

**H.R. 241, H.R. 290, H.R. 320,
H.R. 441, H.R. 643, H.R. 686,
H.R. 765, H.R. 850, H.R. 944,
H.R. 1022, AND H.R. 1141**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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LEGISLATIVE HEARING ON H.R. 241, TO AUTHORIZE THE CONVEYANCE OF CERTAIN NATIONAL FOREST SYSTEM LANDS IN THE LOS PADRES NATIONAL FOREST IN CALIFORNIA; H.R. 290, "WAR MEMORIAL PROTECTION ACT"; H.R. 320, "DISTINGUISHED FLYING CROSS NATIONAL MONUMENT"; H.R. 441, "KANTISHNA HILLS RENEWABLE ENERGY ACT OF 2011"; H.R. 643, "SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT"; H.R. 686, "UTAH NATIONAL GUARD READINESS ACT"; H.R. 765, "SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT OF 2011"; H.R. 850, TO FACILITATE A PROPOSED PROJECT IN THE LOWER ST. CROIX WILD AND SCENIC RIVER, AND FOR OTHER PURPOSES; H.R. 944, TO ELIMINATE AN UNUSED LIGHTHOUSE RESERVATION, PROVIDE MANAGEMENT CONSISTENCY BY INCORPORATING THE ROCKS AND SMALL ISLANDS ALONG THE COAST OF ORANGE COUNTY, CALIFORNIA, INTO THE CALIFORNIA COASTAL NATIONAL MONUMENT MANAGED BY THE BUREAU OF LAND MANAGEMENT, AND MEET THE ORIGINAL CONGRESSIONAL INTENT OF PRESERVING ORANGE COUNTY'S ROCKS AND SMALL ISLANDS, AND FOR OTHER PURPOSES; H.R. 1022, "BUFFALO SOLDIERS IN THE NATIONAL PARKS STUDY ACT"; AND H.R. 1141, "ROTA CULTURAL AND NATURAL RESOURCES STUDY ACT".

Wednesday, May 4, 2011

U.S. House of Representatives

Subcommittee on National Parks, Forests and Public Lands

Committee on Natural Resources

Washington, D.C.

The Subcommittee met, pursuant to call, at 10:03 a.m. in Room 1334, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, Lamborn, Rivera, Grijalva, Kildee and Garamendi.

**STATEMENT OF HON. ROB BISHOP, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. The Subcommittee will come to order. The Chair notes the presence of a quorum which is outnumbered by the witnesses, but that is OK.

The Subcommittee on National Parks, Forests and Public Lands is meeting today to hear testimony on several bills that fall within our jurisdiction. Today's hearing will cover a large number of bills; many are non-controversial, several have already passed the House in previous Congresses.

Under the rules, opening statements are limited to the Chairman and the Ranking Member. However, I ask unanimous consent to include any other Members' opening statements in the hearing record if submitted to the Clerk by the close of business today. Hearing no objections, so ordered.

I will actually forego my opening statement in order to go right to this and recognize the Ranking Member, Mr. Grijalva, if he has an opening statement.

[The prepared statements of Chairman Bishop follow:]

**Statement of The Honorable Rob Bishop, a Representative
in Congress from the State of Utah, on H.R. 686**

This bill passed the House by voice vote last Congress. It was requested by the Adjutant General of the Utah National Guard and is co-sponsored by Mr. Matheson and Mr. Chaffetz.

The Utah National Guard is one of only a few states that met its recruiting and retention goals for the past several years. As a result, it is increasing its force structure end-strength by almost 600 personnel. In part because of this steady progress, the Utah Guard has run out of fee land.

This land transfer will open access to property along the major transportation corridor with all the utilities and services necessary to support expanded military use. This proximity to the main transportation corridor means fewer and shorter new road networks are required and the environmental impact of development and use by the Guard lessened.

The lands transferred under this act are already withdrawn for military use by the Guard. Placing the land in the State's name for use by the National Guard consolidates ownership patterns in the headquarters area and allows the State of Utah to bond for future Guard facilities.

The Utah National Guard already owns and operates several buildings, an air traffic control tower, and a tactical airfield on portions of this property. Transfer of title to these lands expedites the building and expansion of Camp Williams training facilities and reduces their cost.

**Statement of The Honorable Rob Bishop, a Representative
in Congress from the State of Utah, on H.R. 765**

H.R. 765, the Ski Area Recreational Opportunity Enhancement Act also has extensive bi-partisan support. It will create jobs and encourage wholesome, family outdoor recreation by giving the U.S. Forest Service authority to permit year-round activities and expand the range of snow sports at ski resorts on National Forest System lands.

H.R. 765 updates the Ski Area Permit Act of 1986 to reflect the range of recreational activities that are taking place today. Change is needed to recognize that newer sports such as snowboarding are now enjoyed in addition to alpine and nordic skiing.

Additionally, the bill would authorize the Forest Service to allow year-round activities beyond the winter months. These changes will bring increased stability to seasonal economies and provide additional job opportunities throughout our mountain communities.

Year-round activities make better use of the existing infrastructure. Many resort communities have four-season visitor facilities but do not offer a full range of four-season activities.

Utah is a premier winter recreation destination and offers some of the best skiing in the world. The same mountains and unique geography that draw visitors from around the globe each winter also offer a vast array of off-season recreational opportunities.

Although Congress can't create jobs, we can act to lessen the governmental restraints that stand in the way of job creation. The American people are not currently receiving the full recreational or economic benefits our vast system of public lands can provide and this bill is a step in the right direction.

Under H.R. 765, the Forest Service will continue to have discretion in decision-making on site-specific proposals for summer or year-round facilities. The Forest Service will also collect permit fees for revenues generated from summer and year round activities at ski areas.

Similar legislation passed out of the House in the 111th Congress and was reported out favorably by the Senate Committee on Energy & Natural Resources. However it, like many other public lands bills, failed to clear the Senate by the end of the Congress.

The ski bill has bipartisan, bicameral support. Diana DeGette introduced it in the last Congress and Senators John Barrasso and Mark Udall are supporters in the Senate.

**STATEMENT OF HON. RAÚL M. GRIJALVA, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. GRIJALVA. I will forego the statement and thank you for that, Mr. Chairman, and we can proceed with our colleagues. As you indicated, 8 of the 11 measures have gone through the process. There is one piece of legislation, I think H.R. 850, that will require additional scrutiny. And then we will go through that process.

Thank you, sir.

Mr. BISHOP. I want to thank our colleagues and the other witnesses who have agreed to testify today on the 11 bills that are on the Committee's agenda. And that is, as I said, a lot to get covered.

I will say for those who are here I realize you have tight time schedules, you have other commitments. So we will go through the testimony of the witnesses who are here on their particular bills. Then I intend to bring up the other witnesses and go through each bill in order. If you would like to stay to that time when your bill is discussed by both the Administration and the other witnesses you are welcome to stay. You are welcome to come back. We will try to be as accommodating as possible with that.

So the first panel will be the sponsors of today's bills. We will give you an opportunity to make a five-minute statement on behalf of the legislation. I ask—actually, Mr. Calvert, you are happy where you are?

Mr. CALVERT. Yes, sir.

Mr. BISHOP. OK. We are not trying to discriminate against you and put you over on the other side. But you have experience in this room so I thought it is fitting. It is fitting.

I will ask our colleagues to take their seats. And if others show up and they cannot fit on there, we will just take on the horseshoe at the same time.

Let me do two things first of all. H.R. 241 is introduced by Mr. Gallegly who is not able to be with us today. The bill authorizes a small land conveyance affecting the Los Padres National Forest. And the bill passed in the House last year but was not taken up

in the Senate. Mr. Gallegly has submitted a written statement explaining the legislation. I ask unanimous consent that that be included in the record.

Hearing no objection.

Mr. BISHOP. Mr. Grijalva, I think you have one also for Mr.—

Mr. GRIJALVA. Mr. Sablan.

Mr. BISHOP. Yes.

Mr. GRIJALVA. Yes. The testimony, the opening statement for Mr. Sablan.

Mr. BISHOP. You are not on.

OK, without objection, Mr. Sablan is not here, and we will ask that his opening statement be included in the record.

Mr. GRIJALVA. Thank you.

Mr. BISHOP. Without objection. Thank you.

[The prepared statement of Mr. Sablan follows:]

Statement of The Honorable Gregorio Kilili Camacho Sablan, a Delegate in Congress from the Commonwealth of the Northern Mariana Islands, on H.R. 1141

Chairman Bishop and Ranking Member Grijalva,

Thank you for placing my bill H.R. 1141, the Rota Cultural and Natural Resources Study Act, on the Subcommittee's agenda today and for allowing me to share my thoughts with the Subcommittee on this bill and ask for support of H.R. 1141.

H.R. 1141 authorizes the Secretary of the Interior to study the suitability and feasibility of designating certain areas of prehistoric, historic, and natural significance on the island of Rota in the Northern Mariana Islands as a unit of the National Park System. As you know, this is a necessary step before Congress decides to designate any unit as part of the National Park System.

The bill has garnered bi-partisan support in the House of Representatives for two consecutive sessions, support from local leaders representing the island of Rota, and support by the National Park Service.

In the 111th Congress, the House of Representatives approved the Rota Cultural and Natural Resources Study Act, H.R. 4686, under a suspension of the Rules in July last year. There was no objection or controversy to the bill as it made through the House. Unfortunately, the other body did not have time on its agenda before the 111th Congress ended.

The leaders of Rota unanimously support the study. With your permission, I am requesting to submit in the record the written letters of support from Honorable Teresita Santos, Rota's representative in the Northern Mariana Islands House of Representatives, NMI Senate President Paul Manglona, who also represents the people of Rota, and Mayor of Rota, Mr. Melchor Mendiola. These leaders understand that Rota is at a crossroads because major land use changes are possible resulting from the development by the U.S. military on the neighboring island of Guam. This development is bound to spill over to Rota, as military families look for weekend getaways to Rota's beaches and waters. The process of public input and discussion and the cataloguing of the natural and cultural resources will help the people of Rota determine which areas can be and need be protected. Moreover, these protected areas could be enhanced as eco-tourism destinations—places where cultural resources are respected and natural resources remain unspoiled.

Finally, it is important to note that the National Park Service reconnaissance survey completed in 2005 recommended that the cultural and natural resources are truly of national significance and that the appropriate next step is a suitability and feasibility study.

Again I would like to thank Chairman Bishop and Ranking Member Grijalva for their steadfast leadership and for understanding the importance of this bill. I ask that my colleagues support the Rota Cultural and Natural Resources Study Act.

Mr. BISHOP. All right. Let us go to the other bills. And I see in the order of them written down here, first Mr. Hunter, H.R. 290, War Memorial Protection Act is introduced by Mr. Hunter. If you

would like to proceed, you know the details. There is the five-minute clock. You can see that.

