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# CURRENT PUBLIC LANDS AND FORESTS BILLS

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

SECOND SESSION

ON

<b>S. 570</b>	<b>S. 2124</b>
<b>S. 758</b>	<b>S. 2581</b>
<b>S. 1680</b>	<b>H.R. 1011</b>
<b>S. 2109</b>	<b>H.R. 1311</b>

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## **CURRENT PUBLIC LANDS AND FORESTS BILLS**

**TUESDAY, APRIL 15, 2008**

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

The subcommittee met, at 2:30 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. This committee will come to order. There are several wilderness bills and other public land measures. They include S. 580 and H.R. 1101 to designate national forest lands in Virginia as wilderness, S. 758 and H.R. 1311 to direct the Secretary of the Interior to convey certain lands in Las Vegas to the Nevada Cancer Institute, S. 1680 to provide for a land exchange in the Izembek National Wildlife Refuge in Alaska, S. 2109 to designate certain Federal lands in Riverside County, California, as wilderness, S. 2124 to direct the Secretary of Agriculture to convey certain lands to Jefferson County, Montana, for use as a cemetery, and S. 2181 to designate certain lands in the Monongahela National Forest in the State of West Virginia.

Although wilderness bills can certainly be contentious, my understanding is that the Virginia, West Virginia, and California bills have relatively few outstanding issues, and my sense is one of the reasons that is the case is our two very able colleagues, Chairwoman Boxer and Senator Warner, have been putting in very important and very thoughtful work on their legislation.

The Administration has raised a number of concerns with some of the proposed boundaries. It's our intent to work very closely with them and the Senators to address the nonstandard wilderness management language contained in some of the bills and it's our hope that we will be successful with Chairwoman Boxer and Senator Warner very quickly on their legislation.

The other bill relating to wilderness is Senator Murkowski's legislation to provide for a land exchange between the U.S. Fish and Wildlife Service, State of Alaska, and the King Cove Corporation to allow for construction of a road through an area currently designated as wilderness in the Izembek National Wildlife Refuge, to provide for on-the-ground access to King communities of King Cove and Cold Bay.

The legislation also provides for additional land to be added to the wildlife refuge and designated as wilderness in exchange for the lands transferred out of Federal ownership.

I certainly understand Senator Murkowski's desire to be responsive to folks in King Cove and I would note that we're going to work very closely with her to deal with a number of the issues raised by the bill. Concerns have been raised about adverse impacts to the wildlife in the area from the new road and accompanying vehicle use in the area.

The Administration's testimony recommends that the bill be amended to comply with the National Environmental Policy Act which could be one way to answer some of the questions raised by the bill and it's going to be helpful this afternoon to hear the views of other witnesses who will be testifying on this bill.

My thought was that it did make sense to hold this hearing, particularly with Senator Boxer and Senator Warner able to testify, so that the subcommittee could be able to get into the issues in the case of Senator Murkowski's legislation to better understand the issues involved with the proposed exchange and the potential effect on the wildlife refuge and the local communities.

We're going to have our two Senators testify, but first I'd like to recognize Senator Barrasso, the ranking member of the subcommittee, for any comments he'd like to make.

[The prepared statements of Senators Akaka, Ensign, and Representative Bono Mack follow:]

PREPARED STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII, ON S. 1680

Thank you, Chairman Wyden and Ranking Member Barrasso for holding this hearing on the various bills before the Subcommittee.

Today, I am particularly interested in S.1680, legislation introduced by Senator Murkowski and cosponsored by Senator Stevens that would benefit one of Alaska's most isolated regions. The legislation would add 61,000 acres to the Izembek and Alaska Peninsula wildlife refuges in exchange for allowing the State of Alaska to build a small, one-lane gravel road through the edge of the Izembek refuge.

As I did a decade ago when this issue came before the Committee on Energy and Natural Resources, I believe that the 800 residents of King Cove, most of which are native Aleut deserve a means of transport that is accessible under all weather conditions, including gale force winds and fog. Building a road would provide dependable and safe year-round access for the residents of King Cove to the nearby Cold Bay airport. This will go a long way to alleviate the community's many safety, health, and medical concerns as the Cold Bay airport permits flights to Anchorage without regard to operational weather limits.

In addition to providing an essential passageway for this community, the enhanced bill before us has other favorable provisions. These include authorizing tens of thousands of acres of pristine land going into wilderness status, as well as efforts to support and strengthen environmental safeguards. Given the aforementioned, I continue to support this bill.

Thank you for holding these hearings, Mr. Chairman. I look forward to working with you on S. 1680 and the other measures being considered today.

PREPARED STATEMENT OF HON. JOHN ENSIGN, U.S. SENATOR FROM NEVADA, ON S. 758 AND H.R. 1311

Chairman Wyden, Ranking Member Barrasso, Members of the Committee: Thank you very much for scheduling this hearing and allowing me to submit my comments concerning this important piece of legislation.

Mr. Chairman, my bill, which is cosponsored by Senator Harry Reid, would allow approximately 80 acres of Bureau of Land Management (BLM) land to be conveyed to the Nevada Cancer Institute (NVC) for development of the Institute and to the

city of Las Vegas for development of additional medical facilities consistent with the mission of the NVCI.

Congresswoman Shelley Berkley introduced a companion to this legislation, H.R. 1311, which was passed by the House on March 4, 2008, by a vote of 377-0 with 51 not voting. I applaud Congresswoman Berkley for her efforts in getting this legislation passed, and I am hopeful that my Senate colleagues will take up the House measure and send it to the President.

NVCI is committed to research, saving lives, and helping cancer patients across Nevada. By bringing together experts and community leaders, the NVCI is helping cancer patients and their families every day with critical treatment and research techniques. This legislation will go a long way toward helping NVCI focus resources on research and patient care. While this legislation is specifically about land conveyance, Mr. Chairman, I must be clear: this legislation is really about saving lives.

As our state population grows, it is important that we continue to attract the best and brightest physicians and researchers in order to provide excellent medical care. During my time in public office, supporting efforts to further enhance cancer research, detection, and treatment has always been one of my top priorities. Historically, Nevada has struggled to maintain a competitive edge in the cancer research community, and it is my hope that this bill will enable Nevada to become a leader in cancer research.

The NVCI cannot unilaterally achieve this goal. In order to become one of the nation's premier research centers, all of the Nevada hospital systems and research facilities will need to work together for the benefit of our community. This bill provides an exciting opportunity for our state to become a leader in cancer research, and it is my hope that this Committee can support Senator Reid's and my efforts by promptly passing this important legislation.

Mr. Chairman, I would like to provide you and the Committee some history of the development of this legislation and identify the public good that will come out of this conveyance.

The city of Las Vegas approached the Nevada congressional delegation several years ago to seek assistance in acquiring an 80-acre parcel of undeveloped land near the corner of Alta Drive and Hualapai Way. The land is owned by the federal government, but it has been effectively managed by the city for over 40 years under a Recreation and Public Purpose Act (R&PP) lease that dates back to the establishment of Angel Park. The current lease permits the city to use the Alta-Hualapai site exclusively for recreational purposes. The city would like to acquire the site from BLM for expansion of the NVCI and related economic development opportunities.

The city's concept for the Alta-Hualapai site calls for coordinated development, creation of parks and open space, preservation of flood control channels, and the creation of economic development opportunities that are consistent with the mission of the Nevada Cancer Institute, that will benefit the entire region. The Nevada Cancer Institute Expansion Act, S. 758, enables the city's development concept by transferring the Alta-Hualapai site from BLM to the city for the purpose of developing a nonprofit cancer treatment facility, ancillary commercial projects, an adjacent park, a flood control project, and a water pumping facility. The city requested a legislative transfer of the land because it did not believe that a competitive sale of this parcel by BLM would yield results compatible with its development concept. The City Council approved a memorandum of understanding with the NVCI on December 21, 2005, and this agreement forms the basis of the development concept authorized by the legislation.

H.R. 1311 / S. 758 authorizes the conveyance of a portion of the Alta-Hualapai site to NVCI at no cost to facilitate the development of a cancer treatment facility. In this respect, the legislation is similar to the R&PP Act, which affords nonprofit entities the ability to acquire BLM land in the Las Vegas valley at little or no cost for the purpose of providing facilities or services for the benefit of the public in connection with public health, safety, or welfare. The federal government's donation of this land is consistent with federal support of cancer research and care.

The R&PP Act has been used for decades in Nevada by nonprofit corporations and governmental entities as a means of acquiring federal land at little or no cost. Due to the multiple uses envisioned for the Alta-Hualapai site, however, we agreed with the city that special legislation was needed to ensure that the city has sufficient authority to manage development of the site. The city has informed us that NVCI must still obtain the necessary zoning and use approval from the city prior to any facility being constructed. However, I am confident that the partnership between the city and the NVCI can yield a successful project and will be a benefit to the public good.

Additionally, this legislation allows for the remainder of the 80-acre Alta-Hualapai site to be conveyed to the city of Las Vegas for ancillary medical offices or nonprofit use compatible with the mission of the Nevada Cancer Institute. Any further conveyance of land by the city of Las Vegas for these purposes would be at full market value with proceeds deposited in the special account set up under the Southern Nevada Public Lands Management Act. A conveyance of this nature is permissible under the Southern Nevada Public Lands Management Act. While the BLM might prefer to see this land sold at auction or through a modified competitive sale, I believe this transfer would provide a tremendous benefit to the community and would provide a fair return to the taxpayer. The 80-acre parcel of land that we discuss in this legislation is surrounded by mostly residential development, which presents challenges with respect to disposal and further development. I commend the city of Las Vegas for devising this innovative solution and hope that Congress will give it every consideration.

Mr. Chairman, I believe that this project is important not only to the over 100,000 newly diagnosed cancer patients in my state but also to the nation as a whole. With the passage of this legislation, I am confident that the NVCi can attract top-quality doctors and researchers with the objective of finding new and exciting breakthroughs to this debilitating and life-threatening disease. I urge this Committee to pass this important legislation for the good of Nevadans and for all Americans.

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PREPARED STATEMENT OF HON. MARY BONO MACK, U.S. REPRESENTATIVE FROM CALIFORNIA, ON S. 2109

Good afternoon Chairman Wyden, Ranking Member Craig, and Members of the Subcommittee, I would like to thank you for the opportunity to provide a statement on S. 2109, the California Desert and Mountain Heritage Act. Last year, I introduced H.R. 3682, which mirrors this legislation being heard today. I also offered similar legislation in the 109th Congress, and it is my hope that today's hearing will convey the hard work undertaken in refining and improving this bill.

I would like to emphasize at the outset that I am pleased to have worked closely with Senator Boxer on getting to this point, as without a strong bicameral effort through continual cooperation, we wouldn't have been able to see such rapid results.

In simple terms known well by this Subcommittee, S. 2109 and H.R. 3682 designate new and expand existing wilderness, along with four Wild and Scenic Rivers. Additionally, the bills include a small expansion of the Santa Rosa and San Jacinto Mountains National Monument.

One highly visited area of my district is Joshua Tree National Park, which will bring under its umbrella new lands designated as wilderness that will enhance the protection of the Joshua tree, which is immediately recognizable to so many, along with many other plant and animal species.

Looking beyond the Park, there are other proposed wilderness lands in the eastern half of my district. These areas are an impressive example of our continually changing landscape, as the San Andreas Fault quite literally cuts through the region, creating unique peaks and views of the nearby Salton Sea.

The western half of my Congressional district brings with it a different landscape, one that is dominated by the unique rock formations of Beauty Mountain, and transitioning to groves of oak and fir trees in the South Fork San Jacinto River Canyon area. These forests are part of an ecosystem that is also covered in chaparral, making the region highly prone to devastating fires.

As we saw just last year, when one combines the chaparral that is dry and dense with the Santa Ana winds, the fires spread with incredible pace, evidenced in the half-million acres recently lost throughout Southern California. With Riverside County's recent drought designation, it is clear to me that we are fortunate to have avoided another event on the scale of the Esperanza fire in my district last year, one that took the lives of five brave firefighters.

Because of the difficult circumstances facing the Forest Service Supervisors in this area, Senator Boxer and I agreed to build into our respective legislation what we see as a unique but necessary approach that will hopefully empower the local decision-makers, protect vital funding for fuels management, and allow for the tools needed to keep the area safe. The input provided by my local residents was important to crafting sound, thoughtful language.

This subcommittee understands well just what sort of detailed efforts can go into talking to residents about these wilderness proposals. Efforts in this vein will continue and have already resulted in the support of the nearby County Supervisors, State Legislators, and municipal governments. These locals have spent years of



their own time putting together the Coachella Valley Multiple Species Habitat Conservation Plan, and this federal effort is consistent with this important proposal.

Thank you again, Mr. Chairman and Ranking Member, for providing the time for a hearing on this legislation so that we can better recognize the benefits of this legislation as well as any challenges that remain. I look forward to working closely with this legislation's Senate sponsor, Senator Boxer, as well as Senator Feinstein as we move the bill toward enactment.

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

Senator BARRASSO. Thank you very much, Mr. Chairman. I appreciate you holding this hearing, and I want to welcome, add to your welcome for Senator Warner and Senator Boxer. I know you have bills that are very important to you, and I want to work closely with you to make sure we can get them through with any concerns others might have. So, I'm very much looking forward to working with both of you.

I want to thank the Administration folks for being here to testify as well as public officials and with that, Mr. Chairman, look forward to the hearing.

Senator WYDEN. We have two friends here and both of them have hectic schedules. Can we ask you two to mediate who will go first? The Senate at its very best and most bipartisan.

Senator Boxer, welcome.

**STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR  
FROM CALIFORNIA**

Senator BOXER. Yes, it is so good to be here with you, Chairman Wyden, with the Ranking Member Barrosso, and thank you for the tone you sent. Nice to see Senator Murkowski and, of course, sitting next to one of my heroes in life, John Warner. It's a pleasure to be here.

I also thank you for allowing me to go first. I've got two things happening, a hearing on EPW and a bill on the Floor on technical corrections. So, thank you for your understanding.

What I'm excited about is that you're considering a great bipartisan bill, the California Desert Mountain Heritage Act. Working with my colleagues and in particular Representative Mary Bono Mack and Senator Diane Feinstein, we've put together a bill that protects some of the last wild places in Riverside County which is one of the fastest-growing counties in California, and I would ask unanimous consent that Congresswoman Bono Mack's testimony be made part of the record.

Senator WYDEN. Without objection, it will be ordered.

Senator BOXER. I won't be speaking very long but I will be showing you some photos because I couldn't possibly describe what you're about to see.

My bill would create four new wilderness areas and expand six existing wilderness areas, including the Joshua Tree National Park Wilderness and Jeff will show everybody, I hope you can see, some of the beauty. It's hard with the light behind you, but you can see some of it. Do you have any others? This is more of the beautiful wildflowers growing in the desert. People say desert and they don't think about it quite in such a way. Any other photos from Joshua

Tree? More beautiful wildflowers, the mountains and trees growing. Anything else from there? How many? That's it. OK.

It would designate segments of four rivers as wild and scenic and we'll show you the North Fork of San Jacinto Creek and also magnificent pictures here and add four parcels to the Santa Rosa and San Jacinto Mountains National Monument.

The total scope of this proposal is slightly more than 200,000 acres of Federal lands and 31 miles of rivers. The included areas represent the incredible diversity of Southern California, ranging from the sandy pristine deserts of the McCoy Wash, McCoy and Oracopia Region, Oracopia and Cahuilla, Cahuilla to the pine-covered flanks of Santa Rosa Peak, and this is the peak.

These are truly magnificent places which deserve to be passed on to future generations of Americans. I say to all of you that I now live a lot closer to these mountains and you really have a spiritual feeling and you just know you're just a little speck and there's a lot more to the universe when you get out into these areas.

As stunningly beautiful as these places are, there is so many other reasons to protect them, to provide critically important habitat for a multitude of wildlife and plants, many of which are found nowhere else on earth, Mr. Chairman.

The big-horned sheep, the desert tortoise, the mule deer, the mountain lion and bald eagle are all found in areas protected by this bill, and these areas also provide much-needed clean water for nearby communities. The high desert mountains receive more precipitation than the surrounding landscape and flow via rivers and streams to the municipal water supply.

By protecting these areas, we're also protecting the region's water supply and I don't have to tell you that in arid Southern California, this is tremendously important.

Additionally, with nearly one in every \$10 earned in Riverside tied to recreation and tourism, protecting these areas is really—will give lasting economic benefit to our region. It will increase property values. It will make outdoor recreation opportunities visible. It will attract birdwatchers, hikers, campers, fishermen and other visitors.

And the last point I want to make is the bipartisanship of this bill. We have such diverse support. I mentioned Congressman Bono Mack and we both engaged at the local communities to build support for our proposal and, by the way, these conversations have led to important boundary and administrative changes which has added depth to our bipartisan support.

I'll just name a couple of the supporters. The city of 29 Palms, the city of Coachella, June Batten, California State Senator, a Republican, John Van Tran, California State Assemblyman, Republican, Jeff Stone, Riverside County Supervisor, Roy Wilson, Riverside County Supervisor, the Agua Caliente Band of Cahuilla Indians, Palm Springs Chamber of Commerce, Yucca Valley Chamber of Commerce, International Mountain Bike Association, Offroad Business Association. The list goes on and on.

I ask unanimous consent to put the rest of my statement in for the record and just say to all of you I think we've really run the traps on this one. I think this one has such strong support and we're excited at the prospect of getting a vote on this.

Thank you very much.  
[The prepared statement of Senator Boxer follows:]

PREPARED STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM CALIFORNIA

Chairman Wyden, Ranking Member Barrasso, and Members of the subcommittee, thank you for providing this opportunity to consider a great bipartisan bill the California Desert and Mountain Heritage Act, and for giving me the opportunity to testify on its behalf.

Working with my colleagues, Representative Mary Bono Mack, who represents the areas included in this bill, and Senator Dianne Feinstein, my Senate cosponsor, I have put together a bill that protects some of the last wild places in Riverside County, one of the fastest growing counties in California.

And colleagues, the places are truly spectacular. I would like to take the next few minutes and demonstrate just how truly special and wild these areas of Riverside County California are.

My bill would create four new wilderness areas and expand six existing wilderness areas including the Joshua Tree National Park Wilderness CHARTS—JOSHUA TREE WILDERNESS AREA.

It would designate segments of four rivers as wild and scenic CHART—NORTH FORK SAN JACINTO CREEK, and add four parcels to the Santa Rosa and San Jacinto Mountains National Monument.

The total scope of this proposal is slightly more than 200,000 acres of federal lands and 31 miles of rivers.

The included areas represent the incredible diversity of southern California, ranging from the sandy, pristine deserts of the McCoy Wash CHART—MCCOY and Orocochia region CHART—OROCOPIA and Chuckwalla CHART—CHUCKWALLA, to the pine-covered flanks of Santa Rosa Peak CHART—SANTA ROSA PEAK.

These are truly magnificent places which deserve to be passed on to future generations of Americans. As stunningly beautiful as these places are, there are so many other reasons to protect them.

They provide critically important habitat for a multitude of wildlife and plants, many of which are found nowhere else on earth. Peninsular bighorn sheep, desert tortoise, mule deer, mountain lion, and bald eagles are all found in areas protected by this bill.

These areas also provide much needed clean water for nearby communities. The high desert mountains receive more precipitation than the surrounding landscape and flow, via rivers and streams, to municipal water supplies. By protecting these areas, we are also protecting a region's water supply—I don't have to tell you that in arid southern California, this is tremendously important.

Additionally, with nearly one in every ten dollars earned in Riverside County tied to recreation and tourism, protecting these areas would also provide lasting economic benefit to the region by increasing nearby property values, making outdoor recreation opportunities more visible, and attracting more birdwatchers, hikers, campers, fishermen and other visitors.

I also want to highlight another important aspect of this bill—its broad, bipartisan, and diverse support from the local communities. Over the past several years, Congresswoman Bono Mack and I have engaged the local communities to build support for our proposal and develop solutions to their concerns.

These conversations have led to important boundary and administrative changes that have contributed dramatically to the bill's backing. I will submit these letters of support for the record but, just to give you a sense of the depth of bipartisan support, let me highlight a few.

- City of Twenty-nine Palms
- City of Coachella
- Jim Battin, Jr., California State Senator (Republican)
- John Benoit, California State Assemblyman (Republican)
- Jeff Stone, Riverside County Supervisor
- Roy Wilson, Riverside County Supervisor
- Agua Caliente Band of Cahuilla Indians
- Palm Springs Chamber of Commerce
- Yucca Valley Chamber of Commerce
- International Mountain Bike Association
- Off-Road Business Association

The list goes on and on and includes scientists, equestrians, small business owners, outdoor educators, conservation organizations, realtors, and outfitters.

I hope that these pictures have demonstrated just how special these places are and why Representative Bono Mack and I have worked so hard over the years to conserve them.

Thank you again for this opportunity to testify on this bill, and I look forward to working with you and Chairman Bingaman and Ranking Member Domenici to move this bill forward.

Senator WYDEN. Without objection, we will put your entire statement into the record, and it is very evident, Senator Boxer, that you have toiled long and well to bring together all of those various groups and knowing particularly the mountain bikers' interest in this kind of issue, we see that in Oregon, and I'm especially glad you've included them.

I don't have any questions for you. The staff will follow up with your staff on a handful of issues that go to some of the boundary questions, but you've done very good work.

I think my intention now is to see if Senator Barrasso or Senator Murkowski have any questions. I don't think they do. We'll excuse you. I think, if it's acceptable, Senator Murkowski, let's hear from Senator Warner, who has also done very good work to try to bring together all the interests in Virginia.

We'll hear from Senator Warner and then I'll recognize Senator Murkowski for an opening statement.

Senator Boxer, well done.

Senator WARNER. Let's have Senator Murkowski proceed with her opening statement and then I'll be happy to speak.

Senator MURKOWSKI. Mr. Chairman, I'm happy to defer to Senator Warner, unless he would like to be educated about the Izembek National Refuge, and I would be happy to do that, but in the interest of time and out of respect to my senior colleague, I will defer to him.

Senator WYDEN. It is a deferral contest and you will go first, Senator Warner.

**STATEMENT OF HON. JOHN WARNER, U.S. SENATOR  
FROM VIRGINIA**

Senator WARNER. I think all of this expression of friendship and collegiality here is a consequence of the distinguished occupant of the chair who is noted here in the Senate.

[Laughter.]

Senator WARNER. I don't know of anyone that expresses greater unilateral—

Senator WYDEN. Comes from the W in the alphabet.

Senator WARNER. That's true, and our good friend Senator Boxer.

Thank you, members of the committee. First, I'm just going to put a statement in. I would want to make just a little comment or two of my own.

This is called the Virginia Ridge and Valley Act of 2007 and Senator Webb and I are jointly putting it in. I ask unanimous consent that my statement be followed by his in the record today.

Senator WYDEN. Without objection, so ordered.

[The prepared statements of Senators Webb and Warner follow:]

PREPARED STATEMENT OF HON. JIM WEBB, U.S. SENATOR FROM VIRGINIA

Good afternoon Chairman Bingaman, Ranking Member Domenici and members of the Committee. I would like to thank you for holding a hearing on this important

matter. I am proud to join with my colleague, Senator Warner, in supporting the Virginia Ridge and Valley Act (S. 570). The Virginia Ridge and Valley Act would designate nearly 43,000 acres of the Jefferson National Forest as wilderness or wilderness study areas. In addition, the legislation would designate more than 10,000 acres of the Jefferson National Forest as National Scenic Areas. If enacted, this bill would create new Wilderness Areas, new National Scenic Areas and would expand six existing Wilderness Areas in portions of Bland, Craig, Grayson, Giles, Lee, Montgomery and Smyth Counties, Virginia within the Jefferson National Forest.

Virginia is fortunate to have such an abundant supply of pristine lands. The ridges and valleys of western Virginia are an integral part of the lives of its inhabitants and our state's shared heritage and the protection of these lands will preserve them for future generations to enjoy. Our children and grandchildren will be able to experience the same untouched landscapes their ancestors experienced for generations before.

The bill will also help promote ecotourism in Southwest Virginia. Tourism is one of the fastest growing industries in Southwest Virginia and the designation of these wilderness and scenic areas within the region will support increased tourism and outdoor recreational opportunities. The areas under consideration will provide opportunities for solitude and wilderness recreation including hiking, hunting, fishing, camping, rock climbing, canoeing, backpacking, horseback riding and many other outdoor activities which are enjoyed by local residents and visitors alike.

I would note that a similar bi-partisan measure, H.R. 1011, was approved by the House of Representatives in October of last year under the leadership of Congressman Rick Boucher. Congressman Boucher worked diligently with his colleagues in the Virginia delegation, the House and the Forest Service to pass this important piece of legislation. It enjoys the support of Congressmen Frank Wolf, Tom Davis, Jim Moran and Bobby Scott, as well as the late Congresswoman Jo Ann Davis. The legislation also been endorsed by Virginia Governor Tim Kaine and a broad range of local communities, local businesses, tourism organizations, and conservation groups.

I thank the Committee for holding a hearing on the Virginia Ridge and Valley Act and I look forward to working with you to secure its expeditious passage.

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PREPARED STATEMENT OF HON. JOHN WARNER, U.S. SENATOR FROM VIRGINIA

Chairman Wyden, Ranking Member Barasso, I thank you for holding this hearing today regarding the Virginia Ridge and Valley Act of 2007 (S.570/H.R.1011). I have worked closely on this bi-partisan bill with my colleagues, Senator Jim Webb (D-VA), and Congressman Rick Boucher (D-VA-9), who has championed this legislation in the House of Representatives. I thank both of them for their tremendous efforts.

I also want to thank Dr. Jim Murray for his willingness to come to Washington and testify on behalf of this bill. His long time efforts to promote wilderness in Virginia are much appreciated, and I am proud to know that a man with ties to Washington and Lee University and the University of Virginia, two institutions for which I have a particular pride, is advocating for such a worthy cause.

As you know, the Virginia Ridge and Valley Act seeks to add six new wilderness areas, expand six existing wilderness areas, and create two new national scenic areas in the Jefferson National Forest in Southwest Virginia. I am pleased that this legislation enjoys the support of many local governments, organizations, businesses, tourism groups, and elected officials. Virginia's Governor, Tim Kaine, has endorsed this legislation as well.

While I am aware that the U.S. Forest Service supports some but not all of these designations, I, as an alumni of the Forest Service from 1943, am confident that the Forest Service will continue to work with us on this legislation so that it may move quickly in the Senate. Certainly a bill that enjoys so much local support, and I will submit a list of endorsers for the record, should move swiftly.

I am proud to say that Virginia boasts just over 100,000 acres of designated wilderness lands today. It has been my privilege to work on behalf of many of these areas over my nearly 30 years in the Senate. However, there is still much work to be done. If enacted, the Virginia Ridge and Valley Act of 2007 will substantially increase this figure by expanding our opportunities for uninterrupted enjoyment in the forest with the addition of nearly 43,000 acres of new wilderness and wilderness study lands and almost 12,000 acres of national scenic areas.

