S. HRG. 107–762

MISCELLANEOUS PUBLIC LANDS AND FOREST BILLS

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

S. 198	**S. 2222**
S. 1846	**S. 2471**
S. 1879	**S. 2482**

JUNE 18, 2002

Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE

82–883 PDF WASHINGTON : 2002

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON ENERGY AND NATURAL RESOURCES

JEFF BINGAMAN, New Mexico, *Chairman*

DANIEL K. AKAKA, Hawaii
BYRON L. DORGAN, North Dakota
BOB GRAHAM, Florida
RON WYDEN, Oregon
TIM JOHNSON, South Dakota
MARY L. LANDRIEU, Louisiana
EVAN BAYH, Indiana
DIANNE FEINSTEIN, California
CHARLES E. SCHUMER, New York
MARIA CANTWELL, Washington
THOMAS R. CARPER, Delaware

FRANK H. MURKOWSKI, Alaska
PETE V. DOMENICI, New Mexico
DON NICKLES, Oklahoma
LARRY E. CRAIG, Idaho
BEN NIGHTHORSE CAMPBELL, Colorado
CRAIG THOMAS, Wyoming
RICHARD C. SHELBY, Alabama
CONRAD BURNS, Montana
JON KYL, Arizona
CHUCK HAGEL, Nebraska
GORDON SMITH, Oregon

ROBERT M. SIMON, *Staff Director*
SAM E. FOWLER, *Chief Counsel*
BRIAN P. MALNAK, *Republican Staff Director*
JAMES P. BEIRNE, *Republican Chief Counsel*

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

RON WYDEN, Oregon, *Chairman*

DANIEL K. AKAKA, Hawaii
BYRON L. DORGAN, North Dakota
TIM JOHNSON, South Dakota
MARY L. LANDRIEU, Louisiana
EVAN BAYH, Indiana
DIANNE FEINSTEIN, California
CHARLES E. SCHUMER, New York
MARIA CANTWELL, Washington

LARRY E. CRAIG, Idaho
CONRAD BURNS, Montana
PETE V. DOMENICI, New Mexico
DON NICKLES, Oklahoma
GORDON SMITH, Oregon
CRAIG THOMAS, Wyoming
JON KYL, Arizona
RICHARD C. SHELBY, Alabama

JEFF BINGAMAN and FRANK H. MURKOWSKI are Ex Officio Members of the Subcommittee

KIRA FINKLER, *Counsel*
FRANK GLADICS, *Professional Staff Member*

CONTENTS

STATEMENTS

	Page
Allen, David, Alaska Regional Director, U.S. Fish and Wildlife Service, Department of the Interior	25
Anderson, Bob, Deputy Assistant Director, Minerals, Realty and Resource Protection, Bureau of Land Management, Department of the Interior	28
Baucus, Hon. Max, U.S. Senator from Montana	4
Cantwell, Hon. Maria, U.S. Senator from Washington	10
Clinton, Hon. Hillary Rodham, U.S. Senator from New York	3
Craig, Hon. Larry E., U.S. Senator from Idaho	4, 7
Klundt, Scott, Esq., Associate Director of Federal Lands, National Cattlemen's Beef Association and Associate Director, Public Lands Council	51
Lindekugel, Buck, Conservation Director, Southeast Alaska Conservation Council, Juneau, AK	43
Marrs, Carl H., President, Cook Inlet Region, Inc., Anchorage, AK	49
Murkowski, Hon. Frank H., U.S. Senator from Alaska	8
Schumer, Hon. Charles E., U.S. Senator from New York	12
Secrist, Glen, Bureau Chief, Vegetation Management, Idaho State Department of Agriculture, Boise, ID	40
Shields, Richard, Chairman, Cape Fox Corporation, Ketchikan, AK, accompanied by Peter Gigante, Chief Executive Officer, Cape Fox Corporation	36
Smith, Hon. Gordon H., U.S. Senator from Oregon	2
Tate, Dr. James, Jr., Science Advisor, Department of the Interior	19
Thompson, Tom, Deputy Chief, National Forest System, Forest Service, Department of Agriculture	14
Wyden, Hon. Ron, U.S. Senator from Oregon	1

APPENDIX

Additional material submitted for the record	61

MISCELLANEOUS PUBLIC LANDS AND FOREST BILLS

TUESDAY, JUNE 18, 2002

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

The subcommittee met, pursuant to notice, at 2:33 p.m., in room SD–366, Dirksen Senate Office Building, Hon. Ron Wyden presiding.

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

Senator WYDEN. The Subcommittee on Public Lands and Forests will come to order.

The purpose of this afternoon's hearing of this subcommittee is to receive testimony on several public lands and national forest bills. As chair of the subcommittee, it has been my goal to find constructive and creative responses to issues arising on our public lands, considering in all instances environmental, economic, and human concerns. Our subcommittee most recently held a field hearing in Redmond, Oregon to address the impact of public land management decisions on rural economies and I look forward, in particular, to working with the ranking minority member of this subcommittee, Senator Craig, on important legislation that can address forest health concerns.

Today, however, we are going to address proposed solutions to public land management issues across the country, looking at a number of bills.

First, S. 198, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private lands.

Also, S. 1846, which would prohibit oil and gas drilling in the Finger Lakes National Forest in the State of New York.

S. 1879, to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska.

S. 2222, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to the Cape Fox Corporation and Sealaska Corporation.

S. 2471, to provide for the independent investigation of Federal wildland firefighter fatalities.

And S. 2482, to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in Oregon a right-of-way to the West Butte Road.

I have particular interest in this legislation as it is designed to bring jobs to a very hard-hit rural community in my home State. S. 2482 would be of immense benefit to the town of Prineville which currently suffers from 15 percent unemployment. Connecting the community to U.S. 20 via the West Butte Road would efficiently direct traffic to the Prineville/Crook County industrial parks. These areas are set aside for the sole purpose of promoting industrial diversification within Crook County, and city officials say the increasing traffic to the parks will greatly improve opportunities to retain major employers, increase occupancy, and provide new jobs for local residents.

We also believe that there would be significant environmental benefits as well and look forward to the testimony of the witnesses.

This community has waited a great time for this particular road. To wait on the Bureau of Land Management to issue a right-of-way would take another 4 to 6 years. This is a community that needs help now, and that is why it has received the endorsement not just of the cities and counties, but from the Oregon Department of Transportation. We look forward to moving this legislation expeditiously.

Before we call our witnesses, I do want to recognize my friend and colleague, Senator Craig, for any opening statement he would like to make.

[The prepared statements of Senators Smith and Clinton follow:]

PREPARED STATEMENT OF HON. GORDON H. SMITH, U.S. SENATOR FROM OREGON

Mr. Chairman, I appreciate the opportunity to have this hearing today on S. 2482, which addresses a significant economic development issue for Central Oregon. I have cosponsored S. 2482 and have also suggested some minor modification that I hope will be incorporated during mark-up.

Like the vast majority of Oregon-specific legislation that we have worked on together, Mr. Chairman, this bill's goal is to improve the economic viability of a rural community heavily impacted by the presence of federal land. This condition is particularly pronounced in Central Oregon, which is the fastest growing region in Oregon, and most of the communities there are located adjacent to BLM-managed lands. Consequently, the future development of the region is closely intertwined with the federal land management process.

What we hope to accomplish with this legislation is a closer synchronization of the economic needs of the local community with the management process and decisions of the BLM. In that same vein, I also want to remind the Bureau of Land Management of an outstanding issue of equal importance to Central Oregon—one that I fear may be jeopardized by the length of the bureaucratic process. With the rapid growth of the Bend-Redmond area in recent years, one of the key issues for the region is to alleviate the increasing traffic along the U.S. Highway 97 corridor. The 19th Street extension would help alleviate traffic on U.S. Highway 97 headed to the nearby Deschutes County Fairgrounds area. Like the Millican Road issue, completion of this project is currently pending implementation of the Upper Deschutes Resource Management Plan.

In April of this year, I wrote to Director Clarke on both the 19th Street extension and the Millican Road issues. While we are pursuing a legislative resolution to the latter, I fully expect the BLM to accelerate its efforts to ensure that the 19th Street extension is not jeopardized by an increasingly lengthy bureaucratic process. This may mean working with local stakeholders to consider alternative processes, such as the possibility of putting key transportation projects into a separate, less comprehensive planning process.

Mr. Chairman, thank you again for holding today's hearing and I look forward to continue working with you to have this legislation passed by the end of this Congress.

PREPARED STATEMENT OF HON. HILLARY RODHAM CLINTON, U.S. SENATOR FROM NEW YORK

I want to thank the Chairman and the Ranking Member for holding today's hearing on S. 1846, to prohibit oil and gas drilling in the Finger Lakes National Forest of New York State. And I want to thank my colleague, Senator Charles Schumer, for his leadership on this issue. I am pleased to co-sponsor this legislation with him, which would permanently protect the only national forest in New York State, and the smallest national forest in the country, from oil and gas drilling.

Northwest of Ithaca, between Lakes Cayuga and Seneca, lies the 16,000 acre Finger Lakes National Forest—just a little bigger than the size of Manhattan. This small natural treasure draws some 46,000 recreational visitors every year, who come to enjoy the Forest's scenic beauty and unlimited recreation opportunities any season of the year. The Finger Lakes National Forest provides its visitors with ample opportunities to hike, ski, camp, and generally enjoy the great outdoors.

Yet, in addition to being a popular recreational destination, the Finger Lakes National Forest has also been a proposed drilling site for oil and gas since 1998. At that time, a joint proposal was made by two out-of-state firms to lease land in the forest for the purpose of drilling.

Last year, the United States Forest Service sought public comment on a draft environmental impact statement (EIS) on the proposal to lease 13,000 acres of the forest. Among the consequences of the proposed drilling action identified in the Forest Service's draft EIS were soil erosion and contamination at or near well sites due to the construction of access roads, well pads and pipelines, and the use of trucks and heavy equipment in drilling activities.

The draft EIS predicted that construction associated with the proposal could require several acres of vegetation clearing, including tree cutting. The quality of local waterways would be put at risk as a result of these activities. Loss of habitat for forest dwellers such as the Northern Goshawk and the Indiana bat were also recognized in the Forest Service draft EIS as impacts of the proposed drilling action. In addition, thousands of forest visitors from across New York State and around the country would come to the forest only to encounter conflicts with recreation uses due to higher noise, visual obstruction, and traffic related to drilling activities.

In other words, drilling in the Finger Lakes National Forest could have potentially dire environmental consequences, without any significant energy benefits. The amount of energy secured by drilling in the Forest would not contribute significantly to meeting the nation's or the state's energy needs.

That is why Senator Schumer and I, along with Governor Pataki, other elected officials, and many other New Yorkers, feel that drilling in the Finger Lakes National Forest is simply inappropriate and unnecessary. Representative Jim Walsh has introduced companion legislation to S. 1846 in the House, which is co-sponsored by 29 representatives from New York and around the country.

It is not just the New York Senators, other New York officials, and many other New Yorkers in general that think drilling in the Finger Lakes National Forest is a bad idea. Last year, in its Final Environmental Impact Statement, the U.S. Department of Agriculture (USDA) recommended the no action alternative. In other words, even the USDA does not currently support proposed drilling activities in the Finger Lakes National Forest. This could change in the future, however.

It is our collective responsibility to protect our precious natural resources and to permanently prevent oil and natural gas drilling in the Finger Lakes National Forest. That is why last year, Senator Schumer and I worked to add an amendment to the Senate Energy and Water Appropriations bill to do just that. While we were successful in our effort to add this provision to the bill, it was scaled back in conference to a one-year moratorium ending on September 30, 2002. We have introduced the legislation that is under consideration before this Subcommittee today to make certain that this drilling moratorium is made permanent.

The bottom line is that drilling in the Finger Lakes National Forest is not sensible energy policy, and it is not sound environmental policy.

I want to thank Senator Bingaman, Senator Murkowski, and others on the Committee for their willingness to work with us on this important piece of legislation. It is my sincere hope that the Committee will support Senator Schumer and I in this matter of great importance to our New York constituency, and pass this legislation to permanently ban oil and gas drilling in the Finger Lakes National Forest.

STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO

Senator CRAIG. Well, Mr. Chairman, thank you and thank you for convening our public lands and forestry subcommittee and moving some of these issues that are important.

Let me ask unanimous consent a statement by Senator Max Baucus become a part of the record.

Senator WYDEN. Without objection, so ordered.

[The prepared statement of Senator Baucus follows:]

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

Severe drought across the United States has devastated farm lands, ranches, wilderness areas, fisheries and forests, and at the present time, catastrophic wildfires rip across the West. Not unlike these natural disasters, the spread of non-native weeds is playing a key role in taking valuable land out of production, in degrading wildlife habitat and contributing to increased fire danger.

Non-native weeds are a serious problem on both public and private lands across the nation. They are particularly troublesome in the West where much of our land is entrusted to the management of the federal government. Non-native weeds are a threat to those who rely on land as a source of income and to wildlife, including endangered and threatened species. In some areas, spotted knapweed grows so quickly and so thick that it rapidly chokes off native vegetation and forces wildlife out of their preferred habitat to search for a new food source.

These noxious weeds are quickly taking over federal lands in the Western United States. Currently, 70 million acres of land are covered by these non-native weeds and they are spreading at an astronomical rate of 4,600 acres a day. The cost of these noxious weeds is quickly adding up. The federal government is spending $2.8 million to control or eliminate noxious weeds on federal lands in Montana. This amount is not adequate and does not include what the state must spend to control weeds on their lands, or the millions of dollars that farmers and ranchers have already spent on weed prevention. Montana currently spends approximately $14 million to control weeds. If our weed needs were to be met fully, it would require $44 million. Leafy spurge has an economic impact of more than $100 million annually. This includes cost of control, damage to property value, and other factors. Our response is not adequate for seriousness of the situation. We must work together to find common sense solutions.

The first step that the federal government must take to stop further disaster due to uncontrollable weed growth is to ensure that non-native weeds do not become established in the country. Also, it is imperative that action be taken to control the weeds that have already spread, and that continue to spread, across our farms, ranches, and public lands. This bill has the potential to provide assistance on the local level, where producers will be able to work together to fight the further spread of weeds. Through the Secretary of the Interior, funding will be provided to eligible weed management entities to control the expanding disaster caused by non-native weeds. This bill clearly outlines how funds will be allocated to the states and how the funds will be used within those states.

Noxious weeds are not only a problem for farmers and ranchers, but a hazard to our environment, hunting and fishing opportunities, and our economy—particularly rural economics—and communities in Montana and the West, and for the country as a whole. The Harmful Non-native Weed Control Act is an important step in taking control over the noxious weed growth across the United States and reclaiming our beneficial lands.

The Harmful Non-native Weed Control Act is a good step in addressing our weed crisis. However, a comprehensive approach must be taken if we are to be successful. We must continue to support projects such as the Montana Sheep Institute which is set up to develop and implement non-traditional adjustment strategies to increase the competitiveness of Montana's sheep industry. One of the benefits of this Institute is that they are expanding the methods that sheep are used for innovative, efficient, and effective management of noxious, non-native plants.

Noxious weeds do not recognize property boundaries, so if we want to beat weeds, we must be fighting at the federal, state, local, and individual levels. If we work together at all levels of government and throughout our communities, we can protect our land, livelihood, and environment. It is only common sense to do everything in our power to rid our lands of noxious weeds and protect our Montana way of life. We must reclaim our lands for native species.

Senator CRAIG. I will speak lastly about S. 198, the Harmful Non-native Weed Control Act, and in doing so, let me recognize Mr. Glen Secrist who is with us who will be one of our witnesses. Glen is Bureau Chief of Vegetation Management for the State of Idaho Department of Agriculture. I have worked with Glen over the years on issues of weeds and weed management. If there is an expert in the West, Glen has to be one of those if not the expert, and I have always appreciated his advice.

Let me start with S. 1846, Senator Schumer and Senator Clinton's proposal to outlaw gas and oil drilling on the Finger Lake National Forest. I have two basic concerns with this proposal.

First, it is very similar, Mr. Chairman, to S. 2450 which was recently introduced by Senators Schumer and Clinton. S. 2450 would outlaw not only oil and gas drilling, but also any geothermal development and any withdrawals for other minerals such as sand, gravel, or other materials utilized by local counties for road development and maintenance. Mr. Chairman, I think we need to clearly understand which version of this legislation will be pursued and exactly what the Senators hope to accomplish.

I also want to try to clarify whether or not this proposal will impact the private lands within the boundaries of the Finger Lakes National Forest. As I read S. 1846, those lands would be included in the moratorium, and under S. 2450, the private lands within the boundaries of the national forest, Mr. Chairman, might not be impacted. Again, some clarification of the goals of this legislation would be very important.

The second proposal I want to mention is S. 2471, Ms. Cantwell's legislation to require an independent investigation by the Office of the Inspector General be undertaken and a report submitted to Congress after every fire fatality. I understand Senator Cantwell's initial frustration with the time it takes to complete these investigations. I also understand her fears that no one would ever be held responsible for the Thirtymile Fire tragedy.

Given the fact that both the Forest Service and OSHA independently investigated the Thirtymile Fire and that the Forest Service took unprecedented disciplinary actions against some of its employees who worked on the fire, I have to wonder what purpose S. 2471 now serves. The agency recently terminated three employees, furloughed seven other employees for between 5 to 30 days each in response to its investigation of this fire.

I am also troubled by the requirement to transmit these investigations to the Senate. I do not understand what our committee and Congress would do with the reports. It seems to me that the responsibility of disciplinary actions rests with the agency and the Department and we have never had difficulty getting the agency to share such reports with our committees in the past.

All of you know my longstanding concern about improving accountability in the U.S. Forest Service. I would be willing to work on broader legislation to improve the accountability of our resource agencies across all programs, but I have real difficulty passing specific legislation related to an incident that, for the most part, in my opinion has been resolved.

I want to spend my remaining time on the issue that I think is of enormous economic and resource magnitude in every State in

this country, and that is non-native weeds threatening fully two-thirds of all endangered species and are now considered by some experts to be the second most important threat to biodiversity. I was talking with Glen Secrist a few moments ago. In an area, Mr. Chairman, that I ranched less than a decade ago, a very extensive public land grazing area in Idaho, I am told by ranchers out there today that much of that land has been totally compromised in less than 10 years by rush skeleton weed. That is a type of weed that not only do domestic livestock not penetrate, but neither do wildlife, deer or other animals. Of course, that is really part of the issue that we are about here.

Stopping the spread of noxious weeds requires I think a two-pronged effort. First, we must prevent new non-native weed species from becoming established in the United States, which was the focus of the Plant Protection Act, which we passed in the 106th Congress. Second, we must stop or slow the spread of the non-native weeds we already have, which is the focus of S. 198.

This bill establishes, in the Office of the Secretary of the Interior, a program to provide assistance through States to eligible weed management entities. The Secretary of the Interior will appoint an advisory committee of 10 individuals to make recommendations regarding the annual allocation of these funds. The Secretary, in consultation with the advisory committee, will allocate funds to States to provide funding to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, non-native weeds on public and private lands. Funds will be allocated based on several factors including, but not limited to, seriousness of the problem in the State; the extent to which the Federal funds will be used to leverage non-Federal funds to address the problem; and the extent to which the State has already made progress in addressing it.

The bill directs that the States use 25 percent of their allocation to make base payments and 75 percent for financial awards to eligible weed management entities to carry out.

Well, let me ask unanimous consent that the balance of my statement become a part of the record.

Senator WYDEN. Without objection, so ordered.

Senator CRAIG. Mr. Chairman, in closing, I flew into Denver last night and south of Denver, you could still see the smoke rolling up out of the mountain valleys in which those fires are now ravaging the resources of that area.

Several years ago, a good many of the weed experts of the West, and I included, likened noxious weeds to a slow-burning wildfire that literally took the land over and rendered it useless for a variety of purposes. But because there are not large smoke clouds or people endangered or homes endangered, somehow weeds have been ignored well too long. Across the West today, we literally have millions and millions of acres of land that are of little to no value even to wildlife and for wildlife purposes because weeds that are not compatible with them now dominate those landscapes in such form that the land is rendered useless.

We have sat idly by, either in the name of the environment or in some other compromised fashion or because the Federal Government just did not care or were very bad stewards of the land, and

allowed this to happen. Of course, States and private property owners, while they have attempted to fight these problems on their own properties, found it nearly impossible because their neighbor, the Federal Government, simply became a passive land manager in many instances.

No smoke clouds are arising today out of the weed patches of the West, but tragically enough without any effort or program, many of these stand-altering and climate-altering fires of the kind we are seeing now are the prelude to weed patches to come because oftentimes the only thing that grows after these very dramatic, very intense fires, fed by unprecedented fuels on our forest floors, are weeds themselves.

So, those are our concerns. That is why I am so pleased you have brought this bill for a hearing, and ultimately we hope to go to markup, move this bill, and make it public policy and get at the business of managing these lands in a way that will deal with this issue. Thank you, Mr. Chairman.

[The prepared statement of Senator Craig follows:]

PREPARED STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO

Mr. Chairman, I want to thank you for holding this hearing. We are assembled to discuss a number of legislative proposals that are very important to my State and I suspect to each of the witnesses here today. Before I speak to S. 198, the Harmful Non-native Weed Control Act I want to briefly discuss two of the other legislative proposals on our agenda. But first I would like to thank Mr. Glen Secrist, Bureau Chief for Vegetation Management for the State of Idaho's Department of Agriculture. Welcome to Washington Glen.

Let me start with S. 1846—Senator Schumer's and Senator Clinton's proposal to outlaw oil and gas drilling on the Finger Lake National Forest. I have two basic concerns with this proposal. First, it is very similar to S. 2450 which was recently introduced by Senators Schumer and Clinton. S. 2450 would outlaw not only oil and gas drilling, but also any geothermal development and any withdrawals for other minerals such as sand, gravel, and other materials utilized by the local counties for road development and maintenance. Mr. Chairman, I think we need to clearly understand which version of this legislation will be pursued and exactly what Senators Schumer and Clinton hope to accomplish.

I also want to try and clarify whether or not this proposal will impact the private lands within the boundaries of the Finger Lakes National Forest. As I read S. 1846 those lands would be included in the moratorium and under S. 2450 the private lands within the boundaries of the National Forest might not be impacted. Again, some clarification of the goals of this legislation would be very helpful.

The second proposal I want to mention is S. 2471, Ms. Cantwell's legislation to require an independent investigation by the office of Inspector General be undertaken and a report submitted to Congress after every fire fatality. I understand Senator Cantwell's initial frustration with the time it takes to complete these investigations. I also understand her fears that no one would ever be held responsible for the 30 Mile Fire tragedy.

Given the fact that both the Forest Service and OSHA independently investigated the 30 Mile Fire and that the Forest Service took unprecedented disciplinary actions against some of its employees who worked on this fire, I have to wonder what purpose S. 2471 now serves. The agency recently terminated three employees, furloughed seven other employees for between 5 to 30 days each in response to its investigation of this fire. I am also troubled by the requirement to transmit these investigations to the Senate. I don't understand what our Committee and Congress would do with such reports. It seems to me that the responsibility for disciplinary actions rests within the Agency and the Department and we have never had difficulty getting the agency to share such reports with our Committees in the past.

All of you know my long standing concerns about improving accountability within the Forest Service. I would be willing to work on broader legislation to improve the accountability of our resource agencies across all programs, but I have real difficulty passing specific legislation related to an incident, that for the most part, has been resolved.

I want to expend my remaining time on an issue of enormous economic and resource magnitude to every State in this country. Non-native weeds threaten fully two-thirds of all endangered species and are now considered by some experts to be the second most important threat to bio-diversity. In some areas, spotted knapweed grows so thick that big game, like deer, will move out of the area to find edible plants. Noxious weeds also increase soil erosion, and prevent recreationists from accessing lands as they are infested with these poisonous plants.

Stopping the spread of noxious weeds requires a two pronged effort. First, we must prevent new non-native weed species from becoming established in the United States, which was the focus of the Plant Protection Act which we passed in the 106th Congress. Second, we must stop or slow the spread of the non-native weeds we already have, which is the focus of S. 198.

This bill establishes, in the Office of the Secretary of the Interior, a program to provide assistance through States to eligible weed management entities. The Secretary of the Interior will appoint an Advisory Committee of ten individuals to make recommendations regarding the annual allocation of these funds. The Secretary, in consultation with the Advisory Committee, will allocate funds to States to provide funding to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, non-native weeds on public and private lands. Funds will be allocated based on several factors including, but not limited to: the seriousness of the problem in the State; the extent to which the federal funds will be used to leverage non-federal funds to address the problem; and the extent to which the State has already made progress in addressing the problems.

The bill directs that the States use 25 percent of their allocation to make base payments and 75 percent for financial awards to eligible weed management entities for carrying out projects relating to the control or eradication of harmful, non-native weeds on public or private lands. A 50 percent non-federal match is required to receive these grants.

As I have said before, non-native weeds are a serious problem on both public and private lands across the nation. They are particularly troublesome in the lands entrusted to the management of the federal government. Like a "slow burning wildfire," noxious weeds take land out of production, force native species off the land, and interrupt the commerce and activities of all those who rely on the land for their livelihoods—including farmers, ranchers, recreationists, and the endangered species that inhabit these lands.

Mr. Chairman, noxious weeds do not recognize property boundaries, so if we want to win this war on weeds, we must be fighting it at the federal, state, local, and individual levels. S. 198 is an important step to ensure we are diligent in stopping the spread of these weeds. I am confident that if we work together at all levels of government and throughout our communities, we can protect our land, livelihood, and the environment.

As this legislation moves down the track I expect some changes will be made, indeed I expect to propose a few technical changes to the bill as I work with my colleagues who join me in this effort.

Mr. Chairman, I ask unanimous consent that my written statement be made a part of the record of this hearing.

Senator WYDEN. I thank my colleague. I am very pleased to be a cosponsor of your legislation, Senator Craig. In my view these non-native weeds are literally gobbling up the West, and the fact of the matter is a strong program to deal with the eradication of these non-native weeds is something that improves the environment and strengthens the economy. And that is what you and I have tried to do, and I very appreciate your pushing this legislation.

Senator Murkowski.

STATEMENT OF HON. FRANK H. MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you very much, Senator Wyden.

I am not going to comment at great length on what Senator Craig has indicated is a problem in the West relative to the Western States. Alaska is a little different.

But one of the things that I find so frustrating—I have been on this committee a long time—is that our land managers seem to have lost their vision of advocacy. They have a responsibility to do what is in the best interest of the stewardship of the land, and I think they have been beaten back by environmentalists. They have been beaten back by the Endangered Species Act. They have been beaten back on the basis of not having support to make decisions on sound land management.

How different it is, as we look at our farmers that are stewards of private land, and leased land, who make decisions that are in the best interest of the renewability of the agriculture economy of this Nation. They do not have those same kind of problems. But when we try and manage public land with a town hall meeting concept that takes into no consideration in reality how to combat bug infestation, it is clear, professionally from a land management status, you remove the diseased timber so it does not spread. It does not spread by the air and so forth.

Until we come back and recognize that when you have forest health, you get the best professionals to make the decisions and you assist them and back those decisions. You certainly do not go for a public hearing that simply addresses the aesthetics at a given time. You have to look at the long-range application.

Mr. Chairman, we have two Alaska bills on the agenda today. They are very different but represent the pressing needs of southcentral as well as southeastern Alaska. You agreed to hold these hearings some time ago and I appreciate that.