**STATEMENT OF HON. DUNCAN HUNTER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. HUNTER. Thank you, Mr. Chairman,—

Mr. BISHOP. Thanks.

Mr. HUNTER.—for the opportunity to appear before the Subcommittee today on the topic of my legislation, H.R. 290, the War Memorial Protection Act. Also, I thank Ranking Member Grijalva and the other members of the Committee. Mr. Kildee, thank you for your interest in what is an important issue to the San Diego community and our nation's military families and veterans across the country from Arlington National Cemetery to Fort Rosecrans.

In San Diego America's veterans are honored by headstones, monuments and memorials which serve to remind us all about the traditions, service and sacrifice that is ingrained in our history. Some of these markers and memorials display symbols of personal faith, including emblems that represent Christians, Buddhists, Mormons, Muslims and Atheists. The military is comprised of a diverse population of individuals. Something that is clear to anyone who walks through a national cemetery, anything like Arlington Cemetery.

Personal faith is an important part of military life. It guides individuals through some of the toughest and most dangerous situations they will ever face. My time in the United States Marine Corps, serving in both Iraq and Afghanistan, help strengthen my own perspective. Marines, as do soldiers, sailors and airmen, often rely on their faith during long absences from home, and when the world is exploding around them. There is not much else in combat. And it is perhaps the biggest reason why crosses, for instance, are such common fixtures within the gates of national cemeteries and predominantly displayed on war memorials.

But in San Diego, home to the Mount Soledad Veterans' Memorial, this meaning and intent has been misidentified. The Ninth Circuit Court of Appeals recently ruled that the 43 foot cross that sits atop the 2,700 black plaques is unconstitutional. Each plaque on the memorial, now under the ownership of the Department of Defense, tells a unique story of military service and shared sacrifice. Some show religious symbols of their own. The memorial was originally dedicated as a Korean War Veterans Memorial in 1952, but has since evolved into a standing testament to all American war heroes. The memorial honors uniformed members from all service branches, including the Coast Guard and Merchant Marines, who served during World War II. Several years ago, a legal challenge was initiated against the memorial alleging the presence of the cross serves as an endorsement of religion. The challenge also alleged the transference of the property to the Federal Government under Public Law 109-272, enacted in 2006, was in violation of the law.

In 2008, U.S. District Court Judge Larry Burns ruled that the cross represented only one element a much larger memorial dedicated to our military. Because of this ruling, the memorial has

remained intact despite ongoing litigation. The memorial now faces an uncertain future, at the direction of the Ninth Circuit.

Still I am confident that as legal action proceeds, including the option of consideration by the Supreme Court, any final decision will properly acknowledge the memorial's purpose for honoring generations of military service. Beyond the Mount Soledad Memorial ruling and possibly future instances of judicial activism along the same line underscores an existing threat to the preservation of war memorials.

In cases where religious elements are present, the fact that these monuments stand as symbols of military service and sacrifice does not change—as much as a few individuals might try to misconstrue their meaning. The War Memorial Protection Act ensures this is not the case by creating a foundation in Federal law for the inclusion of religious symbols, all religious symbols, on war memorials. It should not matter if it is a cross, a Star of David, or a Wiccan symbol—which are among the 46 authorized emblems of belief through the Department of Veterans Affairs, War Memorials, including those with religious symbols deserve to be protected for what they are, testaments to military service.

Mr. Chairman, thank you for the opportunity to be here today. This is an important bill that resonates with veterans and families across America, and I look forward to working with you and our colleagues in the interest of ensuring that our veterans are rightly honored for their defense of our freedom. Thank you.

[The prepared statement of Mr. Hunter follows:]

**Statement of The Honorable Duncan Hunter, a Representative
in Congress from the State of California, on H.R. 290**

Thank you Chairman Bishop for the opportunity to appear before the subcommittee today on the topic of my legislation, H.R. 290, the War Memorial Protection Act. Also, thank you Ranking Member Grijalva and the other members of the committee for your interest in what is an important issue to the San Diego community and our nation's military families and veterans.

Across the country, from Arlington National Cemetery to Fort Rosecrans in San Diego, America's veterans are honored by headstones, monuments and memorials which serve to remind us all about the tradition, service and sacrifice that is engrained in our history. Some of these markers and memorials display symbols of personal faith, including emblems that represent Christians, Buddhists, Mormons, Muslims and Atheists.

The military is comprised of a diverse population of individuals—something that is clear to anyone who walks through a national cemetery. Personal faith is an important part of military life. It guides individuals through some of the toughest and most dangerous situations they will ever face.

My time in the Marine Corps, serving in both in Iraq and Afghanistan, helped strengthen my own perspective. Marines—as do soldiers, sailors and airmen—often rely on their faith during long absences from home and when the world is exploding around them. There's not much else in war. And it's perhaps the biggest reason why crosses, for instance, are such common fixtures within the gates of national cemeteries and predominantly displayed on war memorials.

But, in San Diego, home to the Mount Soledad Veterans Memorial, this meaning and intent has been misidentified. The Ninth Circuit Court of Appeals recently ruled that the 43-foot cross that sits atop 2,700 black plaques is unconstitutional.

Each plaque on the Memorial—now under the ownership of the Department of Defense—tells a unique story of military service and shared sacrifice. Some show religious symbols of their own.

The Memorial was originally dedicated as a Korean War Veterans Memorial in 1952, but has since evolved into a standing testament to all American war heroes. The Memorial honors uniformed members from all service branches, including the Coast Guard and Merchant Marines who served during World War II.

Several years ago, a legal challenge was initiated against the Memorial, alleging the presence of the cross serves as an endorsement of religion. The challenge also alleged that the transference of the property to the federal government under P.L. 109-272, enacted in 2006, was in violation of the law. In 2008, U.S. District Court Judge Larry Burns ruled that the cross represented only one element of a much larger memorial dedicated to our military. Because of this ruling, the Memorial has remained intact despite ongoing litigation.

The Memorial now faces an uncertain future at the direction of the Ninth Circuit. Still, I'm confident that as legal action proceeds, including the option of consideration by the Supreme Court, any final decision will properly acknowledge the Memorial's purpose of honoring generations of military service.

Beyond the Mount Soledad Memorial, the Ninth Circuit ruling and possibly future instances of judicial activism along the same line underscores an existing threat to the preservation of war memorials. In cases where religious elements are present, the fact that these monuments stand as symbols of military service and sacrifice does not change—as much as a few individuals might try to misconstrue their meaning.

The War Memorial Protection Act ensures this is not the case, by creating a foundation in federal law for the inclusion of religious symbols on war memorials. It shouldn't matter if it's a cross, Star of David or Wiccan symbol, which are among the 46 authorized emblems of belief through the Department of Veterans Affairs. War memorials, including those with religious symbols, deserve to be protected for what they are: testaments to military service.

Mr. Chairman, thank you for the opportunity to be here today. This is an important bill that resonates with veterans and military families across America. I look forward to working with you and our colleagues in the interest of ensuring our veterans are rightly honored for their defense of freedom.

Mr. BISHOP. Thank you, Congressman. I appreciate it.

Representative Calvert is here with H.R. 320, the "Distinguished Flying Cross National Monument" bill. He has been here before with this bill. It has been passed by our Congress. It has not been funded nor passed in the Senate yet. I am still not quite sure why our Committee keeps getting this particular bill, but we like it. So if you would, you are recognized for five minutes.

STATEMENT OF HON. KEN CALVERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. CALVERT. Well, thank you, Chairman Bishop, Ranking Member Grijalva and distinguished members of the Committee, thank you for the opportunity to testify today. As a former member of the Natural Resources Committee, I am happy to be back among friends to talk about H.R. 320, a bill to designate a National Distinguished Flying Cross Memorial. I am seeking your support for the legislation. I am honored to represent the Inland Empire Chapter of the Distinguished Flying Cross Society, which is the primary sponsor of the memorial.

I introduced H.R. 320, which would designate a memorial which is currently under construction at March Field Air Museum in Riverside, California, as a Distinguished Flying Cross National Memorial. It honors all current and former members of the Armed Forces who have been awarded the Distinguished Flying Cross. The bill has strong support, with over 25 cosponsors. The legislation is supported by the Distinguished Flying Cross Society, the Military Officers Association of America, the Air Force Association, the Air Force Sergeants Association, the Viet Nam Helicopter Pilots Association, and the China-Burma-India Veterans Association.

I would like to point out that language in the bill specifically states the designation shall not be construed, require or permit

Federal funds to be expended for any purpose related to the national memorial. Funds have been and will continue to be raised through private means for this purpose. Distinguished Flying Cross recipients have received the prestigious medal for their heroism and extraordinary achievement while participating in aerial flight while serving in the capacity of the United States Armed Forces.

There are many well-known people who played a vital role in the history of military aviation and received the award. This group includes Captain Charles L. Lindbergh, former President George H. W. Bush, Brigadier General Jimmy Doolittle, General Curtis LeMay, Senator McCain, Jimmy Stewart, Admiral Jim Stockdale, just to name a few. March Air Force Reserve Base, which hosts the C-17As of the 452 Air Mobility Wing is adjacent to the location of the memorial at the March Field Air Museum—which, by the way, is the third oldest airfield in the United States. When completed, visitors will be able to witness active operational air units providing support to the troops in Iraq and Afghanistan which is an appropriate setting that honors the many aviators who have distinguished themselves by the deeds performed in aerial flight. The memorial will be topped by a 2-foot by 2-foot Distinguished Flying Cross of polished bronze and models of the Spirit of St. Louis and Loening OA-1A amphibian aircraft. The OA-1A was chosen because the Pan American Good Will flights were made in five OA-1A aircraft by 10 pilots between 1926 and 1927. The pilots were the first recipients of the Distinguished Flying Certificate from President Calvin Coolidge.

Again thank you. I hope you will support the designation of the National Distinguished Flying Cross Memorial at March Air Museum and H.R. 320 and hopefully we will get it through the Senate, our friends on the other side of the building.

Thank you and have a good day.

[The prepared statement of Mr. Calvert follows:]

**Statement of The Honorable Ken Calvert, a Representative in Congress
from the State of California, on H.R. 320**

Chairman Bishop, Ranking Member Grijalva and distinguished Members of the Committee, thank you for the opportunity to testify today. As a former Member of the Natural Resources Committee I'm happy to be back among friends to talk about H.R. 320, a bill to designate a national Distinguished Flying Cross Memorial. I am seeking your support for the legislation.

I am honored to represent the Inland Empire Chapter of the Distinguished Flying Cross Society which is the primary sponsor of the memorial. I introduced H.R. 320 which would designate a memorial, which is currently under construction at March Field Air Museum, in Riverside, California, as the Distinguished Flying Cross National Memorial. It honors all current and former members of the armed forces who have been awarded the Distinguished Flying Cross.

