

## PUBLIC LANDS 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 ELEVENTH CONGRESS

FIRST SESSION

ON

**S. 555**                      **S. 607**  
**S. 721**                      **S. 1122**  
**S. 1328**                    **S. 1442**  
**H.R. 129**

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OCTOBER 29, 2009



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## PUBLIC LANDS BILLS

THURSDAY, OCTOBER 29, 2009

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

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

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

Senator WYDEN. This subcommittee will come to order. The purpose of today's hearing is to receive testimony on several bills pending before the subcommittee.

These include S. 555, the Sugar Loaf Fire Protection District Land Exchange Act.

S. 607, the Ski Area Recreational Opportunity Enhancement Act.

S. 721, the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act.

S. 1122, the Good Neighbor Forestry Act.

S. 1328 and H.R. 689, the Shasta-Trinity National Forest Administrative Jurisdiction Transfer Act.

S. 1442, the Public Lands Service Corps Act.

H.R. 129, to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California.

Our ranking minority member, Senator Barrasso, is very gracious, as always, and thought that Senator Bingaman, our Chair of our full committee should go next. So, Chairman Bingaman, welcome.

[The prepared Statements of Senators Ensign, Murray, and Feinstein, and Representative Reichert follow:]

PREPARED STATEMENT OF HON. JOHN ENSIGN, U.S. SENATOR FROM NEVADA,  
ON S. 607

I want to thank Senator Wyden for holding today's hearing about the Ski Area Recreational Opportunity Enhancement Act. This legislation provides us with a unique opportunity to promote some of our country's most beautiful recreational areas by encouraging and welcoming innovative thinking and more efficient use of our land.

Several decades ago, ski slopes were for skiing. That was pretty much the extent of the scope and income of ski areas. We have all witnessed the evolution of those slopes into prime opportunities for year-round activities. Unfortunately, our outdated laws are stifling recreational and economic opportunity.

The Ski Permit Act of 1986 makes it difficult for the U.S. Forest Service to permit some recreational activities at ski resorts during the summer months. While a vari-

ety of activities have been permitted at resorts in some regions, resorts in other regions are stuck struggling through a bureaucratic process.

The legislation under consideration today would allow the U.S. Forest Service to provide more consistent and informed decisions across the country. Increasing the amount and availability of year-round activities at ski resorts will help attract more visitors to the resort communities. By allowing these year-round activities, families will have a greater variety of activities to choose from.

Attracting guests with new experiences and activities will also help local communities by stimulating the economy. Many of these communities have the capability to accommodate visitors all four seasons but lack the tourism needed to capitalize on their current infrastructure. This leaves many businesses behind and stagnant in the off months as their potential is being greatly underutilized.

In my home State of Nevada, we have tremendous ski resorts at Lake Tahoe, Mount Rose, and Mount Charleston. Their slopes are breathtaking when they are covered in fresh snow, but they are also beautiful on a warm summer day. We should not prevent people from enjoying these recreational areas all year long. Let's update this law to allow for more opportunities to take advantage of our recreational areas. It will benefit our local economies, benefit visitors to these areas, encourage an appreciation for our natural surroundings, and lead to increased health and fitness opportunities.

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PREPARED STATEMENT OF HON. PATTY MURRAY, U.S. SENATOR FROM WASHINGTON,  
ON S. 721

Thank you, Chairman Wyden. I want to thank you and Senator Barrasso for including the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act as part of your hearing today.

The existing 394,000 acre Alpine Lakes Wilderness is a treasure both in Washington State and across the country. As one of the most visited wilderness areas in the country, Alpine Lakes Wilderness gives millions of people the opportunity to enjoy our public lands just a short drive from Seattle.

Today we are here to discuss the opportunity to permanently protect additional lands near the Alpine Lakes Wilderness, and to designate two rivers of great importance to the surrounding ecosystem as Wild and Scenic. The Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act will protect wildlife, promote clean water, enhance and protect recreational opportunities, reflect the diverse landscapes of the Puget Sound region, and contribute to the local economy.

This has been a team effort and I want to thank Senator Cantwell for being here. I appreciate her co-sponsorship of this bill as well as her assistance.

I also want to acknowledge my colleague and partner on this bill, Congressman Dave Reichert. Throughout this process, Dave has reached out to the local communities and stakeholders to understand their priorities.

The bill before you today is the result of discussion and negotiation with the local community and interested stakeholders regarding issues such as mountain bike use, search and rescue operations, ski operations, and road and trailhead access.

My colleagues and I have worked hard to address constructive issues and concerns that have been brought to us. I am grateful to everyone who reached out to us and worked with us, and I think you'll see that because we worked hard to address those concerns, this bill has garnered broad support.

Mr. Chairman, I'd like to mention just a few of the benefits the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act will offer.

First, this wilderness area will protect wildlife and promote clean water by preserving the landscapes that host many native plants and animals. The wilderness is home to abundant elk and deer populations as well as other animals and native fish populations.

Second, this wilderness designation, along with the Wild and Scenic River designations will enhance and protect recreational opportunities for our growing region. More people and more families are turning to outdoor recreation on our public lands. This bill protects the area for users today and into the future, and will preserve existing road and trailhead access.

That leads me to the third benefit of this bill: Wilderness and Wild and Scenic River designations will contribute to the local economy. Even during the tough economy of the last several years, outdoor industry retail sales have stayed strong. That means more people are going out more often into our wildlands and the gateway communities that serve them. The existing Alpine Lakes Wilderness is already a

destination and these additional protections will add to the allure of this special place.

Another driving purpose behind the bill is the inclusion of low elevation lands. The proposed additions we are discussing today provide an opportunity to protect rare low elevation old growth and mature forests. These low elevation lands were largely excluded from the Alpine Lakes Wilderness in 1976, and about half of the lands included in this proposal are below 3,000 feet in elevation.

Mr. Chairman, I have a few letters from groups and individuals I would like to submit for the record and the Committee's consideration. I know that Senator Cantwell also has letters to submit to the record and I hope to supplement those.

I appreciate that Deputy Chief Holtrop from the Forest Service is here today to testify. I understand that the Forest Service will provide some suggestions on the legislation, and I look forward to working with them.

Mr. Chairman, I had the opportunity to visit the Alpine Lakes area this spring, and it truly is a special place. Conserving and preserving our natural resources reflects the values I grew up with here in Washington State and I want to leave the same kind of legacy for my grandson and for future generations to enjoy. And this legislation will ensure that we protect these special places. I appreciate your time today and I look forward to working with you and the Committee to move forward on this legislation.

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PREPARED STATEMENT OF HON. DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA, ON S. 1328, H.R. 129, S. 1442, S. 607

*Introduction*

Chairman Wyden, and Members of the subcommittee, thank you for taking the time to hold this hearing and provide the opportunity for testimony on these important matters. I appreciate the opportunity to come tell you why I support four bills you are addressing today:

- S. 1328—Shasta-Trinity National Forest Administration Jurisdiction Transfer Act;
- H.R. 129—Authorization of the conveyance of certain National Forest System lands in the Los Padres National Forest in California;
- S. 1442—Public Lands Service Corps Act; and
- S. 607—Ski Area Recreational Opportunity Enhancement Act

Each of these bills will make it easier for people to enjoy and use federal lands.

*Shasta-Trinity National Forest Administration Jurisdiction Transfer Act (S. 1328)*

The Shasta-Trinity National Forest Administration Jurisdiction Transfer Act would improve the management of an Off-Highway Vehicle area and several parcels of wilderness. The Chappie-Shasta Off-Highway Vehicle area would be improved because it would be entirely under the management of the Bureau of Land Management. People wanting to recreate in the area would have greater certainty and less unnecessary bureaucracy, and be better able to enjoy federal lands. And the Forest Service would be able to manage wilderness areas contiguous to its current lands.

This bill would fix the difficulties and additional expense for the public created by the current split management of the Off-Highway Vehicle area. Users would no longer need two permits, often at substantial and unnecessary cost. And the entire area would no longer have different opening dates, frustrating the local Off-Highway Vehicle community and the thousands of tourists who travel there every year.

This exchange only would affect land already controlled by the federal government and would not change the designation of these lands. Furthermore, it would be beneficial to the local community, which has supported this jurisdictional change. The bill was developed in a collaborative manner, with input and agreement at the local level by the Forest Service and BLM, in conjunction with the local Off-Highway Vehicle community. The bill is also supported by the County Board of Supervisors.

*Authorization of the conveyance of certain National Forest System lands in the Los Padres National Forest in California (H.R. 129)*

This bill would authorize the Forest Service to sell a small parcel of land to the White Lotus Foundation, ensuring its continued access to its private property. White Lotus runs a private institution providing yoga teacher training, continuing education, and retreats, but there is only one entry road to the property, which zigzags through a small section—just 5 acres—of steeply sloped Forest Service land. White Lotus would pay for all the necessary environmental reviews and approvals needed for the conveyance. And the proceeds from the sale of the land would be used to

purchase more useful lands for the Forest Service. This is a common-sense solution worked out by members of the local community.

*Public Lands Service Corps Act (S. 1442)*

I support this amendment to the Public Lands Corps Act. It would substantially expand the program and create more opportunities for our nation's youth to participate in the management and care-taking of our natural resources. In particular, it would continue to provide funding and authorize participation in hazardous fuel reduction projects, which help protect communities and habitat, and restore our forest landscapes.

*Ski Area Recreational Opportunity Enhancement Act (S. 607)*

This bill would amend the 1986 Ski Area Permit Act to allow summer, natural resource-based recreational activities at public land ski resorts. Currently, Forest Service policy on summer activities is unclear, and as a result, agency decision making on summer activities varies greatly by region. Eighteen ski resorts in California would be affected by this legislation: Heavenly, Kirkwood, Sierra, Mt. Rose, Alpine Meadows, Sugar Bowl, Bear Valley, and several in the Big Bear Lake area. The ski resorts need to have year-round use to keep jobs during the off-season. The language in S. 607 would provide for more clarity and consistent decision making. There would still be National Environmental Policy Act (NEPA) review and environmental assessment for any proposed off-season use, and any proposed use must be consistent with the Forest Plan.

*Conclusion*

Again, I thank you for holding this hearing. Each of these four bills would ensure better utilization of public lands, resolve local conflicts, and continue good stewardship practices.

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PREPARED STATEMENT OF HON. DAVE REICHERT, U.S. REPRESENTATIVE FROM  
WASHINGTON, ON S. 721

Chairman Wyden, Ranking Member Barrasso, and Members of the subcommittee—thank you for holding this hearing on the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act (S.721), and for allowing me to submit supporting testimony. Senator Patty Murray has been an outstanding partner in this bipartisan conservation effort, and I am pleased to have her leadership and the support of Senator Maria Cantwell on this bill.

S.721, the companion to House legislation I first introduced in 2007 and reintroduced this year (H.R. 1769), builds upon the proud Washington State tradition initiated by Senators Warren Magnuson (D-WA), Scoop Jackson (D-WA), and Dan Evans (R-WA) of working together to protect our public lands and preserve recreational opportunities for outdoors enthusiasts. The people of Washington State understand how this bipartisanship works for their lasting benefit: look no further than Mt. Rainier, Olympic, and the North Cascades National Parks to see how these anchors of outdoor recreation are treasured by residents and visitors alike.

The current 394,000-acre Alpine Lakes Wilderness reaches the crest of the Cascade Mountains just east of the Seattle-Bellevue metropolitan area. In 1976, the Alpine Lakes Wilderness was designated by Congress and has become one of the most popular wilderness areas in the country. Now, 30 years later, S.721/H.R.1769 provides an opportunity to permanently protect key additions to the Alpine Lakes Wilderness in my congressional district that will preserve important wildlife habitats, existing recreational opportunities, and local economies that rely on both. The legislation embraces important lower-elevation lands, completes watersheds, protects two rivers with Wild and Scenic designations (the Pratt and Middle Fork Snoqualmie Rivers), and provides clean water and flood control for the Middle Fork and South Fork valleys. Congressionally-designated Wilderness and Wild and Scenic River designations are the strongest and most durable means to ensure these special areas are preserved for our children and grandchildren to experience.

The Middle Fork and South Fork valleys are the closest and most accessible mountain valleys to residents of the greater Seattle-Bellevue metropolitan area. The proposed additions have been carefully crafted with consideration for existing recreational opportunities for hiking, camping, rafting, kayaking, horseback riding, mountain biking, and wildlife viewing. It also protects a large area of accessible lowland forests, preserving hunting and fishing opportunities in primitive settings.

Our proposal also protects an important wildlife habitat that contains abundant elk and deer populations. And although salmon are not present in the Middle Fork, there are substantial populations of resident trout that rely on the streams of the



Pratt and Middle Fork Snoqualmie Rivers. These watersheds are sources of clean water, important for downstream fisheries and commercial and residential water users. Preserving the forests as Wilderness would ensure maintenance of flow during the dry summer months, and aid in flood control. The Snoqualmie basin is subject to flood events on a regular basis; the low-elevation forest valleys are critical to controlling run-off rates here and the proposed additions would preserve intact forest ecosystems, protecting against increasing flood severity on downstream infrastructure and residents.

The benefits of the legislation are clear, but the process we engaged in to reach this consensus measure is equally important for the subcommittee to consider. I am proud of the fact that this legislation is the result of extensive consultation and consensus-building with local stakeholders. Meetings began as early as May 2007, and frequent gatherings to collaborate with elected officials, conservation enthusiasts, recreation groups, and property-rights advocates constructed and modified this proposal to address concerns raised by stakeholders. That is one of many reasons why this and the original proposal enjoys the strong, broad-based local support of 104 elected officials; 113 businesses, ranging from recreational outfitters to restaurants and retailers; 15 hunting and angling groups; 14 recreational groups, including paddlers, bikers, and hikers; 24 conservation organizations; and 69 religious leaders.

This collaborative approach is best exemplified by an agreement worked out between user groups for access to trails along the wilderness boundary. Through discussions with mountain bikers, hikers, and conservationists, a consensus plan was crafted to use the trail adjacent to the proposed wilderness addition on alternate days, so that those hikers seeking a trail 3 experience without encountering bicyclists could do so on specific days. Here is an innovative resolution to what might otherwise have been a festering controversy. This collaboration is a perfect example of the broad coalition of supporters for this proposal, and the unity of purpose among them in seeking federal designation for these wilderness additions.

The additions made by S.721/H.R. 1769 to the Alpine Lakes Wilderness Area, combined with the designation of the Middle Fork Snoqualmie River, fit the Washington State tradition of collaborative, consensus-based, environmental stewardship. This wilderness will serve vast, untold numbers of Americans. It serves those who choose to adventure into its quiet valleys and up to its sentinel peaks. Some of those are hardy mountain climbers; for others the adventure is an afternoon walk, grandparents introducing their grandchildren to nature at its most wild and inviting along a quiet, easy wilderness trail. It serves the larger group of wilderness users who take pleasure from the wilderness they view from the Mountains-to-Sound Greenway, an extraordinary corridor of protected federal, State, and private lands offering all kinds of recreational opportunities to those who travel across our State on InterState 90, which crosses the Cascades just south of the Alpine Lakes Wilderness. Those who savor the wild scenery from more developed sites and roadways are no less users of wilderness than the adventurers who trek to the highest, farther peaks.

Finally, this wilderness serves the future generations for whom we must act today. As a grandfather, I understand that we have a stake today in a future I will not live to see. That is the world in which our grandchildren's children will live their lives, amid whatever kind of landscape we have left them. Count mine as one solid voice on behalf of ensuring that the landscape we bequeath to future generations is one with an abundant, generous, diverse system of wilderness areas, not only in the most remote stretches of our beautiful country, but right here close to home—in a “backyard wilderness” such as the Alpine Lakes.

I urge you to support this legislation and to approve it for floor consideration. Again, I appreciate your leadership and responsiveness in scheduling this hearing, and I would be pleased to respond to any questions.

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

The CHAIRMAN. Thank you for the courtesies. I didn't need to go next. But I'm glad to just make a couple of sentences of Statement here.

This is an important hearing for several of these bills. I have particular interest in S. 1442, the Public Lands Service Corps Act of 2009. That's a bill that we have several co-sponsors of. It would

expand opportunities for young men and women to become involved in work projects on public lands.

I think we have a great history in our country of young people doing good work on our public lands. We need to continue that and increase it. This is an opportunity to do that.

We have a letter\* from some 50 organizations supporting the legislation that I would ask you to include in the record.

Senator WYDEN. Without objection it will be done.

The CHAIRMAN. Another bill that you have on the agenda that I'm interested in is this Good Neighbor Forestry Act. I support the core goal of improving coordination and cooperation across the political boundaries. I do think there are some legitimate concerns have been raised about some of the specific provisions of the bill. Maybe in the question and answer we can get into consideration of those.

Then S. 607, which is the National Forest Ski Area Permit Act, is another bill of interest. One I generally support the idea of trying to encourage additional recreational uses of our national forests. Again we need to look at the specifics of the legislation. Be sure that the taxpayer is properly compensated as part of this.

So, thank you again for having the hearing.

[The prepared statement of Senator Bingaman follows:]

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

Thank you Mr. Chairman for holding a hearing on Senate Bill 1442—the Public Land Service Corps Act of 2009—which is a bill I introduced along with a number of other cosponsors.

S. 1442 would expand the opportunities for young men and women to become involved in work projects on public lands. This bill would build on the long and impressive record of the conservation corps in helping to conserve, protect, and improve our natural, cultural, and historical resources on public lands, offer productive employment for young adults, and provide critical job skills.

I have a letter from some 50 organizations supporting this legislation that I'd like to include in the record.

I also would like to briefly address the Good Neighbor Forestry Act. I support the core goal of improving coordination and cooperation across political boundaries. This is especially important in the wildland-urban interface, where coordination in both directions across boundaries is critical to protecting communities and reducing fire suppression costs.

A number of legitimate concerns have been raised about some of the specific provisions in this bill. I think these concerns can be addressed with some modifications, and I hope to work with Senator Barrasso and other Members, the Administration, and the other stakeholders to address these concerns so we have a proposal that can get through the Senate and the House, and across the President's desk.

Senator WYDEN. Thank you, Mr. Chairman.

Senator Barrasso.

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

Senator BARRASSO. Thank you, Mr. Chairman. I want to thank you and commend you for scheduling the hearing today.

One of the bills on the agenda, S. 1122, the Good Neighbor Forestry Act, is legislation that I introduced some time ago. It's a bipartisan common sense bill. Original co-sponsors of the bill include Senators Tim Johnson, Mark Udall, Michael Bennett, Jim Risch

\*Letter has been placed in Appendix II.

and Bob Bennett. I want to thank Wyoming State Forester Bill Crapser for rearranging his schedule to be here with us today from Wyoming. Bill has been a big help from the start.

S. 1122 authorizes the Secretaries of Agriculture and Interior to enter into cooperative agreements with State foresters. The bill authorizes State foresters to provide certain forest, range land and watershed restoration and protection services in collaboration with Federal agencies. I call it the Good Neighbor Forestry Act because it brings together State and Federal agencies to work cooperatively. We need to work together as neighbors to address land management challenges.

Now Wyoming forests, like those of all the States across the West are facing unprecedented challenges. These challenges, such as preventing wildfires, removing invasive species, improving watersheds and conserving habitat, require big picture thinking. We have to address these threats at the landscape level.

This bill is very simple. The Good Neighbor Forestry Act would allow the Forest Service or BLM to work with Western States to complete work that crosses ownership boundaries. The bill would provide on the ground management tools that our Federal, State and private lands desperately need.

Good neighbor authority has been enjoyed by the States of Colorado and Utah for most of the last decade. Good neighbor projects have worked well in those States. They've met environmental goals and provided benefits to the local communities involved.

I'll give you an example: Perhaps we have Canadian thistle that's over taking a drainage area. The State owns the land on one side of the creek. The Forest Service owns the land on the other side. We can't effectively manage this invasive weed, unless we treat the landscape as a whole.

If the State clears out all the thistle on its side of the creek 1 year, but the Forest Service can't address the thistle problem that same year, the thistle seeds will continue to spread and the State's work will go to waste. By the next year, the thistle will have reclaimed the State land and many acres further down the mountain.

If instead, we use good neighbor authority, the Forest Service can prepare a cooperative agreement with the State for invasive species control. The State can then send workers to clear the entire drainage of thistle. Good neighbor authority allows us to effectively address the problem, use management funds efficiently and meet both the State and the Federal land management goals.

This is a win/win situation. Now I'm sure you're going to hear some concerns today that good neighbor authority could run amok. But these concerns, I believe, are overblown.

Good neighbor authority simply provides the Federal agencies with the ability to enter into cooperative agreements. It does not cede decisionmaking authority to the States. S. 1122 does nothing more or less than the authority already in place in Utah and Colorado. It would simply expand the use of that authority to other States west of the 100th meridian.

Mr. Harris Sherman, the soon to be USDA Under Secretary for Natural Resources and Environment was very supportive of this authority in his testimony. In responding to questions for the record he wrote, "I further believe national good neighbor authority

is warranted to help address forest health issues that challenge Eastern forests across diverse land ownerships." He went on, "in these times of limited resources it's important to leverage work force and technical capacities all within existing environmental laws and regulations.

I'm pleased to see USDA's support. I've always appreciated Secretary of Interior, Ken Salazar's leadership in supporting Good Neighbor authority. The Administration has the right idea here. We are eager to work with them.

Mr. Chairman, I am also the co-sponsor of Senator Udall's bill, S. 607, to amend the National Forest Ski Area Permit Act of 1986. This bill clarifies the authority of the Forest Service to permit recreational use of ski areas during the off season. I think it's an important bill for economic development and tourism in Wyoming communities and other locations. I'd like to welcome each of the witnesses here today and look forward to the questions.

Thank you, Mr. Chairman.

Senator WYDEN. Thank you, Senator Barrasso.

Senator Udall.

**STATEMENT OF HON. MARK UDALL, U.S. SENATOR  
FROM COLORADO**

Senator UDALL. Thank you, Mr. Chairman. I'll be brief. I did want to add my thanks to the members that are here to you for bringing three bills that are very important to me in my State to the hearing today: my Sugar Loaf Fire Protection District Land Exchange Act, the Ski Area Recreational Opportunity Enhancement Act that Senator Barrasso just mentioned and has graciously co-sponsored and then Senator Barrasso's the Good Neighbor Forestry Act.

I look forward to having a chance to question the witnesses. Thanks again for holding the hearing.

Senator WYDEN. Thank you, Senator Udall. Let's bring forward Robert Stanton, Deputy Assistant Secretary, Office of Policy Management and Budget, Department of Interior.

Mr. Joel Holtrop, Deputy Chief, National Forest System, Forest Service, Department of Agriculture.

We also have several Statements we want to put into the record. We've gotten Statements from Senator Murray and Congressman Reichert in support of S. 721, the Alpine Lakes Wilderness bill. Without objection they'll be included in the record.

[The prepared Statement of Senator Udall follows:]

PREPARED STATEMENT OF HON. MARK UDALL, U.S. SENATOR FROM COLORADO

S. 555

Mr. Chairman, thank you for scheduling this bill-S. 555-for a hearing today. This bill would direct a land exchange between the Forest Service and a Fire District that currently has two fire stations occupying Forest Service land under a special use permit.

These fire stations-operated by the Sugar Loaf Fire Protection District-serve an area west of the City of Boulder, Colorado. The Fire District covers a 17 square mile area and within this area are about 500 homes.

This area was the location of a major forest fire in 1989 called the Black Tiger Fire. That fire destroyed 44 homes and other structures, and many others were

damaged. The fire was not completely extinguished until four days later, after burning almost 2,100 acres.

The Sugar Loaf Fire District is interested in expanding these two facilities to provide for the equipment and other needed services they provide to address fire threats in this region. Under their existing special use permit with the Forest Service, the Fire District has encountered difficulties in their efforts to make some minor expansions and improvements.

The Fire District has provided the Committee with written testimony that outlines the history of this effort and the reasons why this legislation is needed to facilitate this exchange.

I would note that the Fire District has worked long and hard and in good faith with the Forest Service to accommodate their needs and in exploring a land exchange. Given the limitations of the existing laws and administrative exchange process, I believe that this bill is needed to finally effectuate such an exchange.

If we can pass this bill and implement this exchange, the Fire District will be able to provide the services to this community and not be limited by the constraints of the special use permit. The benefits to the Forest Service includes ownership of an inholding surrounded by Forest Service land in the area that the Fire District secured to offer in this exchange-at fair and equivalent value-as well as the avoidance of having to continually manage special use permits for these facilities.

Mr. Chairman, I look forward to working with you and the Committee on seeing this important bill reported favorably.

S. 607

Mr. Chairman, thanks for scheduling this bipartisan bill-S. 607-for today's hearing. I look forward to the testimony of the witnesses we have before us.

First, I would like to thank Senators Barrasso, Bennet, Bennett, Cantwell, Ensign, Enzi, Feinstein, Gregg, Leahy, Murray, Reid, Risch, Sanders, Shaheen, and Stabenow for cosponsoring this bill.

Mr. Chairman, as you and my colleagues on the Committee know, ski areas are an important part of many mountain communities. Many of these areas operate their lifts, runs and warming lodges under permits on National Forest system lands. Many of these permits are authorized under a law that intended to capture the scope of winter activities-the National Forest Ski Area Permit Act of 1986. Under that Act, the Forest Service is authorized to issue permits for the establishment of nordic and alpine ski areas and facilities.

But as many of my colleagues know, these areas present many more opportunities for outdoor recreation than just nordic and alpine skiing. Snowboarding is a good example. So are a number of summertime activities, like mountain biking, horseback riding and musical concerts and stage plays. These areas already possess the infrastructure and other facilities in place to provide these experiences.

Recently, there have been issues raised about the permitting of these additional outdoor recreational activities at permitted ski areas. As these activities fit with the existing uses-and can help promote year-round recreational economies as well as promote outdoor recreation-I introduced this bill to make it clear that the Forest Service is authorized to permit additional and year-round activities at these ski areas.

Since I first introduced this bill in the House last session, I have heard some issues raised that although we ought to allow things like snowboarding and other year-round activities, we also should not end up turning these areas into amusement parks with water slides, Ferris wheels, haunted houses, and the like.

My bill addresses that by requiring that the Forest Service only consider permitting activities that are natural resource and outdoor based, appropriate for the area, and do not result in turning the ski area into something other than a ski area.

I believe that these limitations are important and appropriate. However, some still believe that these limitations are not sufficiently clear. I am concerned about adding language to the bill that itemizes specific activities that are-or are not-permitted as we need to give the Forest Service flexibility to work with the public and the communities to determine what activity may fit at a specific area that also complies with the limitations in this bill. My concern also stems from the reality that recreational activities change and evolve over time. Thus, getting too specific about particular activities may require future Congresses to make revisions based on those new realities.

Nevertheless, I am willing to work with my colleagues to consider including report language that would help provide further guidance to the Forest Service on what we mean in the bill by "seasonal or year-round natural resource-based, outdoor-de-

veloped recreational activities and associated facilities.” I think that report language would be the more appropriate place to address these concerns.

I would also note that many-if not all-permitted ski areas are currently allowing activities such as snowboarding. So, I would be willing to work with my colleagues on language that would essentially “grandfather” these existing activities-activities that are currently provided and are consistent with the limitations in the bill.

Thanks again, Mr. Chairman. I look forward to working with you, my colleagues and I look forward to the testimony from the panel.

Senator WYDEN. Also the subcommittee has received several other statements relating to the various bills on today’s agenda. Those, without objection, will be included in the record as well.

Senator WYDEN. Gentlemen, thank you. You both have cooperated with the subcommittee on a number of occasions. We appreciate that. We’ll put your prepared Statements into the record in their entirety.

Why don’t you start, Mr. Holtrop?

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

Mr. HOLTROP. Chairman Wyden, Chairman Bingaman, Ranking Member Barrasso and members of the subcommittee, thank you for inviting me to testify on seven bills affecting the United States Forest Service. You already have my written testimony. I’ll address each bill very briefly.

S. 555 would provide for the exchange or sale of two parcels within the boundaries of the Arapaho National Forest in Colorado to the Sugar Loaf Fire Protection District. The Department supports the exchange but would like to work with the bill’s sponsors and the committee on minor modifications. We suggest that a year is a more realistic timeframe than the 120 days provided in the bill to complete all the statutory requirements to convey the Federal lands.

Also, we do not support the provision that would allow the district to modify the fire stations without Departmental authorization before conveyance.

S. 607 would amend the National Forest Ski Area Permit Act of 1986 to authorize the Secretary to permit seasonal and year round resource based developed recreational activities at ski areas in addition to the Nordic and alpine skiing and related facilities that are currently authorized. This amendment would assist the Forest Service to further its goal of encouraging people, especially youth, to experience the outdoors. We would develop directives that establish criteria for implementing the expanded authority based onsite specific review of proposals.

The Department would like to work with the committee to identify activities that are clearly not appropriate for a natural resource setting such as amusement and water parks, golf course and tennis courts.

S. 721 would designate about 22,000 acres as a component of the National Wilderness System and about 37 miles of river as components of the Wild and Scenic River System on the Mt. Baker-Snoqualmie National Forest in Washington. We have completed suitability studies for the wild and scenic rivers. We have not com-

pleted a wilderness evaluation although management of the area is aligned with wilderness values under the forest plan.

The Department supports this legislation and would like to work with the committee to address some technical issues outlined in my testimony such as modifying the wilderness boundary to allow for trail reconstruction.

The Department supports the Good Neighbor authority which would authorize the Secretaries of Agriculture and the Interior to enter into cooperative agreements with State foresters in States west of the 100th meridian to provide certain services such as fuels reduction. The Forest Service has gained valuable experience using the Good Neighbor authority pilot programs in Colorado and Utah over the last several years. Increased efficiency for both the Federal and State agencies, consistent project implementation and improved working relationships are among the benefits.

We believe further analysis is needed to understand the interplay of needs, State and Federal contracting and labor law and regulation before the proposed expansion of the authority is authorized. We look forward to working with the committee to improve the bill.

The Department supports S. 1328 which would transfer jurisdiction of about 12,000 acres of National Forest System land in the Shasta-Chappie Off Highway Vehicle Area in California to BLM jurisdiction and transfer about 5,000 acres of public land in the area to Forest Service management. The bill will provide seamless management of the Shasta-Chappie OHV Area and consolidate key land holdings for the Forest Service and better serve the public.

The Department strongly supports S. 1442 which would strengthen the Public Lands Service Corps Act by making programmatic changes to encourage broader use of the program. Most projects implemented by the Forest Service's volunteer youth and hosted programs are designed to address maintenance and ecological restoration while providing service learning opportunities for enrolled youth. Moreover, the Forest Service is uniquely situated to play a key role in coordination in management of residential conservation presenters based on our agency's experience and over many years through our Job Corps program.

H.R. 129 would convey for consideration up to five acres within the Los Padres National Forest in California to the White Lotus Foundation. The Department does not support the bill because it serves only a small set of citizens. Moreover the National Forest System has many encroachments.

This bill would set a precedent for other landowners to resolve encroachments on National Forest System lands through case specific legislation.

That concludes my prepared Statement. I'd be happy to answer any questions you may have.

[The prepared Statement of Mr. Holtrop follows:]

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

H.R. 129

Mr. Chairman, Ranking Member Barrasso, and Members of the subcommittee, I appreciate the opportunity to appear before you today to provide the Department's

views on H.R. 129, regarding conveyance with consideration of National Forest System lands located in the Los Padres National Forest.

This legislation would authorize the Secretary to convey, subject to valid existing rights with consideration, all right, title, and interest in National Forest System land up to 5 acres within the Los Padres National Forest located in Santa Barbara County, California. The Department appreciates this Committee's efforts to resolve this issue; however, we do not support H.R. 129 because there would be limited benefit to the public from this conveyance. This legislation would serve only a small, select group of citizens, the White Lotus Foundation. In addition, the conveyance would legitimize the Foundation's long-standing encroachments on lands in the Los Padres National Forest by allowing the Foundation to acquire them through legislation for the Foundation's private use and enjoyment.

Adjacent landowners with similar long-standing encroachments on National Forest System lands in the Los Padres National Forest would not receive a remedy. These landowners are following H.R. 129 with interest, as the model for resolving their encroachment cases. Resolving the White Lotus Foundation encroachments through H.R. 129 would therefore set a precedent for resolution of other encroachment cases through case-specific legislation.

Mr. Chairman and Members of the subcommittee, this concludes my prepared Statement. I am happy to answer any questions that you or Members of the Committee may have.

S. 555

Mr. Chairman, Ranking Member Barrasso, and Members of the subcommittee, I appreciate the opportunity to appear before you today to provide the Department's views on S. 555, regarding the exchange of certain lands in the Arapaho National Forest.

S.555 would provide for the exchange or sale of two federal parcels within the boundaries of the Arapaho National Forest in Colorado to the Sugar Loaf Fire Protection District (SLFPD). A portion of one parcel is under special-use permit for a fire station. The other was under a similar permit that has expired. The bill allows the SLFPD to make modifications to the permitted area in the interim period between enactment and conveyance without further authorization by the Secretary of Agriculture.

The Department supports S. 555, but would like to work with bill sponsors and the Committee on some minor modifications to the bill. The Department supports the work of the SLFPD and its efforts to improve facilities to more effectively deliver services. The federal lands proposed for conveyance have lost their national forest character due to past permitted activities and are better suited to private ownership. The lands proposed for conveyance to the United States have suitable national forest character and could contribute to increased management efficiency.

However, we are concerned that the 120-day timeline is not adequate to ensure compliance with all statutory requirements, including National Environmental Policy Act, the Endangered Species Act, the Antiquities Act of 1906, and myriad other laws requiring compliance prior to conveyance of federal lands. We suggest that a year is a realistic timeframe to complete all requirements.

The Department does not support the provisions of Sec. 4 (e), which allow the SLFPD to modify the fire stations located on federal lands during the period between enactment of the Act and completion of the land exchange without any additional authorization from the Department. We are confident that given a reasonable timeframe for completion of a conveyance, the Forest Service can work with the SLFPD to accommodate any confirmed construction plans, negating the need for this provision.

Mr. Chairman and Members of the subcommittee, this concludes my prepared Statement. I am happy to answer any questions that you or Members of the Committee may have.

S. 607

Chairman Wyden and Members of the subcommittee, thank you for inviting the U.S. Department of Agriculture to appear before you today to present our views on S. 607, the "Ski Area Recreational Opportunity Enhancement Act of 2009." The Administration supports this legislation with technical amendments. We would appreciate the opportunity to work with the Committee to refine the bill to provide the appropriate natural resource-based experience for visitors to the National Forests while ensuring the protection of the natural environment.

The bill would amend the National Forest Ski Area Permit Act of 1986 to authorize the Secretary to permit seasonal and year-round natural resource-based, out-



door-developed recreational activities and associated facilities at ski areas, in addition to those that support Nordic and alpine skiing and other snow sports that are currently authorized by the Act.

The Act authorizes issuance of permits for Nordic and alpine ski operations and appropriate ancillary facilities (16 U.S.C. 497b(b)(3)). Congress intended the term “appropriate ancillary facilities to include “only those facilities directly necessary for the operation and support of a winter sports facility...” ( S. Rep. No. 99-449, 99th Cong., 2d Sess. 5 (1986)).

The additional seasonal and year-round recreational activities and associated facilities authorized by the bill would encourage outdoor recreation and have to harmonize with the natural environment. The bill would make clear that the primary purpose of the authorized use and occupancy would continue to be skiing and other snow sports.

#### *Background and Need for Legislation*

Current law does not authorize activities other than Nordic and alpine skiing, snow sports, and their ancillary facilities at ski areas. Ski areas serve as portals to national forest recreation. There are 121 ski areas operating under permit on national forests. These ski areas occupy a fraction of 1 percent of the total National Forest System land base. Nevertheless, about one-fifth of all recreation on national forests occurs at these ski areas. For many Americans, ski areas are gateways to our national forests and a means to greater appreciation of the natural world. Further, these recreational opportunities provide a great avenue for visitors to reconnect to the land, a core tenant of Secretary Vilsack’s vision for forests.

We have become concerned about trends showing a decline in appreciation and understanding of the natural environment among our youth. However, we still see strong visitation by youth and families at ski areas. The Forest Service has developed strong partnerships with many ski area operators that enhance visitors’ understanding and appreciation of the environment through interpretive signing, programs, and exhibits. Expanding opportunities for year-round use will encourage more of the public to experience and appreciate the national forests. Ski areas introduce the national forests to our increasingly urban population.

Ski areas are some of the most developed sites on the national forests. Focusing more of the developed outdoor recreational activities in these areas could reduce negative impacts in other areas of the national forests. One example of a popular developed outdoor recreational activity is freestyle mountain biking. By focusing this activity at ski areas, ski area operators would be able to increase utilization of existing infrastructure, and the impacts on surrounding National Forest System lands caused by freestyle biking may be minimized.

Across the country we have received numerous proposals by ski areas to add off-season recreational activities. Some we have approved, perhaps without fully understanding the current limitations of the 1986 Ski Area Permit Act, while others we have denied, or not acted upon. We’re aware that summer activities at a number of ski areas that operate summer facilities on non-National Forest Service land are very popular. Whistler-Blackcomb Ski Area in British Columbia has become a very popular destination for biking. In the Northeast, Bretton Woods Ski area offers an array of summer activities which reportedly “sell out” at times. We believe we’d see the most interest for summer uses at ski areas that are either located near large population centers or are near communities with large hotel capacities that tend to be underutilized in the summer.

Because of longer summers and higher temperatures due to climate change, it is possible that ski areas in some locations may see somewhat shorter winter operating seasons. Increasing the scope of activities and facilities that may be authorized under a ski area permit, where appropriate and in conformance with environmental law, could help ski areas remain economically viable by more fully utilizing their significant investment in infrastructure, such as ski lifts, in the off-season or year-round.

#### *Recommended Changes to S.607*

We would like to work with the committee to develop amendments in two areas:

- While we support allowing additional activities and infrastructure for year-round activities, activities should be appropriate to the natural resource setting and should contrast with an urban environment. Excluding facilities such as amusement and water parks, golf courses, tennis courts, and skateboard parks is consistent with Forest Service policy.
- Ski area boundaries should continue to encompass only the acreage the Secretary deems sufficient and appropriate to accommodate the permit holder’s needs for snow sports and appropriate ancillary facilities for winter operations.

Permit boundaries should not be expanded to accommodate recreational activities and facilities that are not related to skiing and snow sports, which are the primary purpose of these resorts.

In addition, consistent with the discretion afforded the Secretary in the bill, we would develop directives that would establish criteria for implementing the expanded authority, based on case-specific review of proposals from ski areas in accordance with applicable regulations and environmental law. The criteria would likely include (1) availability and suitability of private lands as alternative sites for the activities; (2) the proposed location within the permitted area, including proximity to existing areas of concentrated development; (3) consistency with the applicable land management plan and applicable federal, State, and local law; (4) impacts on soil, water, wildlife, aesthetics, and other national forest resources; (5) effects on the primary purpose of the resort for alpine and Nordic skiing; (6) tribal interests; and (7) visitor safety.

If the bill is enacted, we would envision that more highly developed summer facilities would be focused in areas which already support extensive resort infrastructure, while lesser developed parts of ski areas would primarily be for hiking, mountain biking, and other activities that require more limited facilities.

The legislation does not provide a blanket approval for any particular summer facility or use. Proposals would be subject to the Agency's requirements for site-specific environmental review and public involvement. In those environmental reviews we would look very carefully at the sometimes sensitive nature of high elevation ecologic conditions before approving a proposal. While we might approve an activity or facility at one location at a given ski area, we might not at a different location at another ski area or even at a different location within the same ski area.

In summary, this legislation would concentrate highly developed recreation in those areas that are currently the most developed sites on the national forests and enhance the long term viability of these ski areas and the adjoining rural economies. For these reasons, the legislation is a positive step and one which the Administration supports, with the suggested clarifications.

S. 721

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on S. 721.

This legislation would designate approximately 22,100 acres as a component of the National Wilderness System and approximately 37 miles of river as components of the National Wild and Scenic Rivers System on the Mt. Baker-Snoqualmie National Forest in the State of Washington. The Department supports this legislation in concept and we would like to work with the Committee to address some technical issues as outlined below. We would also like the committee to be aware however, while we have completed suitability studies for the wild and scenic rivers, we have not completed a wilderness evaluation of the area designated under this bill. For the area that would be designated wilderness, management direction under the Land and Resource Management Plan is aligned with wilderness values with the majority of the land being managed as Late Successional Reserve under the Northwest Forest Plan. We thank the delegation for its collaborative approach and local involvement that have contributed to this bill.

#### *Alpine Lakes Wilderness*

The proposed additions to the Alpine Lakes Wilderness lie in the valleys of the Pratt River, the Middle and South Forks of the Snoqualmie River. The existing 394,000 acre Alpine Lakes Wilderness is one of the jewels of our wilderness system, encompassing rugged ice carved peaks, over 700 lakes, and tumbling rivers. The lower valleys include stands of old growth forest next to winding rivers with native fish populations. The area is located within minutes of the Seattle metro area. Trails accessing the area are among the most heavily used in the Northwest as they lead to some exceptionally accessible and beautiful destinations. The proposed additions to the Alpine Lakes Wilderness would expand this area to include the entire heavily forested Pratt River valley and trail approaches to lakes in the wilderness area in the InterState 90 corridor.