The first is S. 1879 which provides for a land exchange at the mouth of the Russian River and will resolve a longstanding problem for the indigenous people in the Kenai Peninsula. The Native Claims Settlement Act of 1971 promised conveyance to Alaska's natives in important burial and cultural locations throughout the State. In the case of the Russian River area, the location has become important to many people as a world-class recreational fishing area. S. 1879 will ratify an agreement that was painstakingly worked out between the native people, the Fish and Wildlife Service and the Forest Service, and it accommodates I think quite well the competing interests.

Also before us today is S. 2222. This one advocates a longstanding inequity for the Cape Fox Village Corporation near Ketchikan. It authorizes an exchange that also resolves an important matter affecting the management in the Tongass National Forest. Approximately 9,000 acres in the Tongass where the subsurface rights are privately owned would revert to full ownership by the United States if we succeed in passing the bill. This is a matter of longstanding concern to the agency. In addition, the bill will consolidate private landholdings in southeastern Alaska, allow the Forest Service to square up its boundaries and secure an important recreation right-of-way trail in the Tongass.

I am also aware that the Forest Service and the Department of the Interior have raised some issues with regard to specific language in the bill. The staff has been working with the agencies to address these concerns, and I am hopeful that we can work out those concerns within the next few days and hopefully that has been accomplished now.

I certainly appreciate the willingness of the chairman to bring these up.

I have one more comment. I would also like to make a few comments on the Finger Lakes bill, seeing the Senator from New York is with us, and I appreciate Senator Schumer's willingness to take this bill through the proper committee process.

In general, I want to reiterate my sensitivity of issues that affect an individual State when both Senators from that State support the measures.

On the other hand, I want to make it clear that what we are doing here—and as I have stated many other times, my concern about America's lack of energy independence. I have said it time and time again. Where are we going to get the energy if you are not going to get it from States that want to develop the energy, that both Senators from that State support it? We have eliminated deep water drilling off Florida. We have limited oil and gas development in the Great Lakes. There is talk of no further exploration in California.

If the two Senators from New York do not want oil and gas developed in a particular part of their State, that is fine. I think we need to be sensitive to their concerns, but by the same token, when both Senators from Alaska support oil and gas development in our State, I think we deserve the same consideration.

At some point we are going to have to decide that we are going to produce energy in this country or we are going to continue to increase our dependence on imports. Conservation measures aside, we are going to need that energy and my State stands ready to make substantial contributions if allowed.

Mr. Chairman, I would like to introduce Mr. Richard Shields, chairman of the Cape Fox Corporation, who is with us today. Please stand up, sir. Thank you. And Mr. Carl Marrs, president and chairman of the Cook Inlet Region, Inc., from Anchorage, in the back.

Thank you very much.

Senator WYDEN. I thank my colleague.

Senator Cantwell.

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

Senator CANTWELL. Thank you, Mr. Chairman. Thank you for holding this important hearing.

I too want to join in comments of support of S. 198 dealing with the weed management program that would be established here at the Federal level. I am a co-sponsor of the bill and I thank the Senator from Idaho for sponsoring this very important legislation.

I would like to comment on the Thirtymile Fire and the other legislation that is on the schedule today. I would be more than happy to discuss with the Senator from Idaho the particulars of this situation and look forward to his comments and input.

The issue for us in the State of Washington is really that the Thirtymile Fire took the lives of four courageous young firefighters and that the hardship on those families is still fresh in our minds.

Thankfully, in the State of Washington right now, the drought has subsided, and with the precipitation at 90 to 130 percent of

normal throughout the State, we are not in the same dangerous situation as other parts of the country.

So, I believe that the situation that we are seeing in Denver now is just another reminder about how dangerous fires can be and how dangerous this is to those who are fighting those fires, and I think the Federal Government has the responsibility to do everything within its power to protect these brave men and women who engage in fighting these fires. And I think accountability is critically important.

At Thirtymile Fire last July, things did go wrong and many of the Forest Service's most basic guidelines were ignored. In the words of the Forest Service's own report on the Thirtymile incident, this tragedy could have been prevented.

We all recognize the courage and commitment of the men and women who fight wildland fires and the important work that the Forest Service and Department of the Interior do on our behalf. We know that firefighting is a dangerous profession, but while it is true that firefighting is inherently risky, the loss of firefighter lives which could have been prevented is unacceptable.

During the Thirtymile Fire hearing in the subcommittee last November, the Forest Service testified that the tragedy at Thirtymile resulted not from faulty safety rules, but rather the failure to abide by these rules. After all, commanders of the Thirtymile Fire ignored all 10 standing fire orders and 10 of the 18 watch-out situations, the Forest Service's most basic safety guidelines.

The Forest Service agrees that if the standing fire orders were followed, firefighters' lives should never be lost. Mr. Chairman, as you know, the Senate farm bill required an independent investigation when the Forest Service firefighters are killed in the line of duty, and we passed that out of the Senate, and it ended up being a part of a political disagreement on the forestry title of the ag bill.

I think it is still important that we move forward because today the legislation that we are discussing, S. 2471, represents really an effort to bring accountability within an agency, and accountability to particular instances when loss of life occurs. I think the public deserves to know that an investigation has been done—and not by an agency that is investigating itself. Practically every newspaper in the Northwest has struggled with trying to understand how it is that the Forest Service can investigate itself and then give a report, sometimes leaving the public much in the dark.

We have, Mr. Chairman, asked for much of the redacted information from that report on the disciplinary action that was taken at Thirtymile Fire and ask that this committee, at least, have access to the redacted information so we can understand exactly what is going on and this process will conclude.

I think this legislation is important because it contains a simple provision for the Department of the Interior, which is home to the four Federal agencies that employ wildland fire fighters, to have that accountability, which I think is very important.

Congress frequently mandates that the Inspector General pursue specific investigations. Often we do this on an annual basis with specific deadlines. For example, Congress has asked the IG of the EPA to conduct an annual audit and report on the registration of pesticides. We have required the Department of Defense IG to per-

form investigations of allegations regarding retaliatory personnel actions. We have also required the Defense IG to conduct no fewer than 10 audits a year to ensure our military installations are in compliance with the Armed Forces Voting Assistance Program, and we have even asked the IG of the Department of State to conduct periodic audits of the Department's emergency expenditures, something that is submitted to Congress in an annual report.

In fulfilling these requirements, the IG's office is helping Congress meet its constitutional goals and to make sure that the responsibilities that we have granted to these agencies are fulfilled. So, that is why I think that this is so important.

The need for an independent investigation was reinforced, I believe, by an OSHA investigation released in February that found that the Forest Service had committed two serious and three willful violations of employee safety policy during the Thirtymile Fire, even stronger citations than those handed down after the 1994 Storm King Fire in which 14 Federal firefighters died. It is hard for people in the State of Washington to understand how large businesses have to comply with OSHA mandates, and yet OSHA reports are given to the Forest Service and OSHA has no enforcement authority over the agency.

I believe the Federal Government must embrace the reform of its institutions in a manner that will better help firefighters do their jobs safely. This includes an independent investigation, instilling accountability within the agencies, and improving firefighter management and training.

Requiring an independent investigation of firefighter fatalities, I believe, is a step in the right direction. And it will give the public, in critical times when lives are lost, the certainty that agencies are not just investigating themselves. An Inspector General can give us answers about whether the right procedures have been followed and what we can do to improve this system.

I thank the chairman for his time.

Senator WYDEN. I thank my colleague.

The Senator from New York.

STATEMENT OF HON. CHARLES E. SCHUMER, U.S. SENATOR FROM NEW YORK

Senator SCHUMER. Thank you and I thank you, Mr. Chairman, as well as ranking member Murkowski, for holding this hearing on S. 1846, one of the bills being considered, and that is, as Senator Murkowski mentioned, legislation introduced by Senator Clinton and myself to ban oil and gas drilling in the Finger Lakes National Forest.

First, to just inform people who do not know, the Finger Lakes National Forest is located in central New York in one of the most beautiful parts of our State, the Finger Lake region. It is our only national forest. It is the smallest national forest in the country, and it spans about 16,000 acres. That is about the size of Manhattan.

In 1998, two out-of-State firms offered a joint proposal to the U.S. Forest Service to lease the land for drilling, and subsequently the Forest Service conducted an EIS on the proposed drilling plan. And the record of decision, released last December, states that no

land in the Finger Lakes can be offered for oil and gas leasing at this time. Those were their words. It was the Bush administration that did that.

Paul Brewster, who is the Forest Service supervisor up there in the Finger Lakes, said the following about the strong public input they received during the EIS process. "Many citizens stated that public lands, such as those on the Finger Lakes National Forest, are scarce in the region. They point to its uniqueness as New York's only national forest and its small size, and they feel that the need for oil and gas should not outweigh other resource values such as recreation, grazing, sustainable timber harvesting, and wildlife. They believe that this development would disrupt balance of the uses that had previously been struck on this national forest."

Mr. Chairman, I have 26 letters addressed to the committee expressing the sentiment of the area's residents, not only letters from environmental organizations, but some stalwart conservative groups like the Seneca Chamber of Commerce and the Town of Hector in which part of the forest resides. I ask unanimous consent to make those letters part of the record.

Senator WYDEN. Without objection, so ordered.

Senator SCHUMER. In addition, just about every elected official in the area has come out against drilling in the forest, including our Governor, Governor Pataki. This is not just the two State Senators. State Senator Nozzolio, a leading Republican Senator from the area, and the three Congress members who at least as of now represent the area. I do not remember what happens in redistricting, but Senators Hinchey, Walsh, and Slaughter have expressed opposition, and I would ask unanimous consent that their letters be added to the record as well.

So, there is pretty much unanimous view in the area that this would be the wrong thing at the wrong time. Unlike ANWR, the amount of oil and gas is—it is going to be gas I guess—is going to be small. The need for an open space in our beautiful State is large. This is our only forest, and to have 130-foot rigs drill in the Finger Lakes, whose economy has just come back because of tourism, because of wineries, I think would be a serious, serious mistake and that is just not my view but the view of the overwhelming consensus in the area. In fact, this never would have happened had not these two companies said, well, we would like to drill, and they were not, as best I know, indigenous companies.

Other consequences that were identified if we drilled in the Forest Service statement were soil erosion, contamination at or near well sites. The report predicts that construction could require several acres of vegetation clearing, including tree cutting, and surface waters would be at risk for erosion and sedimentation as a result of these activities.

Our bill, the bill that is here before us—and let me just go over the history there. Congress passed a 1-year ban on drilling in the Finger Lakes in the energy and water appropriations bill last year. That is in effect right now, the 1-year ban. I remember Senator Murkowski said, do not go for the permanent ban. It should go through the committee process. And I respected that wish and that is why we are here today. Senator Clinton and I have introduced S. 1846 to permanently ban drilling in the forest.

We have also introduced another bill, S. 2450. That is a more formal version of S. 1846 because it is drafted under the mineral leasing laws, but that went to the Agriculture Committee instead of the Energy Committee. So, if we pass this bill out of committee, we will amend it to be just like S. 2450 and it will be then somewhat narrower because some people have stated the parts of the bill are too broad.

The bottom line is I would ask this committee to adhere not simply to the wishes of the two Senators, but of virtually the entire community in the Finger Lakes National Forest area. If you visited the area, you would see how inappropriate it is for oil and gas drilling. The amounts estimated are very, very small, and I would urge that we adopt this legislation and enact a permanent ban.

Senator WYDEN. I thank my colleague.

We will go to the witnesses.

I also want to direct the clerk to put in a number of statements into the hearing record at this point for S. 2482, the legislation that my constituents care about so much.

We will go right now to our witnesses: Mr. Tom Thompson, Deputy Chief of the National Forest System of the Forest Service; Mr. David Allen, Alaska Region Director, Fish and Wildlife, Department of the Interior; Dr. James Tate, Science Advisor to the Secretary of the Department of the Interior; and Mr. Bob Anderson, Deputy Assistant Director of Minerals, Realty and Resource Protection of the Bureau of Land Management. If you four will come forward.

Senator MURKOWSKI. Mr. Chairman, I wonder if in your good graces—I have got a markup in Finance at 3:15. If the witnesses could comment on the two Alaska bills, I would particularly appreciate it, if it would be workable.

Senator WYDEN. All right. Would it be helpful to you, Frank, to begin with Mr. David Allen? Would that be helpful as well?

We are going to keep our witnesses to 5 minutes each, and let us see if we can get the Alaska bills covered before Senator Murkowski has to leave. Mr. Thompson, why do you not begin?

STATEMENT OF TOM THOMPSON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. THOMPSON. Mr. Chairman and members of the subcommittee, thank you for this opportunity to appear before you today. I am Tom Thompson, Deputy Chief of the National Forest System, USDA Forest Service.

I am here to provide the Department's views on four bills: S. 1846, S. 2222, S. 1879, and S. 2471. I will summarize my comments if that would be acceptable.

First, S. 1846, which is to prohibit oil and gas drilling on the Finger Lakes National Forest. S. 1846 would prohibit the issuance of any Federal permit or lease for oil and gas drilling in Finger Lakes National Forest, the State of New York. Although the Department does not oppose enactment of S. 1846, the measure does raise a number of questions for the Department. The Department would like to work with the committee in more detail to address leasing in times of national emergency or in response to unforeseen events.

We have some questions about valid existing rights and other issues with regard to compensatory royalty agreements.

S. 2222, which is the Cape Fox Land Entitlement Adjustment Act of 2002. This bill, as introduced, provides for an additional 99 acres of Alaska Native Claims Settlement Act selection area for Cape Fox and Sealaska Corporations at Clover Passage on Revillagigedo Island. It also requires the Forest Service to offer a land exchange and, if accepted by Cape Fox, complete that land exchange with Cape Fox and Sealaska. The Department of Agriculture could support enactment of S. 2222 with changes that we have already suggested.

Recently the Forest Service has been working with sponsors of the bill, as well as the Cape Fox and Sealaska Corporations to clarify and improve the language. Some areas that we have agreed to in concept include an intent to add to the total land entitlement acreage available to Cape Fox or Sealaska Corporations under ANCSA, that lands be exchanged with equal value, that Federal lands conveyed to Cape Fox and Sealaska shall be subject to reservation right-of-ways for public access, that there be an additional funding mechanism for the Secretary of the Interior to conduct required surveys, value estimates, and related costs of exchanging the lands.

We will continue to clarify and seek agreement with both Cape Fox and Sealaska Corporations in several areas on reservation of rights-of-way for national forest purposes, on establishing the value of the trail easement, which the Forest Service acquires, a road rehabilitation category that needs to be added to section 8, and hazardous materials certification language which would be helpful; also, developing of a mechanism to guide the exchange in the event that Cape Fox and Sealaska lands to be exchanged do not equal the value of the other exchanged lands.

Moving to S. 1879, Russian River Land Act. If enacted, this would resolve a longstanding conflict of land selection rights and management of public activities at the junction of the Russian and Kenai Rivers. The public lands at the junction of these rivers were withdrawn from disposal by the Forest Service under public land laws and set aside for a specific management purpose. This withdrawal created a conflict with historic site selection filed by Cook Inlet Region, Incorporated under 14(h)(1) of the Alaska Native Claims Settlement Act.

The Forest Service and the Fish and Wildlife Service have been working together to address the legal concerns and management objectives of all parties. The Department of Agriculture supports enactment of S. 1879, if amended, to address concerns with the waiver in section 3(b) that could exempt activities under the agreement from current law. The bill would also ratify the selection agreement, which has already been agreed to by the three parties.

We appreciate the efforts by Senator Murkowski to sponsor 1879.

The last bill, S. 2471, which is the independent investigation of Federal wildland firefighter fatalities. This year's already intense fire season again reminds us of the safety of agency employees and the public is one of the highest priorities for the Forest Service.

S. 2471 would require the USDA Inspector General to conduct an investigation of any fatality of a firefighter employed by the Forest

Service that occurs due to wildlife entrapment or burnover. In these cases, the Inspector General would be required to conduct an investigation in a manner that does not rely upon and is completely independent of any investigation conducted by the Forest Service. The Inspector General would be required to submit to the Department of Agriculture and the Congress a report on the investigation.

The administration did not object to this proposal when considered during the farm bill, and we do not object to this measure today.

There is an ongoing need for the Forest Service and the Department of the Interior bureaus to conduct investigations of accidents, whether fatal or nonfatal, from a programmatic point of view. These investigations provide an essential factual basis to make improvements or refinements in the delivery or our programs. Neither the Forest Service nor the Department interprets S. 2417 to preclude these investigations.

This concludes a summary of my statement, and I would be happy to answer any questions that you might have.

[The prepared statement of Mr. Thompson follows:]

PREPARED STATEMENT OF TOM THOMPSON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you today. I am Tom Thompson, Deputy Chief for the National Forest System, USDA Forest Service. I am here today to provide the Department's views on four bills: S. 1846, to prohibit oil and gas drilling on the Finger Lakes National Forest; S. 2222, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes; S. 1879, to resolve claims of Cook Inlet Region, Inc. to land adjacent to the Russian River; and S. 2471, to provide for the independent investigation of Federal wildland firefighter fatalities.

S. 1846—TO PROHIBIT OIL AND GAS DRILLING ON THE FINGER LAKES NATIONAL FOREST

S. 1846 would prohibit the issuance of any Federal permit or lease for oil or gas drilling in Finger Lakes National Forest in the State of New York. Although the Department does not oppose enactment of S. 1846, the measure does raise a number of questions for USDA. The Department would like to work with the Committee in more detail to address leasing in times of national emergency or in response to unforeseen events.

The December, 2001 revision of the Finger Lakes National Forest Land and Resource Management Plan provided that oil and gas resources would not be available for leasing. This decision reflected the opinion of a vast majority of those responding to the draft revision who were strongly against any leasing of federal oil and gas resources on the Finger Lakes National Forest. A broad group of elected officials at the local, state, and federal levels affirmed these opinions. The Record of Decision stated that the Forest Service will not consent to lease federal oil and gas resources until new information becomes available that would prompt the Forest Service to initiate a new analysis. An example of new information would include a change in public attitude toward the need to access oil and natural gas under the Finger Lakes National Forest. This may be in the form of domestic energy crisis or other unforeseen event. It would not include a new request for leasing.

S. 2222—CAPE FOX LAND ENTITLEMENT ADJUSTMENT ACT OF 2002

This bill, as introduced, provides for an additional 99 acres of Alaska Native Claims Settlement Act (ANCSA) selection area for Cape Fox and Sealaska Corporations at Clover Passage, on Revillagigedo Island. It also requires the Forest Service to offer a land exchange, and if accepted by Cape Fox, complete a land exchange with Cape Fox and Sealaska Corporations. The Department of Agriculture could support the enactment of S. 2222 with the changes described below.

Through this land exchange:

- Cape Fox Corporation would receive the surface and subsurface of 2,663.9 acres of national forest system (NFS) lands at the Jualin Mine site near Berners Bay, north of Juneau.
- Sealaska Corporation would receive the surface and subsurface of NFS lands to equalize values of Sealaska subsurface lands and land interests they convey to the U.S. Sealaska Corporation will select NFS lands of equal value from within a 9,329-acre pool of NFS lands at the Kensington Mine, also near Berners Bay.
- The Forest Service would receive lands and land interests of equal value from within: (1) a pool of approximately 3,000 acres and a public trail easement offered by Cape Fox (surface) and Sealaska (subsurface) on Revillagigedo Island; (2) 2,506 acres of Sealaska split estate subsurface, located at Upper Harris River and Kitkun Bay, on Prince of Wales Island; and (3) 2,698 acres of Sealaska subsurface land interests remaining as entitlement from the Haida Land Exchange Acts and the Sealaska/Forest Service Split Estate Exchange Agreement of 1991. Cape Fox will chose the lands to be conveyed to the United States from the 3,000-acre pool in (1) above.

Recently, the Forest Service has been working with the Committee as well as the Cape Fox and Sealaska Corporations to clarify and improve S. 2222 language. Some areas we have agreed to in concept include:

- there is no intent to add to the total land entitlement acreage available to Cape Fox or Sealaska Corporations under the Alaska Native Claims Settlement Act (ANCSA).
- lands to be exchanged will be equal in value.
- federal lands conveyed to Cape Fox or Sealaska shall be subject to the reservation of rights-of-ways for public access for the Alaska Department of Transportation and Public Facilities Juneau Access Project.
- addition of a funding mechanism for the Secretary of Interior to conduct required surveys, value estimates, and related costs of exchanging lands specified in the Act, etc.

The Forest Service will continue to clarify and seek agreement with both Cape Fox and Sealaska Corporations in five general areas related to S. 2222 language as outlined below:

- land valuation standards and acceptance process.
- time frames for completing land exchanges.
- applicability of federal standards for title and hazardous substances certification for exchanged lands.
- the advisability of having the Forest service maintain a five hundred foot buffer inland of the marine shoreline in and adjacent to the waters of Berners Bay.
- reservation of rights-of-way necessary for public access or other national forest purposes for Federal lands conveyed to Cape Fox or Sealaska.

S. 1879—RUSSIAN RIVER LAND ACT

S. 1879, if enacted, would resolve a long-standing conflict of land selection rights and management of public activities at the junction of the Russian and Kenai Rivers in Alaska. The public lands at the junction of these rivers was withdrawn from disposal by the USDA Forest Service under public land laws and set aside for a specific management purpose. This withdrawal created a conflict with a historic site selection filed by Cook Inlet Region Incorporated (CIRI) under Section 14(h)(1) of the Alaska Native Claims Settlement Act.

The USDA Forest Service, U.S. Fish and Wildlife Service worked together to address legal concerns and management objectives of all parties. On July 26, 2001, the three parties reached agreement (Russian River Section 14(h)(1) Selection Agreement) on a solution that would fulfill the goals of each party. The Russian River Selection 14(h)(1) Selection Agreement provides consensus on the following points:

- The public campgrounds, parking lots, and most of the land in the vicinity of the confluence of the Kenai and Russian Rivers remain in federal ownership.
- The right of the public to continue fishing remains unchanged from the current status.
- The Fish and Wildlife Service will convey to CIRI all archaeological and cultural resources from 502 acres of Refuge lands certified by the Bureau of Indian Affairs.
- The Forest Service will convey to CIRI fee title to a 42-acre parcel overlooking the confluence of the two rivers, and a second parcel of about 20 acres upstream of where the Sterling Highway crosses the Kenai River. The 20-acre parcel will

be subject to Alaska Native Claims Settlement Act (ANCSA) 14(h)(1) provisions, which require protection of the cultural resources. In addition, a 50-foot public easement along the bank of the Kenai River will be reserved and administered by the Forest Service to allow continued public fishing on the parcel.

- With these conveyances, CIRI will relinquish all ANCSA 14(h)(1) claims in the Sqilantnu Archeological District.
- The parties will pursue construction of a public visitor's interpretive center for the shared use of all three parties to be built on the 42-acre parcel to be conveyed to CIRI. The visitor's center would provide for the interpretation of both the natural and cultural resources of the Russian River area. Included in the subject bill is an appropriation for the construction of the proposed visitors center.
- In conjunction with the visitor's interpretive center, the parties will pursue the establishment of an archeological research center and repository that will facilitate the management of cultural resources in the area.
- CIRI may develop certain visitor-oriented facilities on the 42-acre parcel. These facilities may include a lodge, staff housing, restaurant, etc., that would include space for agency personnel as well as CIRI staff.
- The parties will enter into a Memorandum of Understanding for the purpose of insuring the significant activities at Russian River are carried out in a cooperative and coordinated manner.
- The agreement also authorizes, but does not require, an exchange of land where CIRI would receive Kenai Refuge lands adjacent to the Sterling Highway and/or Funny River Road in return for FWS receiving CIRI lands of equal value near the Killey River that is important brown bear habitat. This would provide additional lands for CIRI development and economic benefit while protecting important habitat and migration routes for the Kenai brown bear.

The Department of Agriculture supports the enactment of S. 1879 if amended to address concerns with the waiver in Section 3(b) that could exempt activities under the Agreement from current law. Legislation is necessary to provide authority currently lacking to convey the cultural resources on the Refuge, convey the two small parcels within the Forest, and to adjust refuge and wilderness boundaries in the potential exchange. The bill would also ratify the Selection Agreement already agreed to by the three parties.

We appreciate efforts by Senator Murkowski to sponsor S. 1879.

For this measure as well as S. 2222, the Department supports authorization of exchanges through normal public review, including title review and disclosure of the fiscal and environmental effects of the exchanges, to ensure equal value and full awareness of the consequences of the exchanges.

S. 2471—INDEPENDENT INVESTIGATION OF FEDERAL WILDLAND FIREFIGHTER FATALITIES

This year's already intense fire season reminds us that the safety of agency employees and the public is one of the highest priorities for the Forest Service.

S. 2471 would require the USDA Inspector General to conduct an investigation of any fatality of a firefighter employed by the Forest Service that occurs due to wildfire entrapment or burnover. In these cases, the Inspector General would be required to conduct the investigation in a manner that does not rely upon and is completely independent of any investigation conducted by the USDA Forest Service. The Inspector General would then be required to submit to the Secretary of Agriculture and Congress a report on the investigation.

The Administration did not object to this proposal when considered during the Farm Bill, and do not object to this measure.

Currently, every wildland firefighter fatality of a Forest Service employee requires a Forest Service investigation by an Accident Investigation Team (AIT). The AIT prepares a Factual Report and a Management Evaluation Report. The Factual Report identifies the facts involved in the accident and develops findings from the investigation. The Management Evaluation Report contains an executive summary listing the probable causal factors that are broken into: 1) influencing factors and 2) significant factors. Recommendations to prevent similar accidents are the final products of the Management Evaluation Report. The final Factual and Management Evaluation Reports, together with an Action Plan, are in turn submitted to the approving official, the Chief of the Forest Service.

There is an ongoing need for the Forest Service and DOI bureaus to conduct investigations of accidents, whether fatal or non-fatal, from this programmatic point of view. These investigations provide an essential, factual basis to make improvements or refinements in the delivery of our programs. Neither the Forest Service nor the Departments interprets S. 2471 to preclude these investigations.

CONCLUSION

Although the Department does not oppose enactment of S. 1846, the Department would like to work with the Committee in more detail to address oil and gas leasing in times of national emergency or as a result of unforeseen events. The Department of Agriculture supports the enactment of S. 2222. USDA also supports enactment of S. 1879 if amended to address concerns with Section 3(b). The Department does not object to enactment of S. 2471.

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

Senator WYDEN. Very good.

Dr. Tate.

STATEMENT OF DR. JAMES TATE, JR., SCIENCE ADVISOR, DEPARTMENT OF THE INTERIOR

Dr. TATE. Mr. Chairman and members of the committee, good afternoon. I am Jim Tate, Science Advisor to Secretary Gale Norton, Department of the Interior.

We are here to present our testimony on S. 198, the Harmful Non-native Weed Control Act of 2002.

We know that invasive plant species are expensive, but we do not know how expensive or how much it will cost to get them under control. We know invasive plants are estimated to cost more than $20 billion per year in economic damage. When we add animals and microorganisms to the cost, it is estimated to cost us $100 billion each year.

We support this legislation, but we recognize that we need to identify how it can be funded within the context of a balanced budget. The National Invasive Species Council, which already exists, co-chaired by the Departments of the Interior, Commerce, and Agriculture, provides coordination on invasive species issues. We encourage partnership efforts to prevent and control invasive species. The council provides a coordinated, multi-stakeholder approach to all of our efforts. I would like to suggest recognition of the council's important role in the management of invasive species be recognized in the bill, S. 198.

In addition, S. 198 creates a new advisory committee within the Department of the Interior to oversee the allocation of funds—I bring to your attention that the Invasive Species Advisory Committee already exists within the Invasive Species Council—to provide advice to the Invasive Species Council in accordance with Executive Order 13112 under which it was created. That is administered by the Department of the Interior. The advisory committee consists of 32 members with critical expertise in invasive species, just exactly what is called for in S. 198. We recommend that the existing advisory committee be used to make recommendations to the Secretary for the allocation of funds rather than establishing a new advisory committee.