The bill has strong bipartisan support with 25 cosponsors. The legislation is supported by the Distinguished Flying Cross Society, Military Officers Association of America, the Air Force Association, Air Force Sergeants Association, the Vietnam Helicopter Pilots Association, and the China Burma Indian Veterans Association. I'd like to point out language in the bill that specifically states that the designation shall **not** be construed to require or permit federal funds to be expended for any purpose related to the national memorial. Funds have been and will continue to be raised through private means for these purposes.

Distinguished Flying Cross recipients have received the prestigious medal for their heroism or extraordinary achievement while participating in aerial flight while serving in any capacity with the U.S. Armed Forces. There are many well known people that have played a vital role in the history of military aviation and have received the award. This group includes: Captain Charles L. Lindbergh, former Presi-

dent George H. W. Bush, Brigadier General Jimmy Doolittle, General Curtis Lemay, Senator McCain, Jimmy Stewart and Admiral Jim Stockdale to name just a few.

The March Air Reserve Base, which hosts the C-17As of the 452nd Air Mobility Wing is adjacent to the location of the memorial at the March Field Air Museum. When completed, visitors will be able to witness active operational air units providing support to our troops in Iraq and Afghanistan, which is an appropriate setting that honors the many aviators who have distinguished themselves by deeds performed in aerial flight.

The memorial will be topped by a two foot by two foot Distinguished Flying Cross of polished bronze and models of the Spirit of Saint Louis and a Loening OA-1A amphibian aircraft. The OA-1A was chosen because the Pan-American Goodwill Flights were made in five OA-1A aircraft by ten pilots between 1926 and 1927. The pilots were the first recipients of the Distinguished Flying Certificate from President Calvin Coolidge.

Again, I hope you will join me in supporting the designation of the National Distinguished Flying Cross Memorial at the March Field Air Museum and H.R. 320. Thank you.

Mr. BISHOP. Thank you. I appreciate that, Congressman Calvert. H.R. 944 is introduced by Mr. Campbell. It removes a 70-year-old reservation affecting several islands and rocks on the coast of Orange County, California. Mr. Campbell.

**STATEMENT OF HON. JOHN CAMPBELL, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. CAMPBELL. Thank you, Mr. Chairman, and this is one of those bills, as you mentioned, that passed this Committee and this House by voice vote last year, but the Senate ran out of time and so it was never taken up in the Senate. So we are reintroducing this year.

What this bill does is, there are about 40-odd rocks, for lack of a better term. That is a picture of one. They are all two acres or smaller in size, but they are like big rocks, off the Orange County coast, which since the early 1930s have been under the purview of the Coast Guard for possible use as lighthouses or during World War II for possible use as gun emplacements against Japanese submarines.

Neither of those uses are currently under any consideration. The Coast Guard no longer needs them. What this bill would do is transfer them from the Coast Guard to the California Coastal National Monument. There are 20,000 other similar such rocks up and down the California coastline which are currently a part of the California Coastal National Monument, but these 40-plus never got transferred. So, what this bill would do is transfer them to that Monument and protect them for enjoyment and beauty and wildlife in the future. Thank you very much.

Mr. BISHOP. Thank you, Mr. Campbell. I appreciate it. Once again, if you need to go, you can go. If you would like to stay when the other testimony comes for your bill, you are welcome to do that as well.

H.R. 643, the "Sugar Loaf Fire Protection District Land Exchange Act." Could you get more words in there, Mr. Polis? Mr. Polis, you are recognized.

**STATEMENT OF HON. JARED POLIS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF COLORADO**

Mr. POLIS. Thank you, Chairman Bishop and Ranking Member Grijalva. I am glad to see my colleague from Colorado, Mr. Lamborn, on the panel as well this morning. I want to begin by thanking the Committee for considering this bill, H.R. 643. I will also briefly address H.R. 765.

Let me begin by thanking the Committee for working last year and for unanimity with both Members and staff. That work resulted in both Committee and House passage by a voice vote. And, there is really no controversy involved with H.R. 643.

Since the inception of the Sugar Loaf Fire District in 1967, their physical home has been an existing building on U.S. Forest Service land which they have a special use permit for. Now, while that special use permit is very valuable, and it has allowed it to operate, it is really critical that they have the autonomy to direct their own future and modernize their facility. So I would point out that one occurrence since the last time this bill came before the Committee is there has actually been devastating fires in the area. So these firemen and firewomen have been extremely heroic, putting their own lives at risk and many of the members of the fire department themselves have lost their homes in a recent fire, several months ago.

And yet, because this is located on Federal land, they are not even allowed to upgrade their facilities to include a bathroom for use by the fire department. So, it is just a basic need.

Last year Mr. John Winchester, our Battalion Chief for the Sugar Loaf Fire District, was able to attend the hearing and offer testimony. Unfortunately, he is not able to attend this year. He is still at work, recovering from the forest fire and helping the area restore. And he has served over 20 years with the department, and without objection, I would like to enter into the record his testimony from last year?

Mr. BISHOP. So ordered.

Mr. POLIS. Thank you.

And finally, a Senate companion bill was marked up last Congress with changes suggested in the hearing by the U.S. Forest Service and the Sugar Loaf Fire Protection District. Specifically, the Forest Service asks that the 120-day timeline be expanded to one year to conform with existing law. And the modifications to the structure wait until the exchange has taken place. Those changes and requests were included in the introduced versions of the bill in both Chambers and are the same as the bill that passed the Committee and the full House.

Mr. Chairman, I would also like to briefly address H.R. 765, the "Ski Area Recreational Opportunity Enhancement Act." My district in Colorado, as Mr. Lamborn knows, is internationally acclaimed for its many resort communities, including Vail, Keystone, Breckenridge, Copper Mountain, and Winter Park. What this bill will do is allow for increased summer visitation in a correct way that really balances the environmental and educational benefits to allow resorts like Vail and many others to successfully attract tourists and build the facilities to do so in the summer as well as winter. I can't emphasize to the Committee enough that time is of the

essence for this bill. Again, this bill passed the entire House by voice vote last year and that enacting this bill sooner rather than later directly translates into jobs in the state that Mr. Lamborn and I call home. Of course, while I would certainly argue that my Congressional District and Colorado as a whole is second to none for outdoor recreation, this issue is not just a Colorado issue. In fact, it is an issue for every ski area and every ski community be it from California to New Hampshire. Over 120 resorts and the businesses and communities they support would benefit from increased summer activities within current ski areas. This legislation represents a needed change for our land management and an important opportunity to create jobs in our district. I appreciate the opportunity to testify on these bills today, Mr. Chairman.

[The prepared statement of Mr. Polis follows:]

**Statement of The Honorable Jared Polis, a Representative
in Congress from the State of Colorado, on H.R. 643**

Chairman Bishop, Ranking Member Grijalva and Members of the Committee,
Thank you for the opportunity to comment in support of H.R. 643, The Sugar Loaf Fire Protection District Land Exchange Act of 2011.

Let me begin by thanking the Committee for considering this bill, as it did with great unanimity last year thanks to the work of many of the same members and staff here today. That work resulted in both Committee and House passage by a simple voice vote. The unanimity with which the Committee and the House have considered this bill in the past is telling of its foundation in common sense and local community need.

Since the inception of the Sugar Loaf Fire District in 1967, their physical home has been in an existing building on U.S. Forest Service land under a special use permit. Later, a second building was constructed under another special use permit, both in important locations for accessibility to the few central roads in this mountainous area.

While these special use permits have been incredibly valuable the Department must have the autonomy to better self-direct its future and the ability to modernize its facilities. Specifically, many of you may recall that this fire station serves a growing population and has become a community meeting location. Yet, because it is located on federal land, it can't even upgrade its existing facilities to include a bathroom for use by the fire department or during community events.

Last year, John Winchester, a battalion chief with the Sugar Loaf Fire Department, was able to attend the hearing and offer testimony. Unfortunately, he is unable to attend this year, but I would like to enter into the record his written testimony from last year. In his over 20 years with the Department, he has served four terms as fire chief and I hope his expertise on this issue proves valuable in the committee's consideration.

Lastly, a Senate companion bill was marked up last Congress with changes suggested in that hearing by the U.S. Forest Service and the Sugar Loaf Fire Protection District. Specifically, the US Forest Service asked that the 120-day timeline in the legislation be expanded to one year in order to conform with existing laws, and that modifications to the structures wait until after the exchange has taken place. These changes and requests were included in the introduced versions of this bill both last year and this year, and are the same as the bill that passed the committee and full House.

As the bill's sponsor, I hope to work closely with the U.S. Forest Service, the Committee, and the Sugar Loaf Fire Protection District to address future needs, and ensure that this legislation will benefit the Fire District, the Forest Service and the communities they both serve.

Thank you again for the opportunity to speak to this committee today.

**Statement of The Honorable Jared Polis, a Representative
in Congress from the State of Colorado, on H.R. 765**

Thank you very much for the opportunity to share with you my support for H.R. 765, the Ski Area Recreational Opportunity Enhancement Act.

My district in Colorado is an internationally acclaimed playground where the world class resorts of Vail, Keystone, Breckenridge, Copper Mountain, Winter Park and many other community favorites provide a place for individuals of all abilities and fitness levels to get great exercise, experience nature and take in the incredible landscapes that define Colorado's character.

In my district, skiing isn't just an activity, it's a way of life that supports businesses, provides jobs, sustains communities and has created a national industry of related fields. Not only do ski areas and resorts hire employees, but so do nearby hotels, rental shops and equipment retailers, restaurants, equipment manufacturing companies, magazines, nearby airports and every aspect of our local economies, all of which are reliant on the travel and tourism generated by these ski areas. The ability of ski areas to offer these benefits year round means the survival of communities and businesses not just in my district but across the country. It means a more stable economy, better communities and a better quality of life by balancing the influx of winter guests with the void of summer visitors.

Increased summer visitation, done correctly, also has environmental and educational benefits. Our national forests are important reservoirs for our nation's natural assets, and conservation of these forests must be a top priority. Ski areas are places where people can safely experience these lands and get a taste of nature even if limited by fitness, ability or outdoor know how. Nearly 20% of all national forest visitors are visitors at ski resorts, confining this usage to specific places and leaving other areas less impacted. They provide an important recreational and educational venue in a controlled environment, melding elements of nature with features of modern convenience. This melding should not take place everywhere and ski areas play an important role in confining this practice to specific and small tracks of land allowing a greater number of individuals to gain an introduction to nature.