As an avid outdoorsman, I enjoy opportunities for recreation like most Americans. Therefore, I want to stress the many joyful outdoor activities that will be enhanced by the wilderness designation in these areas, including: hunting, fishing, hiking, camping, canoeing, and horseback riding, to name a few. By designating these lands

as wilderness and scenic areas, we ensure that Virginians will be able to enjoy these activities in an unspoiled playground for generations to come.

Thank you for this opportunity to speak on behalf of the Virginia Ridge and Valley Act of 2007. It is my hope to see this important legislation become law before my last term in the U.S. Senate is over.

Senator WARNER. Then we have Congressman Rick Boucher who's in this district in Virginia, and I'm finishing up 30 years here and I think Rick has got well over 20 years in the Senate and one thing about it, this man, he is noted for his hard work and his thoroughness with which he does things.

I'm pleased to say that our staffs and others have carefully gone to all of the—just call it the political entities involved, the Boards of Supervisors, the town councils in all the areas down there, and so far as I know, there's not a word of dissent within that very important structure of elected individual public servants who try to administer their respective areas in the best interests of their citizens and the State.

Now, the national forests, it's the Jefferson National Forest, is one of the oldest, and I looked up in preparation for this statement, there's a 100,000 acres total in all through Virginia and there was only one of the wilderness areas put in before I came to the Senate. So, I've had the privilege and I underline the privilege to work on almost, I guess, all of the 100,000, save that one small piece, in my years up here, many years of serving on this committee, as a matter of fact.

I just think it's one of the noblest things that members of congress can do for the future generations, is to set aside these areas while they can still be done. Now this one is fairly large. It's around 43,000 acres and I want to introduce Mr. Murray right here. Would you stand a minute? This gentleman, I believe you're going to testify, aren't you?

Here's a man who's the father of the whole system for all these years and he's served many years in the Forest Service. Now I'm going to go into some greater detail right away about the concerns of the Forest Service. I respect them.

As I understand, there are just certain areas that they have some reservation about, but I want to bring to the attention and put in the record in 1943, I wouldn't doubt that's before everybody in the Forest Service in this room was born, I went out West to work in Idaho as a fire-fighter with the U.S. Forest Service and thanks to Senator Craig, he arranged for me to go back up way into the mountains to find the remnants of the old camp that we had in the Summer of 1943 and we operated with broken down Army trucks and mules but we did a good job and we only had crosscut saws and double-ended axes and we managed pretty well.

So, I would hope the Forest Service wouldn't too vigorously oppose the actions of one of their alumni but let's hear what they have to say.

I think, Mr. Chairman, that I have pretty well covered any of the major areas of this wonderful statement which I think the bulk will be put into the record with a few technical changes, and I thank the distinguished members of this committee, and if there are no questions for this humble Senator, I'll absent myself.

Senator WYDEN. Senator Warner, I want to only say that your interest in natural resources is longstanding. I've been very much

aware of it and I don't want to make this a bouquet-tossing contest, but you have done so much good work in this area and others. We're going to do everything we can to expedite your legislation.

There are some, as I understand it from the Administration, some questions about this aspect of the boundaries or that aspect of the boundaries, but we're going to work very quickly to get this resolved and I think this is another example of your extraordinary service to the people of Virginia and the people of our country.

Senator WARNER. I thank you, Mr. Chairman. If I could just take one other minute, people ask me why I've taken an interest in this global climate change issue. It was on that trip, I told my friend Senator Craig that I went back and visited the mountains and the hills and the streams that I knew in 1943 and the damage today to that forest, not by man but by climatic changes which enabled the bee population to treble and eat up the trees, I could see visibly in those streams and areas which is still undeveloped, it's so far up in the wilderness, not wilderness but the areas of the State, I just barely was able to recognize and it's all been done—in other words, no man has gone up in that area to any extent, other than an occasional fisherman or trapper.

Boy, the forests have suffered and suffered heavily. So, I think the extent to which we can try and preserve pieces here and there for future generations, it's high on my agenda. You concur in my observation, would you not, Senator Craig, in the deterioration of some of those forests that I visited?

Senator CRAIG. There is no question, and I think you speak well of it. The situation, Senator Warner, we've known since the early 1990s, especially the forests of the Great Basin West that's experiencing greater extremes of weather and drought are in real difficulty.

But I would say in the context of your legislation, while you refer to it as a sizable area, in Idaho and Wyoming, that's a pretty good size ranch. In Alaska, Lisa Murkowski would probably call it a backyard that you'd have to buy two mores, and in Oregon, pretty good farm.

Senator WARNER. Gentlemen, then I'm not being too greedy.

[Laughter.]

Senator CRAIG. Thank you. Well said, Senator Warner.

Senator WYDEN. Senator Warner, thank you very much. Let's now take the opportunity to have Senator Murkowski and Senator Craig make any opening statements that they would care to make.

**STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR  
FROM ALASKA**

Senator MURKOWSKI. I'd like to provide a quick summary because I think it is important to lay the groundwork of what we're talking about here with S. 1680. This is a bill that I have introduced at the request of the people of King Cove, Alaska.

This is a community of about 800 full-time residents. During fishing season, it might get up to about an additional 400 or so, but basically the people of King Cove are involved in fishing or fish processing. It is a community that's populated by an Aleut population. They've been in the area for 4,000 years or so. This is home.

The community is about 80 percent Native and King Cove itself was designated as an Alaska Native Village under the Alaska Native Claims Settlement Act of 1971. Of course, this was the legislation that settled the Aboriginal Land Claims of Alaska's Native People.

The King Cove Native Corporation was given the right to select 109,000 acres of land near King Cove. So what we have with S. 1680 is a land exchange among the State of Alaska, the King Cove Native Corporation, and the Fish and Wildlife Service that will enable the construction of a road between King Cove and the nearest all-weather airport which is at Cold Bay. This is about 30 miles away from King Cove.

The Cold Bay Airport was essentially given to us as a gift from the military. It is the third longest runway within—of any civilian airport within the State of Alaska. It can handle all size of jet aircraft. It has IFR capabilities, and the reason we need to have a road between King Cove and the Cold Bay area is King Cove is essentially landlocked. It's landlocked by the Izembek Refuge and during many parts of the year, you just simply can't get from King Cove to Cold Bay.

The numbers are very important and Senator Craig was alluding that in Alaska, that sometimes our numbers just overwhelm other statistics, and I think this exchange is one where the numbers are very significant.

The Izembek Refuge encompasses about 417,533 acres. This is actually the smallest refuge in the State of Alaska. The land that's required for the road is about 206 acres. So we're talking about less than 1 percent of the total refuge.

In return for this narrow road corridor that we're talking about of 206 acres, an additional 1,600 acres on Kodiak Island, the State of Alaska and King Cove Corporation are willing to transfer 61,723 acres of land to the Federal Government. So those are numbers that deserve to be repeated. We're talking about 206 acres required for this road and we're willing to transfer 61,723 acres of land to the Federal Government.

Now of this total, the King Cove—

Senator CRAIG. It sounds like a pretty good deal.

Senator MURKOWSKI. It sounds like a pretty good deal. The King Cove Native Corporation is prepared to part with 13,800 acres. This is about 17 percent of their aboriginal land, and again I don't mean to harp on the numbers but you've got 206 acres in the refuge, the area that we're talking about building this road, only 97 acres of those 206 are in the existing wilderness area.

The road itself would traverse seven miles of the existing wilderness and in contrast, you've got 45,493 acres of new wilderness lands that's going to be transferred to the Federal Government under the legislation. So, I think most people would say, well, it sounds like a pretty good deal but why? Why would you do this? Why would the State of Alaska and the King Cove Native Corporation be willing to give up more than 61,000 acres and only get a fraction of this acreage in return and it's a very, very simple answer. It's the health and the safety of King Cove's people.



King Cove doesn't have a hospital. They have an Indian Health Service clinic that does have telemedicine connections with the Alaska Native Medical Center in Anchorage.

Right now, at this point in time, the clinic is staffed by a nurse practitioner and our community health aide. We did have a doctor out there as recently as 2006 but he left after just 6 months. He said that King Cove was just too small.

So, we've got real advantages in telemedicine and we appreciate that, but we also know that it has severe limitations. When a patient or an individual is in dire need of medical attention, they need to be medevaced to Anchorage and those flights typically depart from the Cold Bay Airport.

Now King Cove does have an airstrip, but it's surrounded by 4,000-foot mountain peaks. You've got a video on your desk here and you can kind of see as you look at the community of King Cove, you've got mountains going straight up on either side. I've had an opportunity to fly in and I do a lot of flying in Alaska, and there's not a lot of time where it raises my eyebrows but you paid attention when you are landing in King Cove.

So often what we have is an airstrip that is shut down by fog in the summer. During the winter, you've got the snowfall, the strong winds, the heavy turbulence. It is a dicey flight in. In addition, you can only go in during the daylight. You're limited to VFR. It's inaccessible for perhaps 30 percent of the daylight hours. We have had deaths coming in and out of King Cove.

In 1980, we had four people died when the medevac flight went down in snow squalls as darkness was approaching, and this was really a defining moment for this community when they said we've got to do something and this is why this community is so passionate about getting a road.

The other way to get out of King Cove is by sea. You can go across to Cold Bay, to the all-weather airport, takes about two and a half hours in a fishing vessel, but that's assuming that you've got some decent weather out there. You get some pretty high seas, waves in excess of 20 feet. It's not something you want to go through if you have somebody that is in a life situation.

Congress has recognized that we need to deal with the access issue. In 1998, there were 59 Senators who voted in favor of a land exchange that would provide for a wilderness road corridor in return for 664 acres of land to be transferred by the King Cove Corporation, 580 acres of those lands were to be added for the wilderness area. So, I think you can see that the deal we've got on the table now is substantially better for certainly the Federal Government.

Now, we have some objections that we will hear today by those who suggest that we need to forego a road through the wilderness, we need to work with the conservation community in a planning process to identify alternatives to the road, and I've never been entirely clear to me why we needed to pursue these alternatives.

The proposed road would be built along the Kensarof Lagoon which is at the south end of an isthmus and the biological heart of this refuge is generally acknowledged to be at the Izembek Lagoon at the north end of the isthmus.

We've got more than 40 miles of all-weather and dry weather roads leading to the Izembek Lagoon along with numerous parking areas, many run across the isthmus, and, you know, you can see them when you're flying over them. They're on the map. We've got perhaps 14 or 15 miles of roads that already extend into the wilderness area.

In any event, the outgrowth of that planning process, along with a full-blown EIS, is that the people of the United States agreed to provide the people of King Cove with hovercraft to be the marine link between King Cove and Cold Bay, but what we've seen, the hovercraft has reliability problems of its own. The Aleutian East Borough, which is the county government, realizes they can't maintain the hovercraft service.

So for this reason, the people of King Cove have joined with the State of Alaska, the National Congress of American Indians, the Alaska Federation of Natives, to petition Congress for a land route out of the community, and I guess I would add, Mr. Chairman, that, well, the question of whether the Native people of King Cove should have to part with any of their aboriginal lands in return for a reliable way out of their village presents some serious ethical questions to me.

The fact is the State of Alaska and the Native people of King Cove are prepared to pay dearly for a road to the airport. I don't think any community, much less an aboriginal community, deserves to be landlocked by the Federal Government. So that's why I've introduced this legislation again at the request of the community.

I know that they will have some compelling stories to tell. I appreciate that you've given me some latitude with my opening statement, but as you can probably note, it's an issue that gives folks great passion. So, I appreciate your time, Mr. Chairman.

Senator WYDEN. Very good. Senator Craig, any opening statement?

Senator CRAIG. I do not have any opening statement. Thank you very much, Mr. Chairman.

While Senator Murkowski was talking about her concern and this refuge out on the Aleutian Chain, I was reading here and thought I might share this with the committee.

She talks of the weather. The average daily wind speed is nearly 20 miles per hour year-round with wind gusts greater than 50 miles an hour, which is not uncommon. Temperatures are reasonable during the summer, a bit cold during the winter.

But here's the thing I found most fascinating. There's a whole column on how to deal with bears. Visitors often observe brown bears while hiking, fishing and hunting. Keep these unique encounters safe by following a few common sense guidelines.

Now here are a couple that I don't quite understand. It said play dead if attacked. Some of you might appreciate that. In the extremely unlikely event of a bear attack, play dead. You probably already are, so that wouldn't be too difficult to do.

It says don't run. You can't outrun a bear. Watch me. I would certainly try. Some have been clocked at speeds up to 35 miles an hour. If they can go 35, I can go 36, at least for a short stretch. Then it says about fishing, if a bear approaches you while you're

fishing, stop fishing. Good idea. Cut the line, don't let the fish splash. Then it talks about how you would prepare your food, keeping the wind to your back and all of those other kinds of things.

I just found that really quite fascinating. It's an environment that, unless you've been there, you probably don't have any appreciation for. I am amazed that for a right-of-way for a road, that a Native corporation would be willing to give up 60,000 acres. That is a phenomenal give-away for the right to have access to humankind without effectively disturbing the non-humankind. It sounds like the bears are pretty dominant up there.

Thank you.

Senator WYDEN. Thank you very much. Let's go right to our panel. Joel Holtrop with the National Forest Service, Henri Bisson, Deputy Director, Bureau of Land Management, and Elena Daly, director of National Landscape Conservation System for the Department of the Interior.

We're going to make your prepared remarks part of the hearing record. I know that there's almost a compulsion to just put your head down and start reading. We will make your remarks a part of the record and if you could just take 5 minutes or so to just sort of summarize your principal concerns. I do pledge to you that your full remarks will be part of the record.

We'll begin with you, Mr. Holtrop.

**STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE**

Mr. HOLTROP. Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the department's view on the Virginia Ridge and Valley Act, the Wild Monongahela Act, the California Desert and Mountain Heritage Act, and the Montana Cemetery Act.

I have had the opportunity to provide testimony on each of these bills in the House of Representatives. The House versions do reflect changes as a result of working with the subcommittee but concerns remain.

I look forward to working with the Senate on these bills and I will discuss each bill separately.

The Virginia Ridge and Valley Act. The department supports several of the designations included in the bill but we object to other designations and to mandatory planning and construction requirements.

The department would like to work with the committee to offer suggestions which we think will improve S. 570. The department had the opportunity to provide testimony on this bill to the House Natural Resources Committee on two separate occasions in 2007.

H.R. 1011 as passed by the House included several recommendations made by the department but we still have concerns we would like to work with the subcommittee to address.

The Wild Monongahela Act. The department supports designation of Cheat Mountain, Cranberry Expansion, Dry Fork Expansion and Roaring Plains West as wilderness.

For all four areas, wilderness designation would be consistent with recommendations by the Monongahela National Forest in its

2006 Forest Plan Revision. We do not object to wilderness designation for the other three areas proposed by the bill.

We would like to recommend boundary adjustments to account for mapping errors, to provide access to State and private land to exclude developed sites and managed wildlife openings, to add offsets for power lines and other features inconsistent with wilderness, and to align the boundaries with existing wilderness boundaries.

The House Committee on Natural Resources approved an amendment in the nature of a substitute to H.R. 5151. These adjustments address concerns raised by the department in our previous testimony and we support them.

The California Desert and Mountain Heritage Act. The proposed wilderness designations in the bill do not match the wilderness recommendations identified in the revisions to the Forest Plans for the Southern California forests.

Of the 30,630 acres S. 2109 proposes for wilderness, only approximately 800 acres overlap with the Forest Plan's recommendation for wilderness. We would like to work with the subcommittee to remedy the inconsistency this bill has with the California Forest Plan Revisions.

The Forest Service has always been a champion of wilderness. We believe that wilderness designation is special and as a general principle that natural processes should be allowed to work in wilderness without intervention. However, natural process may pose potential conflicts with other priorities or land objectives, such as protection from wild land fire.

During the revision process, most of these proposed wilderness designations were determined not to meet criteria for wilderness suitability. The areas were found unsuitable because of current or potential uses that would conflict with wilderness designation, such as reduction of hazardous fuels, elements of fire management, current recreational uses, grazing improvement maintenance and habitat management for threatened and endangered species.

Therefore, the department does not support these proposed wilderness additions.

The department does not oppose the additions to the National Wild and Scenic Rivers System, but we would like to work with the committee to clarify river management and address differences between mileage and classifications in this bill and those in the Forest Plan.

The department fully supports that portion of the expansion of the Santa Rosa and Santa Jacinto Mountains National Monument under national forest management.

Montana Cemetery Act. The department is supportive of Senate 2124 but requests that the conveyance of the public land estate include consideration for the market value of the property and for the administrative costs associated with the conveyance.

The department does not support the reversion of the lands back to the Secretary.

The bill provides for the continued protection of the historic and cultural values associated with the site but does not exempt the Forest Service from its obligations to comply with the National Historic Preservation Act or any other law at the time of transfer.

This concludes my statement, and I'll be happy to answer any questions that you may have.

[The prepared statement of Mr. Holtrop follows:]

PREPARED STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM,  
FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Thank you for the opportunity today to provide the Department's view on S. 570 and H.R. 1011, the Virginia Ridge and Valley Act of 2007; S. 2581, Wild Monongahela Act: A National Legacy for West Virginia's Special Places; S. 2109, California Desert and Mountain Heritage Act; and S. 2124, Montana Cemetery Act of 2007. I am Joel Holtrop, Deputy Chief, National Forest System of the Forest Service. I will address each of these bills separately.

S. 570 AND H.R. 1011

S. 570 would designate 27,817 acres in the Jefferson National Forest as new components of the National Wilderness Preservation System (NWPS). Specifically, the bill would designate the following areas: Brush Mountain East Wilderness, Brush Mountain Wilderness, Raccoon Branch Wilderness, Stone Mountain Wilderness, Hunting Camp Creek Wilderness, and Garden Mountain Wilderness. S. 570 would also designate 11,344 acres as additions to existing wilderness areas namely, Mountain Lake Wilderness, Lewis Fork Wilderness, Little Wilson Creek Wilderness, Shawvers Run Wilderness, Peters Mountain Wilderness, and Kimberling Creek Wilderness.

S. 570 would designate 3,226 acres in the Jefferson National Forest as the "Lynn Camp Creek Wilderness Study Area." The bill also would designate 349 acres depicted on the map as the "Kimberling Creek Additions and Potential Wilderness Area" as a potential wilderness area for eventual incorporation in the Kimberling Creek Wilderness. The bill would set forth requirements regarding ecological restoration within this area and would provide for the designation of the area as a wilderness within five years.

In addition, the bill would designate 11,583 acres of the Seng Mountain and Bear Creek areas as national scenic areas for purposes of ensuring the protection and preservation of scenic quality, water quality, natural characteristics, and water resources; protecting wildlife and fish habitat; protecting areas that may develop characteristics of old-growth forests; and providing a variety of recreation opportunities.

Finally the bill would direct the Secretary of Agriculture to develop a management plan for the designated national scenic areas. The Secretary also would be required to develop a trail plan for hiking and equestrian trails on lands designated as wilderness by this Act and to develop a plan for non-motorized recreation trails within the Seng Mountain and Bear Creek National Scenic Areas. The bill also would direct the Secretary to develop a sustainable non-motorized trail in Smyth County, Virginia.

We recognize and commend the delegation and the Committee for its collaborative approach and local involvement that has contributed to the development of this bill. The Department supports several of the designations included in the bill but we object to other designations and to mandatory planning and construction requirements. The Department would like to work with the Committee to offer suggestions which we think will improve S. 570.

WILDERNESS PROPOSALS

During the development or revision of a forest land and resource management plan (LRMP), a national forest conducts an evaluation of potential wilderness or wilderness study areas that satisfies the definition of wilderness found in section 2(c) of the Wilderness Act of 1964. On National Forest System (NFS) lands in the Eastern United States (east of the 100th meridian) the criteria for evaluating potential wilderness recognizes that much, if not all of the land, shows signs of human activity and modification. The Record of Decision for the revised Jefferson National Forest LRMP, signed on January 15, 2004, was developed over an 11-year period with extensive public involvement. It contains recommendations for 25,200 acres of wilderness study areas, including new wilderness study areas and additions to existing areas designated as wilderness.

The Department supports the provisions in S. 570 that would designate new components of the NWPS that are consistent with the Jefferson National Forest LRMP recommendations for wilderness study. These areas are the proposed Garden Mountain, Hunting Creek Camp, and Stone Mountain Wilderness areas.

The Department supports the designation of additions to existing wilderness areas for the following areas: Kimberling Creek A and B Additions, Lewis Fork Addition, Little Wilson Creek Addition, Mountain Lake A and C Additions, Peters Mountain Addition, and Shawvers Run A Addition.

The Department does not oppose the designation of the "Lynn Camp Creek Wilderness Study Area," the Mountain Lake B Addition, and Shawvers Run Additions B and C areas. However, we have concerns about the suitability of the Lynn Camp Creek Wilderness Study Area as a component of the NWPS due to its small size, configuration, and manageability (due to outstanding mineral rights). The Department is willing to work with the committee to look at other options for protection of this area. We also have concerns about the suitability of the Mountain Lake B Addition and the Shawvers Run Additions B and C as components of the NWPS due to their size and configuration. An additional concern with the Mountain Lake Addition B is that it contains a 59-acre private inholding which could require associated road access in the future if the parcel is developed.

The Department does not support the designation as "potential wilderness" for the 349-acre portion of the Kimberling Creek area. The designation "Potential Wilderness" is not a designation referenced in the Wilderness Act of 1964. A subsequent designation of wilderness following a fixed time period and associated compulsory changes in conditions can serve to limit the Secretary's discretion in the allocation of scarce resources and other management actions associated with the administration of the NFS and the NWPS. We use the term, potential wilderness, in our wilderness evaluation process under our LRMP efforts to evaluate areas as potential additions to the NWPS. The Kimberling Creek addition was recently acquired as NFS land and in its current condition does not contain the basic natural characteristics that make it suitable for wilderness due to an extensive road network. We would recommend that the Committee consider allowing the Secretary to continue the current management prescription for this area which is Dispersed Recreation-Unsuitable. This management emphasis provides for a variety of dispersed recreation uses with minimal vegetation management and would allow use of motorized and mechanized equipment for needed road and trail rehabilitation work. We plan to develop rehabilitation plans and implement these plans within the next 5 to 10 years. While this area was not recommended as a potential wilderness area in the LRMP, future wilderness designation of this area could be reevaluated after restoration activities occur.

The Department does not support wilderness designation for the Brush Mountain and Brush Mountain East areas. These areas lie on the north side of Brush Mountain and are separated by a 345 kilovolt powerline corridor. They were not recommended for wilderness study in LRMP. They contain fire-dependent forest habitat which make up approximately 50 percent of these two areas. Additionally, the areas are largely surrounded by private lands. Wildland urban interface (subdivisions and housing developments) exists on the north and south boundaries. If designated as wilderness, our ability to utilize prescribed fire for the maintenance of southern yellow pine forest communities and to conduct hazardous fuels reduction projects would be hampered in these interface areas. Our ability to use prescribed fire is compromised when we cannot mechanically construct firelines to better control fire management activities. Additionally, the narrow width of these areas and the bisecting powerline corridor within these areas detract from their naturalness and offer few opportunities for solitude. We have also recently identified a need for a small boundary change in the proposed wilderness area along the northwest side of Brush Mountain East. An electric distribution line is located along Craig Creek and the current boundary includes some of the line within the proposed wilderness. If the Committee proceeds with wilderness designation, we would like to work with the Committee to adjust the boundary to exclude this existing line.

The Department could support the designation of the Raccoon Branch area as a wilderness area if agreements are reached in resolving trail maintenance issues in the area and if the requirement contained in section 5(d) of the bill for a sustainable trail is amended to provide more flexibility for any future alternative trail locations. Nearly six miles of the Virginia Highlands Horse Trail (VHHT) and the Dickey Knob Trail traverse this area. These trails are heavily used by both equestrians and mountain bikers. Currently only four of the six miles of the VHHT in the Raccoon Branch area are open to mountain bike use due to the steep nature of the trail where it enters the west end of Raccoon Branch. Wilderness designation would eliminate mountain bike use within the area. While equestrian use is compatible with wilderness designation, heavy use and ground conditions along the VHHT necessitate extensive maintenance to sustain the integrity of the trail and protect watershed and other resources values. To maintain the trail to the standards that are needed without mechanized or motorized equipment will require cooperative agree-

ments and commitments from user groups to help in maintenance to protect the resources and to provide for continued equestrian use of the trail. We would like to work with the Committee to adjust the boundary as now proposed in the bill. The adjustment would exclude the section of VHHT from the western boundary to its intersection with Hickory Ridge Trail #4516 which we believe would alleviate much of the concern with maintaining the trail for equestrian use.

#### NATIONAL SCENIC AREA PROPOSALS

Section 4 of S. 570 would establish Seng Mountain and Bear Creek National Scenic Areas (NSAs). In August 2007, the President signed Executive Order (E.O.) No. 13443, "Facilitation of Hunting Heritage and Wildlife Conservation." This E.O. requires Federal land management agencies to "...Manage wildlife and wildlife habitats on public lands in a manner that expands and enhances hunting opportunities..." Forest Service direction on compliance with the E.O. is being developed. Portions of both the Seng Mountain and Bear Creek NSAs are managed under the LRMP to manage black bear habitat. We would like to work with the Committee on language that would allow a low level of habitat management for black bear that would be consistent with the E.O. and compatible with the purposes for which the scenic areas are being established.

The proposed Seng Mountain NSA is within the congressionally designated Mount Rogers National Recreation Area (NRA). The Mount Rogers NRA is managed to provide public outdoor recreation benefits and the continued use by a diversity of recreation uses. The Seng Mountain area contains a motorized trail, the Barton Gap Trail #4624. Motorized use of the trail would be prohibited under S. 570. The Barton Gap Trail is one of only five designated motorcycle trails on the George Washington and Jefferson National Forests and is an important part of the diversity of recreation opportunities that we provide the visitors that use the Forest and the Mount Rogers NRA. The Department would like to work with the Committee to resolve any confusion resulting from the overlapping designations for the Seng Mountain area. The Department recommends that the overlapping designation be clarified and continued motorized use on the Barton Gap Trail be allowed.

#### TRAIL DEVELOPMENT PLANS

S.570 would require the Secretary to establish a trail plan to develop hiking and equestrian trails on lands designated as wilderness by this bill. The designated lands would be administered in accordance with the Wilderness Act. The Forest Service already addresses trail management and planning standards within the LRMP planning process. The Department considers the requirement to develop additional trail plans to be unnecessary.

S.570 also would require the Secretary to develop a sustainable trail to provide a continuous connection for non-motorized travel between State Route (SR) 650 and Forest Development Road 4018. This trail would be along SR 16. We believe that it would be costly and difficult to provide a trail in this general location that would be safe for both equestrians and mountain bikers. The existing gravel road (SR 650) is winding and narrow and contains several blind curves. It receives high local use and is the main access road for campers and recreational vehicles to enter Hurricane Campground. Further, a potential connector trail for horses and bikes from SR 650 along the route of the old Marion-Rye Valley rail bed would require crossing SR 16, a 55-mph State highway that receives heavy commercial use, in a location with poor sight distance. Trail construction along the stream would be unlikely to meet our Forest standards for riparian protection. The bill language that specifies the terminus of the connector route limits our ability to locate and construct a trail that will meet Forest Service standards for safety and in a manner that is environmentally appropriate. We would like to work with the Committee on language that would allow us to construct trail facilities with adequate consideration for alternatives, priorities, and costs.