The Department recommends that S. 198 include tribal governments in all sections of the bill, including those relating to coordinated actions and distribution of financial assistance. Tribes should be able to participate in projects in areas outside of their lands when they choose to participate in larger weed management entities, without their funding being restricted.

The Department is concerned about the bill's prohibition on funding for control of submerged or floating aquatic noxious weeds and

animal pests. We think that this operates against efforts to initiate an integrated, comprehensive approach to the growing threats of invasive species.

We believe that S. 198 lacks a reporting requirement for local weed management entities that would enable the Federal-State partners to make judgments on success. A concise and clear reporting requirement is necessary and it should include how the results relate to project selection and project renewal processes.

We find little specific guidance in S. 198 on how funds should be allocated to the States or how they in turn are to allocate the funds to weed management entities. It is also unclear whether these funds can be allocated to Federal agencies for coordination activities at the State and local levels. We recommend that language be added to the bill that establishes requirements for a standard reporting and review system that would ensure accountability and improve coordination and information exchange among partners.

Given that invasive species cover Federal as well as State, tribal, and private lands, and even across international borders, we recommend that language be included that would require weed management entities to coordinate and to consult with the Federal agencies to provide comprehensive programs across all affected lands. This coordinated targeting, based on existing capability and resources, will help concentrate efforts to make improvement in overall land and water health.

The Department also has concerns about the budgetary implications of the legislation, whether funding for this program would come at the expense of Federal control efforts and existing programs that currently provide matching funds for weed control. This program could involve significant new funding obligations that are not now assumed in the President's budget.

Our goal is to ensure that the main provisions of S. 198 allow for the coordination of existing Federal efforts and local control programs so that the bill serves to strengthen ongoing programs and support new partnerships.

We look forward to working with the committee in formulating the legislation that best reflects our mutual goal, assisting States, tribes, and local entities.

Mr. Chairman, this concludes my prepared remarks. I am happy to answer any questions.

[The prepared statement of Dr. Tate follows:]

PREPARED STATEMENT OF DR. JAMES TATE, JR., SCIENCE ADVISOR, DEPARTMENT OF THE INTERIOR

Mr. Chairman, and Members of the Committee, my name is Jim Tate, and I am the Science Advisor at the Department of the Interior (Department). I thank you for the opportunity to appear before your Committee to present the Department's views on S. 198, the Harmful Nonnative Weed Control Act of 2000.

The Department commends Congress for bringing attention to this important issue that has significant impacts on both public and private landowners and managers across the country. Invasive plant species are estimated to cause more than $20 billion per year in economic damage and affect millions of acres of private and public lands. In total, invasive plants, animals, and microorganisms are estimated to cost the US over $100 billion each year. We concur with the basic principles embodied in the legislation, specifically the recognition that a concerted and coordinated effort by the public and private sectors with requisite accountability is critical to the successful prevention, control, and management of invasive species. However, we need to identify more clearly the possible costs of this proposal and how it would

be funded within the context of a balanced budget. We view this legislation as an important step toward greater engagement between federal and non-federal partners to manage the harmful impacts of invasive plants species and reduce their spread.

The Department has identified several areas of concern with S. 198 where textual changes could clarify the intent of the bill. I will outline these areas of concern briefly in this statement. I will also address certain concerns that are specific to the three bureaus affected by S. 198: the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), and the Bureau of Land Management (BLM). Depending on the range of species that are included in the bill, however, the Department's Bureau of Reclamation (BOR) may also have a stake in this legislation. We hope to work with the Committee to ensure that the bill includes federal agencies as partners in developing coordinated efforts to manage invasive species.

I would also like to mention the National Invasive Species Council (Council), which is co-chaired by the Departments of the Interior, Commerce and Agriculture. The Council provides coordination on invasive species issues, including invasive plants, and encourage partnership efforts to prevent and control invasive species. The Council can provide assistance with efforts to ensure a coordinated federal/state approach, and I encourage recognition of the Council's important role in S. 198. Finally, this statement will also touch upon the bureaus' programs in the areas of invasive species prevention, management, and eradication.

The Department's first area of concern is the scope of the bill, i.e., what is covered by and excluded from the bill, both in terms of geography and the types of activities that are eligible for funding. Although the bill technically applies to the entire nation, and invasive plants are a problem in every state, we think it would currently be difficult for most of the eastern and southeastern states to develop "weed management entities" and compete with western states that have existing infrastructures that are likely to qualify.

The bill also does not provide for participation by Native Americans. The Department recommends that S. 198 include Tribal governments in all sections of the bill, including those relating to coordinated actions and distribution of financial assistance. Tribes should also be able to participate in projects in areas outside their lands when they chose to participate in a larger weed management entity, without their funding being restricted.

In addition to our concerns about the bill's scope, its prohibition on funding for control of submerged or floating aquatic noxious weeds and animal pests operates against efforts to initiate a comprehensive approach to these growing threats, which through our work on the National Invasive Species Council we have found to be the most effective approach to dealing with the scourge of invasive species. This prohibition could have a dampening effect on key coastal states with substantial aquatic invasive species and states with extensive surface distribution networks that can become infested with invasive aquatic weeds, discouraging them from participating in the program. Feral pigs, which disturb large areas of natural vegetation in Hawaii and elsewhere, provide an example of an excluded animal pest. The NPS wanted to remove invasive plant species in national parks in Hawaii, but feral pigs were serving as a mechanism for distributing the seeds of some of the invasive plants and disturbing the soil. Without removal of the pigs, any program to remove invasive plant species would fail. We recommend that the bill allow for funding that maximizes flexibility to the states, Tribes, and local entities to take a comprehensive approach to controlling all invasive species.

I also want to highlight the many ongoing, highly successful partnership efforts between the public and private sectors to control invasive species. One example is the "Pulling Together Initiative," a partnership between federal agencies and the National Fish and Wildlife Foundation. Since 1997, through cost-sharing efforts, the partners have supported more than 219 weed management projects in 33 states and one territory.

The purpose of the "Pulling Together Initiative" is similar to the intent of this legislation—to encourage the development of weed management areas. These projects bring together many stakeholders, including federal, state, Tribal, private, and non-governmental organizations, to coordinate management of weeds based on an integrated pest management approach. Each project funded through "Pulling Together" must have a minimum 1:1 match of non-federal funds or in-kind contributions for every dollar of federal funds requested. As a result, more than $6.9 million in federal dollars have leveraged more than $13.7 million in non-federal contributions. We recommend that language be included in this bill that would clarify how this legislation would relate to existing federal initiatives to ensure that significant, well-established, federal-private partnership efforts will continue and flourish.

The second area of concern relates to the process established by the legislation and whether it provides for sufficient accountability, consultation, and coordination with federal efforts and quality assurances. The bill creates a new advisory committee within the Department to oversee the allocation of funds. Currently, the Invasive Species Advisory Committee (Advisory Committee) already exists to provide advice to the National Invasive Species Council in accordance with Executive Order 13112, and is administered by the Department of the Interior. The Advisory Committee consists of 32 members with critical expertise in many of the same interests in invasive species that are called for in S. 198. We recommend that the existing Advisory Committee be used to make recommendations to the Secretary for the allocation of funds, rather than establishing a new advisory committee.

S. 198 lacks a reporting requirement for local weed management entities that would enable the federal-state partners to make judgments on success. A concise and clear reporting requirement is necessary and should include how the results relate to the selection and renewal process. Moreover, there is little specific guidance in the bill on how funds would be allocated to states, or how they, in turn, are to allocate the funds to weed management entities. In addition, it is unclear whether these funds can be allocated to federal agencies for coordination activities at the state and local levels. We recommend that language be added to the bill that establishes requirements for a standard reporting and review system that would ensure accountability and improve coordination and information exchange among federal agencies, states, and other participating entities. We also recommend the bill be amended to specify which state agencies have the responsibility for allocating funds to weed management entities to assure consistency from state to state.

Moreover, except for the allocation of funds by the Secretary to states, S. 198 contains no requirement for consultation or coordination with federal agencies. Given that invasive species cover federal, as well as state, Tribal, and private lands, and may even cross international borders, we recommend that language be included that would require weed management entities to coordinate and consult with federal agencies to promote comprehensive invasive species programs across all affected lands. This coordinated targeting, based upon existing capacity and resources, will help concentrate efforts to make a significant improvement in overall land health.

The Department also has concerns about the budgetary implications of the legislation, and whether funding for this program would come at the expense of federal control efforts and existing programs that provide matching funds for weed control. This program could involve significant new funding obligations that are not now assumed in the President's Budget. At this point, it is unclear how much funding is needed, and we are concerned that this program could impact existing agency and multi-agency programs (such as the "Pulling Together Initiative") that support local and regional weed prevention and control projects.

Finally, our experiences have shown that inclusion of a matching funds requirement is critical to the success of such projects because it ensures that available federal funds are used only for projects that have strong support and financial backing at the regional, state, or local levels. Because of this, we do not believe that states should utilize other federal dollars as a weed management entity's non-federal match. S. 198 currently includes in-kind matching. In order to maximize the impact of federal monies available for invasive species control programs, we believe it is important that federal funds be used to leverage only non-federal funds.

NATIONAL PARK SERVICE

The principles of coordination, targeted funding, and accountability are fundamental aspects of the nonnative invasive species management strategy pursued under the NPS's five-year Natural Resource Challenge program. In FY 2000, the NPS identified nonnative invasive species as a significant component of the threat to the natural and cultural heritage preserved in National Park units covering over 83 million acres of land across the country.

As part of the Natural Resource Challenge, a new management strategy for controlling harmful nonnative invasive plants, called the Exotic Plant Management Team (EPMT), has been implemented. Nine teams have been fielded to identify, treat, control, restore, and monitor areas of parks found to be infested with harmful exotic plants. These nine teams serve 95 parks, comprising 25% of national park units, in the Chihuahuan Desert-Shortgrass Prairie, Florida, Hawaii, National Capital Region, Northern Great Plains, California, Gulf Coast, Lake Mead, and Northern Cascades.

The success of each EPMT derives from its ability to adapt to local conditions and needs. Each team sets work priorities based on a number of factors including: severity of threat to high-quality natural areas and rare species; extent of targeted infes-

tation; probability of successful control and potential for restoration; and opportunities for public involvement. In addition, the President's budget for fiscal year 2003 includes a funding request for seven additional EPMTs. Funding of these teams will raise our capacity to control invasive plants at 186 parks, or approximately 48% of the parks in the National Park System. The NPS hopes that S. 198 will improve the teams' work in our park units by increasing collaborative efforts between public and private adjacent landowners.

The EPMT of Florida provides an excellent illustration of the effectiveness of local partnerships. The Florida EPMT formed a partnership with the Upland Invasive Plant Management Program of the Florida Department of Environmental Protection and approximately 136 other groups in the program to control invasive plants. Together they fund removal of exotic species in 11 units of the National Park System in Florida with the State of Florida matching the NPS contribution dollar for dollar.

The NPS has many successful public and private partners in its efforts to control and manage invasive species, including Tribal governments. The NPS recognizes that effective management of invasive plants must be conducted on a coordinated basis involving all stakeholders. However, the authority for Departmental agencies, including NPS, to work with cooperating land managers outside the Department's boundaries is not clear. We recommend that language be included in S. 198 that would provide the federal agencies greater flexibility in managing invasive plants in concert with willing adjoining landowners where federal lands are threatened by invasions from adjoining lands.

We are also concerned about the lack of definitions for many of the terms used in the bill. Without terms being clearly defined, their use in the legislation may lead to confusion or disagreements over terminology. We note also that the bill as currently drafted permits the establishment of a weed management entity solely for the purpose of education. We believe that education, while an important part of any weed management entity's role, should not be its only objective. Moreover, the NPS believes that substantial gains can be made through an education campaign at the national level so that individuals can learn about what efforts they can undertake to address this problem. We look forward to working with the Committee to address these and other issues.

U.S. FISH AND WILDLIFE SERVICE

Invasive species are one of the leading threats to fish and wildlife, with the potential to degrade entire ecosystems. The FWS is working to develop and implement aggressive programs to enhance its capability and leadership to respond effectively to present and future invasive species problems. The FWS works in cooperation with private groups, state agencies, other federal agencies, and other countries to combat invasive plant and animal species. National Wildlife Refuges (NWR) from Alaska to the Caribbean are affected by this problem. Based on national interagency estimates, over 6 million acres of the National Wildlife Refuge System are infested with exotic plants alone, interfering with crucial wildlife management objectives on over 50% of all refuges. Refuge field managers have identified invasive species problems as one of the most serious threats affecting the Refuge System. Nationwide, the rate of spread of invasive plants is estimated to be 5,400 acres per year. The Refuge System has identified over 300 projects with an estimated cost of $120 million to combat invasive species.

Among the most insidious plant invaders to fish and wildlife resources are salt cedar, leafy spurge, whitetop, exotic thistles, Brazilian pepper, purple loosestrife, Australian pine, Chinese tallow trees, old world climbing fern, and melaleuca. At Loxahatchee Refuge in Florida's Everglades, for example, the exotic melaleuca tree and the Old World climbing fern have infested thousands of acres of the refuge, outcompeting native vegetation and effectively eliminating wildlife-dependent habitat. Sevilleta and Bosque del Apache NWRs in New Mexico continually invest large amounts of time and operational funds in eradication efforts on the salt cedar. Salt cedar disrupts the structure and stability of native plant communities, crowding out native plant species, altering existing water regimes, and increasing soil salinity.

In addition, the Refuge System works with private landowners to help them restore degraded fish and wildlife habitats on their property, which includes the control of invasive plants. Through the Partners for Fish and Wildlife Program, which provides financial and technical assistance, FWS helps landowners benefit from improved productivity of their lands by minimizing the spread of invasive species and improving habitat for a variety of fish and wildlife species. Activities included prescribed burning, integrated pest management techniques, physical removal, fence construction, and restoration of native plant communities.

Unfortunately, the invasive species negatively affecting fish and wildlife resources are not solely contained within terrestrial plant taxa. Many refuges have significant wetland components, making aquatic invasive species, such as phragmites, a serious threat to these ecosystems. FWS programs support activities to prevent and control highly invasive plants and animal species such as zebra mussels, giant salvinia, *Caulerpa taxifolia*, Chinese mitten crabs, round gobies, Norway rats, Asian carp, nutria, Asian swamp eels, feral goats and pigs.

Nutria are an exotic invasive rodent, native to South America, that have been introduced in 22 states nationwide, and affect over 1,000,000 acres of the Refuge System. Among areas with high nutria populations is the lower Eastern Shore of Maryland, including Blackwater National Wildlife Refuge. Blackwater has lost over 7,000 acres of marsh since 1933, and the rate of marsh loss has accelerated in recent years to approximately 200 acres per year. Although there are many contributing factors (e.g., sea level rise, land subsidence), nutria are a catalyst of marsh loss due to their habit of foraging on the below-ground portions of marsh plants. This activity compromises the integrity of the marsh root mat, facilitating erosion and leading to permanent marsh loss. In light of the damage caused by nutria, FWS and twenty-two other federal, state, and private partners joined forces in 1997 to identify appropriate methods for controlling nutria and restoring degraded marsh habitat. The Partnership prepared a 3-year pilot program proposal, which was subsequently approved by Congress, including authorization for the Secretary of the Interior to spend up to $2.9 million over 3 years beginning in Fiscal Year 2000 (Public Law 105-322).

The number of invasive species threats to fish and wildlife resources continues to increase dramatically. As noted earlier, we recommend that S. 198 be amended to increase its scope of coverage to include not only invasive terrestrial plant species, but aquatic plants as well. We would also recommend that invasive animal species be included.

BUREAU OF LAND MANAGEMENT

The BLM recognizes the need for expanding on-the-ground efforts at controlling noxious weeds. Since the completion of the BLM's "Partners Against Weeds Strategy Plan," the BLM has followed the plan's recommendation of expanding cooperative partnerships. We can attribute much of the BLM's success in managing invasive species through cooperative partnerships with federal, state, and local government agencies, private landowners, and industries, especially those regional efforts that work across state lines.

The BLM considers public education the key to winning the war on weeds. Accordingly, our Partners Against Weeds Strategy focuses on education and outreach. BLM personnel have given over 200 weed slide presentations, prepared videos, produced flyers and classroom projects, and conducted numerous public weed field trips. The BLM has also developed a Weed Awareness Course that is given to each BLM employee. In Grand Junction, Colorado, for example, the Field Office Weed Coordinator has held classes for public land users at which all of the major grazing permittees in that field office have attended. Ranchers are now reporting new weed infestations and cooperating to help control them on private and BLM lands. As the awareness of invasive plants and their impacts accelerates, our efforts with the public also increase.

Recently, the creation of new Cooperative Weed Management Areas has risen significantly. Because the BLM manages over 262 million acres of public lands, cooperative weed management efforts are essential, primarily in those areas where public lands are intermingled with state, private, and other federally-managed lands. Today more than ninety percent of the federal, State and private lands in Idaho and California are part of Cooperative Weed Management Areas. For example, in fiscal year 2001 the BLM treated over 300,000 acres and is involved in over 30 weed management areas. That figure has risen annually.

In FY 2002, the BLM received $7.7 million for weed management, a majority of which went to the BLM offices for on-the-ground weed efforts including inventory, weed treatments, and monitoring. In states with smaller amounts of infested acreage, the BLM focuses funding on efforts to provide states with the capability to detect small weed infestations in high-risk areas and to treat small infestations before they spread. The BLM is also dedicating funding to states with larger infestations, focusing efforts on areas not previously inventoried, but at risk. In addition, in FY 2002 the BLM provided nearly $457,000 for the National Fish and Wildlife Foundation's Pulling Together Initiative for comprehensive, on-the-ground weed management, treatment, prevention, and control efforts. We are concerned that, as cur-

rently drafted, S. 198 could impact BLM's future efforts to fund this successful, ongoing program.

CONCLUSION

We appreciate the opportunity to appear before this Committee to discuss the issue of invasive species. We welcome this legislation as a symbol of future commitment to early detection and rapid response to mitigate the rampant spread of invasive plants. We, too, have recognized the need to work directly with private landowners and state and local governments. As such, we applaud the bill's recognition of partnerships as key to success across multiple jurisdictions of natural resource management.

Our goal is to ensure that the main provisions of S. 198 allow for the coordination of existing federal efforts and local control programs so that the bill serves to strengthen ongoing invasive species programs and support new partnerships and initiatives. We look forward to working with the Committee in formulating legislation that best reflects our mutual goal of assisting states, Tribes, and local entities to prevent, control, and manage nonnative invasive species while recognizing and strengthening existing partnership efforts among all stakeholders.

Mr. Chairman, this concludes my prepared remarks. I am happy to answer any questions you or other Committee members might have.

Senator WYDEN. Very good.

Mr. Allen.

STATEMENT OF DAVID ALLEN, ALASKA REGIONAL DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

Mr. ALLEN. Mr. Chairman, members of the committee, I am pleased to have the opportunity to testify today on S. 1879, a bill to resolve native claims to lands adjacent to the Russian River located on the Kenai National Wildlife Refuge and the Chugach National Forest. I am David Allen, Regional Director for the Fish and Wildlife Service in Alaska, and my oral comments will summarize the written testimony provided to this committee.

The Department of the Interior supports S. 1879 if amended to address the administration's concern with section 3(b). The bill settles all land claims in the vicinity of the confluence of the Russian and Kenai Rivers, allows continued public use of the area, and protects the area's vast historic and cultural resources.

Cook Inlet Region, Incorporated, or CIRI, an Alaska Native Regional corporation, selected nearly 2,000 acres at the confluence of the Kenai and Russian Rivers pursuant to section 14(h)(1) of the Alaska Native Claims Settlement act. CIRI valued these lands as existing cemetery sites and historic places.

Concern by the United States over the validity of some of the selections was complicated by the recreational use of the Russian River area, the most popular sport fishery for salmon in Alaska. The issues at Russian River between CIRI and the United States have been ongoing for nearly 20 years. Three years ago, the parties decided that rather than engage in lengthy, expensive litigation, they would negotiate a settlement agreement. An agreement was signed in July 2001 that provides consensus on the following points.

The public campgrounds, parking lots, and most of the land in the vicinity of the confluence of the Kenai and Russian Rivers remain in Federal ownership and control.

Public access for fishing remains unchanged.

The Fish and Wildlife Service will convey to CIRI all archeological and cultural resources from 502 acres of refuge lands certified by the Bureau of Indian Affairs.

The Forest Service will convey to CIRI fee title to a 42-acre parcel overlooking the confluence of the two rivers, and a second parcel of about 20 acres upstream of where the Sterling Highway crosses the Kenai River.

CIRI will relinquish all ANCSA 14(h)(1) claims in the area.

On the 42-acre parcel conveyed to CIRI, the parties will pursue construction of a shared public visitors interpretive center.

In addition, CIRI may develop certain other visitor-oriented facilities, such as a lodge and restaurant on the 42-acre parcel.

In conjunction with the visitors interpretive center, the parties will pursue establishment of an archaeological research center and repository that will facilitate the management of cultural resources in the area.

The parties will enter into a Memorandum of Understanding for the purpose of ensuring the significant activities at Russian River are carried out in a cooperative and coordinated manner.

The agreement also authorizes, but does not require, an exchange of land where CIRI would receive Kenai refuge lands with economic development potential in return for Fish and Wildlife Service receiving lands from CIRI of equal value that are important to brown bear habitat. The Kenai brown bear is currently designated a species of special concern by the State of Alaska.

Legislation is necessary to provide authority currently lacking to convey the cultural resources on the refuge, convey the two small parcels within the forest, and to adjust refuge and wilderness boundaries in the potential exchange. It would also ratify the Agreement selection already signed by the three parties.

The administration is concerned with the waiver in section 3(b) that could exempt activities under the agreement from current law. The administration supports authorization of land exchanges through normal public review, including title review and disclosure of the fiscal and environmental effects of the exchanges, to ensure equal value and full awareness of the consequences of the exchanges.

Finally, the bill includes an authorization of appropriation for $13.8 million to the Department of Agriculture for the construction of the visitors interpretive center and archaeological research center.

S. 1879, if enacted, would resolve longstanding issues of land ownership and land entitlement in the vicinity of the Kenai and Russian Rivers by ratifying the Russian River Selection Agreement. It would provide for the conveyance of land and interests in land to Cook Inlet Region, Incorporated for cultural preservation and economic benefit. It would provide for continued public use of the most popular salmon fishing site in the State of Alaska and continued Federal management of the natural resources of the area. We would support passage of S. 1879 if amended to address administration concerns with section 3(b).

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions.

[The prepared statement of Mr. Allen follows:]

PREPARED STATEMENT OF DAVID ALLEN, ALASKA REGION DIRECTOR, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Committee, I am pleased to have the opportunity to testify today on S. 1879, a bill to resolve Native claims to lands adjacent to the Russian River, located on the Kenai National Wildlife Refuge and Chugach National Forest on Alaska's Kenai Peninsula. The Department of the Interior supports the enactment of S. 1879 if amended to address the Administration's concerns with Section 3(b). The bill settles all land claims in the vicinity of the confluence of the Russian and Kenai Rivers, allows continued public use of the area, and protects the area's vast historic and cultural resources.

BACKGROUND

Over time, the Cook Inlet Region, Inc. an Alaska Native Regional Corporation, selected nearly 2000 acres at the confluence of the Kenai and Russian Rivers, pursuant to Section 14(h)(1) of the Alaska Native Claims Settlement Act. CIRI valued these lands as existing cemetery sites and historical places.

Concern by the United States over the validity of the selections was complicated by the recreational use of the Russian River area by the public. Each year over 50,000 anglers fish the confluence area, primarily for sockeye salmon, and additionally for rainbow trout and silver salmon. The economic value to Kenai Peninsula alone is estimated at $5.8 million annually, directly attributed to the Russian River fishery. It has been a high priority goal to preserve the public's access to these fertile fishing grounds.

The issues at Russian River between CIRI and the United States have been ongoing for nearly 20 years. Three years ago the parties decided that rather than engage in lengthy, expensive litigation, they would negotiate a settlement agreement that provided each party the interest it deemed necessary. The Russian River Section 14(h)(1) Selection Agreement was signed by the three principals in July 2001. The Agreement provides consensus on the following points:

- The public campgrounds, parking lots, and most of the land in the vicinity of the confluence of the Kenai and Russian Rivers remain in federal ownership and control.
- The right of the public to continue fishing remains unchanged from the current status.
- The Fish and Wildlife Service will convey to CIRI all archaeological and cultural resources from 502 acres of Refuge lands certified by the Bureau of Indian Affairs.
- The Forest Service will convey to CIRI fee title to a 42-acre parcel overlooking the confluence of the two rivers, and a second parcel of about 20 acres upstream of where the Sterling Highway crosses the Kenai River. The 20-acre parcel will be subject to ANCSA § 14(h)(1) provisions which require protection of the cultural resources. In addition, a public easement along the bank of the Kenai River will be reserved and administered by the Forest Service to allow continued public fishing on the parcel.
- With these conveyances, CIRI will relinquish all ANCSA § 14(h)(1) claims in the area.
- The parties will pursue construction of a public visitor's interpretive center for the shared use of all three parties to be built on the 42-acre parcel to be conveyed to CIRI. The visitor's center would provide for interpretation of both the natural and cultural resources of the Russian River area. Included in the subject bill is an appropriation for construction of the proposed visitor center.
- In conjunction with the visitor's interpretive center, the parties will pursue establishment of an archaeological research center and repository that will facilitate the management of the cultural resources in the area.
- CIRI may develop certain visitor-oriented facilities on the 42-acre parcel. These facilities may include a lodge, staff housing, restaurant, etc., which would include space for agency personnel as well as CIRI staff.
- The parties will enter into a Memorandum of Understanding for the purpose of insuring the significant activities at Russian River are carried out in a cooperative and coordinated manner.
- The agreement also authorizes, but does not require, an exchange of land where CIRI would receive Kenai Refuge lands adjacent to the Sterling Highway and/or Funny River Road in return for FWS receiving CIRI lands of equal value near the Killey River which are important brown bear habitat. This would provide additional lands for CIRI development and economic benefit while protect-

ing important habitat and migration routes for the Kenai brown bear which has been designated by the State of Alaska as a species of special concern.

Legislation is necessary to provide authority currently lacking to convey the cultural resources on the Refuge, convey the two small parcels within the Forest, and to adjust refuge and wilderness boundaries in the potential exchange. It would also ratify the Selection Agreement already agreed to by the three parties. The Administration is concerned with the waiver in section 3(b) that could exempt activities under the Agreement from current law. The Administration supports authorization of exchanges through normal public review, including title review and disclosure of the fiscal and environmental effects of the exchanges, to ensure equal value and full awareness of the consequences of the exchanges.

Finally, the bill includes an authorization of appropriation for $13.8 million to the Department of Agriculture for the construction of the visitors interpretive center and archaeological research center.

SUMMARY AND CONCLUSIONS

S. 1879, if enacted, would resolve long standing issues of land ownership and land entitlement at one of the most popular public recreation locations in Alaska. It would provide for the conveyance of land and interests in land to Cook Inlet Region, Inc., an Alaska Native Regional Corporation for cultural preservation and economic benefit. It would provide for continued public use of the most popular salmon fishing site in the State of Alaska, and continued federal management of the natural resources of the area. It would ratify the provisions of the Russian River Selection Agreement which provides mutual benefits for Alaska Natives, the general public and agencies of the United States. We would support passage of S. 1879 if amended to address Administration concerns with Section 3(b).