The National Forest Ski Area Permit Act of 1986 once allowed this industry to flourish and has ensured that the needs of a growing industry, local economies, and our national forest ecosystems are simultaneously met. Today however, the Forest Service is dealing with unclear directives from the National Forest Ski Area Permit Act. Things like snowboards and ski bikes were never envisioned when the law was originally written. Today we also face new consequences from climate change and an ever growing popularity in summer recreational activities that the original law does not adequately address. H.R. 765 is aimed at giving our vitally important ski areas the flexibility they need to provide an economic foundation all year round, in the face of a changing climate and changing ski season, while giving the Forest Service a proper and legal base on which to responsibly manage these areas.

I can't express upon the committee enough that time is of the essence for this bill and that enacting this bill sooner rather than later will mean that it will put people to work. We want to create jobs, and this bill will do that.

Finally, while I would certainly argue that Colorado's Second Congressional District is second to none for outdoor recreation, this issue isn't a Colorado issue it is an issue for every ski area and every ski community in the country from California to New Hampshire. Over 120 resorts, and the businesses and communities they support, across the country would benefit from increased summer activities within current ski areas. Areas in Arizona, California, Colorado, Idaho, Montana, Nevada, New Hampshire, New York, New Mexico, Oregon, Utah, Vermont, Washington, West Virginia and Wyoming, like in my district, are economic foundations of local communities.

This legislation represents a needed change for our federal land managers and an important change and opportunity for the many communities, businesses, employees, and public lands lovers' throughout the country. Once again I thank Chairman Bishop, Ranking Member Grijalva, Congresswoman DeGette and this subcommittee for hearing my testimony today.

Mr. BISHOP. Thank you very much, and your testimony on the last bill was brilliant. I have to add that. I appreciate that.

Again, if you would like to stay for the other testimony, you are welcome to. If you have other obligations, you can do that as well.

Ms. Bachmann, if you would like to join the panel too, we will eventually, you are two away from here.

H.R. 1022, "Buffalo Soldiers in the National Parks Study Act," by Ms. Speier, from California. You are recognized for five minutes.

**STATEMENT OF HON. JACKIE SPEIER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA**

Ms. SPEIER. Thank you, Mr. Bishop and Ranking Member Grijalva, members of the Subcommittee. I appreciate the opportunity to present H.R. 1022 to you. Last year, you will recall this bill was passed out of this Committee and off the House Floor by a voice vote, and again, got bogged down in the Senate like these other bills did.

This bill would evaluate the feasibility of a national historic trail along the Buffalo Soldier route between the historic military post at San Francisco Presidio and Yosemite and Sequoia National Parks. The study would also identify properties that could be listed in the National Register of Historic Places or designation as National Historic Landmarks.

The Buffalo Soldiers, as many of you know, were our very first park rangers. They understood what needed to be done to protect our public lands earlier and better than most, because it was their duty to understand it. Because of the color of their skin, however, they were all too often marginalized instead of respected for it. The Buffalo Soldiers traveled through my district on their way to the parks and I am proud to help shine a light on the history they helped build in our great State of California and many places across the country. All Americans should be able to learn about this neglected chapter in American history. The Buffalo Soldiers' story is ultimately about the triumph, not just of African American troops over prejudice and injustice, but about the movement of our nation toward a more tolerant and courageous society.

In short, this is an all-American story that should be made a greater part of our park system and I believe it will enhance the park experience for millions of visitors for many years to come. I respectfully ask the Subcommittee's support for H.R. 1022 and I thank you for the opportunity to present today.

[The prepared statement of Ms. Speier follows:]

**Statement of The Honorable Jackie Speier, a Representative
in Congress from the State of California, on H.R. 1022**

Chairman Bishop, Ranking Member Grijalva, Members of the Subcommittee, thank you for inviting me to testify today on my legislation, the Buffalo Soldiers in the National Parks Study Act. Last year, this Committee extended me the same privilege, and I was pleased to share the story of the Buffalo Soldiers in my testimony, which several of you already know so well.

But much of the American public, including millions of our park visitors, are unaware of this great part of American history. The goal of my legislation, which is identical to the bill I introduced last year and which passed the House by voice vote, is once again to help bring that story to light.

The Buffalo Soldiers in the National Parks Study Act will allow the Department of the Interior to study the role the Buffalo Soldiers played in maintaining our earliest National Parks, before they were even designated National Parks.

Specifically, the bill would evaluate the feasibility of a National Historic Trail along the Buffalo Soldier routes between their historic military post at the San Francisco Presidio, and Yosemite and Sequoia National Parks. The study would also identify properties that could be listed in the National Register of Historic Places or designation as National Historic Landmarks.

The Buffalo Soldiers were among our very first park rangers. They understood what needed to be done to protect our public lands earlier and better than most—because it was their duty to understand it. Because of the color of their skin, however, they were all too often marginalized instead of respected for it.

It was the heyday of the gold rush that brought the first white visitors to Yosemite, many of whom were all too eager to poach, log, and overgraze the land. And it was African American soldiers who stood sentry at the parks' edge. Guns were not allowed in the parks, and the Buffalo Soldiers were under no illusions that confiscating arms from whites seeking to bring them in would be without risk. But in the face of frontierism and racism, the Buffalo Soldiers not only weathered confrontation—they overcame it, they became neighbors and friends to the settlers in the park regions, and they made real inroads toward racial progress that were extraordinary for their day.

Although they were assigned to watch over government property for only a relatively short time, the Buffalo Soldiers helped lay the groundwork for those lands to be preserved forever. I am proud that the Buffalo Soldiers traveled through my district on their way to the parks. I am proud to help shine a light on the history they helped build in the great state of California and in many places across our great country.

All Americans, from all walks of life, should be fortunate enough to learn about this neglected chapter in American history. The Buffalo Soldiers' story is ultimately about the triumph not just of African American troops over prejudice and injustice, but about the movement of our nation toward a more tolerant and courageous society.

In short, this is an all-American story that should be made a greater part of our Parks system, and I believe it will enhance the Parks experience for millions of visitors, returning and newcomers, for many years to come.

I respectfully ask for the Subcommittee's support for H.R. 1022, and I thank you for the opportunity to deliver my testimony today.

Mr. BISHOP. Thank you for your testimony, as well. If you have other obligations, if not you are more than welcome to stay as we go through this bill later on with other testimony.

Mr. Young has introduced H.R. 441, which authorizes a land exchange needed for the microhydro power facility at Denali National Park. Mr. Young is not yet with us. When he is, I will entertain his statement at that particular time.

H.R. 850 was introduced so that a needed replacement bridge can be constructed across the St. Croix River. Legislation has bipartisan support and it is needed to settle an issue whether or not this bridge is in compliance with the Wild and Scenic Rivers Act. Ms. Bachmann, you are recognized for five minutes for your bill.

STATEMENT OF HON. MICHELE BACHMANN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Ms. BACHMANN. Thank you, Mr. Chairman. Thank you Ranking Member Grijalva and also Chairman Bishop and members of the Committee. I want to thank you for your consideration of H.R. 850. It is a bill that I am very proud to sponsor. It facilitates the construction of a four-lane highway bridge over the Lower St. Croix River in Oak Park Heights, Minnesota, that connects to St. Joseph, Wisconsin.

Today's hearing on the St. Croix River Crossing project is a much-needed step to preserve human safety, interstate economy and the beauty of our river crossing in Stillwater. I commend the House Committee on Natural Resources on the expedient manner in which they have addressed this long overdue project. It has been since the early 1970s that a broad coalition of multiple interests has discussed the construction of a new bridge that would replace the current lift bridge, built in 1931, now some 80 years old.

The bridge that collapsed in Minneapolis in 2007 that led to the deaths of 13 people had a sufficiency rating of 50. The current lift bridge in Stillwater is listed as structurally deficient. It has a

sufficiency rating of 32.8 as inspected on July 16, 2009. The bridge simply cannot sustain the 16-18,000 daily drivers which are estimated to increase to 48,000 by 2030 on a structure that was designed for far less.

Current crash rates are 50-90 percent higher than the state average. The pending proposal would provide a safe, reliable and efficient transportation corridor by reducing congestion, improving roadway safety and providing an adequate level of service for forecasted 2030 traffic volumes.

Each time a bridge proposal neared approval, and even when the National Park Service approved the project in 2005, it was stopped through litigation brought about by outside special interests. The recommendations of a multi-member advisory group that included representatives from Federal and state regulatory agencies, local and regional units of government, environmental groups, historic preservation groups and chambers of commerce were trumped consistently by their objections of visual pollution by the special interest organization which chose to not join the stakeholder group when asked to do so.

The visual pollution argument is quite disingenuous on its claim that a beautiful landscape would be marred by an environmentally designed new bridge, when the existing bridge is a short distance away from a sewage treatment plant, a power plant with a giant smokestack, as seen in the dual image poster, as well as the state prison facility. The single image poster shows artist's rendition of the new bridge in its proposed location. Unfortunately, the project is currently at an impasse due to the March 2010 ruling from the United States District Court vacating the National Park Service Section 7A permit of 2005. Nothing in the March 2010 ruling allows for any possible bridge to be built in compliance with the Wild and Scenic Rivers Act of 1968 because nothing in the Act allows the National Park Service to approve a bridge project unless the impact to the river values, wild scenic recreational are eliminated. This is impossible. Therefore, no bridge, not even the existing bridge, is compliant with Wild and Scenic Rivers Act. It is impossible to measure the crippling economic impact that the St. Croix River Crossing project delay has cost our two states from a commerce and job standpoint.

However, according to MinnDOT, if the project moves forward an estimated 22,970 jobs will be created per year, and at peak construction over 6,000 full time workers will be required. Over a 20-year period, the travel time savings and reduction of crash costs will significantly improve mobility and economic output to the tune of over \$883 million. Every month the project is delayed, the cost escalates by over \$3.17 million. What started out as an \$80 million project in 1992, now has a cost estimate of nearly \$700 million.

The states of Wisconsin and Minnesota are working together to fund the project with a large portion of the bonding authority already set aside, I am pleased that my underlining bill does not appropriate a single dime.

Therefore, Chairman Bishop, Ranking Member Grijalva, and members of the Committee, I respectfully ask the Committee to take the necessary action to move this vital project forward. The St. Croix River Crossing project is no longer a matter of if it is nec-

essary. That has already been determined. This is now an issue of how much we will pay in dollars and possibly lives before we act. The bill simply authorizes something that should have been decades ago, and I thank the Committee.

[The prepared statement of Ms. Bachmann follows:]

**Statement of The Honorable Michele Bachmann, a Representative
in Congress from the State of Minnesota, on H.R. 850**

Chairman Bishop, Ranking Member Grijalva, and Members of the Committee, thank you for your consideration of H.R. 850, a bill that I am proud to sponsor, facilitating the construction of a four-lane highway bridge over the Lower St. Croix River at Oak Park Heights, Minnesota and St. Joseph, Wisconsin.