We would like to work with the subcommittee to address some technical aspects of the bill. These include:

- The Middle Fork Snoqualmie River Trail #1003 is popular among mountain bicyclists. The Department's concern is that the trail is immediately adjacent to the proposed wilderness, not allowing sufficient room for reconstruction or relocation if needed as a result of likely future events such as flooding or land-

slides. We suggest a modification of the proposed wilderness boundary to allow for reconstruction or for relocation.

- The entire Pratt River Trail #1035 is included within the boundary of the proposed wilderness. The first mile of this trail currently is used by large numbers of people and groups. The trail, which would be a primary access corridor for the newly designated wilderness, is scheduled for major reconstruction work beginning this fiscal year. The Department suggests that the wilderness boundary be drawn to exclude approximately three miles of this trail to allow this continued recreation opportunity and future reconstruction if needed. This change would not alter the wilderness proposal significantly, but would allow the current recreation opportunity for high-use and large groups along this stretch of the Middle Fork Snoqualmie. This adjustment would also reduce operation and maintenance costs along this segment of the Pratt River Trail as motorized equipment could be used in its maintenance.
- The northwestern boundary of the wilderness proposal includes two segments of Washington State Department of Natural Resources lands totaling about 300 acres. We recommend that the boundary of the proposed wilderness be adjusted so that only National Forest System lands are included.

#### *Wild and Scenic Rivers*

This legislation would also designate two rivers as additions to the National Wild and Scenic Rivers System: approximately 9.5 miles of the Pratt River from its headwaters to its confluence with the Middle Fork Snoqualmie River; and approximately 27.4 miles of the Middle Fork Snoqualmie River from its headwaters to within 1 mile of the Mt. Baker-Snoqualmie National Forest boundary. Each river was studied in the Mt. Baker-Snoqualmie National Forest Plan and determined to be a suitable addition to the National Wild and Scenic Rivers System. The Pratt River has outstandingly remarkable recreation, fisheries, wildlife and ecological values. The corridor provides important hiking and fishing opportunities in an undeveloped setting. The river supports resident cutthroat trout and its corridor contains extensive deer and mountain goat winter range and excellent riparian habitat. Its corridor retains a diverse riparian forest, including remnant stands of low-elevation old-growth.

The Middle Fork Snoqualmie River also has outstandingly remarkable recreation, wildlife and fisheries values. The river is within an easy driving distance from Seattle and attracts many visitors. It provides important whitewater boating, fishing, hiking and dispersed recreation opportunities. The river corridor contains extensive deer winter range and excellent riparian habitat for numerous wildlife species. This is the premier recreational inland-fishing location on the National Forest due to its high-quality resident cutthroat and rainbow trout populations. Adding these rivers to the National Wild and Scenic Rivers System will protect their freeflowing condition, water quality and outstandingly remarkable values. Designation also promotes partnerships among landowners, river users, tribal nations and all levels of government to provide for their stewardship. We therefore support the designation of these rivers into the National Wild and Scenic River System.

The Department has one concern with the wild and scenic river designations relating to the management of the Middle Fork Snoqualmie River Road. We are currently in the process of improving this road and feel that this work is needed to protect the wild and scenic values associated with this river while improving visitor safety and watershed health. Approximately 20 years ago, the U.S. Forest Service submitted the Middle Fork Road to the Federal Highway Administration for reconstruction via their enhancement program. The project has been approved, design work is approximately 15% complete, and construction is planned for 2011 or 2012. The Federal Highway Administration has already expended approximately \$3 million to date on the project. We would like to work with the committee to ensure timely completion of the project. This concludes my prepared Statement and I would be pleased to answer any questions you may have.

S. 1122

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on S. 1122.

S.1122 would authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements or contracts with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services in States west of the 100th meridian. Activities that could be undertaken using this authority include: (1) activities to treat insect infected trees; (2) activities to reduce hazardous fuels; and (3) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat. The bill authorizes the States to act as agents for the Secretary and provides

that States may subcontract for activities accomplished using this authority. The bill ensures federal retention of responsibilities for compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.). The authority would expire on September 30, 2018.

We support Good Neighbor Authority (GNA) and believe our Nation's forests face forest health challenges that must be addressed across diverse land ownerships. In these times of limited resources, it is important to leverage workforce and technical capacities and develop partnerships for forest restoration across all lands, while ensuring compliance with existing applicable laws and regulations. We believe further study and analysis is needed to better understand the interplay of needs, State and federal contracting and labor law and regulation before expansion of the authority is authorized. We look forward to working with the committee, States, and federal agencies to develop a better understanding of the issues and make suggestions to improve the bill in a manner that meets the needs of key stakeholders.

*How we use the current Good Neighbor Authority*

The Forest Service has gained valuable experience using GNA in Colorado and Utah pilot programs over the past several years. We have completed 53 projects in Colorado and Utah at a cost to the federal government of about \$1.4 million. Colorado Good Neighbor projects have focused on fuel reduction activities, such as tree thinning, mostly in the Colorado wildland-urban interface and have resulted in about 2,700 acres of treatment. In Utah, Good Neighbor projects focused on the repair of fire-damaged trails and watershed protection and restoration. The GNA was the subject of a Government Accounting Office report in February of 2009 (GAO-09-277). The report summarizes our experiences and makes suggestions for improving use of the authority.

Since its inception, the authority has been successfully used on over 35 projects in Colorado to treat approximately 2,700 acres, primarily on the Arapaho-Roosevelt and Pike-San Isabel National Forests. In Utah, the authority has been used on the Dixie National Forest to enhance watersheds, particularly during the rehabilitation and recovery of a burned area. Almost all of the projects in Colorado included some form of hazardous fuels reduction within the wildland-urban interface, including the creation of defensible space around subdivisions and private residences, the creation of shaded fuelbreaks, treatment and salvage of insect-infested trees, creation of evacuation routes, and thinning.

For example, Shadow Mountain EStates is a large subdivision (several hundred acres) that directly borders National Forest System (NFS) lands on the Arapaho National Forest in Colorado. In 2006, Shadow Mountain EStates contracted the Colorado State Forest Service (CSFS) to remove dead trees from within the neighborhood to reduce fire risk, and in 2007 they requested that the Forest Service treat the adjoining public lands to complement their fire prevention efforts. As a result of this request, the Forest Service entered into the Green Ridge Good Neighbor Agreement with the CSFS to remove hazardous fuels and create a defensible space on federal lands in this wildland urban interface.

The contract to remove the trees from both private and federal lands was prepared, advertised and administered by the CSFS, and resulted in the treatment of 135 acres of NFS land. The project was completed in June of 2008. Shadow Mountain EStates is satisfied with the result as the treated area is aesthetically pleasing and contributes to reduced wildfire damage risk to the neighborhood.

*Benefits to the land and relationships*

The GAO report found that the GNA has facilitated cross boundary watershed restoration and hazardous fuel removal activities. The authority has resulted in the accomplishment of more restoration and protection treatments than would have otherwise been accomplished, particularly within the wildland urban interface. On the ground experience from Colorado and Utah indicates there is increased efficiency for both State and federal agencies because all project work is done at one time, with one contract, making implementation more consistent. Further, the authority enhances our ability to work with private landowners through the State Forester to remove hazardous fuels on adjacent NFS lands and, perhaps most importantly, it builds greater cooperation among stakeholders.

*What we've learned*

The GAO report on GNA found that the Forest Service and Colorado State Forest Service (CSFS) developed timber operating procedures in 2007, in response to some confusion over the requirements governing timber sales. When GNA was first being used, general operating procedures were contained in the master agreements, but no specific operating procedures existed and some CSFS officials were unsure about certain requirements that needed to be followed as part of conducting a timber sale

on federal land. The Forest Service and CSFS are drafting additional timber procedures that identify federal and State roles in GNA timber sales from the initial NEPA documentation through the sale and subsequent harvesting of national forest timber. Project task orders for timber sale contracts will clearly specify special Forest Service contract requirements that are the responsibility of the State, which in turn holds the contractor accountable for meeting those requirements.

The GAO recommended the Secretaries of Agriculture and the Interior (1) require that the U.S. Forest Service in Utah, Bureau of Land Management in Colorado and any agencies that receive the authority in other States develop written procedures for Good Neighbor timber sales before conducting any future sales and (2) direct the agencies to better document their experiences using the authority. The Forest Service will continue its review of the findings and recommendations and continue to improve its use of the authority.

S. 1328

Mr. Chairman, Ranking Member Barrasso, and Members of the subcommittee, I appreciate the opportunity to appear before you today to provide the Department of Agriculture's views on S. 1328, regarding the interchange of certain Federal lands between the Forest Service (FS) and the Bureau of Land Management (BLM). The Shasta-Trinity National Forest has worked closely with the Redding, California Field Office (BLM) to identify the appropriate lands for inclusion in the administrative jurisdiction transfer.

The Department supports this bill, which provides a seamless recreation experience and improved management of the Shasta-Chappie Off Highway Vehicle (OHV) Area as well as enabling the Forest Service to consolidate key landholdings, including the BLM's portion of the Trinity Alps Wilderness. We note that many of the same goals of this act could be achieved administratively through Service First Authority (PL 106-291), an authority available to both Departments to more efficiently and effectively manage the Federal eState. We would appreciate the opportunity to work with the subcommittee and the BLM to address technical changes to the lands involved in the interchange.

Just 10 miles northwest of Redding, the Chappie-Shasta Off-Highway area offers 200 miles of roads and trails over 52,000 acres for off-road enthusiasts. The Chappie-Shasta area is conducive for mountain biking, camping, fishing, hiking, backpacking, and horseback riding, and hunting, in addition to the off-highway vehicle use.

S. 1328 transfers to the BLM administrative jurisdiction for approximately 11,760 acres of National Forest System lands located within the Chappie-Shasta OHV Area. In return, the bill transfers to the FS administrative jurisdiction for approximately 5,000 acres in three parcels of public land currently managed by the BLM in Trinity, Shasta, Humboldt, and Siskiyou Counties. The BLM lands include approximately 4,830 acres of the Tunnel Ridge portion of the Trinity Alps Wilderness of which the FS manages approximately 517,000 acres. The other two parcels are approximately 217 acres adjacent to Shasta Lake and approximately 44 acres along California Highway 89.

The Shasta-Trinity National Forest currently issues four to six Special Use Permits per year for OHV race events within the Chappie-Shasta OHV Area. The OHV staging area is currently on National Forest System lands within the Whiskeytown-Shasta-Trinity National Recreation Area. However, large portions of the trails are on private and other federal lands administered by the FS, BLM, the Bureau of Recreation and the National Park Service.

The Shasta-Trinity National Forest and the Bureau of Land Management have a long history of working together in the development and management of the Chappie-Shasta Off-Highway Vehicle Area. However, the different permitting and administrative processes of the two agencies have caused difficulties for recreational users. In addition, each agency has been separately applying for grant funding for the OHV area, which is both inefficient and redundant.

S. 1442

Good afternoon Mr. Chairman, Ranking Member Barrasso and members of the subcommittee, thank you for the opportunity to testify before you today on S. 1442, the Public Lands Service Corps Act of 2009.

#### *Introduction*

On April 2, 2009, the Department testified in strong support of H.R. 1612 at a hearing on the House of Representative version of the current bill. The Department strongly supports S. 1442. This bill would strengthen and facilitate the use of the

Public Lands Corps program, helping to fulfill the vision that Secretary Vilsack has for reconnecting people to the land by promoting ways to engage youth across America to serve their community and their country. We have much work to do in restoring our forests, some of which can be achieved through the robust partnerships that this bill creates.

*Public Lands Service Corps Act of 2009*

S. 1442 would strengthen and improve the Public Land Corps Act by making several administrative and programmatic changes that would encourage broader agency use of the program, as well as foster opportunities that are more varied for young men and women. The amendment would also enhance participant support for Corps enrollees during and after their service. Appropriately, S. 1442 would change the program's name to Public Lands Service Corps, reflecting an emphasis on "service."

Most projects implemented by the Forest Service's Volunteer<sup>1</sup>, Youth<sup>2</sup> and Hosted Programs<sup>3</sup> in the national forests and grasslands are designed to address needs for maintenance and ecological restoration, while providing a service-learning opportunity for the enrolled youth. We fully expect those types of projects would continue to be completed under S. 1442. However, this amendment specifies a broader range of potential projects, making it likely that Corps members would become involved with the varied activities of the Forest Service mission including the Deputy Areas for Forestry Research and Development, National Forest Systems, State and Private Forestry and Business Operations.

*Forest Service History and Involvement With Corps and Youth*

Beginning in 1933 with Camp Roosevelt, the first Civilian Conservation Corps (CCC) camp located on the George Washington National Forest, the Forest Service has had a long and robust association with youth and young adult conservation corps. Indeed, the Forest Service Job Corps Program, authorized by Congress in 1964, is modeled after the CCC of the 1930(s). The Forest Service operates this program pursuant to an agreement with the Secretary of Labor.<sup>4</sup> Since enactment of the Youth Conservation Corps Act of 1970 (Public Law 91-378), the Forest Service has sponsored the Youth Conservation Corps for young men and women age 16 through 18, who complete service-learning projects on National Forest System lands. Many current agency employees, inspired by their service-learning and association with the Forest Service, initiated their career aspirations through involvement with the Youth Conservation Corps.

The Department regards the Public Land Corps program as an important and successful example of civic engagement and conservation service for the Nation's youth. National Forest System lands are a place for Public Lands Service Corps participants to learn and practice an array of conservation, preservation, interpretation and cultural resource skills. Indeed, in forty-two States and Puerto Rico the Forest Service has already benefited greatly over the years from the service and volunteer work on National Forest System lands.

One example, the Rocky Mountain Youth Corps (RMYC), headquartered in Taos, NM, annually enrolls nearly 150 at-risk youth and has a long-standing partnership with the Carson National Forest. Through the Collaborative Forest Restoration Program (CFRP), authorized by Public Law 106-393, and designed to involve citizens and youth in the management and care of national forests and grasslands, 30 RMYC Corps members recently completed a three-year thinning project on the Carson National Forest. The purpose of the project was to reduce the risk of catastrophic wildfire, thereby making the area safer for homes and people. Throughout the project, Corps members' received tangible training and experience. Many of the enrollees could go on to careers in forestry, wildlife and natural resource management.

Our second example is from the summer of 2009. The Wyoming Conservation Corps (WCC), housed within the University of Wyoming's School of Environment and Natural Resources, engaged more than 40 young people to clear dead trees from trails and campgrounds on the Medicine Bow National Forest. The service work was performed to make trails and campgrounds safer for visitor use and enjoyment. Following their experience with WCC, many of these young people expressed an interest in pursuing careers in land and natural resource management.

<sup>1</sup>Youth aged 15 to 18 e.g. YCC

<sup>2</sup>Domestic and international

<sup>3</sup>Conservation partnerships with non-governmental organizations

<sup>4</sup>Under the authority of the Title I-C of the Workforce Investment Act (WIA), which generally authorizes the Job Corps program, the Department of Labor transfers funds to the Forest Service to operate its Job Corps Centers.

A third example is the Northwest Youth Corps. For over 20-years, the non-profit, community-based organization in Eugene, OR, has been a partner with the Forest Service, Bureau of Land Management, and other natural resource and land management agencies. This collaboration has provided service-learning opportunities for over 10,000 youth.

*Implementation and Expertise*

S. 1442 would grant the Secretary the discretion to establish residential conservation centers to include housing, food service, medical care, transportation, and other services associated with residential living arrangements. The Forest Service is uniquely situated to play a key role in the coordination and management of the residential conservation centers for the Public Lands Service Corps through its Job Corps Program. The Forest Service Job Corps Program would likely be the coordinating office for Public Lands Service Corps residential conservation centers in the Forest Service.

The Forest Service Job Corps Program has the institutional capacity to operate residential facilities successfully. However, there are a number of implementation issues that need to be considered in establishing new residential conservation centers. These include the costs of operating and maintaining the facilities, potential liability issues, and questions about the impact on contract and labor laws and the need for a structured behavior management program to ensure the health and safety of students and staff. In implementing the residential living centers authorized by the act, we intend to work closely with the Department of Labor to ensure that any new responsibilities and activities undertaken by the Forest Service Job Corps Program will neither divert Job Corps resources nor detract from carrying out the existing Job Corps program mission. In addition, we would appreciate the opportunity to work with the sponsors and the subcommittee to address these implementation issues in the bill.

*Conclusion*

In conclusion, the Department of Agriculture welcomes S. 1442, which would increase the opportunity for Public Lands Service Corps members to leverage their education and work experience in obtaining permanent, full-time employment with Federal agencies. By completing service-learning projects in the Public Lands Corps, a skilled cadre of young and diverse natural resource professionals would be available to meet some of the staffing needs of agencies. Mr. Chairman and Members of the Committee this concludes my prepared Statement. I am happy to answer any questions that you or Members of the Committee may have.

Senator WYDEN. Thank you, Mr. Holtrop. We'll have a couple questions in a moment.

Mr. Stanton, welcome.

**STATEMENT OF ROBERT G. STANTON, DEPUTY ASSISTANT SECRETARY FOR POLICY AND PROGRAM MANAGEMENT, DEPARTMENT OF THE INTERIOR**

Mr. STANTON. Good afternoon. Chairman Wyden, Chairman Bingaman, Senator Udall and I believe you will be returning, Ranking Member Barrasso. Thank you for this opportunity to present testimony on behalf of three bills affecting programs and area within the Department of the Interior.

I have for you a copy of my full Statement which I would like to make available for the record, but I will summarize my testimony.

Senator WYDEN. Without objection, so ordered.

Mr. STANTON. Thank you very much, Mr. Chairman.

First, S. 1328 and the companion bill H.R. 689, a bill to transfer the administrative jurisdiction of certain Federal lands in California between the Bureau of Land Management and the U.S. Forest Service. The Department of the Interior supports S. 1328 and H.R. 689 as passed by the House of Representatives. As my distinguished colleague from the U.S. Forest Service mentioned, that it

transfers to BLM roughly 12,000 acres and from the Forest Service 5,000 acres to BLM.

Second, we support S. 1122, the Good Neighbor Forestry Act which authorizes the Secretary to enter into corporate agreements of contract with a State forester to provide forest, range management and watershed restoration and protected services on lands administered by the Bureau of Land Management. We support the Good Neighbor authority. But we have some concerns that requires further analysis that addresses the interplay of State and Federal contract and labor laws and regulations.

Finally, Mr. Chairman, we support, we strongly support S. 1442, the bill that would strengthen and facilitate the use of the public lands for program helping to fulfill the vision as quoted by numerous occasions by Secretary Salazar to increase the participation of young people throughout the breadth of the Department of the Interior through education, engagement and employment. Secretary Salazar, after being sworn in as Secretary of Interior appointed a study group to determine how best to proceed. As a result of that effort he established a youth office which I'm pleased to say is under my direct jurisdiction.

This bill will facilitate the increased involvement of young people in experiencing first hand their natural and cultural environment. It will provide expanded employment opportunities for young people looking at possible careers in the Department of the Interior, Department of Agriculture and State Department as well.

This bill will also give us an opportunity to increase our leverage, if you will, partnerships with many concerned civic and community and conservation organizations. The National Park Service, the Bureau of Land Management, Fish and Wildlife, U.S. Geologic Survey and other programs and offices with the Interior have enjoyed over the years partnerships with a wide range of organizations. This bill will give opportunity to strengthen those partnerships.

In specific terms this bill would allow the Department of the Interior to reach out to organizations and to communities which heretofore have not been widely represented in conservation activities. I speak specifically of underrepresented groups, both ethnic, racial and economically disadvantaged young people. This bill will give us opportunities to bridge that gap, if you will, to make the resources and services available of the Department of the Interior available to all Americans.

Last, and certainly not the least is to recognize that as with the Department of Agriculture and all the branches in the Federal Government we need to make sure that we are competitive with developing the future work force for our country. Through the engagement of young people through the Public Land Service Corps we will broaden the opportunities for young people to consider entering into the Federal Government. Hopefully many of them will enter into the field of conservation.

Last, and certainly not the least the young people within their capabilities have the opportunity to contribute substantially to enhancing the preservation of the priceless resources entrusted to the care of not only the Department of the Interior, but the Department of Agriculture, Bureau—and the U.S. Department of Army Corps of Engineers and other Federal land management agencies.



We are very fortunate, Mr. Chairman and members of the committee, to have had a long term experience in youth programs going back to the Civilian Conservation Corps and more recently with the Youth Conservation Corps authorized in 1970 and certainly with the Public Lands Corps authorized in 1993. With these amendments to that legislation we are very pleased that we'll have the opportunity to substantially increase the involvement of young people throughout the breadth of the program and lands of the Department of the Interior.

This concludes my testimony. I'd be more than happy to respond to questions or comments that you may have, Mr. Chairman and members of the committee.

[The prepared Statement of Mr. Stanton follows:]

STATEMENT OF ROBERT G. STANTON, DEPUTY ASSISTANT SECRETARY FOR POLICY AND PROGRAM MANAGEMENT, DEPARTMENT OF THE INTERIOR

S. 1122

Thank you for inviting the Department of the Interior to testify on S. 1122, the Good Neighbor Forestry Act. The bill authorizes the Secretary of the Interior to enter into cooperative agreements or contracts with a State forester to provide forest, rangeland, and watershed restoration and protection services on lands managed by the Bureau of Land Management (BLM). The Administration supports Good Neighbor Authority, but we believe further study and analysis are needed to better understand the interplay of State and federal contracting and labor law and regulation before expansion of the authority is authorized. We look forward to working with the committee, States, and federal agencies to develop a better understanding of the issues and to improve the bill in a manner that meets the needs of key stakeholders. We welcome opportunities to enhance our capability to manage our natural resources through a landscape-scale approach that crosses a diverse spectrum of land ownerships.

*Background*

The BLM is increasingly taking a landscape-scale approach to managing natural resources on the public lands. Recent drought cycles, catastrophic fires, large-scale insect and disease outbreaks, the impacts of global climate change, and invasions of harmful non-native species all threaten the health of the public lands. They also tax a land manager's ability to ensure ecological integrity, while accommodating increased demands for public land uses across the landscape. The BLM engages in land restoration and hazardous fuels reduction activities with interagency partners and affected landowners to expand and accelerate forest ecosystem restoration. The "Good Neighbor" concept provides a mechanism to facilitate treatments across the landscape, inclusive of all ownerships, and enhances relationships between Federal, State, and private land managers.

In Fiscal Year (FY) 2001, Congress authorized the U.S. Forest Service to allow the Colorado State Forest Service (CSFS) to conduct activities such as hazardous fuels reduction on U.S. Forest Service lands when performing similar activities on adjacent State or private lands. The BLM received similar authority in Colorado in FY 2004, as did the U.S. Forest Service in Utah.

The BLM used this "Good Neighbor" authority beginning in 2006 in the agency's Royal Gorge Field Office. Through an assistance agreement with the CSFS, the BLM accomplished a fuels reduction and mitigation project within and adjacent to the Gold Hill Subdivision of Boulder County. The Gold Hill Project treated a total of 372 acres of wildland urban interface consisting of 122 acres of BLM land, 27 acres of U.S. Forest Service land, and 223 acres of private land. All of these acres were identified as priorities within the Gold Hill Community Wildfire Protection Plan. Through the assistance agreement, the CSFS delineated the areas to be treated within the Gold Hill Project, managed the project, administered contracts, monitored firewood removal, and monitored forestry and fuels projects on BLM and U.S. Forest Service lands. No timber was harvested or sold from the BLM lands. The BLM and the U.S. Forest Service conducted the project planning and fulfilled NEPA requirements on their respective lands.

The project area consisted of small parcels of Federal lands interspersed with State and private lands. Since all the landowners used the same State contract,

treatments were accomplished concurrently and with consistency in treatment methods, thereby achieving hazardous fuels reductions across a larger area to reduce the risk of wildfire. Efficiencies were also realized by utilizing a single contractor to treat one large project area. The BLM also realized savings in personnel resources. Although the project area was located nearly 200 miles from the BLM field office, CSFS personnel were in the immediate vicinity and were able to conduct the field work for the BLM. In addition, the CSFS regularly worked with private landowners in the area and easily gained access through the private lands to conduct work on the Federal lands, which allowed the work to begin quickly. Simplified State contracting procedures also expedited the project. The project was completed in 2008.

A February 2009 GAO report examined State service contracting procedures regarding transparency, competitiveness, and oversight, and found that the State requirements generally addressed each of these areas. (GAO-09-277). The GAO issued two recommendations to the BLM: 1) To develop written procedures for Good Neighbor timber sales in collaboration with each State to better ensure accountability for federal timber; and 2) To document how prior experiences with Good Neighbor projects offer ways to enhance the use of the authority in the future and make such information available to current and prospective users of the authority. The BLM's Forest and Woodlands Division is working to complete a final corrective action plan incorporating these suggestions by the end of the 2009 calendar year. .

#### *S. 1122*

S. 1122 provides for the Secretaries of Agriculture and Interior to enter into agreements and contracts with State foresters in any State west of the 100th meridian, to provide forest, rangeland, and watershed restoration and protection services on National Forest System land or BLM land. The success that the BLM experienced in using the Good Neighbor authority in Colorado as a cross-boundary management tool would be available under S. 1122 to all BLM-managed lands throughout the west. The authority provided by the bill is discretionary; each BLM office could determine on a case-by-case basis whether or not the Good Neighbor authority is a desirable option. All Good Neighbor projects would be undertaken in conformance with land use plans and comply with the National Environmental Policy Act, if applicable.

Section 3a of the bill addresses cooperative agreements. The BLM suggests an amendment to the language to add "notwithstanding the Federal Grants and Cooperative Agreements Act." Without this clarifying amendment, the BLM would be concerned about its ability to use agreements with the State rather than contracts.

The provisions in section 3b authorize services to include activities that treat insect-infected trees; reduce hazardous fuels; and any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat. There is no requirement that the BLM-managed lands be adjacent to State or private lands to be eligible for services. This expansion of authority could be beneficial in watershed restoration projects where State and Federal lands might not be immediately adjacent to one another, but are within the same watershed. Accordingly, this expanded authority could enhance the effectiveness of landscape-scale treatment.

#### *Conclusion*

Thank you for the opportunity to testify about Good Neighbor Authority and S. 1122. The Department of the Interior and the BLM welcome opportunities to engage in efforts that can advance cooperation of all landowners, improve the effectiveness of restoration and fuels treatments, and provide cost-effective tools for managing natural resources. I would be happy to answer any questions.

S. 1328 AND H.R. 689

Thank you for the opportunity to testify on S. 1328 and H.R. 689, companion bills to transfer the administrative jurisdiction of certain Federal lands in California between the Bureau of Land Management (BLM) and the U.S. Forest Service (FS). The BLM supports H.R. 689 as passed by the House of Representatives.

#### *Background*

The Chappie-Shasta Off-Highway Vehicle (OHV) Area consists of approximately 56,000 acres located within Shasta County, California. The area has a complex pattern of land ownership with approximately 25,000 acres administered by the BLM, 11,760 acres managed by the FS, and the rest in other Federal or private ownership. Each year, numerous special recreation events occur within this popular OHV area that require special recreation permits from both the BLM and the FS. In an

effort to more consistently handle the recreational use, the BLM has taken the lead in managing the area and special events on both BLM and FS managed lands. Nonetheless, the mixed ownership and separate management and regulatory frameworks between the two agencies have, at times, caused frustrations for the public.

*S. 1328 and H.R. 689*

The House of Representatives passed H.R. 689 on June 2, 2009; our testimony addresses the House-passed bill.

H.R. 689 transfers to the BLM administrative jurisdiction of 11,760 acres of Federal land located within the Chappie-Shasta OHV Area that are currently managed by the FS. Consolidation of land ownership within the Chappie-Shasta OHV Area will allow for a more streamlined administration of recreation use and an improved recreation experience for the area's users.

In addition, the bill transfers to the FS administrative jurisdiction over three parcels totaling approximately 5,000 acres of public land currently managed by the BLM in Trinity, Shasta, Humboldt, and Siskiyou Counties. These lands are either adjacent to or within areas managed by the FS, and include the 4,830 acre-Tunnel Ridge portion of the Trinity Alps Wilderness (currently managed by the FS through a Memorandum of Understanding with the BLM) which is within the FS managed 517,000 acre Trinity Alps Wilderness. The other two parcels are a 217-acre parcel adjacent to Shasta Lake and a 44-acre parcel along California Highway 89. Both parcels are surrounded by FS lands and were identified for transfer to the FS in the 1993 BLM California Redding Resource Management Plan.

This interchange of administrative jurisdiction between the two agencies will lead to efficiencies in agency management, consistent management of Federal resources involved and better service to the public. H.R. 689 is the result of years of local efforts by the agencies, the public, and the sponsor. The BLM believes enactment of the bill would make land management adjustments where they are appropriate and beneficial to the public.

A number of technical amendments were made to H.R. 689 to address concerns raised by the BLM in testimony before the House Natural Resources subcommittee on National Parks, Forests, and Public lands on March 24, 2009. Since that time, additional minor mapping corrections have come to the BLM's attention. The Bureau would like to work with the Sponsor and Committee to prepare a new map.

S. 1442

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1442, a bill that would amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of the Interior, Agriculture and Commerce to provide service-learning opportunities on public lands, help restore the Nation's natural, cultural, historic, archaeological, recreational and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service.

The Department strongly supports S. 1442. This bill would strengthen and facilitate the use of the Public Land Corps (PLC) program, helping to fulfill the vision that Secretary Salazar has for promoting ways to engage young people across America to serve their community and their country. On April 2, 2009, the Department testified in support of the House companion bill, H.R. 1612. While we are strongly supportive of S. 1442, there are a few areas where we would like to suggest some changes. We commit to working with the committee to address these recommendations.

#### *Engaging America's Youth Through Service*

While there are other Federal programs that promote service, expanding the use of the Public Land Corps could be a particularly important part of our overall strategy for increasing opportunities and incentives for young people to become involved because this program serves other high-priority goals as well. Through it, we could reconnect young people with their natural environment and cultural heritage; make progress on energy conservation and the use of alternative sources of energy; and provide education, training, and career-building experiences—and a pathway to careers in Federal land management agencies, which are in serious need of new, younger employees.

Secretary Salazar created the Youth in Natural Resources program during his tenure at the Colorado Department of Natural Resources as a way to educate thousands of young people about Colorado's natural resources, and he saw firsthand what a difference it made in their lives. From the day he was nominated as Secretary of the Interior, he has emphasized that it would be one of his top priorities

to find more ways to introduce young Americans from all backgrounds to the beauty of our national parks, refuges, and public lands and to promote an ethic of volunteerism and conservation in the younger generation. Enactment of this legislation could pave the way to meeting one of the Secretary's top priority goals—to develop a 21st Century Youth Civilian Conservation Corps.

*Background on Public Land Corps Program*

The Department regards the Public Land Corps program as an important and successful example of civic engagement and conservation. Authorized by the National and Community Service Trust Act on in 1993, the program uses non-profit organizations such as the Student Conservation Association (SCA) and other service and conservation corps organizations affiliated with the Corps Network as the primary partners in administering the Public Land Corps program. In addition, other non-profit youth organizations such as the YMCA also participate, as do local high schools and job-training youth organizations. The youth organizations assist the National Park Service (NPS) in its efforts to attract diverse participants to the parks by recruiting youth 16-25 years of age from all socioeconomic, cultural and ethnic backgrounds.

The National Park Service makes extensive use of the PLC program. Projects are funded through recreational fee revenue, with the typical project receiving \$25,000 from NPS plus a 25 percent match from a partner organization. NPS spent \$4.1 million on the program in FY 2008, which funded about 1,500 young men and women working on 178 projects at 99 park units. Most PLC projects at parks are designed to address maintenance and ecological restoration needs. The NPS also conducts other youth service and conservation projects at larger parks which are funded out of the parks' own budgets.

NPS also spent more than \$3 million on the Youth Conservation Corps program which is a summer employment program for 15-18 year old youth. NPS in fiscal year 2008 employed 833 youth to work on conservation projects across the country. The YCC program has been administered by the National Park Service since 1974.

The Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (FWS) have a long history of employing youth service and conservation corps participants from the SCA, Youth Conservation Corps and other organizations for a wide array of projects related to public lands resource enhancement and facility maintenance. Though most corps are affiliated with the nationwide Corps Network, they are often administered at the State, rather than national level. For example, the FWS and SCA have partnered for over 20 years to offer work and learning opportunities to students. In FY 2007, 122 Conservation Interns served at 45 FWS sites in 24 States, contributing more than 80,000 hours of work.

The BLM has engaged the services of SCA interns for many years under a long-standing national assistance agreement, then under individual State agreements. In 2006, the last year of BLM's national agreement, a total of 116 SCA members served at 16 BLM sites in eight States. The interns participated in a variety of conservation service activities such as recreation and river management, historic building restoration and maintenance, seed collection, and invasive species control. BLM's Salem Oregon District, for example, hires a mixture of Northwest Youth Corps, Clackamas County, and Columbia River Youth Corps members each year to perform a variety of activities such as trail maintenance and construction.

The FWS manages 587 units of the National Wildlife Refuge System that cover over 150 million acres, as well as 70 National Fish Hatcheries, which would directly benefit from programs authorized under S. 1442. National Wildlife Refuges and National Fish Hatcheries enjoy strong relationships with the local communities in which they are located, and are involved in many community-based projects that help maintain sustainable landscapes. The FWS's work is also supported by over 200 non-profit Friends organizations that assist in offering quality education programs, mentoring, and work experience for youth.

In 2007, the FWS employed 496 Youth Conservation Corps enrollees and 177 individuals through the Student Conservation Association program. Last year, over 39,000 volunteers contributed their time and talents to a variety of programs including support for youth education projects. Over the past two years the FWS has provided funding for a YCC program involving the Mescalero Apache youth at the Mescalero Tribal Hatchery in New Mexico. The FWS has working relationships with numerous colleges and universities for students interested in pursuing careers in fish and wildlife management.

*The Public Lands Service Corps Act of 2009*

S. 1442 would make several administrative and programmatic changes that, in our view, would strengthen and improve the Public Land Corps Act. These changes

would encourage broader agency use of the program, make more varied opportunities available for young men and women, and provide more support for participants during and after their service. Appropriately, S. 1442 would change the program's name to Public Lands Service Corps, reflecting the emphasis on "service" that is the hallmark of the program. President Obama is committed to providing young people with greater opportunities and incentives to serve their community and country. Through an enhanced Public Lands Service Corps, we would be taking a critical first step that direction.

Key changes that the legislation would make to existing law include:

- Adding the National Oceanic and Atmospheric Administration, which administers national marine sanctuaries, as an agency authorized to use the program;
- Establishing an Indian Youth Corps so Indian Youth can benefit from Corps programs based on Indian lands, carrying out projects that their tribes and communities determine to be priorities;
- Authorizing a departmental-level office at the Department of the Interior to coordinate Corps activities within the three land management bureaus;
- Requiring each of the three relevant departments to undertake or contract for a recruiting program for the Corps;
- Requiring each of the three relevant departments to establish a training program for Corps members, and identifying specific components the training must include;
- Identifying more specific types of projects that could be conducted under this authority;
- Allowing participants in other volunteer programs to participate in PLC projects;
- Allowing agencies to make arrangements with other Federal, State, or local agencies, or private organizations, to provide temporary housing for Corps members;
- Providing explicit authority for the establishment of residential conservation centers, and authorizing the Secretary to seek the assistance of the Secretary of Energy in identifying and using solar and other green building technologies that may be adapted for these facilities;
- Authorizing agencies to recruit experienced volunteers from other programs to serve as mentors to Corps members;
- Adding "consulting intern" as a new category of service employment under the PLC program;
- Allowing agencies to apply a cost-of-living differential in the provision of living allowances and to reimburse travel expenses;
- Allowing agencies to provide noncompetitive hiring status for Corps members for two years after completing service, rather than only 120 days, if certain terms are met;
- Allowing agencies to provide job and education counseling, referrals, and other appropriate services to Corps members who have completed their service; and
- Eliminating the \$12 million authorization ceiling for the program.

We believe that the Department's program would benefit from enactment of this legislation. As noted above, most PLC projects at national parks are designed to address maintenance and ecological restoration needs, and those types of projects would continue to be done under S. 1442. However, this legislation specifies a broader range of potential projects, making it likely that Corps members could become involved in such varied activities as historical and cultural research, museum curatorial work, oral history projects and programs, documentary photography, public information and orientation services that promote visitor safety, and activities that support the creation of public works of art. Participants might assist employees in the delivery of interpretive or educational programs and create interpretive products such as website content, Junior Ranger program books, printed handouts, and audiovisual programs.

PLC participants would also be able to work for a park partner organization where the work might involve sales, office work, accounting, and management, so long as the work experience is directly related to the protection and management of public lands. The NPS and the FWS have a large number of partner organizations that would be potential sponsors of young people interested in the type of work they might offer.

An important change for the Department is the addition of specific authority for agencies to pay transportation expenses for non-residential Corps members. Transportation costs may be a limiting factor in program participation of economically disadvantaged young people.

Another important change is the addition of “consulting intern” as a new category of service employment under the PLC program, expanding on the use of mostly college-student “resource assistants,” provided for under existing law. The consulting interns would be graduate students who would help agencies carry out management analysis activities. NPS has successfully used business and public management graduate student interns to write business plans for parks for several years, and this addition would bring these interns under the PLC umbrella.

The Public Lands Service Corps would also offer agencies the ability to hire successful corps members non-competitively at the end of their appointment, which would provide the agency with an influx of knowledgeable employees as well as career opportunities for those interested in the agencies’ mission. Refuges and hatcheries, for example, are uniquely qualified to connect with local communities since the Service has so many refuges across the country that are located near smaller communities and can directly engage urban, inner city, and rural youth. For example, partnering academic institutions could offer educational programs to enhance the students’ work experience, thereby providing orientation and exposure to a broad range of career options.

The legislation would also give the Department’s other bureaus that would utilize this program the authority to expand the scope of existing corps programs to reflect modern day challenges, such as climate change and add incentives to attract new participants, especially from underrepresented populations.

An expanded Public Lands Service Corps program would provide more opportunities for thousands of young Americans to participate in public service while we address the critical maintenance, restoration, repair and rehabilitation needs on our public lands and gain a better understanding of the impacts of climate change on these treasured landscapes.

*Recommended Changes to S.1442*

While we are very supportive of S.1442, there are few areas we would like to suggest some changes. We would be happy to work with the committee to develop technical amendments and changes in the following areas:

- Cost sharing for nonprofit organizations contributing to expenses of resource assistants and consulting interns.—Under current law in the case of resource assistants, and under S. 1442 in the case of consulting interns, sponsoring organizations are required to cost-share the expenses of providing and supporting these individuals from “private sources of funding”.25 percent for resource assistants and 10 percent for consulting interns. The administration recommends leveling this cost-requirement to 25 percent for both categories of participants with an additional provision to give agencies the ability to reduce the non-Federal contribution to no less than 10 percent, but only when the Secretary determines it is necessary to enable a greater range of organizations, such as smaller, community-based organizations that draw from low-income and rural populations, to participate in the PLSC program.
- Benefits for consulting interns.—The Department recommends clarifying amendments to include consulting interns as the third type of corps member who are eligible for living allowances; national service educational awards and forbearance in the collection of Stafford loans. This change would allow all three types of corps members—PLSC participants, resource assistants, and consulting interns—to be treated equally for purposes of eligibility for living allowances and education benefits. We also suggest clarifying language to ensure that members of qualifying conservation and youth corps are treated as Corps participants. Existing law and the bill as introduced differentiate between Corps participants, who are hired directly by the agencies, and youth who are sponsored by other organizations.
- Hiring Preference.—It is unclear whether resource assistance would qualify for the provision of credit for time served with the Public Lands Service Corps for future federal hiring. We recommend that this language be clarified to ensure resource assistants are made eligible for these benefits.

Second, S.1422 provides that former PLSC members would be eligible for non-competitive hiring status for up to two years. The Administration opposes eligibility for up to two years because the service requirements for this program are minimal. Therefore, we recommend making eligibility status one year, which is consistent with other Government-wide, non-competitive appointment authorities based on service outside of the Federal government.

The Department further suggests including language to ensure that time these former Corps members (both types) spent as full-time students does not accrue against the time period they have to use their noncompetitive hiring status. That

way, college students who served in the Corps during the summer, for example, would be able to use their time period of noncompetitive status after they graduate from college.

While we support the noncompetitive hiring authority for all the different types of PLSC participants, we recommend including language to ensure that the participants have documented work experience within a legitimate program in order to be eligible for this authority. In the case of youth serving on PLSC projects through outside organizations, this could be achieved by specifying that the participants need to achieve the requisite hours of work within qualified youth or conservation corps programs as defined in Section 203 of the Act.

- **Agreements with Partners on Training and Employing Corps Members.**—Finally, we recommend striking the provision in S.1422 that would allow PLSC members to receive federally funded stipends and other PLSC benefits while working directly for non-Federal third parties. The need for this language is unclear, since agencies already have flexibility in how they coordinate work with cooperating associations, educational institutes, friends groups, or similar non-profit partnership organizations. Yet, the language could raise unanticipated concerns over accountability, liability, and conflicts of interest. For example, this language could allow an individual to receive a federally funded stipend under a PLSC agreement, and then perform work for a different non-federal group (such as a cooperating association) that is subject to agency oversight under different agreements. This language could blur the lines of responsibility that have been established in response to IG concerns over the management of cooperating associations and friends groups.

Mr. Chairman, that concludes my remarks. I would be happy to answer any questions you or the other members of the subcommittee have.

