge improvement.

It is also disappointing to see 94,000 acres of the West Big Hole designated as an NRA as well instead of wilderness. This spectacular area along the Continental Divide with its numerous cirque lakes, jagged, glaciated peaks, and numerous wildflower studded meadows easily qualifies as wilderness. It's location along the Continental Divide makes it a potential migration corridor for wildlife. Several lakes

including Miner Lake have genetically unique populations of lake trout, as well as headwaters spawning habitat for threatened Arctic grayling.

I have the same disappointment over NRA status for wildlands in the Yaak. The Northwest Peaks NRA was created again as a concession primarily to snowmobilers. There is so little wilderness in the Yaak and what little unlogged country that remains should be given maximum protection afforded by wilderness. Rare species like wolverine, lynx, and fisher could be compromised by motorized intrusions. Protection of these areas from all motorized use would give these animals some chance of sustaining themselves over the long term in the Yaak drainage.

Logging Provisions of the Bill

How much logging and where it can occur will be greatly influenced by the interpretation of one clause in the bill. There is specific language that says that all landscape-scale restoration projects (i.e. logging) must be done "consistent with laws (including regulations) and forest plans and appropriate to the forest type." Proponents tell me this means that laws like the Endangered Species Act remain in force.

However, others who have reviewed the same language aren't so sure that language is sufficient to guarantee that all existing environmental laws like the ESA applies to the landscape restoration projects mandated by the Tester bill. This is a key element because if the specific mandate for logging a minimum of a hundred thousand acres can override things like the ESA or other regulations, there is potential for greater long-term harm to our wildlands and wildlife.

If there is room for different interpretations, it is critical to get specific language in the bill that leaves no doubt about the application of the ESA, roadless rule, and so on to the forest lands covered in the Tester bill.

Another part of Tester's bill bans the construction of any permanent roads in project areas, and requires that all "access roads" (logging roads) be reclaimed in five years and specifically requires restoration of road prism and removal of road crossings like culverts. This is a very good provision—if you are going to have logging at all and I applaud the proponents of the bill for putting in such specific language about road removal standards.

However, the language does allow for roads to be converted into ORV trails. So there is the potential for creation of miles of new ORV trails that would greatly reduce any positive effect from road closure (though road density limits will temper the total mileage allowed to a degree).

One serious and worrisome language is about consultation. The bill says that any dispute and/or appeal be resolved in the project area. This, if I read it correctly, could mean that someone protesting a timber sale from eastern Montana might have to travel to the Yaak to settle a dispute, a cumbersome burden on appellants, not to mention someone living across the country. This could thwart public participation in forest management.

Moreover the language says that the parties who were involved in crafting the original proposals—meaning the timber companies and other—can provide input to the Forest Service, but does not guarantee similar input access from other members of the public. Again such a provision gives greater control and influence to local interests over the general public.

Another problem is the language for restoration on the BDNF. While any receipts from timber projects in the Blackfoot and Three Rivers areas must be used in that local area, receipts from the BDNF could be used anywhere in the country. This is a serious potential problem because the Forest Service might be tempted to expand logging on the BDNF to pay for improvements on other forests.

Furthermore, the money from these stewardship contracts can be used for things like putting in new toilets in campgrounds and picnic tables, as well as commercial timber harvesting, instead of removing logging roads and culverts as commonly portrayed by proponents. This is not to say that all funds will be used in this way, but the language does permit funds to be used in this manner. Given that closing roads is far more controversial, than say building some toilets or picnic tables in a campground, some district rangers might be tempted to use funds for such non-ecological "restoration" work.

The bill also authorizes a MINIMUM of 7,000 a year must be "mechanically treated" (euphemism for logging) and a MINIMUM of 3,000 acres a year on the Three Rivers Ranger District in the Yaak. Thankfully there is no acreage requirement for the Seeley Lake District on the Lolo NF. That suggests to me there is no upper limit on logging that could occur as now written. Though proponents assure me that it's unlikely the Forest Service will offer more acres for logging, one can't predict the future.

An additional troubling clause says the authorization for the legislation terminates in either 15 years from enactment OR when 70,000 acres of land on the

BDNF has been mechanically treated. The same clause applies to the 30,000 acres in the Yaak. This suggests that there is no real time limit on logging. If timber prices remain low for a decade, logging companies may wish to delay logging for years until prices improve.

And while the legislation mandates a specific amount of logging, there is no similar mandate for restoration. If the past is any indication, logging will occur, but much of the restoration will not take place. This is particularly true for the BDNF. The BDNF is one of the least productive forests in Montana, and has consistently lost money on its timber program. Flow timber sales on the BDNF will generate enough money to pay for both the administrative costs as well as restoration efforts is not clear.

A minor issue is a provision specific to the proposed Snowcrest Wilderness that says that ranchers can use motorized access to preserve "historic access" ranching activities. I presume cowboys no longer ride horses, so must now be able to ride ATVs or pickups.

While the bill authorizes wilderness protection for a Quigg Peak and Sapphires, it only addresses lands on the BDNF portion of these roadless areas. It would seem to make sense to designate wilderness for the entire roadless portion of these areas now, in-respect of national forest administrative boundaries.

With regards to motorized use, the bill specifically directs the Forest Service to create new trails, particularly loop trails. How much this will expand motorized use in these areas is difficult to predict, but almost for sure, we will see more officially sanctioned ORV use. There is, however, specific language that limits ORV use in National Recreation Areas to designated trails and routes.

UNCHARACTERISTIC FIRE AND INSECT INFESTATIONS?

Another big problem I have with the hills language is that it suggests that most of the forests in the northern Rockies are ecologically degraded. Tester's bill says that logging should be done to reduce "uncharacteristic wildland fire and insect infestations." For the most part, except for areas that have been previously logged. I do not believe that the bulk of the forests in any of the forests addressed in this bill are seriously out of whack ecologically.

Some 99% of the BDNF, for instance, consists of higher elevation forests of lodgepole pine and other forest types that have not been significantly compromised by fire suppression. Lodgepole pine forests naturally burn at long intervals and often in intense large fires and/or are periodically attacked by bark beetles. Similarly much of the Yaak drainage on the Kootenai NF and the Seeley Lake District of the Lolo National Forest consists of lodgepole pine, subalpine fir, western larch and even western red cedar forests—all of which are not seriously affected by fire suppression.

Plus large fires and beetle outbreaks are critical to the long-term health of these forest ecosystems. They are adapted and depended upon periodic large infusions of dead wood. So I have serious reservations about the ecological assumptions and justifications guiding these projects. In other words, how can you "restore" something that is not seriously degraded? Thus the entire ecological justification for active management in these forests is suspect.

Subsidies to Timber Industry

Another part of the Tester bill that I have a philosophical problem with is the direct subsidy of private companies. For instance, the public subsidy of a biomass burner for the Pyramid Lumber Company in Seeley Lake is one example. The justification for this biomass burner is partially due to the previous assumptions—that somehow the Pyramid Lumber Company will be doing us a favor by cutting all those trees that they suggest have grown due to fire suppression. But as I have previously suggested, most of the forests in the Seeley Lake area are likely not out of whack. But even if they were, setting a demand for biomass is risky and can lead to additional demands for logging well above the levels envisioned by proponents. We would be better off spending that money—if taxpayer money be spent—on closing roads and other actions that.

There are good things in Senator Tester's bill worthy of support. But there is much that needs to be altered or at least modified to improve this legislation by the bill's supporters as well as critics alike if indeed this bill moves forward.

LEWIS & CLARK COUNTY,
BOARD OF COUNTY COMMISSIONERS,
Helena, MT, October 5, 2009.

Hon. SECRETARY OF AGRICULTURE TOM VILSACK,
1400 Independence Ave, SW, Washington DC.

DEAR SECRETARY VILSACK: We urge you and the administration to strongly support S. 1470, the Forest Jobs and Recreation Act, introduced by Senator Jon Tester in July.

We need to get past the gridlock that has plagued forest management for so many years. We need to have jobs in the woods, restore our best fisheries and wildlife habitat, address fire risk, protect our best backcountry as wilderness for fishing, hunting, and clean water, and make sure that there is room for diverse forms of recreation, including motorized use and mountain bikes.

The overall objectives of this bill are to:

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As individual commissioners, we strongly believe that these collaborative efforts strongly benefit the residents of our respective counties, because they represent the type of cooperation among different and diverse stakeholders that we need to solve many of the serious problems on the public lands within our boundaries.

We all see the promise that the Forest Jobs and Recreation Act holds for all of us who govern in counties with national forest lands.

Sincerely,

ANDY HUNTHAUSEN,
Chairman.

MIKE MURRAY.
DEREK BROWN.

BOARD OF COUNTY COMMISSIONERS,
LINCOLN COUNTY,
Libby, MT, December 16, 2009.

Hon. JON TESTER,
Washington, DC.

DEAR SENATOR TESTER: The Lincoln County Board of Commissioners supports your efforts of leadership by introducing and moving forward with a Forest Jobs and Recreation Act legislation.

The Three Rivers Challenge project in Lincoln County is a similar local effort to accomplish comparable goals such as job creation and recreational opportunities through a collaborative effort with all sides of the federal land management debate.

We believe that your bill needs to move forward out of committee to allow further discussion of the bill language. As with any legislation, some changes will need to be addressed during further debate of these important issues.

It is very important to our residents that this bill move forward to see if efforts like ours work and change the way things are done on the National Forest.

Sincerely,

JOHN C. KONZEN,
Chairman.

MARIANNE B. ROOSE,
Member.

ANTHONY J. BERGET,
Member.

BOARD OF COUNTY COMMISSIONERS,
MISSOULA COUNTY,
Missoula, MT, November 23, 2009.

Hon. JON TESTER,
U.S. Senate, 204 Russell Senate Office Building, Washington, DC.
RE: Forest Jobs and Recreation Act

DEAR SENATOR TESTER: The Missoula Board of County Commissioners wishes to express our support for the proposed Forest Jobs and Recreation Bill announced in July 2009. As we understand it, the bill is based on three different collaborative projects in Western Montana: the Beaverhead Deeriodge Partnership; Three Rivers Challenge; and the Blackfoot/Clearwater Stewardship Project. We commend your support of these collaborative efforts, which include conservation, timber, small business and outdoor recreation interests. This legislation will codify a positive new approach to resolving public lands management conflicts based on compromise and collaboration. We are pleased to see a proposal that will move our communities forward in timber management, restoration, building local jobs, and protecting both wild and recreation areas.

The bill supports a stewardship approach to forest management. It will require watershed restoration projects such as road decommissioning and stream restoration, all funded by the receipts of logging projects within each stewardship area. This approach creates well-paying jobs for local residents, as well as healthier forests.

In Missoula County, the bill proposes new wilderness and forest stewardship areas in accordance with the Blackfoot Clearwater Stewardship Project, a multi-year project brought forward by a coalition of conservation, timber, small business and outdoor groups. The process for developing this project had support and input from local residents and business owners, local government, Forest Service, and regional and national conservation groups. We particularly want to note our appreciation for Seeley Lake District Ranger Tim Love's active and beneficial participation in this landmark stewardship project. We also appreciate that the proposed legislation authorizes a federal cost-share program for investment in biomass energy technology. This could provide significant funding assistance for Pyramid Mountain Lumber in Seeley Lake to create a biomass plant, which would serve as an outlet for excess forest products from all over Western Montana.

After 26 years without new wilderness in Montana, and with so many acres of Wilderness Study Areas left in limbo, this proposal designates 670,000 acres of wilderness, protecting important landscapes for current and future Montana residents and visitors. The creation of these new wilderness areas is balanced with designation of recreation areas and timber management areas, resulting in more certainty for all interests.