Today's hearing on the St. Croix River Crossing Project is a much-needed step to preserve human safety, interstate economy, and the beauty of the river crossing at Stillwater. I commend the House Committee on Natural Resources for the expedient manner in which they have addressed this long-overdue project.

Since the early 1970's a broad coalition of interested parties has discussed the construction of a new bridge that would replace the current lift-bridge built in 1931. The bridge is listed as structurally deficient, and has a sufficient rating of 32.8, as inspected on July 16, 2009. To put this in perspective, the bridge that collapsed in Minneapolis in 2007, that led to the deaths of 13 people, had a sufficient rating of 50. While construction on a new bridge has been stalled by outrageous lawsuits and bureaucracy, the current lift-bridge continues to rust, twist, and sluff-off concrete into the river. The bridge simply cannot sustain the 16,000 to 18,000 daily drivers, which are estimated to increase to 48,000 by 2030, on a structure designed for far less. The four lanes of Highway 36 converge at this two-lane bridge with commuters and commercial drivers in gridlock during peak times or backed up through residential areas that house children. Emission pollution from idling vehicles hangs over the city, and current crash rates are 50 to 90 percent higher than the state average. The pending proposal would provide a safe, reliable, and efficient transportation corridor by reducing congestion, improving roadway safety, and providing an adequate level of service for forecasted 2030 traffic volumes. (According to MnDOT, 2030 traffic volumes are estimated to increase by over 30 percent on Stillwater Boulevard, 70 percent on Osgood Avenue, over 100 percent on I-94, and over 50 percent on USH 8).

Early on, funding was an issue, but in the 1980's MnDOT, WisDOT, and the Federal Highway Administration began working with the communities of Stillwater and Oak Park Heights in Minnesota, and St. Joseph Township in Wisconsin to identify possible solutions for a replacement crossing. By 1992, Wisconsin and Minnesota officials had announced a decision to build a four-lane bridge over the St. Croix River near Stillwater.

Following a multi-year Environmental Impact Study, a proposal to build a bridge was presented to the National Park Service for permitting. The project continued to move forward until the Sierra Club sued the National Park Service for failing to issue a Section 7(a) evaluation, prompting the National Park Service to issue the evaluation stating, "the bridge would have a direct and adverse effect on the scenic values that could not be mitigated." MnDOT intervened and filed a cross-claim against the National Park Service stating the bridge was not a "water resources project" under Section 7 of the Wild and Scenic Rivers Act. The court ruled in favor of the National Park Service.

In 2001, the US Institute of Environmental Conflict Resolution was created through the Federal Highway Administration to resolve environmental conflicts by gathering key interests, establishing a process for negotiations among the parties, providing recommendations, and setting an expected date of resolution. This institute helped facilitate the consensus to move forward with construction. Today, that consensus is stronger than ever with an even more diverse sector of members.

However, even after a Section 7(a) mitigation package was approved by the National Park Service in 2005, the bridge is still not built. Every time a proposal started moving forward, the process was interrupted by a lawsuit brought by the Sierra Club. The recommendations of a multi-member advisory group that included representatives from federal and state regulatory agencies, local and regional units of government, environmental groups, historic preservation groups, and chambers of commerce, were trumped by the "visual pollution" cries of this organization.

The "visual pollution" argument is quite disingenuous in its claim that a beautiful landscape would be marred by an environmentally-designed new bridge, when the existing bridge is a short distance away from a sewage treatment plant and a power

plant with a giant smoke stack, as seen in the dual-image poster. The single-image poster shows the artist's rendition of the new bridge in its proposed location. Unfortunately, the project is currently at an impasse due to the March 2010 ruling from the US District Court vacating the National Park Service Section 7(a) permit of 2005.

Nothing in that March 2010 ruling allows for any bridge to be in compliance with the Wild and Scenic Rivers Act of 1968 because nothing in the Act allows the National Park Service to approve a bridge project unless the impact to the river values (wild, scenic, recreational) are eliminated. This is impossible. Therefore, no bridge, not even the existing bridge, is compliant with the Wild and Scenic Rivers Act values.

It is impossible to measure the crippling economic impact that the St. Croix River Crossing Project delay has cost our two states from a commerce and jobs standpoint. However, according to MnDOT, an estimated 2,970 jobs will be created per year, and at peak construction, 6,237 full-time workers will be required. Over a twenty-year period, the travel time savings and reduction of crash costs will significantly improve mobility and economic output to the tune of over \$883 million.

Meanwhile, the environmental mitigation package, agreed upon by the interested parties and approved by the National Park Service in 2005, will maintain the existing crossing as part of a unique bicycle/pedestrian tourist attraction, with the lift-bridge as its centerpiece. Immediate emission rates with the new bridge are projected to be 45 to 56 percent lower than year 2000 emission rates.

The St. Croix River Crossing Project was one of only seven, nationwide, addressed in a 2002 Presidential Executive Order (13274) to enhance environmental stewardship. The bridge is a cutting-edge design streamlined by federal environmental reviews and it demonstrates an extraordinary partnership between multiple interests to develop a sensitive solution. Each month that this project is delayed, the cost escalates by approximately \$3.17 million. What started at \$80 million dollars in 1992 now has a cost of almost \$700 million. The states of Wisconsin and Minnesota are working together to fund the project, with a large portion of the bonding authority already set aside. I am pleased that my underlying bill does not appropriate a dime.

Therefore, Chairman Bishop, Ranking Member Grijalva, and Members of the Committee, I respectfully ask the Committee to take the necessary action to move this vital project forward. The St. Croix River Crossing Project is no longer a matter of "if" it is necessary. That has been determined. This is an issue of how much we will pay in dollars, and possibly lives, before we act. This bill simply authorizes something that should have been done decades ago.

Mr. BISHOP. Thank you, I appreciate your testimony. As I said with all the others, if you have pressing engagements you need to go to, we will understand. We will be taking up the bill with other witnesses in the course of this. You are welcome to stay, join us up here, whatever is your preference.

Ms. BACHMANN. Thank you, Mr. Chair, Ranking Member and the Committee.

Mr. BISHOP. Thank you. The last two items on today's agenda that we have not yet talked about are mine. The first one is H.R. 686, the "Utah National Guard Readiness Act." The bill was passed by a voice vote in Congress last year. It is sponsored by the entire Utah delegation. Utah is one of the few states that has actually met and exceeded its goal of recruitment, so there are another 600 personnel for which facilities will be needed. This land is along a major transportation corridor, which would make it easy for the construction of buildings. The land in question has already been transferred to the military for use by the Guard. But this would consolidate the ownership patterns by the Guard. And the State of Utah cannot bond to build facilities on structures they do not have, on land they do not own, as well as the time line restrictions with land if it was still in the hands of the Department of the Interior would make it impossible to go forward with this kind of construction needs. As I said, the Utah National Guard already owns and

operates several buildings in this area. This would expedite the building process.

The second bill, H.R. 765, was probably already discussed by Mr. Polis better than I will, but it is one of those things that will create jobs and family activities, wholesome family activities in recreation outdoors year-round. It updates the Ski Area Permit of 1986 to reflect the range of potential activities and will allow year-round activities beyond just the winter months currently authorized. So this is for a four-season visitor infrastructure to deal with the situation. Congress really can't create jobs, but we can lessen the government restrictions, and restraints stand in the way of job creation. This is one that would do that. The Forest Service will continue to have discretion and decision-making on the site-specific proposal for summer or year-round facilities. The Forest Service will also collect permit fees for revenues generated from summer and year-round activities on the ski areas.

This passed out of the House last session. It was reported favorably by the Senate Committee on Energy and Natural Resources. However, the Senate failed to find time to actually finish the job. The bill is bipartisan. Ms. DeGette of Colorado has introduced this last year and is on the bill again. Senator Barrasso of Wyoming and Senator Udall of Colorado are the supporters of the bill in the Senate.

With that, it concludes the first panel. What I would like to do now is hear from the next panel. If we could have Stephen Whitesell, who is the Associate Director, Park Planning, Facilities, and Lands of the National Park Service speaking for the Department of the Interior come up. And Mary Wagner, who is the Associate Chief of the Forest Service, testifying on behalf of the Department of Agriculture. And if I can do an audible and change it slightly here, is Beth Ganz here with us? Why don't you come up and join this panel as well and we can go through these bills. She is Vice President of Public Affairs of Vail Resorts.

All right, in front of you, the testimony we would like to hear from you, obviously all of your written testimony will be included for the record. If you could keep, therefore, your oral comments to five minutes. We are trying to fix the timing system there that is on and not working, as you can see. Can you see your time on your side? All right. In a second we will try and get that through. When you begin to speak, the green light ought to go on. When the yellow light goes on, you have a minute left. When you see the red light, we would like to ask you to conclude as quickly as possible. Once again, anything else that needs to be submitted for the record will be there. Is it on for your view? You can see the small one that has the time up there. OK. All right, we just can't see how much longer we have. So, we will stumble through this as best we can.

Mr. Whitesell, we are pleased to have you here. Ms. Wagner, this is your first meeting with us? We will try to make it memorable. Mr. Whitesell will go first with his testimony and then Ms. Wagner. Ms. Ganz, you are here for the ski link bill, specifically. We will ask you for your testimony and then open it up for questions as we go through that time.

So, Mr. Whitesell, please.

STATEMENT OF STEPHEN E. WHITESELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. WHITESELL. Mr. Chairman, thank you for the opportunity to appear before this Subcommittee to present the Department of the Interior's views on the six National Park Service bills and the two Bureau of Land Management bills on today's agenda. Robert Towne, Deputy Assistant Director for the Bureau of Land Management is accompanying me and will be happy to answer any questions regarding H.R. 686 and H.R. 944, the two Bureau of Land Management bills on today's agenda.

I would like to submit our full statements for the record on each of these subject bills and will summarize the Department's positions on these bills.

H.R. 290 seeks to ensure that memorials commemorating the service of the United States Armed Forces may contain religious symbols. It would apply to military memorials that are established or acquired by the Federal Government and to those to which the American Battle Monuments Commission cooperated in the establishments of the memorial. The Department defers to the American Battle Monuments Commission for a position on H.R. 290, since the purpose of the legislation appears to be to amend the portion of the United States Code that covers formation and operation of the Commission. And we would defer to the Department of Justice as to any First Amendment questions.

H.R. 320 would designate a Distinguished Flying Cross National Memorial at March Field Air Museum in Riverside, California. This legislation explicitly states that this memorial is not a unit of the National Park System. We defer to the Department of Defense for a position on H.R. 320, since the purpose of the legislation is to further honor military personnel who have been awarded the Distinguished Flying Cross at a site which is not under the jurisdiction of the Department of the Interior.