#### HOUSE AMENDMENT TO H.R. 1011

The Department had the opportunity to provide testimony on this bill to the House Natural Resources Committee on two separate occasions, May and September of 2007. H.R. 1011, as passed by the House, contains the following amendments to the bill as introduced.

Section 2 was amended to adjust the acreage of the Brush Mountain East Wilderness from 3,769 acres to 3,743 acres to provide for a setback of 100 feet along the 345 kilovolt powerline corridor. The Department supports this acreage adjustment, but we remain concerned designating this area as wilderness for the reasons stated earlier in this testimony.

Section 4 was amended to adjust the acreage of the Seng Mountain National Scenic Area from 6,455 to 5,192 acres to provide for continued motorized use of the Barton Gap Trail and Black Bear habitat management. The Department supports this acreage adjustment but would like to work with the Committee to refine the boundaries of the designation further.

Section 4 was amended to authorize motorized travel on Forest Development Road 6261 in the Bear Creek NSA during bear and deer hunting seasons. In testimony before the House Committee on Natural Resources in May 2007, the Department expressed concerns regarding the proposed Bear Creek NSA. Specifically, we were concerned about the limitation on our ability to improve black bear habitat and to provide opportunities for hunting as a result of this designation and mandated closure of the road. The Department indicated it could support the Bear Creek NSA designation if allowances were made for seasonal motorized use of the road during hunting season. The Department supports this amendment since it provides these allowances.

Section 5 was amended to allow motorized access for emergency purposes involving the health and safety of persons, including search and rescue efforts and responses to an Amber Alert. The Department considers this addition to be unnecessary as these actions are currently allowed in wilderness under section 4 (c) of the Wilderness Act of 1964 and Forest Service policy, and recommends its deletion from the bill. Section 5 also was amended to provide more flexibility for the location of a non-motorized trail located along the southern boundary of the Raccoon Branch Wilderness. The Department supports this part of the amendment.

S. 2581

S. 2581 would designate about 47,128 acres of the Monongahela National Forest as wilderness, adding to three existing wilderness areas and designating four new ones. The Department supports designation of Cheat Mountain, Cranberry Expansion, Dry Fork Expansion, and Roaring Plains West as wilderness. For all four areas, wilderness designation would be consistent with recommendations by the Monongahela National Forest in its 2006 forest plan revision.

We do not object to wilderness designation for the other three areas proposed by the bill. In the environmental impact statement that accompanied the 2006 forest plan revision, the Monongahela National Forest determined that Big Draft, the Dolly Sods Expansion, and Spice Run are all available for wilderness designation. The Monongahela National Forest designated all three areas as "semiprimitive non-motorized" in order to help maintain their roadless attributes over time while still permitting other established uses.

The Monongahela National Forest has five existing wilderness areas, all of which offer outstanding wilderness experiences. I have personally visited some of the seven areas proposed in this bill, and I believe that all seven areas have outstanding wilderness attributes. All are rugged forested land minimally affected by outside forces, with natural processes operating and vestiges of human impacts (such as old roads and clearcuts) rapidly healing over. Ranging in elevation from just under 2,000 feet to over 4,000 feet, these landscapes harbor rare ecosystems (such as high-elevation red spruce) and habitat for federally listed species.

That is why the Monongahela National Forest recommended four of the seven areas for wilderness study in its revised forest plan in 2006: Cheat Mountain, Cranberry Expansion, Dry Fork Expansion, and Roaring Plains West. These units represent nearly 27,700 acres recommended for wilderness study. The Department supports their inclusion in this bill.

In its forest plan revision, after consulting with the public, the Monongahela National Forest decided not to include Big Draft, the Dolly Sods Expansion, and Spice Run among the areas recommended for wilderness. Instead, we designated all three as semiprimitive nonmotorized areas, one of the most restrictive allocations that the Forest Service can give. This management prescription protects their naturalness while permitting such popular and relatively low-impact uses as mountain biking. It also allows the manipulation of vegetation to create wildlife openings.

However, we recognize the wilderness eligibility of all three areas, and their designation as wilderness would be consistent with values that the Monongahela National Forest's revised forest plan is designed to protect. In other locations, the Monongahela National Forest maintains opportunities for mountain biking and for manipulating vegetation to improve wildlife habitat. Therefore, the Department would not object to including Big Draft, the Dolly Sods Expansion, and Spice Run in this bill if boundary adjustments and other issues are addressed.

If all seven areas are designated as wilderness, we would suggest adjusting some of the proposed boundaries to avoid conflicts and make the wilderness areas more



manageable. Some proposed boundaries appear to be based on the boundaries of the roadless areas analyzed during the 2006 forest plan revision. Those roadless area boundaries were not intended to define wilderness boundaries. Adjustments should be made to account for mapping errors; to provide access to state and private land; to exclude developed sites and managed wildlife openings; to add offsets for powerlines and other features inconsistent with wilderness; and to align the boundaries with existing wilderness boundaries.

The largest boundary question regards the southwestern corner of the proposed Spice Run unit, an area of 974 acres. This area lies outside the area that the Monongahela National Forest evaluated for wilderness in its 2006 forest plan because it did not meet the criteria for roadless areas. Should it become designated wilderness, motorized access to three adjacent parcels of private land could become an issue.

We would like to work with the bill's sponsors and the subcommittee to adjust the boundaries to accommodate these and other concerns. The Forest Service has prepared a set of proposed boundary adjustments, taking care to ensure that our proposed adjustments would not detract from the overall wilderness legislation. We would welcome the opportunity to provide this information to the subcommittee.

Removing most of the structures incompatible with wilderness would not be necessary if our proposed boundary adjustments were made. Even with the adjustments, however, a hiking shelter and about 9 miles of road would remain within the wilderness boundaries. The shelter would likely be allowed to deteriorate and then be removed. Unless converted to trails, the roads (currently closed to vehicular traffic) would require decommissioning to protect water quality and other natural resource values. The Monongahela National Forest would conduct an analysis to determine the appropriate management actions and then make the investments needed, subject to available appropriations, to remove culverts, construct trail, or contour the land to reduce erosion.

We strongly support the spirit of this legislation, and we confirm that all seven areas proposed for wilderness designation meet the criteria for wilderness. Working with the subcommittee, we are confident that we can remedy boundary deficiencies and establish final wilderness boundaries that are sound and manageable.

The House Committee on Natural Resources approved an Amendment in the Nature of a Substitute to H.R. 5151. This amendment includes updated acreage figures resulting from boundary adjustments to the Big Draft Wilderness, the Cranberry Expansion, the Dolly Sods Expansion, the Otter Creek Expansion Proposed Wilderness, the Roaring Plains West Wilderness, and the Spice Run Wilderness. These adjustments address concerns raised by the Department in our previous testimony, and we support them.

H.R. 5151, as amended, allows for the continuation of a competitive running event in the vicinity of the Dolly Sods Wilderness and the Roaring Plains West Wilderness. Forest Service policy does not permit competitive events in wilderness. Our intent would be to work with the sponsors to find a suitable alternative for the competitive event.

Section 3 was added to H.R. 5151 to adjust the boundary to the Laurel Fork South Wilderness by 123 acres. Section 4 was added to confirm that the Monongahela National Forest boundary includes recently acquired tracts of land. The Department supports these changes to the bill. Section 4 should be amended to include reference to the Land and Water Conservation Fund Act (LWCFA) because expenditures of LWCFAs funds are restricted to forest boundaries as they existed on the original date of the Act.

#### S. 2109

The Department of Agriculture supports S. 2109, if amended.

S. 2109 would create two new wildernesses on the San Bernardino National Forest, and would add additional acreage to existing designated wilderness on the Cleveland and San Bernardino National Forests. It would also designate stretches of four rivers on the San Bernardino National Forest as components of the National Wild and Scenic Rivers System. This bill would also expand the boundaries of the Santa Rosa and San Jacinto Mountains National Monument.

There are discrepancies between the proposed wilderness designations in the bill and the revisions to the forest plans for the Southern California forests (Forest Plan), for which the Record of Decision was published in the Federal Register on April 21, 2006. Of the 30,630 acres S. 2109 proposes for wilderness, only (approximately) 800 acres overlap with the Forest Plan's recommendation for wilderness. Discrepancies also exist between the proposed designations under the Wild and Scenic Rivers Act and the Forest Plan.

The Forest Service has always been a champion of wilderness. We believe that wilderness designation is special, and as a general principle, that natural processes should be allowed to work in wilderness without intervention. However, natural process may pose potential conflicts with other priorities or land use objectives such as protection from wildland fire. When situations arise, such as fuel buildup, climate change, and an expanding urban interface, our preference is still for natural processes to dominate.

During the revision process, most of these proposed wilderness designations were determined not to meet criteria for wilderness suitability. The areas were found unsuitable because of current or potential uses that would conflict with wilderness designation such as reduction of hazardous fuels (mechanical treatments and prescribed burning), elements of fire management (including Burned Area Emergency Response—BAER treatments), current recreational uses (e.g., mountain bikes), grazing improvement maintenance, existing protections (Research Natural Area), habitat management for threatened and endangered species, external influences and the availability of nearby wilderness.

For example, the portion of the Agua Tibia Wilderness addition in the Cleveland National Forest that would be designated by the bill is not the same as the area of National Forest recommended for wilderness designation in the Forest Plan. The Department does not support the addition of the area that was not recommended in the Forest Plan. We defer to the Bureau of Land Management (BLM) for its part of this proposal.

The Cahuilla Mountain Proposed Wilderness in the San Bernardino National Forest also was found not to meet Forest Service wilderness criteria during the Forest Plan revision process. We continue to support the Forest Plan's final recommendation, developed with public involvement. Therefore, the Department does not support this proposed addition.

Section 104(f)(2) of the bill contains provisions related to access and use of the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural and religious purposes, including temporarily closing areas to the general public for use by members of an Indian tribe. The Department supports and encourages providing access to tribes consistent with PL 95-341 (also known as the American Indian Religious Freedom Act) but we do not support the provision in the bill. To that end, the Forest Service has directives that allow for voluntary temporary closures to protect privacy for tribes in the conduct of traditional cultural activities. We would like to work with the bill's sponsor, the Subcommittee, and the Department of Justice to address these concerns.

The proposed South Fork San Jacinto Wilderness on the San Bernardino National Forest was found not to meet the wilderness criteria during the revision process. The South Fork San Jacinto area is a combination of two inventoried roadless areas with the same issues as the Cahuilla proposal. The Department does not support this area to be designated as wilderness. We remain in support of our Forest Plan recommendation to manage this area as backcountry allowing greater flexibility to address resource management needs.

Additionally, during the revision process thirteen acres of Cactus Springs Inventoried Roadless Area were recommended as an addition to the Santa Rosa Wilderness. The Department supports this 13-acre addition, and defer to the Bureau of Land Management for its portion of the addition.

Although a suitability study has not been conducted for the four rivers that would be designated by the bill, the Department does not oppose their addition to the National Wild and Scenic Rivers System based on general support by the communities of interest and consistency of the designation with the management of the National Forest System lands within the river corridors. We wish, however, to work with the Committee to clarify river management and address differences between mileage and classifications in this bill and those in the Forest Plan.

The Department fully supports that portion of the expansion of the Santa Rosa and San Jacinto Mountains National Monument under National Forest management.

We would like to work with the Subcommittee, to remedy the inconsistencies this bill has with our California Forest Plan Revisions.

S. 2124

This legislation directs the Secretary to convey for no consideration, all right, title, and interest in 10 acres of land within the Beaverhead-Deerlodge National Forests to Jefferson County, Montana to be used for cemetery purposes. The Department is supportive of S. 2124, but would recommend that this bill provide consideration to the Federal government for the conveyance.

The parcel to be conveyed to Jefferson County is currently being used for cemetery purposes but a special use authorization has never been issued for this purpose. The 10-acre conveyance will provide a sufficient amount of land to accommodate all known grave sites and any additional sites that may be outside of the concentration of known sites. In addition the conveyance is of adequate size to include the cemetery parking lot so that it will be located on private property. The parcel to be conveyed is a National Register eligible property that contributes to the significance of the Elkhorn town site and the Elkhorn historic mining district. The bill provides for the continued protection of the historic and cultural values associated with the site but does not exempt the Forest Service from its obligations to comply with the National Historic Preservation Act, or any other law, at the time of transfer.

We are concerned about conveying public land to other jurisdictions without any form of consideration. The Department does not object to making the Federal land available for use as a cemetery, but requests that the conveyance of the public land estate include consideration for the market value of the property and for the administrative costs associated with the conveyance. The Department does not support the reversion of the lands back to the Secretary should this bill be enacted.

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

Senator WYDEN. Thank you.  
Ms. Daly.

**STATEMENT OF ELENA DALY, DIRECTOR, NATIONAL LANDSCAPE CONSERVATION SYSTEM, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**

Ms. DALY. Thank you, Mr. Chairman, members of the subcommittee.

I'd like to thank you for inviting the Department of the Interior to testify on a number of bills before the subcommittee.

S. 2109, the California Desert and Mountain Heritage Act, designates wilderness throughout Riverside County, California, on land managed by the BLM, the Park Service, and the Forest Service. It also expands the Santa Rosa and Santa Jacinto National Monument.

The Department of the Interior supports 2107 as it applies to BLM and NPS designations but would like the opportunity to work with the subcommittee on a number of clarifications.

Specifically, we would like to work with the sponsors and the committee on some boundary adjustments. Given the growing need for renewable energy in this area, we are particularly sensitive to ensuring that renewable energy needs are properly accommodated.

Some of the boundaries, as presently constituted, may pose problems for future renewable energy transmission needs and we would like to work with the sponsors of the bill and the committee to adjust those boundaries.

We defer to the Department of Agriculture on those designations on Forest Service-managed lands, and I am accompanied by Karen Taylor Goodrich, Associate Director, Visitor and Resource Protection, who will join me at the table to answer any questions you may have related to the National Park Service and S. 2109.

This bill is a result of the multiyear process undertaken by the California Congressional Delegation. This public process included engaging elected officials, interest groups, local communities, and the affected land-managing agencies.

We appreciate these efforts as we believe that local input and consensus-building processes are essential ingredients to successful wilderness bills.

S. 758, the Nevada Cancer Institute Expansion Act, would convey without consideration 80 acres to the city of Las Vegas, Nevada, for the development of a cancer treatment facility and adjoining park, a flood control project, a water pumping facility, and other commercial projects.

While the BLM supports the goals of S. 758 and the House companion bill, H.R. 1311, we cannot support the bill unless there are additional modifications. The bill should be modified to ensure that the conveyances outlined in Section 3(a) guarantee a fair return to the public and are consistent with existing conveyance authorities.

In addition, many of the purposes could be accomplished administratively and we would be happy to work with the city of Las Vegas, the Flood Control District, and others toward this end.

While some of our concerns were addressed in H.R. 1311 as passed by the House of Representatives on March 4th of this year, we urge the committee to make the additional modifications described in our testimony.

Thank you for the opportunity.

[The prepared statements of Ms. Daly follow:]

PREPARED STATEMENT OF ELENA DALY, DIRECTOR, NATIONAL LANDSCAPE CONSERVATION SYSTEM, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify on S. 758, the Nevada Cancer Institute Expansion Act. H.R. 1311, the companion bill to S. 758, passed the House on March 4, 2008 and, as requested by the Committee, I'll also address H.R. 1311, as amended. While we support the goals of S. 758 and H.R. 1311, as amended, we cannot support the bills without modifications.

#### S. 758

S. 758 would convey without consideration approximately 80 acres of public lands (the "Alta-Hualapai" site) to the City of Las Vegas, Nevada, for the development of a cancer treatment facility, an adjoining park, a flood control project, a water pumping facility, and other commercial projects. While the BLM supports the goals of S. 758, we cannot support the bill unless there are major clarifications and modifications to make it consistent with our existing conveyance authorities and standard BLM practices.

The 80 acres proposed for conveyance under S. 758 are part of a larger parcel of land totaling 320 acres that was patented to the City in 1963 under the Recreation and Public Purposes Act (R&PP). The Federal government retains a reversionary interest in these lands if they are not used for the specific purposes for which they were transferred. A significant portion of this parcel of land was developed as the Angel Park Golf Course; however, the 80 acres proposed for conveyance under this bill remain undeveloped.

S. 758 provides that the City may convey without consideration portions of these lands to the Nevada Cancer Institute for the development of a new treatment facility and to the Las Vegas Valley Water District for the development of the pumping facility. The United States would retain a reversionary interest only for the portions the City conveys.

The bill also provides that if the City conveys portions of the site for the other purposes specified in section 3(a) of the bill that it must receive not less than fair market value and that the revenues received from the sales of these lands be distributed according to the formula outlined in Section 4(e)(1) of the Southern Nevada Public Land Management Act (SNPLMA), which allows for 85 percent of the proceeds from the land sales to be deposited in the special account established under SNPLMA; 10 percent paid directly to the Southern Nevada Water Authority; and 5 percent paid directly to the State of Nevada for use in the state's general education program. It is unclear whether or not the development of an adjacent park and the flood control project would involve the City selling the land.

While BLM is generally supportive of the intentions of S. 758, we believe that the bill should be modified to ensure that the conveyances outlined in Section 3(a) guar-

antee a fair return to the public and are consistent with existing conveyance authorities. Where the conveyances are for public purposes, they should be done consistent with the R&PP Act. The R&PP Act provides for conveyances at less than fair market value in certain circumstances. For example, the provisions in the R&PP Act provide for a 50 percent reduction in value of conveyances to non-profit entities, such as the Nevada Cancer Institute. However, the Administration recognizes that there may, indeed, be circumstances in which the public benefits of a proposed transfer outweigh financial considerations.

For the portions of land that are intended to be used for the development of commercial projects, we recommend that S. 758 be amended to direct the BLM to sell the identified lands at auction or through a modified competitive sale and consistent with SNPLMA. In contrast, the bill, as drafted, would require that the Secretary convey the property to the City of Las Vegas, which, in turn, could convey it for "not less than fair market value." Such an amendment would eliminate the unnecessary step of conveying the land to the City, would ensure a fair return to the public, and would be consistent with standard BLM practices.

It is also possible that the specified uses identified in Section 3(a), such as the flood control project and the water pumping facility, can be administratively accomplished through the granting of rights-of-ways. The BLM would be happy to work with the City, the Flood Control District, and others in this effort.

#### H.R. 1311

H.R. 1311 was introduced in the House of Representatives on March 5, 2007. The BLM testified on H.R. 1311, a companion bill to S. 758, on October 23, 2007. The bill, as amended, passed the House on March 4, 2008, incorporating some but not all of our suggested changes.

Section 3 of H.R. 1311 requires the Secretary to convey to the Nevada Cancer Institute the portion of the 80 acre Alta-Hualapai Site needed for a cancer facility. It also requires the Secretary to convey to the City the remaining portion of the site needed for ancillary medical or nonprofit uses. All conveyances by the Secretary are at no cost, except for costs associated with title transfers or land surveys, at the discretion of the Secretary. Further conveyances by the City shall be "for no less than fair market value" and the proceeds are to be distributed in accordance with SNPLMA. To implement the conveyances, the bill directs the City to prepare a land survey that conforms to BLM's cadastral survey standards, and it provides for relinquishment of the R&PP site. The bill in Section 4 authorizes the Secretary to grant rights-of way to the Las Vegas Water District for a flood control project and water pumping facility. Under Section 5, the United States retains a reversionary interest on all conveyed lands.

Consistent with our views on S. 758 and prior testimony on H.R. 1311, as amended, our overarching interest is that conveyances of public lands be in accordance with existing conveyance authorities and guarantee a fair return to the public. H.R. 1311, as passed, partially fulfills these objectives. The bill provides for administrative grants of rights-of-way to the Water District, consistent with FLPMA, to authorize the flood control project and water pumping facility. We are pleased this provision utilizes BLM's existing conveyance practices and authorities, and reflects the comments raised in our previous testimony on H.R. 1311. The bill also directs the City to conduct a land survey that conforms with the BLM's cadastral survey standards. We support this provision because it applies standard administrative practices.

However, other key provisions of H.R. 1311, as amended, are not consistent with existing authorities and we cannot support the bill without additional modifications. Consistent with our views on S.758, we support the purpose of the conveyance to the Nevada Cancer Institute, but it should be done in accordance with the R&PP Act to ensure a fair return to the public. While the bill provides for lands to be conveyed to the City at no cost, and for further conveyance by the City at "no less than fair market value", it is not clear if the lands conveyed to the City are intended to be used for non-profit or commercial purposes. Again, to ensure a fair return to the public, we believe that conveyances for public purposes should be consistent with the R&PP Act, while conveyances for commercial purposes should be consistent with SNPLMA and offered by the BLM at auction or through a modified competitive sale.

Finally, H.R. 1311, as amended, requires the Secretary to report to Congress, within 180 days of enactment, on all transactions conducted under SNPLMA.

Thank you for the opportunity to testify on S. 758 and H.R. 1311, as amended. I will be happy to answer any questions.

## S. 2109

Thank you for inviting me to testify on S. 2109, the California Desert and Mountain Heritage Act. The Department of the Interior supports S. 2109 as it applies to BLM and NPS designations but would like the opportunity to work with the subcommittee on a number of clarifications, including acreage and mapping adjustments. We defer to the Department of Agriculture on those designations on National Forest System lands.

The Department strongly supports Congressional efforts to resolve wilderness designations throughout the West, and we welcome this opportunity to further those efforts. Only Congress can determine whether to designate Wilderness Study Areas (WSAs) as wilderness or release them for other multiple uses. We support the resolution of WSA issues and stand ready to work with Congress toward this goal.

S. 2109 designates wilderness throughout Riverside County, California on lands managed by the BLM, National Park Service (NPS) and Forest Service. It also expands the BLM and Forest Service-managed Santa Rosa and San Jacinto Mountains National Monument (designated by Public Law 106-351) as well as designates a number of Wild and Scenic rivers under the management of the Forest Service.

S. 2109, as introduced, includes acreage numbers that do not match area descriptions or the maps provided to the sponsors by the Department. We are working with the sponsor and the subcommittee to make appropriate corrections. Our discussions of the bill in this testimony will reflect the updated acreage numbers.

Title I designates four new wilderness areas: Beauty Mountain and Pinto Mountains Wilderness to be managed by the BLM as well as Cahuilla Mountain and South Fork San Jacinto Wilderness to be managed by the Forest Service.

The proposed new Beauty Mountain Wilderness would cover over 15,000 acres of BLM-managed lands. It is one of the last undeveloped areas in the region; numerous outside groups recognize both its significance as open space and the important resource values of Beauty Mountain. We should note that the boundary for Beauty Mountain is arbitrarily set at the Riverside County line. The second new BLM wilderness area, Pinto Mountains wilderness, lies just to the north of the National Park Service's Joshua Tree National Park and wilderness. Much has changed in these areas during the last 15 years. In 1994, the California Desert Protection Act changed the management landscape in the entire California desert. That same year, much of the area was designated as critical habitat for the threatened desert tortoise. This area is important habitat for the desert bighorn sheep. Many inholdings have been acquired by the State, private groups, or BLM that made this area more manageable and enhanced their wilderness characteristics. Far fewer mining claims exist in the area than were there 15 years ago. These areas are currently primarily non-motorized.

In addition, Title I expands six existing wilderness areas that were designated under Public Law 103-433 the California Desert Protection Act and earlier wilderness bills: Agua Tibia, Orocopia Mountains, Palen/McCoy, and Chuckwalla Mountains Wilderness managed by the BLM; Joshua Tree National Park Wilderness managed by NPS; and additions to the Santa Rosa Wilderness within Santa Rosa and San Jacinto Mountains National Monument managed by both the BLM and the Forest Service. The expansions, which will improve manageability, protect important resource values and improve dispersed recreational opportunities, range from a mere 500-acre addition to the existing Agua Tibia Wilderness to a large 23,000-acre addition to the Palen/McCoy Wilderness. Other additions include 5,000 acres to the Orocopia Mountains Wilderness and 13,000 acres to the Chuckwalla Mountains Wilderness. These expanded wilderness designations are possible now because of acquisitions of land by the BLM and changes in on-the-ground conditions that have occurred since the original wilderness designations.

Within the boundary of Joshua Tree National Park, section 102(f) of S. 2109 designates 36,800 acres of land in non-contiguous parcels as wilderness. All of these lands are wilderness quality. Of these acres, about 8,400 acres were designated only as potential wilderness as part of the original wilderness designation for Joshua Tree National Park in 1976 (Public Law 94-567), because they were privately owned or used for non-wilderness purposes. The lands now are owned by the National Park Service and are appropriate for wilderness designation. Another 28,400 acres, owned by the National Park Service, are located in a roadless area west of the Cottonwood Entrance. A draft study conducted by the National Park Service supports wilderness designation for these lands.

Section 103 of S. 2109 designates as potential wilderness approximately 43,100 acres of land along the park's southwestern boundary. This area is physically inaccessible and has no available water source. As such, the park already is managing this area as wilderness. About one-third of the acreage is in private ownership, and

the National Park Service has been working to acquire these lands with donated funds, on a willing-seller basis. While we recognize the Congress' authority to designate this area as potential wilderness, we would like to work with the sponsor and the subcommittee to further clarify some ambiguities in this section.

Finally, Title III of S. 2109 expands the boundary of the Santa Rosa and San Jacinto Mountains National Monument by approximately 8,360 acres, designating 2,990 of those acres as wilderness inside the monument. Santa Rosa and San Jacinto Mountains National Monument was originally designated by Public Law 106-351. Since then, the communities, agencies, and other interested members of the public in the Coachella Valley have strongly embraced the Monument and take great pride in their many achievements towards making the Monument a success story. The Santa Rosa and San Jacinto Mountains National Monument Advisory Committee fully participated in the development of a management plan that is now in the implementation phase. We support this proposed expansion, which would enhance manageability of the monument and expand protection of important habitat for the endangered Peninsular bighorn sheep.

S. 2109 is a result of a multi-year process undertaken by the California Congressional delegation. This public process included engaging elected officials, interest groups, local communities, and the affected land managing agencies. We appreciate these efforts as we believe that local input and consensus-building are essential ingredients to successful wilderness bills. As this bill moves forward, we look forward to the opportunity to work with the Committee on the corrections and amendments discussed in this testimony and to ensure that the maps most accurately reflect the intended boundaries.

Thank you for the opportunity to testify. I will be happy to answer any questions.

Senator WYDEN. Thank you.

Mr. Bisson.

**STATEMENT OF HENRI BISSON, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**

Mr. BISSON. Mr. Chairman and members of the committee, while I was introduced as Deputy Director for BLM, I'm here in my capacity as the Acting Senior Advisor to the Secretary on Alaskan Affairs, and I appreciate this opportunity to testify and will briefly summarize my testimony today.