Senator WYDEN. Gentlemen, thank you both. That's very helpful. Let me start off this way.

This subcommittee has been involved in four major statutes over the last few years. Certainly I've spent a lot of my time on it: the County Payments legislation, twice, the Public Lands Package, a historic package signed by the President this year and the Healthy Forest Restoration Act. Invariably on these major bills you are trying to bring together environmental folks and folks from various industries, the timber industry, State and local officials.

The debates, very often, start at a fairly high decibel level. There are strong differences of opinion. Then we try to bring folks together. We're going to try to do that in a number of these bills that we're working on today.

I am still trying to get my arms. Let me start with the question of the Good Neighbor bill. Trying to get my arms around what is at issue here.

It seems to me some seem to be saying that the issues are largely technical questions. Others seem to be approaching this is a major philosophical change. I'm going to continue to try to bring all sides together.

I think the Obama administration has made it clear that's what they want to do. So just one question I think, probably more technical than anything else on the Good Neighbor Bill. My understanding is under the Good Neighbor authority the State acts as the "agent" of the Forest Service or the BLM.

So given that kind of standing how does the Department/Departments delineate the potential liability between a State forester and the Federal Government under what amounts to the current situation, the pilot Good Neighbor authority?

Mr. Holtrop, the question I guess is for you.

Mr. HOLTROP. Thank you.

First of all let me just State that we have not had liability issues with any of the projects that we've completed in the States of Colorado and Utah. But it's—I think at our liability issues, I think there are some issues around wages, safety, fair labor standards. Those are the types of things that we just think need to require a little bit more analysis and consideration before we're ready to expand this authority as broadly as we want to.

But we want to do this. The Good Neighbor authority, as Senator Barrasso adequately—or appropriately expressed in his opening comments, it's an authority that can be very valuable to us. We want to have this. We are willing to work expeditiously to resolve those issues.

Senator WYDEN. Very good. One question about the Ski Area issue, S. 607. As I understand it in your testimony the Forest Service explicitly has authorized a number of non-skiing activities that in effect the agency now recognizes as not proper under existing law, but the extent in character of these activities are not clear from the testimony that we've received at this point.

Can you work with the ski areas to get the committee a list of what non-conforming activities have been authorized by the Forest Service? Whether you think they conform to the 7 criteria that you've laid out in the testimony today?

Mr. HOLTROP. We would be happy to work with the ski industry to provide a list.

Mr. HOLTROP. I would say that the Ski Area Permit Act that we currently operate under doesn't explicitly exclude many activities. But it's not explicitly authorizing some of those activities.

The activities that do occur under Ski Area Permits could be authorized under many other authorizing authorities as well. But I think we can get you a list of all of those activities that do occur outside of the winter season on ski areas.

Senator WYDEN. Very good. It seems to me that all sides are rooting in effect for a bit more clarity in this area. I think that's going to be helpful.

So, Senator Barrasso.

Senator BARRASSO. Thank you very much, Mr. Chairman. We know that Good Neighbor authority is in place, as you mentioned, Utah, Colorado. So I'd like to ask a little bit about your experience in those States.

You said there were no liability issues. It's something you want to move to expeditiously. So, how does it help you fulfill your agencies' missions in those States?

Mr. STANTON. At this point, Senator Barrasso, is that the Bureau of Land Management has had only experience with the Good Neighbor policy in Colorado. It has worked extremely well. It has proven to be an effective tool that also resulted in management efficiencies. Therefore, cost savings as well. Plus it improves coordination with private landowners, with other State jurisdiction as well as with other Federal agencies.

So the concept and the practice of the concept, I think, is very viable. I think it paves a way for improved efficiencies in the government. There is a responsibility, however, born by the Federal Government and the States to assure that there's clear under-



standing about the agreement requirements. I think all of those—any differences have been worked out on the ground.

But as with any new effort, you continue to analyze and make sure that if there's anything need to be improved upon, you improve upon it. But the Good Neighbor policy is very well accepted in The Department of the Interior.

Mr. HOLTROP. Also agree with everything that Mr. Stanton just said. I would also say that it is efficiencies that this provides us. We have, again, as your Statement, Senator Barrasso, indicated, we have in the State of Wyoming, Colorado, Utah and across the West, a great deal of work to do on insect infestations. Every tool that we can have in our tool chest to help us accomplish that is something that would be important to us.

There's an example that I would like to just mention in Colorado where we had a community that worked with the Colorado State Forest Service to do hazardous fuel reduction within the community on the private lands next to the National Forest system lands. We then worked with the Colorado State Forest Service to expand that work onto the National Forest system lands. The efficiency that came from that and the overall accomplishment of restoring some safety to that community was important.

Senator BARRASSO. Colorado and Wyoming are addressing forest health threat from bark beetles. Is that what you're making reference to?

Mr. HOLTROP. Yes.

Senator BARRASSO. It seems there's a lot you could do with that. That would be great. So anytime you try to work with good neighbor authority and implement one of these projects, the land management plan, still really dictates the parameters of the project.

So it's not something that a State could all of sudden take over? Is that correct?

Mr. HOLTROP. That is correct. The forest land and resource management plan in the case of the Bureau of Land Management, their resource plans, dictate the Federal agency is responsible for the national environmental policy work in making the decisions.

Senator BARRASSO. So if a State tried to go beyond that authority, there are Federal restrictions?

Mr. HOLTROP. Yes.

Senator BARRASSO. There would be somebody who would step in and make sure that did not occur.

Mr. HOLTROP. Yes.

Senator BARRASSO. No further questions at this time, Mr. Chairman.

Senator WYDEN. Chairman Bingaman.

The CHAIRMAN. Thank you very much. I thank both the witnesses.

Mr. Stanton, thank you for the strong Statement of support for S. 1442. I know you've worked hard throughout your career to make the forest available for training and employment opportunities for young people. I think it is very important that we strengthen that legislation. So I appreciate your Statement.

On the Good Neighbor issue I think one of the reasons that I think there's been a little concern. We had a hearing a couple years ago on the problem of alleged problems in connection with some of

the forestry workers who were brought in to do work, forest restoration type work. Many of them were foreigners coming here under an H-2B visa, essentially. There were real questions as to whether the conditions that they were working in were appropriate.

As I understood at that time there were some pretty strict rules put in place there to ensure that these folks were properly dealt with, that the working conditions were acceptable and all of that.

First, let me just ask if I'm right in my recollection of that.

Mr. HOLTROP. You are correct in your recollection. That is one of the issues that causes us to have a desire to make sure that we have analyzed and studied all of the—

The CHAIRMAN. But it would be your desire to be sure that if you're contracting with the State or you entered into an agreement with the State to go ahead and do other work that the Federal Government is supporting, financially, that—those same kinds of requirements would apply to any contractor doing that work that applied to any contractor working directly for the Federal Government.

Mr. HOLTROP. That's correct.

The CHAIRMAN. Ok. I think that's one concern. I just wanted to be sure to get out for folks to think about.

On the legislation that Senator Udall has introduced which I generally support trying to get more recreational opportunities on our forest lands. Some are recreational opportunities in ski areas. One suggestion I've heard is that there's been a proposal at at least one ski area to put in a what's called an alpine roller coaster.

First, I'd be interested in knowing whether you know what that is.

Second, is that an appropriate use of the National Forest lands?

I guess to the extent that I've thought about this. I've thought that we clearly want to encourage more recreational use of the National Forest lands and in ski areas as well. We don't want to see the National Forest lands turned into Disneyland type parks. I don't know whether an alpine roller coaster, which category that winds us up in.

Mr. HOLTROP. Thank you for the question.

We generally refer to the device as an alpine coaster. My understanding is generally what they would do, they are a device that sits on rails, but generally follows the contour of the land as they roll down. They are somewhat similar to an alpine slide, but the slide is more on the ground. The coaster is raised above the ground a little bit more and the different way in which they move down the hill.

I think the key question is there clearly are some activities that would be outside the scope of what the subcommittee or the Forest Service would be interested in having occur on National Forest system lands. We want to make sure that the legislation addresses that appropriately. We believe the type of activities that could/should occur on ski areas outside of the winter season should be nature based, should be largely generated by the and dependent upon the resources such as the mountains and the scenery and the forests that are there.

There are some facilities that we think definitely fall outside of that category. We would like to work with the subcommittee to have those explicitly identified in the legislation. There are some that we think should be considered on a site by site, case by case basis. We would put into place directives that would help us analyze those on a case by case, site by site basis.

The CHAIRMAN. That's all I have, Mr. Chairman. Thank you.

Senator WYDEN. I thank my colleague.

Senator Udall, I think was next in terms of arrival.

Senator UDALL. Thank you, Mr. Chairman.

Mr. Holtrop, let me turn first to the Sugarloaf Fire Protection District Land Exchange Act. I want to thank you for your testimony. To start I would like to continue to work with you and the fire district to address the issues you raised in your testimony. I think we can resolve them fairly quickly.

In fact, I understand the fire district has preliminarily let us know they're alright with making the changes that you recommend. I can't speak definitively for them. But I really want to make sure that we get a solution here.

We've been working on this land exchange for more than 10 years. We can't have another 10 years go by without action. So do I have your commitment that you'll work with the fire district and with my staff to move this legislation forward?

Mr. HOLTROP. Absolutely. You have that commitment. We also don't want it to take anywhere near another 10 years, months sounds better.

Senator UDALL. That sounds very appropriate to me. Let me turn to the ski area bill that Senator Wyden has discussed and Senator Bingaman as well. I want to thank the 15 co-sponsors that joined me in supporting this bipartisan legislation that includes several members of the committee: Senators Barrasso, Cantwell, Sanders, Shaheen and Stabenow.

I have a longer Statement for the record, Mr. Chairman, that I would like to include in the record.

Senator WYDEN. Without objection that will be done.

Senator UDALL. It, in particular, focuses on the importance of the bill to our mountain economies. Let me turn to a specific set of comments. I agree with you and those who will testify in the next panel that we need to have side boards so that permitted activities are in keeping with outdoor, natural-based, recreational opportunities.

I do believe with a pride of authorship here we've struck the right balance in the bill given that, I think you even point out this is a fluid and evolving concept and specific activities need to fit individual areas. So that's why I do have some concerns about spelling out in detail what permitted activities can and cannot be in law. Nevertheless, would you and the Forest Service be willing to work with us in providing more guidance on this point through report language as the bill moves forward?

Mr. HOLTROP. Yes, we would. I think you point out a couple of things.

One is that the—I don't think we can be definitive in establishing what are all of those activities that should be excluded at this point in time because there will be new inventions. They'll be

new activities. They'll be new ideas that we also need to be able to respond to over time. So I think that's an important part of what we need to look at in this legislation.

Although I do think that there are some that are so clearly outside the scope in my testimony list a few of those like tennis courts and golf courses and things like that that I think we can reach resolution on fairly quickly. But yes, you have my commitment to work with you to continue to either identify what are those, some of those specific side boards where after the legislation is passed as we work on the guidance necessary to make the correct decisions on a site by site, case by case basis.

Senator UDALL. I would note for the record that in part the genesis for this idea was a particular ski area in Colorado that wanted to operate within the law, wanted to be an outfitter guide that didn't include activities on the ski area lands in the summertime that weren't within the very unspecific guidelines. Included in this was an interest in having mountain biking in the ski area and use of those roads. They were operating in a very responsible, straight forward way.

So that was one of the reasons that I brought this bill forward. So they had that clarity. As you know the ski area business model is based on an active winter season, a less active summer season. Although you see the revenues rising up to the point now where the summer sometimes equals or surpasses the winter season. But they also look as any good business people would, to level out those peaks and valleys in the spring and the fall seasons.

One final question. In Mr. Bidwell's testimony in the panel that will follow yours, he makes the point that in current Forest Service, I want to quote his testimony here. In current Forest Service policies recreation ski areas should continue to be dependent on the natural setting and provide recreational opportunities that are generally not available on private lands or non forested settings such as urban areas."

Is there anything in my bill that would change this policy?

Mr. HOLTROP. No, not that I'm aware of. Again, it is something that's important to us as well. Generally the types of recreational activities that occur on National Forest system lands in ski areas ought to be activities that are unique to opportunities on National Forest not of an urban setting. That's the intent of the legislation. I appreciate the work that you've done on it.

Senator UDALL. Thank you. I think there's, Mr. Chairman, a lot of violent agreement on this point. I might use just a few additional seconds to welcome Mr. Stanton. He's one of my heroes. It's great to see you here.

Mr. STANTON. Thank you.

Senator UDALL. Thank you for your continued service.

Mr. STANTON. Thank you. Thank you very much.

Senator UDALL. The Stanton Family, the Udall Family have long ties. It's nice to see you here.

Mr. STANTON. That's nice to hear.

Senator UDALL. Mr. Chairman, thank you.

Senator WYDEN. We are glad to have Senator McCain on this subcommittee and this Congress. I mentioned a number of those bills that people didn't think you could get significantly over 60

votes over the years. One of the reasons we were able to is the participation of Senator McCain.

So we recognize you and glad you're on the subcommittee.

Senator MCCAIN. Thank you, Mr. Chairman. I appreciate all your leadership and your commitment to these issues that are so important to the Nation that are under the obligations of this subcommittee. I thank you for your leadership.

Mr. Stanton, I'm very, very glad to see you, sir. Mr. Holtrop, I've got a problem I need to discuss with you. I think you're aware of the issue is the Snow Bowl issue in Arizona.

In 2005 the Forest Service approved a proposal to install snow making infrastructure and other facility improvements at the Arizona Snow Bowl which you know is a ski area perimitee in the Coconino National Forest. It gets about 150,000 people every year. Immediately a coalition of Indian tribes surmounted a legal challenge arguing that artificial snow would desecrate the San Francisco Peaks.

In 2008 the Ninth Circuit Court of Appeals ruled in favor of the Forest Service. In June 2009 the Supreme Court declined to hear the case. In order to make the 2010 ski season construction has to begin no later than next March.

Can you tell me what's the status of when we can expect the Forest Service to issue a notice to proceed?

Mr. HOLTROP. Senator, I'm certainly aware of the concerns that you're expressing there. I'm looking forward to sharing your concerns with the other folks in the Department that have been working on this issue. I think we have a shared understanding of how important these issues are to the ski area and to the community around the ski area and to the tribal interest. We look forward to continuing to work with you and others on resolution.

Senator MCCAIN. Mr. Holtrop, we got a letter from the Deputy Secretary of Agriculture that said basically that they were considering the situation. I must say in the years that I've been here I've never heard of a decision that is upheld by the U.S. Supreme Court then an agency of government not implementing the results of that decision. I'm frankly dumfounded that having fought this all the way through the courts, a million dollars of the taxpayer's money and yet there's no action that has been taken. Do you have any?

Now the information we have is that Secretary Merigan is attempting to facilitate negotiations for the sale of the ski area to the Navajo nation. Have you heard of that?

Mr. HOLTROP. I've heard there are some discussions going on such as that.

Senator MCCAIN. What authority does the Deputy Secretary of Agriculture have to engage in negotiations which have been requested by neither party?

Mr. HOLTROP. My understanding is that the parties have mutually agreed to have some discussions. Have actually asked the USDA to refrain from involvement at this time. But again, I understand what your concern is. I understand the sense of urgency.

I assure you that as I continue to work on this and as I work on this with the folks in the Department I'll share your concerns with them. We'll continue to work forward.

Senator MCCAIN. I appreciate your nice words. I really do. How does anyone, much less an unelected bureaucrat, in all due respect, take it upon herself to say that here's the decision by the U.S. Supreme Court which through all the Constitution requirements were fulfilled and she's not going to act?

In other words, her words were, "We have it under consideration." What gives the Deputy Secretary of Agriculture that kind of authority not to move forward after the issue has been resolved?

Now there's been another case brought, another suit brought by another organization which will be quickly dismissed because it's frivolous in nature. But I would like to know, again, when this Deputy Secretary or you intend to act to implement a case that's been settled all the way up to the U.S. Supreme Court. Very frankly, your answer, while we look forward to working with you, isn't quite good enough given what's happened so far since the decision was made.

So I don't want to hold up bills. I don't want to hold up nominees to positions. But I have to exercise my rights in order to see that the people of Flagstaff, Arizona and my State can enjoy one of their really great recreational facilities, that they can have the right to move forward with a process that has already been decided in the courts.

So I hope to get a rapid response from you. I do not threaten anything. But I do say that it is unacceptable for a Deputy Secretary of Agriculture to respond to a case that's been in the U.S. Supreme Court to say well, we're considering action.

So I hope that you will help us out here. Move forward with this process. Now again, if the Deputy Secretary of Agriculture has a reason not to act, then I understand that. I'd like to know that reason.

But to just say we're considering it, I think is not in the way our government is supposed to function.

Mr. HOLTROP. I assure you I will pass your concerns on. My understanding is members of the Department have met with members of your staff earlier this week. Follow up conversations, I'm sure, will happen. I'll make sure that I pass on your concern.

Senator MCCAIN. I thank you very much. I hope that we can get this done quickly. I appreciate it.

Thank you, Mr. Chairman.

Senator WYDEN. Mr. Holtrop, why don't you keep me apprised of that as well in terms of the progress and the discussions with Senator McCain's folks?

Mr. HOLTROP. I'd be happy to do so.

Senator WYDEN. Ok. Senator Cantwell.

Senator CANTWELL. Thank you, Mr. Chairman. Thanks for holding this important hearing. I'd like to enter into the record a longer Statement, if I could on S. 721, the Alpine Lakes Wilderness Expansion bill.

Senator WYDEN. Without objection, so ordered.

Senator CANTWELL. Thank you. If I could also include I have many letters of support from businesses, conservation groups, religious groups, hunters, anglers, sportsmen. If we can include those in the record I'd appreciate it as well.

Senator WYDEN. Without objection, so ordered.

Senator CANTWELL. Thank you.

Mr. Holtrop, I see from your testimony you support this expansion of the Alpine Wilderness Area. Obviously it's a very important and well visited area of our State, the designation that happened in 19, I think it was 76 has been a good investment for everyone. Obviously we'd like to see this expansion take place.

You say you support it. I want to ask you about a couple of the concerns that you raised about the bill. One is about this DNR land. My understanding is DNR land can be part of a wilderness area. So I want you to help me understand that concern.

Then some of the issues with the adjacency issue on the Middle Fork.

Mr. HOLTROP. Yes, thank you.

The DNR land, it's—DNR land could be included within the wilderness boundary. The way the wilderness boundary is drawn, as I recall, reflecting on the maps, it appears to be drawn on a topographic feature in which just happens to include 330 acres or something like in two different parcels of State land. The whole rest of the 22,000 acres or so, I believe is all National Forest system land or maybe a few private in holdings in one portion. We just thought that it would be less administratively difficult to make a very minor modification of the boundary to exclude the State lands from the wilderness boundary.

Regarding the adjacency issue in the Middle Forks Snoqualmie, that's an issue of a mountain bike trail, a very popular mountain bike trail, which is outside the proposed wilderness. But the proposed wilderness goes right up to the mountain bike trail. The trail is located between what would then be the wilderness boundary in the Middle Forks Snoqualmie River.

If there were any landslides, floods, anything that would require relocation of the mountain bike trail to allow it to continue as a mountain bike trail, we would like to have the opportunity to be able to move it further from the river by moving it upstream, by moving it above a little bit. So if we had the wilderness boundary offset from the existing trail boundary by a small margin it would allow us some more flexibility in the management of that mountain bike trail over time.

Senator CANTWELL. What are we talking about?

Mr. HOLTROP. A couple hundred feet.

Senator CANTWELL. So that seems to be a minor issue. What of DNR has no problem with inclusion of this? So if you're definitely talking about a boundary.

Mr. HOLTROP. Yes. We'd be happy to work with you and the DNR on that boundary issue.

Senator CANTWELL. Ok. So you're supportive of moving this bill?

Mr. HOLTROP. Yes we are.

Senator CANTWELL. Great. Thank you, Mr. Chairman.

Senator WYDEN. Thank you, Senator Cantwell.

Senator CANTWELL. I want to say my colleague, Senator Murray, has worked very hard on this legislation in a bipartisan fashion. She is the original sponsor of this. I'm happy to be a co-sponsor of it. But we're very proud of her work in this area.

Senator WYDEN. I know that Senator Murray has and kudos to her and you and all who put so much time into it.

Any colleagues have any other questions they would like to ask of these witnesses? Senator Barrasso? Senator McCain? Other questions?

Ok. Gentlemen, we'll excuse you at this time. Thank you.

Mr. STANTON. Thank you.

Senator WYDEN. Let's go on to our next panel.

Rusty Gregory, Chairman and CEO, Mammoth Mountain Ski Resort, Mammoth Lakes, California.

Ryan Bidwell, Executive Director of Colorado Wild in Durango, Colorado.

Bill Crapser, State Forestry, Wyoming State Forestry Division, Cheyenne, Wyoming.

Cassandra Moseley, Ph.D., Director of the Ecosystem Workforce Program at the University of Oregon, Eugene, Oregon.

While you're all getting seated, it's a pleasure to have a constituent and a friend, someone we admire greatly on this subcommittee here, Cassandra Moseley. Have been doing good work on sustainable approaches in natural resources for a lot of years. Dr. Moseley, we appreciate your coming.

Let's start with Rusty Gregory, Chairman and CEO, Mammoth Mountain Ski Resort.

Mr. Gregory.

For all of you we'll make your prepared remarks part of the record and if you could take 5 minutes or so and summarize your big concerns that would be helpful.

**STATEMENT OF RUSTY GREGORY, CEO/PRESIDENT, MAMMOTH CHAIRMAN, NATIONAL SKI AREAS ASSOCIATION, MAMMOTH LAKES, CA**

Mr. GREGORY. My full comments have been submitted to the record. Thank you very much for the opportunity to testify today on behalf of the National Ski Areas Association. NSAA has 121 member ski areas that operate on the National Forest System lands.

These public land resorts are in the States of Arizona, California, where Mammoth Mountain is located, Colorado, Idaho, Montana, Nevada, New Hampshire, New Mexico, Oregon, Utah, Vermont, Washington, Wyoming. At the onset, NSAA would like to thank Senator Udall for his leadership on this bill and for being a champion of outdoor recreation. We'd also like to extend our regrets to Senator Murkowski regarding her ski mishap at Alyeska recently and her resulting knee surgery. She's a great skier. We know she won't hold that against us and our efforts in this bill.

Public land ski areas work in partnership with the U.S. Forest Service to deliver an outdoor recreation experience unmatched in the world. Our partnership dating back to the 1940s is a model public/private partnership that greatly benefits the American public. The recreation opportunities provided at public land resorts help benefit rural economies, improve the health and fitness of millions of Americans, get more kids out in the woods and promote appreciation for the national environment.

Over the past 5 years we have averaged 57.8 million skiers and snowboarder visits annually and about 60 percent of those visits have occurred on ski resorts that are on public lands. Ski areas are



the perfect place to accommodate large numbers of forest visitors. Make no mistake about it. Ski areas are developed sites.

They inspire an appreciation for the natural environment. But they also represent a built environment. Ski areas already have parking lots, bathrooms, trails and other facilities to accommodate the significant numbers of summer visitors. Increasing use of developed ski areas will help Forest Service provide recreational opportunities in a controlled and already mitigated environment and alleviate the impacts elsewhere on forest lands.

Some year round activities are not new to ski areas. Resorts across the country have offered summer activity for decades with scenic chair rides and gondola rides dating back as far as the early 1960s. These activities typically include mountain biking, scenic chair lift rides, as I said, hiking, zip lines, alpine slides, climbing walls, Frisbee golf and others. Many ski area permits reference seasonal and year round resorts and Forest Service policy encourages the year round use of resort facilities. Even Congress recognized the four seasoned nature of resorts back in 1996 by including the term gross year round revenue in our fee system.

So why are we here? The NSAA strongly supports Senate bill 607, to create a national comprehensive approach to authorizing seasonal and year round recreational opportunities. In the 110th Congress the Forest Service testified in support of the bill and Stated that further clarifications of the bill would be helpful.

NSAA agrees that the Forest Service needs clarification on what summer activities should be deemed permissible at public land resorts and which should not. There does not seem to be much debate over some of the more traditional summer uses at ski areas. At issue here are the more modern recreation features and those that are likely to arise in the future.

NSAA is in favor of providing the Forest Service more clarity in its decisionmaking and respectfully offers the following suggestions.

First, existing, authorized summer and year round facilities or activities at public land resorts should be grandfathered in the bill. For example, authorization of alpine slides, zip lines, mountain bike parks, climbing walls and other amenities that have received previous Forest Service approval should not be changed or revoked as a result of this act.

Second, the types of summer and year round facilities that should already have been authorized, that have already been authorized by the Forest Service on public lands should not be considered as prohibited. Authorization of summer or year round activities at resorts should be viewed as a two step process.

The first step, determining of the class of activities or facilities should be prohibited outright or deemed permissible assuming that it is not prohibited.

The second step is to determine the appropriateness of that activity or facility in a particular site specific location.

To improve Forest Service decisionmaking the types of existing activities and facilities that have been approved by the agency should be deemed to pass this first hurdle. We would welcome a friendly amendment stating that existing activities and facilities are deemed to be in compliance with the provisions of Section

Three, Paragraph (4)(c)(2) of the bill. Certainly these types of facilities need to undergo site specific approval, but resorts ought to have the opportunity to at least propose them to the Forest Service for site specific consideration and decisionmaking.

Some good examples of these types of existing facilities are alpine slides and zip lines. Alpine slides exist in various parts of the country on public land. However with the exception of the Pacific Northwest, resorts in most ski States are not even allowed to submit a proposal for a new alpine slide.

Although several zip lines exist at ski areas on public land that have been constructed in the last 2 years. Other locations across the country are not permitted to submit a proposal for one. More clarity for the agency should bring this inconsistency and arbitrariness to an end.

To identify which summer or year round uses are existing as of the date of enactment, the Forest Service should conduct a brief survey, as there are only 121 resorts operating on Forest Service land. This task should not be difficult.

Third, it would be helpful if the Forest Service—if the committee provided guidance on the attention of Paragraph (4)(c)(2) of the bill. While the development of the amusement parks on public lands should not be permitted under this bill, we feel strongly about that. At the same time a collection of recreation or amusement related features may be authorized, should be authorized. In many cases already have been under existing approval.

For example amusement park features such as a Ferris wheel are not natural resource based and are clearly inappropriate. However a collection of features such as alpine slides, zip lines and climbing walls should not be considered an “amusement park” for purposes of this bill. Moreover more alpine slides such as year round bobsleds or mountain alpine coasters that are substantially follow the contour of natural terrain may also be considered permissible. Photos of these activities have been provided to the committee.

Again, my full remarks have been given to the record. I thank you very much for the time to speak today.

[The prepared statement of Mr. Gregory follows:]

PREPARED STATEMENT OF RUSTY GREGORY, CEO/PRESIDENT, MAMMOTH CHAIRMAN,  
MAMMOTH MOUNTAIN SKI RESORT, MAMMOTH LAKES, CA

Thank you for the opportunity to testify today on behalf of the National Ski Areas Association. NSAA has 121 member ski areas that operate on National Forest System lands. These public land resorts are in the States of Arizona, California (where Mammoth is located), Colorado, Idaho, Montana, Nevada, New Hampshire, New Mexico, Oregon, Utah, Vermont, Washington and Wyoming. Ten (10) members of the Senate Energy & Natural Resources Committee have public land ski areas in their State. At the outset, NSAA would like to thank Senator Udall for his leadership on this bill and for being a champion of outdoor recreation. NSAA supports S. 607 and is eager to work with all of you toward its passage.

*Background*

Public land ski areas work in partnership with the US Forest Service to deliver an outdoor recreation experience unmatched in the world. Our longstanding partnership—dating back to the 1940s, is a model public-private partnership that greatly benefits the American public. The recreation opportunities provided at public land resorts help benefit rural economies, improve the health and fitness of millions of Americans, get more kids in the woods and promote appreciation for the natural en-

vironment. Over the past five years, we have averaged 57.8 million skier/snowboarder visits annually, and about 60% of those visits occurred on public land.

Ski areas are the perfect place to accommodate large numbers of forest visitors. Make no mistake about it—ski areas are developed sites. They inspire appreciation for the natural environment, but they also represent a built environment that is accessible and convenient for most people. Ski areas already have the parking lots, bathrooms, trails and other facilities to accommodate millions of summer visitors. Increasing use of developed ski areas will help the Forest Service provide recreation opportunities in a controlled and mitigated environment and alleviate the impacts elsewhere on the forests. This increased utilization will benefit the natural landscapes and assist the Forest Service in meeting its challenge of providing quality outdoor recreation.

#### *Summer and Year-Round Activities*

Summer and year-round activities are not new to ski areas. Resorts across the country have offered summer activities for decades, with scenic chairlift rides dating back to the 1960s. These activities typically include mountain biking, scenic chairlift rides, hiking, ziplines, alpine slides, climbing walls, Frisbee golf and others. To date, the authorization of summer activities at public land resorts has occurred in a variety of ways. Many ski area special use permits reference “year-round” or “four season” resorts. Forest Service policy encourages the year-round use of resort facilities. Even Congress recognized the fourseason nature of resorts back in 1996 by including the term “gross year-round revenue” in our fee system (16 USC 497c).

So why are we here? NSAA strongly supports S. 607 to create a national comprehensive approach to growing seasonal and year-round recreational opportunities. Such an approach will provide for more consistent decision making and more accurately reflect what is now taking place at modern four season resorts. Specifically, S. 607 clarifies the Forest Service’s authority to permit appropriate seasonal or year-round recreational activities and facilities subject to ski area permits issued by the Secretary under Section 3 of the National Forest Ski Area Permit Act of 1986 (16 USC 497b). The bill is also an opportunity to update the language used to describe snowsports to better reflect the wide range of winter activities (including snowboarding, snow-biking, etc) taking place at modern ski areas. NSAA notes and appreciates the discretion and guidance the bill provides to the Secretary to make site-specific decisions on appropriate activities and facilities that are natural resource-based, outdoor, and harmonize with the natural environment at ski areas.

In the 110th Congress, the Forest Service testified in support of the bill and stated that further clarifications to the bill would assist the agency in its interpretation of the bill. NSAA agrees that the Forest Service needs clarification on what summer activities should be deemed permissible at public land resorts, and which should not. There does not seem to be much debate over some of the more traditional summer uses at ski areas. Hiking, chairlift rides, mountain biking, concerts and Frisbee golf have been approved at ski areas across the country without much fan fare. At issue here are the more modern recreation features and those that are likely to arise in the future. NSAA is in favor of providing the Forest Service more clarity in its decision making and respectfully offers the following suggestions.

First, existing, authorized summer and year-round facilities or activities at public land resorts should be grandfathered in the bill. For example, authorization for alpine slides, zip lines, mountain bike parks, climbing walls and other amenities that have received Forest Service approval should not be changed or revoked as a result of this Act.

Second, the types of summer and year-round facilities that have already been authorized by the Forest Service on public land should not be considered “prohibited.” Authorization of summer or year-round activities at resorts should be viewed as a two step process. The first step is determining if the class of activities or facilities should be prohibited outright or deemed permissible. Assuming that it is not prohibited, the second step is to determine the appropriateness of that activity or facility in a particular location. To improve future Forest Service decision making, the types of existing activities and facilities that have been approved by the agency should be deemed to pass this first hurdle. Another way of stating this is to say that existing activities and facilities are deemed to be in compliance with the provisions of Section 3, paragraph (4)(c)(2) of the bill. Certainly these types of facilities need to undergo site specific approval, but resorts ought to have the opportunity to at least propose them to the Forest Service for site-specific consideration. Some good examples of these types of existing facilities are alpine slides and ziplines. Alpine slides exist in various parts of the country on public land. However, with the exception of the Pacific Northwest, resorts in most ski States are not even allowed to submit a proposal for a new alpine slide. Although several ziplines exist at ski areas on

public land and have been constructed in the past two years, other locations across the country are not permitted to submit a proposal for one. More clarity for the agency should bring this inconsistency and arbitrariness to an end. Again, these features need site specific review and analysis. However, as a class of facilities, they should not be considered prohibited in any part of the country.

To identify which summer or year-round uses are existing as of the date of enactment, the Forest Service should conduct a brief survey. As there are only 121 resorts operating on Forest Service land, this task should not be difficult. The results of the survey should be submitted to the Senate Committee on Energy and Natural Resources and to the House Committee on Natural Resources within 180 days of enactment.

Third, it would be helpful to the Forest Service if the Committee provided guidance on the intention of paragraph (4)(c)(2) of the bill. While the development of amusement parks on public lands should not be permitted under this bill, at the same time, a collection of recreation or amusement-related features may be authorized—and in many cases already have been under existing approvals. For example, amusement park features such as Ferris wheels are not natural resource-based and are not appropriate. However, a collection of features such as alpine slides, zip lines and climbing walls should not be considered an “amusement park” for purposes of this bill. Moreover, more modern features such as year-round bob sled rides or mountain or alpine coasters that are gravity propelled and substantially follow the contour of the natural terrain may also be considered permissible. We have attached photos of these other summer and year-round activities for the Committee.

Likewise, guidance to the Forest Service regarding water parks would be helpful. While the development of water parks on public lands should not be permissible, at the same time, a collection of recreation features or activities that may require or benefit from the use of water may be authorized under the bill—and in many cases already have been under existing approvals. A log flume may not be appropriate in the view of the Committee, but naturally appearing pools, water-related mountain bike features, or summer tubing operations that utilize water and substantially follow the contour of the natural terrain may be deemed permissible.

Finally, we would welcome the removal of the “primary purpose” test from paragraph (4)(c)(3) of the bill. Removal of this provision will provide clarity to the agency, because there is already a revenue-based test existing in the Code of Federal Regulations that is more objective than this proposed “primary purpose” test. Under existing Forest Service regulations (36 CFR § 251.51), a ski area must derive the preponderance of its revenues from “the sale of lift tickets and fees for ski rentals, for skiing instruction and trail passes for the use of permittee-maintained ski trails.” This existing revenue-based test is more objective and is less likely to invite litigation over ski area summer proposals than the proposed “primary purpose” test.

Thank you for considering our comments.

Senator WYDEN. Thank you.  
Let's go right to Mr. Crapser.

**STATEMENT OF BILL CRAPSER, STATE FORESTER, WYOMING  
STATE FORESTRY DIVISION, CHEYENNE, WY**

Mr. CRAPSER. Thank you, Mr. Chairman, Senators. My name is Bill Crapser. I'm the State Forester from Wyoming. I'd like to speak with you today supporting S. 1122, the Good Neighbor Forestry Act.

Given the nature of some of the concerns I've heard you ask the first panel, I'd like to start off by saying I'm a forester, pretty much practical minded, dirt forester. I'm not an employment lawyer or a labor specialist. So if I don't clearly answer some questions it's because I'd be outside of my range and my expertise.

Wyoming has approximate—is like several other States in the West. We have approximately 11 and a half million acres of forest land. Nine million of those acres are owned by the Federal Government. Two and a half million are either State or private ownership.

In the State with only 11 and a half million acres of forest we currently have 2 million of those acres that are directly impacted by either mountain pine beetles, spruce bark beetle or Douglas fir

beetle. At the same time we've seen a huge increase in the number of people in homes in the wild land urban interface throughout the State. Currently Wyoming has 260 communities at risk of wildfire. To deal with these and other issues that exist in these intermingled ownerships local, State and Federal managers need to develop ways to work in a cross boundary approach when carrying out fuels mitigation, forest health and restoration projects in our forests.

I believe the passage of S. 1122 will provide an important tool for the Federal and State agencies to utilize in meeting these management needs. Let me use fuel mitigation in the interface as an example. Much of the land in the Western United States is intermingled ownership patterns with the development of community wildfire protection plans communities have been able to identify areas where fuels treatment is of high priority to them.

Local and State efforts have focused in these areas as have Forest Service and BLM efforts on their side of the line. However, I believe that with Good Neighbor authority these efforts could be better coordinated and projects could be carried out much more efficiently. This would allow for leveraging of limited resources to complete the most and highest priority work. In simple terms it would allow us to receive the biggest bang for the taxpayers buck.

The concept of Good Neighbor authority, cross boundary work is not new. Colorado and Utah have had the authority for several years under a pilot project. From conversations with my colleagues in those States, have seen good results in carrying out fuels, trail, burning, watershed and in Colorado even a timber sale project. I think that this success and cooperation should be expanded to States across the Western United States.

From a State Forester's perspective let me take a few moments to talk about what Good Neighbor authority is and what it is not. To me, quite simply, it's a tool to be used when appropriate, to achieve the most important work on both sides of the property line in the most efficient and cost effective way possible. It's not a ploy by State Foresters to take over the management of the National Forest.

The Federal agency is still responsible for all NEPA compliance with their plans and for paying for the project. Good Neighbor authority will provide a tool to perform work on Federal lands that is mutually beneficial to Federal land managers, communities and the State. In my mind, this would include watershed work, WUI or wild and urban interface work, right of ways and other types of projects.

It's not a way to avoid Federal employment laws or regulations. From my conversations with Colorado projects carried out under their agreement, each project, has its own task order. Individual task order is very clear which Federal regulations apply to this type of project. The State complies with those regulations and the administration of the project. As with most grants and agreements between the Federal agencies and the States, the State is required to sign what's called a standard form 24B assurances. This document clearly sets out the expectations the State is required to meet.

In closing let me reiterate. Most of my colleagues in the West and I support the implementation of Good Neighbor authority because we truly feel that it will increase the cooperation on the ground between local, State and Federal land management agencies. It will allow us to be better stewards of the natural resources that we are charged to protect and manage while at the same time put or most efficiently use the taxpayer's dollars on the ground where they can do the most good.

Thank you.

[The prepared Statement of Mr. Crapser follows:]

STATEMENT OF BILL CRASPER, STATE FORESTER, WYOMING STATE FORESTRY  
DIVISION, CHEYENNE, WY, ON S. 1122

Mr. Chairman, Senators good afternoon, my name is Bill Crapser, I am the State Forester of Wyoming, and would like to speak with you today supporting S.1122, "The Good Neighbor Forestry Act".

Wyoming like many western States is a diverse and special place made up of prairies, foothills, mountains, and lakes. People from all over the world come to Wyoming to enjoy our treasures from Yellowstone, to Devils Tower, to The Flaming Gorge. Much of the western United States water supply originates in our mountains. As you know Wyoming is also a major producer of energy for the nation.

Wyoming has approximately 11.5 million acres of forest land within it's' borders.

- 9.0 million acres of federal lands
  - 6 million acres US Forest Service
  - 1.3 million acres BLM
  - 1.7 million acres NPS
- 2.0 million acres of Private lands
- 0.50 million acres of State Lands

In the State we currently have over 2 million acres of these forests lands that have been impacted by the Mountain Pine Beetle, the Spruce Beetle, or the Doug Fir Beetle.

At the same time we have seen a huge increase in the number of people and homes in the Wildland interface throughout the State. Currently Wyoming has 260 communities at risk from wildfire.

To deal with these and other issues that exist in the intermingled ownerships, local, State, and federal managers need to develop ways to work in a 'cross-boundary' approach when carrying out fuels mitigation, forest health, and restoration projects in our forests.

I believe that passage of S.1122 will provide an important tool for the Federal and State agencies to utilize in meeting these management needs.

Let me use fuels mitigation in the interface as an example. Much of the land in the western United States is in intermingled ownership patterns. With the development of CWPPs, communities have been able to identify areas where fuels treatment work is of high priority them. Local and State efforts have focused in these areas, as have Forest Service and BLM efforts on their side of the line. However, I believe that with the GNA these efforts could be better coordinated and projects carried out much more efficiently. This would allow for the leveraging of limited resources, to complete the most and highest priority work. In simple terms, it would allow us to receive the biggest bang with the taxpayers buck.

The concept of Good Neighbor, cross boundary work is not new. Colorado and Utah have had the authority for several years under a pilot project, and from conversations with my colleagues in those State, have seen good results in carrying out fuels, trail, burning, watershed, and in Colorado even timber sale projects. I think that this success and cooperation should be expanded to States across the western US.

From a State Foresters perspective let me take a few moments to talk about what GNA is and what it is not.

- To me quite simply it is a tool to be used when appropriate to achieve important work on both sides of a property line in the most efficient and cost-effective way possible.

- It is not a ploy by State Foresters to take over the management of the national forests. The federal agency is still responsible for all NEPA, compliance with their plans, and for paying for the project.
- GNA will provide a tool to perform work on Federal lands that is mutually beneficial to the federal land managers, the communities, and the State. In my mind this would include watershed, WUI, right-a-way, and other types of projects.
- It is not a way to avoid federal employment laws or regulations. From my conversations with Colorado, each project carried out under the agreement, has its own task order. The individual Task Order is very clear which federal regulations apply to the project, and the State complies with those regulations in the administration of the project. As with most grants and agreements between federal agencies and States, the State is required to sign a Standard Form 424B "Assurances". This document clearly sets out the expectations the State is required to meet.

In closing let me reiterate, Most my colleagues in the west and I support the implementation of Good neighbor authority, because we truly feel that it will increase the cooperation on the ground between local, State, and federal land management agencies, and will allow us to be better stewards of the natural resources we are charged to protect and manage, while at the time allow us to most effectively put the tax payers dollars on the ground where they can do the most good.