Mr. Chairman, this concludes my prepared statement. I would be pleased to answer any questions that you or the other members may have.

Senator WYDEN. Very good.

Mr. Anderson.

STATEMENT OF BOB ANDERSON, DEPUTY ASSISTANT DIRECTOR, MINERALS, REALTY AND RESOURCE PROTECTION, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. ANDERSON. Mr. Chairman, members of the subcommittee, thank you for the opportunity to discuss S. 2482, a bill to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road.

We have provided each of you with a new map dated June 1 of the West Butte Road area for your information, and it looks like this. The one referenced in your S. 2482 is no longer used by BLM.

The Department supports the goals of S. 2482 to grant the right-of-way to the Oregon counties, but we would like to work with the chairman and the subcommittee on amendments to the bill to provide a process that would include community involvement in addressing potential issues related to recreational users and wildlife concerns.

In 1968, the State of Oregon designated Highway 27 as a State highway, with the understanding that a new route for the road would be created. It was recognized that the current alignment of Highway 27, the only State highway in Oregon that still has unpaved portions, could not be improved for economic reasons and physical limitations.

The BLM's 1989 resource management plan for Prineville failed to anticipate issues related to rapidly growing human populations in Bend, Redmond, Prineville, and surrounding areas. This combination of changing circumstances and new information has created a need to revise the existing Upper Deschutes Resource Man-

agement Plan. And from here on out, I would like to refer to that plan as simply the management plan. The management plan is currently being prepared to address these issues, particularly the need to address transportation opportunities including the West Butte Road.

Recognizing the importance of these issues, the BLM has made the management plan a priority and put it on a fast track. The transportation analysis component of the management plan could begin as early as January 2003 and be completed after the record of decision on the management plan is signed in the winter of 2004.

The management plan utilizes a community-based collaborative process that helps solve important problems facing long-term management of the public lands. Chartered by Deschutes Provincial Advisory Committee, issue teams have been formed to represent the general public, specific interest groups, permit holders, other stakeholders, and relevant government agencies, including Crook and Deschutes Counties.

Associated with the proposed new alignment of State Highway 27 are a few other important issues under consideration in the management planning process. These include off-highway vehicle use and important wildlife issues.

With regard to off-highway vehicle use, the current West Butte Road splits the Millican off-highway vehicle recreational use area down the middle, and further development of the West Butte Road could create safety conflicts and limit recreation uses in the area. The Millican off-highway vehicle trail system is one of the most popular in the State and represents a significant financial investment by the State Off-Highway Vehicle Committee.

Another outstanding concern is the issue of wildlife in the West Butte Road corridor. Currently, the West Butte Road falls on the fringe of fragile sage grouse habitat and within deer winter range. The sage grouse populations have declined in this area due to a number of factors, including human disturbances. We must consider these potential impacts during our deliberations of the proposed realignment of State Highway 27 and we have already begun to do so.

Mr. Chairman, the Department of the Interior looks forward to working with the subcommittee to help address these issues in a way that will meet central Oregon's transportation needs. Thank you for the opportunity to offer this testimony and to share our few concerns.

[The prepared statement of Mr. Anderson follows:]

PREPARED STATEMENT OF BOB ANDERSON, DEPUTY ASSISTANT DIRECTOR, MINERALS, REALTY AND RESOURCE PROTECTION, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear here today to discuss S. 2482, a bill "to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road." The bill also provides for the relinquishment of right-of-way interests in the George Millican Road (or "Old Millican Road").

The Department supports the goal of S. 2482, to grant the right-of-way to the Oregon counties, but we would like to work with the Chairman and the Subcommittee on amendments to the bill to provide for a process that would include community involvement in addressing issues related to conflicts with recreational uses and wildlife concerns in the area.

BACKGROUND

The population of central Oregon has been expanding rapidly, and for Crook County, Oregon, one of the integral components to this growth is the West Butte Road. The Bureau of Land Management (BLM) constructed the West Butte Road in 1968. It is a fairly straight road, approximately 14 miles in length that has become the preferred route from Four Corners to Highway 20. Crook County has maintained it for several years under a cooperative maintenance agreement with the BLM. Deschutes County sees this road as a means of relieving some of the traffic burden from Highway 97 in the ever-growing Bend and Redmond communities.

In 1968, the State of Oregon designated Highway 27, currently located further to the east near Prineville Reservoir, as a State Highway with the understanding that a new route for the road would be created. It was recognized that the current alignment of Highway 27—the only State Highway in Oregon that still has unpaved portions—could not be improved for economic reasons and physical limitations. Later, both State and Federal agencies recognized the natural values of the Crook River Canyon, which further reduced the desirability of upgrading Highway 27 in its current location. Ultimately, West Butte Road became the most likely replacement route for Highway 27.

The George Millican Road, meanwhile, extends from Prineville to Lakeview and was recognized in 1915 by Crook County as a country road. The northern segment of the road was converted to a right-of-way in 1991 and is no longer a concern to the counties. However, the southern segment of road from Four Corners south to Highway 20, near the town of Millican continues to be an area of concern. The route is a single lane, unimproved road that occupies the original 1915 alignment. Currently, the BLM has several rights-of-way over this segment of the George Millican Road.

UPPER DESCHUTES RESOURCE MANAGEMENT PLAN

Over the last three years, the BLM has been working with Crook and Deschutes Counties, the Oregon Department of Transportation, and Oregon Department of Fish and Wildlife identifying suitable alternatives to State Highway 27. One of the more suitable alternative routes that has been considered is the combined route known as the Millican and West Butte Road.

The BLM's 1989 Resource Management Plan for Prineville failed to anticipate issues related to the rapidly growing human population in Bend, Redmond, Prineville, and surrounding areas. This combination of changing circumstances and new information has created a need to revise the existing Resource Management Plan. The Upper Deschutes Resource Management Plan is currently being prepared to address these issues, particularly the need to resolve a number of transportation problems including the West Butte Road. Recognizing the importance of these issues, the BLM has made the Upper Deschutes Resource Management Plan a priority and put it on a fast track, with a final Record of Decision planned for the Winter of 2004.

Through this process we have agreed to consider and analyze alternative corridors to determine the route that would be most suitable for future use as a State Highway. Following completion of the Upper Deschutes Resource Management Plan, the BLM would be able to issue a decision on the right-of-way, and assuming a favorable decision for the right-of-way, determine the final alignment of the road, and also determine any mitigation measures for road design.

It is important to note that the Upper Deschutes Resource Management Plan provides intensive public and governmental collaboration. It utilizes a community-based collaborative process that helps solve important problems facing long-term management of the public lands within the planning area. It is a process that is deliberative and open to all. Accordingly, the BLM is using "Issue Teams" to focus on specific planning issues. Chartered by the Deschutes Provincial Advisory Committee, the Teams are composed of representatives of the general public, specific interest groups, permit holders, other stakeholders and relevant government agencies, including Crook and Deschutes Counties. Team members have been meeting since the Fall of 2001 and the majority of their work will involve review of public comments on the Draft Environmental Impact Statement for the Resource Management Plan near the end of 2002 or the beginning of 2003.

Finally, the transportation analysis component of the Upper Deschutes Resource Management Plan could begin as early as January of 2003, and be completed after the Record of Decision on the Resource Management Plan is signed in the Winter of 2004.

S. 2482

The Department of the Interior supports the goal of S. 2482 however, the Department believes the legislation would cut short the process currently underway to provide for greater community involvement in addressing issues related to final location and design of the West Butte Road. The Upper Deschutes Resource Management Planning process provides an appropriate vehicle for addressing and resolving this issue. The bill as currently drafted does not address the important issues under consideration in the Upper Deschutes Resource Management Planning process.

With regard to Off-Highway Vehicle recreation use, the current West Butte Road splits the Millican Off-Highway Vehicle recreational use area down the middle and further development of the West Butte Road could create safety conflicts and limit these recreation uses in the area. The Millican Off-Highway Vehicle trail system is one of the most popular in the state, and represents a significant financial investment by the State Off-Highway Vehicle Committee, attracting riders state-wide. Off-Highway Vehicle use in the BLM's Resource Management Plan is an important issue, and the BLM is currently determining, on a broad-scale, how and where these Off-Highway Vehicle recreational uses will continue in the future. There is no provision in the legislation that provides for mitigation measures to provide for the safety of Off-Highway Vehicle users and ensure that the recreation impacts of future development of the West Butte Road are minimized.

Another outstanding concern is the issue of wildlife in the West Butte Road corridor. Currently, the West Butte Road falls on the fringe of fragile Sage Grouse habitat and within mule deer winter range. The Sage Grouse populations have declined in this area due to a number of factors, including human disturbances. There are nesting populations that currently migrate between the West Butte and the Millican breeding areas. S. 2482, as currently written, does not provide for a way to address the potential impacts of the development of the West Butte Road on the Sage Grouse and mule deer populations.

Finally, the establishment of a State Highway in the West Butte Road corridor may also increase the potential for development of private lands that would be more easily accessed by an improved road, and these potential future development issues also should be considered.

CONCLUSION

Mr Chairman, the Department of the Interior looks forward to working with the Subcommittee to help address these issues in a meaningful way that will meet Central Oregon's transportation needs. Thank you for the opportunity to testify before you today. I would be pleased to answer any questions that you or the other members of the Subcommittee may have.

Senator WYDEN. All right. Thank you, gentlemen. I have a couple of questions and then I want to let Senator Cantwell take the lead on her important legislation.

First, with respect to S. 2482, Mr. Anderson, the bill that is so important to rural Oregon, I appreciate you all being for the goals of the legislation, but we need to get this passed now. This community is really hurting. They have just been flattened in terms of their economic situation. You are talking about community involvement. They have been at this for 30 years trying to get this issue resolved.

You mentioned the environmental issues. I do not take a back seat to anybody in terms of environmental issues. We have not picked up any evidence of any environmental opposition whatsoever with respect to this legislation.

Can we count on a commitment from you all to work with us? This is myself, Senator Smith, Congressman Walden. The entire community in these two rural counties is out en masse for this legislation. This is priority business both in terms of the economy and the environment because it will help to divert some highway traffic. Can we count on you all to work with us so we can get these issues resolved and move this ahead?

Mr. ANDERSON. Absolutely, Senator. We would be happy to work very closely with you. I think we have been working with the special groups, or the issue teams, right along.

Senator WYDEN. You all have. We have just got to get this done because we cannot let this go for another 4 or 6 years.

A question for you, Mr. Tate. I think you heard both Senator Craig and I talk about this non-native weeds issue. Literally these are essentially gobbling up the West. They are really taking a huge toll on Western life. Is it your position that the administration has existing authority to address the problem?

Dr. TATE. We have some authorities. Some of the inefficiencies that you observed earlier are created by different authorities that we have, for example, the Fish and Wildlife Service looking at endangered species, BLM, and perhaps our associates from the Forest Service looking at multiple use objectives and different authorities. But S. 198 would increase our ability to coordinate and continue to do that coordination.

I would like to suggest that one very strong step forward has been the establishment of the Invasive Species Council, a multiagency group that does coordinate and can give us greater efficiencies in coordinating the noxious weed effort.

Senator WYDEN. On the budget issue, you all expressed concern that this is going to be a drain on resources. I do not think this country and especially the West can afford not to make these investments. In other words, certainly there are going to be some costs, but the costs are going to be far greater both to the environment and to these communities if we do not make these investments. Do you feel otherwise?

Dr. TATE. I do not feel otherwise. I agree with you entirely. The costs are enormous. I am not sure that we have properly evaluated them. They may be greater than we think.

What we are doing is the Department of the Interior started this year spearheading, with our coordinating partners at the Invasive Species Council, a budget crosscut. That activity based costing will reveal to us where we are achieving efficiencies in what we are spending on invasive weeds at this moment, where we can achieve better opportunities, and where we see programs that are not effective, we can eliminate them and replace them with something that works.

Senator WYDEN. The last question deals with you, Mr. Thompson, with respect to S. 1846, the oil and gas leasing legislation. I think the reason for my question here is that it seems to me that you all are calling for a change that really could be a national precedent, and I want to make sure I understand exactly what is at issue here.

You are saying that you believe that the Schumer-Clinton legislation ought to be amended to give your agency the authority to lease the area in times of national emergency or in response to unforeseen events. It seems to me that what you all are advocating—and I think this really does have ramifications of a national precedent—is, in effect, what has traditionally been a power for Congress to deal with is a power that you would like to see transferred back to the executive branch. There are millions of acres of Federal lands withdrawn from oil and gas leasing or for other uses for a

variety of reasons across the country. I guess I would like to know, are you proposing that Congress grant this authority for other lands or just this land, and how would you describe the precedent that seems to be being set here?

Mr. THOMPSON. Mr. Chairman, what I was describing was the difference between the existing decision that has been made by the forest supervisor on the Finger Lakes National Forest and this piece of legislation which would basically enact it. As far as protection of the Finger Lakes National Forest at this point in time from leasing, from consent to lease, that is what is in fact in force at this point in time.

The forest supervisor, when he made that decision, however, stated that if certain conditions happened, if the public's opinion changed because of a national crisis or whatever, that he would reconsider that decision and perhaps allow consent. All we are doing is differentiating between this piece of legislation and that. He is not trying to say that this is asking for any precedent or even asking to amend, but to clarify the difference between the two pieces of action.

Senator WYDEN. But historically when those kinds of circumstances, the emergencies, the unforeseen events, take place, those judgments are made by the Congress of the United States and not by forest supervisors or the kind of people that you are talking about.

So, we are anxious to work with you. We are going to be working with you on a variety of issues. Just understand that I have some concern on this particular point because we literally do have millions of acres of Federal lands withdrawn in this country from oil and gas leasing, and we have got to make sure that we are not setting precedents in my view to take power away from people who have election certificates to make these kind of tough calls.

The Senator from Idaho.

Senator CRAIG. Thank you, Mr. Chairman.

Senator Murkowski had to step out, so let me ask a couple of questions in his behalf. Mr. Allen, I understand there are some concession issues involving activities that are currently contracted or permitted in the area affected by the bill. And we are talking about S. 1879. Are you satisfied that these issues have been dealt with satisfactorily with no liability exposure to the Government?

Mr. ALLEN. Yes, sir, I am.

Senator CRAIG. Mr. Thompson, we are talking about S. 2222. As part of this legislation, if passed, your agency will have the opportunity to get clear title to some 8,000 to 9,000 acres where you currently share a split estate with a private landowner. Do you consider this a substantial benefit to the Forest Service and to the public? If so, please explain why.

Mr. THOMPSON. Yes, we would. As with any land exchange, there are pros and cons that need to be weighed. In this particular case, we would be blocking up land in one place and unblocking in another place. But in all, we believe it would be a substantial benefit.

Senator CRAIG. So, you need to look at the sum of the total I guess.

Mr. THOMPSON. The sum of the total.

Senator CRAIG. I understand that the 500-foot buffer around, I believe it is, Berners Bay that the bill would leave in public ownership was originally suggested by the Forest Service, but now the agency would prefer to have that provision removed. If we take that out, does the bill simplify management of the Tongass by consolidating public ownership and squaring up national forest boundaries?

Mr. THOMPSON. If that buffer provision is taken out, it would make it easier to manage. A narrow strip is a very difficult, one, to locate and, two, to really manage in a reasonable way.

Senator CRAIG. Thank you. Thank you, Mr. Chairman.

Senator WYDEN. Gentlemen, we thank you and we will excuse you at this time.

Our next panel: Mr. Richard Shields, chairman, Cape Fox Corporation; Mr. Glen Secrist, bureau chief, Vegetation Management, Idaho Department of Agriculture; Mr. Buck Lindekugel—gentlemen, before you leave, I just realized Senator Cantwell had one question. Mr. Thompson, I think we are going to need to keep you 1 second more. My apologies and my apologies to Senator Cantwell. Senator Cantwell has one question I know for you, Mr. Thompson. Then we will go to our next panel.

Senator Cantwell.

Senator CANTWELL. Thank you, Mr. Chairman. I appreciate that and appreciate your attention to this issue.

Mr. Thompson, you said in your testimony that on S. 2471 and similar language that was part of the farm bill, that the agency did not object to that legislation, did not oppose that legislation.

Mr. THOMPSON. I am sorry?

Senator CANTWELL. Your comments in your testimony said you did not oppose that legislation.

Mr. THOMPSON. Yes.

Senator CANTWELL. Why not?

Mr. THOMPSON. Why did we not oppose it?

Senator CANTWELL. Yes.

Mr. THOMPSON. For the same reasons that we do not oppose it today, and that is that we do not think it affects our provisions of administratively investigating accidents as we do today. It would be another process but not necessarily one that would affect the investigation processes that we undergo today.

Senator CANTWELL. So, does that mean you support it?

Mr. THOMPSON. Yes. We basically support the process of investigation, and our investigations we think are for the purposes of finding ways to improve programs, to improve what we can do with the program——

Senator CANTWELL. So, you support the language that is in——

Mr. THOMPSON. We did not oppose it in the farm bill and we do not oppose this legislation.

Senator CANTWELL. So, you support it.

Mr. THOMPSON. We do not oppose this legislation.

Senator CANTWELL. Well, a few minutes ago, you said, yes, you did. So, I just want to clarify for the record.

Mr. THOMPSON. The administration's position is that we do not oppose this piece of legislation.

Senator CANTWELL. But you do not support it either. Is that what you are saying? I want to get the record correct because a few minutes ago you said yes. So, I want to make sure that I am understanding where the administration is because I think this is an important component for my colleagues who are going to, obviously discuss this as it moves through the process. So, not opposing it——

Mr. THOMPSON. Let me restate our position. We did not object to the farm bill.

Senator CANTWELL. I got that.

Mr. THOMPSON. And we do not object to this measure.

Senator CANTWELL. So, I am just trying to clarify. Does that mean you support this legislation?

Mr. THOMPSON. That does not mean that we necessarily support it. We have some concerns.

Senator CANTWELL. Okay. What are those concerns?

Mr. THOMPSON. The concerns principally are some that have already been spoken to and that is the duplication of process, that we already have an investigation process. It is gone through in a very methodical way. It is, in many cases, an interagency process that is not just the Department of Agriculture, but also the Department of the Interior. Many incidents in our fire program are combined and it is very difficult to segment out just the Department of Agriculture as an investigative arm. Almost every one of our investigations is done with an interagency team. So, to segment it out and have it be just the Office of the Inspector General for the Department of Agriculture makes it——

Senator CANTWELL. I do not think that is what the legislation says. It just says that they will perform an additional duty in the case of death.

Mr. THOMPSON. I understand that. But that is one of the concerns, is duplication.

Senator CANTWELL. It sounds in your explanation that you may not support the legislation from what you just said, that you have concerns.

Mr. THOMPSON. As I said in my testimony, we do not think that this legislation precludes us from continuing to do the investigations the way we do them for the purposes that we need our investigation arm. Therefore, we do not object to this. It will not change that process that we undertake.

Senator CANTWELL. Do you think in the case of death, in these instances of—basically in the private sector, OSHA violations would definitely come into play here on health and safety violations. Do you think that the Forest Service could benefit from having someone, as an inspector general, that is part of the larger umbrella agency, obviously, that oversees the Forest Service, having an independent look at something as critical as the loss of life?

Mr. THOMPSON. Well, obviously, we are extremely concerned about doing quality investigations, doing them in a timely way. We are criticized for not doing them faster. We are also criticized for not taking longer to do them. We try to do them with full attention to all the factors. I believe that certainly having an outside look and having more than one body look at an investigation is important. Our process today has an investigation team. We have a man-

agement review board and we also have either a board of inquiry or an administrative review that follows up. In the process of Thirtymile, for example, we asked OSHA to participate in the review. They declined and did their own. And that was fine.

Senator CANTWELL. So, independent is an important element to this.

Mr. THOMPSON. It works and certainly in the case of Thirtymile, I think the conclusions that were found were verified from report to report, and the looks that were taken came up with basically the same findings. And the actions that were taken are the result of that, and the action plan that we are working on.

Senator CANTWELL. Well, I will look forward to working with the agency on this and hopefully getting that position into a clear position of support of the legislation. Thank you, Mr. Thompson.

Mr. THOMPSON. Thank you.

Senator CANTWELL. Thank you, Mr. Chairman.

Senator WYDEN. Thank you.

All right. In addition to Mr. Shields and Mr. Secrist, let us have Mr. Buck Lindekugel and Mr. Carl Marrs and Mr. Scott Klundt.

We welcome all of you. We are going to make your prepared statements a part of our hearing record in its entirety, and if you could just summarize your principal concerns, that would be very helpful. We will put your whole statement into the record so you do not have to read it, and it will be made a complete part of the record. Mr. Shields, would you like to begin?

STATEMENT OF RICHARD SHIELDS, CHAIRMAN, CAPE FOX CORPORATION, KETCHIKAN, AK, ACCOMPANIED BY PETER GIGANTE, CHIEF EXECUTIVE OFFICER, CAPE FOX CORPORATION

Mr. SHIELDS. Yes, thank you. Mr. Chairman and members of the committee, my name is Richard Shields, and I am the chairman of the Cape Fox Corporation Board of Directors. Let me begin by expressing the appreciation of the Cape Fox Corporation to Senator Murkowski for his support and introduction of this bill and to the committee for being invited to testify. Frankly, I never thought we would be seeing this day.

As you know, Mr. Chairman, Cape Fox is a corporation formed for the Village of Saxman located near Ketchikan, Alaska. Unlike other Alaska Native corporations, however, Cape Fox faces unique legal and geographic challenges that have substantially impaired our economic success. The most significant and most difficult for us to understand is the unique restriction under section 22(l) of ANCSA that prohibits Cape Fox from selecting lands within a 6-mile boundary of the home rule city of Ketchikan.

All other ANCSA village corporations located near first class or home rule cities were restricted to a 2-mile limitation. The effect of the unique 6-mile limit was that Cape Fox could not select any lands, even in the vicinity of its own Village of Saxman, and was excluded from all but a mountainous 160-acre corner of its core township.

To make things worse, some of the best land located outside the 6-mile limit was part of the Annette Island Indian Reservation and, therefore, not available for selection either.

As a result, Cape Fox was compelled to select many acres of marginal timberlands, much of which had already been logged by the U.S. Forest Service, and was forced to forego other economic opportunities that would otherwise have been available to it had it been treated the same as other Alaska Native village corporations. For nearly 30 years, Cape Fox Corporation has sought legislation and various forms of land exchanges to address these problems piecemeal. We have now proposed a comprehensive solution, and the legislation before you is the first step toward achieving it.

We have never been certain why the 6-mile limit was imposed in the first place, but it put Cape Fox on unequal economic footing relative to all other ANCSA village corporations. Despite our best efforts, Cape Fox has been unable to overcome the disadvantage the law has built into our selection opportunities. Last year, an independent appraisal was preformed in support of a comprehensive legislative solution to our predicament. The appraisal concluded that Cape Fox had lost close to $50 million in economic value as a result of this artificial limitation.

In the meantime, we have harvested most of our available timber and, at the same time, pursued a policy of diversifying our investments against the time when the timber would be gone. Recovering the losses suffered as a result of the 6-mile limit has become a key to Cape Fox's ability to further diversify its investments and provide for its long-term capital growth.

Over the years, we have become sadly accustomed to being perceived as an economic enemy of sorts within our surrounding community. It is as though any economic enterprise sponsored by Cape Fox is perceived as limiting somebody else's economic chances. The reality, though, is that we are not anybody's enemy. We are, in fact, an economic engine for Ketchikan and elsewhere in southeast Alaska.

Cape Fox is really just a family business, except our families have been in southeast Alaska for 10,000 years. Other businesses have come and gone in Ketchikan's challenging economic environment. When timber harvests were cut back and prices declined, the outside timber and pulp processing companies closed up shop and left town. Even many family businesses that were long established in Ketchikan have been closed and their owners have retired to Arizona or some places outside of Alaska. But, Mr. Chairman, we have always been there and always will be. This is our home and this is our land, and for richer or poorer, we are wedded to it.

Cape Fox has already contributed significantly to the diversification of the Ketchikan economy, beginning years ago with the construction of our beautiful hotel, the Cape Fox West Coast Lodge, which is also the site of the adjacent Ketchikan Convention Center. In addition to the timber industry, Cape Fox has developed a growing tourism business and has diversified holdings with numerous small businesses. Cape Fox is also seeking——

Senator WYDEN. Mr. Shields?

Mr. SHIELDS. Yes.

Senator WYDEN. I am very sorry. You are way over the 5 minutes. We are going to put your prepared statement into the record completely. Are there any other things that you would like to say that you think are particularly important?

Mr. SHIELDS. Just that we would be willing to answer any questions. Peter Gigante is here with me, the CEO of Cape Fox, and we would like to respond to any questions, if there are any.

[The prepared statements of Mr. Shields and Mr. McNeil follow:]

PREPARED STATEMENT OF RICHARD SHIELDS, CHAIRMAN, CAPE FOX CORPORATION, KETCHIKAN, AK

Mr. Chairman, members of this committee, my name is Richard Shields, and I am the chairman of the Cape Fox Corporation Board of Directors. Let me begin by expressing the appreciation of Cape Fox Corporation to Senator Murkowski for his support and introduction of this bill and to the committee for being invited to testify on it. I frankly never thought I would see this day. As you know, Mr. Chairman, Cape Fox is the corporation formed for the village of Saxman, located near Ketchikan, Alaska. Unlike any other Alaska native village corporation, however, Cape Fox has faced unique legal and geographic challenges that have substantially impaired our economic success. The most significant and most difficult for us to understand is the unique restriction under section 22(l) of ANCSA that prohibited Cape Fox from selecting any lands within six miles from the boundary of the home rule city of Ketchikan.

All other ANCSA village corporations located near first class or home rule cities were restricted to a two mile limitation. The effect of the unique six mile limit was that Cape Fox could not select any lands—even in the vicinity of its own village of Saxman—and was excluded from all but a mountainous 160 acre corner of its "core" township. To make things worse, some of the best land located outside the six mile limit was part of the Annette Islands Indian reservation and therefore not available for selection either.

As a result, Cape Fox was compelled to select many acres of marginal timber lands, much of which had already been logged by the U.S. Forest Service, and was forced to forego other economic opportunities that would otherwise have been available to it had it been treated the same as other Alaska native village corporations. For nearly thirty years, Cape Fox Corporation has sought legislation and various forms of land exchanges to address these problems piecemeal. We have now proposed a comprehensive solution, and the legislation before you is the first step toward achieving it.

We have never been certain why the six mile limit was imposed in the first place, but it put cape fox on unequal economic footing relative to all the other ANCSA village corporations, and despite our best efforts, Cape Fox has been unable to overcome the disadvantage the law built into our selection opportunities. Last year, an independent appraisal was performed in support of a comprehensive legislative solution to our predicament. The appraisal concluded that Cape Fox had lost close to fifty million dollars in economic value as a result of this artificial limitation. In the meantime, we have harvested most of our available timber and at the same time pursued a policy of diversifying our investments against the time when the timber would be gone. Recovering the losses suffered as a result of the six mile limit has become a key to Cape Fox's ability to further diversify its investments and provide for its long term capital growth.

Over the years, we have become sadly accustomed to being perceived as an economic "enemy" of sorts within our surrounding community. It is as though any economic enterprise sponsored by Cape Fox is perceived as limiting somebody else's economic chances. The reality, though, is that we are not anybody's enemy. We are, in fact, an economic engine for Ketchikan and elsewhere in southeast Alaska.