We agree that this legislation is important enough to Montanans and the nation that it be thoroughly vetted as it moves forward. We applaud and encourage your efforts to listen to all concerns regarding this bill. This legislation reflects a growing interest in western Montana for collaborative resolution of multiple-use conflicts on public lands. The components of this legislation are precedent setting for other efforts in the future. We see this bill as a positive step in the right direction and encourage your continued diligent work on the following issues:

- The bill stipulates that current federal laws, like the National Forest Management Act and the Endangered Species Act, will govern the management of these forest stewardship projects and any harvest or restoration activity that occurs. We share the concern with many that the timeframes stipulated for the Forest Service to complete the requirements of these laws are unrealistic and not feasible under current conditions. We urge you to continue your good work with the Forest Service to find mutually agreeable solutions to these issues that are more realistic and achievable.
- There are a number of exceptions to what has become "boilerplate" language in Wilderness protection. Your bill includes notable allowances for motorized use, landing of aircraft and military operations in Wilderness. We understand that in this case, these exceptions are efforts at compromise and allowance of existing uses. However, these exceptions contradict the intent of Wilderness and could be erosive to wilderness protections. We hope these exceptions can be minimized, if not eliminated, and specifically spelled out to restrict exceptions to only the intended allowances on specifically designated acres.
- We thank you for working to recently extend the Secure Rural Schools (SRS) Act, which originally expired in 2008, but will now continue to provide critical funding to several Montana counties until 2011. Many are concerned that if

SRS is not again extended in 2011, rural schools, roads and other infrastructure will suffer a significant decrease in funding. Before SRS was enacted in 2002, counties that encompassed large amounts of federal lands relied on 25% of the receipts of federal timber sales as stipulated by the PILT (Payment In Lieu of Taxes) program. Counties are concerned that the stewardship contracting stipulated in your Forest Jobs and Recreation Bill will further erode the PILT funding we have relied upon in the past. We recognize this concern, but see it as a broader issue, separate from your Forest Jobs and Recreation Bill. We have also seen that funding from the PILT program can be variable and unreliable in some cases because it is dependent upon forest project receipts. It seems that the best approach to supporting the economic needs of rural areas would include the continued funding assistance of SRS, plus the local jobs created by your bill, which together would create multiple benefits for our rural communities. Your continued efforts to communicate your intentions with SRS and other rural funding solutions in the future may help clarify and alleviate these concerns.

In light of these matters and those brought forward by others, please continue your commendable efforts at compromise and cooperation with land management agencies, local businesses, conservation interests, and outdoor recreation groups as you gather feedback on this bill. We also encourage you to support future similar, collaborative efforts to create jobs and support healthy forests and landscapes while concurrently protecting our valuable conservation resources.

Thank you for your efforts to balance wildlands, working forests, recreational opportunities, restored watersheds and economic enhancement with this proposal. We believe that the collaborative efforts of the Beaverhead Deerlodge Partnership, Three Rivers Challenge and the Blackfoot/Clearwater Stewardship Project are commendable and worthy of implementation through national legislation. Thank you for bringing this bill forward.

Sincerely,

BILL CAREY,
Chair.

JEAN CURTISS,
Commissioner.

MICHELE LANDQUIST,
Commissioner.

STATEMENT OF PAT WILLIAMS, FORMER CONGRESSMAN FROM MONTANA

Senators: I am Pat Williams, Montana's member of the U.S. House from 1979 to 1997. Serving all 18 years on the House Interior (Natural Resource) Committee and the Public Lands Subcommittee, I became very familiar with the imperative of concluding the old RARE 11 and designating Wilderness in Montana.

Between 1979 and 1997 I introduced 18 Wilderness bills to achieve those ends. Two of those bills passed and were signed into law, however both of those bills designated only single wilderness areas: The Lee Metcalf Wilderness north of Yellowstone Park and the Rattlesnake Wilderness near Missoula, Montana and south of Glacier National Park. However, my and our Delegation's efforts to pass some of the Roadless, RARE 11 areas into law failed. The sole exception was a major Montana Wilderness bill that passed both the Senate and House in 1988 but was tragically vetoed by President Reagan...the only veto of a Wilderness bill in American history.

The legislation before you marks the first congressional effort in 14 years to see a Montana Wilderness bill through the Congress. Good for Senator Jon Tester! Please give this critically important legislation every consideration. It just might be the last best chance for this Last Best Place.

This legislation is in keeping with the now fifteen-year-old congressional process of developing Wilderness bills through local collaboration. In my view that relatively new process is far from perfect, encouraging, as it has, both the benefits and imperfections of local passions....be they economic, recreation, or preservation.

Senator Tester, relying on the process of local collaboration, really has sought to make this legislation as appealing as he can to various local constituencies. So, as has so often happened during these past fifteen years, the members of this committee may find some precedents and exceptions within this bill. As you are very well aware they exist, as they have in virtually every Wilderness bill, to increase the palatability of the legislation to the various issue constituencies within our state. These locally demanded exceptions are, for the most part, necessary to preserve the popular balance that the bill currently enjoys here in Montana. So, please

be as careful with amendments on this legislation as I know you have been with others recently seen into law.

I could make several suggestions to improve this legislation, however I confine myself to one: the limited logging in this bill is mandated; please do the same with the landscape restoration suggested by the bill...mandate that too. Such an amendment will not only be excellent for the economy and a remedy for scarred land but it will also significantly increase the already significant support for the legislation.

OFFICE OF THE GOVERNOR,
STATE OF MONTANA,
Helena, MT, December 17, 2009.

Hon. SENATOR RON WYDEN,
Chairman, Subcommittee on Public Lands and Forests, 304 Dirksen Senate Office Building, Washington, DC.

DEAR HONORABLE CHAIRMAN WYDEN AND MEMBERS OF THE SUBCOMMITTEE: I appreciate the opportunity to submit comments on Senator Tester's S. 1470, known as the Forest Jobs and Recreation Act of 2009. Senator Tester has attempted to enact the work of a wide variety of Montanans to create jobs in Montana's forests, keep communities safe from wildfire, protect public water supplies, and safeguard Montana's hunting, camping, fishing, motorized, and quiet backcountry recreational traditions.

Like most Montanans, I am frustrated that we have millions of acres of dead and dying trees in our national forests, yet we haven't been able to harvest much of this timber for forest health purposes, vital wood products, or biomass energy production right here at home. Furthermore, we expend great resources and struggle mightily to protect our communities from the wildfire risk this situation presents.

I support S. 1470. For decades, in Montana and much of the West, the debate over federal forest management has been controlled by the extremes. People poked fingers at each other while the health of our forests declined, and Montana and other states continued to lose sawmills and jobs. Several Western states lost completely their forest industry infrastructure. I am grateful that Senator Tester is not willing to sit idly while Montana loses what remains of its critical forest industry infrastructure. This legislation begins to move us beyond these tired fights of the past.

Montanans from the area encompassed by the Beaverhead-Deerlodge National Forest, from the Seeley Lake area, and from the Yaak Valley have stepped forward to offer their solutions in S. 1470. These citizen groups have worked long and hard to build consensus in their communities, and have taken their case to statewide and now nationwide audiences. Senator Tester has worked very hard to craft a good compromise in S. 1470, and it has received widespread support from those who seek reasonable solutions. Absolutists on both extremes who are willing to sacrifice the good in a quest for their conception of the perfect are likely to continue with the disappointment and lost opportunities of the last several decades.

Once again, I thank you for the opportunity to comment on this important legislation. I urge your support of S. 1470.

Sincerely,

BRIAN SCHWEITZER,
Governor.

HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA,
OFFICE OF THE SPEAKER OF THE HOUSE,
Helena, MT.

Hon. SECRETARY OF AGRICULTURE TOM VILSACK,
1400 Independence Ave, SW, Washington, DC.

DEAR SECRETARY VILSACK: We urge you and the administration to strongly support S. 1470, the Forest Jobs and Recreation Act, introduced by Senator Jon Tester in July.

We need to get past the gridlock that has plagued forest management for so many years. As lawmakers, we are keenly aware that the best policy initiatives on issues as inherently divisive as forest management require support of diverse backgrounds. We need to have jobs in the woods, restore our best fisheries and wildlife habitat, address fire risk, protect our best backcountry as wilderness for fishing, hunting, and clean water, and make sure that there is room for diverse forms of recreation, including motorized use and mountain bikes.

The overall objectives of this bill are to:

- Create Jobs: Members of the timber industry strongly support this bill because they believe it will help the industry survive and prosper.
- Improve Forest Health: The bill is focused on addressing issues related to the health of our forests, from beetle outbreaks to impaired fish habitat.
- Protect Our Best Fishing, Hunting, and Clean Water: The Forest Jobs and Recreation Act is good for fishing and hunting, by protecting as wilderness key wildlife and fisheries habitats, and other deserving wild places
- Protect Recreation Opportunities: The bill protects popular areas for motorized and mountain bike recreation on public lands.

Healthy forests are a huge issue in Montana right now. Many folks across the state need only to look out their back window to see dead and dying forests. The stewardship contracting component of the bill will insure a reinvestment in local forests and those dollars coming back to Montana can be used for such things as protecting local communities from catastrophic wildfire.

The legislation is in part based on several local collaborative efforts around the state that we have been following for several years. These efforts have brought diverse Montana citizens and groups together to find a better way to manage our national forests.

As individual state legislators and leaders in our respective communities, we strongly believe that these collaborative efforts strongly benefit our constituents because they represent the type of cooperation among different and diverse stakeholders that we need to solve many of the serious problems on the public lands within our boundaries.

We all see the promise that the Forest Jobs and Recreation Act holds for all of us who govern in counties with national forest lands.

Sincerely,

SEN. MINORITY LEADER CAROL WILLIAMS,
Missoula.

HOUSE SPEAKER BOB BERGREN,
Havre.

[Due to the long list of names, other signatories have been retained in sub-committee files.]

STATEMENT OF RICK DENIGER, PRESIDENT, AND RUSS EHNES, VICE PRESIDENT, MONTANA TRAIL VEHICLE RIDERS ASSOCIATION (MTVRA), GREAT FALLS, MT, ON S. 1470

Mr. Chairman and Members of the Subcommittee:

The Montana Trail Vehicle Riders Association (MTVRA) represents a mix of single, family, and business members as well as local OHV clubs and associations in Montana supporting responsible OHV use. MTVRA believes in fair, balanced and equitable solutions to the ongoing loss of OHV opportunities. Our members live and work in Montana and recreate on public and on a regular basis. They participate in local and state sponsored trail maintenance projects and have served as willing and committed partners to the Forest Service districts in their local areas. MTVRA is recognized by State and Federal agencies as the state association representing off highway recreationists in Montana.

MTVRA actively works to educate the public about good ethics and the responsible use of motorized vehicles on public and private lands. We believe in shared, multiple-use of public lands, with a reasonable balance between the protection of natural resources and maintaining a variety of opportunities currently available to the people of Montana. The families and diverse groups of visitors to public lands are one of Montana's most valuable resources and thus deserve recognition and consideration when adopting rules and legislation governing the use of our public lands.

MTVRA appreciates the opportunity to offer the following comments on Senator Testers S. 1470 "Forest Jobs and Recreation Act of 2009".

MTVRA does not support the designation of more Wilderness Areas in Montana. We firmly believe the current designated acres are sufficient. However, we also believe that Senator Tester is sincere in his belief that this bill would permanently protect wild lands in Montana and protect motorized recreational opportunities in the BeaverheadDeerlodge, Lobo and Kootenai National Forests.

We are concerned that the language assigning areas and trails as open to motorized use leaves them vulnerable to future closures through the various existing planning processes of the US Forest Service. Based on actions and decisions completed the past few years, MTVRA does not trust the Forest Service process to sup-

port the Senator's intent to provide and protect motorized recreation in the lands affected by S. 1470.