This Act would convey land from the Izembek National Wildlife Refuge to the State of Alaska for the purpose of constructing a road and would convey other non-Federal lands to the Izembek and Alaska Maritime National Wildlife Refuges and designate a portion of those additions as wilderness.

The Fish and Wildlife Service is reviewing the proposal to assess the potential impacts, potential benefits and values for wildlife and wilderness resources. Additionally, the Administration has identified several technical issues in the legislation that we believe must be addressed and these are included in my written statement.

The communities of King Cove and Cold Bay are located in the westernmost region of the Alaska Peninsula. These communities are accessible only by sea or air. King Cove and Cold Bay are separated by less than 20 miles but there is no road between the two communities.

For many years, local residents have advocated the building of a road between the two communities across the Izembek Refuge and Wilderness for both transportation accessibility and safety. Until last year, transportation options between the communities were limited to private boats and commuter air service. Residents believe that the area's stormy weather makes these modes of transport unsafe, especially during medical emergencies when rapid transport to hospitals in Anchorage is essential.

In 1997, legislation was introduced in the House and the Senate but did not pass. This would have resulted in construction of a road through the refuge and wilderness. To address community concerns, Congress appropriated \$37.5 million in Fiscal Year 1999 for critical health and safety needs while avoiding building a road through the refuge and wilderness. Twenty million dollars was provided to construct a road-hovercraft link between King Cove and Cold Bay. Fifteen million dollars was for improvements to the King Cove Airstrip and \$2.5 million was for a major renovation of King Cove Health Clinic.

The State of Alaska determined that King Cove's location, as Senator Murkowski alluded to, in the valley prevented improvements to the airport to accommodate jets. So roughly \$9 million of the funds were then spent on a hovercraft and additional funds were directed to the road.

In 2006, the Alaska Aleutians East Borough constructed a one-lane gravel road from the King Cove Airstrip to a temporary hovercraft dock four miles away where a hovercraft recently began carrying up to 49 passenger, an ambulance and cargo to and from Cold Bay. This marine road system was a preferred alternative, evaluated in a 2003 final EIS completed by the Army Corps of Engineers.

The Administration recognizes the legitimate needs of the Alaska residents to have access to medical, dental and other health care. At the same time, we must also fulfill our obligation to the American public to ensure that any decisions affecting public trust are decided in the best interests of the American public.

Dale Hall, Director of the Fish and Wildlife Service, visited Izembek Refuge and flew over the areas being proposed for conveyance. He met with the residents of King Cove and Cold Bay and discussed this issue with them. To date, the Department of the Interior has opposed proposals to build a road through the refuge and wilderness because of the impact on the wilderness values and biological resources within the refuge.

However, over the last year and a half, the Service has met numerous times with representatives of the State of Alaska, Aleutian East Borough and the King Cove Corporation to discuss various interests in lands that now comprise the acres described in S. 1680.

The bill offers more than 61,000 acres of State and private lands in exchange for 1,600 acres of national wildlife refuge land. Of that, more than 41,000 acres would be exchanged to make up for 206 acres of wilderness lands. This proposal would offer approximately 38 acres for every acre of wetland and wildlife habitat and over 200 acres per every acre of wilderness exchange which is a good deal for the refuge.

Therefore, the Administration supports this exchange, subject to NEPA and several technical changes we would be happy to work with you on.

I appreciate the opportunity to be here today and would be happy to answer any questions you may have.

[The prepared statements of Mr. Bisson follow:]



PREPARED STATEMENT OF HENRI BISSON, DEPUTY DIRECTOR, BUREAU OF LAND  
MANAGEMENT, DEPARTMENT OF THE INTERIOR

S. 2109

Thank you for inviting me to testify on S. 2109, the California Desert and Mountain Heritage Act. The Department of the Interior supports S. 2109 as it applies to BLM and NPS designations but would like the opportunity to work with the subcommittee on a number of clarifications, including acreage and mapping adjustments. We defer to the Department of Agriculture on those designations on National Forest System lands.

The Department strongly supports Congressional efforts to resolve wilderness designations throughout the West, and we welcome this opportunity to further those efforts. Only Congress can determine whether to designate Wilderness Study Areas (WSAs) as wilderness or release them for other multiple uses. We support the resolution of WSA issues and stand ready to work with Congress toward this goal.

S. 2109 designates wilderness throughout Riverside County, California on lands managed by the BLM, National Park Service (NPS) and Forest Service. It also expands the BLM and Forest Service-managed Santa Rosa and San Jacinto Mountains National Monument (designated by Public Law 106-351) as well as designates a number of Wild and Scenic rivers under the management of the Forest Service.

S. 2109, as introduced, includes acreage numbers that do not match area descriptions or the maps provided to the sponsors by the Department. We are working with the sponsor and the subcommittee to make appropriate corrections. Our discussions of the bill in this testimony will reflect the updated acreage numbers.

Title I designates four new wilderness areas: Beauty Mountain and Pinto Mountains Wilderness to be managed by the BLM as well as Cahuilla Mountain and South Fork San Jacinto Wilderness to be managed by the Forest Service.

The proposed new Beauty Mountain Wilderness would cover over 15,000 acres of BLM-managed lands. It is one of the last undeveloped areas in the region; numerous outside groups recognize both its significance as open space and the important resource values of Beauty Mountain. We should note that the boundary for Beauty Mountain is arbitrarily set at the Riverside County line. The second new BLM wilderness area, Pinto Mountains wilderness, lies just to the north of the National Park Service's Joshua Tree National Park and wilderness. Much has changed in these areas during the last 15 years. In 1994, the California Desert Protection Act changed the management landscape in the entire California desert. That same year, much of the area was designated as critical habitat for the threatened desert tortoise. This area is important habitat for the desert bighorn sheep. Many inholdings have been acquired by the State, private groups, or BLM that made this area more manageable and enhanced their wilderness characteristics. Far fewer mining claims exist in the area than were there 15 years ago. These areas are currently primarily non-motorized.

In addition, Title I expands six existing wilderness areas that were designated under Public Law 103-433 the California Desert Protection Act and earlier wilderness bills: Agua Tibia, Orocopia Mountains, Palen/McCoy, and Chuckwalla Mountains Wilderness managed by the BLM; Joshua Tree National Park Wilderness managed by NPS; and additions to the Santa Rosa Wilderness within Santa Rosa and San Jacinto Mountains National Monument managed by both the BLM and the Forest Service. The expansions, which will improve manageability, protect important resource values and improve dispersed recreational opportunities, range from a mere 500-acre addition to the existing Agua Tibia Wilderness to a large 23,000-acre addition to the Palen/McCoy Wilderness. Other additions include 5,000 acres to the Orocopia Mountains Wilderness and 13,000 acres to the Chuckwalla Mountains Wilderness. These expanded wilderness designations are possible now because of acquisitions of land by the BLM and changes in on-the-ground conditions that have occurred since the original wilderness designations.

Within the boundary of Joshua Tree National Park, section 102(f) of S. 2109 designates 36,800 acres of land in non-contiguous parcels as wilderness. All of these lands are wilderness quality. Of these acres, about 8,400 acres were designated only as potential wilderness as part of the original wilderness designation for Joshua Tree National Park in 1976 (Public Law 94-567), because they were privately owned or used for non-wilderness purposes. The lands now are owned by the National Park Service and are appropriate for wilderness designation. Another 28,400 acres, owned by the National Park Service, are located in a roadless area west of the Cottonwood Entrance. A draft study conducted by the National Park Service supports wilderness designation for these lands.

Section 103 of S. 2109 designates as potential wilderness approximately 43,100 acres of land along the park's southwestern boundary. This area is physically inaccessible and has no available water source. As such, the park already is managing this area as wilderness. About one-third of the acreage is in private ownership, and the National Park Service has been working to acquire these lands with donated funds, on a willing-seller basis. While we recognize the Congress' authority to designate this area as potential wilderness, we would like to work with the sponsor and the subcommittee to further clarify some ambiguities in this section.

Finally, Title III of S. 2109 expands the boundary of the Santa Rosa and San Jacinto Mountains National Monument by approximately 8,360 acres, designating 2,990 of those acres as wilderness inside the monument. Santa Rosa and San Jacinto Mountains National Monument was originally designated by Public Law 106-351. Since then, the communities, agencies, and other interested members of the public in the Coachella Valley have strongly embraced the Monument and take great pride in their many achievements towards making the Monument a success story. The Santa Rosa and San Jacinto Mountains National Monument Advisory Committee fully participated in the development of a management plan that is now in the implementation phase. We support this proposed expansion, which would enhance manageability of the monument and expand protection of important habitat for the endangered Peninsular bighorn sheep.

S. 2109 is a result of a multi-year process undertaken by the California Congressional delegation. This public process included engaging elected officials, interest groups, local communities, and the affected land managing agencies. We appreciate these efforts as we believe that local input and consensus-building are essential ingredients to successful wilderness bills. As this bill moves forward, we look forward to the opportunity to work with the Committee on the corrections and amendments discussed in this testimony and to ensure that the maps most accurately reflect the intended boundaries.

Thank you for the opportunity to testify. I will be happy to answer any questions.

S. 1680

Mr. Chairman and Members of the Committee, I am Henri Bisson, Acting Senior Advisor to the Secretary for Alaska Affairs, and I appreciate the opportunity to testify today on S. 1680, the "Izembek And Alaska Peninsula Refuge and Wilderness Enhancement Act of 2007." This Act would convey land from the Izembek National Wildlife Refuge to the State of Alaska for the purpose of constructing a road, and would convey other non-Federal lands to the Izembek and Alaska Maritime National Wildlife Refuges and designate a portion of those additions as Wilderness.

When evaluating proposals such as the one outlined in S. 1680, we must ensure that any change in the public estate improves the ecological and social values available to the public. In that spirit, the Administration could support S. 1680 if it is amended to ensure that a full National Environmental Policy Act (NEPA) analysis of the proposed exchange is required, including an analysis of the impacts of the road through Izembek National Wildlife Refuge. The NEPA analysis would provide a full disclosure of the impacts and benefits of the exchange and allow for public input into the decision-making process. The Service is currently reviewing the proposal to assess the potential benefits, values, and costs to wildlife and wilderness areas. These efforts will help inform the NEPA process. Additionally, we have identified some technical issues in the legislation that we believe must be addressed.

#### BACKGROUND

The communities of King Cove and Cold Bay are located in the westernmost region of the Alaska Peninsula. These communities are accessible only by sea or air. King Cove and Cold Bay are separated by less than twenty miles, but there is no road between the two communities. For many years the residents of the Aleutians East Borough and King Cove have advocated building a road between King Cove and Cold Bay, across the Izembek Refuge and Wilderness for both transportation accessibility and safety. Until last year transportation options between the communities were limited to private boats and commuter air service. Residents believe that the area's stormy weather makes these modes of transport unsafe, especially during medical emergencies when rapid transport to Anchorage hospitals requires reaching Cold Bay's all-weather airport.

In 1997, legislation was introduced in, but did not pass, the House and Senate that would have resulted in construction of a road through the Izembek Refuge and Wilderness to address critical health and safety needs of the King Cove community. To address these needs, Congress appropriated \$37.5 million for a compromise in the Fiscal Year 1999 Consolidated Appropriations Bill that addressed the critical

health and safety needs while avoiding building a road through the Izembek Refuge and Wilderness. Specifically, \$20 million was provided to construct a road-hovercraft link between King Cove and Cold Bay, \$15 million was for improvements to the King Cove airstrip, and \$2.5 million was for a major renovation of the King Cove health clinic. The State of Alaska determined that King Cove's location in a valley prevented improvements to the airport to accommodate jets. Roughly \$9 million of the funds were then spent on a hovercraft and additional funds were directed to the road.

In 2006, the Aleutians East Borough constructed a one-lane gravel road from the King Cove airstrip to a temporary hovercraft dock four miles away where a hovercraft now carries up to 49 passengers, an ambulance, and cargo to and from Cold Bay. An additional 14 miles of road beyond the temporary hovercraft dock have been completed or are under construction. The road does not extend into the Izembek Refuge or Wilderness, a requirement of the 1999 legislation providing the funding for the road. This marine-road system was the preferred alternative evaluated in a 2003 Final Environmental Impact Statement completed by the Army Corps of Engineers. That FEIS, which contained a partial analysis of a road only alternative, concluded that impact intensities for the road only alternative varied from negligible to significant.

After six months of training and practice runs, on August 7, 2007, the hovercraft known as the Suna-X began its commercial service runs between King Cove and Cold Bay. King Cove residents, however, continue to seek a road linking their community with Cold Bay due to concerns about the reliability of the hovercraft in severe weather and uncertainty about future funding for the operational costs associated with the hovercraft.

The Administration recognizes the legitimate needs of Alaska residents to have access to medical, dental, and other health care. At the same time, we must also fulfill our obligation to the American public to ensure that any decisions we make regarding lands held, and resources managed, in the public trust are decided in the best interests of the American public. Dale Hall, Director of the United States Fish and Wildlife Service visited Izembek Refuge and its significant wildlife values, and flew over the areas being proposed for conveyance; he met with the residents of King Cove and Cold Bay and discussed this issue with them.

#### IZEMBEK NATIONAL WILDLIFE REFUGE

At approximately 315,000 acres, Izembek National Wildlife Refuge is the smallest and one of the most ecologically unique of Alaska's refuges. Most of the Refuge, about 300,000 acres, was designated as Wilderness in 1980 under the Alaska National Interest Lands Conservation Act. Izembek is internationally renowned for having some of the most striking wildlife diversity and wilderness values in the northern hemisphere.

At the heart of the Refuge is the 150-square mile Izembek Lagoon. The lagoon and its associated state-owned tidal lands have been protected by the State of Alaska since 1960 as the Izembek State Game Refuge. Here, shallow, brackish water covers one of the world's largest beds of eelgrass, creating a rich feeding and resting area for hundreds of thousands of waterfowl. Virtually the entire world's population of Pacific black brant, Taverner's Canada goose, and emperor goose inhabit the lagoon each fall. Steller's eiders, a species listed as threatened under the Endangered Species Act, molt and winter in Izembek and Kinzarof Lagoons.

In addition, the corridor between Izembek and Kinzarof Lagoons, through which the road proposed by this legislation would extend, is heavily used as a migration route and winter habitat for the Southern Alaska Peninsula caribou herd. Steller's eiders and sea otters, listed as threatened species, Pacific black brant, emperor geese and harlequin ducks use Izembek and Kinzarof Lagoons extensively.

To date, the Department of the Interior and the Service have opposed proposals to build a road through the Izembek Refuge and Wilderness because of the impact on wilderness values and biological resources within the refuge. Over the last year and a half the Service has met numerous times with representatives of the State of Alaska, the Aleutians East Borough, and the King Cove Corporation to discuss various interests in lands that now comprise the acreage described in S. 1680. The bill offers more than 61,000 acres in exchange for 1,600 acres of National Wildlife Refuge lands. Of that, more than 41,000 acres would be exchanged to make up for 206 acres of wilderness lands. These proposals would offer approximately 38 acres for every acre of wetlands and wildlife habitat, and over 200 acres for every acre of wilderness exchanged.

## TECHNICAL CONSIDERATIONS

We have reviewed S. 1680 and identified a number of technical provisions we believe warrant further attention from the Committee as it considers this bill. For example, we encourage the Committee to review and amend the bill to remedy legal deficiencies or conflicts with established federal land laws such as sections 22(g) and 22(i) of the Alaska Native Claims Settlement Act and the wilderness withdrawal provisions of the Alaska National Interest Lands Conservation Act. Additionally, we note the need for a number of technical corrections concerning characterizations of ownership and management status of lands in the vicinity of the proposed road corridor, as well as various acreage figures provided in the bill. We would also be glad to provide you with more information on the lengthy and inclusive public involvement process leading to the 1980 designation of Wilderness within the Izembek National Wildlife Refuge.

Moreover, we have significant concerns about Section 4 of the bill, which would provide for immediate reconveyance of the 61,723 acres of non-federal lands back to non-federal ownership if a court injunction prohibits construction of the road or the State or King Cove Corporation determine that the road cannot be feasibly constructed or maintained. As written, this provision shifts the risks of the road project largely to the public trust. In the event of this reconveyance there is no provision for a similar reconveyance of the road corridor back to federal ownership, nor is there provision for mitigation or rehabilitation of lands damaged by incomplete construction activities. Additionally, we are concerned about the timeline for which the Secretary must complete a cooperative planning process; we need to better understand the compatibility and construction authorization provisions of the legislation; and treatment of new and existing King Cove Corporation roads provisions. We hope our continuing review will assist in this understanding.

We are happy to meet with your staff to discuss these issues in further detail.

## CONCLUSION

In conclusion, I look forward to working with you as you move forward on this important issue. The Administration could support passage of this legislation if it were amended to ensure a full NEPA analysis on the exchange. We have also identified a number of technical changes and issues with the bill that we would like to work with you on, as well. I appreciate the opportunity to be here today and am happy to answer any questions you may have.

Senator WYDEN. Mr. Bisson, thank you, and I don't want to make too much mischief, but I found it curious that the Administration's recommending that with S. 1680 there be a full NEPA analysis of the proposed exchange since the Administration has repeatedly pushed for limitations to and exemptions from NEPA on a variety of issues relating to oil and gas drilling on public land, but we'll have some questions on those matters here in a minute.

Let me start with you, if I might, Ms. Daly. It seems on the California bill, 2109, that one of the major issues is concerned with how the wilderness designation is going to affect fire management and it seems that several of the wilderness areas are additions to previously designated wilderness areas.

How does the designation of these existing wilderness areas in some way frustrate your ability to manage fire?

Ms. DALY. Actually, they do not frustrate our ability at all. The Wilderness Act specifically provides for managers to be able to use the appropriate equipment and techniques necessary for the protection of human health and safety, and I can give you a couple of examples, if I might, as to how this works.

In Southern California, actually in the Santa Rosa and the Santa Jacinto National Monument in 2006, there was a very large wildfire in the Draghonia Wilderness Area. Because we are able to authorize that through our State directors very quickly, we were able to build approximately seven miles with a bulldozer of fire break to protect the locations and the communities around.

This is not the first time it's happened in that area. The White River Wilderness totally burned in 1995 and because we were able to get in there and do the same kinds of techniques, we were able to assist the community of Morongo and the Capisan Reservation from being damaged by that fire.

So, we don't see that there are restrictions. We have the tools necessary.

Senator WYDEN. Mr. Holtrop, the Forest Service is objecting to several of the proposed wilderness designations in the bills before the subcommittee where the designations aren't recommended in the Forest Plans.

In contrast, the testimony of the BLM states that the department strongly supports congressional efforts to resolve these wilderness designation questions and that only Congress can designate wilderness areas.

Why does there appear to be such a difference in the way that the two agencies are approaching wilderness?

Mr. HOLTROP. I believe that our testimony is reflective of the need to honor the public process that's involved in our forest planning effort. At the same time, we have taken a hard look at each of the proposed wilderness designations in each of the bills and looked at what our forest plan designations, again based on our public involvement process, was and if there was possibilities for meeting the commitments that we've made to the public through the designations in these various bills, we've offered suggestions as to adjustments that could be made to be successful in accomplishing that.

Senator WYDEN. One last question. The California Wilderness Bill includes language that requires the Forest Service to amend the applicable management plans within 6 months after the bill is enacted to authorize forest supervisors to take whatever appropriate actions are necessary in wilderness areas for fire prevention.

What's the current role of the forest supervisors in dealing with this?

Mr. HOLTROP. The forest supervisor is the responsible official at the local level for all fire management activities and this would just be a continuation of that responsibility.

Senator WYDEN. One last question. I think we're going to have to if we're going to get to all the witnesses and try to stay within the 5-minute rule.

Just if you could, Mr. Holtrop, tell us briefly why it would be beneficial to comply with NEPA prior to completing the proposed exchange.

Mr. HOLTROP. This is the Montana Cemetery Act you're referring to?

Senator WYDEN. No, this is the Alaska King Cove.

Mr. HOLTROP. I'm not the person for you to be asking that question.

Senator WYDEN. Oh, I'm sorry. Excuse me. This is for Mr. Bisson. Excuse me. My apologies.

Mr. BISSON. The Administration feels that the NEPA is necessary in this case because of the fact that this is a mixed exchange. If this were an exchange simply between the Native Corporation and the Fish and Wildlife Service under existing laws,

NEPA wouldn't necessarily be required, but because, I understand, this includes some State lands in the exchange, we would not normally be exempt from doing NEPA on this particular project.

Furthermore, I think that the Fish and Wildlife Service is concerned that there be full public disclosure about the values involved in the exchange and that there be some public discussion about management descriptions related to use of the lands along the road should it be constructed.

Senator WYDEN. Very good.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman. Let me just follow up with questioning on the NEPA.

Under the Alaska National Interest Lands Conservation Act, ANILCA, it does permit land exchanges to be done without the official NEPA analysis and contained within the legislation that we have in front of us, S. 1680, we've got an exclusive planning process that is specifically written into the bill to identify and mitigate potential adverse impacts on the bill.

Can the planning process be structured so that we can reach agreement about the land exchange? The concern that I have, of course, is that this gets bogged down in litigation, this gets drug out by those who would really not want to see a land exchange take place whatsoever.

Can you speak a little bit more to what we can do with the planning process that is included in this legislation?

Mr. BISSON. Senator, if Congress passes legislation and the president signs it telling us to do a land exchange, subject to NEPA, which is what we're asking for, I view, and I believe Dale Hall would say he views that planning process as the tool to try to reach agreement on the management prescriptions in terms of what activities might be allowed adjacent to the road and that certainly, I think, would resolve a number of the concerns that people may have about what may or may not happen if that road were constructed.

I think the bottom line is that the Administration is concerned about the health and welfare of the people in King Cove and feels that, you know, this process is necessary to get us to an endpoint.

Senator MURKOWSKI. So the planning process should only cover the location or the routing of the road as opposed to whether or not we advance with a road, yes or no?

Mr. BISSON. I think it probably depends on what the legislation says. If the legislation says do a land exchange for these purposes and we're not excluded from doing NEPA, we would probably do NEPA on the exchange and the road, but ultimately and once that process is concluded, we would carry out the wishes of the Congress.

Senator MURKOWSKI. Let me ask you. You mentioned Dale Hall. He was at the House Resources Committee back in October when he testified at that time on the companion legislation that has been introduced over there and he expressed at that time that the land exchange would prove to be a net substantial gain for the American people, for the refuge and for wilderness.

I'm assuming that that statement is still the department's position on that, that this in fact is a net gain?

Mr. BISSON. It absolutely is, Senator.

Senator MURKOWSKI. We will hear testimony from several witnesses on the next panel. We have a representative from the Audubon Society and in his written statement, Mr. Senner indicates that the Audubon is opposed to this because the road is incompatible, he says, "with the purposes for which the refuge was established because it would violate congressionally designated wilderness which deserves great respect."

Now, I continue to have some problems with the ethics of designating wilderness that leaves a community of 800 or 1,200 people with no possible road access as a community, but setting aside that issue, doesn't the Alaska National Interest Lands Conservation Act, doesn't ANILCA expressly contemplate that transportation corridors can be established through wilderness areas?

Mr. BISSON. I honestly don't know the answer to that question, Senator. I can only assume that it does but I don't know that for a fact.

Senator MURKOWSKI. It does.

Mr. BISSON. OK.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Senator WYDEN. Thank you. Thank you, all. We may have some additional questions to pose to you in writing. We thank you.

Our next panel, Dr. James Murray, President of the Virginia Wilderness Committee, Stan Senner, Executive Director and Vice President of Audubon Alaska, and Della Trumble with the Agdaagux Tribe in King Cove, Alaska.

Ms. Trumble, while you're getting seated, am I pronouncing the tribe's name correctly? Agdaaux?

Ms. TRUMBLE. Very good.

Senator WYDEN. All right. Good enough for government work.

All right. We thank all of you. Let's go first to Dr. Murray. All right. Dr. Murray, you've already been saluted by Senator Warner. Why don't you go? Again, let me ask all of you, I know the temptation is just to read your prepared statement, if you could just summarize your principle concerns, that will leave time for questions.

Dr. MURRAY.

**STATEMENT OF JAMES MURRAY, PRESIDENT, VIRGINIA WILDERNESS COMMITTEE, CHARLOTTESVILLE, VA**

Mr. MURRAY. Yes, Chairman Wyden, members of the committee, thank you for the opportunity to testify on the Virginia Ridge and Valley Act.

I last appeared before this committee in 1973 when I was here for the hearing on Senator Jackson's Eastern Wilderness Areas Act that gave Commonwealth of Virginia its very first wilderness area, the James River Face.

This Act that we have before us today will designate nearly 43,000 acres of new wilderness and wilderness study areas and nearly 12,000 acres of scenic areas.

I'd like to commend our two Senators, Senator Warner and Senator Webb, for their hard work that they have put in on this bill.

They have listened to all the interested parties, to local Boards of Supervisors, to members of users groups, hikers, horseback riders, mountain bikers, and above all members of the general public,

and I have a list here of numerous organizations that I would like to have entered into the record.

Senator WYDEN. Without objection, it will be so ordered.

Mr. MURRAY. The short answer is that we have a lot of public support for this in terms of Boards of Supervisors of four counties, Craig, Montgomery, Bland and Smyth, and lots of others of which I'll just single out Trout Unlimited, Virginia Council of Trout Unlimited, and the International Mountain Bikers Association, and I think this is a first occasion in which IMBA has endorsed a wilderness area.

Some concerns have been expressed by the Forest Service about particularly the Brush Mountain Wilderness. Brush Mountain is unusual in it consists of a very large and very wild forest area that is almost adjacent to the community of Blacksburg, Virginia, and to its university, Virginia Tech.

The Forest Service has concerns about the possibility of fire in the urban forest interface. However, in this case, the wilderness would be separated from the suburban areas by a road that runs along the very top of this mountain and by a substantial area of forest land that is between that road and the subdivision but which would not be included in the wilderness.

The wilderness is supported by the homeowners association of that development and by the Montgomery County Board of Supervisors.

There's also some question about the management of the Table Mountain Pine which is a species of pine that is endemic to the Rocky Ridges of the Southern Appalachians. It's a semi-serotinous species which means that it takes fire to open the cones and the Forest Service would like to continue using managed fire in Brush Mountain to favor this species.

I think there are two points that I can make here. The first is that we have worked with the Forest Service to exclude from the wilderness some of the major stands of Table Mountain Pine, and second, research at Virginia Tech has suggested that actually Table Mountain Pine now has larger populations than it did historically because of the logging of the end of the last century and early in this century where the Table Mountain Pine has been able to expand its area of habitation beyond its traditional habitat, so that the species is now retreating to its favored habitat on the tops of the mountain.

The Virginia Ridge and Valley Act, I think, represents a truly bipartisan effort to protect some of the finest lands in the Jefferson National Forest. Its companion bill was supported in the House by a majority of the Virginia delegation from both sides of the aisle and we are most grateful to Senators Warner and Webb for their support in the Senate.