Cape Fox is really just a family business, except our families have been in southeast Alaska for ten thousand years. Other businesses have come and gone in Ketchikan's challenging economic environment. When timber harvests were cut back and prices declined, the outside timber and pulp processing companies closed up shop and left town. Even many family businesses that were long established in Ketchikan have been sold and their owners have retired to Arizona or someplace else outside Alaska. But, Mr. Chairman, we have always been there and we always will be. This is our home and this is our land, and for richer or poorer we are wedded to it.

Cape Fox has already contributed significantly to the diversification of the Ketchikan economy, beginning years ago with the construction of our beautiful hotel, the Cape Fox west coast lodge, which is also the site of the adjacent Ketchikan convention center. In addition to its timber enterprises, Cape Fox has developed a growing tourism business and has diversified its holdings with numerous small businesses. Cape Fox is also seeking to attract industrial investment to the area, utilizing power

and water resources that are competitive in cost relative to alternatives outside Alaska.

The legislation before you will further enable Cape Fox to make the transition from its continued dependence on timber harvest to a more diversified portfolio of income-producing lands. It will provide Cape Fox with a modest participation in the mining support economy being developed at the Kensington mine near Juneau. It will also serve to eliminate some unproductive land from Cape Fox's selections and enable Cape Fox to select more attractive land elsewhere.

Separate from this legislation, Cape Fox is also seeking an appropriation which represents at least partial compensation for the real economic loss Cape Fox has suffered from the six mile limitation. While we hope for additional compensation in the future, this appropriation will enable Cape Fox to restructure its financial house by creating a settlement trust from which stable dividends to our shareholders can be paid. Simultaneously we will pay down our corporate debt and position our corporation to further diversify its investments, increase its capitalization and provide stable growth and increased jobs over the long term.

In conclusion, Mr. Chairman, the Cape Fox Corporation has been trading and conducting business in southeast Alaska in one form or another for thousands of years in good times and bad. We will not leave our homeland just because the timber harvests and prices are reduced or the fish industry declines. We are not the economic enemy that our neighbors have sometimes feared, but are really an economic engine that can benefit all our Alaskan neighbors. We will always be part of the southeast Alaskan community, because we have no place else to go. But we would like to be a successful and contributing part of that community and of its economy forever.

This legislation begins to correct an old injustice that has long plagued us, but beyond that it will help enable Cape Fox Corporation to not only better provide for ourselves, but also to support the development, growth, and most importantly, the economic diversity and vitality of the greater Alaskan community of which we are a part.

Thank you again, Mr. Chairman, for the opportunity to testify and for your committee's support of our future.

Peter Gigante, the CEO of Cape Fox Corporation, is also present with me here today to assist in responding to comments and/or questions. Thank you.

PREPARED STATEMENT OF CHRIS E. MCNEIL, JR., CHIEF EXECUTIVE OFFICER, SEALASKA CORPORATION

Mr. Chairman and members of the Committee: Thank you for the opportunity to testify on behalf of Sealaska Corporation regarding Senate Bill 2222, the "Cape Fox Land Entitlement Adjustment Act of 2002." Sealaska is the Regional Native Corporation for Southeast Alaska under the Alaska Native Claims Settlement Act ("ANCSA").

Sealaska Corporation supports the enactment of S. 2222. The bill provides for adjustments to resolve inequities in Cape Fox's outstanding land entitlements under ANCSA. The adjustments to Cape Fox surface land and selection rights in turn require adjustments concerning Sealaska's title and ANCSA conveyance rights to subsurface lands underlying the Cape Fox lands and interests. S. 2222 provides for these adjustments and also measures to eliminate other areas in which Sealaska owns or has conveyance rights to the subsurface beneath Tongass National Forest surface lands. These split-estate areas present a continuing encumbrance and management problem for the Forest Service. The bill resolves the outstanding Cape Fox and related Sealaska entitlement issues in a fair manner that furthers the objectives of ANCSA, benefits Tongass National Forest management, and otherwise serves the public interest.

The resolution of these issues in S. 2222 incorporates exchanges of Cape Fox and Sealaska lands and conveyance rights for equal value lands in the Kensington and Jualin mining district area on the Tongass National Forest. The transfer to Sealaska and Cape Fox of adjacent tracts in this area as provided in the bill will eliminate from the national forest lands that are already heavily encumbered with unpatented mining claims. This is an area that is already zoned under the Forest Plan for mining development. This area surrounds patented claim, private land inholdings.

The simplification of national forest boundaries and management that will be achieved through the exchanges are of substantial benefit to Tongass management and the public. The exchanges will not have any significant effects on Forest resources, uses, or values. The exchanges do not involve any Bemers Bay LUD II

lands. Any mine development in the area will remain subject to federal and state environmental protection requirements.

The claim holders are consenting to these exchanges. The ANCSA conveyances to Cape Fox and Sealaska in these exchanges will remain fully subject to all existing mining claims, State of Alaska selections and rights-of-way, and other existing third-parry rights. The exchanges will provide Alaska Natives an opportunity to participate with the claim holders and gain experience in mine development and related enterprises, including potential jobs.

The Sealaska/Forest Service exchange provided for in S. 2222 also allows Sealaska to receive conveyance to a site of historical value to Native shareholders in the vicinity of Slate Creek Cove. This site has not been eligible for selection and conveyance under Section 14(h)(1) of ANSCA because of the presence of mining claims. Once conveyed, Sealaska expects to manage this site in cooperation with the claim holder similar to other historical sites selected under section 14(h)(1).

Sealaska is confident that the parties can expeditiously reach agreement regarding the equal value of the particular lands to be specified for the exchange, as provided in S. 2222. Sealaska's appraiser is already working with Forest Service appraisers towards this end. Sealaska and the Forest Service have achieved substantial progress already on other elements of the Sealaska/Forest Service land exchange provided for in the bill.

The Sealaska exchange in the bill can be accomplished administratively with the Forest Service without the need for legislation, as an additional modification of the existing Sealaska/Forest Service Split Estate Exchange Agreement under Section 17 of the Alaska Land Status Technical Corrections Act of 1992, Pub. L. 102-415. However, enactment of S. 2222 will facilitate and expedite the exchange, and assure that the Sealaska exchange is completed in conjunction with the resolution of the Cape Fox entitlement issues incorporated in the bill.

In conclusion, Sealaska supports prompt enactment of S. 2222 into law. Sealaska stands ready to actively cooperate with the Secretaries of Agriculture and the Interior and with Cape Fox to implement S. 2222 once enacted.

Senator WYDEN. Very good. We thank you and we know of the good work that the tribe is doing, and we are very pleased that you could be here.

We are going to put everybody's statement into the record in its entirety. I know it is almost a biological compulsion to just read every word that is on the paper, but we would like to have some time for questions.

So, let's go to you, Mr. Secrist, and welcome.

STATEMENT OF GLEN SECRIST, BUREAU CHIEF, VEGETATION MANAGEMENT, IDAHO STATE DEPARTMENT OF AGRICULTURE, BOISE, ID

Mr. SECRIST. Thank you, Mr. Chairman, members of the committee, for the opportunity to appear today to speak in support of S. 198, the Harmful Non-native Weed Control Act.

I would be remiss if I did not thank our own Senator Craig for the tremendous help which he has provided for us in Idaho over these past few years in this struggle in dealing with invasive weeds.

A couple of statistics. Idaho is made up of about 52.9 million surface acres. Of those 52-plus million acres, 64 percent is managed by the Federal Government. So, I hope you can see that it is important. It is clear that if we are going to be successful, then this struggle has to include and involve in a big way the Federal Government.

Of those 52 million acres, we have something over 6 million acres that are severely impacted by one of several noxious weeds, one of which Senator Craig mentioned earlier, rush skeleton weed. This weed, like many, really has the capability to transform whole land-

scapes and we are seeing some of that. Yellow star thistle, leafy spurge are tough, tough weeds.

Back in 1999, we developed a very simple strategy, which I hold before you, in a fairly brief, 60-something pages. But the centerpiece of that strategic plan was a very simple idea. We did not invent it. It has been around a long time, and that was the creation of these locally led cooperative weed management areas. The language in S. 198 refers to weed management entities. This has been a powerful tool in what success we have achieved to date. Indeed, this idea of locally led cooperative weed management areas we think is a powerful idea and one which many States throughout the West, at least, are duplicating.

The idea is very simple, and that is to bring together land managers, landowners in a geographical area, providing them with the tools and resources, training, whatever they need to accelerate this struggle with noxious weeds.

I would say one other thing about that and that is in regard to Mr. Tate's testimony earlier. These cooperative weed management areas do include Federal agency personnel, State people, county people, and so on. In fact, some of the chairmen of these 30 cooperative weed management areas we have in Idaho are, in fact, Federal agency people. So, the Federal agencies have been great partners in that. They have been very supportive of this effort to organize these 30 cooperative weed management areas.

And I might add they also include counties in eastern Washington, western Wyoming, western Montana, and northern Utah. So, these are geographical in nature and not necessarily following administrative lines.

The message of this strategic plan was quite simple, and that is simply to get organized, get a plan, get going. I am here to simply testify to you that the passage of S. 198 and funding with it would be a tremendous step forward in our ability to deal with some of these weeds that are on the loose throughout the West.

We think that the legislation, as it is currently written, is very adequate. I had spoken earlier with one of Senator Craig's staff about concern perhaps about the 50 percent Federal funding limit. Some of these counties in Idaho, for example, Idaho County, Owyhee County are over 95 percent federally owned. So, simplistically our thought would be, well, if we have a weed problem throughout that county, the Federal Government ought to be putting up 90 percent of the resources. Now, that may be a bit of an oversimplification, but we think there ought to be discretion on the part of the State entities, the Governor, and others to modify that percentage to meet that situation.

A couple of other things that I think are worth noting that would illustrate our ability to coordinate in Idaho. We have entered into an agreement with the U.S. Forest Service. We now have an interagency weed coordinator who works with my staff in strengthening training these leaders of these 30 cooperative weed management areas. That has been a great success and we are talking with BLM at present about also expanding that concept and basically creating a statewide noxious weed team that would help in supporting training these local weed management groups.

We also have an Idaho Weed Coordinating Committee which includes representatives of all the State and Federal agencies, tribes as well. The sole purpose of that group, by and large, is to try to help implement the strategic plan and to remove those reasons for not working together at the local level.

So, on behalf of the Idaho State Department of Agriculture, the Idaho Invasive Species Council, newly organized in Idaho, and all Idaho weed fighters I might add, we encourage, we urge the passage of S. 198.

I would stand for any questions.

[The prepared statement of Mr. Secrist follows:]

PREPARED STATEMENT OF GLEN SECRIST, BUREAU CHIEF, VEGETATION MANAGEMENT, IDAHO STATE DEPARTMENT OF AGRICULTURE, BOISE, ID

Thank you for the opportunity to testify in support of S. 198 written by U.S. Senator Larry Craig of Idaho. Senator Craig, in partnership with the entire Idaho Delegation, has been a champion in the war on weeds in the West and great supporter of our efforts to contain the spread of noxious weeds across the lands of Idaho.

Nearly 6 million of Idaho's 52.9 million acres are overrun with destructive weeds costing Idahoans nearly $300 million in out-of pocket costs and in lost production and diminishment of such important values as wildlife habitat, and watershed protection. Invasive weeds afflict all landowners: private, county, state, federal and tribal and all types of land: urban areas, forestland, rangeland, wetland and agricultural lands.

Idaho is 64 percent federally owned. The federal government has a big stake in the outcome of this war on weeds and must be a major player in implementing successful strategies for stopping the spread of weeds and in mitigating impacts of lands already infested with these robbers.

While weeds continue to be a huge economic and environmental problem we are experiencing some success in mobilizing our resources to stem the tide of harmful weeds. With the help and support of local officials, the State Legislature, Governor Dirk Kempthorne, Senator Craig and the Idaho Delegation and of course landowners, we have set in place what we believe to be a most effective mechanism for marshalling the limited human, mechanical and fiscal resources available to us. We now have over 30 Cooperative Weed Management Areas (CWMA) organized encompassing over 90 percent of the land area of Idaho.

A CWMA is a designated area usually incorporating a watershed or common drainage area and led by a Steering Committee appointed by County Commissioners. The Steering Committee includes private, state, federal, and tribal landowner representatives who work cooperatively to develop an integrated weed management plan and then pool their collective resources and expertise to implement it. Each year the CWMA crafts an annual work plan which allocates the limited resources of the CWMA to the highest priority projects. This annual operating plan typically addresses public awareness and education, effective weed prevention measures, mapping and reconnaissance coupled with early eradication of newly discovered weeds, and control measures involving a wide array of herbicides, biological controls, cultural and mechanical practices, and ultimately restoration of weed infested lands to competitive perennial useful vegetation, often native species. During 2001, ISDA provided over $2 million in cost share grants to the 30 Idaho CWMA to supplement local resources in implementing their annual operating plans.

Since 1999, the number of CWMAs has grown steadily along with the their capability to work cooperatively and effectively. During the 2001 field season these 30 CWMA accomplished an amazing amount of work, and more importantly involved an expanding number of landowners and managers. I encourage you to check out the website of the Idaho State Department of Agriculture (ISDA at www.agri.state.id.us and see some of the many on-the-ground actions that were applied by the Idaho CWMAs.

With this infrastructure in place we are positioned to greatly expand our work if additional funding can be acquired. Current funding from all sources is only about one-fourth of what is needed to really contain this ecological wildfire. S. 198 if passed into law and fully funded would provide critical resources to greatly accelerate on-the-ground work. I also believe that S. 198 wisely recognizes the power of local entities to sustain an effective program in designating local "weed management entities" as the recipient of fund grants that are to be made through state

agencies like the ISDA. I believe we have amply demonstrated that cost share grants made to locally led CWMAs can provide an important incentive for landowners to work cooperatively and to develop and implement well-coordinated action plans.

In states like Idaho which have this complex mix of private, state, and federal ownership channeling federal funds through state agencies, which have statutory responsibility for noxious weed, management makes sense. Making local weed management entities the focus for these funds will bring stability and bring broad acceptance by all landowners. It will also serve as a statement that the federal government will do its part in the war on weeds for the 64 percent Idaho which it owns and manages.

On behalf of the Idaho State Department of Agriculture, and all Idaho weed fighters, we urge the support, passage, and funding of Senate Bill 198.

Senator WYDEN. Very good.

Mr. Lindekugel.

STATEMENT OF BUCK LINDEKUGEL, CONSERVATION DIRECTOR, SOUTHEAST ALASKA CONSERVATION COUNCIL, JUNEAU, AK

Mr. LINDEKUGEL. Thank you, Mr. Chairman, Senator Craig. My name is Buck Lindekugel and I am the conservation director for the Southeast Alaska Conservation Council. Thank you for inviting SEACC to come today to testify at this hearing.

Founded in 1970, SEACC is a grassroots coalition of volunteer citizen groups, 18 groups in 14 communities in southeast Alaska from Ketchikan in the south to Yakutat up north. We are dedicated to preserving the integrity of southeast Alaska's unsurpassed natural environment while providing for balanced, sustainable use of the region's resources.

SEACC opposes S. 2222 because the proposed exchange of nearly 12,000 acres of pristine public lands in the Slate Cove area of Berners Bay for private lands will threaten the public's access and use of the public lands for hunting, fishing, and recreation, frustrates the finality of the Alaska Native Claims Settlement Act, and invites additional land selection conflicts across Alaska, and fosters the private interest of developers of the Kensington gold mine at the expense of the broader interest in continued public access and use of Berners Bay.

I brought two displays today. One of them is here. I did not want to cover the other chart. I thought Mr. Shields would be using it. It is an enlargement of the exhibit 1 that is attached to your testimony. For your orientation, the photo is pointed north. Slate Cove is in the foreground. In the background, the mountain there is Lion's Head Mountain. It is culturally significant to the Auk Kwaan, the original settlers of Juneau. They consider it a sacred mountain. And underneath Lion's Head Mountain, the subsurface area is the focus of the mining project, the Kensington gold mine.

The latest proposal for developing the gold mine calls for dumping the mine waste into Slate Lake which is right below the yellow marker in the middle of that photograph. One of the purposes behind this exchange is to speed up development of this gold mine.

The other display up here, to give you a little more perspective, is an aerial photograph of Berners Bay. Outlined in yellow are the 46,000 acres that Congress protected in the Tongass reform law of 1990 as one of the 12 legislated land use designations, or LUD II areas. Congress intended these areas to be managed in perpetuity

in a wise and prudent manner in order to retain their wildland character. Slate Cove is to the west or to your left of the Berners Bay LUD II in that photo.

The proposed bill creates a bad precedent by changing the land selection criteria selected by Congress in the Alaska Native Claims Settlement Act and invites other land selection conflicts across Alaska. The argument that this is needed to address the equity of Cape Fox's land selection is uncompelling. Cape Fox received the same amount of land as all the other native corporations in southeast Alaska, and like those corporations, Cape Fox received valuable timberlands which was a reason why their overall area of selection was reduced. I guess the point is that they got way ahead of some of the other corporations that were set up under ANCSA in the 1972 Act.

If I could flip this exhibit here over, you will see a map of the lands selected by Cape Fox under the settlement act and the portions that are to be substituted or exchanged here for the pristine wildlands at Berners Bay. The green area on the map is the underlying land selected by Cape Fox. The yellow areas have been clear cut, and the areas outlined in red are the areas that Cape Fox seeks to exchange for the areas over here in Berners Bay.

This chart shows that most of the areas have been clear cut and are completely inaccessible from salt water. It is impossible, when you compare these two exhibits, to see how a value-for-value exchange could be obtained.

Berners Bay is important to the residents of Juneau and to all Americans because of its high hunting, fishing, recreation and cultural values. Privatizing public national forest lands within Berners Bay would limit public access for such uses and harm the bay's important natural and cultural resources.

The real problems with the Alaska Native Claims Settlement Act should be resolved with public input from all concerned, respect of all forest users, and maintain the integrity of the Tongass National Forest and other Federal lands. We urge the committee to stop S. 2222 in its tracks.

Thank you.

[The prepared statement of Mr. Lindekugel follows:]

PREPARED STATEMENT OF BUCK LINDEKUGEL, CONSERVATION DIRECTOR, SOUTHEAST ALASKA CONSERVATION COUNCIL, JUNEAU, AK

My name is Buck Lindekugel and I am the Conservation Director for the Southeast Alaska Conservation Council (SEACC). I would like to thank the Chairman and the Subcommittee for inviting us to testify. The following statement is submitted on behalf of SEACC. SEACC respectfully requests that this written statement and accompanying materials be entered into the official record of this Subcommittee hearing.

Founded in 1970, SEACC is a grassroots coalition of 18 volunteer, non-profit conservation groups made up of local citizens in 14 Southeast Alaska communities, from Ketchikan to Yakutat. SEACC's individual members include commercial fishermen, Alaskan Natives, small timber operators, hunters and guides, and Alaskans from all walks of life. SEACC is dedicated to preserving the integrity of Southeast Alaska's unsurpassed natural environment while providing for balanced, sustainable uses of our region's resources.

SEACC opposes S. 2222 because the proposed exchange of pristine public lands in the Slate Cove area of Berners Bay for clearcut private lands is poor policy, creates dangerous precedents, and is contrary to the public interest. We oppose S. 2222 because it:

- Threatens the public's access and use of these wildlands for hunting, fishing, and recreation, as well as the interests of the Auk Kwaan, the original settlers of the Juneau area, in protecting their ancestral lands;
- Frustrates the finality of the Alaska Native Claims Settlement Act (ANSCA) and invites additional land-selection conflicts across Alaska; and,
- Facilitates the temporary and illusory benefits from private development of the Kensington Gold Mine at the expense of continued public access and use of Berners Bay's outstanding resources.

This ill-conceived and shortsighted bill would give Cape Fox Corporation and Sealaska Corporation over 2,600 and 9,300 acres, respectively, of Tongass National Forest lands area of Berners Bay, 40 miles north of Juneau. See Exhibit 1.* In exchange, Cape Fox will exchange approximately 3,000 acres of its private lands near Ketchikan, Alaska that have already been clearcut and will have little if any wildlife habitat value for hundreds of years.[1] Sealaska will exchange the subsurface estate underlying the Cape Fox exchange lands, plus the subsurface estate it owns underlying certain Tongass National Forest lands and the subsurface estate of Tongass National Forest lands remaining to be conveyed to it. See S. 2222, Section 6(c). Section 4(a) of S. 2222 also authorizes Cape Fox to select approximately 99 acres of Tongass National Forest lands outside Cape Fox's current exterior selection boundary.

Berners Bay is important to residents of Juneau and other Lynn Canal residents because of its hunting, fishing, recreation, cultural, and spiritual values. Privatizing pristine national forest lands here would limit public access to hunting, fishing and cultural resources, and harm important environmental resources in the bay.

Berners Bay is a large inland bay and glacial valley complex, located on the mainland north of Juneau. The Berners, Lace, and Antler/Gilkey Rivers are major anadromous fish streams flowing into the bay. They produce four (4) species of salmon along with rainbow, steelhead, cutthroat, and Dolly Varden and provide good commercial fishing values and sport fishing opportunities. Berners Bay's proximity to Juneau makes Berners Bay a very popular boating and recreation destination for Juneau residents. The area also provides a high quality moose hunting experience and supports healthy populations of wolves, brown bears, and black bears.

S. 2222 would harm these uses because when conveyed to private corporate ownership these lands could be clearcut, resold, or otherwise developed to support industrial activities in Berners Bay. Native corporations in Southeast Alaska have a long history of clearcutting lands to maximize revenue with little regard for fish, wildlife, recreation, or other public uses. Once privatized, public access would be denied to lands now open to the public for fishing, hunting, and recreation.[2]

The incredible natural values of Berners Bay astound locals and visitors alike each year:

> After a long Alaska winter, Berners Bay is an explosion of life in the spring. Every year in late April or early May, millions of hooligan arrive to spawn in the glacial rivers that feed the bay. For a few short weeks, tens of thousands of predators are drawn to the bay to prey on the [sardine sized] oily, nutritious fish.

Woodford, Berners Bay, Juneau Empire, May 26, 2002, at C1 (Exhibit 3; also at http://juneauempire.com/stories/index.html). One of these predators is the Steller sea lion, endangered in Western Alaska, but whose population has remained relatively stable in Southeast Alaska. Local scientists have observed up to five hundred sea lions converging upon Berners Bay when the hooligan arrive. They theorize, "that this seasonally abundant pulse of high-energy resources may provide the energy that is required to successfully give birth and rear young Steller sea lions." Womble, *Steller sights in Southeast*, Juneau Empire, June 28, 1998 (Exhibit 4). The hooligan also makes Berners Bay an important rest and fueling stop for tens of thousand of migratory birds each spring. The development of industrial marine facilities associated with mining development in Slate Cove, such as shipping facilities, with the resulting increase in barge traffic and risk of fuel spills in Berners Bay, could threaten these resources.

---

* The exhibits have been retained in committee files.

[1] See Alaback, "A Comparison of Old-Growth Forest Structure in the Western Hemlock-Sitka Spruce Forests of Southeast Alaska." In: *Proceedings: Fish and wildlife relationships in old growth forests.* American Institute of Fishery Research Biologists. p. 220-21 (1984).

[2] See Letter from Berland, Lynn Canal Conservation to Senator Bingaman (June 14, 2002)(following up on earlier May 9, 2002 letter (attached))(Exhibit 2). The photo describe in the May 9th letter is the same photo attached to this testimony as Exhibit 1.

Berners Bay, and the surrounding mainland, is the ancestral lands of the Auk Kwaan, the first settlers of the Juneau area. The Auk Kwaan consider Berners Bay, and the surrounding mainland, both culturally and spiritually important. Berners Bay was used by the Auk Kwaan as a source of food and Indian medicine. It also contains several old village sites, "and where there were villages there are burial sites.' Auk Kwaan Tribal Leader Rosa Miller's Letter to the Editor, Protect ancestral lands from Murkowski's bill, Juneau Empire (May 1, 2002)(Exhibit 5).

In her June 13, 2002 letter (attached as Exhibit 6) to Peter Gigante, CEO of Cape Fox, Rosa Miller chastises Cape Fox Corporation for this breach of tradition:

> In the old days, when you traveled to someone else's territory, you could not land your canoe until you got permission from the clan who lived in the area. We've heard absolutely nothing from Cape Fox about your intentions for our lands in Berners Bay.

She goes on to remind Mr. Gigante that:

> Spirit Mountain (also known as Lionshead Mountain) (sic) is sacred to us. Many times I have told the story about how our ancestors are buried there including our Shaman. Shaman spirits dwell in Spirit Mountain; this is a place that is important to the Tlingit of the past, the Tlingit of the present, and the Tlingit of the future. There are also old village sites in this area.

Miller concludes by stating her hope that "Cape Fox Corporation, will do what is morally and ethically right and help to withdraw this harmful bill now."

When it passed the Tongass Reform Law in 1990, Congress identified 46,000 acres of the Berners Bay watershed as one of 12 areas on the Tongass to be managed in perpetuity in accordance with Land Use Designation II (LUD II) (no commercial logging allowed). This area was chosen for special management because of its high value fisheries habitat and the fact that it is a very popular recreational destination for local residents and visitors to Alaska. Recreational activities include kayaking, fishing, camping and hunting. Protection for these special values has been recommended and supported by the Alaska Department of Fish and Game (ADF&G), Alaska communities, and commercial fishermen.[3] By designating Berners Bay as a Legislated LUD II area, Congress directed the Forest Service to manage this area primarily "in a roadless state to retain [its] wildland character." This special management designation requires that any permitted development, such as mining on patented claims, be limited in scope to be compatible with the area's wildland character. As noted by House Floor Manager, Congressman George Miller, these lands "will require careful and prudent management by the Forest Service."[4]

Although the lands proposed for exchange in the Slate Cove area within Berners Bay are outside the area designated by Congress as a Legislated LUD II area, the exchange lands are immediately adjacent to and inextricably connected to the ecology of this entire productive watershed.[5] If this exchange is approved, the Forest Service will lack any control or influence over how this bloc of private lands directly adjacent to Congressionally designated wildlands is developed. The Forest Service has stated:

> As acknowledged in the [Cascade Point Access Road Environmental Impact Statement], the Forest Service has no jurisdiction over private lands . . . and Forest Service policy is to avoid regulation of private lands and to recognize the rights of private land owners to reasonable access to and use of their property . . . .

USFS, Region 10, *Recommendation of Appeal Deciding Officer on Appeals of the Cascade Point Access Road Project* at 4 (Mar. 31, 1999)(emphasis added).[6]

---

[3] In 1983, ADF&G recommended that this area be "reserve[d] permanently for protection of fish and wildlife." From 1987 to 1989, the communities of Juneau, Wrangell, Petersburg and Sitka supported protection of Berners Bay. In 1988, United Fishermen of Alaska included Berners Bay in a list of "priority fish habitat areas deserving protection."

[4] 136 CONG. REC. H12834 (Oct. 26, 1990 daily ed.)(Comments explaining what kind of management was required for Berners Bay and the other eleven designated LUD II's in the Tongass Reform Law).

[5] The Alaska Department of Fish and Game has identified Slate Creek as important for the migration, spawning and rearing of anadromous fish. See Email from Schrader, ADF&G to Brown, SEACC (June 14, 2002)(attached as Exhibit 7). Although no salmon are in Slate Lake, "resident Dolly Varden trout are present throughout the creek and in Slate Lake." *Id.*

[6] The Cascade Point Access Road project refers to the 1998 approval by the Forest Service of a road easement to Goldbelt, Inc., the Juneau urban Native corporation, to access its property at Cascade Point just south of Berners Bay. SEACC appealed this decision to the Forest Service because the agency had narrowed improperly the scope of the project and refused to consider

ANSCA Did Not Treat Cape Fox Unfairly. S. 2222 Would Frustrate The Finality Of ANSCA And Invite Additional Land-Selection Conflicts Across Alaska.