MTVRA has had several meetings and conversations with Senator Tester's staff suggesting changes to the language to assure the intent of this legislation is conveyed in the language of the S—1470. The Senator and his staff have welcomed our suggestions. We are working on those suggested language changes as well as important boundary adjustments but they have not yet been delivered as the areas and trails affected by S. 1470 are vast and requires close examination, with trail by trail evaluation to assure the on the ground" facts agree with the maps and proposed intent of the bill. We hope to be able to provide this information to Senator Tester soon.

We appreciate the opportunity to comment on S. 1470 and while we do not support the designation of additional Wilderness in Montana, we do appreciate to opportunity to be involved in the discussion and the democratic process.

Thank you for your time and attention to this comment.

POWELL COUNTY COMMISSIONERS,
Deer Lodge, MT, December 14, 2009.

Hon. JEFF BINGAMAN,
Chairman, U.S. Senate Committee on Energy and Natural Resources, 304 Dirksen Office Building, Washington DC.

DEAR HONORABLE CHAIRMAN JEFF BINGAMAN: The Powell County Commissioners urge you and the administration to strongly support S.1470, the Forest Jobs and Recreation Act, introduced by Senator Jon Tester in July.

We believe gridlock has plagued proper forest management for many years resulting in the forest service not being able to properly manage our public forests. The results are very apparent in the millions of acres of dead and dying trees, catastrophic fires, loss of grazing for wildlife and impaired habitat for fish, not to mention loss of areas available for recreationists. The overall objectives of this bill are to:

- Create Jobs: Members of the timber industry strongly support this bill because they believe it will help the industry survive and prosper.
- Improved Forest Health: The bill is focused on addressing issues related to the health of our forests, from beetle outbreaks to impaired fish habitat.
- Protect Our Best Fishing, Hunting and Clean Water: The Forest Jobs and Recreation Act is good for fishing and hunting, by protecting as wilderness key wildlife and fisheries habitats, and other deserving wild places.
- Protect Recreation Opportunities: The bill protects popular areas for motorized and mountain bike recreation on public lands.

The legislation is in part based on several local collaborative efforts around the state that we have been following for several years. These efforts have brought diverse Montana citizens and groups together to find a better way to manage our national forests. Powell County Commissioners have formally endorsed the FJRA S1470.

We strongly believe that these collaborative efforts strongly benefit the residents of our county. This bill represents the type of cooperation among different and diverse stakeholders.

We all see the promise that the Forest Jobs and Recreation Act holds for all of us who govern in counties with national forest lands.

Sincerely,

RALPH E. MANNIX, JR.,
Chairman.

DONNA YOUNG,
Vice-chairman.

CELE POHLE,
Member.

STATEMENT OF JAMES A. BURCHFIELD, INTERIM DEAN, THE UNIVERSITY OF MONTANA, COLLEGE OF FORESTRY AND CONSERVATION/MONTANA FOREST & CONSERVATION EXPERIMENT STATION, MISSOULA, MT

I was honored to be asked by Senator Jon Tester earlier this week to provide brief written testimony on the Forests Jobs and Recreation Act of 2009. I support this

legislation and urge affirmative support from your subcommittee to enact this important bill into law.

I support the bill because it is a measured, pragmatic step to advance forest planning on our National Forests. As you are all too aware, forest planning across the West has been mired in unproductive, small-bore struggles over a host of specific project proposals, masking the deep-seated policy conflicts over the purposes of public lands. The Forest Jobs and Recreation Act advances forest planning by demonstrating a new form of collaborative engagement between citizens and agency personnel based in common interests, thoughtful deliberations, and a goal of stewardship that melds resource protection with economic benefits.

I cannot stress enough, however, that the Forests Jobs and Recreation Act is but a first step in reforming the planning and management of our National Forests so these lands can offer the full range of benefits to the American people. I view this legislation as a pilot project that will demonstrate, much like an experiment, the available, constructive tools to engage public interests with scientists and resource management professionals. This Act must be coupled with a larger, Congressional effort to examine the policy conflicts and operational barriers to the effective management of public lands. Planning on our National Forests is broken, and the vision of the National Forest Management Act (NFMA) has not been fulfilled. Serious steps must be taken to support the USDA Forest Service to reconstruct its capacity to undertake open, adaptive, and efficient forest planning processes. The beauty of the Forest Jobs and Recreation Act is that it reflects this type of process, and it builds confidence among citizens that seemingly intractable differences can be reconciled.

I do not see, however, the Forests Jobs and Recreation Act replicated on other National Forests. In fact, I am generally opposed to what has been called "place-based legislation." I believe legislation mandating specific actions on individual National Forests weakens the overall capacity of the Forest Service to provide the institutional expertise and analytical power necessary to evaluate system conditions, trends, and management impacts, and it generates a difficult set of budgetary and administrative constraints that limit the agency from doing its job of being effective stewards and protectors of our public lands. Yet the case of the Forest Jobs and Recreation Act is an exception to the rule. The Act provides a bridge to a more vitalized Forest Service that can, with Congressional and the Obama Administration's help, develop a new generation of forest plans based on recently tested interactive, transparent processes that both honor multi-party negotiations and remain flexible to the accelerating changes within the forest environment. Further, the social context surrounding the Act argues for an immediate response to the stasis in forest planning since critical, responsible actors within both industry and conservation organizations have broken free of ideological shackles to risk these workable compromises. In short, we need a kick in the pants to show us that we can get something done. Senator Tester's efforts in crafting the Act have given people across this region reason to believe that we have buried our hatchets and are willing to try something that was created by and for the citizens who care about our forests.

You will note that I have not commented on the specifics of the Act, but have urged passage on the general principle of building public confidence in our ability to apply collaborative planning processes and make progress in the context of ongoing policy controversy. I have made comments in a separate communication with Senator Tester's office about some items that I think could improve the bill, and most of these relate to ensuring that the Act creates learning opportunities from its implementation. I am particularly pleased that the Act emphasizes stewardship contracting and the formation of Resource Advisory Councils (RACs), since these tools allow both ongoing citizen participation and a reengagement of the private sector in the design of projects.

I will restate my overarching concern that this Act must be part of a larger Congressional effort to reform National Forest planning. I was delighted to see that you and 11 other Senators recently wrote to President Obama requesting additional support for the Forest Service budget, as this is also a necessary step to energize the capabilities of the agency. Like most all of us, I want our National Forests and other public lands to remain one of America's best ideas. I want the Forest Service reborn as a living example of a responsive agency for the public good. I want our students, our families, and our descendants to enjoy and benefit from our National Forests, remembering that when hard choices needed to be made, we did everything within our power to overcome adversity and move forward.

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

I would like to start by thanking Chairman Wyden and Ranking Member Barraso for bringing this important piece of legislation before the Subcommittee today. I know that you have a full schedule and I appreciate the time you have made to consider this legislation, which will bring solar energy development and other much needed economic development to my district.

H.R. 762 seeks to validate a configuration change to an existing land patent located in Clark and Lincoln Counties in Nevada. This legislation is straightforward, non-controversial, and passed the House unanimously on July 15th of this year. Validation of this patent is necessary to enable to recovery of the desert tortoise which is currently listed as an endangered species.

This legislation has a long history beginning with the Nevada-Florida Land Exchange Authorization Act of 1988 (ACT), Public Law 100-275, which authorized the original land exchange between the United States and Aerojet. Because the lands in question were in a configuration that effectively created a doughnut hole of habitat stranded in the middle, the U.S. Fish and Wildlife Service (FWS) requested the Bureau of Land Management (BLM) change the land configuration to provide for contiguous desert tortoise habitat. This action was allowed, pursuant to the Act, however it led to a stipulated settlement from a Federal district court lawsuit involving the BLM and landholders.

H.R. 762 implements that settlement and provides contiguous habitat for the benefit and recovery of the desert tortoise, while allowing much needed economic and solar energy development to take place in Clark and Lincoln Counties.

I am including for the record letters from the impacted counties, Lincoln and Clark, as well as letters from various conservation organizations in support of this legislative effort. The broad support for this legislation is a result of the common desire to validate the patents and leases issued in 2005 by the BLM for the benefit of the wildlife values we originally sought to protect.

Thank you again for your willingness to take up H.R. 762 before the Subcommittee today, and I stand ready to assist you in any way to ensure passage of this legislation by the Senate. Thank you

BROADWATER COUNTY BOARD OF COUNTY COMMISSIONERS,
Townsend, MT, October 26, 2009.

Hon. SECRETARY OF AGRICULTURE TOM VILSACK,
1400 Independence Ave, SW, Washington, DC.

DEAR SECRETARY VILSACK: We strongly urge you and the administration to support S. 1470, the Forest Jobs and Recreation Act, introduced by Senator Jon Tester in July.

We need to get past the gridlock that has plagued forest management for so many years. As lawmakers, we are keenly aware that the best policy initiatives on issues as inherently divisive as forest management require support of diverse backgrounds. We need to have jobs in the woods, restore our best fisheries and wildlife habitat, address fire risk, protect our best backcountry as wilderness for fishing, hunting, and clean water, and make sure that there is room for diverse forms of recreation, including motorized use and mountain bikes.

The overall objectives of this bill are to:

- Create Jobs: Members of the timber industry strongly support this bill because they believe it will help the industry survive and prosper.
- Improve Forest Health: The bill is focused on addressing issues related to the health of our forests, from beetle outbreaks to impaired fish habitat.
- Protect Our Best Fishing, Hunting, and Clean Water: The Forest Jobs and Recreation Act is good for fishing and hunting, by protecting as wilderness key wildlife and fisheries habitats, and other deserving wild places
- Protect Recreation Opportunities: The bill protects popular areas for motorized and mountain bike recreation on public lands.

The legislation is in part based on several local collaborative efforts around the state that we have been following for several years. These efforts have brought diverse Montana citizens and groups together to find a better way to manage our national forests. Although our commissions have not yet formally endorsed the FJRA, we have endorsed one or more of the underlying collaborative projects.

As individual state commissioners, we strongly believe that these collaborative efforts strongly benefit the residents of our respective counties, because they represent the type of cooperation among different and diverse stakeholders that we

need to solve many of the serious problems on the public lands within our boundaries.

We all see the promise that the Forest Jobs and Recreation Act holds for all of us who govern in counties with national forest lands.

Sincerely,

GAIL M. VENNES,
Chairman.

STATEMENT OF THOMAS MICHAEL POWER, RESEARCH PROFESSOR & PROFESSOR
EMERITUS, ECONOMICS DEPARTMENT, THE UNIVERSITY OF MONTANA, MISSOULA,
MT, ON S. 1470

1. THE KEY ASSUMPTIONS BEHIND SENATOR TESTER'S "FOREST JOBS AND RECREATION
ACT"

Montana's Senator Tester is attempting to cut the Gordian knot that has tied up any action on the management of more than six million acres of roadless federal land in Montana. He has been praised by some for his courage and audacity while others have attacked him for not keeping faith with those who elected him and for selling out to one special interest group or another.

One reason for this mixed emotional reaction is that when it comes to the public dialogue about forest management there is no common agreement about the underlying facts and economic context. Senator Tester and his allies are operating from one set of what they believe to be factual assumptions while their critics begin with a quite different understanding of the facts on the ground.

What I want to do here is simply outline the conventional wisdom from which Senator Tester appears to be operating. That will sound familiar, and, to many, convincing, but those assumptions are, in fact, highly debatable. In commentaries over the next two months, I will then seek to critically explore each of those assumptions before coming to any conclusion about whether Senator Tester is actually offering a viable solution to the paralysis that has kept a grip on Montana's roadless wildlands for more than a quarter of a century.