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

**STATEMENT OF RYAN D. BIDWELL, EXECUTIVE DIRECTOR,  
COLORADO WILD, DURANGO, CO**

Mr. BIDWELL. Thank you, Mr. Chairman and members of the subcommittee for the opportunity to testify today on the Ski Area Recreational Opportunity Enhancement Act, S. 607. My name is Ryan Bidwell. I'm the Executive Director of Colorado Wild. I'm presenting my testimony today on behalf of my own organization as well as the Wilderness Society, the Natural Resources Defense Council, Colorado Mountain Club, Wild Earth Guardians, Save Our Canyons, See our Nevada Alliance, Greater Yellowstone Coalition and Oregon Wild.

National Forests play an invaluable role in providing healthy and engaging outdoor opportunities for the American public. We support amending the Ski Area Permit Act of 1986 to address its outdated elements as well as to authorize year round, appropriate types of recreation at ski areas. National Forest ski areas can and should continue to provide opportunities for the healthy, natural resource dependent recreation that is increasingly unavailable on private lands or non-forested settings such as urban areas.

As introduced however, S. 607 could authorize virtually any type of recreational activity within ski area permit boundaries and could result in a dramatic shift away from the outdoor oriented, natural resource dependent recreation that National Forests currently provide. In other words it leaves the door open to inappropriate, urbanized recreation like water parks or amusement parks that are unrelated to and degrade the experience for users of a natural National Forest environment. Make no mistake this concern is not unfounded.

Vail Mountain and Las Vegas ski and snowboard resort have each proposed large, permanently constructed downhill roller coasters. Were S. 607 to instead provide clear direction to the Forest Service on the nature of activities to be permitted we believe it would end the uncertainty and inconsistent land management that

has, at least in part, contributed to the need for amending this law. In terms of strategy we believe amending S. 607 to clarify the characteristics of recreational activities and facilities that should be permitted is preferable to developing a list of prohibited activities as we believe, will better stand the test of time as new recreational pursuits emerge in the future.

We also believe it is important to concentrate new facilities in already developed areas. Some ski areas, as you may know, have very large permit areas that extent well out beyond the existing lifts, trails and other infrastructure. These areas include vital habitat for threatened and endangered species, sources of clean drinking water, prime areas for hunting, fishing and other outdoor pursuits and some of our most beautiful scenic areas.

For example, Vail Mountain's permit area includes nearly six square miles of undeveloped forest that's well out and beyond the existing trails and infrastructure. The situation is similar at many other resorts. S. 607 provides no guidance to the Forest Service as to where year round recreational facilities should occur potentially threatening large acreages of pristine National Forest with easily avoidable and unnecessary impacts. This issue can be remedied by concentrating new recreational facilities in the areas already modified by trails, lifts and other developments.

We also believe that any amendments to the act should not create an uneven playing field for other recreational providers. S. 607 allows 40-year, non-competitive permits for ski companies to operate year round activities while special use permits for other outfitters are generally available only through a competitive process for 1, 5 or 10-year intervals. In the interest of fairness we believe non-skiing, recreational activities permitted for ski companies should be held to the same standards as other permittees.

In closing we support amending S. 607 to clarify the characteristics of recreational activities and facilities that may be authorized to concentrate new facility construction in appropriate areas and to level the playing field for other recreational businesses. We are willing and interested in working with the committee to achieve a Ski Area Permit Act that ensures year round recreation at ski areas encourages healthy, natural, outdoor dependent exploration and discovery of the public's National Forests in a manner that's fair, sustainable and consistent nationwide. Thank you for the opportunity to address the subcommittee.

[The prepared statement of Mr. Bidwell follows:]

PREPARED STATEMENT OF RYAN BIDWELL, EXECUTIVE DIRECTOR, COLORADO WILD,  
DURANGO, CO

S. 607

*Introduction*

Thank you Mr. Chairman, and members of the subcommittee, for this opportunity to testify today. My name is Ryan Bidwell and I am the Executive Director of Colorado Wild, a membership-based conservation organization based in Durango, Colorado. I am also the chairperson of the Ski Area Citizens Coalition, a broad group of more than 25 local, regional and national organizations that annually research and publish the Ski Area Environmental Scorecard which evaluates more than 80 ski resorts across the West on their environmental stewardship practices. It is as an avid skier and conservationist that I make my remarks today on the Ski Area Recreational Opportunity Enhancement Act, S. 607.



I am presenting my testimony today on behalf of Colorado Wild and its members, but also on behalf of The Wilderness Society, Natural Resources Defense Council, Colorado Mountain Club, WildEarth Guardians, Save Our Canyons, Sierra Nevada Alliance, Greater Yellowstone Coalition, and Oregon Wild. We appreciate the opportunity to share our perspectives on S.607 at this hearing. Our organizations, representing more than 1.8 million members and activists nationwide, are committed to the fair and sustainable management of our public lands. We have also been working with Senator Udall and other members of the Colorado delegation on various iterations of this bill for several years and have previously submitted suggestions for minor amendments to the bill that would permit our organizations to support this legislation.

Our National Forests play an invaluable role in providing healthy and engaging outdoor opportunities for the American public. Whether it's just a family hike on a trail, or an activity taking place under the auspices of a special use permit issued to a third party, public lands can and should provide appropriate and well-managed recreational opportunities without degrading the resources upon which those activities depend.

In light of this general principle, my testimony today aims to communicate five points:

1. Our organizations support amending the Ski Area Permit Act of 1986 to address its outdated elements, and to facilitate appropriate year-round recreation at ski areas;
2. As introduced, the proposed amendments could authorize virtually any type of recreation activity or facility within ski area permit boundaries, and result in a dramatic shift away from the outdoors-oriented, natural resource-dependent recreation that National Forests should provide;
3. S. 607 could open large acreages of pristine, undisturbed National Forest land with important natural values to unnecessary and inappropriate impacts;
4. S. 607 may provide an unfair competitive advantage to ski area permit holders over other National Forest permittees and local businesses;
5. Overly broad amendments to the Ski Area Permit Act would perpetuate the same uncertainty and inconsistent land management policies that have led to the desire to amend the current law.

Accordingly, we support amending S.607 to clarify the types of recreational activities and facilities that may be authorized, concentrate new facility construction in appropriate areas, and to level the playing field for other recreational businesses. We believe only minor amendments would be required in order to permit our organizations to support this legislation.

#### *Background*

Approximately 125 of America's privately-operated ski resorts are located on federal land, with all but one of those managed by the U.S. Forest Service (the other is on land managed by the Bureau of Land Management). These ski areas operate under special use permits issued by the agency for up to 40 years. Roughly half of the approximately 60 million skier visits that occur in the U.S. each winter occur at ski areas located on National Forest lands. While many of these ski areas have a long history, the special use permits governing their operation on public land were inconsistent and somewhat haphazard until passage of the Ski Area Permit Act in 1986. National Forest Ski Areas are now subject to renewable 40-year special use permits, a consistent fee system, and a special set of regulations governing their management.

Despite some standardization provided by the 1986 Act, ski area permits remain highly variable in certain respects, largely as a result of historical factors and the discretion of local Forest Service officials. Most notably, ski permit areas vary dramatically in size. Some ski areas have large acreages included in their permit that extend far beyond existing developed ski runs. For example, the largest ski area in the U.S. is Vail Mountain in Colorado with a permit area encompassing 12,590 acres, only 8,850 of which are within the existing ski area footprint (5,290 of which are developed for skiing). In other words, there are 3,740 acres-nearly 6 square miles-of undeveloped forest within Vail's permit area. The situation is similar at many ski resorts located on National Forest lands.

While ski lifts and lodges extend into the backcountry, the nature and seasonal aspect of snowsports limit their impacts on natural values in some important respects. Lands within ski area permits often see very little human visitation or disturbance during spring, summer and autumn. Therefore, without appropriate guidelines, summer recreation facilities that import amusement park features into these settings could greatly aggravate the impacts on sensitive lands.

Lands within ski area permits are not just meant for skiing. They are havens for wildlife and include vital habitat for threatened and endangered species. These lands are also the source of clean drinking water for many Americans, prime areas for hunting, fishing and other outdoor activities, and include some of our most beautiful scenic areas and opportunities for solitude. Some lands within ski area permits are so wild they are included in National Forest Roadless Areas and are protected by applicable rules and regulations. For all these reasons, unregulated expansion of year-round recreational impacts into the backcountry portions of ski area permit areas could greatly increase the environmental impact of ski resorts on public lands.

*National Forests Provide a Unique, Healthy and Natural Recreation Experience*

With this background in mind, let me describe the kind of unique, healthy, and natural recreation experience our National Forest ski areas currently provide—the experience we should strive to preserve. As communities adjacent to ski areas have become more and more intensely developed and urbanized, ski areas on public lands continue to provide a breath of fresh air and a natural respite. While in town there may be hotels and discos and traffic, National Forests where ski areas are located allow individuals to escape into the trees and play year-round in the kind of natural environment that is increasingly scarce in our modern world.

Therefore, while we agree that it is reasonable and even desirable for ski areas to provide year-round recreational opportunities, we believe it is of fundamental importance that any amendments to the Ski Area Permit Act preserve our National Forests' uniquely natural recreation experience and sustain the mountain environments in which these activities occur. Because S. 607 lacks clear guidance to the Forest Service on how these values are to be preserved, we are concerned that S. 607 will create more uncertainty and problems than it aims to solve.

*Permitted Activities and Facilities Should be Limited to Appropriate Uses of Public Land*

National Forest ski areas should continue to contrast with urbanization and provide opportunities for the healthy, natural resource-dependent recreation that is increasingly unavailable in other settings.

- We support skiing and other snowsports on public lands as traditional natural resource dependent outdoor recreation, and as important economic drivers for our States and mountain communities;
- We also support recreation other than snowsports on public lands within ski area permit boundaries during spring, summer and autumn, but it is essential that we preserve our public lands' natural beauty while providing year-round recreational opportunities at ski areas;
- National Forests, including ski areas, should continue to offer recreation opportunities not available elsewhere, emphasizing non-urbanized, natural resource dependent recreational experiences.

As currently drafted, S.607 lacks clear guidelines for the types of summer and year-round recreational activities and facilities that could be permitted at National Forest ski areas. Because they are already developed and accessible, ski areas are unquestionably logical locations to concentrate year-round recreational activities that are customary on public lands, like mountain bike trails, hiking and picnicking areas, and wildlife viewing areas. However, as currently drafted, S.607 leaves the door open to inappropriate, urbanized recreation like roller coasters and water parks that are unrelated to and degrade the user experience of natural National Forest lands. As identified in current Forest Service policies, recreation at ski areas should continue to be dependent on the natural setting, and provide recreational opportunities that are generally not available on private lands or in non-forested settings such as urban areas.

Make no mistake, this concern is not unfounded. Vail Mountain in my home State of Colorado has recently proposed a large, permanent, roller coaster that would descend the ski mountain. Las Vegas Ski and Snowboard Resort is proposing a suite of permanent developments including a concert amphitheater and its own roller coaster. These examples would clearly be just the tip of the iceberg if responsible guidelines on the construction of recreation facilities are not included in any legislation.

We agree with the National Ski Areas Association that ski areas are great locations to get kids into the woods and exposed to public lands. In fact it was at Loon Mountain on the White Mountain National Forest in New Hampshire that I learned to ski and first visited National Forest lands. Yet the learning opportunity and the chance to promote healthy and active lifestyles for our nation's youth will be lost

if visitors find the same types of recreational facilities in the mountains that they left behind at home in their city or suburb.

We believe the best strategy for ensuring that inappropriate facilities are not constructed within ski area permits is to amend S. 607 with additional language to clarify the characteristics of recreational activities and facilities that are to be permitted. We believe this strategy is preferable to developing a list of prohibited activities because it will better stand the test of time as new recreational pursuits emerge in the future.

*Facilities Should be Concentrated in Already Developed Areas*

In addition to the acreage already developed with ski runs and lifts, many ski area permits go beyond these lands and cover large, entirely undeveloped National Forest areas that offer important wildlife habitat and wildlife migration corridors, backcountry recreation, and scenic viewsheds. As I mentioned, nearly 6 square miles of undeveloped land fall within Vail Mountain's ski area permit. Similarly 2,400 acres within Loveland Ski Area's permit in Colorado overlaps with undeveloped inventoried roadless National Forest land.

S.607 provides no guidance to the Forest Service as to where year-round recreational facilities should occur, potentially threatening large acreages of pristine, undisturbed National Forest land with inappropriate impacts. For those activities that are not readily provided on private lands, we recommend concentrating any new recreational facilities in the areas already modified by trail, lift, lodge, and other developments in order to reduce the adverse effects of these installations.

*The Amendments Should Not Create an Uneven Playing Field*

Ski areas are not the only permit holders on National Forest land that provide recreational opportunities for the public. Yet, as introduced, S.607 could provide a significant competitive advantage to ski areas over other National Forest special use permit holders and local businesses in mountain communities.

S.607 would allow 40-year non-competitive permits for ski companies to operate non-skiing activities within ski area permits. In contrast, special use permits for other outfitters and guides that provide outdoor recreation programs on public lands—often very small businesses completely dependent upon this source of income—are generally available through a competitive process for only 1, 5, or 10 year time frames. While the significant costs of ski lifts, snowmaking and other infrastructure investments at ski areas justifies the longer permit time frame for winter ski facilities, those same financial circumstances do not apply to the year-round, non-skiing uses contemplated here. In the interest of fairness, non-skiing recreational activities permitted for ski companies should be held to the same standards as other permittees.

S.607 could give also ski companies a competitive advantage compared to other existing recreational providers that are in town and lack access to public lands. Existing local business and communities that provide year-round facilities such as rock climbing walls and mountain bike skills courses could be undercut by ski companies that, if permitted for these same activities, have access to vast acreages of public land. Accordingly, we believe that it is important that the economic implications of S.607 to existing business owners be more thoroughly understood and considered.

*The Amendments Must Foster Clear and Consistent National Forest Management*

One of the reasons for this bill is the current unpredictable interpretation and inconsistent management regarding year-round recreational activities at National Forest ski areas. The current lack of guidance on what activities are permitted has resulted in significant problems for the Forest Service. Without proper guidance, determinations regarding allowable facilities and activities have been largely left to the discretion of Forest Service line officers. The result has been wildly inconsistent determinations that result in industry frustration and resentment when one ski area is permitted to undertake an activity that another was denied, or when there is inequity between a ski company and a small guiding company. For example, alpine slides have been constructed at Winter Park in Colorado and Mt. Hood Ski Bowl in Oregon, while other resorts' requests to install these temporary structures have been denied.

As currently drafted, S.607 does not solve this problem. We believe the subcommittee should clarify the guidance language in the amendments, and we are ready to help with that process. With the proper drafting, we can achieve a Ski Area Permit Act that ensures year-round recreation at ski areas encourages healthy, natural, outdoor-dependent exploration and discovery of the public's National Forests in a manner that is fair, sustainable, and consistent nationwide.

Thank you for considering these remarks and for the opportunity to address the subcommittee.

Senator WYDEN. Thank you, Mr. Bidwell. We'll have some questions for you and everybody in a moment. But we've got Dr. Moseley. This U of O grad is always glad to have you come from campus and have certainly won the respect of a lot of folks across the political spectrum on these issues.

So Dr. Moseley, welcome. You go ahead with your testimony.

**STATEMENT OF CASSANDRA MOSELEY, PH.D., ECOSYSTEM WORKFORCE PROGRAM, INSTITUTE FOR A SUSTAINABLE ENVIRONMENT, UNIVERSITY OF OREGON, EUGENE, OR**

Mr. MOSELEY. Thank you, chairman and ranking members, members of the committee. Thank you for the opportunity to speak with you today about the proposed Good Neighbor Forestry Act.

Restoring our Nation's forests and grasslands, we all know, is complicated and challenging and success requires evolving our laws, policies and practices. The Good Neighbor Act is a bill that would allow Western State Foresters to act as agents of the Forest Service and BLM in procuring services and selling timber on public lands. This bill allows State Foresters to use State contracting provisions to implement these projects.

The bill is addressing one critical issue of restoration, working in cross multiple landscapes, multiple land ownerships. But I think we need to consider a number of different dimensions of restoration. So, I want to talk about two of those today.

One is the need to create high quality green jobs and small business opportunities doing these restoration activities particularly in rural communities near where these lands are located.

The second is that we need to ensure that the Federal Government can meet its obligations to perform inherently governmental functions and to adequately oversee its agreements and contracts.

So let me provide a few examples of areas where we could make some improvements in this bill. The success of rural job creation really requires that rural firms have access to business opportunities and that workers have good quality jobs. By good quality jobs, I mean jobs that are free of exploitation and that could help support their families.

One of the challenges of shifting to State led service contracts is that these contracts would no longer necessarily be satisfied for small businesses. Because not all States have small business set aside programs. This is particularly important in creating rural green jobs because rural businesses are almost always small businesses.

In the area of job quality and worker production the Federal Government has numerous laws and policies to protect Federal contract workers. However, not all States have contracting specific laws and policies. Some States have weak enforcement.

This, as Senator Bingaman suggested earlier, I think this shift away from Federal protection and oversight is problematic in the area of hazardous fuels reduction where workers often face exploitive conditions. This committee has held hearings and there's also been hearings in the House on this very issue. I think shifting this to State led procurement could undo some of the hard work that the Forest Service and the Department of Labor has done to

undertake to increase oversight and enforcement in a number of labor laws on National Forest lands.

But in addition to worker and small business protections it is also critical that this bill provide mechanisms to ensure that the Federal Government can protect Federal interest in contracting. For example, in this bill there's an exemption of the National Forest Management Act that allows contractors to choose trees for harvest based on agency prescription. This is a very important tool for doing high quality restoration work efficiently.

This is, in the stewardship contracting contest we've been calling this designation by prescription. So there is this similar provision in stewardship contracting. But this provision comes with some risks because it allows for a contractor that has financial interest in the timber to choose the trees. So this provision needs to be coupled with a requirement for best value contracting as it is in stewardship contracting so that the government can choose contractors that it is confident has the skills and integrity to make these selections and to create consequences for contractors who do not perform appropriately.

So how can we address some of these shortcomings? Let me suggest a few things.

First of all the agencies could be using stewardship contracting authority to enter into agreements with States. Stewardship contracting allows for agreements with public entities. It allows for designation by description. It requires best value contracting. As it has been implemented the Forest Service has also required collaboration which serves as an additional check and has created agreement templates that include provisions for subcontracting timber sale and service activities.

In going forward with this bill I would suggest that we may want to think about the key—that requiring States to follow key Federal contracting provisions for both timber sales and service contracts rather than simply using State procedures. The requirement of payment of service contract back wages, small business set asides and prohibition of the contracting of contract labor might be three of these kinds of authorities. As I've suggested I think this bill should include best requirement for best value contracting on both the timber sale side and the service side to ensure a focus on high quality restoration work. I think to create the efficiencies that we've heard about today this bill should require that the State Foresters contract for work on non Federal lands at the same time that it contracts for work on Federal lands.

So in closing let me step back a bit and suggest that the Forest Service and the BLM have collaboration and partnerships have become increasingly important for these 2 agencies. That it is critical for the BLM and particularly for the National Forest system that it has a set of agreement authorities that allows them to work together with a broad array of governmental and nongovernmental organizations. These authorities need to attend to the multiple objectives we have in the restoration of public lands.

Part of what makes restoration so challenging is that we are doing this work, this new work of restoration with old management tools. We've been making some progress. I'm confident that we can craft solutions that create multiple ecological, economic and social

benefits for public lands, rural communities and the Nation. Thank you.

[The prepared statement of Ms. Moseley follows:]

PREPARED STATEMENT OF CASSANDRA MOSELEY, PH.D., ECOSYSTEM WORKFORCE PROGRAM, INSTITUTE FOR A SUSTAINABLE ENVIRONMENT UNIVERSITY OF OREGON, ON S. 1122

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to speak before you today about the proposed Good Neighbor Forestry Act. I would like to address my comments to issues of how the public land management agencies can increase coordination with States, landowners, and stakeholders to work across ownerships to restore forests, range, and watersheds, and create rural green jobs through such legislation.

I direct the Ecosystem Workforce Program in the Institute for a Sustainable Environment at the University of Oregon. Founded in 1994, the Ecosystem Workforce Program seeks to build ecological health, economic vitality, and democratic governance in rural forest communities in the American West. The Ecosystem Workforce Program supports these interconnected issues with applied research and policy education related to rural forestry communities and federal forest management. I am an active participant in the Rural Voices for Conservation Coalition, where I chair its Contracting Working Group. Over the past eight years, I have undertaken a number of studies about the rural community benefits of Forest Service and Bureau of Land Management (BLM) restoration contracting, the working conditions of Federal contract forest workers, and the use of stewardship contracting.

*Context and Goals*

We have significant work to do to restore the ecological function and resilience of our nation's forests and grasslands in the face of climate change, increasing wildfire, and land degradation. We depend on these lands to: sustain biodiversity; provide ecosystem services such as clean air, water, and carbon storage; as well as supply us with wood, bioenergy, and food. The restoration and maintenance of these lands can and do create jobs and economic opportunities in rural communities, and are an integral part of a healthy national economy.

In the West, we face a complex mixture of federal, private industrial, family, and State landownership, each with their own set of priorities and legal obligations. Yet, restoring ecosystem function and reducing wildfire risk requires working across land ownerships because fire, water, insects, endangered species, and wildlife readily move across these boundaries. Federal and State agencies have multiple roles in these efforts because they provide land management, fire protection, and technical assistance. Some State foresters also regulate private forests. State foresters play a particularly important role in providing technical assistance and multi-landowner coordination for hazardous fuels reduction and other restoration activities on private lands.

Over the past decade, we have made considerable progress in improving coordination and increasing collaboration among landowners and stakeholders. This increased coordination has occurred with congressional authority (such as the Wyden Amendment and stewardship contracting); Federal, State, and local government engagement (such as through the National Fire Plan and Community Wildfire Protection Plans); and the rise of local and regional collaborative groups. Increasing coordination has been, and will continue to be, an incremental process that requires numerous changes in authority, procedure, understanding, and habit.

At the same time that we have been working to increase collaboration and coordination, there also has been a dramatic rise in Federal use of contracts and agreements to do the work of the Federal government. This rapid expansion had led to a growing concern that the Federal government may be contracting out inherently governmental functions and is not always providing adequate oversight for the protection of workers and the effective use of taxpayer dollars.<sup>1</sup>

Given this complex ecological, economic, and administrative context, effective legislation would:

<sup>1</sup>Barak Obama, Memorandum for the Heads of Executive Departments and Agencies, March 4, 2009; Hearing of the U.S. Senate Energy and Natural Resource Committee, subcommittee on Public Lands and Forests regarding forest workers on public lands, March 1, 2006; and Government Accountability Office, Better Planning Guidance, and Data Are Needed to Improve Management of the Competitive Sourcing Program, GAO-18-195, January 2008. In addition, the appropriations bills for Interior and Related Agencies over the past several years have prohibited Forest Service engagement in competitive sourcing.

- Focus on comprehensive forest, range, and watershed restoration;
- Increase coordination among a diversity of governmental and nongovernmental stakeholders to maximize the effectiveness of these activities;
- Insure that the Federal government can meet its obligations to perform inherently governmental functions in house and to adequately oversee its agreements and contracts; and
- Create high quality green jobs and small business opportunities performing these restoration activities, especially in rural areas where these lands are located.

#### *Bill Analysis*

Senate Bill S. 1122 seeks to increase the ability of the Forest Service and BLM to coordinate forest, range, and watershed restoration efforts across land ownerships. It would do so by allowing the two agencies to enter into agreements with State foresters. Under these agreements, State foresters could use Federal funds to sell timber and enter into service contracts on national forests and BLM lands in the west of the 100th Meridian. S. 1122 would allow State law to govern the development, execution, and oversight of the contracts that the State foresters award. In doing so, S. 1122 would not require the application of Federal service contracting, timber sale, or worker protections laws or policies that typically apply on public lands. In addition, S. 1122 explicitly allows State foresters and the timber sale purchasers to mark timber for harvest.

Conceptually similar to the Good Neighbor Authority for Colorado,<sup>2</sup> S. 1122 takes a broader approach. S. 1122 would expand the authority to include all States west of the 100th Meridian where there is BLM or national forest lands, whereas the original law only included Colorado and later was expanded to include Utah. The largest substantive change, however, is that S. 1122 would allow agreements with State foresters for treatments on any national forest system and BLM lands, and does not require that there be any corresponding non-federal treatments. The Colorado-specific authority required treatments to occur on nearby non-Federal lands as well as on Federal lands.

S. 1122 may help increase coordination across ownerships, although that objective seems less clear than was the case with the Colorado-only authority. And, because the bill does not require the application of Federal service contracting, timber sale, or worker protections laws or policies, it does not help address the other objectives of effective restoration. Because, in many cases, State contracting and workers protection laws are weaker than Federal provisions, this could:

- Worsen the working conditions of forest workers in a sector that already has significant challenges in protecting workers;
- Limit the use of best value contracting, thereby potentially reducing the quality of the work on the ground and local economic community benefit;
- Introduce conflicts of interest into the sale and harvest of Federal timber; and
- Reduce access of small business to contracting opportunities.

**Worker protections.**—The Federal government has a robust set of laws and regulations to protect employees when working under Federal contract. However, not all States have such laws and policies, and some have weak enforcement of the laws and policies that they do have. In particular, the shifting of contracting authority to the State foresters appears to exempt these contracts from the Service Contract Act and Davis-Bacon Act. These laws and associated policies set wage rates, health and welfare payments, and overtime pay requirements for workers performing federal contracts.

The working conditions of forest workers—particularly thinners and tree planters—have been the subject of considerable media attention, scholarly study, and hearings by this committee<sup>3</sup> as well as in the House of Representatives over the past several years. The media attention, research, and hearings have all pointed to significant problems with the working conditions of these forest workers. For example, in the 2008 Hearing of the House subcommittee on Public Lands and Forests, the Department of Labor testified that 12 of the 19 federal forestry contractors that had been

<sup>2</sup>Public Law 106-291, sec. 331

<sup>3</sup>Including, for example, Hearing of the U.S. Senate, Committee on Energy and Natural Resources, subcommittee on Forests and Public Lands Management, to conduct oversight of the Administration's National Fire Plan, March 29, 2001; Hearing of the U.S. Senate Energy and Natural Resource Committee, subcommittee on Public Lands and Forests regarding forest workers on public lands, March 1, 2006.

inspected over the previous two years were in violation of the Service Contract Act.<sup>4</sup> Exempting contractors from the Service Contract Act and other Federal contracting and labor provisions would likely only worsen the conditions for workers. Shifting oversight to the States could serve to undo the hard work that the Forest Service and Department of Labor have undertaken to increase oversight and enforcement in this area.

Moreover, according to the February 2009 GAO report about the Good Neighbor Authority,<sup>5</sup> the State agencies only included provisions of the Migrant Seasonal Agricultural Worker Protection Act (MSPA) when requested by the Forest Service. In fact, MSPA applies to all migrant and seasonal work including thinning and reforestation regardless of landownership. These provisions should already be in all State manual-thinning contracts. If these provisions were not already being routinely included in State contracts, this raises troubling questions about the extent to which States are prepared to enforce additional laws and policies to protect workers.

Best value contracting.—Since the reforms of the 1990s, the Federal Acquisition Regulations have provided the Federal government with a broad array of contracting authorities including the ability to consider the best value to the government when awarding contracts. By contrast, many States do not permit the use of best value contracting and, instead, require awards to the lowest bidder (or the highest bidder for timber sales). In States where this is case, the Forest Service and BLM would lose the ability to choose contractors that perform high quality work on public lands. It would also eliminate the opportunity to consider the extent to which contractors provide benefit to rural communities, an authority that the Forest Service and BLM have received as part of their annual appropriation since 2001.

Timber sale accountability, designation by prescription, and best value.—By exempting these contracts from subsections (d) and (g) of section 14 of the National Forest Management Act (NFMA),<sup>6</sup> S. 1122 would allow State foresters or timber sale purchasers to mark timber for harvest. Subsection (g) of NFMA requires that USDA personnel mark timber for harvest and prohibits those with a financial interest in the timber in participating in marking. At first blush, this appears to be the same authority that allows for designation by prescription in stewardship contracting; stewardship contracting allows for exemption from same NFMA subsections. But, the goal in stewardship contracting with exemption is to enable the creation of end-results contracts. With these contracts, contractors are chosen and paid based on the quality of the work they perform, assessed at the end of the contract. The stewardship contracting authority does this by requiring best value contracting. Under best value, the agencies are to choose contractors that have a history of high quality work and provide the best value to the government, whereas traditional timber sale provisions require award to the highest bidder. Without the best value requirements, the NFMA exemption in S. 1122 simply allows for people with a financial stake in the timber to choose which trees to cut without a focus on the end result.

Small business set aside.—Not all States have provisions that set aside contracts for small businesses, as is required under Federal law. Currently, virtually all Forest Service and BLM thinning and hazardous fuels reduction contracts are awarded to small businesses, as defined by the Small Business Administration. Devolving contracting authority to State agencies without requiring small business set asides could decrease access to contracting opportunities for small businesses. This is a particularly important authority for creating rural green jobs, as most rural businesses are small businesses. In addition, the provisions for set asides and preferences for minority, disadvantaged, and Indian businesses would presumably no longer apply.

#### *Recommendations for Improvements*

How can we integrate the need to increase coordination among State agencies, Federal agencies, and other landowners with the need for high quality green jobs for rural communities and the need for adequate Federal oversight of the way in which taxpayer funds are spent and Federal timber is sold?

1. Use existing authorities, such as stewardship contracting and the Wyden Amendment.—Existing stewardship contracting authority allows the Forest

<sup>4</sup> Statement of Alexander J. Passantino, Acting Administrator, Wage and Hour Division, Employment Standards Administration, Department of Labor before the Committee on Natural Resources, subcommittee on National Parks, Forests and Public Lands, U.S. House of Representatives, September 16, 2008.

<sup>5</sup> Government Accountability Office, Additional Documentation of Agency Experiences with the Good Neighbor Authority Could Enhance Its Future, GAO-09-277, February 2009.

<sup>6</sup> 16 U.S.C. 462a



Service and the BLM to enter into stewardship agreements, including with States, for work on national forests and BLM lands. Stewardship contracting authority allows for non-USDA marking of timber, as is proposed here. But it does so in a context that requires best value contracting, which allows the agencies to pick contractors with a track record of high quality work. As the agencies have developed stewardship agreements, however, they have maintained more oversight of these agreements than is proposed in S. 1122. The agencies have also required collaboration in project development. Their agreement templates have provisions for the subcontracting of timber sale and service portions of the work, including requiring subcontractors to pay prevailing wages under the Service Contract and Davis-Bacon acts.

To address the goal of efficiently working across ownerships while maintaining federal contracting provisions, the Forest Service and BLM could also act as the lead contracting agencies for work on State, private lands and public lands, using other existing authorities. For example, the agencies could combine collection agreement authorities with the Wyden Amendment. Collection agreements allow the agencies to collect funds from other entities. With the Wyden Amendment, the agencies can contract for restoration work across ownerships. Used together, these authorities would allow these two agencies to collect funds from States, and solicit and award contracts for work across ownership boundaries.

Since first National Fire Plan appropriation in 2001, the Forest Service and BLM have also had authority to enter into agreements not only with State foresters but also with a broad array of entities to undertake hazardous fuels reduction, watershed restoration, and other activities on national forest and BLM lands.

## 2. Modify S. 1122

a. Require agreement holders to use Federal timber sale and service contracting provisions.—This would increase the likelihood that Federal, taxpayer, small business and worker interests are protected. On the service contracting side, these provisions would include, but not be limited to: Service Contract and Davis-Bacon acts; negotiated and best value contracting; competitive contracting; small business set asides; and other Federal provisions that protect workers, small businesses access, the public interest. It would also include clarity about liability and bonding requirements. On the timber sale side, this would include, but not be limited to, provisions regarding: competitive bidding; penalties for cutting the wrong trees; bonding; Federal disbarment; and other provisions to protect the public interest.

b. Require best value contracting.—Because the purpose of this bill is to foster restoration, this authority should focus attention on the quality of the work and require that the States consider the past performance and other factors in addition to price when awarding contracts. The use of best value would also provide a check against abuse of the provision allowing non-USDA timber marking, by making it difficult for contractors who make inappropriate tree selections to obtain future contracts.

c. Maintain Federal oversight over the execution of the subcontracts, including the use of Federal timber sale and service contracting officers, contracting officer representatives and inspectors to help ensure that agreements and subcontracts are appropriately executed. This is particularly important in the area of worker protection, where the Forest Service has committed to have contracting officers visit all work sites where work may involve migrant and seasonal workers to ensure that contracting and labor provisions are followed.

d. Require mutual benefit and adjacency.—The logic of original Good Neighbor authority in Colorado was to create efficiencies by allowing the State forester to issue a single contract for work occurring on adjacent parcels, rather than having two agencies create two contracting processes for near-by, similar work. S. 1122 allows for the State to contract for federal lands under any circumstances, not only when non-Federal lands are involved. Adding some constraints about multiple land ownerships and geographic proximity could help focus the use of this authority to instances where there would likely be efficiencies gained through State-led contracting.

e. Require collaboration.—State foresters play a key role in forest and rangeland management in the West, but so do a number of other agencies, landowners, and stakeholders. Requiring collaboration could ensure that these projects and associated contracts are broadly supported; it could also help engage private landowners who need to treat their own lands. In addi-

tion, collaboration could create informal oversight that could increase the likelihood of early identification of issues and problems in the development and execution of projects and contracts.

f. Address fire protection separately.—This bill appears to include suppression agreements and contracting with the inclusion of “and protection services.” Fire protection contracting and interagency agreements are complicated and complex, involve considerable risk, and are handled differently than other types of land management. A change in laws regarding fire protection contracting and agreements should be given separate, focused attention in the context of existing protection arrangements and ongoing reform.

g. Require monitoring to evaluate the extent to which the use of agreements with State subcontracting increases coordination among landowners, improves the quality and quantity of restoration activities, provides high quality green jobs and business opportunities for local workers and businesses, and reflects the Federal interests in procurement and timber sale execution.

Senator WYDEN. Dr. Moseley, thank you very much. I’ll start with my questions for you.

One of the comments you made with respect to Good Neighbor was especially striking to me because I already indicated that we’re going to work with colleagues on both sides. Senator Barrasso has got a great interest in this, other colleagues. I’m always struck when I’m home having Town Hall meetings in rural areas. Go to every county, every year, about the support for the stewardship contracting program using that as a model.

It seems to me running through your testimony is that some of the principles of the stewardship program ought to be applied to the Good Neighbor program. Is that generally true? If so, why don’t you just kind of list the sort of principles of the stewardship, you know, program that you think could have some applicability here as we work with colleagues and try to get folks together.

Ms. MOSELEY. Sure. I think that’s right. I think that the stewardship—we’ve learned a lot with stewardship contracting over the years, how to make it effective both on the ground and make it comfortable for a lot of different kinds of stakeholders.

As I suggested in my remarks now I think, you know, the best value contracting is the only required authority in stewardship contracting. I think that that is a critical component. I think that designation by prescription has an opportunity to help do restoration work that is sophisticated and efficient at the same time.

I think the way that the Forest Service has implemented stewardship contracting to require the use of collaboration in the development and implementation of projects has been very effective. I think the agreements authority has been very helpful in allowing us to, for the Forest Service and BLM, to work with nongovernmental organizations. I don’t know that they’ve done it with States, but they could in areas of mutual benefit to allow the partnerships to really implement the activities with mutual benefit. I think that that has a lot of potential.

I think one of the interesting ways we’ve also seen stewardship contracting occur on the Siuslaw National Forest has been to combine stewardship contracting and the Wyden amendment to allow watershed restoration that is occurring both on public lands and private lands at the same time with the same goals. So I think you also see some opportunity for working together there.

Senator WYDEN. Thank you. I was joking with Mr. Holtrop earlier when we had a visit that I didn’t even know I had my own

amendment, the so called Wyden amendment for several years after it was actually enacted. But we're glad that folks are using it.

We'll be talking to more of you about ideas as it relates to Good Neighbor. I just want to get one other question in, otherwise I'd probably be pummeling you on the same thing, Mr. Crapser. We're going to work closely with you and all the parties and Senator Barasso on this.

Let me make sure on this alpine coaster, you know, issue that I really get a sense of what it all entails. So perhaps a question for you, Mr. Gregory and for you Mr. Bidwell on it, both of you touched on the alpine coaster. Essentially the subcommittee has been brought around to the idea that this is basically a gravity propelled roller coaster going down a ski hill.

Now you, as I understand it, Mr. Bidwell, said that you thought that was inappropriate on National Forest land. If I heard that right why don't you flush that out? Then I'd like to hear your thoughts, Mr. Gregory on the same question whether you think that kind of ride is or isn't appropriate on forest land. Because I think we'll have a big debate in this committee and certainly citizens in the country are going to feel strongly on this.

So we'll start with you, Mr. Bidwell. I picked up when you said that you thought it was inappropriate. So why don't you flush out why you think that's the case. Then we'll go to you, Mr. Gregory.

Mr. Bidwell.

Mr. BIDWELL. Thank you very much, Mr. Chairman.

First I should say that I think most important to our organizations is that we provide greater clarity, where exactly we draw that line is a difficult decision. We recognize that. But part of the reason that we're here is because the existing law lacks explicit guidance for the Forest Service and the end result of that has been inconsistent land management around the country. So we feel it's important for the law to be clear.

I feel personally that the issue of the alpine coaster crosses the line of what is natural resource dependent and natural resource based recreation. The reason that I feel that way is because it is a large permanent, constructed apparatus on the landscape that really changes the nature of the experience for a National Forest visitor. It's no longer about their relationship to a National Forest resource, you know, the forested setting or an alpine setting or anything of that nature. It's about driving a cart.

So to me it's a very slippery slope if we allow something like an alpine coaster. I don't see how it's fundamentally different than driving a steam train down a mountain. You know, yes, there is an interaction between the person and the apparatus. But that interaction is not fundamentally, you know, related to the natural environment that National Forest lands provide.

Senator WYDEN. Ok.

Mr. Gregory.

Mr. GREGORY. Respectfully, the assertion that it's a steam train going down the mountain, it's a gravity device that people slide. Part of our obligation as ski area operators under permit is to provide access to public lands for experiences that people would not otherwise get, which is why it is important to make it different

than urban activities. So that obligation I think extends to benefit non athletes, disabled people to have experiences similar to skiing without having to have the experience of the athletic ability to do that.

So this is—and I appreciate the Chairman's reference to it as alpine coaster. The roller coaster notion smacks of, you know, Six Flags and upside down, heavily mechanized, very intrusive sites. Pictures have been provided as to what these look like. They are, we think, much less intrusive than lifts often.

Again, there's 2 tests.

One is can proposals be submitted. We strongly believe that they should be able to be submitted. They're appropriate in some areas, not in other areas. That site specific analysis and the rigorous requirements of NEPA will apply.

So we think that it's very consistent with what we do in the develop recreations in ski area permits. It's best to do it there. Think it is very consistent with resource based recreation.

Senator WYDEN. Discussion to be continued. Senator Barrasso?

Senator BARRASSO. Thank you very much, Mr. Chairman. Mr. Crapser, again, thank you very much for being with us. You know, you're very active in the National Association of State Foresters. You were the immediate past Chairman of the Council of Western State Foresters. I know you're currently the Chair of the Committee on State Forest Science and Health.

You know, if I could ask you, Mr. Crapser, what do you see in terms of other State Foresters across the West in terms of how they would view this bill?

Mr. CRAPSER. Mr. Chairman, Senator Barrasso, I do have a letter with me. I believe several of you are in receipt of it from the Council of Western State Foresters and the Society of American Foresters supporting Good Neighbor authority. We've had some numerous letters from the Council over the last few years and from the Western Forest Leadership Coalition talking about the importance of cross boundary authorities and working together to get some of this work done.

I think from a lot of my colleagues one of the words and I didn't use it in my testimony would be nimble, as far as been able to do things having a MOU agreement in place between the Forest Service and the State. Then be able to work on individual task orders to accomplish work. Not only is very efficient, but it also lets us to move in some instances fairly rapidly.

An example that comes to mind, Senator Barrasso as you know, this summer we had a tornado in the Black Hills in our State, tore up quite a bit of National Forest land, a little bit of private and State land. We had within a couple days, we had our inmate crews up there doing some watershed restoration work, working along the streams doing some work. The Forest Service desperately wanted us to do some work on their side of the line.

We didn't have an agreement in place that would allow us to do that with any type of speed. It wasn't an emergency, per se, like a fire. So we couldn't use our fire agreements.

I think that's another benefit that we really haven't talked about of the whole concept of Good Neighbor authority is on those types of instances, we could move. I think most of my colleagues would

agree with me that would help a lot in restorations and in post emergency type activities.

Senator BARRASSO. At your meetings with those from Colorado or Utah, are they—do you see an advantage to what they've been doing for the last 10 years?

Mr. CRAPSER. Yes, Senator Barrasso. It's my colleague from Colorado, Jeff Jahnke is very pleased with what they've been able to do with Good Neighbor authority as is my colleague from Utah, Dick Beuler.

Senator BARRASSO. Could you explain how the interest of local communities fit into a State's decisionmaking process? I don't know if you've gotten calls on these things and how that helps.

Mr. CRAPSER. Senator Barrasso, you know, if we're—we who have really worked hard on the Community Wildfire Protection Plans in Wyoming and in all of the Western States. Right now we have of the 23 counties in our States, we have 21 counties with completed plans. The 2 that aren't are Prairie Counties. Probably we'll never get them done because there's not that much of an interest.