S. 2222 waives ANCSA's land selection requirements, inviting further land-selection conflicts across Alaska. The bill inaccurately suggests that this congressionally-mandated land conveyance is needed to address inequities suffered because Congress limited the national forest lands from which Cape Fox could make its land selections. See 148 CONG. REC. S. 3166-67 (April 23, 2002, daily ed.). But the argument that ANCSA needs to be modified as proposed in S. 2222 to address the equity of ANCSA's land selection criteria thirty (30) years later is not compelling.

To protect the water quality of Ketchikan's watersheds, ANSCA kept Cape Fox from selecting lands "within a six-mile radius of Ketchikan." See 43 U.S.C. 1621(l). These limitations, however, did not place Cape Fox on an unequal economic footing relative to other village corporations in Southeast Alaska or other parts of Alaska.

Cape Fox received the same amount of land as every other Southeast village and urban corporation under ANSCA (approximately 23,000 acres). Constraints on the selection of lands resulted in some disparities between the value of timberlands conveyed to each village and urban corporation in Southeast Alaska. However, the economic benefits realized per shareholder from logging these lands were divided between widely varying numbers of people. Cape Fox Corporation has fewer original shareholders (230 shareholders) than all but one other village corporation.[7] Consequently, the direct financial benefit per shareholder was higher for Cape Fox than nearly all village corporations in Southeast Alaska.[8]

Cape Fox, like all Southeast Alaska village and urban corporations, is located on the water, and hence all were hindered in varying degrees from choosing lands from the full nine townships to which ANSCA gave them nominal selection rights. Yet, Cape Fox, and other Southeast Alaska village corporations, faired far better economically than did most of the other 220 Alaska Native village corporations established by ANSCA, because they were able to select high value timberlands. Cape Fox fared better, not worse, then other village corporations under ANSCA.

Cape Fox, like other Southeast Alaska village and urban ANSCA Corporations, has cut virtually all the timber from the lands it selected under ANSCA in roughly 20 years. Clearly, S. 2222 sets the precedent that Congress will make additional grants of valuable Tongass National Forest lands as recompense for the unsustainable land management practices carried out on private lands by Cape Fox and other Southeast Alaska ANSCA corporations. Clearly, it would frustrate the finality of the ANSCA settlement. *See Alaska* v. *Native Village of Venetie Tribal Govt.*, 522 U.S. 520, 523 (1998)(Congress enacted ANCSA "to settle all land claims by Alaska Natives.")

Moreover, forcing the Forest Service to convey pristine Tongass National Forest lands in exchange for stumps on clearcut, private corporation lands, as proposed in S. 2222, ignores the balanced multiple-use principles that should govern Tongass management. Such a legislatively mandated exchange would further deny any American citizen, the true owners of the Tongass National Forest, equal access to the use and enjoyment of its natural resources. If land exchanges are in the public interest, they should be conducted through the Forest Service's existing administrative procedures under 36 C.F.R. Part 254.

In the past, the sponsor of this legislation has passed up opportunities to help Cape Fox realize economic benefits from developing its own existing lands. An example of such efforts, one that SEACC supported, was the development of the Mahoney Lake hydroelectric project by Cape Fox. "[Cape Fox] selected this site under ANSCA primarily for its hydroelectric potential." See Letter from Gigante, Cape Fox CEO to Senator Murkowski, p.2 (Feb. 16, 2001) (Exhibit 9). But instead of helping Cape Fox pursue this project, the Alaska Delegation worked to stifle this private initiative by promoting other projects over the objections of Cape Fox. See Letter from Alaska Delegation to Boergers, FERC (Feb. 8, 2001)(Exhibit 10).[9]

---

the cumulative and synergistic effects of existing, presently proposed, or recently approved development projects on the fish, wildlife, and wildland values of Berners Bay.

[7] Only the village of Kasaan had fewer, with 119 shareholders. See Knapp, *Native Timber Harvests in Southeast Alaska*, Table 2 at p. 7, USDA Forest Service, PNW-GTR-284 (1992)(Exhibit 8).

[8] See ISER, *A Study of Five Southeast Alaska Communities*, at p. 94-97 (1994).

[9] Part of the justification for the letter from the Alaska Delegation was recent passage by Congress of Pub. L. 106-511. This legislation authorized up to $384,000,000 dollars of taxpayer money to construct an industrial power grid across the Tongass National Forest, potentially carving rights of way through sensitive Tongass wildlands. See SEACC Statement Before the Senate Energy and Natural Resource Committee on 5.2439, the Southeast Alaska Intertie Authorization Bill (May 18, 2000).

S. 2222 Facilitates The Temporary And Illusory Benefits From Private Development Of The Kensington Gold Mine At The Expense Of Continued Public Access And Use Of Berners Bay's Outstanding Resources.

The proposed land exchange is directly related to plans by Coeur Mining Company to develop and operate the Kensington Gold Mine. See Inklebarger, *Land swap could help open mine*, Juneau Empire (April 26, 2002)(Exhibit 11). As noted in a press release issued by Senator Murkowski's office on April 23, 2002 (Exhibit 12): "The land to be selected near Slate Lakes, north of Berners Bay, will enable the proposed Kensington Gold Mine to operate totally on private land, which will help speed its development." However, the most critical factor slowing Coeur's development of this mine is not land ownership, but gold prices. See Press Release from Coeur Alaska, *Kensington gold project moving forward* (April 25, 2002)("Falling gold prices have made the approved plan economically infeasible.")(attached as Exhibit 13). Coeur has possessed all the permits and other approvals it needs to develop the mine since 1998. This latest proposal is the fourth attempt by Coeur to gain agency approval for design of the mine. Coeur believes that dumping its mine tailing waste into Slate Lake will reduce its waste disposal costs to a level that would presumably make the mine profitable to operate given projected gold prices.

Coeur's latest proposal calls for building a dam in Slate Lake[10] and dumping its mine tailing waste in the lake behind the dam. If the building of the dam were approved, Coeur would argue that the waters behind the dam are no longer "waters of the U.S." and therefore are exempt from the Clean Water Act. It could argue that the impoundment behind the dam qualifies as a "treatment works" and thus make the current prohibition for discharging mine waste into "waters of the U.S." inapplicable. If accepted by the Corps of Engineers and the Environmental Protection Agency, such an argument would create a new precedent for disposal of mine waste into "waters of the U.S." much like mountaintop removal has. Such a position will lead to substantial legal controversy both inside and outside of Alaska. To further its mining development plans, which are expected to last only 15 years from start to finish, Coeur Alaska has entered into land-use agreements with both Cape Fox and Sealaska Corporations to use the lands proposed for conveyance to facilitate its development plans. See Exhibit 13 at 2.

Coeur's latest proposal, which S. 2222 would speed up, is inconsistent with managing Berners Bay for the long-term benefit of all the public uses that currently exist there. Industrial mine development within Berners Bay will harm existing public use of the bay for fishing, hunting, and recreation. There are also grave risks associated with the proposal. If the dam collapses in the future, nothing would stand between the toxic sediments stored behind it and the rich marine resources in Berners Bay.

OTHER CONCERNS

S. 2222 completely exempts the lands subject to this exchange from the requirement in Forest Service regulations for market value appraisals. Compare Section 7(a) of S. 2222 with 36 C.F.R. 254.9.

In addition, S. 2222 modifies agency exchange procedures by mandating the conveyance of lands and interests identified by Cape Fox and Sealaska. Existing Forest Service regulations, however, recognize that land exchanges are supposed to be discretionary, voluntary real-estate transactions and completed only if the Forest Service determines that the exchange will serve the public interest. Clearly, S. 2222 is a poor substitute for the requirements of Forest Service regulations and appears more intent on furthering private interests than satisfying the broader public interest.

CONCLUSION

Berners Bay is important to residents of Juneau and other Lynn Canal residents because of its hunting, fishing, recreation, and cultural and spiritual values. Privatizing pristine national forest lands here would limit public access to hunting, fishing and cultural resources, and harm important environmental resources in the bay.

Real problems with ANSCA should be solved with public input from all concerned Alaskans, respect all forest users, and maintain the integrity of the Tongass National Forest and other federal lands. We urge the committee to stop S. 2222 in its tracks. Trades, such as proposed in S. 2222, should not be mandated by Congress

[10] Although Coeur describes Slate Lake as a "muskeg lake", the photo in Exhibit 1 to this Statement shows otherwise.

but through existing administrative mechanisms, and on the basis that the greater public good will be served.

Senator WYDEN. Okay. Let us move next to Mr. Marrs.

STATEMENT OF CARL H. MARRS, PRESIDENT, COOK INLET REGION, INC., ANCHORAGE, AK

Mr. MARRS. Thank you, Mr. Chairman and the committee. I am here to urge your approval of S. 1879, the Russian River Land Act, and I will summarize very quickly the testimony.

Some 25 years ago, I made the selections as the land manager for CIRI, for Cook Inlet Region, in Alaska under ANCSA. This particular selection has been a contentious selection from the very beginning, mainly because of the impact of sports fishing in the confluence of the Russian River and Kenai River and the significant historic and cultural values of the Kenaitze Indian tribe of the area that date back thousands of years. There is a substantial amount of grave sites, house pits, and those culturally significant type areas that we are trying to protect, at the same time the amount of public impact, because this is one of the largest most impacted fishing areas in Alaska during the summer season.

So, our work has been long and, quite surprisingly, I did not think I would be sitting in front of this committee 25 years after the selection doing this. But we did reach agreement with the Forest Service and the U.S. Fish and Wildlife Service, which I think meets all of our criteria in the sense of preserving the cultural resources and maintaining those as this legislation so dictates.

It also, at the same time, continues to manage the intense public use of the Russian River area, and we wanted to make sure that that burden was not shifted on CIRI.

I believe that this is a good piece of legislation and I think it resolves a multitude of problems for not only the public, the U.S. Government, the State government, but also for the native people of the area and protects those cultural resources. So, therefore, I would urge the committee to approve this legislation and move it to the full Senate.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Marrs follows:]

PREPARED STATEMENT OF CARL H. MARRS, PRESIDENT, COOK INLET REGION, INC., ANCHORAGE, AK

CIRI appreciates the opportunity to submit written testimony to the Senate Energy and Resources Committee today on a matter of importance to Cook Inlet Region, Inc. and to urge approval of the S. 1879 titled the "Russian River Land Act."

My name is Carl Marrs. I am the President and CEO of Cook Inlet Region, Inc., which is often referred to as CIRI. CIRI is an Alaska Native Regional Corporation created under the Alaska Native Claims Settlement Act of 1971 (ANCSA). CIRI is owned by Alaska Native shareholders. I am one of those shareholders. I began my work at CIRI in 1972, shortly after the corporation was formed. For much of my career at CIRI I have been directly involved in CIRI's land entitlement issues.

Twenty-five years ago I was the Land Manager at CIRI, and as part of my duties, I filed CIRI's ANCSA land selections at Russian River on the Kenai Peninsula in Alaska. At that time, I had no idea that twenty-five years later CIRI would still be awaiting land conveyance at Russian River. This lack of conveyance has been a source of frustration to CIRI in the past, but today I am pleased to report to you that CIRI has moved beyond this frustration. We have moved beyond the simple, but justified request of outright conveyance at Russian River. CIRI now wishes to embark on a collaborative approach to management of the area with the two current federal land managing agencies.

This collaborative approach is embodied in an agreement between CIRI, the Fish and Wildlife Service and the Forest Service that was entered into on July 26, 2001 and is titled the "Russian River Section 14(h)(1) Selection Agreement". This agreement reflects three years of negotiations between the parties. Because certain terms contained in the agreement require new authority to implement, the settlement is not effective without ratifying legislation. S. 1879 ratifies the agreement reached between CIRI, the U.S. Forest Service and the U.S. Fish and Wildlife Service and settles the land ownership issue at Russian River in a way that fulfills CIRI's entitlement and protects the public's interest.

Why did it take over three years to negotiate this settlement agreement? Why was conveyance to CIRI not easily forthcoming in the first place? Simply put, the area is so important to both CIRI and the federal agencies involved that compromise was difficult to obtain. The area surrounding the confluence of the Kenai and Russian Rivers is rich in archeological features reflecting intense Alaska Native use of the area—perhaps going back ten thousand years. In fact, many CIRI shareholders are descendents of the Outer Inlet Dena'ina who occupied the Russian River area in earlier times. CIRI believes it is precisely this kind of site that was contemplated as being available for selection by Alaska Native Regional Corporations under ANCSA.

The federal agencies, representing the public, also feel strongly about the Russian River area because it is the site of perhaps the most heavily used public sports fishery in Alaska today. Because of the intense public use and scrutiny, the federal agencies were placed in a position to resist conveyance to CIRI for fear that conveyance would disrupt the public's enjoyment of the area.

It was clear to the parties that without a settlement agreement, long and difficult litigation was likely, and the land ownership at Russian River would remain uncertain for years. While CIRI is no stranger to pursuing long and difficult litigation in order to secure its entitlement under ANSCA, in this case CIRI believes that it can best achieve what it desires at Russian River through settlement.

In reaching settlement at Russian River, CIRI goals were threefold.

First, CIRI desired to insure that proper management of the rich cultural resources is maintained and that an understanding of the enduring use of the area by Alaska Natives is achieved. Further, CIRI wished that this be achieved in a manner that provides CIRI and its larger family of Alaska Native organizations an opportunity to participate in the management of the cultural resources.

Second, CIRI desired that federal management of the intense public use of the Russian River area remain in place so that burden is not shifted to CIRI.

Third, CIRI wished an opportunity to develop new economic opportunities in tourism and recreation consistent with the cultural resources of the area and to promote new economic opportunity at Russian River for CIRI shareholders through training programs and new employment venues.

I believe CIRI met its goals in reaching the Russian River Section 14(h)(1) Selection Agreement. Through the negotiation process, CIRI has come to recognize the interests of the Fish and Wildlife Service and Forest Service at Russian River. In turn, we hope that the agencies have come to recognize CIRI's legitimate interests at Russian River. We look forward to the future where CIRI, and the Fish and Wildlife Service and Forest Service, together with the Kenaitze Indian Tribe, will work together to manage and to celebrate the past history and the new opportunities at Russian River.

I would like to extend my testimony to include a summary of the Russian River Section 14(h)(1) Selection Agreement.

SUMMARY

Russian River Section 14(h)(1) Selection Agreement

The Russian River Section 14(h)(1) Selection Agreement (Agreement) covers lands surrounding the confluence of the Russian and Kenai Rivers. The Agreement benefits the parties and the general public in the following ways:

- The Forest Service campground and Fish and Wildlife ferry site and most of the land at the Russian River remains in federal ownership and control.
- The right of the public to continue fishing remains unchanged from the current status.
- From Forest Service lands, CIRI is to be conveyed a 42-acre parcel on the bluff overlooking the confluence of the Kenai and Russian Rivers, and an approximately 20-acre parcel near where the Sterling Highway crosses the Kenai River. The 20-acre parcel is subject to Section 14(h)(1) restrictions. In addition, a public easement managed by the Forest Service along the banks of the Kenai River is reserved on the 20-acre parcel.

- From Fish and Wildlife lands, CIRI is to be conveyed the limited estate of the archeological and cultural resources in approximately 502 acres. The lands are well-documented villages and cultural sites. In other lands, CIRI's future rights to any archeological material, if and when any of this material is removed, is clarified. Thus, CIRI's ANCSA entitlement is fulfilled in a manner that accommodates the public's interest.
- With these conveyances, CIRI will relinquish its ANCSA Section 14(h)(1) selections in the area, now totaling 2,010 acres.
- The parties agree to pursue a public visitor's interpretive center for the shared use of all three parties to be built on the 42-acre parcel to be conveyed to CIRI. The visitor's center would provide for interpretation of both the natural and cultural resources of the Russian River area. A public joint visitor's interpretive center would include interpretive displays, thereby enhancing educational and cultural experiences for Alaskans and tourists alike.
- In conjunction with the visitor's interpretive center, the parties agree to seek the establishment of an archeological research center that will facilitate the management of the cultural resources in the area.
- CIRI seeks a $13,800,000 federal appropriation to plan, design, and build the Joint Visitor's Center and the Sqilantnu Archaeological Research Center that is contemplated in the Agreement.
- Certain visitor-oriented facilities may be developed by CIRI on the 42-acre parcel. These facilities may include a lodge, dormitory housing for staff and agency people, and a restaurant. CIRI agrees to seek input from the federal agencies as to their needs and desires for the area.
- The parties commit to enter into a memorandum of understanding for the purpose of ensuring the significant activities at Russian River are carried out in a cooperative and coordinated manner. Management of the area is enhanced through the parties' commitment to address the long-term protection of the natural and the cultural resources. In addition, the Kenaitze Julian Tribe, the local tribal entity, has been invited and has expressed interest in participating in future efforts and planning at Russian River.
- The Agreement also authorizes, but does not require, the exchange of land lying adjacent to the Sterling Highway at Russian River for important brown bear habitat near the Killey River in the Kenai Peninsula owned by CIRI.

Senator WYDEN. Very good.

Mr. Klundt.

STATEMENT OF SCOTT KLUNDT, ESQ., ASSOCIATE DIRECTOR OF FEDERAL LANDS, NATIONAL CATTLEMEN'S BEEF ASSOCIATION AND ASSOCIATE DIRECTOR, PUBLIC LANDS COUNCIL

Mr. KLUNDT. Thank you, Chairman Wyden and members of the Energy and Natural Resources committee. My name is Scott Klundt and I am the associate director of Federal Lands for the National Cattlemen's Beef Association and the associate director of the Public Lands Council. Thank you for your interest in my comments on S. 198.

I have been involved with this bill for the past 2 years when it began with the cohesion of the Nature Conservancy, NCBA and PLC. Senator Craig has been very generous in his efforts with this bill, but more importantly, this bill is the culmination of those efforts and exemplifies the common good achieved by a common goal between different groups. It gives me great pride to see this bill moving forward.

The majority of the ranchers that we represent utilize lands managed by the Forest Service and the Bureau of Land Management, and the health and sustainability of our Federal rangelands are very important to our farmers and ranchers. S. 198 is very important legislation for it elevates the fight against non-native

weeds and underscores the need for Congress to get more involved with this issue.

Some experts claim we are losing up to 5,000 acres a day to non-native weeds. Other experts claim higher numbers, arguing that 100 million acres are lost each year. Now, if we put this in perspective, it is roughly the size of Delaware, which are lost each year to non-native weeds.

They also drastically limit the biodiversity of rangelands, lessen recreational values, and increase soil erosion by competing with native plants for soil, water, and vital nutrients. Some non-native plants can even poison wildlife and livestock. They also reduce the sustainability of wildlife habitat leading to the propagation and increased numbers of threatened and endangered species.

Without ranchers and other resident individuals' efforts to perform active hands-on management, much of our western landscapes will go through a path of unnatural plant succession leading in non-native plant communities and mono-cultural ecosystems.

Federal Interagency Weed Committee estimates an annual losses to agricultural lands are somewhere around $20 billion. Other estimates range as high as $100 billion. Well, whatever the number, these losses are personal to our farmers and ranchers. Existing Federal sources of funding for addressing invasive weeds do not come close to meeting the needs of public and private lands.

Let me give you an example. The Bureau of Land Management, the Nation's largest land manager, plans to treat 245,000 acres of weeds in its fiscal year 2003 budget request. This acreage is the same as this year, but 7,000 acres less than what was treated in 2001. Now, it is kind of interesting for an agency that is responsible for managing 264 million acres—that is almost one-eighth of this country's land mass—only 1 out of every 1,110 acres will be treated. If you put this in numbers, that is about less than 1 one-thousandth of 1 percent.

For the Forest Service, that number is even more shocking. Only about 1 out of every 2,300 acres will be treated.

So, Federal lands adjacent to private lands are to be treated with the same standard, they have to be treated with the same standard, otherwise local efforts to control non-native weeds on private lands will be futile.

S. 198 takes note of this scenario and thoughtfully considers the connection between public and private lands. Weeds do not distinguish between public, private, Federal, or State boundaries. They know no boundaries, nor does S. 198. S. 198 is an outstanding piece of legislation. It establishes a national advisory committee, allocates funding to States, monitors progress, and most importantly gets funding to where it can be utilized the best through common sense with the local people who have the know-how and the ability and the time to get down onto the ground.

Any program or weed control agency such as what Mr. Secrist had mentioned, these cooperatives, are eligible for dollars for this program. No matter what type of effort they extend, whether it is burning, spraying, biological controls, seed and bug harvest and removal, mechanical treatment, even good old-fashioned hand pulling are eligible for programs and for funding under S. 198.

This bill ensures distribution of funds by placing a cap on financial awards. It also ensures dissemination of these awards and the allocation is spent on weed management efforts. By channeling Federal funds to the local level, weed control groups can supply the labor and therefore at least double the efforts in the battle against non-native weeds.

We support this bill and we submit that every effort needs to be made to provide for the efficient distribution of Federal funds and, at a minimum, coordination between private and State agencies and private landowners to ensure the maximum flexibility for decisions being made at the local level.

We thank you for your support of this bill and will gladly answer any questions you may have.

[The prepared statement of Mr. Klundt follows:]

PREPARED STATEMENT OF SCOTT KLUNDT, ESQ., ASSOCIATE DIRECTOR OF FEDERAL LANDS, NATIONAL CATTLEMEN'S BEEF ASSOCIATION AND ASSOCIATE DIRECTOR, PUBLIC LANDS COUNCIL

Chairman Wyden and Distinguished Members of the Senate Energy Natural Resources Committee:

On behalf of the National Cattlemen's Beef Association (NCBA), the trade association of America's cattle farmers and ranchers, and the marketing organization for the largest segment of the nation's food and fiber industry; and on behalf of the Public Lands Council (PLC), a non-profit organization representing approximately 26,000 federal lands permittees, thank you for your interest in my comments and for holding this hearing today concerning harmful nonnative weeds.

I am the Associate Director of Federal Lands for the National Cattlemen's Beef Association and the Associate Director of the Public Lands Council. My work involves representing federal grazing permittees in the legislative, policy, litigation and regulatory arenas. Today brings me into the legislative arena, and more specifically, S. 189: "The Harmful Nonnative Weed Control Act of 2000." I have been involved with this Bill since its inception two years ago when The Nature Conservancy, the National Cattlemen's Beef Association and the Public Lands Council joined together to do something positive in the fight against nonnative weeds. S. 198 is the culmination of that effort, but more importantly it exemplifies the common good achieved by a common goal between completely different groups.

NCBA's Federal Lands Committee and PLC represent ranchers and farmers who graze livestock on our nation's federal lands. Most of these ranchers and farmers utilize lands managed by the Bureau of Land Management (BLM) or the United States Forest Service (USFS). However, some graze livestock on other federal lands managed by other federal agencies such as the Park Service, Fish and Wildlife Service and the Department of Defense. Grazing occurs on a variety of federal lands including BLM grazing districts, national forests and grasslands, national monuments, wildlife refuges, recreation areas, and several others. Many of these permittees also utilize state leases as part of their grazing operations along with their own private lands.

A major threat to the health and sustainability of the lands I just described are invasions by harmful nonnative weeds. S. 198 is important and much needed legislation, for it elevates the fight against harmful nonnative invasives and underscores the need for Congress to focus more attention on this issue. S. 198 strengthens the ability for Federal, State, and private entities to develop partnerships and coordinate activities, while providing valuable resources to battle harmful nonnative species. We are encouraged by the efforts of this Committee on S. 198 in order to provide mechanisms and funding to States for landowners and managers to wage the battle against harmful nonnative weeds.

In the West, livestock grazing constitutes the dominate use of federal lands along with a large portion of private agricultural land. Ungulates such as cattle, horses, goats, sheep and even buffalo graze forage produced on federal lands via the livestock grazing permit system. Farmers and ranchers share the forage produced on federal lands with wildlife. Farmers and ranchers also share their own private land and forage with wildlife. In fact. most of the forage consumed by wildlife during winter months comes from private acreage. Many areas of the West are surrounded by federal land with large portions of states and counties falling under federal ownership. Many counties have close to 90 percent of federal ownership and the state

of Nevada also approaches 90 percent in federal ownership. In these federal land dominant areas, ranches must rely on federal lands in order to sustain their operations. Many of these operations have been in the same families for generations and some even predate the creation of the BLM and USFS. Therefore, the health and sustainability of our federal rangelands, and federal lands in general, are very important to our farmers and ranchers. As such, ranchers and farmers possess a vested interest in what happens on their private land as well as how federal lands surrounding their private acreage are managed.

One rarely recognized benefit of ranching is the economic and public benefit provided by the ranching industry which is the control of harmful nonnative weeds. On public and private land, it is the rancher who is out on the ground more than any other individual. A rancher will recognize new invasions and act accordingly by taking preemptive measures to combat new infestations but he must have the resources and tools to continue the fight against new invaders. Nonnative weeds seriously threaten biodiversity and all ranchers are allies on the front lines in the effort to control nonnative weeds. Ranchers have always fought nonnative weeds through spraying, prescribed burns, intensive short-term grazing, grabbing a shovel and digging up or hand pulling the new invader. Without ranchers' and other resident individuals' efforts to perform this active hands-on management, much of our western landscape will follow a path of plant succession that is unnatural and will ultimately lead to nonnative plant communities and monocultural ecosystems. We need to establish, emphasize and enhance partnerships with the local hard working folks in order to maintain and restore native, biologically diverse ecosystems.

We are currently facing a plague that is devastating our private and public lands and it is not livestock grazing or over grazing or desertification. The plague I'm speaking of is the invasion of harmful nonnative weeds. Some experts claim we are losing 3,000 to 5,000 acres a day to invasive weeds. Other experts claim higher numbers, arguing that 100 million acres are lost each year to invasive alien plant infestations. The one sure thing is that no one can really know for sure how much land is lost to nonnative weeds. Considering the remote areas of our country combined with the lack of effective mapping, detection, control mechanisms and resources, millions of acres will continue to be lost.

Nonnative weeds significantly limit the economic value of agriculture lands and grazing rangelands by competing for soil, water and vital nutrients. Some nonnative plants can even poison wildlife and livestock. Weeds lessen recreational values and increase soil erosion. They also reduce the sustainability of lands serving as wildlife habitat leading to the propagation and increased numbers of threatened and endangered species.

NCBA and PLC appreciate the Committee's attention to invasive species issues and also appreciate the opportunity to speak to this Committee's on S. 198, the Species Protection and Conservation of the Environment Act. We have long been aware of the economic and environmental harm caused by invasive species and continue to urge the Federal Government to recognize invasive species as a priority issue and to develop a national effort to address the problem. However, existing sources of funds for addressing invasive weeds do not come close to addressing the needs we are facing on public and private lands. There currently is no existing independent federal fund to address these needs. I would like to illustrate for you the importance and need for federal funding. The nation's largest land manager, the Bureau of Land Management, plans on treating 24,000 acres in Fiscal Year 2003 according to its budget request. This acreage is the same as Fiscal Year 2002 and 7,000 acres less than the total number of acres treated in 2001. I find it interesting that for an agency responsible for managing 264 million acres of federal land—or nearly one-eighth of the country's landmass—only one acre out of about every 1,100 acres will be treated. This number is shocking. More federal dollars need to be allocated for treating more acreage. If federal lands adjacent to private lands are not managed to the same level, local efforts to control and eradicate nonnative weeds will be futile. S. 198 takes this scenario into consideration and thoughtfully applies to public lands as well as private.