We earnestly solicit your favorable action on this bill.

[The prepared statement of Mr. Murray follows:]

PREPARED STATEMENT OF JAMES MURRAY, PRESIDENT, VIRGINIA WILDERNESS COMMITTEE, CHARLOTTESVILLE, VA

Chairman Wyden, Ranking Member Barrasso, and Members of the Subcommittee, my name is James Murray, Professor of Biology Emeritus in the University of Virginia and President of the Virginia Wilderness Committee. Thank you for the opportunity to testify before the Subcommittee in support of the Virginia Ridge and Val-



ley Act. I last had the privilege of appearing before your antecedent Committee in 1973, during hearings on Senator Jackson's Eastern Wilderness Areas Act, which gave the Commonwealth of Virginia its very first Wilderness, the James River Face. We have come a long way since then.

S. 570, the Virginia Ridge and Valley Act, would designate nearly 43,000 acres of national forests as wilderness or wilderness study areas and nearly 12,000 acres as scenic areas. I should like to commend Senators Warner and Webb, as well as the House sponsor, Congressman Rick Boucher for their hard work on this legislation. This bill has taken shape in its current form under their leadership. In developing this proposal, they listened to all interested parties including the Forest Service, other interested Members of Congress, local governing bodies, representatives of users' groups such as hikers, horseback riders, and mountain bikers, and, above all, members of the general public. Today's bill is different from that which started out in 2001, as changes have been made to accommodate the various points of view. The result is that it enjoys wide local support. Four county governing boards have passed resolutions of endorsement, Craig, Montgomery, Bland, and Smyth. The list of supporting organizations is very long. We are most pleased to have received the endorsement of the Virginia Council of Trout Unlimited and the International Mountain Bicycling Association, truly a first endorsement of wilderness by the latter group.

Some concerns have been expressed by representatives of the Forest Service with respect to the proposed wilderness areas on Brush Mountain. Brush Mountain is unusual in that it consists of a very large area of very wild forest, eight and a half thousand acres if we include the adjacent proposed Brush Mountain East Wilderness, almost at the back door of the community of Blacksburg, VA and its university, Virginia Tech. The Forest Service has concerns about fire in the forest-suburban interface, and also about their ability to use prescribed fire in the management of Table Mountain Pine. While it is no doubt true that management of the suburban interface poses particular issues, consider what a wonderful resource this wilderness will be for the University and the community. We must remember that one of the purposes cited in the Wilderness Act is the use of wilderness for scientific research. Also we should note that the possibility of fire spreading from the wilderness to suburbia is mitigated by the existence of a road along the crest of Brush Mountain, serving as a ready-made fire-break, and by a substantial buffer of non-wilderness national forest land between the road and the development. The proposed Brush Mountain Wilderness has been endorsed by the adjacent homeowners' association and the Montgomery County Board of Supervisors, and the proposed Brush Mountain East Wilderness has been endorsed by the Craig County Board of Supervisors.

Table Mountain Pine is an endemic species restricted to special rocky ridge habitats in the southern Appalachians, and the Forest Service is concerned that populations may be on the decline. Since it is a semi-serotinous species, i.e. fire serves to increase the frequency of germination, the Forest Service would like to use prescribed fire in sites like Brush Mountain. Two points can be made here. First, an accommodation has been made whereby some of the larger stands of Table Mountain Pine have been excluded from the wilderness proposal. Second, research at Virginia Tech suggests that the current extent of the pine populations has resulted from the extensive logging of a century ago, which allowed the pine to extend its occupancy into habitats where it would not normally be able to compete. Hence the current retrenchment as the species retreats to more favorable habitats. We can therefore reasonably expect Table Mountain Pine to continue its hold on its preferred habitat. Populations of Table Mountain Pine can be found in all the mountain counties of the Jefferson National Forest except in the Clinch Ranger District in far southwest Virginia.

Mr. Chairman, the Virginia Ridge and Valley Act represents a truly bi-partisan effort to protect some of the finest lands in the Jefferson National Forest. Its companion bill was supported in the House by a majority of the Virginia delegation, from both sides of the aisle, and we are most grateful to Senator Warner and Senator Webb for their unwavering support in the Senate. We earnestly solicit your favorable action on this bill.

Senator WYDEN. Thank you very much. Let's go now to you, Mr. Senner.

**STATEMENT OF STANLEY SENNER, EXECUTIVE DIRECTOR,  
AUDUBON ALASKA, ANCHORAGE, AK**

Mr. SENNER. Thank you, Mr. Chairman and Senator Murkowski. I'm pleased to be here. Thank you.

Audubon is opposed to the land exchange proposed in S. 1680 for the purpose of building a road between the communities of King Cove and Cold Bay.

Going back a decade now, Audubon is on record as recognizing the needs of the people of King Cove with respect to transportation and we have supported approaches that do not require a road through the Izembek National Wildlife Refuge and Wilderness.

Specifically, Audubon supported improving the transportation link between King Cove and Cold Bay with a combination of a road to Leonard Harbor and a marine link, preferably a deep draft ferry.

Audubon finds that the road is incompatible with the purposes for which the refuge was established. The road would fragment and ultimately degrade what we think are essential wildlife habitats in the heart of the Izembek Refuge, risking globally significant populations of migratory birds and, yes, it would violate congressionally designated wilderness.

The lands proposed for addition to the refuges are generally not similar in character to the important habitats that would be impacted by the road. The exchanged lands are mostly peripheral to the area that would be impacted, and there are relatively few threats to those lands. Addition of these lands would not mitigate the long-term impacts of the road.

When Congress redesignated what had been the Izembek National Wildlife Range from back in 1960, redesignated it as a refuge, it did so for the purpose of the conservation of fish and wildlife populations and habitats, including waterfowl, shore birds, other migratory birds and brown bears. This was in the Alaska Lands Act of 1980.

Congress also designated the area under question here as wilderness and I'd like to quote from the House Report, House Merchant Marine and Fisheries Committee, 96th Congress. "The Izembek Wilderness possesses outstanding scenery, key populations of brown bear, caribou and other wilderness-related wildlife and critical watersheds to Izembek Lagoon. About 68 percent of the total lands in Izembek Lagoon are covered with the largest eel grass beds in the world. These beds are utilized by millions of waterfowl for migration for wintering purposes. A wilderness designation will protect this critically important habitat by restricting access to the lagoon."

Now, I'm a biologist, educated at the University of Alaska, worked on birds all over the State, and I'm here to tell you that the center of Izembek Refuge, the biological heart, is the combination of Izembek and Kinzarof Lagoons and the narrow isthmus that separates them as an integral part of that system.

From the standpoint of migratory birds, this combined complex is essentially of global significance. I won't enumerate all the birds that use the area. Among them are the entire Pacific population of Brant, including birds from Canada, Russia, and Alaska. Many of those birds, Mr. Chairman, many of those Brant end up down on the coast of Oregon in migration where waterfowl hunters are able to take advantage of them along the Pacific Coast.

Until last year, U.S. Fish and Wildlife Service consistently found that a road across the narrow isthmus between the Izembek and Kinzarof Lagoons would be incompatible with the purposes of the

refuge and that a road would cause significant long-term harm to important values and resources.

Problems with roads are well documented. I won't walk through the details of the testimony here. I will note that the legislation requires the cable barrier on each side of the road. I think that's a positive thing, but it's the road itself and the access and the use that comes with it that is the issue.

Also note that the Army Corps of Engineers, in analyzing the various alternatives that followed passage of the King Cove Health and Safety Act, indicated that the road alternative would have the greatest impact on subsistence resources and it's no accident that 56 Native villages in the Yukon-Kuskokwim Delta under the banner of the Association of Village Council Presidents has also consistently opposed completion of this road, in part because it's the Brants that use Izembek in their area that are dependent. So they have a vested interest in that.

I'll just conclude by saying that Audubon appreciates the State of Alaska's and the King Cove Corporation's proposals to add lands to the refuge. I know in the case of King Cove, this is a heartfelt decision. I've seen the area. I've visited with Della Trumble. I know it's a big decision. In the end, though, we don't believe that those lands compensate for what we think would be long-term impact of the road.

Thank you.

[The prepared statement of Mr. Senner follows:]

PREPARED STATEMENT OF STANLEY SENNER, EXECUTIVE DIRECTOR, AUDUBON  
ALASKA, ANCHORAGE, AK, ON S. 1680

My name is Stanley Senner, and I am Executive Director and Vice President of Audubon Alaska, which is the National Audubon Society's Alaska State Office. Thank you for the invitation to address the Members of the Senate Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests today, 15 April 2008, in regard to S. 1680, the Izembek and Alaska Peninsula Refuge and Wilderness Enhancement Act.

I offer this testimony on behalf of Audubon, an organization with more than 500,000 members and supporters across the country. Audubon's mission is the conservation of natural ecosystems, emphasizing birds and other wildlife, and their habitats, for the benefit of present and future generations. Audubon established an office in Alaska in 1977, and we have about 2,100 members in the state.

By way of personal background, I first moved to Alaska in 1974 and have an M.S. degree in biology from the University of Alaska Fairbanks. I have studied birds and their habitats throughout the state, and I have spent much of the last 33 years engaged in wildlife and natural resources management and policy issues in Alaska. My career includes more than 7 years of service to the State of Alaska, under three governors, in the restoration and science programs following the Exxon Valdez oil spill, and three years in Washington, DC, on the Minority (Republication) Professional Staff) of what used to be the House of Representatives Committee on Merchant Marine and Fisheries. In the late 1970s I was deeply engaged in developing what became the Alaska National Interest Lands Conservation Act of 1980.

My home and office are in Anchorage, but I am fortunate to have visited the communities of Cold Bay and King Cove. I have driven the road from the King Cove side as far as it is possible to do so, walked in the Izembek Wilderness, and flown over the proposed exchange lands and road alignment.

OVERVIEW

Audubon is opposed to the land exchange proposed in S. 1680 for the purpose of building a road between the communities of King Cove and Cold Bay. Going back a decade, Audubon is on record as recognizing the wishes of the people of King Cove with respect to transportation, and we have supported approaches that do not require a road through the Izembek National Wildlife Refuge and Wilderness. Specifi-

cally, Audubon has supported improving the transportation link between King Cove and Cold Bay with the combination of a road to Lenard Harbor and a marine link (preferably a ferry) to Cold Bay. We continue to believe this is the best option and regret that much time and energy and millions of public dollars were spent on a longer road and hovercraft, which King Cove and the Aleutian East Borough have now concluded are insufficient.

Audubon finds that the proposed road is incompatible with the purposes for which the Izembek refuge was established. This road would fragment and degrade essential wildlife habitats in the heart of the Izembek refuge, risking globally significant populations of migratory birds, and it would violate Congressionally-designated Wilderness, which deserves great respect. Further, the lands proposed for addition to the Izembek and Alaska Peninsula refuges are generally not similar in character and are not equal in value to the important habitats that would be impacted by the road, the lands are peripheral to the area that would be traversed by the road, and there are no threats to these lands. Addition of these lands would not mitigate the long-term impacts of the road. Hence, there is no net benefit to, nor enhancement of, the Izembek refuge, notwithstanding the acreage proposed for addition to the Izembek and Alaska Peninsula refuges.

#### IMPORTANCE OF IZEMBEK REFUGE

In 1980, as part of the Alaska National Interest Lands Conservation Act, Congress redesignated the existing Izembek National Wildlife Range (established in 1960) as the Izembek National Wildlife Refuge and designated about 300,000 of 417,533 acres in the refuge as Wilderness<sup>1</sup>. The purposes for which the refuge was established include conservation of fish and wildlife populations and habitats, including waterfowl, shorebirds and other migratory birds and brown bears.

Congress has provided for one of the highest possible levels of protection for the portion of the Izembek refuge under consideration today: Wilderness designation within a federally-protected national wildlife refuge. This level of protection is well deserved, and the following excerpt from House Report No. 96-97, Part II (p. 136), in 1979 makes clear why:

The Izembek Wilderness possesses outstanding scenery, key populations of brown bear, caribou and other wilderness-related wildlife, and critical watersheds to Izembek Lagoon. About 68 percent of the total lands in Izembek Lagoon are covered with the largest eelgrass beds in the world. These beds are utilized by millions of waterfowl for migration and wintering purposes. A wilderness designation will protect this critically important habitat by restricting access to the Lagoon.

At the center of Izembek refuge are two lagoons—Izembek and Kinzarof—separated by a narrow (< 3-mile wide) isthmus. In combination, the lagoons, their immediate watersheds, and the isthmus—the Izembek-Kinzarof lagoons complex—make up the ecological heart of the refuge. From the standpoint of migratory birds, especially, this relatively small area is unquestionably of global significance and has been repeatedly recognized as such. For example, in 1986, President Reagan named Izembek as the first Wetland of International Importance in the United States under the Ramsar Convention on Wetlands. In 1991, Izembek was named a “sister refuge” with Russia’s Kronotskiy State Biosphere Reserve under the U.S.—Russian Governmental Agreement on Cooperation in Environmental Protection. And in 2001, BirdLife International, in cooperation with the National Audubon Society, recognized Izembek as an Important Bird Area of global significance.

Izembek refuge is best known for its world-class waterfowl and shorebird populations and habitats. The lagoons complex provides wintering, breeding, molting, refueling, staging or resting grounds for:

- the entire Pacific population of Brant (~138,000), including birds from Canada, Russia and Alaska;
- the world population of Emperor geese (~70,000);
- up to 70 percent of the world population of Steller’s eiders (~100,000), including birds from Russia and Alaska. The Alaska breeding population is listed as threatened under the Endangered Species Act;
- many species of other shorebirds, including Pacific Golden-Plovers, Rock Sandpipers, Dunlins; and
- a resident (mostly nonmigratory) population of Tundra Swans.

<sup>1</sup>Not incidentally, proposed Wilderness at what was then the Izembek National Wildlife Range was endorsed by Alaska Governor Keith Miller as early as 1970.

Many of the avian species using Izembek—including the Brant and Pacific Golden-Plover—are recognized on Audubon's Alaska WatchList of declining and vulnerable bird populations.

Directly or indirectly, the lagoons complex is important for so many bird species and other fish and wildlife due to the presence of the world's largest eelgrass beds, which cover about half of each of the lagoons. Brant, Emperor Geese and other waterfowl graze on the eelgrass, and shorebirds prey on the invertebrates associated with the eelgrass. Eelgrass provides food and cover for commercially important fish and shellfish. The enormous productivity of the eelgrass beds in Izembek Lagoon and other lagoons on the north side of the Alaska Peninsula is a key element in driving the productivity of the larger Bering Sea ecosystem.

The importance of the combination of Izembek and Kinzarof lagoons and the adjacent watersheds cannot be understated. Migrating and wintering Brant fly back and forth between the lagoons to forage; migrating and wintering Emperor Geese use Kinzarof Lagoon, while often foraging in the adjacent upland tundra for crowberries; and wintering and molting Steller's Eiders use Kinzarof Lagoon. When Izembek Lagoon freezes, Kinzarof Lagoon becomes particularly important for the survival of wintering bird populations. Kinzarof and Izembek lagoons are also used by marine mammals. Especially noteworthy is the fact that large numbers of threatened northern sea otters and also harbor seals can be found near the entrance to Kinzarof Lagoon, while threatened Steller's sea lions use the barrier islands on the outside of Izembek Lagoon.

The narrow "upland" isthmus between Izembek and Kinzarof lagoons is a crucial travel corridor—the only path between the west and east sides of the refuge—for such wide-ranging species as brown bears and caribou. The Alaska Peninsula Caribou Herd, a population that has declined from about 10,000 to fewer than 350 animals in the last 10 or so years, uses the isthmus as its primary migration route (to and from calving grounds) and wintering area.

Some of the highest densities of brown bears on the lower Alaska Peninsula are found in the Joshua Green River Valley, an area within three miles of the isthmus and proposed road corridor. Low levels of human disturbance have helped maintain the high habitat value of this area for brown bears. Bears produced in the Joshua Green watershed frequently roam the isthmus in their search for food.

Numerous small streams along the north shore of Kinzarof Lagoon provide access routes to upland lakes for spawning sockeye salmon. Resident Tundra Swans nest in small wetlands and molt on the larger lakes on and near the isthmus.

#### HARMFUL IMPACTS OF A ROAD

From the time that the King Cove road project was identified in the Bristol Bay Area Plan in 1985 until this past year, 2007, the U.S. Fish and Wildlife Service ("Service") has consistently found that a road across the narrow isthmus between Izembek and Kinzarof lagoons would be incompatible with the purposes for which the Izembek refuge had been established and that a road would cause significant, long-term damage to important fish, wildlife, habitat, and wilderness values of the refuge. For example, in an August 1997 King Cove Road Briefing Report, the Service found the "road alternative contrary to the purposes of the refuge" and anticipated "unacceptable environmental impacts if a road is constructed on refuge lands through the wilderness area." The Service supported further study and consideration of other alternatives, such as a marine link, which would provide increased travel safety, economic growth and fewer ecological impacts.

The Environmental Impact Statement (EIS) on the King Cove Access Project, prepared in 2003 by the Army Corps of Engineers, in cooperation with the Service and funded by the Aleutian East Borough, examined the potential threats of the proposed road. The EIS found the all-road alternative to be the most damaging of all the alternatives evaluated. This conclusion was based in part on the largest footprint (287.0 acres) among the alternatives. The report documented the potential scope of the construction, noting the need for 36.7 acres of placement of fill material in waters of the U.S., including some wetlands below the high tide line, and 254 stream and drainage crossings requiring 8 bridges and 19 culverts across fish bearing streams. The report cited direct, indirect and cumulative impacts on the lands and on wildlife.

The EIS also found that if the road between King Cove and Cold Bay was completed, it would be open for travel by all residents, placing no restrictions on the numbers or types of vehicles. Estimates of traffic rates on the road are unavailable, but vehicular traffic is likely to be variable on a daily and seasonal basis. Increased traffic is expected beyond that needed for emergency medical access to Cold Bay airport, including possible commercial use for transporting seafood to the Cold Bay air-

port. Increased traffic and transit by large and noisy vehicles would exacerbate impacts on birds and mammals using these vital habitats, thereby increasing stress and negative effects. Increased traffic also means increased dust, erosion and sedimentation, and pollution.

Many scientific studies have implicated roads as having negative effects on terrestrial and aquatic ecosystems (e.g., Trombulak and Frissell 1999, US Forest Service 2001). According to the US Forest Service (2001):

Undesirable consequences [of roads] include adverse effects on hydrology and geomorphic features (such as debris slides and sedimentation), habitat fragmentation, predation, road kill, invasion by exotic species, dispersal of pathogens, degraded water quality and chemical contamination, degraded aquatic habitat, use conflicts, destructive human actions (for example, trash dumping, illegal hunting, fires), lost solitude, depressed local economies, loss of soil productivity, and decline in biodiversity.

Because roads have potential for introducing varied impacts to both terrestrial and aquatic ecosystems, roadless areas provide a significant foundation for developing comprehensive regional conservation strategies (Strittholt and Dellasala 2001).

Although Section 4(c)(2)(A) of S. 1680 requires a cable barrier on each side of the road to prevent off-road motorized access, studies have shown that the mere presence of a road affects the behavior of wilderness-associated species, particularly brown bears and wolves.

Roads generally result in harmful impacts to large carnivores (Noss et al. 1996, Trombulak and Frissell 1999). The construction of roads in what had been roadless brown bear habitat has been demonstrated by many investigators to have significant adverse impacts on bear populations by increasing human access, which results in displacement of bears or the direct mortality of bears through legal hunting, defense-of-life-or-property (DLP) kills, illegal killing, and road kills (McLellan and Shackleton 1989, McLellan 1990, Mattson 1990, Schoen et. al. 1994, Mace et al. 1996). Titus and Beier (1991) demonstrated the strong relationship of road construction to increased bear mortality on northeastern Chichagof Island. Suring and Del Frate (2002) demonstrated an increasing probability of brown bears killed in DLP with increasing road density on the Kenai Peninsula.

At Izembek, this situation is compounded by the fact that the isthmus is narrow, making it difficult for wildlife to avoid the road. Over time, use of the road would exacerbate the initial, adverse impacts of the road. Further, as we have seen elsewhere in Alaska, today's restrictions may be subsequently lifted. I well remember when the Dalton Highway, which runs north from the Fairbanks area to the Prudhoe Bay oilfields, was closed to public access. Today, you can drive a Winnebago to the Arctic Ocean. In 2006, the Alaska State Legislature considered lifting the ban on off-road vehicles ("ORV") traffic off the Dalton Highway, and a picture of sport hunters with their pick-up truck stuck up to its axle in wet tundra was widely publicized. Problems with off-road access and increased hunting pressure, both legal and illegal, would be exacerbated by the Izembek refuge's lack of resources and staff, especially for law enforcement.

The EIS also noted that the all-road alternative has the greatest potential of any alternative to adversely affect subsistence harvest due to its potential to create competition between residents of Cold Bay and King Cove. This impact on subsistence use due to enhanced access would be negative and potentially significant, and the local caribou herd, in particular, cannot withstand additional pressure.

Concern about impacts on subsistence harvests extends beyond the Izembek area to the Yukon-Kuskokwim (Y-K) Delta, where many Alaska Native residents are dependent on Brant as a key subsistence resource. It is for this reason that the Association of Village Council Presidents (AVCP), the recognized tribal organization and non-profit Alaska Native Regional Corporation for 56 member Native villages in western Alaska, has consistently opposed the King Cove Road. In 1998, the AVCP passed a resolution opposing the road, and this opposition was reaffirmed in 2007 and again in 2008. It may be relevant to note that many residents of the Y-K Delta live in communities with fewer and less reliable transportation and medical-care options than are found in King Cove.

#### CONGRESS PREVIOUSLY ADDRESSED THIS ISSUE

Congress determined that a road through the Izembek Wilderness is not in the public's best interest when, in 1997, it passed the King Cove Health and Safety Act. With this legislation, Congress addressed King Cove residents' health and safety concerns by providing \$37.5 million from the American taxpayer to upgrade King

Cove's medical facilities, improve the airstrip in King Cove, and provide for a transportation link between King Cove and the Cold Bay Airport, including a single lane, unpaved road from King Cove to a marine facility.

Congress reiterated its intention not to permit a road through Izembek's designated Wilderness in the King Cove Health and Safety Act, Section 353(d):

In no instance may any part of such road, dock, marine facilities or equipment enter or pass over any land within congressionally-designated wilderness in the Izembek Wildlife refuge . . .

In addition, Congress required that all actions undertaken pursuant to this section must be in accordance with all other applicable laws.

After passage of the King Cove Health and Safety Act, and prior to the Corps of Engineers issuance of a Record of Decision for the EIS, Congress adopted an appropriations bill with a rider that directed construction of a 17.6-mile road from the King Cove air strip to a hovercraft terminal. Construction for this road began in March 2004. More than \$35 million dollars have been spent for this road, which remains unfinished. Construction costs continued to escalate as crews confronted numerous obstacles, including unstable volcanic soils in the area. Avoiding the unstable soils has meant rerouting the road onto the shores of Cold Bay, where winter ice scouring and spray will increase maintenance costs and safety problems. All of that effort and additional cost remain puzzling to observers since it would require moving the existing hovercraft terminus in Lenard Harbor, which is only seven miles from King Cove, to a point 10 miles farther away and require longer transits across steep, windy mountainous terrain where winter travel conditions would be made even more treacherous.

Although any marine vessel is costly to maintain and operate, and won't be safe to operate under all conditions, the same may be said of a road, especially in the harsh environment surrounding Cold Bay. In fact, in the community of Cold Bay, it is not unusual for roads—including the main road to the airport—to be closed because of an inability to keep the road plowed during snow/wind storms. Audubon has yet to see a current, rigorous analysis of the construction and operation-and-maintenance costs of the road. Nor have we seen an analysis of what can be expected in terms of road closures due to weather or what can be expected in the way of the inevitable accidents, injuries, and fatalities that will occur on the road. These issues should be considered fully prior to any further action on transportation alternatives.

#### LANDS OFFERED FOR EXCHANGE

Audubon appreciates that the State of Alaska and King Cove Corporation are proposing to exchange lands that have value as wilderness and wildlife habitat. Especially in the case of the Corporation, which has been a good steward of its lands, I know this was a very difficult decision.

The exchange lands proposed in S. 1680, however, would not provide habitat comparable to or compensate for the loss or degradation of the Izembek-Kinzarof lagoons complex. Fundamentally, this is not an issue that can be resolved on the basis of acreage: no amount of exchange lands can compensate for the unacceptable and irreversible impacts of a road on globally significant and unique wildlife habitats, which are the very heart of Izembek refuge.

State Townships.—The two townships offered by the State (approximately 43,000 acres) do not include comparable wetlands habitat. The southernmost State township is primarily uplands, and is adjacent to some bear denning habitat, but has virtually no value for waterfowl. The more northern township has some wetlands and some caribou and brown bear habitat, but, except for Tundra Swans, is of low or very low value for the waterfowl species of concern in the lagoons complex. Although the State townships have wilderness qualities, as a practical matter, there is little or no development threat and little in the way of compensatory value. Neither of the State townships is located in the Izembek or Kinzarof lagoon watersheds.

King Cove Corporation lands.—Corporation-owned lands offered along the eastern shore of Cold Bay (relinquished ANILCA selections, approximately 5,430 acres) are primarily uplands with low value for caribou or key waterfowl species.

Lands offered in the Mortensen's Lagoon parcel, approximately 10,800 acres, include upland and freshwater wetland habitats of medium to high value for caribou, brown bears, salmon, Tundra Swans, Emperor Geese, and several other waterfowl species, not including Brant and Steller's Eiders. Although Mortensen's Lagoon has some tidelands, it does not have the major eelgrass beds present in Izembek and Kinzarof lagoons, and it is these eelgrass beds that drive the productivity of the

Izembek ecosystem. The Mortensen's Lagoon tract is bisected by a road, which would remain in use.

The "bookend" parcels at the mouth of Kinzarof Lagoon, about 2,500 acres, contain high-value habitats for waterfowl, northern sea otters and harbor seals, but have no foreseeable development threat. Further, these parcels are located within the "zone of influence" of road construction, operation and maintenance and, therefore, may sustain diminished usage and reduction in value over time.

State Refuges.—The exchange proposal includes an offer to make Kinzarof Lagoon a State game refuge. Although Kinzarof Lagoon is very valuable from a conservation perspective, historically Alaska has not made protection and management of State game refuges a priority. For example, Izembek State Game Refuge was established in 1972 and there still is no management plan and little in the way of an on-site State presence. In State ownership, the future of Kinzarof Lagoon would remain in question and may sustain unavoidable negative impacts from road construction, operation and maintenance, thereby limiting its benefit to Izembek refuge.

Senator WYDEN. Very good. Ms. Trumble, welcome.

**STATEMENT OF DELLA TRUMBLE, AGDAAGUX TRIBE,  
KING COVE, AK**

Ms. TRUMBLE. Thank you, Mr. Chairman. Good afternoon, Mr. Chairman, Senator Murkowski, and other Members of the Senate Energy and Natural Resources Committee.