H.R. 441 would authorize the Secretary of the Interior to issue permits for microhydro projects in a limited area of the Kantishna Hills in Denali National Park. The legislation would also authorize a land exchange near the historic mining community of Kantishna that would be mutually beneficial to the National Park Service and Doyon Tourism, Inc., a subsidiary of Alaska Native corporation, Doyon Limited. The Department supports this legislation with suggested technical corrections.

H.R. 686 would convey certain lands to the State of Utah for Homeland Security or other national defense purposes. While the Department does not oppose the bill, the Bureau of Land Management would like the opportunity to work with the Committee on modifications to the reversionary clause and the map referenced by the legislation.

H.R. 850 would allow construction of a four-lane highway bridge over the Lower St. Croix River from Minnesota to Wisconsin to relieve heavy traffic on the current two-lane bridge. The Department does not support enactment of this legislation because it is inconsistent with the Wild and Scenic Rivers Act. We are very concerned about the precedent that would be established by allowing a bridge project to go forward on a wild and scenic river when it is found

to have had a direct and adverse effect on the designated river. If the Committee decides to move H.R. 850 forward, we would like to work with you to revise the bill's language. The bill must make clear that construction of the bridge over the Lower St. Croix River is being authorized as an exception to the Wild and Scenic Rivers Act. Any legislation must also especially require that the mitigation package be mandatory.

H.R. 944 would add certain rocks and small islands along the coast of Orange County, California, to the California Coastal National Monument, managed by the Bureau of Land Management. The Department supports this legislation.

H.R. 1022 would authorize the Secretary of the Interior to conduct a study to determine most effective ways to increase understanding and public awareness of the critical role that Buffalo Soldiers, segregated units composed of African-American cavalymen, played in the early years of the National Parks. The Department supports this legislation.

H.R. 1141 would authorize a study of the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, in the Commonwealth of the Northern Mariana Islands, as a unit of the National Park System. Congressional authorization to conduct a special resource study will require a public process to actively engage organizations, residents and others in discussions of how best to preserve Rota's significant cultural and natural resources. The Department supports this legislation.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you may have.

[The prepared statements of Mr. Whitesell follow:]

Statement of Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, on H.R. 290

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 290, to amend title 36, United States Code, to ensure that memorials commemorating the service of the United States Armed Forces may contain religious symbols, and for other purposes.

H.R. 290 would amend chapter 21 of title 36, United States Code, to allow religious symbols to be included as part of either a military memorial that is established or acquired by the United States Government, or a military memorial not established by the United States Government, but for which the American Battle Monuments Commission (Commission) cooperated in the establishment of the memorial. H.R. 290 also defines a military memorial as a memorial or monument commemorating the service of the United States Armed Forces, including works of architecture and art.

The National Park Service administers military memorials in the District of Columbia, which are subject to the Commemorative Works Act, and in other parts of the country. However, the Department would defer to the Commission for a position on H.R. 290 to the extent it involves memorials administered by the Commission or for which the Commission cooperated in the establishment. H.R. 290 may also affect memorials administered by the Department of Defense who should have the opportunity to offer their views. Additionally, the Department defers to the Department of Justice as to any potential First Amendment questions raised by H.R. 290.

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

Statement of Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, on H.R. 320

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on H.R. 320, a bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

The Department would defer to the Department of Defense for a position on H.R. 320 since the purpose of the legislation is to further honor military personnel who have been awarded the Distinguished Flying Cross at a site that is not under the jurisdiction of the Department.

The Distinguished Flying Cross is awarded to a member of the United States armed forces who distinguishes himself or herself in support of operations by "heroism or extraordinary achievement while participating in an aerial flight." We applaud the effort of the March Field Air Museum to create a suitable memorial to the honor, bravery, and sacrifice of members of our Armed Forces who have earned this medal.

This legislation explicitly states that this memorial is not a unit of the National Park System. As this language makes clear, the use of the title "national memorial" creates a reasonable expectation among the general public that it must have an affiliation with the National Park Service, which currently administers 27 national memorials across the country. This is not the first time this issue has arisen, nor is it likely to be the last, and the Department respectfully encourages only the most thoughtful and judicious designation of any future "national" memorials or other similar sites.

That concludes my testimony Mr. Chairman. I would be pleased to respond to any questions from you and members of the committee.

Statement of Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, on H.R. 441

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 441, a bill to authorize the Secretary of the Interior to issue permits for a micro-hydro project in non-wilderness areas within the boundaries of Denali National Park and Preserve, and for other purposes.

The Department supports this legislation with amendments and recognizes improvements made from the similar bill introduced in the previous session of Congress. H.R. 441 would authorize the Secretary of the Interior to issue permits for micro-hydro projects in a limited area of the Kantishna Hills in Denali National Park. The legislation would also authorize a land exchange between the National Park Service (NPS) and Doyon Tourism, Inc. (Doyon) involving lands near the historic mining community of Kantishna that would be mutually beneficial to the NPS and Doyon.

This legislation will reduce the use of fossil fuels in the park, and thus lessen the chance of fuel spills along the park road and at the Kantishna lodges. It will lower the number of non-visitor vehicle trips over the park road, lessen the noise and emissions from diesel generators in the Moose Creek valley, and support clean energy projects and sustainable practices while ensuring that appropriate review and environmental compliance protects all park resources.

Doyon Tourism, Inc., a subsidiary of Alaska Native Corporation Doyon, Ltd., has requested permits from the NPS to install a micro-hydroelectric project on Eureka Creek, near their Kantishna Roadhouse. The NPS supports the intent of this project, however, neither the Secretary nor the Federal Energy Regulatory Commission (FERC) has the statutory authority to issue permits for portions of hydroelectric projects within national parks or monuments. We believe that the authorization contained in this legislation is necessary to enable the NPS to allow this micro-hydroelectric project within the park.

The Kantishna Roadhouse, at the end of the 92-mile-long Denali park road, has been in business for 28 years, hosts approximately 10,000 guests per summer, and currently uses an on-site 100 kilowatt (KW) diesel generator to provide power for the facility. The proposed hydroelectric installation would reduce use of the diesel generator at the lodge. Currently, delivery of diesel fuel to the lodge requires a tanker truck and trailer to be driven the entire length of the Denali park road. Noted for its undeveloped character, the road is unpaved for 77 miles of its 92-mile length, crosses high mountain passes without guardrails, and is just one to 1 1/2 lanes wide with pullouts. The road is justly famous for wildlife viewing opportuni-

ties and in order to protect wildlife as well as the road's scenic wilderness character, vehicle traffic is limited. Reducing the amount of diesel fuel hauled over this road in tanker trucks protects park resources by reducing the risk of accident or spill, and simultaneously reduces overall vehicle use of the road.

Eureka Creek is a 4-mile-long stream that drains a 5 square-mile watershed and discharges about 15 cubic feet per second (cfs) during the summer. Most of the floodplain has been disturbed by past placer mining, but no mining claims exist on the creek now and no other landowners besides Doyon and the NPS own any property near this floodplain. The project would include an at-grade water intake, with no impoundment, about one mile upstream of where Eureka Creek crosses the park road.

Camp Denali, another lodge in the Kantishna Hills, is within the area addressed by this legislation. Camp Denali opened in 1952 and the owners installed a micro-hydro generator system prior to the 1978 Presidential proclamation that included Kantishna as a part of what is now Denali National Park. After 1978, Camp Denali became a private in-holding surrounded by the park, and found that parts of its micro-hydro power system were within the park, a situation that the NPS lacks the authority to permit or retain. This legislation, if amended, would allow the NPS and the owners of Camp Denali to work out permit conditions for those parts of the existing hydro project that are now on park land. Besides the Kantishna Roadhouse and Camp Denali, two other lodges in Kantishna may pursue similar projects in the future and thus would benefit from the authority granted in this legislation.

Doyon owns 18 acres on the patented Galena mining claim in the Kantishna Hills and would like to exchange that acreage for park land in Kantishna of equal value near its other properties. The NPS would also like to pursue this exchange to consolidate land holdings in the area. Existing land exchange authority under the Alaska National Interest Lands Conservation Act (ANILCA) and other legislation is sufficient to affect this exchange. Thus, while we believe that this provision is unnecessary, we support its intent.

Our concerns with the bill are as follows:

- 1) The bill as introduced requires the Secretary to complete National Environmental Policy Act compliance within 180 days of enactment. While the Department supports a speedy response to the applicant, we suggest the 180-day clock start upon submission of a complete application to the NPS.
- 2) The permitting authority provided by this bill would apply to several micro-hydroelectric projects in the Kantishna area, yet various elements of the bill as introduced appear to apply solely to a project by Doyon. Technical corrections to address this are identified in an attachment to this testimony.

We believe that the permitting authority granted in H.R. 441 would provide a tool that the Secretary could use to lower fossil fuel use in Denali National Park, while protecting park resources, and that a land exchange would be hastened through passage of this legislation. We would welcome the opportunity to work with the sponsor and this committee to address our concerns and recommendations.

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

ATTACHMENT

The NPS suggests the following technical corrections to H.R. 441

- 1) On p. 1, line 2 of the long title, strike "for a microhydro project in nonwilderness" and insert "for microhydro projects in nonwilderness".
- 2) On p. 1, line 5, strike "2010" and insert "2011".
- 3) On p. 3, line 1, strike "(i) the intake pipeline located on Eureka Creek, approximately ½ mile upstream from the Park Road, as depicted on the map;" and insert "(i) intake pipelines;"
- 4) On p. 3, line 8, strike "line" and insert "lines".
- 5) On p. 3, line 14, strike "PROJECT" and insert "PROJECTS".

Statement of Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, on H.R. 686

Thank you for inviting me to testify on H.R. 686, the Utah National Guard Readiness Act. The Department does not oppose the conveyance of the lands identified in H.R. 686 to the State of Utah for homeland security or national defense purposes. However, we would like the opportunity to work with the Committee on modifications to the reversionary clause and the map referenced by the legislation.

Background

Camp W. G. Williams is located approximately 25 miles south of Salt Lake City, Utah, in an area of expanding residential development. The 24,000-acre base is a National Guard training site administered by the Utah Army National Guard and includes training facilities for a variety of military purposes. Approximately 18,000 acres of the base are comprised of public land that has been withdrawn for the benefit of the United States Army as a training facility for the Utah Army National Guard under the provisions of Executive Order 1922 and Title IX of Public Law 101-628, the Arizona Desert Wilderness Act of 1990.

H.R. 686

H.R. 686 directs the Secretary of the Interior to convey to the State of Utah, at no cost, approximately 431 acres of the 18,000-acre withdrawal. Those 431 acres are to be used by the Utah Army National Guard. The legislation includes a reversionary clause to return the land to the ownership of the United States if attempt is made to sell the land or use the land for non-National Guard or non-national defense purposes.

Because the public lands proposed for conveyance are currently withdrawn for the benefit of the United States Army, a portion of the overall withdrawal to the Army is revoked by this legislation in order that the lands may be appropriately conveyed. We defer to the Department of Defense on the partial revocation of the underlying withdrawal.