The Federal Interagency Weed Committee has estimated that annual losses in the productivity of agricultural lands are as much as $20 billion. Other estimates reach as high as $100 billion but an accurate figure cannot be determined due to the number of nonnative species and enormous area affected. Whatever the cost, these losses are personal to livestock producers—so each rancher and farmer has a vested interest in the health of the land that he or she owns or manages and in minimizing financial impacts caused by invasive weeds. New money should be directed to a program that gives states maximum flexibility to direct funds where they can be utilized by local decision makers mast effectively. Federal red tape and administrative requirements must be minimized to ensure that the dollars are getting to the

ground where they are needed most. One way to do this is to implement a programmatic environmental impact statement so the agencies can deal with all weeds at all times, rather than one at a time.

We need to ask ourselves how did we get into the situation we are facing today? Why are we losing millions of acres a year to nonnative, invasive weeds? The answer to these questions can be found in one word in the title of the Bill: I am testifying in support of today—nonnative. Noxious weeds are typically not a problem when in areas of origin. Our own native weeds do not pose the same threat as nonnative plants because they evolved with our beneficial native plants. That is, our native plants can compete with native weeds because of the role each plant plays in the ecosystem developed as a result of generations of plants adapting to each other throughout the millennia. Beneficial native plants develop defensive mechanisms, as well as other biological controls, to native weeds resulting in biologically diverse ecosystems and therefore preventing native weeds from completely overtaking an area. On the other hand, nonnative weeds can infest an area and grow in an explosive manner and completely overtake an ecosystem. For example, research indicates that spotted knapweed forms an affiliation with soil fungus resulting in the loss of carbon available for native plants, thus affecting the ability of native plants and grasses to compete with spotted knapweed. This same scenario holds true for nearly every nonnative weed. Native plants have simply not had the opportunity to develop the essential defensive mechanisms to tight invasions of nonnative weeds. That is why it is imperative that Congress pass S. 198. S. 198 will not be the answer to all our invasive problems but it will provide valuable resources for the task ahead.

Spotted knapweed is not the only harmful nonnative weed. Ranchers continually fight new invasions of dalmation toadflax, medusahead, ragweed. yellow starthistle. spotted knapweed and leafy spurge just to name a few and the list goes on and on. Fighting nonnative species is something that must be done quickly or we will lose a lot of land that will never be recovered. For instance, cheatgrass has out-competed native grasses and plants in vast areas of the West and the fight against cheatgrass is now a lost cause. One might as well try to empty the ocean with a bucket. Cheatgrass is a prime example of what can happen if proactive measures are not taken immediately. There are hundreds of nonnative invasive weeds infesting every region and state. The multitude of invaders and the vast acreage covered begs the question of what is being done about it? Weeds are a local problem and states and counties are constantly struggling to find the resources and methods to effectively ward off existing as well as new invaders. States and counties have developed weed and pest agencies, weed advisory boards, educated agriculture extension agents, developed relationships with universities and scientists to determine the best methods of attack and control, instituted new programs for generating revenue, hired or contracted out weed experts, and a variety of other initiatives and efforts.

At the federal level, Congress passed the Plant Protection Act (PPA) two years ago.[1] The Plant Protection Act consolidates and modernizes all major statutes pertaining to plant protection and quarantine such as the Federal Noxious Weed Act and the Plant Quarantine Act. PPA permits the Animal and Plant Health Inspection Service (APHIS) to manage, monitor and take efforts to control or eradicate weeds. PPA subjects any violators of PPA to a civil penalty including fines of up to $50,000 for an individual and $250,000 for businesses. Perhaps most importantly, PPA authorizes APHIS to take emergency action to address invasions of noxious weeds.

Also, President Clinton signed Executive Order 13112 on Invasive Species. This Executive Order seeks to prevent the introduction of invasive species. E.O. 13112 also provides for the control and reduction of invasive species impacts through enhanced coordination of federal agency efforts under a National Invasive Species Management Plan developed by an interagency Invasive Species Council. Furthermore, the Order directs all federal agencies to address invasive species problems, including nonnative weeds, and to limit or cease any activities likely to increase or propagate invasive species. The Invasive Species Council, is also assigned the task of facilitating communication between agencies and to monitor invasive species impacts. We support the National Invasive Species Council (NISC) established by the Executive Order and provided input into the preparation of "Meeting the Invasives Species Challenge" (the national management plan developed by NISC), through participation in the Invasive Species Advisory Council. We have also worked with Congress through the appropriations and other legislative processes to direct resources to, and focus attention on, invasive species.

While we are greatly appreciative for laws such as PPA and Executive Order 13122, they provide the long-awaited and much needed guidance. However, they are

[1] 7 U.S.C. 7701. et. seq.

not enough. Weeds do not distinguish between public, private, state or federal land. They know no boundaries nor do they understand legislation and civil penalties. Simply put, we need to get dollars to the local folks for on-the-ground efforts. S. 198 is an outstanding piece of legislation, it establishes a national advisory committee, allocates funding to states, monitors progress and most importantly—gets funding to where it can be best utilized. Any program or weed control entity can be eligible for dollars for nonnative weed control efforts such as burning, spraying, biological controls, hoeing, seed and bud removal, mechanical treatment, including good old fashioned weed pulling, or whatever method of control and management the local group deems most effective.

Section Seven of S. 198 requires dissemination of funds go to more than one group by limiting any award to 25 percent of that particular state's allocation. This requirement ensures that federal dollars are spread to as many weed control entities as possible. Additionally, a minimum of 75 percent of a state's allocation must be expended in financial awards to weed management efforts. This limitation will prevent bureaucratic wastefulness and ensures funding reaches the ground. These funds constitute the federal cost share of a local group's effort at eradicating or controlling nonnative weeds. By channeling federal funds to the local level, weed control groups can supply the labor and therefore at least double their efforts in the battle against non-native weeds.

Section Seven of S. 198 also outlines eligibility requirements for weed management entities. Two of those requirements require plans for the control and eradication of nonnative weeds or to increase public knowledge of the need to control and eradicate harmful nonnative weeds. Section Seven also requires a description of the efforts or plan offered by a weed management group to control the invaders. Also, each group must report the results of each effort. By requiring feedback, lawmakers and decision makers will become aware of the problem and have the knowledge necessary for future decisions.

Section Seven also allows funding of projects for more than just spraying weeds. For instance, efforts such as education, inventory and mapping, and monitoring may be covered under this bill. These efforts have, for the most part, been ignored or simply not undertaken because of a lack of funding and is certainly something not done extensively by any federal agency. Resources for fighting invasions of nonnative weeds are scarce with the few dollars available being used solely for on-the-ground activities.

Finally, Section Seven lists the criteria for an award by a state. These criteria include the seriousness of the problem, likelihood of success, and progress to name a few. With these criteria as well as the scope of the project, Congress can rest assured that if a serious problem exists, action will be at the local level by local stakeholders wanting results.

The best method of fighting these invasions is to act locally. Currently, we have a limited amount of resources. In order to maximize resources, they are best utilized by those who intuitively know the geography and flora of an area—for instance, those who have been running up and down fields and ditches, like ranchers and farmers and other interested members of the community including members of weed boards and weed working groups. Furthermore, we need to have additional funding diverted to the local level to assist those who know best how to manage the land and treat the problem—whether the land is federal or private. We need to get resources into the hands of people at the local level who can apply common sense and local know-how.

In closing, the National Cattlemen's Beef Association and the Public Lands Council support S. 198 and support the efforts of this Committee to address the harmful, nonnative weed problem. Our priorities for invasive species legislation are perhaps easier to articulate than they are to implement. Nonetheless, we submit that every effort needs to be made to provide a strong foundation for efficient distribution of federal funds, coordinate activities between Federal and State agencies and private landowners, and provide the flexibility for decisions to be made locally where the problems arise. We look forward to working with the Committee to ensure that our efforts to manage and control harmful nonnative weeds are targeted in the most efficient manner possible. Thank you for the opportunity to testify before your committee.

Senator WYDEN. Very good. Thank you. Just a couple of questions I am going to ask and then I am going to turn it over to Senator Craig and he will have some additional questions and we will adjourn the hearing.

One question for you, Mr. Klundt, is the administration said that they would like to see the existing Invasive Species Advisory Committee be used rather than setting up a new advisory committee.

I strongly support this legislation. I hear about it constantly from the Oregon cattlemen and how serious a problem it is. I know you all have done a lot of good work in terms of working with the environmental groups and the various constituencies.

What do you make of this comment that they would rather use the existing advisory committee rather than the new one, as written in S. 198?

Mr. KLUNDT. Well, the Invasive Species Council—we are glad to see them and also the Plant Protection Act. But what those two do is they set the guidelines for it but they do not provide the funding. They set the parameters for what can be done and how to control the invasion, but they do not do any on-the-ground work, and that is why we support your bill and Senator Craig's bill, S. 198, because it channels Federal funds down to the people that know how. Using the cooperatives that Mr. Secrist mentioned, we have got to get the local people involved. We support an Invasive Species Council and we think we have endorsed a member on there as well. But it is the upper tier, but we need to get down to the lower tier.

Senator WYDEN. Very good.

One question for you, Mr. Secrist. The administration also says that there should be a reporting requirement as well added to S. 198 so that, in effect, Federal and State individuals could make judgments on the success of the projects. I am interested in your reaction. Senator Craig and I have really wrestled with a variety of ways to try to get accountability and measures and to get people to actually work together. We thought of one approach to the county payments bill. We are going to try to find some other ways in terms of forest health. But tell us what you think of this idea that somehow this reporting approach could have some accountability and you can measure success along the lines of what the administration is talking about.

Mr. SECRIST. Thank you, Mr. Chairman. I would offer that the idea of a multiplicity of partners is in itself a pretty good assurance that those monies are going to be used wisely. By that I mean if you have a mix of private landowners, Federal agency managers, tribal individuals, and groups such as the Nature Conservancy and others, that balancing that occurs, for example, at the local level is a pretty good assurance that no one individual is going to have their way necessarily and that these projects are going to be well thought out.

Having said that, however, I recognize the need for accountability of public monies, which these would be. We have instituted, for example, at the Department of Agriculture for the cost share grants that we provide what we think is a reasonable amount of accountability, and that is that the groups provide to us at the end of the year an accounting of what projects they have accomplished, how much they spent in comparison to what they requested, and if carryover monies are available, either request to allocate them to new projects or to return them.

So, yes, I do think some simple mechanism like that, but I think we have to be careful that the cure is not worse than the disease.

It has certainly been a turnoff with some grants that we have seen. The accounting requirements are inordinate really.

Senator WYDEN. Well, we will work with you and Senator Craig has really taken the lead on this, and I am going to be supporting him strongly on it. We are going to turn this over to you, Senator Craig. I very much appreciate your adjourning this as well.

Senator CRAIG. Thank you, Mr. Chairman.

Glen and Scott, to all of you, thank you for your time here today and your testimony on these different issues.

Glen, in those areas of Idaho that have developed the cooperative weed management concept, have you seen a significant difference in weed detection and eradication than in those areas that are not under a cooperative program? Or is it too early to tell?

Mr. SECRIST. Thank you, Senator Craig and members. No, I would not say it is too early to tell at all. We have seen tremendous improvement. For example, I was thinking of the one you are familiar with, the Camas Creek group. I say this candidly that it went from a position of the Director of the Department of Agriculture issuing a letter to the county saying they had to do something about the problem over there to what I think is one of the most progressive cooperative weed management areas in the State today. That all occurred because of someone at the local level who said, somebody has got to take responsibility for this, and found other landowners and Federal land managers of like feeling, and from that came a very good plan and a determination to implement that plan. And significant progress, yes.

Senator CRAIG. Do you see this as probably, at least from your current experience with these cooperative arrangements, by far the better way of getting the Federal dollars to the ground?

Mr. SECRIST. Absolutely, Senator Craig. I would not see it any other way really. That provides I think the kind of support that you need from local landowners. I think importantly it provides the ability to sustain an effort like this. Anytime you depend on an agency, it soon turns into an agency program and eventually, I think, loses touch with reality in some regards. So, having that local steering committee where people come and go, where the chairmanship rotates, those things bring I think sustainability to what is surely a long-term problem.

Senator CRAIG. Scott, you are familiar, I assume, with the relationship the cattle industry now has and your organization has with the Nature Conservancy.

Mr. KLUNDT. Oh, yes.

Senator CRAIG. You might explain that a little bit for the committee record because I believe this relationship demonstrates the frustration and concern that the issue of invasive and noxious weeds have to a broad cross section of both public and private groups. Those that might be considered environmental, those that have not been viewed as necessarily environmental all see a similar problem. If for the record you could explain that relationship. I have found it unique and valuable.

Mr. KLUNDT. Absolutely. For those of you who do not know, the Nature Conservancy is a conservation organization. Each State has its own organization and there is a national organization as well.

They are, like I said, a conservation organization, whereas the National Cattlemen's Beef Association and the Public Lands Council are commodity-based. When you look at the goals of each other, they sometimes conflict. And that has been the case between NCBA and the Nature Conservancy.

However, on this bill, as I stated, we had a common goal and a common objective. Their goal is to conserve lands and preserve the landscapes, and our goal is to conserve the land and keep it in a sustainable production mode. The threat to both of those scenarios is non-native weeds.

So, I think at your urging, Senator, we joined together and began a concept paper, floated it around, sent it out to our people for comments, and thus began this S. 198. So, hopefully that answered your question.

Senator CRAIG. Well, I find that unique because I think whether it is the private landholder or I guess you could argue the Nature Conservancy is by definition a private organization and a holder of land, substantial acreages in many instances, all of them have found the responsibility of stewardship in this area phenomenally complicated because of the diverse relationships and, of course, the cooperative approach. This cooperative management concept that was really pioneered in Idaho and that we have worked into this legislation seems to address that. So, thank you both very much.

Buck, I am asking this question in behalf of Senator Murkowski who could not stay. In your written testimony, you express concern for the proximity of the exchanged lands in Berners Bay to the LUD II area at the head of the bay. I assume you are aware that this bill would not convey a single square foot of LUD II to a private landowner.

Are you suggesting that the Tongass Timber Reform Act or the Alaska Native Interest Lands Conservation Act envisioned the construction of a protective buffer around LUD II's or even around wilderness areas? Where in the Tongass Timber Reform Act is there that kind of extra protection envisioned? In other words, are you suggesting by this, in essence, a buffer, by your concern as to proximity?

Mr. LINDEKUGEL. Thank you, Senator Craig. To clarify, no. And the reason I brought this photo, we are concerned, because they are so close to each other, that affecting part of it affects the whole. So, even though it is not directly impacting the legislated LUD II lands, it will affect the uses of those lands and the natural resources that are produced by those lands. There just is an ecological whole. The bay is an ecological whole. In blocking off, denying access to one portion of that bay is going to affect use of the rest of the bay as well.

Senator CRAIG. I see. Well, I thank you for that explanation.

Gentlemen, all, thank you very much again for your time before the committee, and the committee will stand adjourned.

[Whereupon, at 4:24 p.m., the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

[Due to the enormous amount of materials received, only a representative sample of statements follow. Additional documents and statements have been retained in subcommittee files.]

STATEMENT OF HON. MAURICE HINCHEY, U.S. REPRESENTATIVE FROM NEW YORK

Mr. Chairman and members of the Subcommittee, as a member of Congress representing an area of New York that is nearby the Finger Lakes National Forest I strongly support passage of S. 1846 and I want to commend Senators Schumer and Clinton for their hard work and leadership on this issue. Along with Representative Jim Walsh and 28 other members of the House of Representatives, I am a cosponsor of companion legislation to permanently protect the Finger Lakes National Forest from oil and gas development.

The Finger Lakes National Forest is a special resource in our state as it is New York's only national forest. Since its establishment by an Act of Congress in 1983, the Finger Lakes National Forest has become a popular destination for hikers, campers, horseback riders, and nature enthusiasts. Opportunities for hunting, fishing, skiing, and snowmobiling ensure that the Finger Lakes National Forest is utilized for recreation by residents of New York throughout the year. According to the Forest Service, the Finger Lakes National Forest hosts 46,000 "recreation visitor days" annually, attracting visitors because of its network of trails, easy access, and relatively undisturbed environment.

In 2001, the Forest Service proposed leasing 13,000 acres of the 16,000-acre Finger Lakes National Forest for oil and natural gas drilling. Oil and gas drilling in the Forest is strongly opposed by my constituents and would greatly diminish the many benefits New Yorkers enjoy when visiting it. The Forest Service's proposal was simply incompatible with current uses of the Forest and opposed by an overwhelming majority of New Yorkers. This ill-conceived proposal not only galvanized efforts to defeat this immediate threat but to permanently protect the Forest from such harmful activities in the future. Efforts to defeat the Forest Service's proposal were boosted by strong public opposition and the backing of public officials. I have no doubt that this opposition, along with the one-year moratorium on oil and gas drilling enacted in the FY 2002 Energy & Water Appropriations bill by Senators Clinton and Schumer, with the support of House members such as myself, was instrumental in convincing the Forest Service to ultimately abandon their pursuit of oil and gas in our Forest.

S. 1846 is strongly supported by New Yorkers. As noted by the Forest Service in its Record of Decision in December of 2001, the vast majority of those responding to the Draft Environmental Impact Statement were strongly against any leasing or development of federal oil and gas resources. Many of the comments expressed concerns regarding impacts to wildlife and recreational resources. It is also worth noting that in many of the public comments, people expressed a deep personal attachment to what they considered to be a special place. The Finger Lakes National Forest is a unique slice of federal forest where many people have established personal connections with the land. These aesthetic and cultural values would be severely jeopardized by the disruption of the Forest's natural qualities.

S. 1846 is necessary to ensure the permanent protection of the Finger Lakes National Forest. While oil and gas development has been temporarily averted, the Forest Supervisor stated in the Record of Decision that he was not foreclosing the prospect of future oil and gas leasing. With the possibility of future industrial exploitation it is imperative that we act now to pass this legislation to permanently protect our National Forest. Oil and gas drilling would severely compromise the character of the Forest that New Yorkers have come to know. This industrial develop-

ment would disrupt the current uses highly sought by the public by adversely impacting recreation and tourism in the Finger Lakes National Forest through increased traffic, noise and fumes, damage to roads and trails, and risk associated with extracting and transporting oil and natural gas. Drilling activities would harm the ecological functions of the Forest by contaminating the water and soil, and diminish its undeveloped character through the construction of access roads, drilling pads, pipeline corridors, and other forms of long-lasting degradation.

Adopting S. 1846 will ensure that the Finger Lakes National Forest will maintain its current character and not be degraded by drilling activities in the future. The Finger Lakes National Forest is a small, fragile forest in an area that is seeing increased encroachment from development activities. We should not compromise its natural functions for short-term financial gain. This regional asset deserves the permanent protection provided by S. 1846 for the benefit of its current and future users.

Thank you for your consideration of this important bill.

STATEMENT OF HON. LOUISE M. SLAUGHTER, U.S. REPRESENTATIVE FROM NEW YORK

Mr. Chairman, as you consider S. 1846, I would like to take this opportunity express my strong support for a permanent prohibition on oil and gas drilling in the Finger Lakes National Forest in New York State. I am a proud cosponsor of H.R. 3460, the House companion bill to S. 1846.

The Forest Service decided in December last year not to allow oil and gas leasing in the Finger Lakes National Forest at this time. While I was pleased with this decision, the option still exists for the Administration to decide to open up the area in the future for this controversial activity. The legislative language which passed the Senate last year by a vote of 97 to 2 only bans drilling in the Finger Lakes area in Fiscal Year 2002. A permanent legislative solution is needed.

As Forest Supervisor Paul Brewster stated in his decision, even if environmental concerns could be mitigated through lease stipulations, the "value of place" would be compromised if oil and gas development was permitted. The Finger Lakes National Forest, located just east of Seneca Lake, is about the size of Manhattan, the only national forest in our state, and the second smallest national forest in the United States. This scarce public land in New York State should be preserved for the 40,000 visitors who are attracted to the area each year.

I appreciate the attention this committee is giving to this important issue, and I urge the Senate to shield this national forest from drilling in the future.

STATEMENT OF HON. GREG WALDEN, U.S. REPRESENTATIVE FROM OREGON

Thank you Mr. Chairman for allowing me to submit a statement in support of S. 2482, a bill to direct the Secretary of the Interior to grant to Deschutes and Crook counties in the State of Oregon a right-of-way to West Butte Road. Last night I introduced companion legislation to this bill in the House, and I look forward to working with you and Senator Smith in getting this important legislation enacted into law. This legislation will do much to improve the transportation and infrastructure needs of central Oregon.

Mr. Chairman, due to the rapid population growth along the Bend-Redmond corridor, Highway 97 has become a perpetual bottleneck. If this legislation passes and once the current BLM road is improved, trucks and other traffic will be able to utilize an alternative transportation route through central Oregon by way of the West-Butte Road, benefiting both Deschutes and Crook counties.

For Deschutes County, passage of the legislation would provide a traffic "relief valve" for the extremely busy Highway 97. For Crook County, passage of the legislation would have three tangible benefits. Currently, the county has an unemployment rate of 10.6%, which can be attributed to the closure of several mills in the area. A paved connection to Highway 20 will induce companies to relocate to Crook County because of the long-term viability of its transportation infrastructure. This connection will also preclude companies from leaving Crook County due to the ever-increasing transportation congestion and costs of transporting products along Highway 97. A further benefit will be reduced travel time to recreational activities in the Ochoco National Forest.

Mr. Chairman, Crook County has been hard hit by mill closures and loss of family wage jobs, due in part to the lack of a quality transportation infrastructure. Passage of this legislation will not solve all of Crook County's economic hardships, but it would certainly help eliminate some of the factors contributing to the county's 10.6% unemployment rate.

STATEMENT OF HON. JAMES T. WALSH, U.S. REPRESENTATIVE FROM NEW YORK

Mr. Chairman, I welcome this opportunity to officially submit for the record my strong support of S. 1846, a bill to prohibit oil and gas drilling in Finger Lakes National Forest located in the Central New York. As the original sponsor of companion legislation pending consideration in the House, H.R. 3460, I believe a permanent ban on oil and gas drilling is the most effective way to prevent the drilling's negative effects on wildlife, recreation in the area, and tourism vital to the region's economy.

This legislation is brief and straight forward. It simply states: "No Federal permit or lease shall be issued for oil or gas drilling in the Finger Lakes National Forest in New York." The reasons for preserving this valuable resource are many. The Finger Lakes National Forest is the smallest national forest in the country and draws 46,000 recreational visitors each year who hunt, fish, camp, and hike on the 16,000 acre reserve. Any drilling in the Finger Lakes National Forest, using standard 130 foot rigs and pipelines, will cause irreparable damage to the these recreational activities, the landscape and environment.

In closing, my father, the Honorable William F. Walsh, represented this area in Congress in the 1970's. During that time, he fought hard to ensure this pristine wilderness area would be protected for future generations. This is a legacy I wish to continue.

I join Senators Schumer and Clinton in supporting S. 1846. In our current attempts to construct a sound and responsible national energy policy, it is my hope that Congress recognizes the need for continued environmental stewardship to protect national treasures like the Finger Lakes National Forest.

Juneau, AK, June 12, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Building, Washington, DC.

Re: S. 2222, Cape Fox Land Entitlement Adjustment Act

DEAR SENATOR BINGAMAN: I am writing to you today in opposition to S. 2222, Senator Murkowski's legislation to give private, for-profit corporations 11,900 acres of public land in Berners Bay, Alaska in exchange for assorted land in southern Southeast Alaska, some of which has been logged.

For over a decade, my family has enjoyed the richness of Berners Bay during all seasons of the year. We have boated into the Bay in the spring to watch humpback and minke whales pursue the eulachon, a small oily fish that is an incredibly important food resource for animals and humans alike because it arrives early in spring long before the salmon return. We have seen hundreds of eagles, harbor seals and Steller sea lions join the whales in pursuit of the eulachon. We have watched black bear grazing in the beach grass, and we have followed moose tracks in the sand at low tide. We have spent winter nights in the public-use Forest Service cabin in the north end of the Bay, listening to the silence that is so hard to find in our lives anymore.

Berners Bay is a critically important wild area for the residents and visitors to Juneau, who use the area for recreation, for subsistence activities and for limited, commercially-guided touring. With 4 rivers flowing into the head of the Bay, it is one of the richest habitats for wildlife in Southeast Alaska.

My family shares the concern of most Alaskans that the enjoyment of our lifestyle depends upon a healthy economy. However, we believe one of Alaska's greatest resources is our public lands that have not yet been negatively impacted by development.

We have seen the environmental impacts that have resulted from development activities on lands in Southeast Alaska owned by for-profit corporations. We do not want to see similar impacts from mining development in Berners Bay that would be facilitated by this land exchange.

We urge you to strongly oppose this ill-advised effort to put highly-valued public land into the hands of private developers.

Sincerely,

SUSAN SCHRADER.

Sunriver, OR, June 18, 2002.

Re: S. 2471, to provide for the independent investigation of Federal wildland firefighter fatalities

DEAR SENATOR WYDEN AND HONORABLE COMMITTEE MEMBERS: My name is Douglas Hoschek, I am 58 years old and my permanent residence is as stated Sunriver, Oregon. Our residential community of 3,000 privates acres is located completely inside the Deschutes National Forest. The closest town is Bend with a population of 50,000 citizens. Sunriver has a permanent population of 2,500 residents, mostly retired citizens who own their own homes with prices ranging from $250,000 to $850,000.

During the summer months hundreds of thousands of citizens come to the area for family vacations and outdoor recreation.

I am employed in my own textile business, Portland Woolen Mills (PWM). During the past two years I have been re-birthing PWM which was started in Portland, Oregon in 1901 and became the largest woolen mill west of Cleveland until 1961. After the mill closed its woolen production in 1961, the company turned to making synthetic fiber insulations for sleeping bags and outdoor clothing. In 1966, after my graduation from the Univ. of Montana with a BS degree in Bus Ad and Sociology, PWM soon became my customer while I was employed at Celanese Fibers Company selling Polarguard insulations for military and outdoor recreation sleeping bags and clothing.

From the knowledge I acquired in non-woven fiberfill insulations and woolen blankets I co-developed Polarfleece with Maiden Mills. As I am sure you are aware Malden Mills and owner Aaron Feuerstem had a tragic fire that devastated 75% of the mill in 1995 where the world famous Polarfleece/Polartec fabrics were being produced. Fire is no stranger to textile mills and unfortunately far too many textile products they manufacture today are NOT reviewed and improved to be fire retardant certified.

Except for heavy protective outer garments made of Aramid including a coat, shirt and pants the firefighter has little product available to them for protection while fighting fires, especially wildland forest fires.

In earnest, I have directed myself and Portland Woolen Mills to address the issue of fire safety for outdoor end user recreationists, commonly called campers, hikers, backpackers, viewers, and birdwatchers. Over one hundred million American's claim to participate in these forms of outdoor recreation on public lands annually according to a joint study published in 1997 by the USDA Forest Service and the Sporting Goods Manufacturing Association.

My research has shown me that little to NO understanding of what to do should a citizen become involved in a public lands fire, is being shown or taught to American citizens. Education is needed as soon as possible. In addition, an even more alarming fact shows that few if any fire safety specifications are presented in all the types of outdoor recreation gear and clothing used on public lands. To the best of my knowledge only tent floor materials required a fire retardant specification, leaving nylon sleeping bags, nylon backpacks, synthetic shoes and synthetic and cotton clothing all without fire specifications.

While it would be unreasonable to expect outdoor end users to always wear fire protective clothing like the flame-resistant pants and shirts issued to firefighters, and the carry gear all made to fr standards, there are two definite ways to improve existing products. It is the purpose of this testimony to encourage this Committee to work towards legislation as stated in the following two points:

1. Test all outdoor gear and clothing that are used on public lands, i.e., tents, sleeping bags, backpacks, clothing and shoes and establish a rating system of flame resistance in a general sense that would require each product to be labeled so that the consumer knows the reality of the product when it is exposed to public lands fires. This of course will encourage product makers to improve the fire qualities of their products.