My name is Della Trumble. I am Aleut, born and raised in King Cove, Alaska. I speak to you on behalf of the Agdaagux Tribe of King Cove, a federally recognized tribe of Alaska Natives.

King Cove is an isolated Alaska Native village with roots that go back over 4,000 years. We Aleuts need a road from our village to the Cold Bay Airport, the third largest airport in the State of Alaska.

We are blocked from the construction of the road by a wilderness area, the Izembek Wilderness, which Congress and this committee created and that is why we have come to this committee today to ask for Senate Bill 1680 be passed.

We are supported in our effort by the National Congress of American Indians, the Nation's largest and most respected Indian organization, and Alaska Federation of Natives, the premier state-wide Alaska Native organization, and we ask their resolution be included in the record.

Senator WYDEN. Without objection, that will be ordered.

Ms. TRUMBLE. Thank you. I speak to you today as an Aleut, Agdaaux tribal member, a mother, an Alaskan and a citizen of the United States. I am deeply connected to the lands that you know as Izembek Refuge through my ancestors who have lived and subsisted on this wilderness for 4,000 years. My ancestors and all the ancestors and people as well as future generations speak to me today in asking for your support of S. 1680.

I remain puzzled and angered by the fact that the designation of these lands as wilderness are made without a single public hearing in King Cove. The records state that meetings were held in King Cove and in Anchorage without any notification given to King Cove, the community most affected by the decision to create wilderness.

No one from the Federal Government has ever let us tell our story and why the wilderness would cut us off from the outside world with no hope of protecting our life, health, safety and quality of life.



Gale force winds can dominate and fog can dominate our weather and one result is that air travel between our community airstrip located between two mountainous peaks, an all-weather airport in Cold Bay, is delayed or canceled half the time.

Then it is anguish and for some families in King Cove it has brought tragedy. Since 1979, 11 people have died flying between King Cove and Cold Bay in bad weather. Even today, pregnant women must leave town and temporarily relocate to Anchorage for 6 to 9 weeks before their due date for fear of unpredictable weather, premature labor and complications.

Because predictable, dependable, affordable and safe road transportation access in and out of King Cove is essential for our future, it continues to be our top priority. We have advocated for decades now to have this access to the Cold Bay Airport, an airport that the Agdaaux tribal members help build during World War II.

We acknowledge and appreciate that Congress tried to help solve our transportation problems about 10 years ago with the King Cove Health and Safety Act, a road and marine link. Unfortunately, the Act has failed to solve our problems. The attached document describes the financial deficit which the hovercraft operations have generated and it seems to us that permanent shutdown is looming and is inevitable.

When this happens, we're right back to the dark ages we have suffered since Congress first considered this issue 10 years ago and we must have a real affordable solution and that is the road which is directed to be built by Senate Bill 1680.

We have a 6-minute video which shows an infirm sick Aleut elder who was forced to climb up some 30 steps on a windblown, slippery and icy ladder which is the only way on to the isolated dock in Cold Bay.

Mr. Chair, I guarantee you that you would not want any of your relatives or friends, whether pregnant, sick or infirm, to have to suffer this type of a fate. I ask that this video be given to each committee member and that it be included in the record.

Senator WYDEN. Without objection, it's so ordered.

Ms. TRUMBLE. I'm also the president of the King Cove Corporation, the local Alaska Native Village Corporation which owns the aboriginal Native land which Congress and this committee provided to the Alaska Natives in lieu of a traditional Lower 48 Indian reservation.

On this issue, our tribe and corporation are as one. We recognize our duty to our people to improve the quality of their life and the lives of future generations.

We come before you today not with our hat in hand. Senate Bill 1680 contains a land exchange of an unprecedented magnitude. More than 61,000 acres of land from the King Cove Corporation and State of Alaska are being offered to the Federal Government in exchange for 1,800 acres, of which 206 acres are for a road corridor through a very small portion of the Izembek Refuge. Of those 61,000 acres, more than 45,000 acres would become wilderness.

Mr. Chairman, we believe this is unprecedented in the history of the Federal-tribal relations. We know of no instance in which a tribe traded back so much of its reservation to get access to an air-

port or similar need for its tribe's health and safety and quality of life which most Americans take for granted.

We must have this road for our people to have a quality of life that all Americans expect, to protect the life, health and safety of the indigenous Aleuts and the people of King Cove.

Thank you for your time and members of the committee.  
[The prepared statement of Ms. Trumble follows:]

PREPARED STATEMENT OF DELLA TRUMBLE, AGDAAGUX TRIBE, KING COVE, AK, ON  
S. 1680

Good afternoon, Mr. Chairman, Senator Murkowski, and other members of the Senate Energy and Natural Resources Committee.

My name is Della Trumble. I am an Aleut born and raised in King Cove, Alaska. I speak to you on behalf of the Agdaagux Tribe of King Cove, a federally recognized tribe of Alaska Natives. King Cove is an isolated Alaska Native village with roots that go back over 4000 years in this area.

We Aleuts need a road from our village to the Cold Bay airport, the 3rd largest airport in the State of Alaska. We are blocked from the construction of the road by a wilderness area, the Izembek Wilderness which Congress and this Committee created. That is why we have come to this Committee today to ask that S. 1680 be passed.

We are supported in our effort by the National Congress of American Indians, the nation's largest and most respected Indian organization and the Alaska Federation of Natives, the premier statewide Alaska Native organization. I ask that their resolutions\* of support of our bill be included in the record.

I am accompanied by another leader of my people, Stanley Mack an Aleut who was also born and raised in King Cove. Stanley is the Mayor of the Aleutians East Borough, our local government.

I speak to you today as an Aleut, Agdaagux tribal member, a mother, an Alaskan and a citizen of the United States. I am deeply connected to the land that you know as the Izembek Refuge through my ancestors, who have lived and subsisted on this wilderness for 4,000 years. My ancestors and all the ancestors of my people as well as future generations speak through me today in asking for your support of S.1680.

As an Aleut, and a U.S. citizen, I remain puzzled and angered by the fact that the designation of these lands as wilderness were made without a single public hearing in King Cove. The records state that meetings were held in Cold Bay and Anchorage, without any notification given to King Cove—the community most affected by the decision to create wilderness.

No one from the federal government ever let us tell our story and why the wilderness would cut us off from the outside world with no hope of protecting our life, health, safety and quality of life. That is why we continue to fight for a just and fair solution to this problem. The passage of S.1680 will provide that solution.

I would be proud to show you the beautiful community that is King Cove, nestled between sea and volcanic mountains. Gale force winds and fog can dominate our weather. One result is that air travel between our community airstrip, located between two mountain peaks, and the all-weather airport in Cold Bay, is delayed or canceled about half of the time.

Then it is anguish, and for some families in King Cove, it has brought tragedy. Since 1979, eleven people have died flying between King Cove and Cold Bay in bad weather. Even today, pregnant women must leave town and temporarily relocate to Anchorage for 6-9 weeks before their due date for fear of unpredictable weather, premature labor and complications. We think about this all the time because in a town as small as King Cove, we know who is facing this situation. In fact, my niece was born at sea on the galley table of a fishing vessel. Her mother's premature labor forced her to endure a dangerous 3-hour ocean voyage because of high winds and blizzard conditions.

Because predicable, dependable, affordable and safe road transportation access in and out of King Cove is essential for our sustainable future, it continues to be our most important priority. We have advocated for decades now to have this access to the Cold Bay airport—an airport that King Cove residents helped to build in World War II.

We acknowledge and appreciate that Congress tried to solve our transportation problem about ten years ago with the King Cove Health and Safety Act, requiring

\*All additional documents have been retained in subcommittee files.

us to have a road and marine link. Unfortunately, the Act has failed to solve our problem.

The attached document describes the financial deficit which the hovercraft operations have generated—\$832,000 in that short time alone. This is a real cash deficit without any accounting for depreciation or other “paper” losses. We are a thinly populated area: the Borough as about 2700 residents and King Cove only 800 of those 2700. It seems to us that permanent shutdown is looming and inevitable.

When that happens, we are right back in the dark ages we have suffered since before Congress first considered this issue 10 years ago. We must have a real, affordable solution—that is the road which is directed to be built by S. 1680.

What does that mean? It means that we have to endure cancellations and delays of scheduled aircraft constantly—often as much as 50% of the time. It means that in medical emergencies, King Cove residents, Aleuts and others, have to risk their lives to try to help someone get out of King Cove to Cold Bay so they won't suffer and possibly die.

We have a 6 minute video which shows what this means. It shows an infirm, sick Aleut elder who was forced to climb up some 30 steps on a windblown, slippery and icy ladder which is the only way on to the isolated dock also located in an open windy, vulnerable location just offshore from Cold Bay. Mr. Chairman, I guarantee you that you would not want any of your relatives or friends, whether pregnant, sick, or just infirm or elderly to have to suffer this fate.

We have provided a copy of this video which shows this for each committee member. I ask that this video be given to each committee member and that it be included in the record of this hearing.

I am also President of the King Cove Corporation, the local Alaska Native village corporation which owns the aboriginal Native land which Congress and this committee provided to Alaska natives in lieu of a traditional lower 48 Indian reservation.

On this issue, our tribe and corporation are as one. We recognize our duty to our people to improve the quality of their lives and the lives of future generations in ways that are direct, quantifiable and which reflect our deep and abiding connection to the land. That is the purpose of S. 1680.

We come before you today not with our “hat in hand.” S. 1680 contains a land exchange of an unprecedented magnitude. More than 61,000 acres of land from the King Cove Corporation and State of Alaska are being offered to the federal government in exchange for 1,800 acres, of which 206 acres are for a road corridor through a very small portion of the Izembek Refuge. Approximately 97 of these 206 acres would be in the wilderness section of the refuge.

Of these 61,000 acres being offered to the federal government, more than 45,000 acres would become wilderness under the exchange. Almost 13,300 acres of that land is King Cove native land which means we are trading back 17% of our heritage granted to us by Congress in settlement of our aboriginal rights in order to get our native, indigenous people what just about every other American takes completely for granted, the ability to drive to an airport when necessary for health, safety, and quality of life. We are also relinquishing a 5340 acre selection under ANCSA which means about 20% of our total selection is affected by this trade.

Mr. Chairman, we believe this is unprecedented in the history of federal-tribal relations. We know of no instance in which a tribe traded back so much of its reservation to get access to an airport or similar need for their tribe's health, safety, and quality of life which most Americans take for granted.

This is indeed a heavy price to be paid for enhancing the lives of our people. But we are willing to do this because it is our sacred duty to our ancestors and our future generations. **WE MUST DO EVERYTHING WE CAN TO SECURE A SAFE AND GOOD LIFE FOR OUR FUTURE GENERATIONS.**

This Committee will probably hear today that this land to be exchanged is not threatened and therefore not necessary to add to the Refuge and Wilderness Systems. That is insulting to us. It is the Aleuts of King Cove who are threatened. We have been good stewards of all this land for 4,000 years. Are we to be punished because of our good stewardship?

Congress rejected that same argument in 1980 when the Alaska National Interest Lands Conservation Act was passed. Most of the Izembek Refuge, and more than 50 million acres of “non-threatened” lands were turned into wilderness in 1980 by this Committee under ANILCA. Nevertheless, Congress deemed these “non-threatened” lands as necessary for protection in the wilderness system.

We must have this road for our people to have a quality of life that all Americans expect and to protect the life, health, and safety of the indigenous Aleuts and all people in King Cove. To ensure that Congress will act on this request, we, and the

State of Alaska have proposed an unprecedented land exchange, which will benefit all Americans. Please pass this bill so this road to protect our people can be built.

Thank you for your time, Mr. Chairmen and members of the committee. I'll be happy to take any questions that you have.

Senator WYDEN. Well said, and it's evident that a great deal of work has gone into the Alaska legislation and yet I ask the question that I always ask when it gets to this point in the debate and having been through lots of efforts to try to fashion legislation.

I'm curious whether there are any further talks that are underway among Alaskans trying to work out a compromise on 1680. Obviously, you know, the topic would be how do you find a way to meet the needs of the communities which you have eloquently addressed, Ms. Trumble, while at the same time being sensitive to the various wildlife, you know, issues have also been raised today.

Are there any further talks or are people just kind of in concrete here and this is the way it's going to be and tell me, if you would, whether there are further talks underway in an effort to try to find a compromise between Alaskans?

I'll ask you first, Ms. Trumble, and then you can follow it up, Mr. Senner.

Ms. TRUMBLE. I'm not aware of any talks, that I'm aware of. I think we fully understand that and believe that this is our only alternative.

Senator WYDEN. Mr. Senner.

Mr. SENNER. Similarly, I'm not aware of additional talks.

Senator WYDEN. Would you all like to see additional talks or do you want to just say our way or that's that? I'm a big believer in further talks as a general effort to try to find a way to work these things out.

Mr. SENNER. If it were possible to have a conversation that was exploring alternatives to a road, I'd be delighted to have that talk. If it really is simply yes or no in regard to this road, then I think that's going to be a barrier.

Senator WYDEN. It seems to me the opportunity, and I don't pretend to be an authority on this, but I've listened to all of you and I know you're both very sincere that the area for common ground would be to look at a way to have a road so you meet the community's needs but to also be sensitive to the wildlife issues. I'll leave that for you Alaskans for another discussion.

Just one question for you, Dr. Murray. With respect to the fire issues and you touched on, you know, Brush Mountain, my understanding is the local communities are very much aware of the fire issues and yet they are supporting the proposed designation of Brush Mountain as a wilderness area, is that right?

Mr. MURRAY. That's correct, yes.

Senator WYDEN. OK. Congratulations to all of you in Virginia for your efforts, and we look forward to working further with you Alaskans as well and we'll wrap up today's hearing with Senator Murkowski's questions.

Senator MURKOWSKI. Thank you, Mr. Chairman. I appreciate your inquiry as to whether or not there is room to try to work out an accommodation. You're absolutely correct. The residents of King Cove are very passionate about it. They've lived with it. They've died with it, some have, and it is something that I think they

would like a resolution and I think those who have concerns about it would also like that there be a resolution and that we're not in this constant seeming battle.

I will remind the committee, though, that since the last time the Senate took up this matter back 10 years ago, 1998, at that time, the exchange was 664 acres of land to be transferred by King Cove, 580 of those to be added to the wilderness area as opposed to where we are now which is 61,000 acres versus the 16.

So, in terms of those that feel like they're giving, I think the people of King Cove feel that they have made quite an incredible accommodation. Certainly when a Native corporation agrees to give up 17 percent of their land that they were provided under ANILCA, that's a huge, huge give, but I would like to figure out a positive way forward.

I want to acknowledge also that, in addition to Della being here today and speaking for the people of King Cove, we also welcome the Mayor and several other members of King Cove that have kind of put fishing season on hold and put their families' lives on hold in order to come and present these issues to us. So, I just wanted to acknowledge them, also.

Della, I mentioned that the give that the people of King Cove are willing to make in order to get this road. It's substantial. It's beyond substantial. I don't know. I don't know if it is clear to others who have not seen what the community of King Cove lives with, understand exactly what it means that you are willing to give up so much for a road.

We've got lots of roads back here, but if you could just perhaps go into a little more detail about what it means to live out in King Cove, what it means to be without the full medical facilities, knowing that your medevac is hours away and days away, depending on the weather, and you've given very good testimony in your written presentation, but a little bit more of the day in the life, and I appreciate you giving the committee members the story behind King Cove by way of video because I think we'll be able to see then some of the real life horror stories, the docking of the vessel and trying to get an injured person up when the waves have frozen on the rails and you're slipping all over the place.

But could you just provide very quickly for the committee a little more detail about why you would be willing to give up so much just for a road?

Ms. TRUMBLE. Thank you, Senator. Yes, this issue, we've been fighting this for the last 30 years. This King Cove is a beautiful place. We're surrounded by mountains, 4,000 feet. You go toward the Cold Bay side and it's flat. You don't have the issue that the mountains create for us which is the wind. We get the wind off the—the wind shear off of the mountains.

We can't fly between the two communities because of the wind and then it's a matter of trying to take the boat and sometimes that in itself, only if it's with a certain wind can you get by the dock in Cold Bay. King Cove has a weak water port. Cold Bay does not and so it's very dangerous to offload any patient in Cold Bay and there's been a lot of instances where just trying to haul a patient off in a stretcher with rope and moving back and forth and up and down and people getting hurt in just that way and person-

ally from my own experience, I had a niece born on the galley table of a crab fishing boat in 70-mile-an-hour winds northwest and freezing spray.

People are continuously put in dangerous circumstances of just trying to get into Cold Bay, not only the patients but including whoever is helping to transport them, and the other issue is when they're in King Cove long and they're waylaid longer, that contributes more to their health problems and usually makes it worse. It's a tough situation to be in. We love living there, but the people in King Cove really do deserve a better ability to get between the two communities, even just more than for medical evacuations.

It's just the safety and ability to know that you can get back and forth to the communities without being afraid for your life.

Senator MURKOWSKI. Let me ask you because you and your family have lived there for generations. You know the land. You obviously love the land and care very deeply about it.

There's been some dispute about the environmental values that are associated with the lands that would be part of this exchange, that perhaps what King Cove is giving up isn't as environmentally significant.

Can you comment on that?

Ms. TRUMBLE. We disagree with that. The Aleut people in my region have lived and subsist off of those lands for thousands of years, including the whole Izembek Refuge. That's the part of what we're—that's what we're about.

The lands that the King Cove Corporation are giving up, the Kinzarof Lagoon, and the Mortonson Lagoon have significant value to us as Aleuts. We also know from the standpoint of habitat value, that habitat is there because we hunt and subsist on those lands, also, and we believe that Fish and Wildlife would not agree to this exchange had they not believed that.

Senator MURKOWSKI. Mr. Chairman, I have a couple more questions, but I'm over my time. Did you want to ask some more here?

Senator WYDEN. No, I do not. You may proceed.

Senator MURKOWSKI. I can do that. Great. I appreciate that.

Question for you, Mr. Senner. The Director of Fish and Wildlife Service believes that the desires of the King Cove people for a road and the conservation needs of the refuge can be harmonized. You don't agree with him or do not believe that they can be, yet your testimony doesn't identify any specific catastrophic consequences that could follow from construction of a one-land road on 206 acres in the refuge, yet the death of a Native elder or a child seeking medical attention, I mean, these are true catastrophes in my judgment.

I guess as we as a committee try to balance out the potential risks and the harm, I'm clearly very sympathetic and understanding that we must ensure that we work to care for our environment, but when we have to balance, I guess, should we not err on the side of preserving human life?

I do appreciate your—at least your body language and willingness that perhaps there are ways that we could work an arrangement, but I think if I heard you correctly, if the arrangement involved a road, you would continue to oppose it, is that correct?

I don't want to be misreading your statement there.

Mr. SENNER. No, that is essentially correct, Senator. I do not see, given the choices for an alignment of a road, I do not see how that's an option that we could support.

Senator MURKOWSKI. So in your opinion then, there is no road that could be constructed that would be acceptable?

Mr. SENNER. I don't think so.

Senator MURKOWSKI. You have indicated several times, not only in your testimony but in your written testimony, that the—you refer to the real—the biological heart of the refuge and the concern that this road would be built in that biological heart.

Where the eel grass is located in the Izembek, the other lagoons on the Bering Sea side of the refuge, I guess we've always heard that the real biological heart is where these eel grass beds are. So, are they or aren't they?

Mr. SENNER. They're in both. Kinzarof Lagoon is about 50 percent covered by eel grass beds, the same as Izembek Lagoon. Of course, Izembek is much bigger, so it has more acres of eel grass.

The birds use them both and in fact stellar sidlers which are a threatened species tend to prefer to use Kinzarof Lagoon. When Izembek Lagoon freezes over which it sometimes does, all of the wintering birds go to Kinzarof Lagoon and other locations on the south side of the isthmus.

So, Senator, there really is an integrated system and biologically you don't want to start separating one from the other.

Senator MURKOWSKI. I've seen different—I've seen several maps of where the eel grass is in terms of the predominance of them and I don't know how old those maps are.

Della, can you help me out with the location?

Ms. TRUMBLE. Thank you. The Kinzarof Lagoon is on the south side. It's a very small lagoon and that lagoon in itself has less than 50 percent. The Izembek Lagoon is 11 miles across and that is technically where the eel grass beds are and that's why the bulk, a 150,000 birds that go through there every year, the time they're there, are feeding in that lagoon and that is why we Aleut people classify the heart of Izembek Lagoon, the Izembek Lagoon.

Kinzarof Lagoon is very, very small and very small eel grass beds.

Senator MURKOWSKI. Let me ask about the road and I appreciate the Chairman's time for this. This will be my last question to you, Mr. Senner, but your concern is you construct a road and basically it all falls apart after that and yet we've got about 14 miles, maybe 14 or 15 miles of road that are already in the wilderness. Many of the roads are used by the Cold Bay residents. The Fish and Wildlife Service uses them. The refuge personnel, hunters use them.

So, you know, we're talking about an additional six miles of road that would be in the eastern part of the isthmus connecting the existing roads that already cross the isthmus and run right down to Kinzarof Lagoon and the eel beds that—I guess my question would be whether the habitat where the easement would be, is that less important or less significant to the migratory birds that—as compared to the existing roads?

Your statement would lead one to believe that a road is new, it's foreign, it is something that hasn't happened, and yet you fly over and you've been out there, you know that those roads are in exist-

ence out there and you still have an incredible abundance of wild-life and waterfowl that come through.

So, if the road is such a detriment, why has it not been a problem?

Mr. SENNER. Senator, first of all, the maintained roadways in the Izembek Refuge are not within the wilderness areas. The mileage that is within the wilderness area is not maintained and it is not driven on by U.S. Fish and Wildlife Service or other personnel.

Second, one of the big differences is that there's only 80 people in Cold Bay and the traffic on whatever roads there are is very limited. If you put in a road connection with the community of 800+ people in some seasons to Cold Bay, you add the daily traffic, you add possibly fish products moving from the fish processor in King Cove to Cold Bay and so on, we're talking about a much higher level of traffic. We're talking about a maintained roadway.

We think the impacts will be significantly higher and then last, I would just say the point of the—what we think is a new road and it would be a new road to connect all the way through bisects a very narrow isthmus and that is with a maintained road that will have heavy traffic or heavier traffic and we think that that's a different order of magnitude in terms of the concern.

Senator MURKOWSKI. I think we need to keep in mind and appreciate that in this community of 800 people how many vehicles are there, Della?

Ms. TRUMBLE. There's 200 vehicles and I think on a daily average, you wouldn't see more than 10.

Senator MURKOWSKI. What are you paying for gasoline out there?

Ms. TRUMBLE. \$4.30 a gallon.

Senator MURKOWSKI. OK. So people aren't going to be hopping in their car and just going out for a Sunday drive.

Ms. TRUMBLE. Not too many people can afford it that I am aware of at all, no.

Senator MURKOWSKI. It is something about that access, that I think we need to recognize that we're not talking about building a road the likes of which you would see back here that connects communities that are connected to other communities that then lead to something bigger. It is truly a very small connector road.

Mr. Chairman, I appreciate your indulgence. Appreciate the opportunity to present this information to the committee today on behalf of the people of King Cove, and I would like to think that we can work with the committee in further advancing some positive progress.

Senator WYDEN. Thank you, Senator Murkowski, and let us also welcome the political leadership of King Cove as well. That is a long trek to make for the hearing.

Here's what we're going to do at this point with respect to the Alaska legislation. I'm going to direct our staff, and they work very closely in a bipartisan way, to work with all of you and Senator Murkowski to see what we can do to come up with an approach that comes close to finding common ground.

My view is that the best natural resources policy is always the policy that makes sense in terms of communities and makes sense in terms of the environmental values that we all feel so strongly



about. So that will be the directive to the staff. Time is short because any efforts to try to address this issue will have to go into a second package of public lands bills that we have been working on that Chairman Bingaman and I feel very strongly about in some other areas that we care the most about that didn't find its way into the first package.

But we will let the Virginians go with, I know, some issues that have to be worked out with the Administration, and you Alaskans, I know, feel passionately about your positions and we'll tell the staff to follow up working with Senator Murkowski on your concerns.

With that, the subcommittee is adjourned.

[Whereupon, at 4:04 p.m., the hearing was adjourned.]



## APPENDIXES

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### APPENDIX I

#### Responses to Additional Questions

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RESPONSES OF JOEL HOLTROP TO QUESTIONS FROM SENATOR BARRASSO

S. 570 AND H.R. 1101

Joel, in both the Virginia and the West Virginia bills, the forests had just recently completed revisions of their forest plans. Now you are being asked to respond to wilderness proposals that go beyond what the forest plans decided. I wonder how the public who invested their time and efforts in those plans might feel about Congress legislating over their hard work.

*Question 1.* In terms of the Forest Service, does passing bills like these make it more difficult to engage the public in meaningful forest planning efforts on these forests or elsewhere?

Answer. Engaging the public meaningfully in forest planning efforts is always a challenging and rewarding experience. We have attempted to honor the public's participation in these efforts by presenting to the committee the recommendations from the most recent Forest Plan. We will continue to offer the public opportunities to participate in our planning efforts and expect that they will continue to provide their comments and insights.

*Question 2.* Your testimony includes a number of concerns related to S. 570 and H.R. 1101—the wilderness proposals on the Jefferson National Forest.

In regard to the Kimberling Creek Addition and your concern about potential wilderness status. If we designated it as wilderness but gave the forest 10 years to implement the rehabilitation plan you spoke of, could you support this proposal?

Answer. The Kimberling Creek addition was recently acquired as National Forest System (NFS) land. Due to an extensive road network, in its current condition, the area does not contain the basic natural characteristics that make it suitable for wilderness. In our testimony, we recommended that the Committee consider allowing the Secretary to continue the current management prescription for this area which is Dispersed Recreation—Unsuitable (for timber production). This management emphasis provides for a variety of dispersed recreation uses with minimal vegetation management and would allow use of motorized and mechanized equipment for needed road and trail rehabilitation work. We plan to develop rehabilitation plans and implement these plans within the next 10 years. We recommend that its designation as Wilderness be reevaluated by Congress after this work is complete.

The Department does not support the designation as “potential wilderness” for the 349 acre portion of the Kimberling Creek area. The designation “Potential Wilderness” is not a designation referenced in the Wilderness Act of 1964. A subsequent designation of wilderness following a fixed time period and associated compulsory changes in conditions can serve to limit the Secretary's discretion in the allocation of scarce resources and other management actions associated with the administration of the NFS and the National Wilderness Preservation System.

For the same reasons the Department would not support bill language in which Kimberling Creek would be designated Wilderness in 10 years.

*Question 3.* In the case of the Brush Mountain and Brush Mountain East proposals, how wide of an area does the Forest Service need in order to keep the power line corridor you expressed concern about viable? Would a quarter mile buffer on either side of the existing right-of-way suffice?

Answer. There is a 765-kV electric transmission line that separates the proposed Brush Mountain wilderness area from the proposed Brush Mountain East wilderness area. The current maps show a 250-foot offset from the center of the trans-

mission line to the wilderness boundaries. That 500-foot corridor keeps the utility corridor (as defined in our Forest Plan) for the transmission line out of both of the wildernesses, and this meets our needs.