With those, those are very locally driven, locally developed plans. Any of our projects, fuels mitigation in particular, that we move forward with on private land we move forward with the local community, the local groups, priorities and try to support those projects. I see the same thing developing as we start doing cross boundary projects, trying to lean on the communities in those CWPPs to really drive fuel mitigation work. I think the same with watershed restoration or any of the other work under the authority.

Senator BARRASSO. So when the Wyoming Department of Forestry is soliciting bids for a project. Do you consider the interest of local communities, local businesses before awarding the contract?

Mr. CRAPSER. Mr. Senator, yes, we do. We, as you know from your time in the State legislature, we do have our procurement policies. We do have an advantage for in State bidders. While we don't have a small business set aside, per se, most of the contractors that do the type of work that we're talking about are small businesses, father/son, three or four brothers, that sort of businesses are doing a lot of/most of the fuel mitigation work in our State.

Senator BARRASSO. Because we've heard some concerns about labor implications of this bill. It seems that some people are worried that the State would subjugate the Federal agency's labor policies. Has that happened at all in Colorado or in Utah to your knowledge?

Mr. CRAPSER. Senator, not that I'm aware of. I know I've talked to the State Forester in Colorado extensively about this. We do, as I mentioned in my testimony, we have in our agreements with the Forest Service, we have numerous forms, assurances that we're held to. I believe in the individual task orders there could be any type of requirements that the Federal agencies wanted to put in those.

Senator BARRASSO. So there are requirements that apply to State agencies when subcontracting is part of a Good Neighbor agreement in the other States involved?

Mr. CRAPSER. That's correct.

Senator BARRASSO. Do you know if those requirements apply to immigration records as well?

Mr. CRAPSER. Yes, it does.

Senator BARRASSO. Alright. Thank you. Thank you, Mr. Chairman.

Senator WYDEN. Thank you, Senator Barrasso. Let me repeat on the Good Neighbor effort. We'll work very closely together with you.

Senator Udall.

Senator UDALL. Thank you, Mr. Chairman. Before I turn to my fellow Coloradan and ask Mr. Gregory to talk about the ski area bill, I want to thank Mr. Crapser for being here, for your work with our State Forester. Senator Barrasso and I have teamed up on a number of important policy matters that affect both of our States. The only place which we differ is when CSU comes up to Laramie or vice versa during the fall football season. But thank you for your leadership and for the pioneering work you've done in this important area.

Let me turn to Mr. Bidwell. Welcome. It's great to have you here in Washington, DC. Thanks for making the trip from a beautiful and important part of Colorado, Southwestern Colorado.

Mr. BIDWELL. Thanks for having me.

Senator UDALL. I know that you testified that you feel the bill as proposed creates an unfair advantage for ski areas in terms of opportunities for other users of Federal lands. I've received letters of support for the bill from Outward Bound and from the International Mountain Biking Association. All organizations that use public lands for outdoor, natural resource based recreation.

I want to give you a chance to respond to that support from those organizations.

Mr. BIDWELL. Absolutely. I think clearly there are a lot of organizations that do—that participate in getting the American public onto public lands. We're very supportive of that objective.

Our concern here is that is really at a local level. There are, as you are well aware of many small, local businesses that depend upon permits to take the public onto National Forest land and other public land. We have questions. They have questions. I regret that they haven't weighed in with you. I will encourage them to do that immediately.

For example, a woman named Anne Rapp runs a horseback riding/outfitting guide service just down the street from Durango Mountain Resort in Southwest Colorado where I live. You know, Anne's been in business for more than 20 years. She's managed to secure a permit with the Forest Service for up to 5,000 user days both in the summertime and in the winter to do sleigh riding.

She's very concerned that if Durango Mountain Resort on Federal land just up the street from her can suddenly offer a very similar service in the summertime to their guests of taking people out on horsebacks, you know, on horses for the day. They can do that without going through the same competitive process for a number of user days that she's gone through. They can do that on a 40 year permit. That essentially, you know, her business will be significantly disadvantaged.

So I think her story is similar to probably the story that a lot of local outfitters could tell. We just feel that the Forest Service ought to consider the impacts to local, existing businesses, local existing outfitters and provide some equity between the two permitting processes provided. Given that, you know, for the activities that we are considering here there's not a huge long term investment as is the case with ski lifts and other infrastructure that justified the 40 year permit timeframe in the Ski Area Permit Act.

Senator UDALL. If I might, let me give Mr. Gregory a chance to respond to those concerns.

Mr. GREGORY. If I may, Mr. Bidwell makes an important point. But I think that point was most accurate with respect to the local nature of that issue. Clearly, you know, large companies that tend to be ski permit holders moving into the territory, guide outfitters would be problematic, if that in fact happened. It happens very, very rarely. The problem is at a local level and the solution is at a local level.

When any permittee whether it be a long term permittee like a ski area holder or a guide outfitter applies for permit they look to, the service looks to No. 1 is their demand that's not yet met. No. 2, who's the best to satisfy that demand. That would get dealt with at a local level. It's not something that from the perspective of the bill that can be solved through the legislation.

So I think it's getting dealt with quite aptly now, quite frankly.

Senator UDALL. I'd welcome further comments from both of you. I assume we're going to keep the record open as we continue to consider the legislation on this particular matter.

Senator UDALL. If I might, Mr. Gregory, let me—

Senator WYDEN. If I could, Senator Udall has made an important point. We're going to keep the record open for 2 weeks. So we'll make sure colleagues can be heard.

I know the Senator from Colorado wants additional time. I think is appropriate.

Senator UDALL. The Chairman is known as one of the most, if not the most fair member of the U.S. Senate. I thank you for your forbearance.

Skiers are very important to mountain economies in general. In a time of tough economic prospects we've seen pretty strong numbers relative to the general economy. We had a hearing yesterday on the Great Smoky National Park, among other topics. It was nice to hear that in the communities around the park this summer their numbers have held up.

People are staying a little closer to home, taking advantage of vacation opportunities in our parks on our public lands. What do you think the economic benefits of this bill would be if and when we move the bill through the Congress into the desk?

Mr. GREGORY. Economic benefits are dramatic. The ski area that I own and operate, Mammoth Mountain Ski Area in California, we have a town of approximately 7,000 people. 3,000 in the winter work for the ski area. In the summertime, we have approximately 1,000 year round employees.

With the current economic crisis that we're going through our standard 1,000 person, year round employees with benefits that go with that year round employment has been reduced by approxi-

mately 200. So these fragile communities are always fragile. During economic times like this they're even more so with unemployment ranging often close to 20 and above 20 percent.

So opportunities to work on the same resource in the summertime and the winter time, to be able to be employed on a year round basis, you know, makes a huge difference to these rural economies. Makes them, you know, a little less fragile than they already are.

Senator UDALL. Mr. Chairman, if you might indulge me for one last question and perhaps a comment?

Mr. Bidwell, Mr. Gregory, I know in the package you provided to the committee that in the one photograph of the alpine slide you do have the built environment that Mr. Bidwell commented on with the alpine slide. But you also have another built environment which is the ski lift structures and the cables themselves. So I would note that although, Mr. Bidwell, your concerns are ones that you hold, that you have a built environment in place already.

What I'd like to offer is to continue the conversation about how we structure this bill in its final form to respond to some of the concerns that you've expressed here today.

Mr. BIDWELL. Thank you very much, Senator Udall. We would very much welcome that opportunity. We've had very productive conversations with the ski industry throughout this process as well as with your staff. Those conversations have frankly gotten even more productive than just the last few weeks leading up to this hearing. So I'm optimistic that we can work together as a team and try to find the language that makes us all feel comfortable.

I'm encouraged because, I think, there is agreement in principle between the conservation community and the ski industry and your office on this issue. We would all very much like to see ski areas continue to play an important role economically in their communities. We'd all frankly like to see them play a role in getting more children out into the woods. It's just a question of making sure that we do that in an appropriate way.

So, thank you for that offer.

Senator UDALL. Thank you, Mr. Chairman for holding the hearing.

Senator WYDEN. Thank you.

Senator UDALL. For including these important witnesses.

Senator WYDEN. Thank you. I'm going to give them the last word. I just am struck by the fact I have been either the Chair or the Ranking Minority Member on this subcommittee for most of my time in the U.S. Senate. What it always comes back to when you're trying to deal with one of these major issues whether it's county payments, Healthy Forest Restoration Act, public lands package. It's about trying to bring people together.

What is striking about natural resources policy is almost everybody wants a win/win. In other words they want to protect their treasures and at the same time they want to be sensitive to local economies. If you don't find a way to bring people together in effect you get, what I call a lose/lose. You don't protect your treasures nor do you do what is sensitive in terms of local economies.

The point Dr. Moseley, my constituent makes in terms of getting good paying jobs, particularly in our State where we have consist-



ently had close to a 12 percent unemployment rate for quite some time. So you've given us a lot of good ideas in the course of the afternoon for doing natural resources the right way which is to bring people together. With good people like Senator Barrasso and Senator Udall we're going to set to work to go on about doing it.

Your testimony has been very good. We'll give you the last word. Any of you four want to add anything? You're not required to.

Mr. GREGORY. I would just like to strongly agree with your Statement. I think what we're looking for is really just general clarification in S. 607 that's provided to the local line officer so that in a local communities we can do exactly what's being talked about here, work cooperatively to develop local solutions to these local challenges. You know, if we don't agree, nothing gets done anyway. I think it's a very compelling case that you make for that, Mr. Chairman.

Senator WYDEN. Anything further?

Mr. CRAPSER. Mr. Chairman while I've been sitting here I came to a thought on S. 1122 that I hadn't even thought about before as far as the whole Good Neighbor authority and cross boundary. We talked a lot today and the bill addresses utilizing State resources or State—working as an agent of the Federal Government on Federal land. All of a sudden it struck my mind, why haven't we talked about using Federal fuel crews on State or on private land?

I guess—

Senator WYDEN. Getting a lot of nodding from Dr. Moseley on that.

Mr. CRAPSER. I was thinking about my analogy I use with my inmate crews being in the same spot where the Forest Service needed some work done. I got thinking to myself well, what if they'd had a hot shot crew working on Federal land could I have used them on the State or the private land as well. So if I had a suggestion it would be to look at even expanding it a little bit farther where we could utilize Federal contractors or Federal crews on State and private as long as we were ready to go with the project also.

Senator WYDEN. You all aren't required to do this. But you're welcome to anything else you want to add, Mr. Bidwell, Dr. Moseley?

Mr. BIDWELL. No, thank you. Thank you very much.

Senator WYDEN. Dr. Moseley.

Ms. MOSELEY. I think what the State Forester from Wyoming is suggesting makes a lot of sense. These are lines really with two sets of, you know, different owners and different laws on both sides of those lines. But how can we figure out what the mutual benefit is here.

I think this is as much about wrinkles and thinking about this as comprehensive restoration as it is anything else. So I think there's a lot of opportunity to iron out the technical issues and make this a strategy that creates multiple benefits, not just one benefit. Thank you.

Senator WYDEN. We'll be back in touch with all 4 of you. With that the subcommittee is adjourned.

[Whereupon, at 4:15 p.m. the hearing was adjourned.]



## APPENDIXES

### APPENDIX I

#### Responses to Additional Questions

##### RESPONSES OF RYAN D. BIDWELL TO QUESTIONS FROM SENATOR MURKOWSKI

###### PROPOSED AMENDMENTS TO S. 607

Thank you for the opportunity to provide this additional information to the Hearing Record. As an initial matter, we submit the following suggested amendment language for the Subcommittee's consideration. We believe that the following additions and clarifications (changes in bold/italics) to Sec. 3(c)(2) would address the primary concerns that we, and the U.S. Forest Service, identified in our respective testimony for the October 29, 2009 hearing.

**Sec.3 (c)(2) REQUIREMENT OF ACTIVITIES AND FACILITIES.—Each activity and facility authorized by the Secretary under paragraph (1) shall—**

(A) encourage outdoor recreation that fosters an understanding of and appreciation for natural resources and values through a direct association with, interaction with, or relation to National Forest resources;

(B) to the extent practicable, harmonize with the natural environment of the National Forest System land on which the activity or facility is located;

(C) be located within the portions of the ski area permit area that have already been developed or otherwise significantly altered for the purpose of supporting recreation;

(D) emphasize recreational opportunities that are generally not available on private lands or in non-forested settings such as urban areas;

(E) support recreation activities which may be facilitated by, but that are not solely dependent upon, permanently constructed facilities.

(F) be subject to such terms and conditions as the Secretary determines to be appropriate.

In responding to Senator Murkowski's questions below, we have made an effort to explain how and why these amendments would provide clarity and guidance to the U.S. Forest Service in implementing the Act.

Subsection (A) above has been expanded to clarify that the recreational experiences in question should have a clear nexus with the National Forest context in which it occurs.

Subsection (B) remains unchanged.

Subsection (C) has been added to provide guidance to the Forest Service as to where year-round recreational facilities should occur, reducing the impact of new year-round recreational facilities on the large acreages of undisturbed National Forest land, including some inventoried roadless areas, located within ski area permit boundaries.

Subsection (D) has been added to clarify the characteristics of recreational activities and facilities that are to be permitted by preserving the current National Forest direction to prioritize activities and facilities that are unavailable on nearby private lands or in other settings. This would alleviate concerns to other existing business and communities that could potentially suffer from ski area competition, while also providing guidance on what types of activities are appropriate in a particular context.

Subsection (E) has been added to provide guidance as to what types of recreation facilities are best suited to ski areas. Following the model established by ski lifts, we propose that facilities should continue to facilitate recreational activities, rather

than constitute that activity itself. This distinction would provide clear guidance to the Forest Service about what types of uses are in fact “natural resource-based,” and would ensure that recreational activities continue to depend primarily upon the natural resource setting offered by National Forests, rather than depend entirely upon an artificially constructed setting.

#### OTHER ISSUES AND CONCEPTS

We are aware of other general proposals to modify S. 607 to address, at least in part, concerns about the Bill as introduced. We address each of these briefly here.

**Grandfathering Existing Facilities**—We are not aware of any organization that is actively pushing to have existing facilities at ski area removed, or current activities discontinued. Nonetheless, until either the ski industry or the Forest Service has prepared a comprehensive list of year-round facilities/activities that have been authorized to date, there is no way to know what the effect of allowing these same activities/facilities to be permitted elsewhere would be. Without access to this information, we believe it is inappropriate for S. 607 to explicitly grandfather all current uses at all National Forest ski areas. Instead, grandfathering specific activities/facilities may be acceptable.

**Adding a List of Prohibitions**—While still constituting an improvement over the Bill as introduced, we continue to believe that explicitly prohibiting a list of activities/facilities (e.g., water parks, amusement parks, etc.) is problematic. As a primary matter, defining these terms can be challenging if not impossible. Similarly, any list of prohibitions will inevitably become outdated quickly.

**“Primary Purpose” Language**—We are understanding of the ski industry’s concern that Sec.3 (c)(3) of S. 607 would create a new test (and hence new reporting requirements) for resorts in order to demonstrate that the majority of their revenue is derived from snowsports. While we believe it is imperative that the bill include language that guards against ski areas becoming predominantly summer facilities (as there are other National Forest special use permits better suited to that situation) we are not opposed to modifying Sec.3 (c)(3) to avoid creating an altogether new administrative burden on ski areas and National Forest managers charged with administering ski area permits. It is our understanding that ski areas already account separately for revenue from non-skiing sources (e.g., food and beverage) and this current system might be easily adapted to accommodate any additional new sources of year-round revenue.

Until now, some of the Forest Service’s staff expressed concerns about a number of types of activities that they believe may not be acceptable on Forest Service land. Water parks and alpine coasters are most often mentioned, we are having difficulty getting a handle on what is allowed or has been allowed at ski areas that your agency administers.

*Question 1a.* In your experience does the Forest Service allow any ski areas to transport mountain bikes up their lifts so that the recreationists can ride down the mountain? If so, do you know how many areas this activity is allowed in, how many is it restricted, and do you know why the agency restricted these activity at some but not all ski areas?

**Answer.** In our experience the Forest Service does allow ski areas to transport mountain bikes up their lifts so that riders can descend the mountain. We are not aware of any ski areas where a request by the ski area permit holder to provide this activity has been denied. The Forest Service routinely requires that mountain bikes remain on designated roads and bicycle trails, rather than riding straight down ski runs themselves, which would result in significant erosion on these steeper slopes.

*Question 1b.* Would you recommend restricting people traveling the ski mountains on other non-motorized wheels vehicles (say—roller blades, skate board with large tires, glide carts) and if so, why?

**Answer.** Assuming that the Forest Service determined that these activities could be conducted without significant environmental degradation, we would not recommend restricting activities involving other non-motorized wheeled vehicles so long as they met the criteria in our amendments to Sec.3 (c)(2) of S. 607. We believe mountain biking is consistent with the criteria provided because it is directly related to National Forest resources, generally unavailable on private lands or in urban settings, and is not itself dependent upon permanently constructed facilities (even though lifts may facilitate access).

*Question 2.* Do you know if the Forest Service currently allows any ski area to have a pool (on Forest Service lands) as part of their permit? If so, do you know where and if not, why not they restrict them?

Answer. We are not aware of any ski area that has constructed a pool on National Forest land. We believe that a pool would be inappropriate at a National Forest ski area because swimming in a pool is not a recreational experience that is directly related to or associated with National Forest resources. This activity is also easily provided on private lands (where many pools are located in close proximity to ski resorts) or in urban settings. Finally, swimming in a pool is entirely dependent upon a permanently constructed facility, and therefore is not a natural resource-based recreation activity.

*Question 3.* Do you know if the Forest Service currently allows any ski areas to have a water slide park (on Forest Service lands) as part of their permit? If so, where and if not, do you know why not?

Answer. We are not aware of any ski area that has constructed a water slide park on National Forest land. Silver Mountain in Idaho has constructed a water park at their resort, but it is our understanding that this facility is located entirely on private land. As with #2 above, we believe that a water park would be inappropriate at a National Forest ski area because water parks do not provide recreational experiences that are directly related to or associated with National Forest resources. These activities are also easily provided on private lands (e.g., Silver Mountain's facility) or in urban settings. Finally, water parks are entirely dependent upon permanently constructed facilities, and therefore are not a natural resource-based recreation activity.

*Question 4.* Do you know if the Forest Service currently allows any ski area to permit swimming or soaking in a hot spring within the ski area permit area? If so, where and if not, do you know why not?

Answer. It is highly likely that the public does in fact swim in rivers and streams as well as natural and human-built lakes and ponds within ski area permits, but we are unaware of any ski area that provides this activity commercially as a part of its permit with the Forest Service. Swimming in a natural water body is clearly a natural resource-based activity that would be appropriate based upon proposed modifications to S. 607.

*Question 5.* Do you know if the Forest Service currently allows zip-lines in any of the Forest Service ski area permits? If so, do you know where and if not, do you know why not?

Answer. It is our understanding that zip lines have been approved and built on National Forest lands at Heavenly Ski Resort in California and Mt. Hood Ski Bowl in Oregon. A zip line has also been approved at HODOO Ski Area in Oregon, and proposed at Las Vegas Ski and Snowboard Resort in Nevada. We are unaware of whether other resorts have sought permission to construct these facilities. Based upon the criteria we have proposed, zip lines would be inappropriate at a National Forest ski area because they are entirely dependent upon a permanently constructed facility, and therefore is not a natural resource-based recreation activity. Given that several of these facilities already exist, this may be an instance where grandfathering makes sense.

*Question 6.* Do you know if the Forest Service currently allows Alpine scooters on Forest Service lands? If so, where and if not, do you know why not?

Answer. We are unsure of what an alpine scooter is. We are aware of several proposals by ski areas to build alpine coasters on public land, which we assume to be similar. There are currently no alpine coasters on public lands that we are aware of. Vail Mountain and Las Vegas Ski and Snowboard Resort have proposed alpine coasters on public lands. Several alpine coasters have been constructed on private land, but only one of which that we are aware of is in proximity to a ski resort (Park City, UT). We believe that an alpine coaster is inappropriate at a National Forest ski area because piloting a cart on a metal scaffolding structure is not a recreational experience that is directly related to or associated with National Forest Resources. This activity is also easily provided on private lands or in urban settings. Finally, alpine coasters are entirely dependent upon a permanently constructed facility, and therefore are not a natural resource based recreation activity.

*Question 7.* Do you know if the Forest Service currently allows Alpine Slides? If so, where and if not, do you know why not?

Answer. We are aware of at least four alpine slides that have been constructed on public land at ski areas: Durango Mountain Resort, CO; Winter Park, CO; Mt. Hood Ski Bowl, OR; and Snow King Resort, WY. Other alpine slides exist nationwide on private lands. We understand that the Forest Service is not currently accepting applications from ski areas to construct these facilities. Similar to #6 above, we believe that an alpine slide is inappropriate at a National Forest ski area because piloting a cart down a concrete track is not a recreational experience that is directly related to or associated with National Forest Resources. This activity is also easily provided on private lands or in urban settings. Technically, alpine slides are

designed to be temporary facilities, but in practice most ski areas have left them in place permanently, and therefore this activity entirely dependent upon a permanently constructed facility. Given that several of these facilities already exist, this may be an instance where grandfathering makes sense.

*Question 7a.* Can you explain what the fundamental difference between the visual and esthetics of a ski chair lift vs. an Alpine Coaster, vs. an Alpine scooter, vs. a zip line from your point of view? And can you describe why one or more of these might unacceptable to the Forest Service?

*Answer.* We do not believe that there is a fundamental difference from a visual or esthetic perspective between ski lifts, alpine coasters, alpine slides and zip lines, although the significance of the visual/esthetic impact resulting from these facilities does decline in that order. Where we feel there is a fundamental difference between these facilities is related to the nature of the recreational experience in question, and its relationship (or lack thereof) to National Forest Resources.

Ski lifts are not themselves designed as recreational activities. Instead, ski lifts facilitate a natural resource-based activity such as skiing or snowboarding which itself does not depend on a permanently constructed facility to occur. In contrast, alpine coasters, alpine slides, and zip lines are all recreational activities that themselves are dependent upon a permanent facility to be in place. Thus the facility is the basis for the recreation in question, not the natural resource context. Again, given that zip lines and alpine slides have historically been approved and constructed, grandfathering these uses may be acceptable, but in general, we believe that these activities are not examples of natural resource-based recreation, and therefore not appropriate for National Forest Ski areas.

*Question 8.* Do you think the Forest Service should allow ATV or OHV use of forest lands within a ski area? If so, with what limitations?

*Answer.* We believe ATV/ORV use on public lands is best addressed in a transparent and comprehensive planning process through the Travel Management process. We are not aware of any ski area which provides commercial ATV/ORV recreation on public lands, although all ski areas we are aware of use ATVs and ORVs for maintenance and operations purposes. We believe that well managed ATV/ORV use is an appropriate natural resource-based recreation activity that is consistent with the criteria we have proposed for amending S. 607. As with other areas on public land, we believe it is important that ATV/ORV use is restricted to designated routes that are appropriately located, designed, and maintained so as to not result in significant adverse environmental effects.

*Question 9.* Do you think the Forest Service should allow a motorcycle hill climb within a ski permit on Forest Service lands? If not, why not?

*Answer.* As with #8 above, we believe this activity would be best managed in a consistent manner across a National Forest as determined through the Travel Management process. In general though, motorcycle hill climbs are not dependent upon National Forest settings and resources, and could (and in fact are) generally available on private lands and in non-forested settings. Therefore, motorcycle hill climbs would likely not be an appropriate use of public lands at ski areas.

*Question 10.* Do you know if the Forest Service currently allows the summer use of hang-gliders, or para-sails in ski areas? If so, do you know where and if not, do you know why not?

*Answer.* We are not familiar with Forest Service policy on summer use of hang-gliders and para-sails at ski areas. Based on our proposed criteria above, we believe these activities could be appropriate year-round recreation activities at ski areas.

*Question 11.* In your mind, how does winter paragliding or hang-gliding differ from summer para-gliding or hang-gliding?

*Answer.* We do not see a fundamental difference between these activities based on the season of their occurrence.

*Question 12.* Do you know if the Forest Service allows back country horse back riding in ski areas on Forest Service lands? If so, do you know where and if not, do you know why they don't allow it?

*Answer.* We are aware of a number of locations where other horseback riding outfitters travel through ski area permit areas on designated roads and trails, but no instances where ski areas themselves offer year-round or summer only horseback riding activities. Backcountry horseback riding is clearly an example of natural resource-based recreation that would be appropriate on public lands at ski areas. As we have expressed before, we believe that ski areas could gain a competitive advantage compared to other outfitters and guides offering similar services to the public if care is not taken by the Forest Service to avoid this situation.

*Question 13.* Do you know if the Forest Service allows horseback endurance rides or events like the Omak Suicide Race in permitted ski areas on Forest Service lands?

Answer. We are not aware of the Forest Service allowing a horseback endurance ride or race on public lands at ski areas. We believe this activity would be best considered through applicable Forest Service special use permit regulations, and not addressed separately for ski areas.

*Question 14.* Do you know if the Forest Service currently allows paintball parks within ski areas on federal lands? If so, do you know where and if not, do you know why not?

Answer. We are not aware of any ski area that has been allowed to construct a paintball park on National Forest land. While playing paintball in a forested setting itself may be argued to be a natural resource-based activity, we believe that the construction of a "ball field" for this activity would be inappropriate at a National Forest ski area because playing paintball in a regulation paintball park is not a recreational experience that is directly related to or associated with National Forest resources. This would be akin to providing a basketball or tennis court. This activity is also easily provided on private lands or in urban settings. Finally, playing paintball in a paintball park is a recreational activity entirely dependent upon a permanently constructed facility, and therefore is not a natural resource-based recreation activity.

*Question 15.* Please help us understand why any of the above listed summer recreation activities are that much different than snowboard terrain parks (especially the metal rails and jumps that are permanently or semi-permanently placed in the snow board terrain parks)?

Answer. We believe that there is a clear distinction that can be drawn between facilities that facilitate or enhance a natural resource-based recreation experience from those that are themselves an artificial constructed recreation experience. Terrain park features are not themselves designed as recreational activities. Instead, jumps and other terrain park features mimic natural features (logs, cliffs, etc.) to facilitate a certain style of skiing or snowboarding. In contrast, alpine coasters and water parks are recreational activities that are dependent upon a permanent facility to be in place. Thus the facility is the basis for the recreation in question, not the natural resource context.

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RESPONSES OF BILL CRAPSER TO QUESTIONS FROM SENATOR BARRASSO

You have wanted to utilize the good neighbor authority in Wyoming for some time now.

*Question 1.* Could you explain why this authority will be an important tool for our State?

Answer. Having Good neighbor authority would allow the federal agencies and the State to be much more nimble and efficient in our approach to accomplishing work, especially in intermingled ownerships. This is especially important in Wyoming given the forest condition problems that we face.

*Question 2.* Could you share a few examples of projects that would benefit under a collaborative approach to land management?

Answer. GNA would be very useful for fuels mitigations projects in the WUI, for hazard mitigation along powerlines, roads, and trails, and for forest restorations projects that cross property lines.

*Question 3.* Don't you agree that the collaboration and cooperation established under a good neighbor policy is much more efficient and cost-effective than the "go-it-alone" situation land managers currently face?

Answer. I believe that collaboration is the only way that we can effectively move forward with many projects where the need crosses property lines.

*Question 4.* Your testimony includes discussion of cost savings provided by the good neighbor authority. Please explain.

Answer. First the very fact that different agencies would have to communicate and work together would make projects more efficient. Contractor utilization and mobilization costs would be greatly reduced by combining projects under single contracts. If utilized the GNA would allow States to not only reduce management costs on federal lands projects, but this bundling of services would reduce costs to private landowners as well.

I saw an article in the Denver Post on October 16th about the Forest Service undertaking a project to remove hazard trees on the White River, Arapaho-Roosevelt, and Medicine Bow-Routt National Forests (see attached article).

The Forest Service plans to remove dead trees along 250 miles of roads through forests, 380 miles of trails and on 1,000 acres of campgrounds at a cost of \$15 million.

*Question 5.* Would you care to guess how many miles of roads, miles of trails, and acres of campgrounds could be cleared by your State or Colorado State Forest Service if Congress granted you the Good Neighbor Forestry Authority and the \$15 million in funding?

Answer. I don't have a way to scientifically answer this question, but with my logging and equipment movement experience, I would hazard a guess that by bundling projects across ownership lines, would allow the agencies to increase the amount of work completed per dollar by a factor of between 1.3 and 1.5.

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RESPONSES OF RUSTY GREGORY TO QUESTIONS FROM SENATOR BARRASSO

Given that the National Ski Association played an integral part in helping develop S. 607 we are confused by several of the requests made in your testimony. Could you answer these questions?

*Question 1.* Your testimony said: "it would be helpful to the Forest Service if the Committee provided guidance on the intention of paragraph (4)(c)(2) of the bill. While the development of amusement parks on public lands should not be permitted under this bill, at the same time, a collection of recreation or amusement-related features may be authorized—and in many cases already have been under existing approvals."

Would you provide the Committee a list of summer recreation activities that you think should be allowed, as well as a list of those activities that you think are inappropriate?

Answer. While we are happy to list examples of the types of activities that should be deemed appropriate or not, we caution the Committee that any such lists are not exhaustive, and that any listing exercise completed today runs the risk of being out of date as recreation activities continue to evolve over time.

As Stated in our testimony, the development of amusement parks on public lands should not be permitted under this bill, yet at the same time, a collection of recreation or amusement-related features may be authorized—and in many cases already have been under existing approvals. For example, a collection of features such as alpine slides, alpine scooters, bungee, canopy tours, climbing walls, Frisbee golf, hang-gliding and para-gliding, horseback riding facilities, mazes, mountain bike parks, paintball, ropes courses, summer tubing, "turf" terrain parks and ziplines should not be considered an "amusement park" for purposes of this bill. More modern features such as year-round bob sled rides or mountain or alpine coasters that are gravity propelled and substantially follow the contour of the natural terrain should also be considered permissible.

*Question 2.* Your testimony said: "Likewise, guidance to the Forest Service regarding water parks would be helpful. While the development of water parks on public lands should not be permissible, at the same time, a collection of recreation features or activities that may require or benefit from the use of water may be authorized under the bill—and in many cases already have been under existing approvals."

Would you provide the Committee a list of summer water based recreation activities that you think should be allowed, as well as a list of those activities that you think are inappropriate?

Answer. As Stated in our testimony, a water park should not be permitted under the bill. However, a collection of recreation features or activities that may require or benefit from the use of water should be authorized under the bill—and in many cases already have been under existing approvals. A log flume may not be appropriate in the view of the Committee, but naturally appearing pools or hot springs, water-related mountain bike features, pond skims, or summer tubing operations that utilize water and substantially follow the contour of the natural terrain may be deemed permissible. Again, these examples of water-related features should not be considered an exhaustive list, as activities may evolve over time.

*Question 3a.* Your testimony said: "Finally, we would welcome the removal of the "primary purpose" test from paragraph (4)(c)(3) of the bill. Removal of this provision will provide clarity to the agency, because there is already a revenue-based test existing in the Code of Federal Regulations that is more objective than this proposed "primary purpose" test. Under existing Forest Service regulations (36 CFR § 251.51), a ski area must derive the preponderance of its revenues from "the sale of lift tickets and fees for ski rentals, for skiing instruction and trail passes for the use of permittee-maintained ski trails." This existing revenue-based test is more objective and is less likely to invite litigation over ski area summer proposals than the proposed "primary purpose" test."

Do you agree that a provision of law is stronger and more permanent than a Federal Regulation?



Answer. Yes. As drafted, however, the proposed law would conflict with existing regulations that provide better clarity to the agency and the permittee. The bill should be amended to match the revenue-based test that is currently in regulation.

*Question 3b.* Would you provide the Committee with a specific list of those parts of 36 CFR 251.51 that you think should be incorporated in section 4(c) (3) of S. 607 as currently drafted?

Answer. We would propose striking section 4(c)(3) as currently drafted and replacing it with the following language:

LIMITATION.—The Secretary may not authorize any activity or facility under paragraph (1) if the Secretary determines that the authorization of the activity or facility would cause the site to no longer meet the definition of ski area. A ski area is a winter, seasonal or year-round site and ancillary facilities developed to accommodate snowsports, summer or year-round recreation activities from which the preponderance of revenue is generated by the sale of snowsports lift tickets, fees for snowsports rentals, fees from winter ancillary facilities, fees for snowsports instruction and fees for winter trail passes for the use of permittee-maintained ski trails.

#### RESPONSES OF RUSTY GREGORY TO QUESTIONS FROM SENATOR MURKOWSKI

Until now, some of the Forest Service's staff expressed concerns about a number of types of activities that they believe may not be acceptable on Forest Service land. Water parks and alpine coasters are most often mentioned, we are having difficulty getting a handle on what is allowed or has been allowed at ski areas that your agency administers.

*Question 1.* In your experience does the Forest Service allow any ski areas to transport mountain bikes up their lifts so that the recreationists can ride down the mountain?

Answer. Yes.

*Question 1a.* If so, do you know how many areas this activity is allowed in, how many is it restricted, and do you know why the agency restricted these activity at some but not all ski areas?

Answer. Out of the 121 resorts operating on National Forest System lands, forty-one (41) have mountain biking. Some resorts have been restricted from commercial mountain biking. For example, Mt. Hood Meadows in OR requested commercial mountain biking in the past and was denied. Also, the Forest Service restricts mountain biking events at some resorts. For example, the Boise National Forest has not allowed Bogus Basin in ID to have a "Downhill" event on the permitted area.

*Question 1b.* Would you recommend restricting people traveling the ski mountains on other non-motorized wheels vehicles (say—roller blades, skate board with large tires, glide carts) and if so, why?

Answer. No.

*Question 2.* Do you know if the Forest Service currently allows any ski area to have a pool (on Forest Service lands) as part of their permit? If so, do you know where and if not, why not they restrict them?

Answer. NSAA is not aware of any pools on NFS lands at ski areas operating under a 1986 Act permit. There is one pool at Timberline Resort in OR under a Granger Thye Permit. Naturally appearing pools should not be restricted. Water-related recreation is a major attraction for children. In keeping with the Forest Service's "More Kids in the Woods" goal, recreating in water in a naturally appearing setting should not only be permitted, it should be encouraged.

*Question 3.* Do you know if the Forest Service currently allows any ski areas to have a water slide park (on Forest Service lands) as part of their permit? If so, where and if not, do you know why not?

Answer. NSAA is not aware of any water slides on NFS lands.

*Question 4.* Do you know if the Forest Service currently allows any ski area to permit swimming or soaking in a hot spring within the ski area permit area? If so, where and if not, do you know why not?

Answer. NSAA is not aware of any such activity.

*Question 5.* Do you know if the Forest Service currently allows zip-lines in any of the Forest Service ski area permits?

Answer. Yes.

*Question 6.* If so, do you know where and if not, do you know why not?

Answer. According to a recent survey, Heavenly in CA/NV has a zipline, as do Mammoth in CA, Wildcat NH and Sugarbush VT. There are dozens of resorts in other States that would like to submit a proposal for a zipline at this time.

*Question 7.* Do you know if the Forest Service currently allows Alpine scooters on Forest Service lands? If so, where and if not, do you know why not?

Answer. Yes. Steamboat Resort in CO offers alpine scooters, and potentially other resorts as well.

*Question 8.* Do you know if the Forest Service currently allows Alpine Slides? If so, where and if not, do you know why not?

Answer. Yes. There are currently 5 public land ski areas with alpine slides. These resorts include Attitash in NH, Breckenridge in CO, Durango Mountain Resort in CO, Mt. Hood Ski Bowl in OR and Winter Park in Colorado.

*Question 8a.* Can you explain what the fundamental difference between the visual and esthetics of a ski chair lift vs. an Alpine Coaster, vs. an Alpine scooter, vs. a zip line from your point of view? And can you describe why one or more of these might unacceptable to the Forest Service?

Answer. Ski areas are considered “developed recreation.” The environment at a ski area is a built environment. Ski areas have trams, gondolas, chairlifts and surface lifts that dominate the visual landscape. In addition, they have an array of snowmaking hydrants and buildings such as maintenance facilities, patrol facilities and restaurants. These are all permanent structures. In NSAA’s view, since all of the features listed above (alpine slide, alpine scooter, zipline) already exist on NFS lands at ski areas, none of these should be considered “unacceptable” to the Forest Service. From a visual standpoint, all of these activities blend within the existing developed or built environment context.

*Question 9.* Do you think the Forest Service should allow ATV or OHV use of forest lands within a ski area? If so, with what limitations?

Answer. Motorized vehicles are necessary at resorts for operations, grooming, safety and patrol, construction, access to private inholdings, and other related activities. In NSAA’s view, recreational use of ATVs should be permitted on a site-by-site basis in accordance with travel management plans for each individual forest.

*Question 10.* Do you think the Forest Service should allow a motor cycle hill climb within a ski permit on Forest Service lands? If not, why not?

Answer. The event would need to be evaluated on a site-specific basis. NSAA would defer to the local travel management plan for that forest.

*Question 11.* Do you know if the Forest Service currently allows the summer use of hang-gliders, or para-sails in ski areas? If so, do you know where and if not, do you know why not?

Answer. Yes. NSAA is aware of 7 resorts with para-gliding or hang-gliding. These resorts include Jackson Hole Mountain Resort in WY, Copper in CO, Beaver Creek in CO, Telluride in CO, Snowbird in UT, Mt. Bachelor in OR and Steamboat in CO. There are likely additional resorts with para-gliding and hang-gliding.

*Question 12.* In your mind, how does winter paragliding or hang-gliding differ from summer paragliding or hang-gliding?

Answer. It does not.

*Question 13.* Do you know if the Forest Service allows back country horse back riding in ski areas on Forest Service lands? If so, do you know where and if not, do you know why they don’t allow it?

Answer. Yes. NSAA is aware of 9 ski areas with horseback riding. Those resorts include Mountain High in CA, Loon in NH, Jackson Hole Mountain Resort in WY, Durango Mountain Resort in CO, Vail in CO, Kirkwood in CA, Bridger Bowl in MT, Grand Targhee in ID, and Beaver Creek in CO. There are likely other resorts that offer horseback riding.

*Question 14.* Do you know if the Forest Service allows horseback endurance rides or events like the Omak Suicide Race in permitted ski areas on Forest Service lands?

Answer. NSAA is not aware of any horseback endurance rides or races at resorts. NSAA is not familiar with the Omak Suicide Race noted above.

*Question 15.* Do you know if the Forest Service currently allows paint-ball parks within ski areas on federal lands? If so, do you know where and if not, do you know why not?

Answer. NSAA is not aware of any paint-ball parks within ski areas.

*Question 16.* Please help us understand why any of the above listed summer recreation activities are that much different than snowboard terrain parks (especially the metal rails and jumps that are permanently or semi-permanently placed in the snow board terrain parks)?

Answer. The summer and year round recreational facilities that resorts desire on NFS lands are no different than the array of recreational facilities that resorts provide in winter. They would be permanent structures that allow million of recreationists to enjoy the national forests in a developed setting.

## RESPONSES OF JOEL HOLTROP TO QUESTIONS FROM SENATOR MCCAIN

*Question 1.* In 2005, the Forest Service approved a proposal to install snowmaking infrastructure and other facility improvements at Arizona Snowbowl, a ski area permittee in the Coconino National Forest which receives about 160,000 visitors annually. Immediately, a coalition of American Indian tribes mounted a legal challenge arguing that the Forest Service decision violated NEPA, the National Historic Preservation Act, and the Religious Freedom Restoration Act. In 2008, the Ninth Circuit Court of Appeals ruled in favor of the Forest Service, and then in June 2009, the Supreme Court declined to hear the case effectively affirming the decision of the lower court.

a) In order to make the 2010 ski season, construction must begin no later than March 2010. In the meantime, Arizona Snowbowl needs to make equipment purchases and complete engineering plans immediately. What is the status of the Arizona Snowbowl improvement project and when can we expect the Forest Service to issue a "Notice to Proceed?"

b) As you know, there is a pending lawsuit in District Court (completely unrelated to Tribal concerns) that alleges the Forest Service didn't properly consider the human health risks associated with the use of reclaimed wastewater in snowmaking. If this case is dismissed or decided in favor of the Forest Service, will the Administration then move forward with the Snowbowl project and if so under what timeline?

c) That aforementioned lawsuit was filed two months after the Supreme Court action upholding the Forest Service Record of Decision. Why didn't USDA move forward with the ROD during those two months?

d) Under what statutory authority does the Deputy Secretary have to indefinitely delay a Record of Decision which was approved by the Forest Service in 2005 and upheld by the Supreme Court?

e) The Forest Service conducted extensive tribal consultation in developing its Record of Decision (41 public meetings, 500 phone calls and letters, and local radio and television broadcasts). The R.O.D. provides for a Memorandum of Agreement for tribal notification and consultation as the construction process proceeds. Is it this Administration's position that the laws and procedures established to develop and implement the R.O.D. are inadequate?