The title of Senator Tester's bill makes clear its primary focus: forest restoration. The basic assumption is a familiar one: The National Forests in Western Montana, as a result of a variety of human and non-human causes, are in poor, even dangerous, condition. They biologically are well beyond natural and sustainable conditions. As a result major human intervention is necessary to move these natural landscapes back to a healthy, safe, and sustainable condition. From this point of view, we cannot just stop stressing and damaging the forests and allow them to rest and recover on their own.

That is why roadless area or wilderness protection for most of these lands will not solve the problems. We have to actively intervene with landscape-scale vegetative manipulation, including logging, thinning, prescribed burns, etc. Tester's bill seeks to start doing exactly that.

This need to work the forests to move them back to safe and stable conditions is also why it is important for the region to maintain a functioning forest products industry. Without that, we will not have the commercial infrastructure to make use of the logs that need to be removed from our forests. Without a significant forest products industry, the wood fiber in our forests loses commercial value, and the harvest of trees from these unhealthy forests cannot help finance the forest restoration work that needs to be done. That is one of the reasons Tester's bill seeks to prop up the region's forest products industry.

The other reason that Tester proposes legally mandating the harvest of more timber from federal lands is the belief that the economies of Western Montana heavily depend on the forest products industry and those economies have been disrupted by the inability of the US Forest Service to maintain a flow of logs to our mills. Tester's bill seeks to solve that problem by mandating a steady annual flow of logs. That, he believes, will help save those mills and stabilize our economies.

Landscape-scale forest restoration of the sort that would be mandated by Tester's bill will cost a lot of money, money that the federal government does not really have. With existing large federal deficits and increasing demands on the federal budget for economic recovery, ongoing wars, medical insurance reform, and energy policy, it is unlikely that we can count on Congress to appropriate the money to fund all of the forest restoration work that we are told needs to be done. Senator Tester proposes to get around these funding limitations by paying private contractors with the harvest of commercially valuable logs to do the needed work. Instead of the US Forest Service selling the logs and sending the cash back to the US Treas-

ury, the logs would be used to pay for the forest restoration work through what are called Stewardship Contracts.

The approach that Senator Tester has taken in developing his bill indicates his solution to the conflict among competing uses of National Forest land that has thus far led to paralysis and gridlock. Senator Tester relied on having some of the competing interests sit down at the table and negotiate in a collaborative manner. That sort of negotiation allowed many parties to get part of what they wanted from the National Forests, producing what has been called a win-win-win outcome. The idea is that these competing uses can be balanced so that the forests can simultaneously support an expansion of the timber industry, more off road vehicle use, improved wildlife habitat, enhance non-motorized recreation, as well as the environmental services provided by natural forests and watersheds. Allowing such local and private negotiations over the management of our National Forests is seen as an appropriate decentralized solution to a broken centralized federal system.

Finally, the forested landscape of Western Montana is seen as so huge that significant timber harvests are possible without doing any serious environmental harm. With millions and millions of acres of federal forestland available, mandating the annual harvest of ten thousand acres or so of trees could not possibly do significant damage to the overall forest. In fact, we are told, that mandated logging, when carried out as part of a larger forest restoration effort, will actually improve the health of the forests.

As common and familiar as all of these underlying assumptions are, they are far from being factual assumptions. They are a mix of folk wisdom, economic nostalgia, wishful thinking, and barely disguised commercial and bureaucratic government special interests. Before jumping onboard with Tester's proposal, each has to be critically analyzed.

2. TWO VIEWS OF THE TESTER FOREST JOBS AND RECREATION BILL

The controversy over Senator Tester's Forest Jobs and Recreation Bill is likely to get some national attention in a week or so as the bill receives its first hearing before the Senate Subcommittee on Public Lands and Forests in the our nation's capitol. That bill has been called both Tester's "logging bill" as well as Tester's "wilderness bill." Critics point out that the title of the bill mentions "forest jobs" but does not mention "wilderness" at all, leaving some suspicion as to what the main purpose of the bill is.

Wilderness advocates who support the bill point out that the bill would add 670,000 acres of wilderness and another 225,000 acres of National Recreation Areas where timber harvest will be prohibited. That's approaching a million acres of protected land, clearly an admirable goal.

The critics, also wilderness advocates, shake their heads in dismay because at the same time that bill appears to open so much roadless wild land to potential logging. Consider the Beaverhead-Deerlodge National Forest, Montana's largest National Forest. It contains 3.3 million acres of land, mostly undeveloped, high lodgepole pine forest. Forest managers there have classified less than ten percent of that land as suitable for commercial timber management. Yet, Tester's bill would classify 1.9 million acres of land as "suitable for timber production" where "timber harvest is allowed." The 500,000 acres of new wilderness that Tester's bill would create in the Beaverhead-Deerlodge National Forest somewhat shrinks in significance compared to the area four times as large that appears to be declared open for timber harvest. That is especially shocking since the area now declared open to logging is over eight times larger than what had previously been deemed suitable for timber harvest.

This may just be the result of bad horse trading and a conscious gamble on the part of the collaborative that originally negotiated this proposal. The fact is that the vast majority of the Beaverhead-Deerlodge National Forest is likely to remain unroaded and unlogged indefinitely into the future, primarily protected by economics. It is far too costly to go after most of the standing inventory of trees there and those trees have little commercial value, at least for now.

Tester's bill actually attempts to steer the logging that the bill mandates away from the backcountry and limit it to the already human dominated edges of the forest. The bill orders the Forest Service, when choosing the lands where the timber harvest is to take place, to give "priority" to lands that already have high densities of roads, have already been relatively heavily logged, and contain forests that are at high risk for insect epidemics or high-severity wildfires.

The actual meaning of these limits, however, may hinge on whether all of these criteria have to apply or whether only one of them need apply. That last criteria is loose enough that it by itself could open the entire Beaverhead-Deerlodge Na-

tional Forest to timber harvest since lodgepole pine forests naturally tend to experience large stand-replacing fires.

The level of timber harvest that would be annually mandated on the Beaverhead-Deerlodge National Forest under Tester's bill can also be read in either comforting or alarming terms. The bill requires 7,000 acres a year to be harvested. To supporters of the bill, this is a tiny acreage of harvest, a tiny fraction of one percent of the huge 3.3 million acre forest.

To critics, although 7,000 acres appears trivially small compared to the total size of the forest, it is not so small compared to the part of the forest deemed suitable for commercial timber harvest, 300,000 acres, of which the 7,000 acres are 2.3 percent. That level of harvest would be sustainable only if new trees grew to commercial size in about 40 years, an unlikely event in a high, cold, lodgepole pine forest in Montana.

To critics, this is simply an unsustainable level of harvest. Looking back over 40 years of timber harvest on that forest, 7,000 acres of timber harvest was reached only once, in 1971, in the heyday of aggressive Forest Service harvests across the nation. That level of harvest was once again approached in the last peak harvest year on Forest Service lands in the late 1980s when 6,000 acres were harvested. Between 1967 and 1989, when the Forest Service was still largely unhindered by environmental concerns and harvested record numbers of trees, the average acreage harvested on the Beaverhead-Deerlodge National Forest was about 4,000 acres. The Tester bill would seek to force a harvest level two-thirds higher than that previous unfettered average harvest level.

Supporters of Tester's bill insist that the intent is not to open up most of the forest to timber harvest but quite the opposite: to support modest timber harvests where they would do the most good and the least harm. If that is the case, the language of the bill should be tightened up to accomplish exactly that by limiting the areas open to potential timber harvests to a much smaller portion of the forest and by making clear that the "priority" areas for timber harvest are in fact those areas that have already been roaded and open to logging and where the timber harvests can help protect human habitation. Finally, the level of mandated timber harvest should be set based on what foresters indicate is a sustainable level of harvest given the characteristics of that forest.

Such a tightening up of the language and numbers in the Tester bill should be acceptable to the wilderness advocates who support this bill since it would simply assure that the bill does what they say it is intended to do. If timber interests howl in protest over such clarification that should give the rest of us pause as to exactly what the Tester bill is really all about.

3. MANDATING TIMBER HARVESTS TO SUPPORT WILDERNESS PROTECTION

Senator Tester's "Forest Jobs and Recreation Act," which seeks to both boost timber harvests and add hundreds of thousands of acres of wilderness in Montana, had its first hearing before a congressional committee late last week. It was not surprising that Montana timber interests testified in favor of the bill. What was interesting was that wilderness advocates from Montana and national environmental organizations were strongly divided over the merits of Tester's bill. Tester is attempting to "split the baby" and end the multi-decade paralysis that has both blocked any new wilderness protection for Montana's six million acres of unprotected wildlands and shrunk timber harvests on federal lands in Montana down to a small fraction of what they were two decades ago.

The Obama Administration, through the Undersecretary in charge of the U.S. Forest Service, weighed in on the side of the critics of Tester's bill, strongly recommending that key elements of the bill be modified. In particular, federal officials focused in on Tester's proposal to have Congress mandate particular levels of timber harvest on some of Montana's National Forests. They commented that those mandated timber harvests "are likely unachievable and perhaps unsustainable" and "far exceed historic [harvest] levels on these forests, and would require an enormous shift in resources from other forests in Montana and other states to accomplish the [harvest] levels specified in the bill." That is the same criticism that has come from many Montana critics of the Tester bill.

Tester's Senate colleague, Ron Wyden of Oregon, sought to support the bill by asking why, if the Federal government can bail out our automobile companies and banks, it cannot support bailing out the timber industry in Montana and elsewhere the Pacific Northwest? Setting aside the question of whether an endless wave of federal bailouts of private businesses is good for our economy, the problem with Tester's bill is that it will not stabilize the timber industry and timber communities but would do the opposite.

Senator Tester's bill would require the U.S. Forest Service to arrange the commercial harvest of more acres on the Beaverhead-Deerlodge National Forest than have ever been harvested there in the last 50 years except for one year. The Forest Service would have to see that those acres were harvested every year no matter what the demand for timber happens to be. The economically naive idea behind this timber harvest mandate is that if large volumes of timber are harvested, our lumber mills will operate at a higher level and more Montana workers will be employed. Advocates believe that a constant timber supply will assure constant production and employment at mills.

It might have worked that way back in the old centrally planned Soviet Union, but it does not work that way in a market economy. When the demand for timber products is very low, as it is now because of the collapse of the construction industry, continuing to produce wood products at a constant level only drives down the price of wood products further, threatening the profitability of those mills that have been barely able to continue to operate. Similarly, even if the housing industry were not in the dumps, if total wood products supply exceeds demand because of increased mill production or competition from other parts of the nation and the world, simply churning out the same level of production despite the excess supply will simply assure that lumber prices will continue tanking, forcing more and more mills out of business.

In a market economy, producing a constant level of supply no matter what economic conditions happen to be destabilizes the market, businesses, and communities even more. During periods of excess supply, it drives prices lower than they otherwise would be. During periods of excess demand, it drives prices higher than they otherwise would be. Stable levels of production lead to unstable prices as market conditions fluctuate. Mandating a constant flow of trees into the market does not stabilize communities. It does the opposite.

The mandated harvests in Tester's bill are also likely to be very costly to taxpayers and to the important non-timber programs run by the Forest Service. In soft timber markets, the skinny lodgepole pine of the Beaverhead-Deerlodge National Forest is likely to have very low commercial value. Yet Tester's bill would require that the Forest Service harvest the trees nonetheless, even if, as is usually the case on most of Montana's National Forests, that harvest takes place at a loss to the U.S. Treasury. The Forest Service will have to take money from other projects and/or other forests to subsidize the harvest of those trees that the market does not want or need.