S. 2109

Upon reviewing the prepared maps of these wilderness proposals I have some concerns with the status of their roads should these proposals become designated.

*Question 4a.* Within the South Fork San Jacinto Proposed Wilderness, do you think that a wilderness designation would impede the utilization of the existing roads to fight fires?

Answer. All existing roads have been excluded from or 'cherry-stemmed' out of the proposed designation so they remain open to facilitate fire suppression activities.

*Question 4b.* Could the lack of ability to fight fires be a threat to areas surrounding this proposed wilderness?

Answer. Our ability to aggressively suppress wildfires to protect public health and safety is not significantly hampered by the wilderness designation. Congress has specified that for the protection of public health and safety any necessary measure to control fire in wilderness areas may be taken.

*Question 4c.* What about the roads and the ability to fight fire within the Cahuilla Proposed Wilderness?

Answer. The same authority to fight fire in the South Fork San Jacinto Proposed Wilderness would apply within the Cahuilla Proposed Wilderness. Also see the answer to the previous question.

*Question 4d.* Would the ability to fight fires be restricted in any of the other proposed wilderness areas under this bill? And would this restriction be a threat to surrounding areas?

Answer. The provisions of this bill specific to fire suppression apply to all areas that would be designated as wilderness under this bill. Therefore, the authority and ability to fight fire in the South Fork San Jacinto Proposed Wilderness would apply equally in the other proposed wilderness areas established under this bill.

*Question 5a.* Considering the State of California's Renewable Portfolio Standard which requires that 20% of its electricity needs be met with renewable energy by 2010:

Are you aware of any utility corridors for renewable electricity projects near these proposed wilderness areas?

Answer. We are not aware of any utility corridors near these proposed wilderness areas.

*Question 5b.* What constraints would be imposed on these corridors and on renewable energy projects located near these proposed wilderness areas?

Answer. There are no utility corridors present and no renewable energy projects located near the proposed wilderness areas.

*Question 5c.* Would these wilderness designations exacerbate any difficulties the State might have in meeting its mandate by 2010?

Answer. We defer this question to the State of California.

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RESPONSES OF DELLA TRUMBLE TO QUESTIONS FROM SENATOR AKAKA

S. 1680

*Question 1.* In your testimony you note that the designation of these lands as wilderness were made without a single public hearing in King Cove. Please tell this Subcommittee why you think the Aleuts of King Cove were not involved in the federal government's decision over 25 years ago to create the wilderness lands that ultimately prevented having surface transportation access to the Cold Bay Airport?

Answer. I do not know why King Cove residents were omitted in this process. However, I do not believe it was by malicious intent. Communications of any kind between government agency personnel and local residents 30-40 years ago in rural Alaska were very limited. We only had one phone in the entire community at that time and summers were spent salmon fishing every day.

In retrospect, the primary aggravation is that the public record shows that the federal government sent out over 1,500 notices to individuals in Alaska, the "lower" 48 states, Europe, and Canada, but not a single letter to anyone in King Cove. Two public hearings were held, one in Anchorage and one in Cold Bay. At the meeting in Cold Bay, the record shows that Mike Uttecht an elder, who was from King Cove and living in Cold Bay at the time, spoke to the issue of a possible road connection between the two communities.

Elder Aleuts shared with us that when their hunting/trapping cabins were burned down is when King Cove residents learned that these Izembek lands had been turned into wilderness, and that "man's presence" on these lands had to be removed. We believe if King Cove residents had been engaged in this process at that time our then current and historical use of these lands would have been acknowledged and a surface transportation corridor would have been designated between King Cove and Cold Bay.

*Question 2.* Please briefly describe what health and safety issues this lack of surface access has caused your community?

Answer. Over the last four decades, dozens of King Cove residents have experienced a wide range of medical and health issues because of our inability to reach the Cold Bay airport for transportation to Anchorage.

This situation has caused deaths and severe medical complications when local residents cannot receive timely or safe transportation to the Cold Bay airport in order to be transported to medical facilities in Anchorage. When a sick or injured resident has to take a boat in rough sea conditions in an emergency situation, it is uncomfortable, and not an easy task off-loading them at the dock in Cold Bay. The dock in Cold Bay is not readily accessible given its location and sea state and weather conditions most of the time. In one particular case, an elder with a heart condition died on the dock in Cold Bay after a long, treacherous boat ride.

Another example from this past March was when four local pregnant women were scheduled to travel to Anchorage. One of the women was having complications. The women were directed to go to the hovercraft to be transported to Cold Bay. Given the weather conditions, which were winds at 45 northwest, gusting to 60, with a wind chill below 0, the hovercraft was not able to travel. Later in the afternoon, the single-engine commercial carrier made a trip to King Cove in windy conditions, to get the four women out. Two of the ladies, the one who was having complications, were simply too afraid to get on the plane. This is very common—many King Cove residents are afraid to fly between the two communities.

*Question 3.* I understand that the land transfer involved in S. 1680 represents about 20 percent of the land that Congress and the federal government returned to the Aleut people of King Cove to settle aboriginal claims as part of the Alaska National Interest Lands Conservation Act. As President of the King Cove Native Corporation, what are your feelings about giving back to the federal government such a significant amount of your native lands?

Answer. Yes, it is a very high price to pay for the right to have a safe and dependable means of transportation access to the Cold Bay airport. My greatest frustration is realizing that if the then-government process that originally designated the Izembek wilderness included King Cove representatives, we would have had a transportation corridor reserved.

Consequently, the King Cove Corporation's Board of Directors emphatically supports doing whatever it now takes to have this safe and dependable access to the Cold Bay airport. The health, safety and overall well-being of our shareholders, tribal members, other community residents, and visitors deserve safe and predictable transportation in and out of King Cove.

#### RESPONSES OF DELLA TRUMBLE TO QUESTIONS FROM SENATOR BARRASSO

*Question 4.* How much money was invested in the last decade to pay for the cost of flying or boating critically ill or injured people out of King Cove just to the Cold Bay?

Answer. It is very difficult to estimate these costs. The attitude in King Cove has always been to do whatever it takes, regardless of cost, to get family, friends, or visitors to the Cold Bay airport when needed. The primary consideration is what will the current weather and sea state conditions allow for in consideration of safe and prudent transportation options, either by plane or water.

In many instances, whether by boat, plane or hovercraft, these situations are in conditions that put the crew and medical staff at risk for their own lives. To us, there is no dollar amount that can be put on the value of saving lives.

Our most haunting example is from the 1980's when a Washington state crab fisherman had his leg severed. He was going to bleed to death if we could not get him to Anchorage, via a medivac flight from the Cold Bay airport. The only nurse in King Cove, along with an assistant, the injured fisherman, and pilot left the King Cove airstrip in total blizzard conditions and crashed on the way to the Cold Bay airport. All four were killed.

*Question 5.* I know that the federal government stuck your town with a hovercraft as an alternative to the road. Did they provide an annual stipend for the operation and maintenance of the craft?

Answer. No annual funding for operating and maintaining the hovercraft was part of the original legislation. Consequently, the over \$1.0 million in annual net operating loss for the hovercraft is not financially sustainable by our local government that has just 2,500 people in it. Mass transit systems of all modes and locations throughout the United States require an operating subsidy.

We are not seeking an operating subsidy. Instead, we are firmly convinced that a road is the only logical and financially sustainable transportation alternative for our particular need.

*Question 6.* Do you have an estimate of what it might cost to upgrade one of the existing roads across the refuge and then extend it to King Cove in order to make it serviceable for medical evacuation?

Answer. Of the 35 miles of roads that presently exist in the Izembek Refuge, including its wilderness area, we will require about 7 miles of new construction to connect to this existing road network.

This additional 7 miles of a new, one-lane gravel road is estimated to cost between \$10-\$15 million. Upgrades to the existing road links that would connect to this new road are estimated to be between \$5-\$8 million. Therefore, a reasonable estimate of between \$15-\$23 million will be required to construct the missing link and to upgrade the existing road links.

*Question 7.* To your knowledge, has Mr. Senner or his organization offered the United States 45,000 acres of land to turn into wilderness?

Answer. No! To the best of our knowledge the land exchange proposal that we have put together, offering a ratio of 30 to 1 is Congressionally unprecedented.

*Question 8.* To your knowledge, has Mr. Senner or his organization offered the citizens of King Cove an alternative to the hovercraft, or offered to subsidize the operation of the hovercraft as an alternative to your proposal?

Answer. No! Instead, they continue to tell us that we should be pleased with the hovercraft and that it is working just fine. Furthermore, Mr. Senner, his organization, and many other environmental groups have been unwilling to acknowledge the simple fact that it is not financially sustainable.

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[Responses to the following questions were not received at the time the hearing went to press:]

#### QUESTIONS FOR HENRI BISSON FROM SENATOR BARRASSO

S. 1680

I know that the Fish & Wildlife Service has wrestled with the issue of a road between King Cove and Cold Bay ever since the Izembek Wilderness was designated in 1980.

*Question 1.* I wonder how the Department of the Interior and the Fish and Wildlife Service would feel about the safety of your employees if your offices were located in King Cove rather than in Cold Bay?

*Question 2.* If the shoe were on the other foot and the Fish and Wildlife employees and their families had to live in King Cove, I wonder if it would have taken nearly 30 years to conclude that a road across this wilderness is a common sense solution. How do we deny the people of King Cove this access when it comes to the safety of a community and those citizens' right to reasonable access to adequate community medical facilities and emergency transportation to larger hospitals?

S. 2109

With regard to Section 103 which proposes the designation of some 43,000 acres along the southwestern boundary of Joshua Tree National Park; you state in your testimony that about a third of this acreage is under private ownership and that the Park Service has been attempting to acquire these lands with donated funds on a willing-seller basis.

*Question 1.* How many acres of this private land have been acquired?

*Question 2.* Have you met any opposition from landowners upon trying to purchase these lands?

*Question 3.* Are there any issues that would create a checkerboard ownership between the national park, the proposed wilderness area, and private land?

*Question 4.* Considering the State of California's Renewable Portfolio Standard which requires that 20% of its electricity needs be met with renewable energy by 2010:

Are you aware of any utility corridors for renewable electricity projects near these proposed wilderness areas?

*Question 5.* What constraints would be imposed on these corridors and on renewable energy projects located near these proposed wilderness areas?

*Question 6.* Would these wilderness designations exacerbate any difficulties the State might have in meeting its mandate by 2010?

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QUESTION FOR ELENA DALY FROM SENATOR BARRASSO

S. 758 AND H.R. 1311

This is the second time Congress has reversed course on the reverter language included in the Southern Nevada Land Management Act.

*Question 1.* At what point do you think the requirements of the Southern Nevada Land Management Act are lost or become meaningless?





## APPENDIX II

### Additional Material Submitted for the Record

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STATEMENT OF LINDA LANCE, VICE PRESIDENT, PUBLIC POLICY THE  
WILDERNESS SOCIETY

Mr. Chairman and Members of the Subcommittee, we appreciate the opportunity to provide this statement for the written record of the hearing on S. 570; S. 1680; S. 2109; and S. 2581. The Wilderness Society has a longstanding interest in wilderness protection and sound natural resource management of our national forests and public lands. Founded in 1935, The Wilderness Society is a national non-profit environmental organization with more than 200,000 members that works to protect America's wilderness through public education, scientific analysis, and advocacy.

Our goal is to ensure that future generations enjoy the clean air and water, beauty, wildlife, and opportunities for recreation and spiritual renewal provided by the nation's pristine forests, rivers, deserts, and mountains. The protection and preservation of our public lands and wilderness resources is crucial to ensuring that they survive for the enjoyment and use of future generations. We thank you for considering our testimony on these four legislative proposals.

S. 570

The Wilderness Society supports S. 570, the "Virginia Ridge and Valley Act," which would designate nearly 43,000 acres of national forests as wilderness or wilderness study areas and nearly 12,000 acres as scenic areas. The bill was developed after careful consideration by all interested parties including the Forest Service, other interested Members of Congress, local governing bodies, representatives of users' groups such as hikers, horseback riders, and mountain bikers, and, above all, members of the general public. Two areas that best highlight the values and unique qualities of the Virginia Ridge and Valley Act are the proposed Brush Mountain and Brush Mountain East Wilderness areas. Both areas have been endorsed by the Board of Supervisors for the counties in which they are located. These areas are in the vicinity of Blacksburg, Virginia and Virginia Tech. The areas include mountains, valleys, native trout streams and old growth forests. It will be a popular wilderness area for local residents, students and visitors to the area and is worthy of wilderness designation.

S. 1680

The Wilderness Society opposes this legislation and the proposal to build an unnecessary and ecologically damaging road through the heart of the Izembek National Wildlife Refuge. One of the world's most critical resting places for migrating birds is found in the cold-water lagoons and internationally significant wetlands of Izembek Refuge on the Alaskan Peninsula. The proposed road is not needed. The bill claims the road is necessary to address the transportation, health, and safety needs of King Cove. Congress addressed those needs in 1998, when it passed the King Cove Health and Safety Act. That legislation provided \$37.5 million to upgrade King Cove's medical facilities, purchase a hovercraft to provide regular ferry and emergency medical service between King Cove and Cold Bay, construct new marine terminals, and build an unpaved road between the town of King Cove and the connecting marine terminal. The hovercraft is working. Hovercraft service commenced full-time operation on August 7, 2007 and has met every medical evacuation need of the King Cove community since it began its first training runs in February 2007.

S. 2581

We support "The Wild Monongahela Act," which will protect some of West Virginia's most spectacular wild areas—representing the heart and soul of our "Wild

and Wonderful” state. This bipartisan legislation designates several new wilderness areas and expands three nationally renowned existing areas, totaling approximately 47,000 acres within the Monongahela National Forest. The act is the first piece of legislation to protect Wilderness in the state in nearly 25 years. It is broadly supported by a wide array of organizations representing the faith, conservation, sporting and business communities as well as many state and local elected officials and municipalities across West Virginia. While we support S. 2581 and encourage the Senate to pass the measure, we hope that the Senate will consider amending the legislation to include special places left out of the original legislation, including: Seneca Creek (24,143 acres), East Fork of the Greenbrier (9,705 acres) and Roaring Plains North and East (6,006 acres). These areas have no lasting protection currently and face pressure from industrial energy development, logging and road building if they are not protected. Wilderness designation is the best way to ensure they stay just like they are, wild and wonderful.

S. 2109

The Wilderness Society strongly supports S. 2109, the “California Desert and Mountain Heritage Act.” This bill, sponsored by Senator Barbara Boxer, would protect some of the last wild places in Riverside County, the fastest growing county in California. The legislation would create four new wilderness areas, expand six existing wilderness areas including Joshua Tree National Park Wilderness, designate four wild and scenic rivers and add important areas to the Santa Rosa and San Jacinto Mountains National Monument. Designating these areas will protect important wildlife and plants, preserve clean water and clean air for communities, enhance the county’s economy, enable outdoor recreation, and safeguard important historical and Native American cultural sites. The “California Desert and Mountain Heritage Act” is broadly supported by Democrats and Republicans, Chambers of Commerce and businesses, local elected officials and municipalities. The bill seeks to address local fire concerns with fire management provisions. It is our assessment that these local concerns could be effectively addressed with fire management provisions that mirror language used in other California wilderness statutes such as the recently enacted Northern California Coastal Wild Heritage Wilderness Act.

Mr. Chairman and members of the Subcommittee, The Wilderness Society appreciates the opportunity to comment on these four legislative proposals and provide this testimony for the record of this hearing.

THE WILDLIFE SOCIETY,  
Bethesda, MD, April 15, 2008.

Hon. RON WYDEN,  
*Subcommittee on Public Lands and Forests, Senate Committee on Energy and Natural Resources, 364 Dirksen Office Bldg, Washington, DC.*

DEAR CHAIRMAN WYDEN: This afternoon the Senate Energy and Natural Resources Committee will hear testimony on S. 1680, legislation that would authorize a land exchange and road corridor through the Izembek National Wildlife Refuge (NWR) and its Congressionally-designated Wilderness. The Wildlife Society opposes the road and asks that this letter be entered into the official record of the subcommittee’s 15 April hearing on S. 1680.

The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association of over 8,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education.

The Wildlife Society is concerned about the effects of this proposed road on wildlife and wildlife habitat. Construction of a road through the refuge would threaten wildlife and habitat. Furthermore, the land exchange proposed in the bill fails to offer comparable protection or habitat for the important wildlife species at Izembek NWR.

Izembek NWR provides habitat for a large array of wildlife. Federally threatened Steller’s Eiders use the refuge, as do other migratory birds including Emperor Goose and Dunlin, which are listed as declining and vulnerable in Alaska (Pacific Flyway Management Plan 2006, U.S. Shorebird Conservation Plan 2001). Ninety-eight percent of the world’s Black Brant population use this refuge during migration. Both the Emperor Goose and Pacific Brant are well below population goals identified in Pacific Flyway Management Plans for those species. In 1986, Izembek NWR and Izembek Lagoon became one of the first sites in the United States to be recognized as a Wetland of International Importance, one of only 22 such sites in the United States. Izembek Lagoon is also identified as vital wading bird habitat within the Western Hemispheric Shorebird Reserve and East Asian-Australasian Shorebird Re-

serve networks. Izembek Lagoon also has one of the largest eelgrass beds in the world. Kinzarof Lagoon supports the largest beds of eelgrass on the south side of the Alaska Peninsula and is vital winter habitat for brant and Steller's Eider when Bering Sea estuaries are ice covered. These eelgrass beds provides quality habitat for crabs, salmon, various juvenile fish, brown bears, sea otters, tens of thousands of shorebirds, and half a million waterfowl.

The proposed road would pass through an isthmus between Izembek and Kinzarof lagoons, a location representing a major wildlife migration corridor. The Southern Alaska Peninsula caribou herd, as well as brown bears and wolves regularly use this corridor and it is core wintering habitat for the caribou. The road would also cut through nesting and molting habitat for a small, resident population of Tundra Swans, which are sensitive to human disturbance. Finally, this isthmus is located between the two rich ecosystems of Izembek and Kinzarof Lagoons. There is frequent traffic across the isthmus as waterfowl, brown bears, and other wildlife travel between the two lagoons.

According to the Fish and Wildlife Service's 1985 Comprehensive Conservation Plan for Izembek NWR, the proposed road could cause long-term, negative effects to refuge resources. Potential impacts include disruption of migratory waterfowl populations during molting, spring and fall staging and winter and decreased productivity of caribou, Tundra Swans, and furbearers. Construction of a road may also increase the illegal use of ATVs on the refuge. Although only a partial road has been constructed on the east side of Cold Bay, illegal ATV use is already beginning to degrade wildlife habitat in wilderness areas to the east and northeast of Kinzarof Lagoon.

The Wildlife Society urges you to vote against this bill, in light of the potential for serious adverse effects it would have on our nation's wildlife. Thank you for considering the views of wildlife professionals.

Sincerely,

MICHAEL HUTCHINS, PH.D.,  
*Executive Director/CEO.*

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WEST VIRGINIA WILDERNESS COALITION,  
*Morgantown, WV, April 14, 2008.*

Hon. RON WYDEN,  
*Chairman, Subcommittee on Public Lands and Forests, Senate Committee on Energy and Natural Resources.*

DEAR CHAIRMAN WYDEN, Please accept the attached Statement on behalf of several of the organizations representing the broad and diverse support of West Virginians across the State for S. 2581, the Wild Monongahela Act. This statement expresses the support and gratitude for our Senators Byrd and Rockefeller's sponsorship of this legislation and articulates our desire to see it improved with the addition of some key areas that have been omitted.

West Virginian's support protecting these areas for many reasons but primarily because doing so will help to ensure West Virginia's great way-of-life, and our cultural and natural heritage. Representing a cross-section of the support for wilderness, it includes; the West Virginia Council of Churches, comprised of 14 denominations approaching 600,000 West Virginians; local lawmakers including Mayor John Manchester and the Lewisburg City Council; sportsmen's groups such as the Mountaineer Chapter of Trout Unlimited; conservation and civic organizations such as the League of Women Voters; Christians for the Mountains, as well as thousands of individuals across the state who have written letters and made phone calls in support.

S. 2581 will protect some of West Virginia's most spectacular wild areas—representing the heart and soul of our "Wild and Wonderful" state. Many of these areas are vitally important to the people of West Virginia. The attached statement explains why many supporters of the Wild Monongahela Act believe that the legislation should be expanded to include a few key areas deserving and needing protection. These areas include Seneca Creek, Roaring Plains East and North and East Fork of the Greenbrier River Areas. We hope these areas will be added to the final version of the bill. Threats to these places won't allow us to wait another 25 years to protect them. Thank you for your consideration.

Sincerely,

DAVID W. SAVILLE,  
*Coalition Coordinator.*

ATTACHMENT.—STATEMENT OF THE WEST VIRGINIA COUNCIL OF CHURCHES, CHRISTIANS FOR THE MOUNTAINS, MOUNTAINEER CHAPTER OF TROUT UNLIMITED, WEST VIRGINIA LEAGUE OF WOMEN VOTERS, CITY OF LEWISBURG AND THE WEST VIRGINIA WILDERNESS COALITION

Chairman Wyden, Ranking Member Barrasso, and Members of the Subcommittee, on behalf of the West Virginia Council of Churches, Christians for the Mountains, Mountaineer Chapter of Trout Unlimited, West Virginia League of Women Voters, the City of Lewisburg and the West Virginia Wilderness Coalition, please accept the following testimony for the record in support of S. 2581, The Wild Monongahela Act: A National Legacy for West Virginia's Special Places.

Introduced by both Senators Robert C. Byrd (D-WV) and Jay Rockefeller (D-WV) this bipartisan legislation designates several new areas and expands three nationally renowned existing areas, totaling approximately 47,000 acres within the Monongahela National Forest. The Wild Monongahela Act is the first piece of legislation to protect Wilderness in the state in nearly 25 years. Identical legislation (H.R. 5151) has also been introduced in the House of Representatives by the entire West Virginia delegation of Representatives Nick Rahall (D-WV), Shelly Moore Capito (R-WV) and Alan Mollohan (D-WV).

S. 2581 will protect some of West Virginia's most spectacular wild areas—representing the heart and soul of our “Wild and Wonderful” state. Many of these areas are vitally important to the people of West Virginia. They represent some of our state's best places to recreate and are deeply important to our state's growing recreation based economy. These areas are home to many of West Virginia's world class streams and rivers which are popular destinations for anglers and whitewater enthusiasts. Protecting their watersheds will ensure high water quality and help to prevent flooding in communities downstream.

While West Virginian's reasons for supporting this effort vary widely, it is clear that protecting these areas will help to ensure West Virginia's great way-of-life and wilderness heritage. Supporters of new wilderness in West Virginia represent a broad and diverse cross-section of the state including: the West Virginia Council of Churches, comprised of 14 denominations approaching 600,000 West Virginians, who have endorsed protecting more wilderness and drafted and circulated a faith based statement supporting wilderness; local lawmakers, including the Lewisburg Mayor and City Council, who, along with numerous other cities and counties across the State, have passed resolutions supporting more wilderness; hundreds of health care professionals who have signed on in support of more wilderness because of its positive impact on communities health; hundreds of West Virginia businesses who recognize the economic value of wilderness, sportsmen's groups such as the Mountaineer Chapter of Trout Unlimited; conservation and civic organizations as well as thousands of individuals across the state who have written letters and made phone calls in support.

The special areas protected by S. 2581 include:

*Big Draft*

Located on the southern tip of the Monongahela National Forest, the proposed Big Draft wilderness is just twelve miles north of Lewisburg. It is home to numerous rare species of plants and animals. The proposed Big Draft wilderness has outstanding recreational opportunities with over 13 miles of established system hiking trails and a class III whitewater run. The trout, small-mouth and rock bass fishing along this route are excellent as well.

*Cranberry Wilderness Expansion*

This proposed addition to the highly popular Cranberry Wilderness is located between the Williams River on the North and the Cranberry River on the South and West. The landscape is predominantly a lush moist forest of Red Spruce and various hardwoods. This addition would protect several tributaries of both the Williams and Cranberry Rivers which are legendary trout streams. The area has an excellent trail system connected to the existing wilderness and is held in high esteem by hunters, anglers, hikers and horse packers alike.

*Roaring Plains West*

A high-elevation plateau which encompasses the highest sphagnum bogs in the state, and vast expanses of rocky, spruce-studded plains surrounded by outcrops offering spectacular views of surrounding mountain ranges. An average of 180 inches of snow falls on the area annually, creating opportunities for cross-country skiing and snowshoeing.

*Spice Run*

This remote and rugged area provides excellent opportunities for solitude and backcountry recreation. A true wilderness experience awaits the hunter, hiker or angler who explores this unique area. It contains the watersheds of Spice, Davy and Kincaid Runs, all native brook trout streams which drain into the Greenbrier River. The elevation goes from just under 2,000 feet along the Greenbrier River up to 3,284 on the top of Slab Camp Mountain. Spice Run, along with Davy Run and Kincaid Run, cut steep hollows which define the terrain.

*Dolly Sods Expansion*

Encompassing all of the area known as Dolly Sods North and protecting most of the upper drainage of Red Creek, this expansion would add approximately 7,144 acres to the existing Dolly Sods Wilderness. This plateau features large grassy expanses and bogs with heath barrens, blueberries and huckleberries. The area is home to rare Snowshoe Hares and New England Cottontails as well as endangered species such as the Cheat Mountain Salamander and the West Virginia Northern Flying Squirrel. For hikers, backpackers and horse-packers, Dolly Sods is especially popular for its many trails leading across diverse terrain with excellent backcountry campsites to be found throughout the area.

*Cheat Mountain*

One of the most remote of all the proposed wilderness areas, Cheat Mountain contains the state's largest unbroken stand of Red Spruce. Special features of the area include the High Falls of the Cheat which is a major waterfall and favorite destination for hikers and excursion train visitors. The sound of the river below, in one of its steepest, most boulderstrewn stretches, adds to the visitor's experience along the Shavers Fork of Cheat, the highest river of its size in the eastern U.S.

Earlier this month, the House Natural Resources Committee, reported out the House Version of this legislation (H.R. 5151). The bill was amended and while most of the changes were non-controversial, one amendment dropped the entire, Cheat Mountain area. This amendment disappointed many supporters of the Wild Monongahela Act. Rather than dropping an area we had hoped that the House of Representatives would improve the legislation to include areas left out of the original bill (both the House and Senate versions of the bill). These areas include Seneca Creek, Roaring Plains East and North and East Fork of the Greenbrier.

*East Fork of Greenbrier*

The proposed East Fork of Greenbrier would permanently protect important headwaters of the Greenbrier River, which is depended upon as a source of drinking water by downstream communities. This area is known for its excellent trout fishing, whitewater paddling, hunting and hiking opportunities. The area is home to the federally endangered West Virginia Northern Flying Squirrel and the Candy Darter. Remote and wild in character, the proposed East Fork of Greenbrier wilderness is a quiet, peaceful place, with excellent opportunities for primitive and unconfined recreation. Without wilderness protection this area and these important headwater streams will continue to be threatened by commercial logging, oil and gas development and road-building.