Answer. The Supreme Court's decision to deny the petition to hear the case brought against the US Forest Service (FS) brought an end to the legal challenge against the FS based on alleged violations of the Religious Freedom Restoration Act (RFRA). Neither that decision nor the split Ninth Circuit en banc decision required the FS to issue a Notice to Proceed

The Deputy Secretary's authority to review the Forest Service's decision flows from the Secretary's authority to supervise and control the activities of the Department of Agriculture pursuant to 7 U.S.C. 2202. Pursuant to 7 C.F.R. 2.15, the Secretary has generally delegated his authority to the Deputy Secretary. As general officers of the Department, the Secretary and the Deputy Secretary retain authority over all delegated functions through 7 C.F.R. 2.12. The Deputy Secretary therefore retains the authority to review the actions of subordinate officials of the Department.

Deputy Secretary Merrigan notified Snowbowl in a telephone conversation that the FS was moving forward on a part of the ROD on November 6, 2009. The FS notified the Tribal Governments concerned about the San Francisco Peaks in the Coconino National Forest through correspondence on November 19, 2009. In this notice, the FS communicated its intent to permit the Arizona Snowbowl ski area operator to proceed with the construction of the "magic carpet conveyors" as requested and approved in the Record of Decision. Subsequent to the Deputy's call, local FS personnel have been in contact with the ski operator to keep him informed on the consultation procedures.

Other activities in the improvement request are under review due to remaining concerns raised by Tribal Government with regards to snowmaking. At the request of the tribes, the USDA has spent time exploring with the tribes and the operator the possibility of resolving the matter. The agency has not set a timeline for going further and has respected the request of the parties for time to negotiate. Arizona Snowbowl agreed there would be no physical construction this calendar year, and indicated that it will not move forward with any ground disturbing activity to install a snow making system until at least the spring of 2010. Based on these representations by Arizona Snowbowl, Plaintiffs agreed to not re-file their motion for a temporary restraining order after the case was transferred to another division.

*Question 2.* Deputy Secretary Merrigan is or was attempting to facilitate discussions for the sale of the ski area by the Navajo Nation. My understanding is that this approach was not initiated at the request of either party.

a. Under what authority and by whose direction is the Deputy Secretary promoting these negotiations? Is the Deputy Secretary obligated to delay a ROD at the request of one or more interested parties?

b. How did the Deputy Secretary determine that the United States is fulfilling its trust obligation by encouraging the Navajo Nation to purchase a ski area that won't be economically viable without artificial snowmaking? Please provide a copy of records or correspondence indicating that the two parties requested a delay in implementing the ROD

c. Please provide a copy of records or correspondence indicating that the two parties requested Deputy Secretary's involvement.

d. How will the Deputy Secretary determine when these discussions are no longer fruitful? What guidelines are governing the Deputy Secretary's actions?

Answer. As noted in the previous answer, the Deputy Secretary retains the authority to review the actions of subordinate Department officials. In determining alternatives to using reclaimed water for snowmaking, the proprietor provided background on efforts made in the past. The conversations between the parties over a potential sale pre-date this Administration. When this history was shared with the Deputy, she inquired as to whether there was continued interest by involved parties in such a sale and suggested that the parties explore this possibility once again. The Department offered mediation but the parties did not wish to participate in mediation at that time. The Department has a new request from attorneys for the tribes for mediation.

If there were to be a sale, under the Forest Service's special use regulations, an operator may transfer ownership of the improvements to a successor. The successor is not entitled to a permit and must submit an application for a new special use permit pursuant to 36 C.F.R. 251.59. Part of the requirements of such an application for a new special use permit is a demonstration of sufficient evidence that the proponent has, or will have, the technical and financial capability to operate and maintain the project pursuant to 36 C.F.R. 251.54(d)(3). A determination of the ability of any new owner to operate the facility would be made at that time.

*Question 3.* According to the Justice Department, taxpayers spent nearly \$1 million defending the Forest Service in court. Arizona Snowbowl says it spent about \$5 million working through the project approval process. How much does the Forest Service estimate it spent to complete its Environmental Impact Statement and R.O.D?

Answer. The operator of the Arizona Snowbowl paid the Environmental Impact Statement (EIS) expenses and Forest Service obligation was for review of the EIS. The estimated amount of FS money spent on the review of the EIS is \$754,000.

*Question 4.* I'm pleased to see that the Administration supports the goals of S. 607, which is to enhance public access to recreational opportunities within Forest Service ski areas. However, I'm not convinced this legislation does enough to guarantee its objectives if-like in Snowbowl-this Administration believes a political appointee can indefinitely delay government-approved projects upheld by the Supreme Court. What assurances do ski area operators have that if S. 607 is enacted the Department will actually implement the projects approved by the Forest Service?

Answer. The agency fully supports enhancement of public access to recreational opportunities. All proposed expansion and enhancement of development projects are done with public input in accordance with the process outlined in statute, regulation, the agency manual and handbook. Decisions are reached with full compliance of the National Environmental Policy Act. This process allows for a thorough analysis of environmental impacts and consideration of input by those affected by a project. If S. 607 is enacted, the agency will follow all applicable rules within its discretion.

*Question 5.* The mere presence of Snowbowl on the San Francisco Peaks has been opposed by Tribal traditionalists for many years. In 1979, tribes litigated a Forest Service decision to expand its ski lodge on similar religious grounds. There, the Supreme Court ruled in favor of the Forest Service.

a. Does the Administration recognize Snowbowl's right to operate on the San Francisco Peaks?

b. Does the Administration believe that Records of Decision approving trails, recreational activities, the placement of gas lines, water lines, or utility corridors on the San Francisco Peaks can be delayed or revoked at the request of

an interested party or at the discretion of the Deputy Secretary after they've been upheld by the Supreme Court?

Answer. Currently, the operator of Arizona Snowbowl has a valid special use permit to operate the facility in accordance with the terms of the permit and applicable law. The litigation resulted in an en banc decision by the Ninth Circuit Court of Appeals that principally found that the proposed use of reclaimed water for snow making at Arizona Snowbowl did not violate the Religious Freedom Restoration Act (RFRA). The Supreme Court denied the plaintiffs' petition to review that holding. There has been some mischaracterization that these decisions mandate the FS to Issue a Notice to Proceed. As noted above, the Deputy Secretary retains general supervisory responsibilities over subordinate Department employees.

*Question 6.* Section 2703.2 "Denial of Use" of the Forest Service Manual provides guidelines for denying a proposed project.

a. Does this Administration believe the 2005 Record of Decision is inconsistent with Forest land and resource management plans?

b. Does this Administration believe the 2005 Record of Decision conflicts with other forest management objectives; or applicable federal statutes and regulations?

Answer. We do not believe that the 2005 ROD is inconsistent with the Coconino Forest plan. However, we note that the Coconino Forest plan was originally signed in 1987. Since that time, FS land management objectives have changed to reflect a greater degree of consideration of sacred sites and relations with tribal governments. Therefore, we believe a closer look at the decision as it relates to sacred sites and USDA relations with tribal governments was warranted. Moreover, given the difficult and challenging position that the Forest Service faces in managing its multiple use mandate, it is not atypical for a Record of Decision, including the one at issue here, to balance and trade off some management objectives against others. Thus, we believe that a closer look at the 2005 ROD was warranted in order to insure that the decision reflected an appropriate balance of FS management objectives.

*Question 7.* I, along with my colleagues Senator Jon Kyl and Congresswoman Ann Kirkpatrick, have written Secretary Vilsack to request a meeting on this matter. What is the status of that request?

Answer. In answer to this request for a meeting, Under Secretary Jay Jensen, Senior Advisor Doug O'Brien, Acting General Counsel Steve Silverman and Congressional Relation staffer Tina 6 May met with Nick Matiella of your staff and Lucy Murfitt of Senator Kyl's staff on October 26th, 2009. This same group of USDA officials met with Congresswoman Kirkpatrick and her staff on November 18th, 2009. Deputy Secretary Merrigan met with you in your office on November 30, 2009.

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RESPONSE OF ROBERT G. STANTON TO QUESTIONS FROM SENATOR BARRASSO

S. 1122—GOOD NEIGHBOR FORESTRY ACT

Please provide information on all projects completed under the good neighbor authority in Utah and Colorado. Please include the location, purpose of the project, land ownership, time for completion, and federal investment.

The BLM has one ongoing Good Neighbor Authority project, located in and adjacent to the Gold Hill subdivision in Boulder County, Colorado. Its purpose is fuels reduction and mitigation. Land ownership consists of 122 acres of BLM-managed lands, 27 acres of National Forest System lands, and 223 acres of private land. Work on the project is continuing, and completion is expected by the end of Fiscal Year 2010. Total BLM investment to date is \$94,000.

Some are concerned that collaboration through good neighbor authority could short-circuit federal contract rules or processes. However, it's my understanding that the good neighbor authority does not affect the federal agencies' responsibilities to comply with their own regulations on environmental or labor compliance.

*Question 1.* "Isn't it true that in Colorado and Utah, your agencies have required states to comply with federal regulations when executing subcontracts?"

Answer. Yes, the standards that contractors must meet are set out in regulations (43 CFR Part 12.94012.948), which require recipients of Federal contracts to comply with all "applicable Federal statutes and executive orders". The BLM's agreement with the Colorado State Forest Service (CSFS) for the Gold Hill project cites these Federal regulations: "The services to be performed by the CSFS may be conducted with subcontracts utilizing State of Colorado contract procedures or the require-

ments as outlined in 43 CFR Part 12.940-12.948.” The Colorado contract procedures align closely with the Federal requirements with respect to codes of conduct, competition, procurement procedures, cost and price analysis, procurement records, contract administration, and contract provisions. The BLM did not impose additional standards.

*Question 2.* “Isn’t this part of the Task Order, as explained in your testimony?”

Answer. The BLM’s testimony did not discuss the use of task orders, since the BLM project was executed under an assistance agreement.

S. 1442—PUBLIC LANDS SERVICE CORPS ACT OF 2009

Earlier this year the Serve America Act was amended by Public Law 111-13. It includes extensive authorizations related to national service including allowing service groups and groups similar to the Public Land Corps to “rehabilitate national and state parks and forests, city parks, county parks and other public lands, and trails owned or maintained by the Federal Government, or a State, including forest health restoration measures, carrying out erosion control measures, fire hazard reduction measures, and rehabilitation of historic sites and providing trail enhancements, rehabilitation, and repairs.”

*Question 1.* Don’t you already have the authorization that you need in Public Law 111-13 to do everything that is authorized in S. 1442?

Answer. The Serve America Act (Public Law 111-13) reauthorized and expanded programs administered by the Corporation for National and Community Service. These programs include Senior Corps, Americorps, and Learn and Serve America. The Corporation provides grants and training and technical assistance to develop and expand volunteer organizations. Public Law 111-13 does not provide the Secretary of the Interior with any direct authorities.

*Question 2.* If not, please provide the Committee with a specific list of provisions within S. 1442 that you feel are lacking in P.L. 111-13 which was passed on April 21, 2009.

Answer. S.1442, the Public Lands Service Corps Act of 2009, would complement the Serve America Act by strengthening and facilitating the use of the Public Land Corps program. This bill would improve federal efforts to identify, recruit, hire, and retain, the next generation of public land managers and promote the value of public service by providing service-learning opportunities on public lands. While we are strongly supportive of S. 1442, there are a few areas where we would like to suggest some changes and those changes are reflected in our October 29, 2009 testimony. Specifically, S. 1442 would:

- Establish an Indian Youth Corps so Indian Youth can benefit from Corps programs based on Indian lands by carrying out projects that their tribes and communities determine to be priorities;
- Authorize a departmental-level office at the Department of the Interior to coordinate Corps activities within the three land management bureaus;
- Require each of the three relevant departments to undertake or contract for a recruiting program for the Corps;
- Require each of the three relevant departments to establish a training program for Corps members, and identifying specific components the training must include;
- Identify more specific types of projects that could be conducted under this authority;
- Allow participants in other volunteer programs to participate in PLC projects;
- Allow agencies to make arrangements with other Federal, state, or local agencies, or private organizations, to provide temporary housing for Corps members;
- Provide explicit authority for the establishment of residential conservation centers, and authorize the Secretary to seek the assistance of the Secretary of Energy in identifying and using solar and other green building technologies that may be adapted for these facilities;
- Authorize agencies to recruit experienced volunteers from other programs to serve as mentors to Corps members;
- Add “consulting intern” as a new category of service employment under the PLC program;
- Allow agencies to apply a cost-of-living differential in the provision of living allowances and to reimburse travel expenses;
- Allow agencies to provide job and education counseling, referrals, and other appropriate services to Corps members who have completed their service; and
- oEliminate the \$12 million authorization ceiling for the program.

## RESPONSES OF ROBERT G. STANTON TO QUESTION FROM SENATOR BINGAMAN

## S. 1122—GOOD NEIGHBOR FORESTRY ACT

*Question 1.* How did the Bureau of Land Management delineate potential liability between the State Forester and the Federal Government in the master agreements, task orders, and contracts issued under the pilot Good Neighbor authority? Were contractors required to meet Federal requirements for bonding and insurance?

Answer. In the Gold Hill assistance agreement, the BLM and the CSFS agreed to be responsible for their own acts. All liability (except with respect to claims under the Federal Tort Claims Act) is assumed by CSFS, per the assistance agreement. The CSFS subcontract includes requirements for insurance, to include workers' compensation, employer liability, and general commercial liability insurance, in accordance with minimum limits set forth in the contract. This neither supplements nor contradicts any requirements for insurance or bonding set forth in 43 CFR Part 12.940-12.948.

## RESPONSES OF ROBERT G. STANTON TO QUESTIONS FROM SENATOR MURKOWSKI

## S. 1122—GOOD NEIGHBOR FORESTRY ACT

During the hearing you mentioned the Wyden Authority that allows the Forest Service and BLM to expend funds on state and private lands to enhance or restore watersheds. You also suggested that you had some concerns related to S. 1122 about enforcing the federal government requirements on liability and employment law and regulations.

*Question 1a.* Do the agencies have the same concerns about the implementation of the Wyden Authority as you have with S. 1122? If not, why not?

Answer. No, the BLM does not have such concerns. However, we support Good Neighbor Authority, but we believe further study and analysis are needed to better understand the interplay of state and federal contracting and labor law and regulation before expansion of the authority is authorized. The BLM's successful implementation of the Wyden authority is based on policy and guidance requiring that all projects completed under this authority comply with all applicable Federal, state, and local laws and regulations, policies, and permit requirements, including the National Environmental Policy Act, Clean Water Act, and Endangered Species Act. The BLM's guidance also provides for review by the DOI solicitor. In addition, "hold harmless" clauses to mitigate potential liabilities are generally included.

*Question 1b.* What enforcement monitoring do the agencies undertake to ensure contractors, and sub contractors adhere to federal liability and labor standards on work accomplished through the Wyden Authority? Please provide written documentation that shows such monitoring has occurred on at least ten such contracts per agency?

Answer. Under the Wyden authority, the BLM is using Cooperative Agreements with entities such as states, counties, other Federal agencies, and non-governmental organizations, to fund projects implemented on non-BLM lands. The BLM does not formally document their compliance with applicable Federal employment laws or regulations other than specifying in the Cooperative Agreement that the entities must comply with all applicable Federal, state, and local laws and regulations, policies, and permit requirements.

*Question 2a.* The Secure Rural Schools and Community Self-determination Act of 2000 as amended in 2008 includes provisions in Title II that result in funds being utilized to undertake work on federal lands using outside contractors. Do the agencies have the same concerns about the implementation of the Title II Secure Rural Schools and Community Self-determination Act as you have with S. 1122?

Answer. No, the BLM does not share these concerns. The BLM uses both Cooperative Agreements and contracts to implement projects under Title II of the Secure Rural Schools and Community Self-Determination Act. When using Cooperative Agreements, the BLM's policy and guidance require that all projects done under the Title II authority comply with all applicable Federal, state, and local laws and regulations, policies, and permit requirements, including the National Environmental Policy Act, Clean Water Act, and Endangered Species Act. The BLM's guidance also provides for review by the DOI solicitor. In addition, "hold harmless" clauses to mitigate potential liabilities are generally included. When using contracts, the BLM advertises, awards, implements, and administers the contracts using standard BLM contracting procedures (43 CFR Part 12.940-12.948).

Please provide written documentation that shows such monitoring and enforcement that has occurred on at least ten such contracts per agency? (Quoting from the previous question, "monitoring and enforcing the federal government requirements on liability and employment law and regulations.")

When the BLM uses Cooperative Agreements for projects done under the Title II Secure Rural Schools and Community Self-Determination Act, the monitoring and enforcement procedures are the same as described in the answer to question 1b.

The BLM's Oregon State Office (ORSO) review of all current/active Secure Rural Schools contract files identified six construction projects. Each contract file contains certified payrolls and the Contracting Officer Representative's (COR's) daily diaries.

Review of the certified payrolls showed that the contractors provided documentation for every pay period in question, for all employees working on the six projects. The COR validates names, addresses, social security numbers, and wage rates for all employees.

Review of the COR's daily diaries, which record contract compliance, found that none of the daily diaries contain any written notes that relate to monitoring and enforcing the federal government requirements on liability and employment law and regulations.

If the COR suspects any questionable or suspicious practices, they will notify the Contracting Officer who will in turn notify the appropriate regulatory agency (i.e. OSHA, INS, DOL, etc.). For the six contract files reviewed, no such concerns were documented.

*Question 2b.* The GAO report on Good Neighbor found little to complain about. Do you have examples of projects undertaken by the Good Neighbor Authority in Colorado that have violated federal labor or safety laws or any federal labor contracting requirements?

Answer. The BLM is not aware of any such examples.

*Question 2c.* If you have any project that had these deficiencies will you describe the steps the Forest Service or BLM undertook to rectify the deficiencies?

Answer. The BLM is not aware of any such deficiencies in the Gold Hills project.



APPENDIX II

Additional Material Submitted for the Record

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AMERICA OUTDOORS ASSOCIATION,  
*Knoxville, TN, October 27, 2009.*

Geraldine Link,  
*Director of Public Policy, National Ski Areas Association, Lakewood, CO.*

DEAR GERALDINE: America Outdoors Association is the national association of outfitters and guides with members operating in 43 States. We have a number of State organizations among our affiliates and work closely with the Colorado River Outfitters Association.

You have advised me that an environmental group expected to testify on S. 607 in the Senate this week has indicated to you that outfitters are opposed to this bill. I believe any general Statement made by any such group to suggest that "outfitters" are opposed to this bill is false. S. 607 provides the statutory authority to enable the Forest Service to permit summer uses at ski areas. We understand that ski areas have hosted summer activities for decades-some dating back to the 1960s. I have reviewed the bill briefly and did not find any issues with the bill that should create objections among our outfitter members. Given the short notice, our executive committee has not had the opportunity to approve our support for it. However, we support its intent as described above. I have contacted the largest group of outfitters in Colorado and I have not heard of any outfitter group of significance that is opposed to this legislation. When I have had the opportunity to brief our executive committee, we will consider providing support for S. 607.

In the meantime, anyone who States that "outfitters" are opposed to this bill is not accurately representing the view point of a majority of the outfitting industry. Thank you for giving us the opportunity to set the record straight.

Sincerely,

DAVID L. BROWN,  
*Executive Director.*

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COUNCIL OF WESTERN STATE FORESTERS,  
SOCIETY OF AMERICAN FORESTERS,  
*October 27, 2009.*

Hon. JEFF BINGAMAN,  
*Chairman, Senate Energy & Natural Resources Committee, Washington DC.*

Hon. LISA MURKOWSKI,  
*Rnk. Member, Senate Energy & Natural Resources, Washington, DC.*

DEAR SENATOR BINGAMAN AND SENATOR MURKOWSKI: The Council of Western State Foresters (CWSF) and the Society of American Foresters (SAF) would like to thank you for scheduling a Senate Energy & Natural Resources hearing on Senate Bill 1122, the Good Neighbor Forestry Act. The intent of Senate Bill 1122 is to expand the use of the 'Good Neighbor Authority' throughout the western United States. Our organizations are supportive of the Good Neighbor Authority (GNA) and hope to see its continued and expanded use in the western United States.

The GNA allows State forestry agencies to act as an agent for the federal agencies to complete similar or complementary treatments across State, federal and private boundaries. This authority was successfully piloted in Colorado and Utah where this critical authority leverages limited resources for the betterment of healthy forests. Work done through this authority has included forest, rangeland and watershed restoration and protection services activities such as insect treatment, hazardous fuels activities and watershed restoration including fish and wildlife habitats. The GNA can also be used to build upon other cross boundary opportunities where local interest and support exists.

The GNA is especially important in the western United States due to the significant amount of public lands and near-by communities that are dependant on our forested landscapes. Working across boundaries, in an 'all-lands' approach, will become even more important as forestland becomes more fragmented, land development in the Wildland-Urban Interface increases and climate change continues to impact our environment. Collaboration across land ownerships, government agencies and communities is the key to success on the ground.

The intent of the GNA is to allow for complementary forest management projects and activities across land ownerships in the West, not to bypass federal or State requirements currently in place. It is our understanding that concerns of this nature have arisen with the current legislative language in S. 1122. Both the SAF and the CWSF pledge to work with the Bill sponsors and the Senate Energy & Natural Resources Committee to address any concerns with S. 1122.

Sincerely,

ARTHUR 'BUTCH' BLAZER,  
*New Mexico State Forester and Chairman, Council of Western State Foresters.*

MICHAEL T. GOERGEN,  
*Executive Vice President and CEO, Society of American Foresters.*

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INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION,  
*Boulder, CO, March 18, 2009.*

Hon. MARK UDALL,  
*Chairman, National Parks subcommittee, U.S. Senate, Washington, DC.*

Hon. RICHARD BURR,  
*Ranking Member, National Parks subcommittee, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN AND RANKING MEMBER: The International Mountain Bicycling Association (IMBA) supports S. 607, a bill to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System (NFS) lands subject to ski area permits. Ski areas and their diverse trail offerings are especially important destinations for mountain bicyclists and this bill would help further opportunities for our quiet, human-powered activity.

IMBA is a non-profit educational association, whose mission is to create, enhance, and preserve great trail experiences for mountain bikers worldwide. IMBA's network includes 35,000 individual members, 750 bicycle clubs, 150 corporate partners, and 400 bicycle retailers.

Mountain bikers are passionate about the outdoors. We believe in managing public lands as a public trust and as priceless national treasures. We seek both serene backcountry experiences and those at more developed sites like ski areas. Ski resorts offer a way to introduce new cyclists to the sport and start to instill a lifelong appreciation for nature and the outdoors. Ski resorts can act as a gateway to many other outdoor activities and also offer opportunities for competition and the extreme side of the sport.

According to the National Ski Areas Association, 162 ski resorts offer trails open to mountain biking in the summer, including 84 with gravity fed, lift-operated trail systems. More and more ski resorts are seeing the power of summer mountain bike tourism and turning to IMBA and our partner clubs to build and promote trails.

IMBA has partnered with numerous ski areas around the country to improve natural resource conditions and summer visitor experiences. IMBA and the USDA Forest Service have had a partnership agreement since 1994. The memorandum of understanding says, "When operators of ski areas on NFS lands allow summer mountain bicycling on their trails, work with those ski areas to implement IMBA's Rules of the Trail, trailbuilding and signage guidelines, and management principles."

IMBA has led the charge in retrofitting singletrack to reduce sedimentation, protect watersheds and vegetation, and encourage positive user interactions. Our professional expertise has enabled resorts to construct sustainable, environmentally sound trails and rehabilitate other routes that are badly eroded. Several ski areas now exhibit model trail systems, but many resort trails were originally developed without much thought about proven trailbuilding principles to protect positive environmental and social qualities.

Mountain biking has flourished at many ski areas. The multitude of cross-country style trails offered at most resorts provide a traditional singletrack experience with parking and amenities nearby. Ski areas' controlled and mitigated settings are also ideal for freeriding, downhill and other extreme mountain biking niches. Further, the exercise provided by all forms of mountain biking is especially valuable given the current national health crisis.

Clarifying the appropriateness of summer trail use at ski areas will also benefit local economies. Many summer visitors rely on hotels, sports retailers, restaurants, and gas stations to provide essential tourism and recreation services. Mountain bikers and other trail users can help resorts and the local communities sustain a year-round economy by improving visitation in traditionally slow summer months. Research supports this assertion. A recent study in British Columbia found the Whistler Ski Resort Bike Park contributes \$18.8 million Canadian dollars to the local economy (Western Canada Mountain Bike Tourism Association, 2007) each summer season. Throughout the larger Vancouver area, the study concludes, "mountain bike trail systems of the Sea to Sky region attract significant numbers of visiting riders to the host communities and cumulatively generate a significant economic impact in the region." The authors believe "the level of economic impact is dependant on whether or not trails are authorized and offer some long term certainty for both public and commercial use." Ski areas offer this sanctioned riding experience that can drive local economies.

Thank you for introducing S. 607 to clarify the important and beneficial role of summer recreation at ski areas. IMBA hopes the committee will move the bill and work towards final passage.

Sincerely,

JENN DICE,  
*Government Affairs Director.*

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STATEMENT OF CRAIG OBEY, SENIOR VICE PRESIDENT, NATIONAL PARKS  
CONSERVATION ASSOCIATION, ON S. 1442

Mr. Chairman, and members of the subcommittee, I am Craig Obey, senior vice president for Government Affairs of the National Parks Conservation Association (NPCA). The nonprofit National Parks Conservation Association, founded in 1919, serves as the leading citizen voice of the American people on behalf of our national parks. It is a privilege to express, on behalf of our 320,000 members, our strong support for S. 1442, the Public Lands Service Corps Act of 2009.

I want to begin by first thanking Chairman Bingaman for introducing this important bipartisan legislation. S. 1442 seeks to benefit our national parks and other public lands by unleashing the spirit and energy of committed Americans who, working with their government and non-profit organizations, can help our nation capitalize on the potential for our national parks to produce significant civic benefits, stimulate local economies, educate Americans about our shared heritage, and protect our national treasures for the use and enjoyment of our children and grandchildren.

The Act builds upon the Public Land Corps Act of 1993 by facilitating valuable new service-learning opportunities, enhancing mechanisms to help restore the nation's natural, cultural, archaeological, recreational, and scenic resources, providing for the training of a new generation of public land managers and enthusiasts, and by promoting the value of community and national service. S. 1442 complements the GIVE Act and Serve America Act, passed earlier this year by Congress and signed into law by President Obama, which includes a Clean Energy Corps that will work in partnership with the Public Lands Service Corps.

NPCA has called for the creation of a new National Parks Service Corps in order to foster additional national and community service in our national parks and help ready the national parks for another century of service to our nation and the world. S. 1442 responds to and expands this vision to include all Interior and National Forest-managed lands, and areas under the jurisdiction of the National Oceanic Atmospheric Administration. The legislation rounds out the expansion of national and community service under the GIVE and Serve America Acts with a robust commitment to service that would help the National Park Service to address the needs of our national treasures and would foster stronger connections between national parks, visitors, and our national community.

ENHANCED SERVICE OPPORTUNITIES HELP ADDRESS CRITICAL ECONOMIC AND  
SOCIAL NEEDS

These are challenging times for our National Park System and our country. This subcommittee is well aware that an annual operating shortfall, estimated at nearly \$700 million, and a maintenance backlog of approximately \$9 billion, continue to undermine the ability of national park managers to protect the natural and cultural resources in their charge. We have begun to make some progress in the last couple years, but there remains much more to do. Furthermore, as our troubled economy staggers, unemployment rates are continuing to rise.

In September, nationwide unemployment reached 9.8 percent, with youth unemployment at 21%. Unemployment rates for African-American youth hover around 39%, with rates for Hispanic and Latino youth at about 25%—both up 7 points from February 2008. Unemployment rates for college graduates are increasing significantly, as they are with Americans over age 55. National service cannot cure these problems. However, the tight job market, coupled with the president's call for people to serve, is already creating tremendous demand for meaningful service opportunities, and S. 1442 can provide such opportunities in a manner that helps address continuing, significant needs on our public lands. Such levels of unemployment remind us of the days of the Great Depression, when Franklin Roosevelt created the Civilian Conservation Corps to marry two destabilized resources—young men out of work and school and diminished natural resources on our public lands and in agriculture.

S. 1442 would also create a grant program to support an Indian Youth Service Corps that would work on projects deemed to be a priority by Tribal leaders in majority Indian communities. American Indian youth have a higher predisposition to drop out of AmeriCorps style programs thus failing to gain the full training, experiences, and benefits that graduates receive. An Indian Youth Service Corps would provide American Indian youth with the same chance to serve, learn, and succeed, but do so within a more familiar and supportive cultural context.

In tough economic times, our nation has mobilized millions of people to conserve and protect its most vital resources, producing lasting benefits for society and providing individuals with opportunities and new skills. The Public Lands Service Corps can do this and more, by employing people from the most vulnerable sectors of our economy in jobs that would enhance their future employability, invigorating them with an enhanced sense of civic pride, and supporting President Obama's call for people to serve.

#### AMERICAN PUBLIC SUPPORTS SERVICE IN OUR NATIONAL PARKS, PUBLIC LANDS

The American people are ready for this kind of commitment. Americans strongly support our national parks, and want to play an active role in their protection. In fact, an extensive poll by Peter D. Hart Research Associates and McLaughlin & Associates, which NPCA commissioned in 2008 and re-confirmed after the economic downturn, found that more than four in five voters believe that it is important for the federal government to protect and support national parks and national historic places. That poll also found significant concern about the failure of funding of our national parks to keep up with what's needed, the shortage of needed staff at parks and historic sites, and the need to be sure parks could serve school groups. Finally, it showed that more than 1 out of every 3 Americans are motivated to roll up their sleeves and get involved—a tremendous finding for a poll of this type, and one that shows the continuing affection of our society for our national treasures.

NPCA has called for the addition of at least 10,000 new, full-time equivalent service positions to be devoted to work in our national parks within the next few years, through an expansion of the Public Land Service Corps and through a cooperative agreement between the Department of the Interior and the Corporation for National and Community Service. S. 1442 broadens this vision to also include other public lands, and we support that breadth so as to provide a broader geographic distribution of service opportunities and to help address needs and opportunities on all public lands.

#### SERVICE IN PUBLIC LANDS IMPROVES INDIVIDUAL LIVES, COMMUNITIES, NATIONAL HERITAGE

NPCA believes that service legislation relating to our national parks should focus on five basic principles: (1) addressing resource protection and fiscal needs in the parks; (2) enhancing multi-generational service opportunities; (3) building strong community partnerships; (4) developing the next generation of National Park Service and Federal land management agency leadership; and (5) a strong emphasis on cultural, historic, and civic impacts. S. 1442 takes important steps to address each of these priorities, and we have several modest suggestions to make it even stronger.

With the addition of significantly more service employment opportunities in national parks, along with supervisory capacity for the National Park Service, we can make genuine headway on a variety of maintenance and conservation-related projects. For example, service and volunteerism are ideally suited to projects designed to eradicate many invasive species, replant native vegetation, and control erosion. The human power brought to bear under the Civilian Conservation Corps in the 1930s, when CCC participants planted over 3 billion trees and built over

97,000 miles of roads in national parks and on public lands throughout the nation, provides a compelling example. Service Corps members can rehabilitate campgrounds and deteriorating structures throughout the National Park System, renovate and help maintain historic sites, and help conduct natural and cultural resource management, science and research projects. In addition, the Act provides an important focus on marine resources and climate change.

S. 1442 expands the potential duration of service corps participation to up to two years. By lengthening the term of service the Public Lands Service Corps maximizes the ability of the National Park Service, and other Federal land management agencies, to make a significant investment in training and reap the benefits that come from fielding a highly motivated, knowledgeable workforce. In addition, trained service corps participants can help leverage additional volunteerism by helping Federal land management personnel coordinate the activities of traditional volunteers. Both the GIVE Act and its Senate counterpart, the Serve America Act, were designed to foster long-term, non-episodic service work, and S. 1442 falls squarely in line with those efforts.

The benefits of extended terms of service will also have a positive impact on corps members. The longer individuals serve, the more highly trained they may become. Service corps participants will receive training, mentoring, and undergo on-the-job experiences that are generally not afforded to short-term or seasonal volunteers. They will, as a result, become a more effective and efficient workforce, and gain valuable knowledge, skills, and abilities that will enhance future employability.

Most of the service providing organizations, including the Student Conservation Association (SCA) and the Corps Network, have excellent track records in recruiting, managing, training, and fielding service workers for long-term, often residential service details, and they are familiar with the conservation ethic and management policies and practices of the Federal land management agencies with whom they partner. Long experience has taught these organizations the value of creating sustainable, scalable programs that can be ramped up or pared down as need be, without generating a costly new layer of bureaucracy. These organizations are battle-tested and ready to go.

It is hard to overemphasize the effect service can have on the lives of those who undertake it, not to mention the people and resources who directly benefit from it. The youth of today are in danger of becoming the most disconnected generation from nature in our history as a nation. They are not benefiting from the magic of national parks and other natural areas that comes from experiencing them first-hand. There are many reasons for this: over-scheduling of activities, economics, the decline in the time families have to travel, lack of outside play, and more. But when young people are given an opportunity to work in a park, they develop a very deep sense of ownership and connection to that place, to other national parks, and to the natural world, as well as experience many other benefits.

Nearly 170,000 people volunteer to work for the Park Service each year. The hours these individuals give and the contributions they make are of an invaluable service to our national parks, and yield tremendous pride and connectedness to our parks and to our country. Yet, when parks lack sufficient funding, they often find themselves without the staff to recruit, train, and manage volunteers. Leveraging additional volunteer support and engagement is exactly the kind of utility that Public Lands Service Corps members, once trained, could bring to the National Park Service, the Forest Service, and NOAA. Nonetheless, capitalizing on such leveraging opportunities will require that parks and other public lands have funding and support personnel sufficient to foster and manage additional Corps member engagement.

One way to augment this capacity, and an opportunity for enhancing S. 1442, relates to so-called "experienced Americans." S. 1442 attempts to get at this through a new mentorship authorization, which we strongly support. Encouraging older Americans like Volunteers in Parks, military retirees and veterans to help train service corps members and lead crews will tap the know-how of many thousands of able individuals who have much to contribute. However, we believe the mentorship provision could prove even more valuable if it is slightly broadened. By further tapping into the knowledge and abilities of older Americans, S. 1442 can significantly enhance the capacity of national parks and other public lands to harness the power of service, and the training younger participants receive. Attached at the end of my testimony is a suggested amendment that can help achieve this.

AARP recently commissioned a report, entitled *More to Give*, which details the tremendous untapped potential of older Americans for service. An extensive survey of 44-79 year olds, whom the survey dubbed "experienced Americans", found that "55 percent believe they will leave the world in worse condition than they inherited it, while only 20 percent believe they are leaving the world in better condition." It

also found that those most engaged in volunteer work feel more optimistic about the future. The survey also found that financial wherewithal can be an important barrier to some older Americans serving as volunteers.

As is the case with youth, stipends can enable older Americans to serve. In addition, according to the survey, “more than half of all Experienced Americans (51 percent), including 55 percent of Baby Boomers, said that education awards they can earn and give to a child in exchange for significant levels of volunteer service would have a big or moderate impact on their participation in volunteer activities.” Such incentives were particularly appealing to Hispanics and African-Americans.

As a consequence, the GIVE and Serve America Acts authorized a transferable education award for older Americans who participate in 1-year “Encore Fellowships” to carry out projects in areas of national need. Fellowships go to individuals 55 and older who engage in full-or part-time service in the nonprofit sector or government, and are designed to capitalize on the additional skills set and experience that participants have to offer. NPCA believes that the Public Lands Service Corps Act should encourage greater participation among older Americans, including eligibility for Encore Fellowships or some other means of making transferable education awards available to them, which they can use themselves or transfer to a grandchild.

The existing law already provides for AmeriCorps education awards in approved Public Land Corps positions. The addition of an Encore-like provision would ensure that the Public Lands Service Corps tracks the opportunities that are being made available in other national volunteer programs. Importantly, the More to Give survey showed “volunteer senior ranger” to be among the most popular volunteer activities for Experienced Americans. When asked what kind of service they would like to do, millions of Experienced Americans chose serving in our national parks.

The Public Lands Service Corps Act clearly contemplates valuable service learning opportunities—an emphasis NPCA strongly supports. Nonetheless, we would also like to see this role further emphasized. Providing for greater participation of experienced Americans, together with the creative deployment of younger participants, creates additional opportunity to enhance service learning capacity and opportunities in national parks. For example, the service corps should be expected to foster the greater use of service-learning projects linked to classroom learning in history, biology and civics.

While the authorization contemplates a preference for service learning activities, it should be made clear that such efforts are a central purpose of the service corps, in addition to its important resource protection and restoration mandates. In addition, the law can provide for greater use of service corps participants in serving the public. While NPCA agrees that individuals without sufficient training should not be providing interpretation that should be provided by experts, it is important to provide a reasonable measure of flexibility in appropriate circumstances.

NPCA also believes that the bill’s well-intended restrictions on how service corps participants can engage in interpretation-related activities go too far. We agree that interpretive programs should be conducted by trained professionals, and we support the bill’s reference to properly supervised corps members providing orientation and information services, and playing other appropriate interpretive roles. Something that is not apparent from the language of the bill, however, is the degree to which service corps members would be authorized to reach out to schools and afterschool and youth-serving community-based organizations, provided they are properly supervised. Several modest amendments related to interpretation opportunities are also included at the end of my testimony.

Clearly, there is no substitute for trained Park Service personnel. However, the service corps can do more to augment that capacity. Some older members of the corps may very well have training that could be capitalized upon, rather than artificially restricted. In addition, by expanding the breadth of participation for older Americans in this area, S. 1442 could further enhance capacity and service. In addition, we suggest that the bill be amended to encourage the use of appropriately trained service corps members for multilingual services to visitors and outreach to diverse communities.

Among the most important elements of the Public Lands Service Corps for the National Park Service is its placement and training provisions. First, as the organization that worked to initiate business planning within the national parks in the late 1990s, we are very pleased to see the consulting intern provision, which placement of graduate students to continue that program, which is now run through a partnership between the National Park Service and the Student Conservation Association. Well-trained consulting interns can provide useful assistance in areas beyond business planning as well, given the increasing demand for highly technical work in a variety of fields within the National Park Service.

Second, the Park Service needs to ensure that retiring personnel are replaced with individuals from diverse racial and ethnic backgrounds, in order for the parks to adequately reflect the true face of America. The Act provides an important means to diversify the ranks of the National Park Service by recruiting and training individuals from a variety of backgrounds. The Act requires the National Park Service and other federal agencies to augment the training corps participants receive from nonprofit partners with appropriate training in resource stewardship, health & safety, ethics for public service, teamwork and leadership, and interpersonal communications. Corps members would also receive instruction about the agency's core values, history, and standards for natural and cultural resource preservation. NPCA wholeheartedly supports these training provisions, as well as providing noncompetitive hiring status for up to two years after completion of service for qualified candidates. We do suggest, however, that the bill be clarified to ensure the contemplated training requirement, in fact, augments rather than replaces the other high quality training participants receive.

Finally, we are pleased that S. 1442 increases the prominence of service work related to historic and cultural resources. NPCA strongly believes that national service in our national parks should be sufficiently broad to encompass the tremendous civic, historical, and scientific resources and learning opportunities that our national parks have to offer. S. 1442 makes it clear that projects related to history and culture should have a prominent role in service corps efforts, including historical and cultural research, museum curatorial work, oral history projects and other cultural and historic preservation activities. In light of the significant backlog of archival work in the National Park System, we also suggest adding "archival work" to the list of referenced activities. In addition, we suggest that the bill be modified to refer to the "heritage" mission of the National Park Service, in addition to the "public lands" mission.

Mr. Chairman, the end of my written testimony includes several specific recommendations related to the issues I have raised, for the benefit of the committee. NPCA again wishes to thank you for introducing this important legislation, and to offer our assistance as the bill moves through the legislative process. Thank you once again for the opportunity to submit testimony in support of the Public Lands Service Corps Act of 2009.

#### SPECIFIC RECOMMENDATIONS

- Purpose Section: Section 202(b)—strike "land management agencies" at the end of paragraph (5) and insert "agencies responsible for management of the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources;"
  - Rationale: The agencies in question are not mere land management agencies. Their missions are much broader, and in some cases are actually marine, not land, in nature. This language more accurately describes the missions of the agencies involved.
- Purpose Section: Section 202(b): amend the new sixth sentence to read "promote public understanding and appreciate of the individual missions of natural and cultural resources conservation work of the Federal agencies through training opportunities, community service and outreach, and other appropriate means; and"
  - Rationale: This language better explains the mechanisms through which the Act will promote such understanding; public understanding should reflect the complex missions of many agencies in question.
- Section 204(e)(1)(E): include "cultural and historic sites" rather than only historic sites
- Interpretation: Section 204(e)(3)—revise the Interpretation provision in S. 1442 to read:
  - "(3) INTERPRETATION.—The Secretary may assign Corps participants to provide interpretation or education services for the public under the appropriate direction and supervision of agency personnel, including—
    - “(A) providing orientation and information services to visitors, including services for non-English speaking visitors and visitors who use American Sign Language;
    - “(B) assisting agency personnel in the delivery of interpretive or educational programs, including outdoor learning and classroom learning;
    - “(C) presenting programs on Federal lands or at schools, after-school programs, and youth-serving community programs that relate the personal experience of the Corps participant for the purpose of promoting public

awareness of the Corps, its role in public land management agencies, and its availability to potential participants; and

“(D) creating nonpersonal interpretive products, such as Web site content, Junior Ranger program books, printed handouts, and audiovisual programs.”