The low value and high cost of those trees is what has kept harvest levels of those trees so low over the last half-century, even during boom times in the timber industry. Yet now harvest-at-a-loss would be mandated by law. Tester likely suspects that this will be the case because while his bill mandates the timber harvest, it does not mandate the forest restoration work that the timber harvest is supposed to pay for. In today's markets and in many of the market conditions we have faced in the past, the mandated harvest will lose money and fund no restoration work at all.

As the Obama Administration witness said at the Senate hearings, this is a fixable problem with Tester's bill: Just get rid of the mandated timber harvests and the massive expansion of the part of the forest that is open to commercial timber harvest. That would be better both for Montana's communities and for Montana's forests.

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

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

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

While S. 1470 has garnered national interest, there are place-based initiatives happening on other National Forests, including the Lewis and Clark, Colville, Clear-

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

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

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

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

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

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

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

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

One purpose of S. 1470 is to generate a more predictable flow of wood products for local mills, thus the bill's timber harvest mandate. The probability of achieving community stability through forest management has been debated ad nauseum. Alas, most agree that there are simply too many uncontrollable impediments to achieving this objective, like fluctuating housing starts, cheap Canadian imports, vacillating court decisions, swings in agency budgets, and so on. Nonetheless, S. 1470 is to be admired for its focus on sustainable forests and communities, and for understanding the benefits of having a functional timber industry in Montana.

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

S. 1470 would be primarily implemented and paid for by using stewardship contracting. This tool's popularity stems partially from the highly uncertain congressional appropriations process, a process that chronically underfunds the USFS and its non-fire related responsibilities and needed restoration work. But

on the Beaverhead-Deerlodge National Forest, there are serious questions as to whether there is enough economic value in this lodgepole pine-dominant forest to pay for the restoration work. As a safety valve, S. 1470 authorizes spending additional money to meet its purposes, but there is no guarantee that such funds will be appropriated, or if so, they would not come from another part of the agency's budget.

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

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

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

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

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

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

To be sure, compromise is inherent in the Wilderness Act, and all sorts of special exemptions and political deals are written into wilderness laws with some regularity. But trading wilderness for a timber harvest mandate is a different beast altogether. The real question here is not whether it is reasonable to require two National Forests to mechanically treat 100,000 acres over the next ten years; but rather what those numbers will look like in other states if all of a sudden harvest mandates are politically palatable.

5. Why not experiment in more serious fashion?

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

litigation. Not included on the list are specific ecological (non-timber related) monitoring requirements.

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

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

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

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

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

STATEMENT OF KEITH L. OLSON, EXECUTIVE DIRECTOR, MONTANA LOGGING ASSOCIATION, ON S. 1470

Preface: On December 5, 2009 the board of directors of the Montana Logging Association (MLA) developed the following position on S. 1470—the Forest Jobs & Recreation Act of 2009. Notably, this position was adopted in advance of the announcement that the Smurfit-Stone Container mill in Missoula, Montana would permanently shut down December 31, 2009. That closure gives greater urgency to our stated concern for ensuring that this legislation must assist in the survival, viability and expansion of Montana's integrated forest-based manufacturing infrastructure.

Chairman Wyden and members of the subcommittee on Public Lands and Forests: The 500+ members of the Montana Logging Association (MLA) operate family-owned businesses engaged in the harvesting and transportation of logs from forest to mill in Montana and; as such, we have a key interest in legislation that impacts the health of our forests and rural communities.

One of the stated objectives of S. 1470 is to resolve the gridlock which continues to plague the management and, thereby, the health of Montana's national forests.

That gridlock is a product of many factors, including poorly written legislative mandates that often contradict one another... administrative policies that fail to recognize the dynamic nature of our forests... a litigious minority that is rewarded for challenging forest management proposals... and a judiciary that refuses to acknowledge that the second guessing of resource professionals is as damaging to forested

ecosystems as are insects, diseases and, thereby, the inevitable consequence of catastrophic wildfire.

Members of the subcommittee, when laws don't work and policies don't work, forest plans will not work; and abdicating management of our national forests to the judiciary is irresponsible. It's time to try something else.

S. 1470 has many critics... and hopefully, most of their concerns can be addressed in the final version of this bill. We, too, will highlight several shortcomings that concern us. Before we proceed, however, it is imperative that you understand that our concerns will focus on one necessary truth:

The final version of S. 1470 must assist in the survival, viability and expansion of Montana's integrated forest-based manufacturing infrastructure.

That infrastructure is disappearing at an alarming rate; thereby threatening the health of our forests and the quality of the resource values they provide... as well as the economic vitality of our rural communities and the proud heritage and quality of life they provide.

With respect to S. 1470 as it currently reads, we believe the following shortcomings must be addressed in the final bill:

- **Funding Mechanisms** Although the bill mandates stewardship projects, including the production of merchantable wood products, it does not provide adequate assurance that funds will be appropriated to carry out the non-wilderness mandates in the bill. This shortcoming must be addressed if S. 1470 is to avoid becoming an unfunded mandate.
- **Appeals & Litigation** Congress has demonstrated support for beneficial legislative language that has passed judicial muster—such as pre-decisional appeals, expedited NEPA and balance of harms—and S. 1470 must include such provisions if mandated projects are to have every chance to succeed.
- **Skin in the Game** Litigants must not be given free reign to sue, especially when the objectives of active management include fuels reduction, watershed protection, community safety, protection from catastrophic wildfire, etc. Therefore, S. 1470 must include a provision that penalizes litigants when they do not succeed in court, such as a bonding requirement equal to the monetary losses unsuccessful challenges cause to contractors and the environment.
- **Beneficial Judicial Language** In order to ensure the agency has every chance to prevail in court—because S. 1470 will be litigated—the following language is submitted for inclusion in the bill:

SECTION—A Record of Decision for a landscape scale restoration project shall not be deemed arbitrary and capricious under the National Forest Management Act, National Environmental Policy Act or other applicable law as long as each landscape scale restoration project is consistent with the restoration requirements in Section 104.

This is nearly identical to language used to authorize timber sales in the Flathead and Kootenai National Forest Rehabilitation Act—Pub. L. No. 108-108 § 407, 117 Stat. 1241 (2004). Importantly, this statutory language was upheld against a challenge that it was unconstitutional by the Ninth Circuit in *Ecology Center v. Castaneda*. Please include it in S. 1470.

- **Automatic Reauthorization** This is essential if S. 1470 is to provide for the long-term sustainability of the national forests in question... because without it, critics of the legislation will litigate knowing that time is their ally in court.
- **Stewardship Projects** As much as the MLA likes stewardship contracting, we caution the subcommittee to remember that it is but one tool that forest managers need at their disposal to be true stewards of the forest. Unnecessarily limiting management tools may work against the objectives of the legislation. Furthermore, S. 1470 needs to include smaller scale projects for local contractors who do not have the financial capacity to be competitive for landscape-level projects.

Members of the subcommittee, we believe S. 1470 must address the aforementioned shortcomings if the bill is to meet our mandate of assisting the survival, viability and expansion of Montana's integrated forest-based manufacturing infrastructure.

We would further note that, in our opinion, S. 1470 could achieve greater public support if it were to also include language that addresses:

- **Equal Certainty** S. 1470 provides wilderness protection first and foremost; thus, we are in agreement with those who believe a “trigger” mechanism for non-wilderness mandates should be met before wilderness designations are finalized.

- Local Governments In keeping with the fact that MLA members represent an essential component—economically and socially—of Montana rural communities, we respectfully encourage you to carefully consider the valid concerns of local elected officials.
- Active Forest Management We agree with the logic advanced in testimony provided by the Society of American Foresters with respect to the long-term production of merchantable fiber; and we specifically support their recommended language and ask that you include it in S. 1470 to wit: “Forest management activities, consistent with prescribed restoration treatments, must be used on a sustainable and permanent basis following the first 15 year treatment on the designated landscapes. Forest management activities would be the primary tool to maintain and conserve forests for the desired objectives of wildlife habitat, recreation, water resources, wildfire and climate change resilience, and additionally designed to produce renewable and economically marketable wood products.”

Members of the subcommittee, we reiterate our appreciation of S. 1470's stated goal to resolve the deadlock that has plagued forest management in Montana for decades... and we submit that inclusion of the recommendations we have listed above will help to ensure that S. 1470 successfully accomplishes that goal.

Respectfully submitted upon behalf of the board of directors of the Montana Logging Association.

STATEMENT OF KATHY DECOSTER, VICE PRESIDENT AND DIRECTOR OF FEDERAL AFFAIRS, THE TRUST FOR PUBLIC LAND, ON S. 1787

Mr. Chairman and Members of the Subcommittee:

On behalf of The Trust for Public Land (TPL), I appreciate the opportunity to express strong support for S. 1787, the “Federal Land Transaction Facilitation Act Reauthorization of 2009.” We commend Senator Bingaman for introducing this bill and appreciate the the subcommittee's expeditious consideration of this very important legislation.

The Trust for Public Land conserves land for people to enjoy as parks, gardens, and natural areas, ensuring livable communities for generations to come. Since 1972, TPL has helped protect more than 2.8 million acres of land in 47 states, the District of Columbia, Puerto Rico, the Virgin Islands, and Canada.

TPL endorses the principle that proceeds from the targeted sales of lands identified for disposal under the Federal Land Planning Management Act should be used for the acquisition of inholdings and significant edgeholdings of our national parks, forests, refuges, and eligible BLM units. Since 2007, more than \$57 million in FLTFA funds has been invested in the acquisition of over 13,600 acres of important conservation lands. TPL has been pleased to be a partner of federal land management agencies in using FLTFA to acquire lands in Oregon, New Mexico, Nevada, Utah, and Arizona.

Among the first group of acquisitions approved by the Secretaries of the Interior and Agriculture under FLTFA was an historic fishing camp once owned by the Western novelist Zane Grey on the Rogue River in Oregon. Located on a wild and scenic river corridor, this former inholding is a popular stop for rafters, hikers, and fishermen. While taking a respite, these recreationists can peer into Zane Grey's rustic cabin—listed on the national register of historic places. This property is now part of the Rogue Wild and Scenic River administered by the Bureau of Land Management.

In New Mexico, TPL has completed three FLTFA acquisitions with BLM, two at La Cienega ACEC and one at Elk Springs ACEC. The La Cienega acquisitions are part of an ongoing effort to create an unbroken connection of protected lands. FLTFA was instrumental there in protecting over a half-mile of the Santa Fe River along with stands of cottonwood and coyote willow that provide habitat for species such as the Southwestern willow flycatcher. The acquisition of 2,280 acres at Elk Springs provides improved forage for Jemez elk and deer herds and protects the Juana Lopez Research Natural Area of Manco shale, a fossil-rich formation containing ammonites, mollusks, and fish of the upper Cretaceous age.

Earlier this year, Zion National Park was able to acquire ten critical acres in the Kolob Terrace section of the park. Located on a popular scenic road, this property lies near the base of Tabernacle Dome, an area popular for its hiking trails, camping, and spectacular vistas. The NPS had long identified this property as a priority to acquire because of its visual prominence. Because there were not sufficient funds in Utah's FLTFA account, the Park Service stepped up to contribute some funds from the Land and Water Conservation Fund in order to complete the purchase.

In addition to the acquisitions described above, TPL has been pleased to work on two Forest Service acquisitions. In Arizona, FLTFA provided the funding necessary to acquire the first phase of the 139-acre Packard Ranch located in the Coconino National Forest. Surrounded by national forest lands, the property contains two perennial streams, a trailhead to the Sycamore Canyon Wilderness, and important archaeological resources. Long a top acquisition priority for the Forest Service in Arizona, Packard Ranch would have been a lost opportunity had FLTFA funding not been available. Funds from the Land and Water Conservation Fund (LWCF) were subsequently used for the second phase of this project and we hope to complete the final phase in FY 2011. More recently, approval was given for an acquisition in the Humboldt-Toiyabe National Forest in Nevada along the Pony Express National Historic Trail. This very historic and beautiful 123-acre property is located near Lake Tahoe and would serve as a connection between the Tahoe Rim Trail to the west and the system of trails in the foothills of the Carson Range to the east.