*Roaring Plains North & East*

These two units, which encompass the South Prong of Red Creek watershed as well as parts of the Flat Rock and Red Creek Plains, are part of the larger Roaring Plains complex. They are part of the Forest Service's roadless inventory and are highly qualified for wilderness status. Connected ecologically and recreationally with Roaring Plains West and the existing Dolly Sods Wilderness to the north, it makes sense for these areas to be designated as well since they possess all the same outstanding wilderness qualities. Both areas are typical of this region with scenic high elevation wetlands and jaw dropping views. The areas are threatened by the potential of industrial energy development in the form of wind turbines.

*Seneca Creek*

The proposed Seneca Creek wilderness is West Virginia's premier wilderness candidate. This area is one of the largest unprotected roadless areas in the eastern United States and is the crown jewel of the Citizens' Wilderness Proposal. Seneca Creek itself has been rated as one of America's top 100 trout streams with a naturally reproducing population of native brook trout and rainbow trout. Because of the lack of disturbance in the watershed, Seneca Creek and its tributaries have very high water quality. Seneca Creek is legendary for the backcountry recreation opportunities it contains but is currently threatened by oil and gas development going on

all around its border. Wilderness designation is critical to keeping this area just as it is.

While we continue to support S. 2581 we hope that the Senate will consider adding the areas mentioned above to the legislation. These special places have no lasting protection currently and could face pressure from industrial energy development, logging and road building in the future. Wilderness designation is the best way to ensure they stay just like they are, wild and wonderful. With all the growing pressures on the Monongahela National Forest we fear many of these special places could be lost if we fail to take advantage of this opportunity.

Mr. Chairman and members of the committee, we strongly recommend adding these areas to S. 2581 and we thank you for accepting our testimony. We would also like to thank Senators Byrd and Rockefeller for their leadership and ongoing commitment to keeping West Virginia Wild and Wonderful.

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INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION,  
*Boulder, CO, May 6, 2008.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the International Mountain Bicycling Association (IMBA), I write to offer comments on H.R. 5151—the Wild Monongahela Act.

IMBA was founded in 1988 and leads the national and worldwide mountain bicycling communities through a network of 80,000 individual supporters and 750 affiliated clubs. More than 39 million Americans participated in singletrack bicycling and 7.6 million were “enthusiasts” of the sport in 2004, according to the Outdoor Industry Association. Nationwide, IMBA members and affiliated clubs conduct close to 1,000,000 hours of volunteer trail and advocacy work annually and are some of the best assistants to federal, state, and local land managers. IMBA teaches sustainable trailbuilding techniques and has become a leader in trail design, construction, and maintenance. We promote responsible riding, volunteer trail work and cooperation among trail user groups and land managers.

We think it is important to protect remote and wild areas and support Wilderness. We also think it is vitally important to provide opportunities for healthy, human-powered outdoor activities with minimal environmental impact. Mountain biking is such an activity. We will support land use designations that meet the needs of both bicyclists and the environment.

Unfortunately, federal agency interpretation of the 1964 Wilderness Act bans bicycle access. Every time a congressional Wilderness bill is proposed, cyclists risk losing access to trails they have ridden for years. Further, they lose the potential to build new trails or expand bicycling access in these lands in perpetuity. IMBA members take Wilderness bills very seriously and want to be at the table to help craft land protection legislation. For this reason, bicyclists seek modifications of Wilderness proposals that will protect the land while continuing to allow this quiet, low-impact, human-powered recreation on existing trails. When conflict exists, IMBA suggests boundary adjustments, non-Wilderness trail corridors, grandfathering in our existing use, or other land protections such as National Protection Areas, National Conservation Areas or National Scenic Areas.

Regarding the Wild Monongahela Act, IMBA is very concerned about the area known as Dolly Sods North and urges a National Scenic Area designation be used to protect the lands in that area. Dolly Sods North contains 22.3 miles of high quality looping backcountry trails and is currently a popular mountain bike destination. It has been a popular mountain bike destination since the introduction of the first mass-produced mountain bicycles in the early 1980's. The West Virginia Mountain Bike Association (WVMBA) began doing trail maintenance on the trails in Dolly Sods North in the early 1990's and has continued trail maintenance to this day. In addition, WVMBA has sanctioned competitive events in Dolly Sods North under a Special Use Permit from the Monongahela National Forest and contributed trail maintenance as part of these agreements.

The table below reflects current estimates of trails and mileages in the area of Dolly Sods North, affected by the Wild Monongahela Act. It may not be exhaustive, but is a good faith effort to try to identify all the trails open and ridden by mountain bikers. There are more trails and railroad grades that are not system trails that exist and are currently used by the public that are not listed here and have not been inventoried by any organization or agency.

<i>Dolly Sods North</i>		<i>22.3</i>
509	Upper Red Creek	1.3
511	Blackbird Knob	4.7
514	Red Creek	.5
520	Beaver Dam	.7
521	Raven Ridge	2.8
522	Bear Rocks	2.4
523	Beaver View	1.2
524	Rocky Ridge	3.0
525	Harman	1.4
526	Dobbin Grade	4.3

IMBA is concerned that restricting access for bikes in Dolly Sods North would block access to and from adjoining trails near Timberline Four Seasons Resort, Canaan Valley National Wildlife Refuge, Canaan Valley State Park, Forest Service Road #19 and other areas of the Monongahela National Forest. All these areas see significant ridership and draw mountain bike visitors from throughout the nation. These access restrictions could significantly harm the economy of Canaan Valley, Davis and Tucker County, West Virginia.

IMBA proposes using a National Scenic Area designation for the Dolly Sods North area. On many occasions, Congress has used National Scenic Areas to protect and preserve wild lands yet allow for significant and environmentally sound recreation. Most recently, an NSA-type designation was used in the Virginia Ridge and Valley Act to allow continuing access to a popular mountain bike riding area, but also afford wild lands more protection from extractive and motorized uses. Overall, this alternative will preserve access to trails in Dolly Sods North as well as provide ample protections for important wild lands in West Virginia.

In addition to Dolly Sods North, mountain bikers are concerned about several other areas. The following is a list of trails impacted in Roaring Plains West and the Cranberry Expansion. Boundary adjustments or "cherry stems" for these routes would mitigate unnecessary restrictions on bicycle access.

<i>Roaring Plains West</i>		<i>8.4</i>
519	Flatrock Run	5.1
548	Roaring Plains	3.3
<i>Cranberry Expansion</i>		<i>25.1</i>
212	Lick Branch	2.1
213	Rough Run	3.5
214	Tumbling Rock	3.0
242	Little Fork	3.5
250	Birch Log	3.0
688	North South	10.0
<i>Big Draft</i>		<i>13.6</i>
614	Blue Bend	5.0
615	South Boundary	4.8
618	Anthony Creek	3.8

The remaining areas in the bill are all acceptable to IMBA and the WVMBA. Moreover, we are especially grateful to Chairman Rahall and the other sponsors for including language requiring the Forest Service to develop a plan to provide for enhanced non-motorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest. We understand that this plan may identify replacement trails for those lost to Wilderness designations by this Act, as well as improve the maintenance and sustainability of existing trails. The West Virginia mountain biking community is counting on the Forest Service and the sponsors to follow through on this trail improvement effort. IMBA supports these provisions and urges the committee retain them in any Senate-passed version of the bill.

Thank you for the opportunity to submit comments on this important Wilderness bill. IMBA looks forward to working with the committee and its members.

Sincerely,

JENN DICE,  
Government Affairs Director.

STATEMENT OF THE ALASKA CENTER FOR THE ENVIRONMENT; ALASKA WILDERNESS LEAGUE; ALASKA WILDLIFE ALLIANCE; AMERICAN BIRDING ASSOCIATION; AMERICAN BIRD CONSERVANCY; BLUE GOOSE ALLIANCE; DEFENDERS OF WILDLIFE; EARTHJUSTICE; ENVIRONMENT AMERICA; FRIENDS OF ALASKA NATIONAL WILDLIFE REFUGES; NATURAL RESOURCES DEFENSE COUNCIL; NATIONAL WILDLIFE FEDERATION; NATIONAL WILDLIFE REFUGE ASSOCIATION; NORTHERN ALASKA ENVIRONMENTAL CENTER; REPUBLICANS FOR ENVIRONMENTAL PROTECTION; SIERRA CLUB; TRUSTEES FOR ALASKA; THE WILDERNESS SOCIETY; WILDERNESS WATCH

On April 15, the Senate Energy and Natural Resources Committee will hear testimony on S. 1680, a proposed land exchange that would remove Wilderness protection from 206 acres of critical wildlife habitat on a narrow wetland isthmus between the Izembek and Kinzarof Lagoons in order to build a proposed road. The above mentioned organizations oppose the road proposal, introduced by Sens. Murkowski and Stevens, and respectfully request that this letter stating our objection be included in the hearing record.

The proposed road is not needed. The bill claims the road is necessary to address the transportation, health, and safety needs of King Cove. Congress addressed those needs in 1998, when it passed the King Cove Health and Safety Act. That legislation provided \$37.5 million to upgrade King Cove's medical facilities, purchase a hovercraft to provide regular ferry and emergency medical service between King Cove and Cold Bay, construct new marine terminals, and build an unpaved road between the town of King Cove and the connecting marine terminal.

The hovercraft is working. Hovercraft service began regular training runs in February 2007, and commenced full-time operation on August 7, 2007. By all accounts, the hovercraft service has met every medical evacuation need of the King Cove community since it began its first training runs in February 2007. The proposed road would cost U.S. taxpayers many more millions of dollars—for a solution that would be far less safe and more uncertain than the hovercraft already has proven to be in regular operation.

The land swap would sacrifice quality—206 acres of critical, internationally recognized wildlife habitat—for quantity. A road through the ecologically fragile tundra and wetlands that comprise the isthmus would sever the ecological heart of the protected Wilderness of the Izembek National Wildlife Refuge. The 61,000 acres of proposed exchange lands do not offer comparable protection or habitat for the important wildlife species at Izembek and for the designated Wilderness that would be lost or irreparably harmed by the construction of a road.

When Congress passed the King Cove Health and Safety Act in 1998, the law specifically prohibited a road through Izembek's federally protected Wilderness. The current proposals seek to overturn Congress' explicit intent to protect the Refuge. The Refuge was created to conserve fish and wildlife populations and their habitats. The wildlife values of Izembek National Wildlife Refuge are globally significant, and should not be compromised.

A road through Wilderness is not compatible with the purposes for which Congress created the Izembek National Wildlife Refuge. The Refuge was created to conserve fish and wildlife populations and their habitats; to fulfill the United States' international treaty obligations (such as the four migratory bird treaties and the Convention on Wetlands of International Importance); to provide for continued subsistence by local residents; and to ensure water quality and quantity within the refuge.

We appreciate your consideration of this letter and, again, ask that it be inserted into the hearing record.

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STATEMENT OF RAYMOND WATSON, CHAIRMAN, ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS, BETHEL, AK

As the recognized tribal organization and non-profit Alaska Native regional corporation, for our 56 member indigenous Native villages within Western Alaska, the Association of Village Council Presidents (AVCP) continues to have an active interest and concern regarding the development of a road between the communities of King Cove and Cold Bay in the Izembek National Wildlife Refuge and designated Wilderness area. In 1998, AVCP opposed H.R. 2259, another proposal to build a road between King Cove and Cold Bay, and our position has not changed regarding such a proposal.



Attached you will find a resolution\* that AVCP and the Waterfowl Conservation Committee (WCC) passed in 1998 opposing H.R. 2259 which would have allowed a road to be developed from King Cove to Cold Bay. Again our position has not changed regarding this matter. Our primary interest and concern involves the critical habitat for black brant and other subsistence waterfowl species that utilize the Izembek Refuge area for staging and feeding during their long and treacherous spring and fall migrations.

The people of the Yukon-Kuskokwim Delta (Y-K Delta) are primary stakeholders of waterfowl resources, as our customary and traditional subsistence uses of birds have long sustained us both nutritionally and culturally. Our people and communities have sacrificed years of subsistence hunting and egg gathering to allow the Pacific black brant population to recover to where it is today from decades of habitat destruction along the Pacific Flyway. To this end, we have worked cooperatively with the U.S. Fish and Wildlife Service, the Alaska Department of Fish and Game and many other state game agencies within the Pacific Flyway to develop and pursue recovery efforts. After these years of effort and sacrifice toward restoration of the black brant population, it would be a step in the wrong direction and would no doubt undermine our efforts to build a road that would impact critical black brant and other subsistence waterfowl habitat—Surely a road constructed through their wilderness habitat will have detrimental effects on their ability to gather the essential nutrients to continue their spring and fall migration.

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) sets a priority for subsistence uses of fish and wildlife on federal lands in Alaska. The federal government thus has a legal obligation to protect subsistence, as embodied in Title VIII of ANILCA. In the agency's 1987 Comprehensive Conservation Plan (CCP) for Izembek Refuge the U.S. Fish and Wildlife Service acknowledges that building a road through Izembek, ". . . would likely result in significant adverse impacts to caribou, waterfowl, and furbearer populations," which, in turn, ". . . could result in major, longterm impacts to subsistence." It is for this reason that we can not support the bill before you today, H.R. 2801. The U.S. Fish and Wildlife Service would not be fulfilling its legal obligations regarding subsistence and would undermine the years of work that have gone into restoring the black brant population by agreeing to move forward with the proposed land exchange and road development project.

For these reasons, we urge members of the House Natural Resources committee to vote against H.R. 2801. The enclosed resolution further clarifies the reasoning behind our opposition to any roads being constructed through this important feeding and staging area for our waterfowl.

Thank you for considering our views in this matter.

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STATEMENT OF TOM IRWIN, COMMISSIONER, ALASKA DEPARTMENT OF NATURAL RESOURCES, ON S. 1680

The State of Alaska supports S 1680, legislation that would authorize a land exchange between the State of Alaska, the U.S. Fish and Wildlife Service and King Cove Corporation to secure road access between the Alaskan communities of King Cove and Cold Bay. These communities are located on the Alaska Peninsula and are accessible only by air or water.

A priority for the Agdaagux Tribe of King Cove, the City of King Cove and the Aleutians East Borough is to construct a 27-mile road to Cold Bay, through the Izembek National Wildlife Refuge, to access the larger and safer airport at Cold Bay.

This overland link is necessary because both air and water access to King Cove is treacherous in the frequent stormy weather so common on the lower Alaska Peninsula. Cold Bay has a much larger, safer airport and the residents of King Cove need reliable access to the Cold Bay airport facility for health and safety, including emergency medical evacuations. A combination road and hovercraft system, established under the King Cove Health and Safety Act passed by Congress several years ago, has not safely nor efficiently resolved access problems.

The need for this road link has been identified in land and transportation plans for at least twenty-five years, including the Alaska Department of Transportation's Southwest Alaska Transportation Plan, adopted in 2004.

The land exchange would add valuable and significant acreage to the Izembek and Alaska Peninsula National Wildlife Refuges. Much of the land that would be added to the refuges is currently owned by the State of Alaska. Specifically, the State of

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\*Document has been retained in subcommittee files.

Alaska is offering to exchange 43,093 acres, or all of the state-owned land contained in two townships located northeast of Izembek Refuge, in exchange for a 206 acre easement dedicated to the State of Alaska, through the Izembek National Wildlife Refuge and Wilderness. The undeveloped state land being offered to the Refuge is surrounded on three sides by refuge lands and is habitat for brown bears and caribou. This state land includes the lower portion of the Cathedral River, which drains the western flanks of Pavlof Volcano. It is de facto wilderness land. This state land was included in a recent state oil and gas lease sale, although no bids were received on these tracts.

The 7,900 acres being offered to the Izembek Refuge by King Cove Corporation includes valuable waterfowl habitat that straddles Kinzarof Lagoon at the head of Cold Bay. This land is an inholding within the existing Izembek Wilderness area. The Corporation is also offering to sell an additional 10,800 acres of private lands to the U.S. Fish and Wildlife Service for the Refuge.

The road easement that the state would acquire will run approximately 13 miles through the Izembek National Wildlife Refuge. More than half of this road already exists as primitive roads that were originally built during World War II. The total length of new road through the Wilderness area is 6.3 miles. The exact location of the easement will be determined in consultation with the U.S. Fish and Wildlife Service.

The combined offers from the State of Alaska and the King Cove Corporation would add 51,000 acres to the Izembek and Alaska Peninsula National Wildlife Refuges. All of the state land that is being offered in this exchange would be designated Wilderness by this legislation.

The state would acquire approximately 206 acres that encompass the road. The state would also acquire a 1,600-acre federal inholding on Sitkinak Island, a predominantly state-owned island located south of Kodiak Island.

The State of Alaska recognizes the unique value of the Izembek National Wildlife Refuge. In 1972, the Alaska Legislature set aside the state-owned tidelands within Izembek Lagoon and adjacent offshore state lands as a State Game Refuge. These state lands contain eel grass beds that are the very heart of Izembek Refuge.

As part of this proposal, the state would add more than 4,000 acres of state-owned tidelands in Kinzarof Lagoon, at the head of Cold Bay, to the State Game Refuge. The exchange will require approval by our state legislature as the state lands are quite likely of unequal, but greater, fair market value than the federal lands being exchanged.

The state is well aware of concerns expressed by various groups who are opposed to this legislation. Some are concerned about the precedent set by building a road through a Wilderness Area. Yet, when the Alaska National Interest Lands Conservation Act was passed in 1980, Congress specifically recognized that transportation facilities may be needed across the 58 million acres of federal Wilderness lands in Alaska. The Alaska Lands Act requires Congressional approval for such transportation corridors through Wilderness.

There are also concerns about increased public access to the refuge wilderness. The refuge and wilderness area are already accessible from Cold Bay by existing local roads. Through planning and enforcement of existing refuge regulations, the impacts of the limited number of new users from King Cove can be mitigated.

The State of Alaska supports this legislation and stands ready to commit over 43,000 acres of state land to the National Wildlife Refuge and Wilderness system. We urge the Committee to approve this bill.

Thank you for the opportunity to comment on this legislation.

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SUPPORTERS OF THE VIRGINIA RIDGE AND VALLEY ACT OF 2007

H.R. 1011 ENDORSEMENTS

*Elected Officials*

- Senator John Warner
- Senator Jim Webb
- Congressman Rick Boucher
- Congressman Tom Davis
- Congresswoman Jo Ann Davis (deceased)
- Congressman James Moran
- Congresswoman Grace Napolitano
- Congressman Bobby Scott
- Congressman Frank Wolf
- Governor Tim Kaine

- Governor Mark Warner (endorsed 2005 bill)
- John Moffo, Montgomery County Board of Supervisors
- Rupert Cutler, former member Roanoke City Council and former Assistant Secretary of Agriculture

*Local Governing Bodies*

- Bland County Board of Supervisors/Resolution for areas in Bland County
- Craig County Board of Supervisor/Resolution for areas in Craig County
- Montgomery County Board of Supervisors/Resolution for area in Montgomery County
- Smyth County Board of Supervisor/Resolution for areas in Smyth County

*Local Businesses*

- Archaeological & Cultural Solutions, Inc./Williamsburg/Alain Outlaw
- Body Balance/Wytheville/Susan Thomasally
- Books & Company/Lexington/Anna Lisa Fitzgerald
- Bowman Environmental Services, LLC/Daniel Bowman
- Cooper Cress Stables/Wytheville/Pam Umberger
- Cregger Stables/Smyth County/Doug Cregger
- Blue Ridge Mountain Sports
  - Charlottesville
  - Virginia Beach
  - Nellysford
  - Glen Allen
  - Richmond
  - Williamsburg
- Blue Ridge Outdoors/Blacksburg
- Blue Ridge Outdoors/Roanoke/Bill Wilson—President
- Fern Hill Furniture Works, LLC/John Casteen—Owner
- Fox Hill Inn/Troutdale/Mark and James Holmes
- Galax Storage/Wythe County/Mark and Cathy Stanley
- Healthy Handmade Shoes/Rockbridge County/Glenn Leisure—Owner
- Hunter's Den/Craig County/Ellen Horn—Owner
- JR's Outdoor Gear/Danville
- Jamont Communications/Boyd Johnson
- Kissingrock Camp/Looney Cabin/Annie Malone
- Lexington Bicycle Shop/Andy Hunter
- Monticello Country Ballooning/Charlottesville/Amanda Baskin
- Mount Rogers Outfitters/Damascus
- M&W Flower Shop/Chatham Virginia
- North End Cyclery/Virginia Beach/Eric Koehn
- Nutmeg Glass/Rockbridge County/Margaret Carroll
- Outdoor Trails/ Roanoke and Lynchburg
- Ray Home Improvement/Lexington/George Ray
- Shenandoah Bicycle Shop
- Social Butterflies/Charlottesville/Linda Marchman
- Sole Source/Harrisonburg
- Southwest Imports/Wytheville/Donna Muhly
- Still Point Press/Charlottesville/Kristin Adolfsen
- Sunday's Child/Lexington/Lucia Owens
- The Bookery/Lexington/Marysue Forrest
- Tidewater Sea Urchins/Norfolk/Richard Tarr
- Tom Lavelle Veterinary Service/Wythe County
- Treehuggers Outdoors/Wytheville/Ian Fiorini—Owner
- White House on Jackson Bed & Breakfast/Lexington/Bob Lera
- Wild River Outfitters/Virginia Beach/Lillie Gilbert

*Tourism Officials, Garden Clubs, Trail Clubs and Outdoor Clubs*

- Virginia Tourism Corporation
- Scenic Virginia
  - Garden Club of Virginia
  - Augusta Garden Club/ Staunton, Virginia
  - Franklin Garden Club/ Franklin, Virginia
  - Gabriella Garden Club/ Danville, Virginia
  - Garden Club of the Eastern Shore/ Eastville, Virginia
  - Martinsville Garden Club
  - Mill Mountain Garden Club/ Roanoke, Virginia
  - Nansemond River Garden Club/ Suffolk, Virginia

- Roanoke Valley Garden Club
- Shenandoah Chapter of the Virginia Native Plants Society
- Appalachian Trail Conference for areas that include the Appalachian Trail
- Devil's Fork Trail Club
- Outdoor Adventure Social Club
- Piedmont Appalachian Trail Hikers
- Roanoke Appalachian Trail Club
- Southern Shenandoah Valley Chapter of Potomac Appalachian Trail Club

*Local Organizations*

- Citizens for the Preservation of Craig County/Ellen Coleman
- Citizens of Lee Environmental Action Network
- Citizens Task Force
- Coalition for Job and the Environment
- Goshen Alliance
- Greater Lynchburg Environmental Council
- Ivy Creek Foundation
- Jackson River High School Outing Club
- Jefferson Chapter of the VA Native Plants Society
- Kiwanis Club of Lexington
- Living Education Center for Ecology and the Arts
- Mountain Heritage Alliance
- Patrick Environmental Awareness Group
- Preston Forest Homeowners Association/Montgomery County/Adjacent land owners
- Rockbridge Area Conservation Council
- Rockbridge County Greens
- Sierra Club, Blue Ridge Group
- Sierra Club, New River Group
- Taking Responsibility for the Earth and Environment
- The Clinch Coalition
- The Wilderness Conservancy at Mountain Lake/Giles County/Dave Deshler
- Upper James River Chapter of the Virginia Native Plants Society/ Buena Vista
- Wild Virginia
- Wythe Conservation Network

*State Organizations*

- 500-Year Forest Foundation
- Piedmont Environmental Council
- The Nature Conservancy, Virginia Chapter
- Virginia Audubon Council
- Virginia Conservation Network
- Virginia Council of Trout Unlimited
- Virginia Forest Watch
- Virginia Native Plant Society
- Virginia Sierra Club
- Virginia Society of Ornithology
- Virginia Wilderness Committee

*Faith Groups*

- Committee on Stewardship of the Creation, Episcopal Diocese of Virginia
- Charlottesville Friends Meeting Peace and Social Concerns committee
- Louisa County Worship Group
- Maury River Friends Meeting Peace and Social Justice Committee
- Midlothian Friends Meeting Peace and Social Justice Committee
- Trinity Presbyterian Restoring Creation House Church/Harrisonburg/Lynn Cameron

*Petitions Signed and Mailed to Legislators*

- Blue Ridge Mountain Sports—828 signers
- Banff Mountain Festival at UVA Darden School—67 signers
- Southern Appalachian Forest Coalition—115 signers

*Individuals Endorsing the 2004 Bill*

- Shirley Blackwell/Marion
- Chris Bolgiano/Author
- Jim Bradley/Bearhunter/Craig County
- Paul Cabe/Board member Virginia Society of Ornithology/ Lexington, Virginia
- Sharon Cooper/Wytheville

- Jerry and Carrie Crawford/Bearhunters/Craig County
- Thomas W. Crockett/Gloucester
- Linda Danner/Marion
- Tom Davenport/Damascus
- Lynn C. Euse/Stuarts Draft
- Bart Fiegley/Marion
- Bob Fener/Long Mountain Center/Amherst
- Robert French/ Member Virginia Forestry Association/Earlysville
- William Garlett/Newport News
- Steven Hassett/Member Republican National Committee/Virginia Beach
- Alan and Gloria Heath/Blacksburg
- Ruth Ann Herring/Lexington/Herring Real Estate Office
- Than and Mary Ann Hitt/Blacksburg
- John W. Holman
- Holly Hueston/Charlottesville
- Alice and Bill Hurleboss/PATH members/Marion
- Ann Hurt/Garden Club of Virginia
- David Jenkins/Blacksburg
- Susan Lapis/Southwings Pilot/Abingdon
- Laurie Maitre & Bill Ross/Arrington
- Claire McBrien/Wythe County/Ecological Educator
- Andrew McCarthy/Alexandria
- Jennifer Meyer/Charlottesville
- Dan Meyers/Lighthawk Pilot/Alexandria
- Steve Montgomery/Williamsburg
- Nagal Nassau/Charlottesville
- Elizabeth Obenshain/Blacksburg
- Travis Overstreet/Climbing Coordinator/Odyssey Adventure Racing
- Sharon Ratliffe/Wytheville
- Mary Rhoades/Blacksburg
- Nathan Richards/Barboursville
- John Saunders/Marion
- Jim Sexton/Chesapeake
- Michael Shackelford/Charlottesville
- Ethan Tabor/Blacksburg
- Nicole Trask/Danville
- Sandra Trask/Charlottesville
- Gail N. Vernon/Marion
- John Votta/Richmond
- Gerald Watts/Palmyra
- Travis Weaver/Waynesboro
- Dave and Lindsay West/Blacksburg
- Lu and Larry Wilhite/Wythe County/Larry is a retired USFS employee

*National and Regional Organizations*

- Appalachian Voices
- Blue Ridge Environmental Defense League
- Campaign for America's Wilderness
- Scenic America
- Southern Appalachian Forest Coalition
- Southern Environmental Law Center Southwings
- The Wilderness Society
- Wilderness Support Center
- Wildlaw

*International Organizations*

- International Mountain Bicycling Association