Rationale: The language in S. 1442 is too restrictive to leverage the full measure of appropriate assistance Corps members can provide in interpretation, including assistance with multilingual services, and community outreach. This amendment continues to ensure appropriate supervision of Corps members while allowing for more creative engagement of their talents.

Mentors: Add the following amendments regarding experienced Americans:

- Sec 202(b)—add Purpose—capitalize on the ability of older, experienced Americans to engage as mentors and otherwise use their talents to strengthen agency stewardship capacity on public lands;
- Section 204(b)—Separate into two paragraphs. The existing paragraph (b) “Participants” becomes (b)(1).

Add new paragraph (b)2: “(2) Notwithstanding the age limitations of (1) above, the Secretary may authorize participation in the corps by participants in an encore service program under section 101 of Public Law 111-13 (42 USC 12501, et seq), using such criteria as the Secretary may develop.

Alternative: simply change the age criteria to read “16 and above”.

- Sec 205(f) Mentors: after “agency volunteer programs, “ insert, “encore service programs,”. Alternative: “other appropriate federally funded service or volunteer programs” In addition, the list of activities engaged in by mentors should be expanded to include “volunteer coordination” in addition to training, mentoring, crew-leading services.

Rationale: Together these provision would authorize, but not require, the use and participation of Encore participants or other experienced Americans to augment capacity to train, mentor, and leverage greater assistance by Service Corps participants. This tool should be at the Secretary’s disposal. Serve America included a 10% set-aside for Encore Service Programs (something we do not propose here), which are defined as programs carried out by an eligible entity that: (A) involve a significant number of participants age 55 or older in the program; and (B) take advantage of the skills and experience that such participants offer in the design and implementation of the program. The Encore authorization enacted in Serve America is specifically designed to provide Americans 55+ with opportunities to serve in areas of high need in return for a stipend and education award. Education awards may be transferred to children, grandchildren, etc, and participants may serve full-or part-time. It also provides for Encore Fellowships, which place Americans 55+ in one-year management or leadership positions in nonprofit and government sector areas where there is ongoing high demand. The fellowships help facilitate mid-career shifts, and could help NPS and other agencies meet needs for highly trained individuals in certain areas. One example of an option for using Encore participants or comparable experienced Americans would be for parks to tap them as volunteer coordinators in the parks (and other public lands). That would better enable parks to capitalize on the provisions in Serve America under the Clean Energy Corps that authorize activities such as renewing, rehabilitating or otherwise carrying out projects in national parks. Training would be another area of potential. But this amendment would leave the decision for how/whether to use Encore participants completely to the Secretary’s discretion.

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STATEMENT OF JACQUELINE OSTFELD, NATIONAL YOUTH REPRESENTATIVE OF THE  
SIERRA CLUB, ON S.1442

Mr. Chairman, thank you for the opportunity to submit testimony on the benefits afforded both youth and the environment from public service and outdoor environmental education. My name is Jacqueline Ostfeld and I am the National Youth Representative for Sierra Club’s Building Bridges to the Outdoors (BBTO) program. BBTO was established in 2006 to advance opportunities for underserved youth to experience the great outdoors and give back to their local communities through environmental service projects. In 2008, BBTO funding directly opened doors for more than 70,000 youth from low-income and minority backgrounds across the country to get outside. Thousands of these youth participated in service learning projects. BBTO’s public education and outreach efforts indirectly create opportunities for



more young people to engage in direct nature experience and to give back to their communities.

While Sierra Club's BBTO program works with numerous partners across the country, I would like to give special recognition to the efforts of the Rocky Mountain Youth Corps (RMYC) of Taos, New Mexico and the Boys & Girls Clubs of Chicago for their remarkable service to youth and the nation's public lands. RMYC "recognizes and engages the strengths and potential of youth through team service in the schools, the communities, and the landscapes of northern New Mexico. RMYC is a stepping stone to new opportunities." The Youth Corps engages and employs diverse young adults in conservation work, provides educational opportunities for youth and promotes an ethic of service to communities and the environment. In the last two years, BBTO funding has expanded the RMYC to serve over 300 at-risk and low-income youth in northern New Mexico, training them to build trails on Forest Service land, remove invasive species on BLM land, manage forest fires and become the next generation of environmental stewards. The Corps' innovative juvenile justice program combines service learning and classes to give youth offenders another chance to prove themselves. These programs give youth access to work experience that translates into real jobs on our public lands.

Sierra Club's BBTO program also has been partnering with the Boys & Girls Clubs of Chicago (BGCC) for over four years. Each year, BBTO works with the local Sierra Club chapter and our Inner City Outings program to provide at least 100 BGCC youth with meaningful outdoor environmental education experiences, including an annual trip to the Indiana Dunes National Lakeshore. As the partnership has grown over the years, youth participants have begun to engage in environmental service projects in the Forest Preserve District of Cook County in and around Chicago. In an effort to restore the ecological health of the local prairie, savanna and woodlands, BGCC youth remove invasive species, collect and disperse native seeds, pick up trash and maintain trails. In doing so, they learn about the science of restoration and community ecology and plant biology. With 68,000 acres, the Forest Preserve District's mission is to maintain healthy ecosystems for the benefit of humans and wildlife. Restoring the ecological health of the Preserves benefits native wildlife, including many threatened and endangered species, and gives inner-city youth a new sense of purpose.

*Testimony of BGCC youth participant, Tatiana Washington*

Going on the trip to LaBagh [Forest Preserve] was one the best experiences that I had nature wise. I learned so much about little things that we don't really pay that much attention to in everyday life and those little things are big matters to plants and animals when they aren't taken care of. As Keystone members, we are expected to be role models and to set examples for the younger children, and by taking the time out to give back to Mother Nature, I think we set the ultimate example.

Over the years, Sierra Club has worked hard to educate the American public about the importance of reconnecting children with nature and developing youth leaders. Studies show that too much screen time may lead to poor school performance<sup>1</sup> and increases in aggressive, violent and high-risk behaviors.<sup>2</sup> Research has also linked television exposure to attention deficit disorders<sup>3</sup> and obesity.<sup>4</sup> Richard Louv describes this emerging phenomenon, whereby children today spend less time outdoors than at any point in human history, in his best-seller *Last Child in the*

<sup>1</sup> Sharid, Iman and James D. Sargent. "Association between television, movie, and game exposure and school performance." *Pediatrics*. American Academy of Pediatrics. V. 118, n. 4: October 2006. Pgs. 1061-1070. (Retrieved on June 2, 2008 from <http://www.pediatrics.org/cgi/content/full/118/4/e1061>).

<sup>2</sup> Villani S. "Impact of Media on Children and Adolescents: a 10-year Review of the Research." *Journal of the American Academy of Child & Adolescent Psychiatry*. V. 40, n. 4: April 2001. Pgs. 392-401. (need to get copy of complete study: <http://www.ncbi.nlm.nih.gov/pubmed/11314564>)

<sup>3</sup> Christakis, Dimitri A. et al. "Early Television Exposure and Subsequent Attentional Problems in Children." *Pediatrics*. V. 113, n. 4: April 2004. Pgs. 708-713. (Retrieved June 5, 2008 from <http://www.pediatrics.org/cgi/content/full/113/4/708>).

<sup>4</sup> Gortmaker, SL et al. "Television viewing as a cause of increasing obesity among children in the United States, 1986-1990." *Archives of Pediatrics & Adolescent Medicine*. V. 150, n. 4: April 1996. Pgs. 356-62. (need to get full study <http://www.ncbi.nlm.nih.gov/pubmed/8634729>)

Woods. Louv coined the term “Nature Deficit Disorder” to describe the detrimental effects that too much time indoors are having on children and adolescents.<sup>5</sup>

Emerging studies find that when children and youth spend more time outdoors, in green spaces, they experience reductions in the symptoms of attention deficit disorders<sup>6</sup> and are more physically fit than their sedentary peers. Since the BBTO program emerged, Sierra Club has been working tirelessly to address Nature Deficit Disorder by getting youth outdoors. In 2005, Sierra Club worked with the California legislature to support research into the impacts of outdoor environmental programming on at-risk youth. The findings, published in *Effects of Outdoor Education Programs for Children in California* by the American Institutes for Research, showed that children who participated in residential field experiences improved their motivation to learn, problem-solving skills, cooperation, science scores and environmental behaviors.<sup>7</sup>

The Public Lands Service Corps Act of 2009 will expand opportunities for youth to engage in meaningful conservation projects and to get outside. It will provide more youth with skills, employment and leadership experience which will not only help them participate in the coming green economy, but to succeed in it. Sierra Club appreciates the opportunity to provide testimony on the benefits of service-learning and outdoor environmental education for today’s underserved youth. Sierra Club strongly supports this legislation.

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STATEMENT OF THE SIERRA CLUB, ON S. 1442

On behalf of our millions of members and supporters nationwide, we urge you to support the Public Lands Service Corps Act of 2009, S. 1442. We, the undersigned organizations, represent members of the education, environmental, service, preservationist, recreation, Indian, Latino and business communities. The Public Lands Service Corps Act would help restore our Nation’s natural and cultural resources by increasing service opportunities for youth and young adults on public lands.

A modernized Public Lands Service Corps would improve opportunities for youth and young adults, particularly those from underserved communities, to gain valuable job skills and spend time working outdoors while providing much-needed services on our Nation’s public lands. The bill would also lay the groundwork for a new and diverse generation of public land visitors and managers.

S. 1442 would expand opportunities for young people to spend time outdoors. On average, American teenagers are spending about two and half hours per day watching television or surfing the internet and only six minutes each day engaged in outdoor activities. Contact with nature has been shown to improve academic and behavioral performance. Time outside has also been found to alleviate symptoms of attention deficit disorders, decrease stress levels among youth and improve vision. Youth who get outside and limit their screen time are also more physically fit than their peers.

The Public Lands Service Corps Act would prepare youth and young adults for green jobs. As our nation moves towards a green economy, with more than half of the near future job growth coming from Environmental-Related Occupations, according to a recent projection by the White House Council of Economic Advisors, it is critical that we provide young people with the training they need to fully participate in the 21st Century workforce. Not only does S. 1442 provide entry-level employment opportunities and job training for youth and young adults, service to the Corps will better qualify participants for future careers in public land management.

S. 1442 would also authorize activities that would improve infrastructure, restore our public lands, encourage cultural and historical research, improve the health of coastal, marine and estuarine ecosystems, address climate change and assist with scientific data collection. Furthermore, the Public Lands Service Corps Act will in-

<sup>5</sup> Louv, Richard. *Last Child in the Woods: Saving Our Children from Nature Deficit Disorder*. Algonquin Books of Chapel Hill: 2006.

<sup>6</sup> Kuo, Frances E. and Andrea Faber Taylor. “A Potential Natural Treatment for Attention-Deficit/Hyperactivity Disorder: Evidence from a National Study.” *American Journal of Public Health*. V. 94, n. 9: September 2004. Pgs. 1580-6. (Retrieved June 2, 2008 from <http://www.ajph.org/cgi/reprint/94/9/1580.pdf>). pg. 1582

<sup>7</sup> American Institutes for Research. “Effects of Outdoor Education Programs for Children in California.” *American Institutes for Research*. January 2005. (Retrieved May 29, 2008 from [http://www.sierraclub.org/youth/california/outdoorschool\\_finalreport.pdf](http://www.sierraclub.org/youth/california/outdoorschool_finalreport.pdf)).

still in a new generation an appreciation for natural and cultural resource stewardship and public service.

Sincerely,

**National and Regional Organizations**

American Camp Association; American Recreation Coalition; Center for Desert Archaeology; Chesapeake Bay Foundation; Coalition of National Park Service Retirees; The Corps Network; Green For All; Hispanic Federation; Labor Council for Latin American Advancement, LCLAA; National Education Association; National Indian Youth Leadership Project; National Marine Sanctuary Foundation; National Park Hospitality Association; National Park Trust; National Parks Conservation Association; National Puerto Rican Coalition; National Trust for Historic Preservation; National Wildlife Federation; Natural Resources Defense Council; NatureBridge; Partnership for the National Trails System; The Outdoor Foundation; Outdoor Industry Association; REI; Sierra Club; Southwest Conservation Corps; Student Conservation Association; The Wilderness Society.

**State and Local Organizations**

Bosque Ecosystem Monitoring Program (New Mexico); Boys & Girls Clubs of Chicago (Illinois); The Coalition for the Northeast Ecological Corridor (Puerto Rico); Florida Wildlife Federation (Florida); Fresno Local Conservation Corps (California); Girl Scouts of Northern California (California); Hands Across Cultures (New Mexico); Los Angeles Conservation Corps (California); Muddy Sneakers: The Joy of Learning Outside (North Carolina); Minnesota Conservation Corps (Minnesota); North Cascades Institute (Washington); O'Neill Sea Odyssey (California); River Source (New Mexico); Rocky Mountain Youth Corps (New Mexico); Southwest Alaska Guidance Association (Alaska) Southwest Youth Services (New Mexico); Talking Talons (New Mexico); Vecinos del Rio (New Mexico); Vermont Youth Conservation Corps (Vermont); Washington State Child Care Resource & Referral Network (Washington); The Wellness Coalition Youth Corps (New Mexico); Wilderness Arts and Literacy Collaborative (California).

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STATEMENT OF MICHAEL ANDERSON, SENIOR RESOURCE ANALYST, THE WILDERNESS SOCIETY, ON S. 1122

SUMMARY OF LEGISLATION

S. 1122, the “Good Neighbor Forestry Act,” would allow State foresters to undertake a variety of forest and rangeland management activities on U.S. Forest Service and Bureau of Land Management lands in the West through “Good Neighbor” contracts and cooperative agreements. Good Neighbor authority could be used for a variety of “restoration and protection services” such as removing insect-infested trees and reducing hazardous fuels. The bill would permit the State foresters to subcontract those services to private companies and would exempt Good Neighbor projects from certain timber sale contracting requirements of the National Forest Management Act. Projects implemented by the States through cooperative agreements would also be exempt from federal contracting laws, including federal wage and liability requirements. However, the Forest Service and BLM would still be responsible for making project decisions under the National Environmental Policy Act. Under S. 1122, the Good Neighbor authority would apply to National Forest System and BLM lands in all of the western States and would last for 10 years.

BACKGROUND

Congress first provided Good Neighbor authority to the Forest Service in Colorado on a four-year trial basis through a legislative rider to the FY 2001 Interior Appropriations Act.<sup>1</sup> The Colorado bill was similar to S. 1122, except that it was limited to situations “when similar and complementary watershed restoration and protection services are being performed by the State Forest Service on adjacent State or private land.”<sup>2</sup> S. 1122, on the other hand, would allow State foresters to implement projects on federal lands that are not adjacent to State or private lands.

Four years later, in the FY 2005 Interior Appropriations Act, Congress continued the Colorado Good Neighbor authority until the end of fiscal year 2009 and included

<sup>1</sup> P.L. 102-291, Sec. 331

<sup>2</sup> Id., Sec. 331(a)

both Forest Service and BLM lands in Colorado within its scope.<sup>3</sup> In addition, Congress provided similar Good Neighbor authority to the Forest Service in the State of Utah until the end of fiscal year 2006.<sup>4</sup> However, the Utah version—like S. 1122—did not limit the authority to federal lands that were adjacent to State or private lands.<sup>5</sup>

#### GAO REPORT

In February 2009, the U.S. Government Accountability Office issued a detailed report evaluating the use of the Good Neighbor authority.<sup>6</sup> The GAO concluded that the authority can help land managers efforts to improve forest conditions and help prevent severe fires by allowing federal and State agencies to work more closely together to treat lands across ownership boundaries. However, the GAO raised concerns about potential problems with “timber accountability,” especially if the Good Neighbor authority is extended to additional States. The GAO recommended that the Forest Service and BLM “first develop written procedures for Good Neighbor timber sales . . . to better ensure accountability for federal timber.”

#### ANALYSIS

The timber accountability problem with the Good Neighbor authority provided by S. 1122 stems largely from the legislative exemption from important requirements in the National Forest Management Act (NFMA) that are aimed at avoiding fraud and conflicts of interest in federal timber sales. First, the legislation exempts Good Neighbor projects from Section 14(g) of the NFMA, which requires that Forest Service employees conduct the designation, marking, and supervision of timber sales and that those employees “shall have no personal interest in the purchase or harvest of such products and shall not be directly or indirectly in the employment of the [timber sale] purchaser.” This exemption is especially problematic because S. 1122 also allows State foresters to subcontract the timber sale preparation to private companies. Therefore, unless prohibited by State or local laws, the legislation could allow subcontracting timber industry employees to select what trees are cut from federal lands.

Second, the legislation exempts Good Neighbor timber sales from Section 14(d) of NFMA, which requires the Forest Service to advertise timber sales before awarding contracts. Thus, a Good Neighbor timber sale could be awarded at minimum appraised value to the same timber company that laid out the sale.

A third significant concern with S. 1122 is that it vastly expands the potential use of Good Neighbor authority. As previously noted, the original Colorado legislation only allowed Good Neighbor authority to be used “when similar and complementary watershed restoration and protection services are being performed by the State Forest Service on adjacent State or private land” (emphasis added). This limitation makes good sense, since the legislation is intended to benefit the “neighbors” that are adjacent to federal lands. In contrast, S. 1122 would allow Good Neighbor authorities to be used anywhere on Forest Service and BLM lands, irrespective of proximity to non-federal lands. This vast geographic expansion of the Good Neighbor policy raises serious questions about the potential for excessive control of federal land management by State foresters and private industry subcontractors throughout the West.

While the use of these authorities in Colorado has succeeded in fostering cross-jurisdictional management actions to reduce fire risk to communities, Colorado’s success may not foretell success in other States. Differences in the structure, staffing levels, and workload of other State forestry agencies, and the characteristics of federal lands, particularly the economic value of timber, would all affect the authority’s chances for success and potential for abuse. For example, in States where maximizing revenue from State lands is the mandate, questions can be raised whether State timber sale procedures would be sufficient to protect public land interests.

In addition to the concerns over environmental impacts of expanding this authority, some have questioned whether forestry worker rights, including protective federal wage and overtime standards and requirements would be undermined by ceding

<sup>3</sup>P.L. 108-447, Sec. 336

<sup>4</sup>Id., Sec. 337

<sup>5</sup>Id. Sec. 337(a)

<sup>6</sup>U.S. Government Accountability Office. Federal Land Management: Additional Documentation of Agency Experience with Good Neighbor Authority Could Enhance Its Future Use. GAO-09-277. Feb. 2009. <http://www.gao.gov/new.items/d09277.pdf>.

contracting authority to States. The specter of non-competitive sole-source contracting is seen as particularly disconcerting.

#### CONCLUSION

The Good Neighbor authority has helped federal land managers and State foresters in Colorado and Utah to work together more effectively in reducing fire risk to adjacent non-federal lands in Colorado and Utah. However, S. 1122 proposes a vast and unwarranted expansion of the potential use of that authority beyond its original purpose. Furthermore, the legislation lacks important safeguard against timber sale abuse which would become increasingly likely if the Good Neighbor authority were extended to other States.

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#### STATEMENT OF JOHN WINCHESTER, FORMER CHIEF OF THE SUGAR LOAF FIRE PROTECTION DISTRICT, ON S. 555

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify today in support of Senate Bill S.555. My name is John Winchester and I have been an active fire fighter in the Sugar Loaf Fire Department for 19 years, and have served as its chief for four of those years. For the last ten years I have pursued a land exchange with the U.S. Forest Service (USFS) that is the subject of this bill. The efforts of Senators Mark Udall and Michael Bennet that have made this bill possible are greatly appreciated.

#### BACKGROUND

The Sugar Loaf Fire Protection District (SLFPD) encompasses 15,000 acres of private and public (USFS) land in the foothills of the Rocky Mountains west of Boulder, Colorado. Elevations range from 6000 to 9000 feet. The fire department began operation in 1967 and is staffed entirely by volunteers. Currently we have 34 fire fighters and respond to over 100 calls per year. We have always worked very closely with the USFS in fire prevention and suppression activities and will continue to do so.

Our first fire station was established in 1967 in an existing building on USFS land under a Special Use Permit. The second station was built in 1970, also on USFS land and under a special use permit. Both of these stations are in strategic locations, the first near the center of the district, the second near two housing developments and with good access to Boulder Canyon Drive (CO 119). Boulder Canyon Drive is one of the most accident-prone highways in Colorado and we frequently respond to accidents there.

Our goal with this legislation is to exchange an existing property, a patented mining claim surrounded by Forest Service land, for the land under our two stations.

#### ADVANTAGES OF THE LAND EXCHANGE TO THE SUGAR LOAF FIRE PROTECTION DISTRICT

This land exchange will provide us clear title to the land under our two stations. This is important for three reasons.

First, to improve health and sanitation. State and County regulations prohibit well and septic systems on public lands for private use. We operate these stations without water supplies and without indoor plumbing. Station 2 is an election polling location, and currently we have to rent a port-a-potty for such public to use. If we obtain title to the lands, we will be able to install bathrooms and kitchens, features found in all fire stations today.

Second, to achieve a greater degree of self-determination. At present, all modifications to the stations and their grounds must be approved by the USFS. Drawing up and reviewing plans for non-routine building maintenance, grading and drainage is time-consuming for sboth us and the the USFS Boulder District office. In addition, the land at Station 1 includes a flat area we use for fire fighter training. This is the only flat non-private land available for training within the district, and currently we rely on the Boulder District's gracious interpretation of the Special Use Permit to train fire fighters in vehicle extrication, driver training and hose handling techniques. In addition, we have used this area as a slash collection point, so residents wishing to thin around their homes for fire mitigation have a place to drop off branches so they can be chipped.

Third, to eliminate any uncertainty about the future of these fire stations. Although extremely unlikely because of our mutual interest in fire prevention and protection, the USFS has the right to not renew our Special Use Permit and change the use of these properties to some other purpose.

## ADVANTAGES OF THE LAND EXCHANGE TO THE USFS

Three principal advantages accrue to the USFS:

First, due to the complex pattern of mining claims in the area, the Boulder Ranger District manages a large number of Special Use Permits. Because the fire stations are not a temporary use, if the land exchange does not occur the USFS will be required to inspect the properties and manage the Special User Permits in perpetuity. This exchange would eliminate management of two Special Use Permits at the Boulder District and would reduce, by a small amount, their workload.

Second, it removes one more in-holding in the Boulder Forest District, and assures that it can never be developed. Blocking development to this property and properties like it is particularly important because any development would require construction of a new access road across USFS land.

Third, it removes liability from the USFS. As the current landowner, the USFS is ultimately responsible for the Fire Department's activities on the property, including the stations themselves, our fuel tanks, and our public activities. Transferring ownership puts the liability where it belongs, with the Fire District.

## THE PROCEDURAL APPROACH TO LAND EXCHANGE HAS BEEN TRIED

For the past 10 years we have worked very hard to achieve a land exchange under the Small Tracts Act, filing for ownership in 1997. In preparation for a formal small tracts exchange, we have:

- Paid for land surveys of both stations
- Purchased a 5-acre building site (the in-holding in forest land) to exchange with the USFS
- Paid for cultural resource surveys of both stations
- Coordinated an historical resources survey with the State of Colorado
- Signed a collection agreement in which the District agreed to pay for part of the USFS staffing costs
- Signed a Potentially Responsible Party Waiver
- Arranged for title insurance for the properties
- Filled in, at the request of the USFS, a small mine shaft on the exchange property.

In spite of these efforts, no progress has been made on the procedural land exchange, an admittedly onerous 64-step process for the USFS.

Contributing factors to this lack of action have been:

- Changes in USFS staff at various offices have resulted in changing interpretations regarding exchange requirements, making continuity in the process difficult.
- Shortage of USFS lands staff, so that small exchanges such as this have very low priority.

## THE LEGISLATIVE APPROACH

After 10 years, we now believe that a procedural approach to our land exchange will never be successful. Therefore we are requesting this legislative action to make the exchange, which we feel has benefits to both parties.

In addition to the advantages for both parties cited above, the legislative approach streamlines the exchange process, a big advantage for both the District and the USFS. The lengthy 64-step process required by the Small Tracts Act is not required.

Are U.S. citizens, the owners of forest lands, protected? Yes.

The Fire District will be able to more efficiently provide fire and emergency medical services to the community. Land use will stay the same at both of the stations. The mining claim being exchanged will be protected from development, which will enhance the value of the public land that surrounds it.

Furthermore, S.555 stipulates that the exchange must be equal in dollar value for the government. That is, if final land appraisals show the USFS land is of greater value, the SLFPD must equalize the exchange either by paying the USFS or reducing the size of one of the station properties.

## SUMMARY

I appreciate the opportunity to present our case today and sincerely hope that the subcommittee will approve S.555. The simple land transfer requested in S.555 has advantages for both the SLFPD and the USFS and should proceed.

AMERICAN RIVERS,  
Washington, DC, November 11, 2009.

Hon. RON WYDEN,  
*Chairman, subcommittee on Public Lands and Forests, 223 Dirksen Senate Office Building, Washington, DC.*

Hon. JOHN BARRASSO,  
*Ranking Member, subcommittee on Public Lands and Forests, 307 Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN WYDEN AND RANKING MEMBER BARRASSO: On behalf of American Rivers' 65,000 members and supporters, thank you for holding a hearing on October 29, 2009 on S. 721, the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act. American Rivers strongly supports this legislation and we thank Senator Murray for her leadership in introducing this bill. The inclusion of the Pratt and Middle Fork Snoqualmie Rivers in the National Wild and Scenic Rivers System will ensure lasting protection for their outstanding fish wildlife, recreation, ecological and geological values, as will an expansion of the existing Alpine Lakes Wilderness.

The Pratt River is one of King County's last truly wild rivers, offering excellent low-elevation old-growth and mature forest habitat for wildlife, particularly during the winter months. Due to its remote nature, the valley also provides unparalleled opportunities for people seeking solitude and inspiration—a rare opportunity in such close proximity to a major metropolitan center. The Middle Fork Snoqualmie Valley provides exceptional recreation opportunities for thousands of people including scenic day hikes, challenging whitewater boating, fishing, hunting, camping, back-country skiing and much more. The river and its associated valley is home to a significant resident trout population as well as a wide variety of wildlife. Many of our members in Washington State treasure these wild river valleys, and enthusiastically support their long-term protection through Wild and Scenic River and Wilderness designation.

Permanent protection of rivers such as the Pratt and Middle Fork Snoqualmie are important to the long-term health of Puget Sound and recovery of threatened salmon and other species. These rivers provide cool, clean water that salmon and other species need to thrive, particularly in a warming climate. Additionally, they provide important migration corridors for wildlife.

Wild and Scenic River designation of the Pratt and Middle Fork Snoqualmie Rivers would be the capstone to decades of work done by committed local volunteers such as the Middle Fork Outdoor Recreation Coalition and others to protect the valley and ensure that its recreation opportunities and important fish and wildlife habitat are preserved for the future. Inclusion of the Middle Fork Snoqualmie and Pratt Rivers in the National Wild and Scenic Rivers Systems is a perfect complement to these efforts and will help to ensure lasting protection.

While we strongly support this legislation, there are two areas of logical improvement that we would like to raise for this or future legislation. The first is extension of the wild and scenic corridor for the Middle Fork Snoqualmie River an additional 3.6 miles downstream to the west section line of section 16 (river mile 53.6). We believe this reach is as worthy of designation as the upper reach: it was found suitable for wild and scenic designation in 1990 by the Forest Service because it has the same outstanding fish, wildlife and recreation values as the reach upstream, and it is the most popular section for whitewater recreation on the river. Additionally, inclusion of this 3.6 mile reach would extend the Wild and Scenic corridor to the entrance to the valley corresponding to the boundary of public lands. Over the past several years, there has been a concerted effort to consolidate public ownership in the valley along the river; extension of the wild and scenic corridor through this reach would assist in simplifying management and protect significant recreation and fish and wildlife values.

A second suggested modification is the extension of wild classification downstream from the west section line of section 3 to the confluence with Dingford Creek, a distance of approximately 8.2 miles. When the original suitability determination was made by the Forest Service in 1990, Road 56 extended further upstream. In the August 2003 Record of Decision for the Middle Fork Snoqualmie Access and Travel Management Plan, the Forest Service made the decision to close Road 56 at Dingford Creek to motorized public recreation access. As a result of this decision, we believe that this section of river is worthy of wild classification.

Wild and Scenic designation of the Pratt and Middle Fork Snoqualmie Rivers, along with the Illabot Creek Wild and Scenic River legislation, reflect a resurgence in interest in Washington State in the use of this tool to protect the State's most treasured rivers. Currently, Washington State has only six designated rivers; yet

over 100 are eligible for Wild and Scenic River designation according to federal agencies. In particular, there are dozens of rivers in the North Cascades, Southwest Washington's "Volcano Country" and the Olympic Peninsula that have already been recommended to Congress for Wild and Scenic River designation. We hope to work with your Committee in the future to grant long-lasting protection to these rivers as well, through Wild and Scenic River designation.

Thank you again for holding a hearing on S.721. American Rivers looks forward to working with you and your staff to see this important legislation enacted into law this Congress, and thereby ensure a wild legacy for the Pratt and Middle Fork Snoqualmie valleys.

Sincerely,

DAVID MORYC,  
*Senior Director, River Protection.*

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CALIFORNIA STATE PARKS,  
CALIFORNIA OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION,  
*Sacramento, CA, October 27, 2009.*

Hon. DIANE FEINSTEIN,  
*Member, U.S. Senate, 331 Hart Senate Office Building, Washington, DC.*

Re: Support for S. 1328

DEAR SENATOR FEINSTEIN, On behalf of the California State Parks, Off-Highway Motor Vehicle Recreation (OHMVIR) Commission, I would like to express our support for S. 1328 to interchange the administrative jurisdictions of public lands between the United States Forest Service (USFS) and the Bureau of Land Management (BLM). In particular, the jurisdictional exchange between these agencies would allow for consolidation and more efficient operation of federal lands in the Chappie-Shasta Off-Highway Vehicle (OHV) Area.

The Chappie-Shasta OHV Area is a popular OHV recreation destination located in Northern California, encompassing approximately 200 miles of roads and trails within an area of approximately 52,000 acres. The region consists of a complex pattern of land ownership and a mix of administrative jurisdictions which has presented several challenges for the public land managers as well as OHV enthusiasts.

For years, this popular OHV destination has been managed by the BLM, USFS, and the Bureau of Reclamation. Despite the fact that BLM has taken the lead in managing the OHV area and special events for both BLM and USES lands, the issues of mixed ownership, separate management and differing regulatory requirements between the two agencies has resulted in inefficient management of these lands.

The BLM and USFS can better serve the public interest through passage of S. 1328 which proposes to transfer administrative jurisdiction of 11,760 acres of USFS managed lands located within the Chappie-Shasta OHV Area to the BLM. Lands under BLM management outside of the OHV area would be transferred to the USFS. Moreover, S. 1328 will provide significant administrative and programmatic improvements through streamlined administration and management of these lands, thereby reducing costs. This legislation is a win-win for both the federal land managing agencies and the public who use these lands. The passage of S. 1328 would provide an effective solution to an agreed-upon management problem.

The OHMVR Commission is pleased to support S. 1328 because it represents a collaborative logical resolution to a long standing administrative issue that has been detrimental to cost efficient land management. We appreciate the dedicated efforts of the OHV community and U.S. Senator Feinstein to take action and facilitate responsible management of OHV recreation and public lands in the Shasta-Trinity National Forest.

Thank you for the opportunity to express our support of S. 1328.

Respectfully,

GARY WILLARD,  
*Chair.*

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STATEMENT OF INNOVATIONS IN CIVIC PARTICIPATION, ON S. 1442

INTRODUCTION

Thank you for the opportunity to submit written testimony on S. 1442: A Bill to Amend the Public Lands Corps Act of 1992. Innovations in Civic Participation, a Washington, DC-based nonprofit organization supporting the development of inno-



vative, high quality youth service and civic engagement policies in the US and abroad, supports S. 1442 but urges you to add service-learning provisions to enhance the PLSC experience for corps members by giving them the opportunity to learn from, and reflect on, their service.

While the bill's language references service-learning, the legislation could be enhanced by a more substantial use of service-learning. Therefore, ICP asks the Committee to consider the following language, which is intended to integrate service-learning into PLSC activities and explicitly not create a classroom-based program that, however valuable, might inadvertently detract from the primary purposes of the legislation:

Page 4 [Purpose Section]: Add after line 10

Use service-learning to enhance the work of the Public Lands Service Corps to benefit communities adjacent to public lands. Service-learning offers young people the opportunity to engage directly with the nation's natural, cultural, historic, archeological, recreational, and scenic resources and to encourage the aspirations of a new generation of people seeking careers in public land management. Service-learning can improve civic engagement and participation among corps participants and those they serve, improve student achievement, graduation rates, and college attendance rates, while improving and rehabilitating public assets, including parks, forests, trails, rivers, estuaries, and coastal and marine areas.

Page 8 [Definition Section] Add after line 11

(15) Service-learning is an innovative teaching methodology that integrates community service with learning to develop a sense of civic responsibility and the skills to be active citizens while engaging in work that improves communities. Service-learning can be employed in informal community settings as well as formal educational institutions like schools and universities.

Page 11 [Public Lands Service Corps Program] Add after line 4

(2) ensure that all youth enrolled in the Public Lands Service Corps benefit from a service-learning program appropriate to the projects that Corps members are expected to undertake.

Page 11 [Public Lands Service Corps Program] Add on line 19 after the word "that"

"through service-learning Corps members enrolled to undertake projects for a specific agency are appropriately informed about matters specific to that agency . . . ."

ICP believes that with the addition of this language, the PLSC will even more effectively connect young people with their natural environment—instilling in them an appreciation for nature, an enjoyment of healthy recreation, and creating a new generation of environmental stewards; and to energize and invigorate education in science, environment and related fields while reducing the "nature deficit disorder." By being involved in service-learning activities on public lands, young people of all ages can also contribute to energy conservation. These experiences are likely to increase interest in careers in federal land management agencies, which are in serious need of new, younger employees.

#### OVERVIEW OF SERVICE-LEARNING AND ITS IMPACT

Service-learning is an innovative teaching methodology that integrates community service with educational instruction, formal and non-formal, to enrich learning, teach civic responsibility and strengthen communities. Service-learning can reverse disengagement, promote the public purposes of education, build on the willingness of young people to become involved in service, and contribute to young people's personal and career development. Service-learning is a teaching pedagogy that can be broadly applied to a wide range of subject matters and is successfully used in formal and informal educational settings as a way to engage young people in experiential learning with a focus on meeting community needs.

Research has emphasized that young people who participate in service-learning have greater civic skills, do better in school and gain valuable life and employment skills.

A study of service-learning programs in Colorado showed a significant and positive connection between participation in service-learning and young peoples' connection to their community. Three separate studies in Philadelphia, Denver and Hawaii found that service-learning participants developed better problem-solving skills and understanding of cognitive complexities. According to these studies, service-learning

students were better able to advance realistic solutions to problems, understand the systemic nature of a community problem and take steps to address a problem.

A study of urban youth engaged in service-learning activities demonstrated positive and significant gains in school attendance and acceptable school behaviors. Young people who participated in high quality service-learning programs showed an increase in measures of school engagement and achievement in mathematics than control groups. Several studies show that youth who engage in service-learning have higher attendance rates than control group peers.

Several recent studies have consistently shown the value of service-learning in helping young people explore career options. A 2006 study of a Hawaiian service-learning program, demonstrated that young people in service-learning relative to nonparticipating young people had a stronger set of job and career-related skills and aspirations, including knowledge of how to plan activities, desire to pursue postsecondary education and job interview skills. Participation in service-learning is also correlated to the reduction of behaviors that lead to pregnancy or arrest.

#### SERVICE-LEARNING AND THE PUBLIC LANDS SERVICE CORPS

Using service-learning to teach Corps members should be a key element of the Public Lands Service Corps. Few subjects lend themselves so well to service-learning opportunities as do public lands. They offer a prism through which to see the entire breadth and scope of American history including a history of the land and its inhabitants long before there was a United States—geology, geography, cultural heritage, biology, historic preservation, among many other aspects of public lands.

Additionally, including service-learning with “shovel work” enables an increased use of the Public Lands Service Corps in a variety of program areas. Service, and service-learning, will help maintain public lands, reduce the maintenance backlog, and help ensure that our parks, forests and coastal lands will be available for future generations.

Service-learning is also a pathway to careers in public lands management, the green economy, and engaging young people of all ages in the study of various sciences and the environment. The civic, historical, and scientific resources and learning opportunities that public lands offer have the potential to engage young people in a way that no textbook can.

All young people enrolled in the Public Lands Service Corps should benefit from a service-learning program appropriate to the projects that Corps members are expected to undertake.

#### CONNECTING YOUTH TO THE OUTDOORS

Research shows that there is a “nature deficit disorder” reflecting the fact that children of the digital age have become increasingly alienated from the natural world, with disastrous implications for their physical fitness as well as their long-term mental and spiritual health.

In a typical week, only 6% of children ages 9-13 play outside on their own. Studies show a dramatic decline in the past decade in such outdoor activities as swimming and fishing. Even bike riding is down 31% since 1995. In San Diego, according to a survey by the nonprofit Aquatic Adventures, 90% of inner-city kids do not know how to swim; 34% have never been to the beach. In suburban Fort Collins, Colorado, teachers shake their heads in dismay when they describe the many students who have never been to the mountains visible year-round on the western horizon.

Studies documenting the increasing indicators of nature deficit show that providing young people with quality opportunities to directly experience the natural world can improve their overall readiness to learn and academic performance, as well as self-esteem, personal responsibility, community involvement, personal health (including child obesity issues) and understanding of nature. Hands-on, experience-based environmental education connects children to the natural world, and research supports that time spent outdoors lessens the symptoms of Attention Deficit/Hyperactivity Disorder (ADHD), reduces stress and aggression, helps children sleep better and improves physical health.

Service-learning provides critical tools for a 21st century workforce by providing young people with the skills to understand complex environmental issues so they may make informed decisions in their own lives and find solutions for real world challenges. Business leaders also increasingly believe that an environmentally literate workforce is critical to their long-term success. Environmental education helps prepare young people for real world challenges.

At scale, the Public Lands Corps is an effective way to eliminate the nature deficit disorder, enabling young people to serve on public lands and increase their understanding of their value to future generations of Americans.

## EXAMPLES OF SERVICE-LEARNING PROJECTS IN THE ENVIRONMENT

In the United States, young people of many ages are engaged in service-learning activities connecting formal and informal education with environmental sustainability efforts.

The Watershed Stewards Project (WSP) of the California Conservation Corps is a comprehensive, community-based watershed restoration and education program. Established in 1994, biologists and educators created WSP to fill critical information gaps in scientific and education communities. In collaboration with the commercial and sport fishing industry, timber companies, teachers, nonprofit organizations and public agencies, WSP members and the WSP partnership work to revitalize watersheds inhabited by endangered and threatened species through the use of the WSP "Real Science" environmental education curricula and State-of-the-art data collection and watershed techniques. Under the guidance of resource professionals, in collaboration with local land owners, public agencies and private industry, members learn and perform advanced monitoring and analysis techniques, present the WSP "Real Science" curricula to students in grades K-12, participate in instream and upslope restoration activities, tutor K-12 students in math and science, perform environmentally-based public outreach, and conduct environmental education workshops and symposiums.

The National Youth Leadership Council (NYLC) developed Gulf Coast WalkAbout as part of its Resources for Recovery initiative. NYLC worked with colleagues and partners in the area and across the United States to create a framework to use service-learning as a means to address the needs in the Gulf Coast. With cooperation from State education agencies in the Gulf Coast States, NYLC adapted its WalkAbout program model to make it appropriate for middle school students in the region. Young people conducted service-learning projects based on their mapping of their communities in the three focus areas: environmental restoration, disaster preparedness and oral history projects. Young people at some sites cleaned up their school grounds. At other sites they planted gardens or trees, or worked on landscaping their schoolyard. They also built birdhouses and bus stop benches. One site reported to their city council on cleanup still needed in their community, while another worked on a longer-term project involving planning for improvements of their community's senior center.

Earth Force's Global Rivers Environment Education Network (GREEN) is focused on providing middle and high school students with opportunities to acquire essential academic skills including critical thinking, teamwork, problem solving and decision making, all while actively engaging in their communities around water quality issues. GREEN seeks to engage young people as active citizens who improve conditions in their watersheds now and in the future. GREEN empowers young people to learn more about the watersheds they live and use their findings to create lasting solutions to pressing water quality issues. GREEN also works to connect educators to local partners to assist with water quality monitoring, classroom support, community connections and event coordination. These partnerships provide educators with access to innovative resources such as a network of national and community support, online resources, technical manuals, activity guides and water quality monitoring equipment.

In a Massachusetts high school, students and teachers worked together to develop lessons and resources that used the school's nature trail, in conjunction with standard curriculum, in order to provide students with hands-on learning experiences and a better understanding of the local environment. The program started in the fall with a plant project familiarizing students with native and alien flora, and helping them understand local natural history. In the spring, students and teachers moved outside to study ecological relationships, such as succession, predator-prey interactions and symbiosis. Students used their drawing skills to record detailed information about plants, invertebrates, and other creatures that could easily be studied in the field and lab. The project expanded when high school students prepared hands-on demonstrations for younger children and led tours of the nature trail.