The Zion NP project and the Packard Ranch acquisition are good examples of how FLTFA and LWCF complement one another. The acquisition of inholdings is important for the management of federal lands and for the protection of significant natural, recreational, historic, and archaeological resources. LWCF appropriations have been insufficient to meet the needs identified by federal land management agencies, and many opportunities have been lost to development or other noncompatible uses. FLTFA is a critical tool for land protection; without it, many more opportunities would have been lost in the past few years.

The Trust for Public Land supports the permanent reauthorization of FLTFA and the elimination of the date limitations on both sales and acquisitions. This would enable land managers to more fully utilize FLTFA to accomplish their goals of improved management and greater protection for our nation's natural treasures. I recognize that S.1787 in its current form extends the limitation on land sales to the date of enactment rather than completely eliminating this restriction. Nevertheless, we look forward to the passage of this important legislation and thank the subcommittee for its active consideration of S. 1787.

STATEMENT OF TIM ALDRICH, ON S. 1470

As a native Montanan, a retiree after 37 years of employment with the United States Forest Service and as the president of two Montana-based organizations of conservation-minded hunters and anglers, I offer the following for your consideration:

S. 1470, The Forest Jobs and Recreation Act comes from the collaborative efforts of organizations and individuals who, for the last 30 years at least, have been tugging in entirely different directions as far as the management of the National Forests. This is also a good bill from several other perspectives:

- Montana's wood products industry is nearing total collapse. Montana needs viable wood products industries for jobs, to provide the tools essential for the wise management and use of vegetation on federal, state and private forests, and to provide important materials and products used all over the world.
- Montana has many outstanding landscapes; some of the finest are included in S 1470 to be designated as Wilderness. Management of inventoried roadless lands has been in limbo too long, and the continuation of the "standoff" does not serve the American people and their resources well.
- Through implementation of its prescribed management and restoration activities, S 1470 will assure a continuing abundance of cool clear water and provide improved wildlife habitat to support the wealth of wildlife species so important in the culture of Montana. Stewardship contracting provides an excellent mechanism to get the work done while keeping the value of products in benefits on the sites. I encourage the Committee to look at this Act as providing the opportunity to explore the need for and use of tools that could also benefit other units in the future.

I strongly encourage the Committee in their wisdom to steer this legislation to assure that it facilitates the intended successes for the Public and for the Forest Service. Strong leadership and backing of Congress, the Department of Agriculture and Forest Service at all levels will be essential. This Act must assure that the three national forests don't become "winners" at the expense of all the other national forests becoming "losers." I thank you for your serious consideration of this Act.

December 17, 2009.

Hon. JEFF BINGAMAN,
703 Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: We are writing in support of S. 1787, your bill to reauthorize the Federal Land Transaction Facilitation Act.

The Federal Land Transaction Facilitation Act of 2000 (FLTFA) has been a successful and balanced approach to land conservation. FLTFA provides a key tool for the Bureau of Land Management (BLM), the U.S. Forest Service, the U.S. Fish and Wildlife Service and the National Park Service to purchase critical inholdings and edgeholdings from willing sellers in the western states. Using a "land for land" approach, FLTFA has generated over \$113 million in revenue from BLM sales of scattered and discontinuous tracts and the Secretaries of Interior and Agriculture have approved over \$66 million toward protecting more than 18,000 acres of high-priority land.

Your legislation will help ensure that FLTFA's success continues. S. 1787 incorporates key principles for reauthorization by maintaining the "land for land" principle in the current law; making the authorization permanent; and allowing designated areas to qualify for funding, regardless of the date of designation. Because of FLTFA's great benefits for fish and wildlife conservation, outdoor recreation and historic preservation, we hope to see it reauthorized before it expires in July 2010.

As your bill moves forward, we look forward to working with you and your staff on elements of the bill relating to the eligibility of lands for disposal and individual county bills. We support the provision in the House bill striking the date restriction on land use plans so that any land identified for disposal in a plan qualifies for FLTFA, regardless of the date of the plan. Additionally, we support the language in the Senate bill regarding the White Pine and Lincoln counties and encourage that the Owyhee, ID, and Washington, UT, county bills be included and other local public lands legislation be addressed, as well.

Thank you again for introducing this important legislation. We applaud your leadership and stand ready to assist you in reauthorizing FLTFA.

Sincerely,

DARIN C. SCHROEDER,
Vice President of Conservation Advocacy,
American Bird Conservancy.

WADE BLACKWOOD,
Executive Director,
American Canoe Association.

[Due to the long list of names, other signatories have been retained in sub-committee files.]

STATEMENT OF STEVE BULLOCK, ATTORNEY GENERAL, STATE OF MONTANA

As a member of the State Land Board—the panel charged with overseeing the management of 5.2 million acres of school trust land in Montana—I'm one of five elected officials responsible for deciding how best to generate revenue from the use of those lands, revenue that supports Montana schools.

From grazing, farming, timber, oil, gas and mining leases to easements for projects like transmission lines, Montana's state lands have many uses. And much like federal lands, state land uses can come into conflict with each other. Often these conflicts escalate into management stalemates where no one wins.

On Montana's federal lands, these conflicts have plagued forest management for decades. Because of historical conflicts between conservationists and loggers, the Forest Service is struggling to provide proper management, while our timber mills and the rural economies they support are dying, and our fisheries and wildlife habitat are suffering.

Meanwhile, much of Montana's most precious backcountry is at great risk. As you know, not a single acre of our public lands—the legendary landscapes where my family and many Montana families hunt, camp, hike and fish—has been protected in over two decades. Even motorized users and mountain bikers fear losing access to their recreational opportunities.

We are at a crossroads.

If we do nothing, our national forests will continue to turn red and build fuel for wildfire, our blue ribbon fisheries will continue to slide, Montana's wildest places will go unprotected and our saw mills will continue to shut their doors. Or, we can work together to move beyond this gridlock.

Many Montanans recognize this opportunity and support Senator Tester's Forest Jobs and Recreation Act and the collaborative spirit in which it was developed. I'm proud that diverse groups of Montanans have come together and tackled this issue head on.

The Forest Jobs and Recreation Act finds a balance among all uses and gives Montanans a tool to work together on forest management. The timber industry will have access to fiber from national forest land and Montana's heritage of outdoor recreation—hiking, riding snowmobiles, mountain biking, hunting and fishing—will continue.

I strongly support Senator Tester's Forest Jobs and Recreation Act and the grassroots efforts that have brought it before your committee. I urge you to join the many Montanans who are working together for our public lands.

STATEMENT OF G. HOLLY MCKENZIE, STATE CHAIR—MONTANA SAF, 2009, MONTANA STATE SOCIETY OF AMERICAN FORESTERS

The Society of American Foresters (SAF) is the scientific, educational and professional organization devoted to the sustainable and science-based management of our forests for the benefit of society. With 14,000 members, nearly 400 in the state of Montana, we ask that the following testimony be submitted for the record on S. 1470, the Forest Jobs and Recreation Act introduced by Senator Jon Tester of Montana.

The SAF greatly appreciates the efforts of Senator Tester to address some of the problems preventing the appropriate and science-based management of our federal forests. The leadership, controversy and hard work required to address this task is not taken lightly and we look forward to helping the Senator in his goal of improving federal forest management. At the same time, we are concerned that the legislation, as drafted, will not meet this goal. Attached is a letter* from the Montana Society of American Foresters listing recommendations for S. 1470. We ask that this letter also be submitted for the record and note that our testimony below is meant to supplement these recommendations while adding a national perspective.

Across much of the West, foresters and now the general public see the continued decline of federal forest health as evidenced by the massive bark beetle epidemics and increase of catastrophic wildfires (all of which are exacerbated by a changing climate). Both science and anecdotal evidence show that much of this calamity could have been prevented with active forest management to improve forest health and resiliency. Decades of appeals and litigation, agency analysis paralysis and wasted time and resources has taken its toll. Now in much of the West, we have little to no ability to manage our forests because we have little or no harvesting or milling infrastructure. In areas of limited infrastructure, the cost of treatment sky-rockets and only very high priority areas can be addressed to protect public safety leaving very few opportunities to improve watersheds and wildlife habitat or reforest after fire.

Thankfully Montana still has the infrastructure, albeit it limited, necessary to manage its forests. SAF is very disappointed, however, to hear about the permanent closure of Smurfit Stone in Missoula and subsequent job loss of over 400 people. This is immediately concerning because of the many small diameter forest health treatments currently being conducted of which the only valuable by-product is chips for paper products. Harvesters and landowners in Montana now have nowhere to sell these pulp logs, many of which have already been purchased. In the short and long term, sawmills now have no place to sell their 'clean' chips. This additional revenue stream is absolutely critical to making ends meet—especially in our current economic times when virtually all sawmills are operating at a loss. An integrated wood products industry with a dependable supply is vital to maintaining the health of our forests and the water and wildlife dependent upon them.

Recently we've seen a regional or state approach by elected officials to attempt to solve forest management problems in their districts/states through legislation, funding and even the occasional appropriations rider. This piecemeal approach is understandable, but also shows how broken federal forest management is in many, though not all, areas. Ideally, the SAF would recommend complete federal forest reform, which is clearly needed. Given the dire situation faced in many areas, however, we understand the effort to pass and implement something quickly. Nonetheless, comprehensive federal forest reform will be the only way to address the long term health of our forests, watersheds and communities. We ask that you refer to

*Letter has been retained in subcommittee files.

the attached letter for specific recommendations, but would like to offer some brief observations regarding S. 1470.

WILDERNESS AND FOREST MANAGEMENT

The SAF recognizes and endorses the value and concept of wilderness for appropriate areas on landscapes, as well as forests managed for a broader range of multiple uses including an emphasis on wood products for fiber and fuel. We support the Forest Service's specific forest management plans and each individual plan's recommendations for wilderness. We also recognize that the Congress, through the Wilderness Act, may designate wilderness regardless of the Forest Service's recommendation. According to the Forest Service, the National Wilderness Preservation System currently includes over 700 areas in 44 states totaling more than 107 million acres. With this many acres congressionally designated as wilderness, we see nothing wrong with S. 1470 mandating certain areas (which were identified in the forest management plan) for active forest management.

FOREST SERVICE

The Forest Service and the Society of American Foresters were established at the same time by Gifford Pinchot, the first Chief of the Forest Service and appointed by President Theodore Roosevelt. SAF has a long and important history with the Forest Service and we strive to support the agency in its mission. We believe forest management legislation, such as S. 1470, should be received with an open mind and appreciation for congressional efforts to solve agency problems. The Forest Service should also provide thoughtful, constructive criticism and help legislators draft legislation that will truly make a difference.

SCALE OF MONTANA'S FOREST HEALTH PROBLEM

S. 1470 mandates a minimum of 30,000 acres for timber harvest over 15 years. Even if this minimum amount of work is accomplished, which is unlikely unless additional authorities are enacted, Montana has 1.7 million acres infested by the Mountain Pine Beetle (MPB)(according to 2008 Forest Service data). This number is growing exponentially as MPB populations continue to proliferate. Further, according to 2004 Forest Service data, of Montana's 22.3 million acres of forest, 82 percent are high to moderate in terms of fire hazard rating. Of this, 7.5 million acres are at moderate to high risk of destructive crown fires.

The scale and scope of Montana's forest health problems is huge. Congress must act boldly now if anything is to be done about this problem and if we're to maintain a relevant forest products industry and purposeful rural communities. We have the science, experience, loggers, mills, management practices and the will to protect our forest's health and resiliency for future generations if only Congress will give our federal land managers to the tools they need.