2. Legislation be passed that would require some type of fire protection to be carried in a vehicle used to enter public lands, i.e., a fire safety blanket or wrap. Furthermore, citizens, (outdoor end users) that walk upon, ride upon or camp upon public lands etc. be required to have with them some means of fire protection from clothing to a wrap to protect themselves. Thus, you are not entering into the personal dress of citizens by requiring that they only carry with them flame resistant protective wear of some certified flame resistant materials.

Allow me now to make the following comments and observations about fire fighters fatalities during the past few years. I was schooled at the Univ. of Montana as stated from 1961-1965. At that time, U of M was rated as the best Forestry college in America. While I did not major in Forestry I did take a few Forestry courses as

electives. Many of my best friends were Forestry majors and several were firefighters in the summer to earn money to stay in college. As I am sure you are aware the Missoula Fire Jumpers School is among the best in the world.

A few weeks ago, May 29 to be exact, I attended a public hearing held by Senator Wyden in Redmond, Oregon concerning Forest Health. Alarming testimony was given about the severe fire dangers of public forest lands from years of neglected maintenance and legal conflicts with environmental groups.

I must admit to you that until I came to that hearing I was very much in favor of "roadless lands" and more and more wilderness type designations for public lands. Senator Wyden made a turning point for me when he addressed all the parties involved, forest service, BLM, rancher, schools, rural towns, outdoor end users, environmentalists as "STAKEHOLDERS". I had learned enough to know that public lands are defined as multiple use public lands. Yet, not until this hearing on May 29th did I realize how much we ALL need to work together to save our public lands and ourselves from fire dangers that will solve things for us. What good is a roadless public land if the forest floor is not properly maintained?

Private lands used to farm (log) timber are easily wiped out by public forests that are not properly maintained through science and thinning of smaller trees and underbrush. Even the now popular purchasing of private lands and putting them into public trusts finds little to NO fire safety management funds for those lands from those wealthy donors once the lands are acquired. In reality FIRE WINS. And, of course, before we as citizens started expanding our boundaries to want to live and build communities closer and closer to public lands, fires were a simple act of Mother Nature.

Reading the stories and seeing the results of all this shifting of living spaces and poorly managed fire safety systems that we keep failing to find leadership to resolve, finds the real victims are now the firefighters who must go and continue to keep us safe from our own harms ways. Colorado is all to real as I write this testimony. Not just the homes and citizens threatened by these wildland fires but the constant buildup of men and women needed to protect lives and property. We are beyond the simple truths that the money we are spending now to fight these fires should have been spent to protect the forests from these fires. Over one hundred years ago, much of the States of Wisconsin, Michigan and Minnesota burned out of control in wildfires. History quotes squirrels being able to run from treetop to treetop from state to state and never touch the ground for hundreds of miles. Today the press simply states fire races from treetop to treetop throughout 87,000 acres near Denver Colorado. 540 firefighters are working round the clock and another 800 are needed. As fires swirl out of control crews are pulled off the lines. FEMA gives eleven grants to Colorado. Soon the reality of who gives their lives will enter. During the past two years over a dozen lives were lost each year fighting fires by the brave citizens who work as firefighters.

I have few answers to say why these brave citizens died in the line of duty.

I have just begun my own journey to try to bring new and improved textile fabrics to firefighters and outdoor end users of public lands. In contacting Andy Hayes at Missoula Smoke Jumpers and George Jackson at the Forest Service Development Center in Missoula I have learned that much can be done to improve the health and well being of fire fighters while they are out there saving our lands and our lives. One of the biggest factors for firefighters is fatigue from heat related stress according to the conversations I had with Mr. Jackson and Mr. Hayes. This was also confirmed by Richard Harter at the National Interagency Fire Center in Boise.

I have within my company, Portland Woolen Mills, products with new fr science made from wool, that reduce heat stress and fatigue while providing fr protection to the wearer. The science and wool fabric technology have been developed by Alcoa and a mill in New Zealand named Alliance Textiles. These fabrics and blankets will be introduced to outdoor end user retailers at this summer Outdoor Retailer Show in August in Salt Lake City. One of the key parts to the PR 97 fabric system is next to the skin layers of fr fabrics that also keep you from overheating. It is that overheating that burns energy and causes fatigue. For the past twenty years myself and many others in the outdoor textile industry have exhausted ourselves developing synthetic polyester fibers to move away skin moisture (sweat) to prevent fatigue and wet clammy clothing.

I was somewhat shocked to learn from the FS Development Center that next to skin clothing (including underwear) is considered to personal to become part of the fr clothing spec for fire fighters. In outdoor recreation the next to skin underwear layer is just as important to the outdoor climate control clothing system as a mid layer of Polarfleece and a protective shell of Goretex. In fact the next to skin layer is the biggest concern to comfort and protection for outdoor end users. I am told it will take years to get a national program for federally employed firefighters to have

these new products and that my best shot is to work through field offices and sell the clothing to firefighters in a more direct way. While this is very good business for my customers, outdoor retailers like REI, Cabela's and LL Bean is it fair to the firefighters to have to buy their own or wait four years till they get one from a national government contract? A closer look will find an outdoor end user being rescued from a public lands firefighter with the citizen wearing better protective clothing than the fire fighter who is rescuing them. The fatigue from several rescues along with a full shift of fighting the real fire easily could overcome the firefighter and in his fatigued state he or she could lose their life. Many firefighters get little to no rest in a 24 hour period.

No road is an easy road in America today. My journey to stay in the textile business in America has led me to New Zealand to find the quality of wool and woolen fabrics I want to bring to my customers. To accomplish what I would like to do with these New Zealand fabrics that I have shipped into the USA to be sewn into clothing I must pay duty rates. Furthermore, to bring these fabrics into USA government clothing contracts I must find away around the legal issues of non USA made fabrics. That avenue seems to be a great opportunity for NAFTA to open its doors to New Zealand and Australia.

Why? Simply because 80% of the worlds wool that can make good outdoor clothing and blankets including fire resistant ones, is raised there. The USA production of world wool is 1%. Back in 1901 when Portland Woolen Mills was first started the USA produced all the wool it needed for our citizenry, close to 300 million pounds annually.

Wool was the second most important source of funds for our economy next to steel. Today we raise a mere 6-7 million pounds of wool. We are totally dependent on oil and the fossil fuel science of synthetic fibers for all our clothing and outdoor gear. Aramid flame resistant clothing will keep you from burning. It is a synthetic fibre. However, the heat stress and consequent fatigue will make you seriously ill or even kill you. We all know the reality of continuing to depend on oil and the countries that produce it. So long as there is grass in America there can be sheep and wool to protect our citizenry and our firefighters. Globally we can choose to become bigger partners with grass growing sheep stations in New Zealand and Australia or keep living in the terror of foreign oil.

Our firefighters can be saved with the present fabrications that find New Zealand and Australian firefighters saved from the perils we allow our own firefighters. The obstacles for myself and Portland Woolen Mills to make that happen require four years of waiting and many new acts of global relationship building to cut threw red tapes of government policies. Of course it would be easier to just go fishing if the whole damn woods wasn't burning up!

Which brings me to one last point in this testimony. S. 1846 to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York.

Simply and respectfully: YES to prohibit oil and gas drilling.

Respectfully yours,

DOUG HOSCHEK.

RESOLUTION NO. 01-01

THE RESOLUTION OF THE CENTRAL OREGON AREA COMMISSION ON TRANSPORTATION ENDORSING THE IMPROVEMENT OF MILLICAN/WEST BUTTE ROAD FROM RESERVOIR ROAD IN CROOK COUNTY TO U.S. HIGHWAY 20 IN DESCHUTES COUNTY.

WHEREAS, the cities of Bend and Redmond are experiencing increased traffic congestion on U.S. Highway 97;

WHEREAS, this congestion negatively impacts the transportation systems and the quality of life in those communities;

WHEREAS, the city of Prineville and Crook County have been declared economically distressed and improvement of highway access is important to enhance economic opportunities;

WHEREAS, an alternative route has been identified that would reduce environmental impacts on Highway 27;

WHEREAS, the improvement of Millican/West Butte Road is expected to ease traffic congestion on Highway 97 and improve economic opportunities for Crook County; and

WHEREAS, Millican Road traverses land owned by the Federal Government and managed by the Bureau of Land Management:

NOW, THEREFORE, this 14th day of June, 2001, the Central Oregon Area Transportation Committee resolves that it endorses the improvement of Millican/

West Butte Road, from Reservoir Road in Crook County to U.S. Highway 20 in Deschutes County, and urges the Bureau of Land Management to work cooperatively and promptly with representatives of local governments to accomplish this project.

CENTRAL OREGON AREA
COMMISSION ON TRANSPORTATION

STATEMENT OF STATE SENATOR MICHAEL F. NOZZOLIO, 53RD SENATE DISTRICT, ALBANY, NY

State Senator Michael F. Nozzolio (R-Fayette) said, "It is my strong belief that oil and gas exploration and drilling in the Finger Lakes National Forest would severely harm the pristine environment of the forest preserve and endanger wildlife and natural resources. The environmental risk of drilling far outweighs any potential benefits.

"Gas exploration and drilling in the Finger Lakes National Forest would not only jeopardize the quality of the environment, but would also jeopardize our local tourism industry, which is an important part of the local economy. The Finger Lakes National Forest attracts 40,000 visitors annually and drilling in these lands would have a detrimental effect on our communities and our tourism industry, and limit the ability of residents and visitors to enjoy this unique environmental jewel.

"Unlike major Federal preserves in other areas of the Nation, there exists private sector alternatives to gas and oil exploration outside the borders of this relatively small national forest. With the availability and accessibility of these private sector alternatives, the Finger Lakes National Forest should be insulated from any gas and oil exploration.

"I have called upon the United States Forest Service to ban drilling in the Finger Lakes National Forest and I commend Senator Schumer for helping to keep up the fight on this important issue."

New York, NY, June 17, 2002.

Chairman BINGAMAN,
Ranking Member MURKOWSKI,
Senate Energy and National Resources Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS BINGAMAN AND MURKOWSKI: I am writing to express my strong support for legislation to permanently ban drilling for oil and natural gaff in the Finger Lakes Forest. This is a tiny forest and the only national forest we have in New York State. I, and all New Yorkers I know, want to preserve this natural treasure for ourselves and for future generations. Destroying the Finger Lakes Forest will benefit no one but the oil companies. And it will certainly do nothing to make our country less dependent on imported oil.

Please help us protect the Finger Lakes Forest.

Respectfully yours,

PAULINE BILSKY.

Bay Shore, NY, June 17, 2002.

Chairman BINGAMAN,
Ranking Member MURKOWSKI,
Senate Energy and Natural Resources Committee, Dirksen Senate Office Bldg., Washington, DC.

TO WHOM IT MAY CONCERN: Please know that I and my family fully support the legislation of a permanent ban on drilling for oil and natural gas in the Finger Lakes. I am in support of Senator Schumer's bill, S. 1846. I am speaking as a concerned citizen and environmentalist of New York State.

Very truly yours,

ANITA MICHIELINI NAVARRO.

Albertson, NY, June 17, 2002.

Chairman BINGAMAN & SENATOR MURKOWSKI,
Senate Energy & Natural Resources Committee, Dirksen Senate Office Building, Washington, DC.

Re: S. 2450 and S. 1846

DEAR CHAIRMAN BINGAMAN AND SENATOR MURKOWSKI: I am in favor of PERMANENTLY banning drilling for oil and natural gas in the Finger Lakes and want to express my support for Senator Schumer's and Senator Clinton's bills S. 1846 and S. 2450.

Despite the USFS's contention that there is no purpose for these legislations, and despite the fact that they do not want to drill now, they want to keep their options open for the future. This is not satisfactory. The Finger Lakes forest is a small gem, one of the only national forests in NYS.

Thank you.

Sincerely,

LORETTA SCHORR.

Canandaigua, NY, June 17, 2002.

Chairman BINGAMAN and Ranking Member MURKOWSKI,
Senate Energy & Natural Resources Committee, Dirksen Senate Office Building, Washington, DC.

GENTLEMEN: I am writing to urge passage of the bill which bans drilling for oil and gas in the Finger Lakes National Forest permanently.

Senator Charles Schumer and Senator Hillary Rodham Clinton have my firm support as they seek to protect the fragile ecosystem of New York's only national forest. The proposed bills (S. 1846 or S. 2450) would do just that. Therefore, I ask that your committee do all in its power to see that it becomes the law.

According to the latest figures, about 40,000 people per year enjoy these woodlands—an astonishing number when you consider that we are talking about only 16,083 acres. They are there in all seasons: fishing, hunting, hiking, snowshoeing, camping, or just picnicking and enjoying the natural setting. In a time when unspoiled land is disappearing at an alarming rate, I would hate to see this changed.

Even with modern technology, the "pads" for wells, roads to access and service them, pipelines and rights-of-way to carry the oil or gas, will scar the landscape permanently. No matter what the promises, there is no way to bring in heavy equipment with a light touch!

Please act to preserve these natural and beautiful acres for our children and grandchildren by passing a permanent drilling ban. Future generations will thank you.

Sincerely,

FRED A. MAGLE.

Tonawanda, NY, June 17, 2002.

Hon. FRANK MURKOWSKI,
Energy and Natural Resources Committee.

Re: S. 1846

DEAR SENATOR MURKOWSKI: We hope you can find some way to get permanent protection to the national forests and particularity to the Finger Lakes National Forest.

We can see the supplies of oil are obviously dwindling and exploration for new areas has moved sideways for the past few years. Market conditions obviously pinpoint this reality. It appears that there really isn't as much domestic oil as we all thought.

But the government is not encouraging conservation and current policies encourage the false hope of endless supply. National Forests and all parks are places that should be permanently removed from the possibility of questionable exploitation. Any damage we do to these areas is never truly repaired and the supplies of oil are inevitably meager.

We hope you can develop a long range energy policy that is dedicated to something besides the bottom line of the fossil fuel companies and you are successful in getting this important legislation passed.

Sincerely,

ART (HAP) AND LYN KLIEN.

SIERRA CLUB,
Saratoga Springs, NY, June 17, 2002.

Chairman BINGAMAN and Ranking Member MURKOWSKI,
Senate Energy and Natural Resources Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN AND RANKING MEMBER MURKOWSKI: In New York State we have only one National Forest, the tiny Finger Lakes Forest outside of Ithaca. There has been expressed interest in this forest by the current administration for future oil and gas drilling. We urge you to support legislation that would permanently ban drilling for oil and gas in this region. Please support the following bills to ensure the protection of the Finger Lakes Forest; Senator Schumer's and Senator Clinton's bills, S. 1846 and S. 2450.

If you would like to discuss this in further detail, please contact me at (518) 587-9166.

Sincerely,

MARK BETTINGER,
Sierra Club Northeast Regional Director.

ENVIRONMENTAL ADVOCATES,
Albany, NY, June 17, 2002.

Hon. JEFF BINGAMAN,
Senate Energy and Natural Resources Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: I am writing to you on behalf of Environmental Advocates of New York, a statewide environmental advocacy and lobbying organization based in Albany, New York. With thousands of individual supporters and over 130 organizational members, Environmental Advocates is truly the voice of New York's euvironmental community.

We are strongly supportive of Senator Charles Schumer's bills, S. 1846 and S. 2450, to prohibit oil and gas drilling in the New York Finger Lakes region. As you know, New York boasts only one National Forest, which is situated outside of Ithaca. The Finger Lakes Forest was the target location for a proposal by President Bush to drill for oil and natural gas. The environmental costs of drilling in this area are both grave and plentiful.

The drilling itself would destroy numerous parts of our National Forest, and more would suffer in order to transport the resources out of the area. In addition, the construction of miles of pipeline and roadways would also greatly disturb the natural habitat of the forest. The extent of damage cannot be predicted thoroughly, the threshold of acceptability would be left far behind.

Another important consideration is the issue of precedent. By definition, America's National Forests are lands protected by the government in order to preserve their natural beauty and character, as well as provide homes in the wilderness for wildlife. The Finger Lakes Forest is no exception, but by allowing the government to drill within its boundaries we are permanently devaluing the importance of protected lands. We cannot allow such disrespect to escape unnoticed. If we cannot protect our National Forests from such a blatant attack as drilling now, imagine what will be accepted in the future.

We urge you to pass this bill and live up to the promise of protection for National Forests. Thank you for your time.

Sincerely,

VAL WASHINGTON,
Executive Director.

Stony Brook, NY, June 17, 2002.

Senator JEFF BINGAMAN,
Senate Energy and Natural Resources Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: I am writing this letter to express my support of Senator Schumer's bill, S. 1846, and Senator Clinton's bill, S. 2450. These bills seek to permanently ban any drilling for natural gas or oil in the Finger Lakes National Forest.

This area consists of 16,176 acres in a beautiful region of New York State. While our country does require energy sources, we also should balance need with a rapidly diminishing natural beauty of the planet. I remember during the Carter years, energy conservation was given priority. However, this policy was dropped in later years. I believe that we should re-instate these (dropped) tax credits.

Respectfully,

PAUL M. HART.

TOWN OF HECTOR,
Burdett, NY, June 18, 2002.

Hon. CHARLES E. SCHUMER,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SCHUMER: The Town Board of the Town of Hector is opposed to drilling for gas and oil in the Finger Lakes National Forest as stated in Resolution #86 passed on July 11, 2001.

We thank you for your continued support in opposition of drilling in the Finger Lakes National Forest.

Sincerely,

BENJAMIN R. DICKENS,
Supervisor.

TOWN OF HECTOR TOWN BOARD

RESOLUTION #86

JULY 11, 2001

WHEREAS, the Town Board of the Town of Hector has been presented with a copy of Draft Environmental Impact Statement (DEIS) concerning exploration and drilling for oil and gas in the Finger Lakes National Forest; and

WHEREAS, there are 10,950 acres of land in said forest, all of which are located in the Town of Hector; and

WHEREAS, the Draft Environmental Impact Statement (DEIS) contains no specific analysis as to how the community and its residents will be affected and it is anticipated construction will take 18 to 40 years (DEIS Page 2-22); and

WHEREAS, annual rental rates (DEIS Page 2-5) for Leases are only $1.50 per acre, or a fraction thereof, for the first five years. Each year thereafter, annual rental rates increase to $2.01 per acre. The DEIS does not mention a specific number of acres to be leased, but does state the rental fees are paid to the Department of Interior; and

WHEREAS, town roads in and out of the Finger Lakes National Forest will bear increase traffic by up to 30,000 one-way trips by vehicles, heavy trucks and equipment (DEIS Page C-5 an D-25). Of somewhat greater concern is the deterioration effect of heavy equipment on gravel and dirt areas. Local towns will be responsible for road repairs and/or maintenance; and

WHEREAS, Oil and Gas Companies will utilize the existing forest road grid network 2 mucks as possible, but it will be necessary to construct some new access roads to exploratory drill site (DEIS Page S-32). These access roads will probably be surfaced with gravel. Hector Town Highway Superintendent expressed concern at the Town Board Meeting held June 12, 2001 as to access to an the amount of gravel available at the present time for use on the existing town roads; and

WHEREAS, any royalties (DEIS Pages 5-93 and 5-94) will be divided as follows. 87.5% to private oil companies; 9.5% to the federal government and 3% to the local government. The three percent (3%) designated for local government will be divided between the Counties of Schuyler and Seneca as exploration and/or drilling could take place in both counties. The Draft Environmental Impact Statement is unclear as to who would receive any royalty payments or if the Town of Hector will receive royalties at all; and

WHEREAS, the DEIS clearly states that local government finances (DEIS Page 5-93) are frequently a concern accompanying oil and gas exploration and extraction. Smaller communities with limited tax base and obligations to maintain schools, roads and bridges may be impacted by increased use of these facilities. Successful development would ultimately expand the local tax base, however, the time interval between the need for funds and the availability of new projected revenues may result in short-run cash flow problems, especially if local governments are unable to borrow funds to offset revenue shortfalls; and

WHEREAS, nowhere contained in said Draft Environmental Impact Statement is there a plan for a pipeline to deliver oil or gas out of said forest, although it does state that the necessary pipeline (DEIS Appendix B, Page 28) will be almost six miles long and require a right-of-way twenty-five to fifty feet wide; and

WHEREAS, it is estimated that if oil or gas is found, it will not be piped out of the Finger Lakes National Forest for an estimated 18 to 40 years (DEIS Page 2-22) and no royalties will be pad until said oil and/or gas is sold; and

WHEREAS, any and all road maintenance and/or repairs will have to be done while said exploration and drilling operations occur and paid for at the expense of tax payers as the project goes forth, not 18 to 40 years from now.

BE IT RESOLVED, that the Town Board of the Town of Hector is opposed to any plan to explore and/or drill for oil and gas in the Finger Lakes National Forest. It will not only be devastating to the forest itself, the wildlife habitat, possible contamination of groundwater, soil erosion and aesthetic disturbances (DEIS Page 5-15/5-17) and the community in general, it cannot and will not benefit anyone except for the oil companies.

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to send copies of this Resolution to:

Mr. Paul Brewster
Forest Supervisor
Finger Lakes National Forest
231 N. Main Street
Rutland, VT 05701

Hon. Amo HoughtonNYS Assembly
1110 Longworth House Bldg.
Washington, DC 20515

Schuyler County Legislature
Schuyler County Office Bldg.
105 Ninth Street
Watkins Glen, NY 14891
Finger Lakes National Forest

Attn: Oil & Gas Exploration
5218 NYS Route 414
Hector, NY 14841

Hon. Hillary R. Clinton
United States Senate
476 Russell Senate Office Bldg.
Washington, DC 20510

Adopted: July 11, 2001

Vote: Ayes 4, Nays 0, Abstain 2

Benjamin R. Dickens, Supervisor; S. David Poyer, Town Council; Diane L. Carl, Town Council; A. Irene Brown, Town Council; Sherry Mangus, Town Council; Alvin White, Town Council

---

AUDUBON NEW YORK,
Albany, NY, June 18, 2002.

Hon. FRANK MURKOWSKI,
Senate Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR SENATOR: Audubon New York, the state program office of the National Audubon Society, strongly supports legislation S. 1846, sponsored by Senator Schumer, and S. 2450, sponsored by Senator Clinton, to permanently ban energy drilling in the Finger Lakes National Forest.

The Finger Lakes National Forest is an important habitat for birds and other wildlife and must not be disturbed by drilling for oil and natural gas.

Sincerely,

CAROLE NEMORE,
Director of Conservation.

FINGER LAKES FOREST WATCH CONGRESS,
Trumansburg, NY, June 18, 2002.

Chairman BINGAMAN,
Ranking Member MURKOWSKI,
Senate Energy and Natural Resources Committee, Dirksen Senate Office Building, Washington, DC.

DEAR HONORABLE SENATORS: We are writing to express support for bills S. 1846 and S. 2450, introduced by Senators Schumer and Clinton, the intent of which is to permanently ban oil and gas drilling in the Finger Lakes National Forest.

The people of the Finger Lakes Area are overwhelmingly opposed to drilling on this land. Last summer (2001), we, the Finger Lakes Forest Watch Congress, collected 8,000 signatures from area residents opposed to drilling for gas within the borders of the Finger Lakes National Forest, the smallest National forest preserve in the country. In addition, three county legislative boards (Schuyler, Seneca, Tompkins) and two Town Boards (Hector and Lodi) passed resolutions opposed to drilling on the grounds that the threat to the local environment, to the watersheds upon which we rely for survival and farming (including a good portion of the New York State wine industry) and to the tourism industry offset any potential economic gains.

According to the Schuyler County clerk, there are now over 400 private gas leases recorded in Schuyler County. There are many others in the neighboring counties of Seneca and Tompkins. Numerous state forest and wildlife management lands have also been leased by New York State for natural gas. We are literally surrounded by development from the gas industry. The gas that will be obtained from these sources should be a sufficient contribution of this area to the national energy program and would be obtained without endangering one small piece of public land—IF this committee approves S. 1846 and S. 2450.

The Forest Service formally rejected drilling but kept the option open if "public opinion changes". This is unlikely. The value of the gas that could be extracted from the 16,000 acres of the National Forest does not equal the damage that will be done to the Forest, to our lives and livelihoods. We are, now and forever, opposed to drilling in the Finger Lakes National Forest, and we ask that you support Senators Schumer and Clinton in their efforts to preserve this land now and for future generations.

Sincerely,

STEVE WAGNER AND LAWRENCE REVERBY.

DEFENDERS OF WILDLIFE,
Washington, DC, June 18, 2002.

Chairman BINGAMAN,
Ranking Member MURKOWSKI,
Senate Energy and Natural Resources Committee, 364 Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN AND SENATOR MURKOWSKI: We are writing to express our strong support for S. 1846 and S. 2450, two bills introduced in the Senate to prohibit oil and natural gas drilling in the Finger Lakes National Forest (FLNF) in New York. We actively opposed the most recent proposal to drill in this forest, and continue to believe energy development is inappropriate and unnecessary in this small yet important forest.

The FLNF is the nation's smallest, and New York's only, national forest at 16,036 acres. The FLNF is home to two endangered species and five at risk species. In a part of the country with little public land, the FLNF is a popular recreational destination in upstate New York with year long recreational activities including skiing, hunting, camping, fishing, and wildlife observation.

The relatively small size of the FLNF results in concentrated wildlife and recreation resources. Activities such as energy exploration and development can not be accomplished without a substantial disturbance to these concentrated resources. Instead, the impacts of such activities are amplified in such a small area, leading to dramatic negative impacts. Drilling, blasting, and increased traffic will take away from the quiet serenity associated with the forest and will disrupt the natural wildlife patterns, making hunting and wildlife observation more difficult. Drilling for oil and natural gas would turn this popular national forest into another drilling site; a national forest of oil pumps and roads, instead of trees and hiking trails.

The most recent drilling proposal by the United States Forest Service would have disrupted approximately 82 percent of the forest, roughly 13,204 of the 16,036 acres

of the FLNF, and caused direct surface damage on over 1/3 of the land. Test holes were to be drilled every 110 feet to detonate explosives, each of which causes a 40-foot diameter ring of damage. 10 to 15 well pads of approximately 3 acres each were going to be construed, with 30 foot wide access roads to each of these sites. A 6 mile pipeline with a 25 to 50 feet of right of way was to be built. And 38,000 one-way trips by vehicles associated solely with this project would have brought noise, traffic, and pollution. An even more aggressive alternative by the Forest Service would have allowed 61 percent land surface occupancy, roughly twice that of the preferred alternative discussed above. The amount of oil and gas estimated to be recovered is tiny, as one would expect from such a small area.

Drilling in the small FLNF is totally inappropriate and unnecessary, and always will be. Energy exploration is simply not appropriate in a forest of this size, with values that are overwhelmingly wildlife, recreational, and ecological, in an area poorly endowed with public lands. The recent effort to disturb nearly the entire forest in pursuit of a small amount of oil and natural gas shows that existing legal and regulatory mechanisms are insufficient to protect this area from misguided forest managers and self interested industries. S. 1846 and S. 2450 are needed to prevent future ill-advised proposals from ruining this important forest for a small, short term gain.

In a sea of private land, it is not too much to ask that a mere 16,000 acres be put off-limits to industrial interests for the benefit of people and wildlife who recreate and live there. We urge your support for Senator Schumer and Senator Clinton's efforts to protect the only national forest in their state of New York. Thank you.

Sincerely,

RODGER SCHLICKEISEN,
President.

○