Facing a growing threat of buckthorn—a tall non-native shrub that spreads aggressively, forcing out local flora, including tree saplings—Minnesota students undertook an issue analysis, community education program, and cleanup projects. The students divided themselves into action groups to research and respond to the problem, with different groups educating elementary students, conducting public surveys, contacting media outlets, and designing a brochure for a river bluff specialist. In the spring, the students helped the county Parks Department with a buckthorn removal project. To reflect on their work, students discussed and wrote about issues relating to buckthorn.

## CONCLUSION

A modest service-learning component of S. 1442 can enhance the legislation to expand service-learning opportunities on public lands connecting more young people with the environment, addressing critical needs on public lands and creating a new generation on environmental stewards. Through service-learning on public lands we can enhance learning in critical subject areas, deepen youth commitment to American values, and help foster their becoming responsible, participatory adults. Thank you for the opportunity to submit testimony. ICP looks forward to working with you to strengthen service-learning on public lands and to see S. 1442 enacted into law.

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STATEMENT OF DALE PENNY, PRESIDENT & CEO, STUDENT CONSERVATION ASSOCIATION, ON S.1442

Mr. Chairman, and other distinguished members of the subcommittee on Public Lands and Forests, my name is Dale Penny. I am the President and CEO of the Student Conservation Association (SCA), the largest youth conservation nonprofit in the country. I am pleased to have the opportunity to submit this testimony to the subcommittee to become part of the written record for the hearing on S. 1442—the Public Lands Service Corps Act of 2009. With a few suggested changes, SCA strongly supports this timely and very important piece of legislation.

SCA was founded in 1957 on a simple premise: young people can and would make a difference in helping protect our national parks if given the opportunity. Fifty-two years later, SCA has helped engage over 50,000 diverse young people in conservation service on public lands across the country. S. 1442 is a critical and necessary tool to help strengthen and expand opportunities for young people to help solve a host of challenges currently facing our public lands, to put young people to work in communities across the country, and to create the pipeline for the next generation of public land managers.

S. 1442 amends the Public Lands Corps Act of 1993 (PLC) to expand service-learning opportunities, increase the authority of public land agencies to make youth service a priority in helping to restore the nation's natural, cultural, and historic resources, train a new generation of public land managers, and promote the value of public service. The bill also provides for the creation of a grant program to create an Indian Youth Service Corps for projects on tribal lands, and expands the definition of "public lands" to allow young people to provide national service on coastal and marine waters through the National Oceanic and Atmospheric Administration (NOAA).

As you know, we are in midst of one of the most daunting economic crises since the Great Depression. The impact on young people is devastating. In July of this year, the youth unemployment rate for 16 to 24 year olds reached the highest rate on record—18.5 percent—according to the Department of Labor. Only 46 percent of youth had jobs in September, the lowest percentage since the government began counting in 1948. BusinessWeek referred to this group of young people as the "lost generation," suggesting that the damage to their careers and earning power may be deep and long-lasting.

In 1933, President Franklin Roosevelt created the Civilian Conservation Corps (CCC) to help address the massive unemployment of young people through conservation of America's natural and cultural resources. The CCC built the infrastructure of national parks, planted billions of trees, and pioneered new ways to fight forest fires. The CCC's work restored our public lands, stimulated the economy, and helped build communities in every State in the country. Over three million young people served in the CCC.

SCA is modeled after the CCC. Through its innovative, cost-effective, and proven models, SCA provides young people with hands-on service opportunities in virtually every conservation and environmental field imaginable. Our members have restored desert ecosystems, saved endangered species, repaired and built trails, developed graduate-level business plans for park units, and surveyed coral reefs and fish populations, among other things. In addition, our rural and urban community programs engage diverse high school students who may lack access to the natural environment and to green job opportunities.

This year, SCA placed over 4,000 high school, college students, and graduate students on over 500 public land sites across the country. Given the chance, many more young people would participate in our programs. On average, we receive four applications for each program slot we have available. Applications for our programs rose by over 40 percent this year. We anticipate a similar trend in applications for 2010. Under S. 1442, we believe our successful program models can be replicated and dra-

matically scaled, mobilizing thousands more young people who are eager to work and serve each year.

The environmental challenges faced by our public land agencies today are even greater than those addressed by the CCC. The National Parks Conservation Association estimates that the National Park Service alone has a \$750 million annual funding shortfall and backlog of maintenance and restoration projects of approximately \$9 billion. S. 1442 would give the Secretaries of Interior, Agriculture, and Commerce the authority to provide additional training and undertake a broader range of projects, including sophisticated projects like carbon reduction strategies, climate action planning, sustainability initiatives, earth observation and monitoring with satellites and in-water instruments, and weather prediction models.

Given that most of the environmental challenges will be inherited by young people, we also must find ways to develop a pipeline of qualified, diverse young people to become our next generation of conservation leaders. Once we identify them, we need to prepare them with leadership, knowledge, skills, and experience. Just as important, expanded conservation opportunities can and should provide them with the contemporary “green job” skills needed for the emerging green economy in both the private and public sectors.

SCA has had great success creating a “continuum of service” to engage diverse young people from high school to college, and potentially graduate school. In our community programs, high school students receive summer jobs, work and life skills, and the opportunity to continue their green job training on public lands with SCA as they progress through school in subsequent years. This high-touch approach helps inspire a lifelong commitment to stewardship, create an ethic of service, and provide great potential for a career in natural resources.

It is no secret that public land management agencies need to build and invest in their future workforce. Currently, one-third of the federal workforce will be eligible for retirement by 2012, up from 20 percent in 2002, according to a 2008 Government Accountability Office report. Specifically, thirty-eight percent in The Department of the Interior and 35 percent in the Department of Agriculture will be eligible for retirement in 2012. In NOAA, the retirement numbers are even more urgent. Thirty-five percent of its workforce is eligible for retirement in 2014, but an even larger percentage of NOAA senior scientists can retire today—31 percent of biologists, 29 percent of meteorologists, 48 percent of oceanographers, and 56 percent of geodesists. If unaddressed, this potential brain-drain will create gaps in leadership, skills, and institutional knowledge.

The innovative program models of conservation corps provide a unique and direct opportunity for public land management agencies to build upon existing outreach efforts to create a pipeline of conservation leaders. In fact, an informal and internal survey of National Park Service employees a few years ago showed that approximately 12 percent of its workforce came from SCA. S. 1442 provides more training and career development opportunities for the federal land agencies. If we do not invest in our workforce pipeline now, public land management agencies simply will have to pay later with an unprepared workforce.

SCA strongly supports S. 1442, and believes that its enactment is critical to helping SCA further its mission. SCA would like to make the following recommendations:

1. Section 205—Residential Conservation Centers and Program Support. SCA suggests amending the language to expressly authorize the operation of residential centers by qualified, experienced nonprofit organizations. We believe that nonprofits such as SCA have the experience and qualifications to operate such centers effectively and efficiently.

2. Section 206(a)(2)—Consulting Interns. SCA strongly supports the amendment authorizing “consulting interns,” and very much would like this new category and the 10 percent cost-share requirement (as discussed below) to be retained in the final law. We also suggest extending the top age-range for “consulting interns” to 30 (from 25 as set forth in the current PLC authority). See below.

- Need for Consulting Interns.—Increasingly, our federal land management partners need and have requested from SCA graduate-level interns who can provide management analysis on a host of issues, including business, scientific, and environmental issues. For example, SCA has successfully placed graduate students as business planning interns with the National Park Service. Therefore, we strongly support the expansion of PLC to include this new category.

- Consulting Intern Cost-Share.—Graduate-level interns typically are placed with our partners for longer periods of time than resource assistants. Many

placements currently can last up to a year. Longer placements mean higher costs. That is why, as currently drafted, the legislation distinguishes between the cost-share requirements for resource assistants (25 percent) and consulting interns (10 percent). Any cost-share for consulting interns that exceeds 10 percent would be prohibitive, even for larger conservation organizations such as SCA, particularly in this tough economy. Therefore, we suggest that cost-share requirement not be increased beyond 10 percent for consulting interns. As indicated below, we also suggest that the Secretary be given authority to lower the cost-share requirement for all corps categories, given the tough economic challenges faced by nonprofits.

—Age Range for Consulting Interns.—The profile of college and graduate students has changed dramatically over the last decade since the original PLC legislation was enacted. So have our participants. Currently, the average age of a graduate student is 33 years old with 20 percent of all graduate students over the age of 40. We, therefore, suggest that the top age be raised from 25 to at least 30, so that our federal land management partners are able to receive a large, diverse pool of well-qualified, eligible consulting interns.

3. Section 207—Indian Youth Service Corps. SCA supports the Indian Youth Service Corps authorization as currently drafted. We are unclear, however, whether the term “Indian” was meant to include all Native Americans—American Indians, Aleuts, Eskimos, Native Hawaiians, and Pacific Islanders. We believe that it would be beneficial for all Native Americans to be recognized by the legislation.

4. Section 208 (b)—Preference and Future Employment. SCA strongly supports this provision, and would like to suggest that the language is clarified to make sure that the preference applies to all categories—resource assistants, consulting interns, and Indian corps participants—under the legislation.

5. Cost Share Issues.—As mentioned above, SCA supports the 10 percent cost-share requirement for consulting interns. However, given the tough economic challenges faced by nonprofits, we further suggest that the Secretary have the discretion to reduce the cost-share requirement for all categories of participants—resource assistants, consulting interns, and Indian Youth Service Corps participants, as follows:

Cost Sharing Requirements—At the Secretary’s discretion, the requirements for cost sharing applicable to participating nonprofit organizations for the expenses of resource assistant, consulting intern, and Indian Youth Service Corps participant may be reduced.

Thank you for the opportunity to submit our testimony for the hearing.

STATEMENT OF THE ALPINE LAKES PROTECTION SOCIETY, AMERICAN RIVERS, AMERICAN WHITEWATER, CAMPAIGN FOR AMERICA’S WILDERNESS, FRIENDS OF WILD SKY, MIDFORC COALITION, NORTH CASCADES CONSERVATION COUNCIL, SIERRA CLUB—CASCADE CHAPTER, THE MOUNTAINEERS, THE WILDERNESS SOCIETY, WASHINGTON TRAILS ASSOCIATION, WASHINGTON WILDERNESS COALITION

Thank you Chairman Wyden, and Members of the subcommittee for providing the Alpine Lakes Working Group with the opportunity to submit this Statement in support of S. 721, the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act of 2009<sup>1</sup>. The lands and waters proposed for protection under the current legislation are critical additions that provide important fish and wildlife habitat and world-class land and water-based recreation opportunities within an hour’s drive from over a million people in the Seattle-Bellevue Metropolitan area.

We would also like to sincerely thank Senator Murray and Representative Reichert for introducing this important legislation and the other members of the Washington delegation who have cosponsored the bills: Senator Cantwell and Representatives Baird, Inslee, McDermott, and Smith. In particular, we applaud Representative Reichert’s initiative to protect wilderness-quality lands and the Pratt River in his district and to Senator Murray for adding protections for portions of the Middle Fork of the Snoqualmie River to the overall proposal.

<sup>1</sup>The Alpine Lakes Working Group includes the following organizations: Alpine Lakes Protection Society, American Rivers, American Whitewater, Campaign for America’s Wilderness, Friends of Wild Sky, MidFORC Coalition, North Cascades Conservation Council, Sierra Club—Cascade Chapter, The Mountaineers, The Wilderness Society, Washington Trails Association, Washington Wilderness Coalition.

## RICH CONSERVATION HISTORY OF THE ALPINE LAKES REGION

This bill compliments the rich conservation history in an area very near and dear to the hearts of Washingtonians—the Alpine Lakes region. With its wide variety of largely untouched land forms, lakes, and ecosystems that embodies all the characteristics described in the Wilderness Act, the Alpine Lakes region has been the focus of conservation efforts on the part of the United States Congress, the Forest Service, State and municipal governments and local citizens for more than 60 years. From early regional administrative protections by the Forest Service to a 1976 Wilderness designation that utilized special processes to maximize protections, the area has received national attention. Over the past 30 years, the Forest Service acquired much private land in the Alpine Lakes region, particularly in the Pratt River valley and along the shorelines of the Middle Fork Snoqualmie River.

The Middle Fork Snoqualmie valley region has also received significant attention from government agencies including the Washington State Department of Natural Resources (DNR) and King County. The DNR was a leader in protecting the Middle Fork Snoqualmie area when it established the Mt. Si Conservation Area in the late 1970's and then pursued several land exchanges west of the national forest boundary. This month DNR formally announced plans for a Middle Fork Snoqualmie Natural Resource Conservation Area (NRCA), which will include those lands south of the river that are contiguous with this proposed wilderness creating a large contiguous area of joint agency-protected-habitat that is unique on the west slope of the Cascades. King County has also assisted in further conservation work in the area by purchasing key parcels along the Middle Fork Snoqualmie Valley bottom which are managed as the Middle Fork Snoqualmie River Natural Area.

This proposal represents a celebration of nearly two decades of community-driven effort to protect and enhance the ecological and recreation values of the valley. Once a popular recreation destination, the Middle Fork Snoqualmie declined in popularity in the 1980's as the trail system disintegrated and campgrounds washed out and were closed. The Middle Fork Outdoor Recreation Coalition (MidFORC), supported by the Mountains to Sound Greenway, has worked for nearly two decades to improve trails and recreation infrastructure, provide better law enforcement, and restore damaged habitat in the Middle Fork Snoqualmie valley.

## OUTSTANDING WILDERNESS AND WILD AND SCENIC VALUES

*Low elevation habitat*

The proposed additions in the Pratt, Middle Fork and South Fork Snoqualmie Valleys provide an opportunity to protect rare low-elevation old-growth and mature forests—less than 900 feet in elevation at the mouth of the Pratt Valley. Statewide, of the roughly 2.7 million acres of designated wilderness on national forest land, just 6 percent includes low elevation lands (below 3,000 feet). In contrast, low elevation lands comprise a full 50 percent of this 22,100-acre proposal. Such biologically-rich lowlands are largely absent from the current Alpine Lakes Wilderness. Low elevation lands are snow-free for much of the year and are more biologically productive, supporting many more species than higher elevation habitats. The lands to be protected provide critical winter and spring habitat for wildlife when high country is deep in snow.

*Clean Water and Flood Control*

The Pratt, Middle Fork and South Fork Snoqualmie watersheds are sources of clean water, important for downstream fisheries and commercial and residential water users. Preserving the forests as wilderness would ensure maintenance of flow during the dry summer months, and aid in flood control.

The Snoqualmie River basin is subject to flood events on a regular basis. Many areas are in the 'rain on snow' zone which means that rain falls on snow regularly throughout the winter months. This rainfall pattern is associated with landslides, downstream flooding, and stream bank damage. Evidence shows that forested areas are better able to capture rain that has fallen during the rain on snow events, making them critical for controlling runoff rates. The proposed additions would preserve intact forest ecosystems, protecting against increasing flood severity on downstream infrastructure and residents.

*Close to a Large Human Population*

The Alpine Lakes Wilderness is one of the most-visited wilderness areas in the United States. Due to its proximity to the Seattle metropolitan area, it provides quick access to wilderness experiences to tens of thousands of people. This opportunity is fundamental to the quality of life for Washingtonians and the ability to gain inspiration and renewal from these lands. The proposed additions would in-

crease the amount of wilderness available for these experiences that are cherished by so many. Fish and Wildlife These wild mountain valleys boast abundant native populations of trout, deer, and elk. Cougars, bears and bobcats are present, and at least one grizzly bear has been sighted in the Pratt valley. Salmon are not present due to the presence of Snoqualmie Falls; however, the Pratt and Middle Fork Snoqualmie rivers are home to healthy resident trout populations. Substantial areas of old growth forest are present in the area, supporting the full complement of native species. The balance of the forest is 70-80 year old second growth with many trees that are 3 feet in diameter and 150 feet tall.

#### *Recreation*

The Middle Fork and South Fork Snoqualmie valleys are some of the closest and most accessible mountain valleys to residents of the greater Seattle-Bellevue Metropolitan area. The proposed additions have been carefully crafted to preserve existing recreational opportunities for hiking, camping, rafting, kayaking, horseback riding, mountain biking and wildlife viewing. It also protects a large area of accessible lowland forests, preserving hunting and fishing opportunities in primitive settings.

#### *Wild and Scenic River Values*

Few rivers anywhere in the country can match the quality of recreational, scenic and ecological resources that the Middle Fork Snoqualmie and its major tributary the Pratt provide. Whether it's a quiet fishing trip after work, a day out with friends on some of the most outstanding whitewater the region has to offer, or a weekend with the family in one of the most scenic river valleys in the country, these rivers are tremendous resources for our community. They are also an important source for clean water that sustains the culturally and biologically significant fishery resources of the Snoqualmie River system. Protecting the outstanding ecological and recreational value of these river corridors not only complements the protection of the amazing wilderness values, but also provides important ecological and recreational connectivity.

The designation will ensure that 27 miles of the Middle Fork Snoqualmie River and 9.5 miles of the Pratt River are protected for future generations securing this important habitat, protecting the quality of the recreational experience, and recognizing the community-based stewardship efforts that maintain the river corridor as one of our community's greatest natural assets.

In their testimony on the bill, the Forest Service raised some minor issues and asked "to work with the subcommittee to address some technical aspects of the bill." Here we address those concerns.

The Forest Service suggests a modification of the proposed wilderness boundary to allow for trail reconstruction or relocation of the Middle Fork Snoqualmie River Trail #1003. This trail is popular amongst mountain bicyclists and the Forest Service is concerned about allowances for work in response to potential future events such as flooding or landslides. This issue has already been addressed by legislation to the satisfaction of our working group and the mountain bike community, who has endorsed the legislation. In October 2007, an evaluation of the proposal boundary was made using the latest digital definition of the trail location based upon recent Forest Service field work. This definition included not only the actual location of the trail (as defined by GPS equipment) but the definition was also adjusted for potential trail relocations so as to account for river channel movement, landslides, or other events that could require trail relocation further away from the river. The boundary was then placed on the opposite side of the trail from the river, using a set back of no less than 80 vertical feet from the digital trail definition noted above. This proposal boundary placement ensures that the actual trail location or its potential relocation will always lie outside of the proposed wilderness boundary. The proposal boundary was placed to ensure existing mountain bike usage will not be impacted by this proposal. The new trail alignment and the noted set backs were provided to the Forest Service and it is our understanding that they are incorporated in the Section 2.(a) map accompanying the legislation.

The Forest Service suggests redrawing the wilderness boundary to exclude approximately three miles of the Pratt River Trail #1035 because the trail is scheduled for major reconstruction beginning this fiscal year. The Forest Service also claims that the adjustment would reduce operation and maintenance costs along this segment of the trail, due to the ability to use motorized equipment for trail maintenance. While the Pratt River Trail (#1035) referenced in the testimony is a system trail, the segment referenced has not been maintained by the Forest Service for many decades. To say that it currently receives high use is inaccurate and misrepresents the situation on the ground. The noted segment does receive some use for the first mile or so before the route becomes so difficult to find that it cannot be fol-



lowed. However, the use levels for this segment are well below what most would consider high use (i.e., Barclay Lake) even with the proximity of the campground across the river.

Additionally, this trail is not planned for mountain bike use and therefore this area's designation is fully consistent with a wilderness designation. The Alpine Lakes Working Group (ALWG) does not support excluding a trail from wilderness designation because of anticipated trail construction. Trail use, construction and maintenance are allowed under the Wilderness Act and such activities are performed on a daily basis within the National Forest System. There are a number of examples here within the Mt. Baker Snoqualmie National Forest of trail construction of this scope within designated wilderness:

- Kelley Creek Trail Reroute—Skykomish Ranger District, Mt. Baker-Snoqualmie NF (Trail 1076)—The Forest Service approved this project on April 9, 2008 with the recognition that the Wild Sky Wilderness was likely to become law. A new trail would be constructed within the wilderness and would connect to an existing trail. The new trail would begin at the heavily-used Iron Goat Trailhead, which has parking and amenities similar to those at the Middle Fork Snoqualmie River Trailhead (gateway bridge). The trail project would include approximately two miles of new trail in wilderness in an area that has never had a trail before.. No mechanized or motorized equipment is proposed or authorized.
- Suiattle Creek Trail reroute—Darrington Ranger District, Mt. Baker-Snoqualmie NF (Trail 2000)—This trail reroute and reconstruction is proposed to deal with flood damage that eliminated a major trail bridge across the Suiattle River and caused other extensive trail damage. To locate a bridge on a better site less prone to flood damage, the project includes building a new trail segment. The entire project would occur within the existing Glacier Peak Wilderness. The trail project would include 3 miles of new trail open to hikers and packstock. Certain mechanized or motorized equipment is proposed to be used.

The Forest Service testimony States that the exclusion of three miles of the Pratt River Trail (#1035) would not significantly alter the proposal. The ALWG finds that such exclusion would eliminate low elevation areas from the proposal that are critical to the integrity of the lower Pratt River Valley and the proposal.

Finally, the Forest Service recommends adjusting the boundary to exclude two segments totaling 300 acres of Washington State Department of Natural Resource (DNR) lands in the northwestern boundary of the proposal. These two DNR parcels were included within the wilderness boundary so that if they were to be acquired by the Forest Service after passage of the legislation they would be added to the wilderness without requiring an additional act of Congress. Nothing in the bill obligates or encourages the Forest Service or DNR to pursue an acquisition or exchange. The parcels were included to establish a manageable boundary based on ecological or watershed features that can be located on the ground. Currently, Thompson Lake is literally split between the two management agencies. The Mt Baker-Snoqualmie National Forest Boundary is located two to three miles west of Thompson Lake and Russian Butte. Consequently, the Forest Service has acquisition authority for the DNR parcels included in the proposal. As a result of the Huckleberry Land Exchange of 1996-2001, the Forest Service actually acquired a number of isolated parcels that are west of the noted DNR parcels near Russian Butte and Thompson Lake.

#### BROAD-BASED OUTREACH AND SUPPORT

The legislation under consideration enjoys broad-based community support, including 104 local elected officials, 69 religious leaders, 15 hunting and angling groups, 14 recreation groups, 24 conservation groups, and 113 local businesses, including 100 from the the Snoqualmie Valley—closest to the proposal. Through the outreach efforts led by Representative Reichert and Senator Murray, several specific concerns and issues were addressed early on in the process.

Of importance is the work with the local mountain biking group, the Evergreen Mountain Bike Alliance, to make sure that the current every-other-day access to the Middle Fork trail is maintained. The wilderness boundary, as proposed, is drawn to exclude the trail (since mountain biking is not allowed in wilderness) and the Wild and Scenic designation along the same stretch compliments this with protections for the fish, wildlife, and recreational values that also allow for continued mountain bike use. As a result of their early involvement, Evergreen Mountain Bike Alliance and the International Mountain Bike Association (IMBA) are strong sup-

porters of this bill and see it as a model for protecting the wildlands values of quality mountain bike areas.

Additionally, outreach was made to State agencies with adjacent lands and responsibilities. As mentioned previously, the State Department of Natural Resources owns adjacent lands. The majority of these lands are managed to protect similar values as wilderness on federal lands. As such, this legislation complements the work and investment of that agency. Taken together, the combination of Federal Wilderness and Washington State DNR Natural Resource Conservation Area in the Pratt and Middle Fork Snoqualmie valleys will create a large extent of protected lowland acreage unrivalled in the Cascades. The State Department of Transportation (DOT) has road maintenance responsibilities on lands to the south of the proposal. The highway through this area (InterState 90) is a critical shipping and transportation route and requires snow and avalanche work throughout the winter to remain open. The DOT was consulted on the proposed wilderness additions and is comfortable that the boundaries do not impact their ability to perform this important work.

#### ADDITIONAL CONSERVATION OPPORTUNITIES

We suggest three minor changes that should be made in this or future legislation. The first is extension of the wild and scenic corridor an additional 3.6 miles downstream to the west section line of section 16 (river mile 53.6). This would extend the wild and scenic corridor to the entrance of the valley corresponding to the edge of solid public ownership. This section of the river has been found suitable by the Forest Service for wild and scenic designation, and includes all the same values as the reach upstream. It is also the most popular section for whitewater recreation on the river. Over the past several years, public land managers and non-profits including Cascade Land Conservancy and Mountains to Sound Greenway have invested considerable resources into consolidating public ownership along the river. Public land managers including the Forest Service, King County, and Washington Department of Natural Resources have worked to cooperatively manage the corridor in a manner consistent with its high habitat and recreation values. Extending the wild and scenic corridor to include these additional 3.6 miles would insure uniform, unbroken designation, and simplify management for public land managers.

The second suggested change is the extension of the wild classification downstream from the west section line of section 3 to the confluence with Dingford Creek, a distance of approximately 8.2 miles. When the original suitability determination was made by the Forest Service in 1990, Road 56 extended further upstream. In the August 2003 Record of Decision for the Middle Fork Snoqualmie Access and Travel Management Plan, the Forest Service made the decision to close Road 56 at Dingford Creek. As a result of this decision, and the ecological values of the river, we believe that this section of river should be classified as wild.

The third recommendation is a request to make a minor boundary adjustment to the wilderness boundary along the western edge of the proposal in the northeast corner of Section 12, (Township 23N, Range 9E). There is a small (less than a quarter section; ca. 150 acres) piece of Forest Service land known as "Russian Butte." We have reexamined this part of the proposal boundary and have determined that these 160 acres would make a logical and appropriate addition to the proposal. These lands are located entirely within the Gifford Creek drainage. The parcel is classified in the Mt Baker-Snoqualmie Land Management plan as 'late successional reserve,' the same as the adjacent Pratt River drainage. This land is surrounded on 1 side by the proposed wilderness area and on the remaining three sides by DNR lands. These DNR lands have a high likelihood of becoming a State Natural Resource Conservation Area. Failing to add this small quarter section could result in an isolated patch of national forest surrounded by lands managed for wilderness values. As such, it is entirely logical to adjust the proposed wilderness boundary to include this parcel.

In closing, the proposed legislation represents a magnificent investment in the quality of life of all Washingtonians and Americans and we are pleased to offer it our very strongest support. We celebrate in joining the broad-based voices of the conservation, recreation, business, religious, and list of elected officials that urge passage of these protections. We hope that the Committee will move favorably and quickly on this important legislation. Thank you.

STATEMENT OF SALLY PROUTY, PRESIDENT AND CEO, THE CORPS NETWORK,  
ON S. 1442

My name is Sally Pouty and I am the President and CEO of The Corps Network and I am submitting testimony on behalf the 143 youth service and conservation corps throughout the nation and the more than 29,000 young people who enroll in Corps each year.

Nationally, 66% of Corpsmember families have incomes under the Federal poverty level, 72% have no college, and of those, 45% lack a high school diploma. About 43% are Caucasian, 30% African-American, 17% Latino, 4% Asian/Pacific Islander. Since 1985, Corps have enrolled over 600,000 young men and women.

The Corps Network believes that the Public Lands Service Corps has the potential to be the Civilian Conservation Corps (CCC) of the 21st Century. As the heirs to that wonderful legacy, we could not be more grateful for this legislation.

The Corps Network wishes to express its strong support for the Public Lands Service Corps Act of 2009 and to thank Chairman Bingaman, Senator Udall, Senator Snowe, Senator Sanders, Senator Feinstein, and Senator Boxer for their leadership on this important issue.

We also appreciate the Administration's support for the Public Lands Service Corps Act as expressed in Deputy Assistant Secretary for Policy, Management and Budet Bob Stanton's remarks before you on October 29 and its testimony on the House version of the legislation. The Corps Network enthusiastically supports S. 1442 because it:

- will allow current land management efforts to be greatly expanded, providing for the completion of many more backlogged projects and providing meaningful service opportunities to thousands more young people;
- recognizes that service and service-learning are strategies for getting things done on public lands;
- will also introduce more, and more diverse, young people to America's public lands—instilling in them an appreciation for nature, an enjoyment of healthy recreation, and a sense of stewardship for our natural resources and the environment;
- sees young people, including those from diverse backgrounds, as assets to be deployed rather than problems to be addressed;
- expands the non-competitive hiring status of Public Lands Corpsmembers, bringing youth and diversity to the land management agency workforces and providing additional opportunities for young people, particularly those from disadvantaged backgrounds, to pursue good careers in land and natural resource management as well as in other occupations;
- includes lands under the jurisdiction of the National Oceanic and Atmospheric Administration and will expand service on public lands to new areas of the country, such as the Northeast and Southeast, making it easier to engage young people from those areas.
- raises the profile of the Public Lands Service Corps (PLSC) within each affected agency and establishes the important role of PLSC coordinator, making it easier for Corps to participate; and,
- will help bring Corps, a proven youth development strategy, to scale.

We also are particularly pleased that S. 1442 takes an important first step in creating a grant program for Indian tribes to establish Indian Youth Corps so that Indian youth can benefit from Corps programs based on Indian lands, carrying out projects that their tribes and communities determine to be priorities.

In general, Native American youth face a wide variety of problems, including high rates of dropping out of school, unemployment, crime, depression, and alcoholism and drug abuse. To take but a few examples:

- The Bureau of Indian Affairs 2005 Indian Labor Force Report found that 49 percent of the total Indian labor force living on, or near reservations was unemployed. Tribes with the highest unemployment rates are located in the Great Plains and Rocky Mountain regions and have average unemployment rates of 77 percent and 67 percent, respectively.
- Many young Native Americans do not finish high school. In the 2004-2005 school year, the national graduation rate for Indian high school students was 50.6 percent compared with 77.6 percent for white students.
- According to data from 2002, some 90,000 Indian families were homeless or under-housed. An estimated 200,000 units are needed immediately to meet current demand. According to the National American Indian Housing Council, "a large percentage of existing homes are in great need of rehabilitation, repair and weatherization."

Because Corps use service as a strategy to provide young people with an educational environment conducive to learning, employment and training experiences, and a range of supportive services targeted to such issues as drug and alcohol abuse, wellness training and financial literacy, we strongly believe that Corps are an appropriate strategy for dealing with the problems that Indian youth confront. We believe that the Indian Youth Corps will enable Native American youth to benefit from this strategy at a far larger scale than ever before.

In our conception of the Indian Youth Corps, tribes and communities will operate their own Corps, recruit their own youth and young adults, and determine their own service projects. We look forward to working with you, and Senator Udall, to ensure that a strong Indian Youth Corps program is included in the final version Public Lands Service Corps legislation.

#### SERVICE AND CONSERVATION CORPS

##### *History*

Service and Conservation Corps are direct descendents of the Depression-era Civilian Conservation Corps (CCC) that provided work and vocational training for unemployed single young men by conserving and developing the country's natural resources. Between 1933 and 1942 when it was disbanded, the CCC employed almost 3.5 million men who planted an estimated 2.5 billion trees, protected 40 million acres of farmland from erosion, drained 248,000 acres of swamp land, replanted almost a million acres of grazing land, built 125,000 miles of roads, fought fires, and created 800 State parks and 52,000 acres of campgrounds. But the biggest legacy of the CCC may have been the hope it provided both the young men and their families.

##### *Today*

Modern Service and Conservation Corps reengage disconnected young people by providing them with opportunities to continue their education, obtain life and job skills, gain experience working in teams, and connect with the workforce. Corps look forward to making the most of the Public Lands Service Corps to advance the skills and experience of young people, help them create much-needed improvements on public lands, conduct conservation initiatives, develop a greater appreciation for our natural heritage, become effective stewards of our public lands, and become more civically engaged.

Each year dozens of Corps engage thousands of young people in service on public lands by working on backlogged projects for federal land management agencies. Such projects—similar to those worked on by the original Civilian Conservation Corps—include trail maintenance, tree planting, invasive species removal, and wild-fire mitigation. Many Corpsmembers choose to pursue careers in land management following their terms of service. With Public Lands Corps Service Act funding, Corps can prepare a new, much more diverse generation of federal land management employees, at a time when a full 38 percent of the Department of the Interior's workforce is due to retire in 2012.

Today's Corps are a proven strategy for giving young men and women, many of whom are economically or otherwise disadvantaged and out-of-work and/or out-of-school, the chance to have a positive impact on their own lives, their communities, and the environment.

In the Corps model, Corpsmembers are organized into crews of six to 10 people to carry out labor-intensive service projects while being guided by adult leaders who serve as mentors and role models as well as technical trainers and supervisors. In return for their efforts to restore and strengthen their communities, Corpsmembers receive: 1) a living allowance; 2) classroom training to improve basic competencies and, if necessary, to secure a GED or high school diploma; 3) experiential and environmental service-learning based education; 4) generic and technical skills training; and 5) a wide range of supportive services. Those Corpsmembers who are co-enrolled in AmeriCorps are also eligible to receive a Segal Education Award upon the completion of their service.

Most importantly, these young men and women learn to value their personal contribution, and the importance of teamwork. They experience the recognition and pride that comes from making a positive investment in their community. Like the Depression-era CCC, they leave their Corps with the tools to achieve a better, more prosperous, and more productive future.

##### *A Research-Supported Strategy*

In February 1997, Abt Associates published a groundbreaking study, funded by the Corporation for National and Community Service, on the value of youth Corps. The study, "Youth Corps: Promising Practices for Young People and Their Commu-

nities” used rigorous multi-site random assignment methodology to document key outcomes, including:

- Significant employment and earning gains accrued to young people who join a Corps;
- Positive outcomes that are particularly striking for young African-American men;
- A reduction in arrest rates among all Corpsmembers by more than one-third; and
- A reduction in the number of unplanned pregnancies among female Corpsmembers.

The study concludes that, “Youth Corps are rare among youth-serving programs in their ability to demonstrate significant and positive impacts on participants.”

#### THE NEED

According to the National Parks Conservation Association, the National Park System has an annual operating shortfall estimated at \$750 million and a maintenance backlog of approximately \$9 billion. Parks are underfunded and managers are asked to do more with less.

The National Park system would not be the only beneficiary of the Public Lands Service Corps. The Department of Agriculture’s National Forest System, with lands in 42 States and Puerto Rico, also faces a backlog estimated at \$280 million in deferred trail maintenance work. In addition, according to the House Appropriations Committee, the Bureau of Land Management (BLM) has “an extensive legacy of old mining, oil, and wildfire rehabilitation needs and deferred maintenance for offices, work centers, and visitor facilities. Much of this work is considered ‘Green Jobs’, as it involves habitat restoration, abandoned mine land repair, native plant restoration, and retrofitting buildings.” The estimated backlog of deferred maintenance and construction needs in the National Wildlife Refuges and National Fish Hatcheries is \$3 billion. The backlog includes capital improvements focusing on safety, energy efficiency, and habitat infrastructure.

A larger Public Lands Service Corps can be widely deployed to help reduce this backlog. The energy, focus, and commitment that motivated the original CCC can now be brought to bear on today’s problems: Corpsmembers do fuels reduction, remove invasive species, rehabilitate campgrounds and deteriorating structures throughout our national parks and forests, renovate and maintain historic, cultural, and archeological sites, and help conduct natural and cultural resource management, science and research projects. Adding thousands of additional service opportunities on our public lands would have a significant impact on the maintenance backlog in the Park Service and the Forest Service, in other agencies, and on other projects.

#### THE PUBLIC LANDS CORPS

##### *Background and Examples*

For nearly three decades Service and Conservation Corps have worked in partnership with land management agencies to accomplish important work on public lands. Together, they have introduced young people to the great outdoors and provided them with various education and economic opportunities.

Presently, The Department of the Interior agencies spend between \$5-6 million on nearly 200 PLC projects with corps annually. This investment in turn, supports nearly 600 Corpmembers. Because Corps also recruit and manage unpaid volunteers from the local communities, much more work is actually being supported.

PLC crews do everything from building trails and wheelchair accessible facilities to providing visitor services and environmental education to local school children. In recent years, due to an intentional focus on wildland fire mitigation, many crews have done a significant amount of hazardous fuels reduction, invasive species removal, and habitat restoration. Some specific examples of these projects include:

The Rocky Mountain Youth Corps (RMYC),—which is headquartered in Taos, NM and enrolls nearly 150 at-risk youth annually, has a long-standing partnership with Carson National Forest. Through the Collaborative Forestry Restoration Program (CFRP), a pilot program designed to involve citizens in the management and care of national forests, 30 RMYC Corpmembers recently completed a three-year project to thin 150 acres in Carson Forest to reduce the risk of catastrophic wildfire, making the area safer for area homes and residents. During the project, Corpsmembers received many hours of training and received various certifications, such as chain saw certification. Many of these young people, who were formerly high school drop outs and headed down the wrong path, will go on to careers in forestry.

This past summer alone, the Wyoming Conservation Corps, housed within the School of Environment and Natural Resources at the University of Wyoming, engaged more than 40 young people to clear Pine Bark Beetle kill from Medicine Bow National Forest to make trails and campgrounds safe for visitor use. Following their experience with WCC, many of these young people expressed an interest in pursuing careers in land and natural resource management.

In Oregon, the Northwest Youth Corps (NYC) works in Crater Lake National Park. Over the summer, NYC placed three crews of 11 crewmembers each in Crater Lake National Park for three-week spikes. During the spikes, Corpsmembers did maintenance on 3.9 miles of trail and built 40 drainage structures. Overall, in 2008, NYC crews completed projects for partners including 51 Forest Service Ranger Districts, five BLM Districts, five National Parks, and two USFWS Refuges.

For over 15 years, the Washington Conservation Corps (WCC) has partnered with Olympic National Park on a variety of fire abatement activities. Each year, WCC crews remove hundreds of downed old growth trees in an effort to reduce fire fuels and increase access.

The California Conservation Corps (CCC) has a dedicated 18-person fire crew that partners with Whiskey Town National Park located outside of Redding, CA. For eight years, under the guidance and training of the National Park Service, this crew has performs controlled burns, removed hazardous fuels and cuts fuel breaks.

The Southwest Conservation Corps (SCC) based in Durango, CO, works with Mesa Verde National Park on wildfire mitigation. Mesa Verde has a significant history of wildfire, especially in recent years. When the Park needed assistance in removing hazardous fuels from key areas in advance of the Park's 100th anniversary celebration, the entire SCC crew received 40 hour chainsaw training and certification. Corpsmembers also received S130/S190 Introduction to Wildland Firefighting at the conclusion of their four-month term of service to prepare them for obtaining jobs in the wildland fire management industry.

The Coconino Rural Environment Corps (CREC), based in Flagstaff, AZ, thins hundreds of acres of federal, State, county, city, and private lands every year. Much of this wood is then turned over to local Native American communities for firewood.

The Alaska Service Corps (ASC) was tasked with a weeklong invasive removal project in one of Alaska's premiere National Parks, Wrangell St. Elias. The ASC crew help eradicate White Sea Clover & other invasive plants from key areas near the Slana Visitor Center. The ASC crews' efforts allow native plants opportunities to reseed and enhance the experience for residents and tourists.

The Western Colorado Conservation Corps (WCCC), based in Grand Junction, Colorado, has been actively involved in Tamarisk removal for several years. The WCCC has partnered with the Colorado State Parks Department and the State Division of Wildlife, the Audubon Society, and the Tamarisk Coalition to control acres of Tamarisk and Russian Olive, Hounds Tongue, Canada Thistle and other species, as well as 15 miles of Salsafy, Russian Thistle, and Storks Bill.

#### *The Need for Expansion*

Estimates of the backlog on public lands now reach up to \$8 billion. At the same time, many among the current generation of public lands agency professionals, from the boomer generation, are nearing retirement age.

Today's young people don't lack for potential. They want to give back. The desire to serve, probably also stimulated by a weak economy, is greater than ever. The Southwest Conservation Corps, which received 20 applications a week in 2008, today is receiving 100 applications a week. The Coconino Rural Environment Corps is getting three to five times more applications than it has spaces available. Some of the interest is the result of high unemployment-but some is the desire to do work that makes a positive difference for communities and the environment.

S.1442 recognizes the need to offer opportunities to those young people, as well as to those who are part of the high school dropout epidemic. Nearly one-half of minority students and almost one-third of all public high school students fail to graduate with their class. Research strongly suggests that public lands opportunities can make a significant difference for these young people.

A groundbreaking report in 2006, *The Silent Epidemic: Perspectives of High School Dropouts*, showed that dropouts wanted "real world opportunities" and a more challenging curriculum to keep them engaged in school. A follow up study, *Engaged for Success*, showed that students believed service learning would keep potential dropouts engaged in school. Our public lands can provide such experiences for students in underperforming districts.

Engaging these young people, many of them from minority communities, can be a way to help to diversify public lands personnel, to develop the ethic of stewardship

among these populations, and to attract larger numbers of minorities as visitors, enabling them to embrace their natural patrimony.

#### CONCLUSION

The Public Land Service Corps Act would enable more youth to serve and learn on more public lands, reduce the backlog of deferred maintenance projects, and help prepare our public lands for the 21st century.

Meanwhile, the Corpsmembers could, in turn, utilize their practical experience and the expanded non-competitive hiring authority contained in this bill to pursue careers in land management—thus building and diversifying the next generation of the resource management workforce.

The Public Lands Service Corps is a win-win-win situation. It is a win for our public lands, for the youth who will serve on them and love and protect them, and a win for our nation as it turns new generations into productive and engaged citizens.

In July, 1940, James J. McEntee, the Director of the Civilian Conservation Corps summed up its accomplishments by saying, "Since it was organized in April, 1933, the Corps has made men out of hundreds of thousands of undernourished, underdeveloped and inexperienced youngsters . . . the Corps has toughened them physically, taught them work skills, improved their morale, and taught them love and respect for their country and its government." We believe that the Public Lands Service Corps can do the same for future generations of young people.

The entire Corps Network reiterates its strong support for S. 1442. We look forward to working with you to see it enacted into law.