Again, we thank the Subcommittee for the opportunity to submit testimony and commend Senator Tester for taking on such a difficult and controversial issue. SAF would be happy to answer any questions or further explain our recommendations.

STATEMENT OF THE WILDERNESS SOCIETY, ON S. 1470

The Wilderness Society (TWS), representing over 500,000 supporters and members, supports S. 1470, the "Forest Jobs and Recreation Act" introduced by Montana Senator Jon Tester. Many of the national forest lands addressed in this bill are of national significance and S. 1470's passage would benefit Americans from current and future generations. This bill has diverse, bi-partisan support from across Montana and we commend Senator Tester and his staff for their effort and leadership in developing this important bill and tirelessly engaging with Montanans on its provisions. We are committed to working with Senator Tester, the committee, and the Obama administration to address concerns, seek creative solutions and to ensure the final version of this bill is the best possible legislation for Montana and the nation.

TWS strongly supports the provisions of S. 1470 that would designate 677,000 acres of Wilderness. We also support this bill's twin goals of enhancing ecological restoration on appropriate national forest lands while aiding a struggling timber industry in western Montana. We also respect the diverse, collaborative efforts that developed many of the provisions embodied in this bill. Conservationists, hunters, anglers, timber industry representatives, recreation interests, and many others have engaged in countless meetings over many years in a sincere effort to address forest management conflicts that have remained unresolved for decades while advancing the restoration of degraded forest lands.

Montana's communities, forests, fish and wildlife all deserve a chance to see this bill work. While we have identified some concerns and specific areas for refinement, we want to be clear that we support the bill's overall goals and stand ready to work with Senator Tester, the committee and the administration to ensure this bill can fulfill its promise and become law.

MONTANA'S WILDERNESS CONTEXT

It has been over a decade since any member of Montana's congressional delegation has introduced a bill addressing Wilderness in the state and more than 25 years since Congress last passed legislation designating any of Montana's wildlands as federally-protected Wilderness. In 1988 Congress passed a state-wide bill designating 1.4 million acres in Montana but it was pocket vetoed by President Reagan. The last time a new Wilderness area was successfully added in Montana was 1983. Since that time, every other western state has seen areas added to the National Wilderness Preservation System. Today only 4% of Montana's total land base is protected as Wilderness—the lowest relative amount of any western state. The percentage of other western states designated as Wilderness ranges from 5% for Wyoming and Nevada to 15% and 16% for California and Alaska, respectively.

Thus, while S. 1470 is much more than “just” a Wilderness bill, it is nonetheless critically important that this bill addresses a longstanding need and backlog of areas deserving of the protections that Wilderness designation brings. Indeed, many of the 677,000 acres designated as Wilderness in this bill (whether on the Beaverhead-Deerlodge, Lolo, or Kootenai National Forests or on BLM lands within the Dillon Resource Area) have been formally recommended by the agencies for Wilderness protection and are already mostly managed to maintain wilderness values.

S. 1470 is also noteworthy because it represents a new approach to addressing disputes over natural resources management and land protection, which have a long and bitter history in Montana. While collaboration is an often overused word, this bill is truly “bottom-up” and represents the product of neighbors and even adversaries sitting down long enough to get to know one another, learning to respect one another, and forging a common vision for the management of our public lands.

Indeed, we are seeing other collaborative efforts involving Wilderness designation and forest restoration in Montana and throughout the west. Perhaps most noteworthy in Montana is the “Rocky Mountain Front Heritage Proposal” (www.savethefront.org) for the Forest Service and BLM lands east of the Bob Marshall Wilderness which includes a noxious weed restoration component. Passage of S. 1470 will help provide the momentum and model for consideration of other Montana wildlands deserving of protection that have for too long been in a holding pattern.

THE PROMISE OF THE BLACKFOOT CLEARWATER LANDSCAPE STEWARDSHIP PROJECT

While S. 1470 addresses three forest landscapes (the Three Rivers District of the Kootenai National Forest, the Beaverhead-Deerlodge National Forest and the Seeley Lake Ranger District of the Lolo National Forest) TWS was only involved in the development of the Blackfoot Clearwater Landscape Stewardship Project (BCSP) on the Lolo's Seeley Lake Ranger District. We believe the BCSP model is a blueprint for success because it promotes pre-NEPA collaboration, ensures adequate funding for forest restoration, and promotes the development of forest biomass infrastructure while respecting the integrity of all existing laws and regulations.

The BCSP proposal recognized that the Blackfoot-Clearwater Valley is a unique ecosystem with significant forest, wildlife and wilderness resources. It was made possible, in large part, by the culture of cooperative conservation common throughout the Blackfoot-Clearwater Valley and was informed by lessons learned from the recently completed Clearwater Stewardship Project. Several years ago residents of the Blackfoot-Clearwater region expressed increasing interest in forest restoration, sustainable logging, ranching, recreation and wilderness uses across the landscape. The BCSP proposal emerged from a three-year dialogue among key stakeholders and it demonstrates that wilderness and wildlife can be protected alongside historic and traditional activities on the landscape.

As a demonstration project for cooperative public-private stewardship across a landscape area, the original BCSP was intended to facilitate cooperative stewardship via Congressional funding for forest restoration and for a biomass cogeneration facility in Seeley Lake, Montana as well as inclusion of recommended tracts within the Bob Marshall-Scapegoat and Mission Mountain Wilderness totaling 87,000 acres. The project addressed the 400,000-acre Seeley Ranger District of the Lolo National Forest within the Blackfoot watershed as well as lands within the public-private 41,000-acre Blackfoot Community Conservation Area.

The BCSP vision would maintain traditional wilderness pack trails on the Seeley Lake Ranger District as well as all of the existing groomed snowmobile trails and areas. Groups have agreed to additional snowmobile opportunities in the area between East Spread Mountain and Otatsy Lake. The participating groups agreed to a revision in the proposed Lolo Forest Plan to allow an approximately 2,000 acre "winter motorized use area" in this area. The BCSP identifies a management approach that allows for most active management such as livestock grazing, logging and restoration work in the roaded lands found at lower elevations. All the activities envisioned by the BCSP would be consistent with all existing laws and regulations, including proposed revisions to the Lolo National Forest Management Plan.

The original proposal included a funding request to allow the Forest Service to plan and implement landscape stewardship and restoration projects on 400,000 acres in the Lolo National Forest portion of the Blackfoot-Clearwater watershed. It calls for restoration logging to protect large trees and restore presuppression old growth conditions, with the receipts from the logging being used for restoration work on the ground including watershed improvements, road rehabilitation work and weed eradication. We are also engaged in a diverse collaborative effort to submit a proposal under the Forest Landscape Restoration Act (FLRA) for the Southwestern Crown of the Continent, including the Blackfoot-Clearwater Valley, to seek funding for the restoration work envisioned by the BCSP.

Within the 41,000 acre Blackfoot Community Conservation Area, cooperative management of timber, grazing lands, weeds, hunting and other recreational uses is being planned. BCSP supporters have long believed this proposal represents a new model for landscape-level conservation in Montana. This proposal would help keep historic and traditional activities as part of the landscape, add diversity and sustainability to the local economy with both recreation and forestry jobs, and enhance watersheds and the landscape.

The spirit of the original BCSP proposal is captured in S. 1470 in the form of Wilderness designations, funding authorization for forest restoration and funding authorization for a biomass feasibility study and biomass infrastructure.

TIMBER SUPPLY PREDICTABILITY

The Wilderness Society has concerns over S.1470's provision that calls for a mandatory number of acres to be mechanically treated on the Beaverhead and Kootenai National Forests. The Society strongly endorses the overall goals of the bill to provide a more predictable supply of timber to mills, and we have been quite vocal in stating that Montana needs a viable, diverse wood products manufacturing infrastructure to meet our forest restoration and fuel reduction goals. The question is how to best meet the goal of a more predictable supply while achieving restoration goals. We oppose Congressionally mandated treatment levels in the bill because they, a) neglect the root causes of the problems this bill is intended to address, b) set an adverse national precedent, c) create unreasonably high expectations, d) fail to provide the agency the resources it needs to do its job, and e) most important, we do not believe this approach will work on the ground.

While the Blackfoot-Clearwater Stewardship proposal was being crafted we deliberately avoided mandatory mechanical treatment language because we, and our partners, believe strongly that a strategy based on inclusive, diverse, pre-NEPA collaboration, adequate funding and a clear Congressional and agency commitment to ecological restoration will produce far greater positive results on the ground. The BCSP participants, including TWS, made a clear decision to let the landscape analysis dictate what restoration treatments are appropriate. One of the reasons we included a biomass provision in the original bill was to help create a market for small diameter material that did not have value as commercial saw logs, but were important to remove as part of the restoration strategy. We want to avoid situations where landscape analysis areas are gerrymandered to ensure that a certain number of acres are available for mechanical treatment.

While we were crafting the BCSP proposal, TWS conducted a review of collaborative efforts between conservation and timber interests throughout the West. The collaborative efforts that successfully completed projects had in common strong pre-NEPA collaboration and adequate funding. In examples where mandatory targets were created, they were never met, even in cases where adequate funding was provided. We observe that collaborative efforts between conservation and timber interests are thriving in most Western states and we encourage the committee to capture this positive energy in a directed way that can bring conservation and industry success to these place-based campaigns. TWS pledges to work with the Committee to help address these issues.

THE MONTANA FOREST RESTORATION COMMITTEE AND PRINCIPLES

The Wilderness Society is engaged in a number of collaborative forest restoration efforts around the country and we believe that the Montana Forest Restoration Committee (MFRC) offers a promising model that we should consider as we work together to refine and advance S. 1470. The MFRC, founded in early 2007, has developed 13 restoration principles that define a “zone of agreement” regarding the restoration of national forest lands in Montana. The Wilderness Society has played a leadership role in this effort from its inception to the present day and these principles, coupled with pre-NEPA collaboration and consistent agency engagement, have resulted in strong consensus and significant progress regarding the development of on the ground restoration work on the Lolo, Helena and Bitterroot National Forests in just two short years. Earlier this year, the first project to go through NEPA analysis to a decision document under the MFRC principles was developed in the Blackfoot-Clearwater Valley without any appeals or litigation.

We believe strongly that the MFRC principles, highlighted below, coupled with adequate funding and diverse, inclusive, pre-NEPA collaboration at the project level can provide a viable model for forest restoration in Montana, including areas affected by this bill on the Beaverhead-Deerlodge and Kootenai National Forests.

The Montana Forest Restoration Principles (available online at www.montanarestoration.org) address the following:

- Restoring functioning ecosystems by enhancing ecological processes;
- Applying an adaptive management approach;
- Using the appropriate scale of integrated analysis to prioritize and design restoration activities;
- Monitoring ecological restoration outcomes;
- Reestablishing fire as a natural process on the landscape;
- Considering social constraints and seeking public support for reintroducing fire on the landscape;
- Engaging community and interested parties in the restoration process;
- Improving terrestrial and aquatic habitat and connectivity;
- Emphasizing ecosystem goods and services and sustainable land management;
- Integrating restoration with socioeconomic well-being;
- Enhancing education and recreation activities to build support for restoration;
- Protecting and improving overall watershed health, including stream health, soil quality and function and riparian function; and
- Establishing and maintaining a safe road and trail system that is ecologically sustainable.

COMMENTS ON SPECIFIC PROVISIONS OF S. 1470

The Wilderness Society appreciates the openness and constructive attitude that Senator Tester and his staff have shown in considering the questions and concerns Montanans from all walks of life have raised regarding S.1470. We applaud the Senator and his staff for their proactive efforts to inform groups and individuals about the bill through community presentations, creation of a dedicated section on the Senator’s website, meetings with many organizations and local businesses, and other means.