The Department generally does not oppose this conveyance at no cost because the legislation provides that the land conveyed must continue to be used for important national security and defense purposes. However, we would note that these lands are already withdrawn for military uses to the U.S. Army for use by the Utah National Guard. It is unclear why it is necessary to convey these lands directly to the State of Utah for use by the National Guard.

We would like to work with the Sponsor and the Committee on modifications to the reversionary clause. Specifically, the reversionary clause language is complicated, nonstandard, and would be difficult for the Department of the Interior to oversee. We would like to discuss placing responsibility for the reversionary interest with the Department of Defense in order to ensure that the land is only used for national security or homeland defense purposes.

Additionally, we would like to provide a new map to be referenced in the legislation. The BLM in Utah completed work in 2008 that corrected past survey problems, and we would like to incorporate this up-to-date, accurate information in a new map. Furthermore, the Department of Justice advises us of a necessary modification to section 2(b) of the bill, which they want to address with the Sponsor and the Committee. Finally, we have some minor technical modifications we would like to address.

Thank you for the opportunity to present testimony on H.R. 686.

Statement of Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, on H.R. 850

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior (Department) regarding H.R. 850, a bill to facilitate a proposed project in the Lower St. Croix National Scenic Riverway, and for other purposes. This bill would allow construction of a four-lane highway bridge over the Lower St. Croix River from Minnesota to Wisconsin to relieve heavy traffic on the current two-lane bridge.

The Department does not support enactment of legislation that deems the proposed bridge to be consistent with the Wild and Scenic Rivers Act (Act). We are very concerned about the precedent that such legislation would establish given that the Department found the bridge project would have a direct and adverse effect on the designated river.

The NPS determined that the St. Croix River Project would have a direct and adverse impact to the river and that certain of those impacts cannot be mitigated, as documented in its Section 7(a) Wild and Scenic Rivers Act evaluation of October 15, 2010.

The Lower St. Croix National Scenic Riverway (Riverway) received protection as a "study river" with passage of the Act in 1968. Congress subsequently designated the upper 27-mile segment of the Lower St. Croix River as a Wild and Scenic River in 1972 and provided that if the Governors of the States of Minnesota and Wisconsin submit an application for the lower 25-miles the Secretary of the Interior

upon his approval shall designate that segment. The Governors did submit an application and the Secretary designated the lower segment in 1976. The Act established a method for providing Federal protection for some of our country's remaining free-flowing rivers, preserving them and their immediate environments for the use and enjoyment of present and future generations.

In Section 7(a) of the Act, Congress expressed the clear intent to protect river values. The Act prohibits Federal agencies from assisting in the construction of any water resources project that would have a direct and adverse effect on the values of a designated river. Section 7(a) states:

“...no department or agency of the United States shall assist by loan, grant, license or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration...”

Pursuant to that statute, if the Department determines a direct and adverse impact would occur, the project cannot proceed absent congressional action.

The Riverway is administered by the states of Minnesota and Wisconsin for 25 miles and the National Park Service (NPS) for 27 miles. However, the Department of the Interior, through the NPS, has responsibility for evaluation of proposed Federal projects for the entire 52 miles of the designated river. The NPS is responsible for evaluating water resources projects under Section 7(a) of the Act to determine whether those Federal projects, including bridges, will have a direct and adverse effect on the Riverway's free-flowing condition, water quality, and outstandingly remarkable values. Each water resources project is evaluated independently on its own merits.

The Riverway runs fast over sections of exposed bedrock, slow and deep over great depositional sediments left by the last glaciers, and throughout its course to the Mississippi River, the river carves through steep forested bluffs and rich valley bottomlands. Although solitude in natural settings is increasingly rare so close to a major metropolitan area, the Riverway offers natural solitude and abundant recreation.

In 1995, the Federal Highway Administration (FHWA) released a Record of Decision to construct a new bridge over the Lower St. Croix National Scenic Riverway and in June 1996 the Sierra Club and Voyageurs Region National Park Association commenced a lawsuit against the United States Department of Transportation, the Federal Highway Administration, the Department and the NPS to enjoin construction of the project. They alleged that the Department had violated Section 7(a) of the Act by failing to determine whether the new bridge would have a direct and adverse effect upon the values for which the Riverway was established. In September 1996, the FHWA and its lead partner—the Minnesota Department of Transportation (MnDOT)—applied for a Section 10/404 permit to place fill in the waters of the United States for bridge construction. Subsequently, the NPS prepared a Section 7(a) evaluation and determined that the project would have a direct and adverse effect on the Riverway's scenic and recreational values because of its visual impacts and that no available mitigation measures could significantly reduce the negative effects of the proposed bridge. Therefore, permits could not be issued and the bridge project could not go forward. MnDOT, the Wisconsin Department of Transportation (WisDOT) and the City of Stillwater, Minnesota, intervened in the lawsuit as defendants. They alleged that the 1996 NPS Section 7(a) determination was arbitrary, capricious, and in excess of statutory authority. The court upheld the 1996 NPS Section 7(a) determination, establishing case law that bridges are water resources projects subject to Section 7(a) of the Wild and Scenic Rivers Act.

In 1998, after discussions with legislators and other interested parties, the FHWA, MnDOT and WisDOT decided to revisit the issue of a river crossing near Stillwater. MnDOT facilitated a consensus-building process for a new bridge crossing of the Riverway. This process resulted in a new bridge alignment and design as well as a mitigation package.

In 2000, the NPS prepared a Draft Section 7(a) evaluation for inclusion in FHWA's Environmental Impact Statement (EIS). This evaluation determined that the proposed bridge would have a direct and adverse effect on scenic and recreational values; however, the adverse effects were adequately offset by the mitigation package developed by the stakeholders.

In 2001, the FHWA suspended that EIS process short of a final decision, citing insufficient funds for the implementation of the mitigation measures.

In 2002, the FHWA and its two state partners again re-initiated a St. Croix River Crossing EIS process. A “Stakeholders Group,” made up of 28 representatives of diverse interests was formed to provide input to the transportation agencies in their

decision-making process. This process resulted in a new proposed bridge alignment (similar to the original 1996 alignment), a bridge design, and a mitigation package.

In 2005, the NPS prepared an updated Section 7(a) evaluation that determined that the proposed crossing, when taken along with its mitigation package, would not have a direct and adverse effect on the scenic and recreational values, provided that the mitigation package remained intact.

In 2006, the FHWA issued a new record of decision to allow the bridge to be built. The Sierra Club again sued the Secretaries of Transportation and the Interior, alleging violations of the National Environmental Policy Act, Section 4(f) of the Department of Transportation (DOT) Act of 1966 (40 U.S.C. 1653(f)), and the Wild and Scenic Rivers Act.

On March 11, 2010, the U.S. District Court of Minnesota found the 2005 NPS Section 7(a) evaluation “arbitrary and capricious” and vacated it.

On April 6, 2010, the FHWA requested that the NPS prepare a new evaluation in response to the court’s decision. The NPS released its latest Section 7(a) evaluation on October 15, 2010. The evaluation determined that, due to visual impacts, the St. Croix River Crossing Project would have a direct and adverse impact to the river and that those impacts cannot be mitigated.

NPS transmitted the 2010 Section 7(a) evaluation to the FHWA, stating that “While the NPS believes the mitigation measures are not sufficient to eliminate the direct and adverse effects of the Project on the Lower St. Croix National Scenic Riverway’s designated scenic and recreational values, the NPS strongly supports their implementation if Congressional action is taken to allow the Project to move forward. The mitigation measures are essential to meet the requirements of Section 4(f) of the DOT Act of 1966 and help the states of Minnesota and Wisconsin protect and enhance river values under Section 10(a) of the Act. Although the Act precludes authorization of a project that a river administering agency has determined will cause direct and adverse effects on a designated river, the FHWA can initiate a Congressional process for authorizing this specific project in accordance with a provision provided under Section 7(a).”

Although we feel that placing a bridge in an area where one never existed would forever change the look of the river, our Section 7(a) analysis also referenced the authorization process that is provided for in the Wild and Scenic Rivers Act. That process includes notification to the Secretary of the Interior sixty days in advance of requesting authorization or appropriations from Congress. If this process is followed, we feel strongly that any authorization or appropriations for this project should include the mitigation package developed by the “Stakeholders Group” to protect and enhance the outstandingly remarkable values of the Lower St. Croix National Scenic Riverway.

If the committee decides to move H.R. 850 forward, the Administration would like to work with you to revise the bill’s language. As drafted, the bill states that this project is consistent with the Act. The Department is very concerned that stating that this project is consistent with the Act would set a precedent for other projects that have direct and adverse impacts on wild and scenic rivers. The bill must make clear that construction of the bridge over the Lower St. Croix River is being authorized as an exception to the Wild and Scenic Rivers Act. We also believe that any legislation must also expressly require that the “Stakeholders Group” mitigation package be mandatory.

Mr. Chairman, that concludes my testimony. I would be pleased to answer any questions from members of the committee.

Statement of the Department of the Interior on H.R. 944

Thank you for inviting the Department of the Interior to testify on H.R. 944, which would add certain rocks and small islands along the coast of Orange County, California, to the California Coastal National Monument managed by the Bureau of Land Management (BLM). The BLM supports H.R. 944.

Background

The California Coastal National Monument, part of the BLM’s National Landscape Conservation System, was established by a Presidential Proclamation by President Clinton on January 11, 2000, to protect:

“all unappropriated or unreserved lands and interest in lands owned or controlled by the United States in the form of islands, rocks, exposed reefs, and pinnacles...within 12 nautical miles of the shoreline of the State of California.”

Covering more than 20,000 rocks and small islands spread along 1,100 miles of the California coastline, the Presidential Proclamation protects the Monument's overwhelming scenic quality and natural beauty. The Proclamation specifically calls for the protection of the geologic formations and the habitat that these rocks and small islands provide for seabirds, marine mammals, and other plant and animal life, both terrestrial and marine.

Some particularly significant public rocks and islands off the coast of Orange County in the Laguna Beach area provide important habitat for a wide variety of upper rocky intertidal species, as well as various shorebird species. Additionally, four rock locations—Bird Rock and Two Rocks off the City of Laguna Beach, San Juan Rocks off the City of Dana Point, and San Marcos Rocks off the southern portion of the City of San Clemente—provide important roosting habitat for seabirds (including cormorants and the Federally-listed brown pelican) and haul-out areas for seals and sea lions.