In this vein, many of the issues we raise below have been previously shared with the Senator’s staff and we are heartened by their commitment to address them at some level. In addition to the issues listed below, there are issues raised by USDA that carry national implications for the management of the National Forest System that should be reviewed and modified by the Senate Committee on Energy and Natural Resources when it reports S. 1470 to the U.S. Senate.

S. 1470’s NEPA provisions in Section 102(2)(b)(6)

While the Forest Jobs and Recreation Act includes important language requiring full compliance with NEPA and its implementing regulations, it also has provisions constraining how NEPA will be applied to projects catalyzed by other requirements in this bill. We support many of the goals of S. 1470’s NEPA provisions, such as encouraging more comprehensive environmental analysis at a landscape scale, engagement of local multi-stakeholder advisory groups, more efficient NEPA reviews, and the continued implementation of project components that have not been challenged or enjoined. However, based on consultation with NEPA experts, we do have concerns that some of the specific language in this section of S. 1470 could effectively undermine the application of NEPA and its implementing regulations.

We have three major concerns with these provisions:

First, current bill language would restrict project alteration and supplemental NEPA analysis, if needed, because of unexpected, changed circumstances, major unanticipated changes in the project or monitoring results that should trigger changes through adaptive management. We believe the bill's requirements for a single EIS per large landscape project allowing supplemental NEPA review only "if based on project monitoring and determination that this would better meet the Act's purpose" is inconsistent with longstanding CEQ guidance.

Second, existing NEPA provisions could complicate the Forest Service's full consideration of all alternatives, including the no action alternative, given that S. 1470 compels the agency to issue the ambitious timeline of at least one Record of Decision per year.

Third, existing language lacks clarity regarding the implementation of projects that do not comply with applicable law (or implementing regulations) as their legal deficiencies are remedied. While the bill does not have language explicitly limiting appeals or litigation, it does state that projects, "will be implemented following completion of EIS/ROD" and then states that if modified, the original project, "shall continue until the modification is approved by US District Court or Secretary."

Our NEPA concerns are amplified when one considers the woefully inadequate agency funding and staffing levels relative to the levels needed to effectively carry out the project design, data collection, analysis, public engagement, and other tasks related to NEPA. While this is a larger National Forest System problem and it is not S. 1470's intent to remedy this (or to appropriate new, dedicated funding), this on the ground reality must be considered when evaluating S. 1470's NEPA provisions.

With some modifications to the language in Section 102(2)(b)(6), we are confident that the restoration work resulting from this legislation will receive complete, adequate environmental analysis in full compliance with NEPA and its regulations. Our understanding is that other supporters of S. 1470 share this overarching goal.

Recommended Changes to S. 1470's Wilderness Areas

1) Mount Jefferson: While only encompassing 4,500 acres, this proposed Wilderness Area on the Beaverhead-Deerlodge National Forest near the Idaho state line and adjacent to the BLM's 28,000 acre Centennial Wilderness Study Area (which S. 1470 would also designate Wilderness) has nationally significant ecological values and has attracted vocal, out-of-state opposition.

The Wilderness Society strongly supports the current boundaries in S. 1470 for Mount Jefferson and does not feel any adjustments are justified. Moving the boundary from the state line, which is also the drainage divide (and the continental divide), would only continue and exacerbate an existing illegal snowmobile trespass problem in the Mount Jefferson recommended wilderness area and into the adjacent BLM's Centennial Wilderness Study Area and also harm existing, locally owned Montana businesses (Hellroaring Ski Adventures and Centennial Outfitters). The Forest Service has documented repeated snowmobile trespass into adjacent lands that would be designated Wilderness under S.1470. Further, the agency estimates that at most one job in Island Park would be impacted by managing all 4,500 acres of the Montana side of Mount Jefferson for non-motorized recreation. This job loss is more than offset by the gains in employment in Montana's human-powered recreation industry.

2) BLM Wilderness Areas: We strongly support Senator Tester's inclusion in S. 1470 of appropriate BLM lands and we recommend the 6,200 acre East Fork of Blacktail Wilderness Study Area be added to the bill as Wilderness. As described in DOI's testimony, this WSA sits in the heart of a landscape managed for conservation purposes. It is contiguous on two sides with the proposed Snowcrest Wilderness in S. 1470 and adjacent to two state Wildlife Management Areas. BLM did not recommend this WSA for wilderness in its 1991 review for the Dillon Resource Area because the adjacent Snowcrest lands managed by the Forest Service were not recommended for wilderness designation at that time. Today, the Beaverhead-Deerlodge forest plan recommends the Snowcrest as Wilderness and the BLM recommends consideration of this area as Wilderness.

We also support the expansion of the Centennial Wilderness Area in S. 1470 by adding approximately 3,800 acres found in Peet Creek/Price Creek. With one small cherry stem for the existing logging road in the East fork of Peet Creek, addition of this area would protect important habitat for big game, grizzly bear, wolverine, and cutthroat trout.

3) Lee Metcalf Wilderness addition: For the north unit of this Wilderness addition we recommend elimination of the non-wilderness corridor (Trail #315) that would bisect this proposed addition into two units. Originally we understood this trail cor-

ridor was added to the bill to accommodate mountain bike use but it has become clear that the western portion of this trail crosses onto private land with a public use easement that is clearly limited to only foot and horse traffic.

4) East Pioneers, West Pioneers, and West Big Hole areas: Compared to S. 1470, the Beaverhead-Deerlodge Partnership Agreement negotiated larger Wilderness Areas for these three areas. Given the wild values and ecological importance of these areas (as well as the fact that the expanded East Pioneers acreage is recommended Wilderness by the Forest Service), we suggest reconsideration of S. 1470's boundaries for these areas, with expansion of some of them to more closely follow what the Partnership originally proposed.

Wilderness Management Language

There is some language in S. 1470 relating to management of wilderness areas that we believe is unnecessary and could complicate management consistent with the Wilderness Act. We are aware of concerns over management of new wilderness, and believe sufficient guidance already exists to allow the agencies to address these important issues.

1) Highlands Wilderness: S. 1470 contains language that would authorize the continued landing of helicopters for military training purposes within this proposed Wilderness Area. We recommend that S. 1470 instead designate the Highlands area as a "Potential Wilderness" (similar to language used in the recently enacted Virginia Wilderness bill). This designation would allow essential training to continue, while protecting the area's wilderness values. We would encourage the inclusion of "trigger" language that would designate the Highlands as Wilderness upon publication by the Secretary that the non-conforming use is no longer occurring.

2) Snowcrest Wilderness: While we are not opposed to continued grazing in this proposed wilderness area, we believe S. 1470's language providing for continued motorized access for sheep trailing and maintenance of water impoundments is unnecessary. The Congressional Grazing Guidelines, incorporated in S. 1470 at Section 202(i), provide time-tested guidance for the managing agency to effectively balance existing grazing related motorized and mechanized use with the Wilderness Act's management provisions.

3) State Management of Recreational Use: Section 202(j)(2)(B) could be interpreted to allow motorized access into wilderness areas for recreational activities including hunting, fishing, trapping, and other state managed uses. We recommend deleting this subsection and replacing it with language consistent with the language in the Omnibus Public Lands Act of 2009 (Sections 5401(a) and 8301(a)) that makes clear that access to wilderness areas must be consistent with the Wilderness Act.

4) Outfitter Permits: Section 202(m) effectively removes Forest Service outfitter permits in use on date of enactment of S. 1470 from any further analysis, in perpetuity. We understand this language was intended to ensure wilderness designation in and of itself did not trigger a new round of permit review and that any permit-related costs be borne by the permitting agency. We believe this language should be revised to state that outfitting should continue subject to existing regulations—and not be suspended or reduced simply because of the wilderness designation.

SPECIAL MANAGEMENT AREA/NATIONAL RECREATION AREA LANGUAGE

We support the special designations that would protect Montana's landscapes and provide continued recreation opportunities. We suggest the following improvements in these provisions.

1) West Big Hole Recreation Area: We suggest adding language like that found in section 206 similarly authorizing the Secretary to close any trail or route for purposes of public safety or natural resource protection. We also suggest removal of the unclear purpose related to conservation of values "that represent the economic and social history of the American West."

2) Three Rivers Special Management Area: Consistent with the restrictions placed on other recreation areas and special management areas in this legislation, we suggest that this subsection (209) include a prohibition on new roads and trails.

3) Mechanized, nonmotorized vehicle language: The language for management of mechanized/non motorized vehicles in the West Big Hole Recreation Area (section 206), Lost Creek Protection Area (section 205), and Thunderbolt Creek Recreation Area (section 208) should be amended to include language that provides discretion to close trails, routes, areas if necessary for public safety or nat-

ural resource protection. This would be consistent with language already found in the bill addressing snowmobile management in the Lost Creek area (section 205(f)(2) and for overall recreation management in the West Pioneers unit (section 207(g)(3)).

ADDITIONAL QUESTIONS AND COMPONENTS FOR REVIEW

The Wilderness Society strongly supports the wilderness designation and forest restoration goals of S. 1470 and we respect the diverse collaborative efforts that have worked for years to chart a new path forward. We also agree with Secretary Vilsack, who said in his groundbreaking speech in Seattle in August of 2009, that our shared vision for the national forests begins with restoration.

We also recognize and respect the concerns of our partners in the timber industry regarding the fact that the Forest Service does not have the capacity to address all of the forest restoration needs that exist today and thus the importance of maintaining some timber infrastructure in the state. If we hope to complete these forest restoration needs, we believe we must take the following steps:

- Ensure adequate funding for Forest Service restoration programs in Montana and nationally;
- Sustain a right-sized timber industry infrastructure adequate to carry out much-needed forest restoration activities;
- Protect the integrity of all existing laws and regulation including the National Environmental Policy Act, Endangered Species Act, National Forest Management Act, and others;
- Examine other forest restoration models to ensure the final version of S. 1470 is modeled after approaches that have worked on the ground while avoiding the pitfalls of failed attempts at forest management.
- Consider the impact of S. 1470's provisions on other collaborative efforts under development or those that could arise in the future, given the growing interest in tackling forest protection, logging, restoration issues outside of the regular national forest planning process and the tendency to incorporate approaches already ratified by Congress.

Finally, as many have noted (including Senator Tester, the Administration, and Trout Unlimited in S. 1470's December 17 hearing), the specific components of the Forest Jobs and Recreation Act were not intended to be replicated nationally or to resolve the longstanding calls for review and reform of the many mandates driving national forest management. Given this, we recommend that S. 1470 have explicit language both presenting its overall approach and specific components as a pilot project intended to help inform larger national forest management and better detailing how ecological health and restoration impacts are to be monitored and reported back to Congress.

CONCLUSION

The Wilderness Society's vision for our National Forests is to maintain and restore healthy and sustainable natural forests that will be resilient in the face of climate change while providing multiple benefits, from recreation to jobs for future generations of Americans. We share Secretary Vilsack's view that forest restoration represents the Forest Service's future. We agree that the Montana Forest Restoration Committee and the Southwestern Crown of the Continent FLRA effort are viable models that deserve further study and support. We believe it is appropriate to continue managing the forests for recreation, timber, livestock forage, and other commodities, but only when doing so is consistent with ecosystem integrity, is economically sound, and benefits from citizen participation. Our experience with forest restoration in Montana has proven that conservationists, hunters, anglers and the timber industry can find common ground regarding national forest management. Participants in the MFRC define this common ground as a "zone of agreement" and The Wilderness Society believes that operating within this zone of agreement is the most likely path to success.

In conclusion, TWS supports S. 1470 and is committed to working with Senator Tester, the committee and the Obama administration to address concerns, seek creative, workable solutions and to ensure the final version of this bill is the best possible legislation for Montana and the nation.