In the process of working with local communities on planning for the California Coastal National Monument, the BLM discovered that the rock features off the coastline of Orange County were under Congressional withdrawals dating from the 1930s and, therefore, were not included within the Monument. These withdrawals include more than 40 offshore rocks, small islands, exposed reefs, and pinnacles located within one mile of the coast of Orange County, California, totaling approximately two acres above mean high tide. More than 70 years old, the withdrawals were originally intended to temporarily reserve the Orange County offshore rocks and small islands for “park, scenic, or other public purposes” (1931 Act), and reserve three specific offshore rock clusters for the possibility of future lighthouses (1935 Act), which were never built. These withdrawals were ultimately never utilized and are no longer needed.

The Laguna Ocean Foundation has led a community-wide effort to include these significant areas within the California Coastal National Monument. The Foundation has worked with the City of Laguna Beach and other local groups, including the Audubon Society and the Surfrider Foundation, on a variety of city and area-wide coastal protection and monitoring projects, which resulted in H.R. 944.

H.R. 944

H.R. 944 would eliminate the existing withdrawals on these public lands off the coast of Orange County and place these features within the existing California Coastal National Monument. The BLM supports the revocation of the old withdrawals and the inclusion of these rocks, islands, and exposed reefs within the Monument.

The BLM has been working with partners along the 1,100 mile California coast to create a series of California Coastal National Monument Gateway community initiatives. These Gateway initiatives are a means to support organized local stewardship of various California coastal areas through the development of a consortium of the area's resource managers and advocates. The Laguna Beach community has expressed strong interest in developing a California Coastal National Monument Gateway initiative for the Orange County coastal area. Inclusion of these rocks and islands within the Monument will allow the BLM to work with the community to provide responsible, long-term stewardship of these valuable areas.

Conclusion

Thank you for the opportunity to testify in support of H.R. 944. We look forward to passage of this legislation which would place these significant features off the coast of Orange County within the California Coastal National Monument, thus ensuring their long-term protection and preservation, and paving the way for an important local community stewardship initiative.

Statement of Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, on H.R. 1022

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 1022, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the national parks, and for other purposes.

The Department supports H.R. 1022. However, we feel that priority should be given to the 40 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the

National Trails System and National Wild and Scenic River System that have not yet been transmitted to Congress.

H.R. 1022 would authorize a study to determine the most effective ways to increase understanding and public awareness of the critical role that the Buffalo Soldiers, segregated units composed of African-American cavalrymen, played in the early years of the National Parks. It would evaluate the suitability and feasibility of a National Historic Trail along the routes between their post at the Presidio of San Francisco and the parks they protected, notably Yosemite and Sequoia. The study would also identify properties that could meet the criteria for listing in the National Register of Historic Places or designation as National Historic Landmarks. We estimate that this study will cost approximately \$400,000.

African-American 19th and 20th century Buffalo Soldiers were an important, yet little known, part of the history of some of our first National Parks. These cavalry troops rode more than 320 miles from their post at the Presidio to Sequoia and Yosemite National Parks in order to patrol and protect them. The journey across the state took sixteen days of serious horseback riding averaging over twenty miles a day. Once in the parks, they were assigned to patrol the backcountry, build roads and trails, put a halt to poaching, suppress fires, halt trespass grazing by large herds of unregulated cattle and sheep, and otherwise establish roles later assumed by National Park rangers.

The U.S. Army administered Sequoia and Yosemite National Parks from 1891 to 1914, when it was replaced by civilian management. The National Park Service was not created until 1916, 25 years after these parks were established. Commanding officers became acting military superintendents for these national parks with two troops of approximately 60 cavalry men assigned to each. The troops essentially created a roving economy—infusing money into parks and local businesses—and thus their presence was generally welcomed. The presence of these soldiers as official stewards of park lands prior to the National Park Service's establishment brought a sense of law and order to the mountain wilderness.

Less well known, however, is the participation of African-American troops of the 24th Infantry and 9th Cavalry, the Buffalo Soldiers, who protected both Sequoia and Yosemite National Parks in 1899, 1903, and 1904. These troops and their contributions should be recognized and honored, and this bill does just that.

When the new military superintendent for the summer of 1903 arrived in Sequoia National Park he had already faced many challenges. Born in Kentucky during the Civil War, Charles Young had already set himself a course that took him to places where a black man was not often welcome. He was the first black to graduate from the white high school in Ripley, Ohio, and through competitive examination he won an appointment to the U.S. Military Academy at West Point in 1884. He went on to graduate with his commission, only the third black man to do so.

In 1903, Young was serving as a captain in the cavalry commanding a segregated black company at the Presidio of San Francisco when he received orders to take his troops to Sequoia National Park for the summer. Young and his troopers arrived in Sequoia after a 16-day ride to find that one of their major assignments would be the extension of the wagon road. Hoping to break the sluggish pattern of previous military administrations, Young poured his considerable energies into the project. During the summer of 1903, Young and his troops built as much road as the combined results of the three previous summers, as well as building a trail to the top of Mt. Whitney—the highest point in the contiguous United States.

The soldiers also protected the giant sequoias from illegal logging, wildlife from poaching, and the watershed and wilderness from unauthorized grazing by livestock. A difficult task under any circumstances, the intensity was undoubtedly compounded by societal prejudice common at the turn of the century.

Although Colonel Charles Young only served one season as Acting Superintendent of a National Park, he and his men have not been forgotten. The energy and dignity they brought to this national park assignment left a strong imprint. The roads they built are still in use today, having served millions of park visitors for more than eighty years. The legacy they left extends far beyond Sequoia National Park, as they helped lay the foundation for the National Park System, which continues to inspire and connect people of all backgrounds to public lands and natural treasures to this day.

In recent years the National Park Service has made an effort to chronicle the achievements of these men in San Francisco and in Sequoia and Yosemite National Parks. In the Presidio of San Francisco, Golden Gate National Recreation Area and the Presidio Trust have developed an education program using the historic stables that the Buffalo Soldiers actually used to house their horses. In Yosemite National Park, Ranger Shelton Johnson portrays one of the U.S. Army's Buffalo Soldiers as part of his interpretation of Yosemite's history. Sequoia National Park has a giant

sequoia named for Colonel Young in honor of his lasting legacy in that park. These isolated, but important efforts to educate the public on the important role of the Buffalo Soldiers could be heightened by this consolidated study.

There is a growing concern that youth are becoming increasingly disconnected with wild places and our national heritage. Additionally, many people of color are not necessarily aware of national parks and the role their ancestors may have played in shaping the national park system. NPS can help foster a stronger sense of awareness and knowledge about the natural and cultural history preserved in our natural parks by connecting people, especially these audiences, to the critical roles of African-American Buffalo Soldiers in the protection and development of natural treasures like Sequoia and Yosemite National Parks. By amplifying the story of the Buffalo Soldiers, this bill could help bridge cultural divides and expand opportunities to appeal to an all-inclusive audience. As the 2016 centennial of the National Park Service approaches, it is an especially appropriate time to conduct research and increase public awareness of the stewardship role the Buffalo Soldiers played in the early years of the National Parks.

Mr. Chairman, this concludes my testimony. I would be glad to answer any questions that you or other members of the subcommittee may have.

Statement of Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, on H.R. 1141

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's testimony regarding H.R. 1141, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System.

The Department supports H.R. 1141. Priority should be given, however, to the 40 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System that have not yet been transmitted to Congress.

H.R. 1141 would authorize the Secretary of the Interior to complete a Special Resource Study of sites on the Island of Rota for potential inclusion in the National Park System. We estimate that this study will cost approximately \$250,000 to \$300,000.

Rota, where the indigenous Chamorro and Carolinian people have retained their cultural heritage in its natural environment, is the southernmost island of the Commonwealth of the Northern Mariana Islands (CNMI). Spared the population displacement of other colonial islands and largely bypassed during World War II, Rota preserves striking examples of the three thousand-year-old Chamorro culture surrounded by the best remaining expanse of this island chain's native limestone forest.

The Mochon Latte Village, the Chugai Pictograph Cave, the Taga Latte Stone Quarry, and the Alaguan Bay Ancient Village prehistoric sites include architectural features unique to the ancient Chamorro culture and represent outstanding examples of the territory's cultural resources. These sites possess a high degree of integrity in location, materials, workmanship and association.

The limestone forests of Rota are the most intact and most extensive examples of primary, native limestone forest remaining on any island in the Mariana Archipelago. The forest provides and sustains habitat for endangered bird species, a threatened species of fruit bat, and numerous species of invertebrates that are proposed for listing as threatened or endangered. Several of these species are endemic to Rota. The significance of this unique biotic community cannot be overstated.

Rota's residents and legislative delegation have demonstrated an extraordinary commitment to the protection of the island's environment. In 2004, Senator Diego M. Songao, Chairman of the Rota Legislative Delegation of the Fourteenth Commonwealth Legislature, formally requested planning assistance from the National Park Service (NPS).

In response to this request, the NPS completed a reconnaissance survey of Rota's natural and cultural resources in September of 2005. The reconnaissance survey found that the natural and cultural resources of the island of Rota are significant to island residents, the CNMI, and the entire nation and merit protection. It also made a preliminary finding that these resources are likely to be suitable and feasible for inclusion in the park system.

At present, the people of Rota and their political leaders find themselves at a crossroads regarding the uses to which their lands are being put. Major land use

changes are continuing to take place in the form of residential and agricultural lots being subdivided out of the island's public lands and transferred into private ownership.

At this time, none of Rota's resources are guaranteed protection for future generations. Congressional authorization to conduct a Special Resource Study will provide a public process to determine the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System. The NPS would be pleased to actively engage organizations, residents and others in discussions of how best to preserve Rota's significant cultural and natural resources.

Mr. Chairman, this concludes my statement. I would be pleased to answer questions that you or other members of the committee might have.

Mr. BISHOP. Thank you. Ms. Wagner would you like to go over the Forest Service issues?

**STATEMENT OF MARY WAGNER, ASSOCIATE CHIEF,
U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE**

Ms. WAGNER. Mr. Chairman, and members of the Subcommittee. The U.S. Department of Agriculture has submitted written testimony for the record. I am just going to offer several comments for each of the bills under consideration in front of you today.

H.R. 241, to authorize the conveyance of National Forest System lands in the Los Padres National Forest is intended to resolve a longstanding encroachment of the White Lotus Foundation. The bill today differs from the bill introduced last Congress in that it provides a provision for a land exchange and requires the Foundation to pay survey, appraisal and other administrative costs associated with the exchange or the sale. We appreciate the Committee's efforts to resolve this longstanding encroachment and to address previously identified issues we expressed during the last Congress. While we still have concerns about this bill, we are open to solutions and we are committed to working with the Committee to resolve this encroachment.

H.R. 643, the "Sugar Loaf Fire Protection District Land Exchange" is a proposal to exchange or sell two parcels on the Arapaho-Roosevelt National Forest in Colorado to the Sugar Loaf Fire Protection District. We support this legislation and thank members of the Committee for addressing concerns expressed when we testified last Congress. We see H.R. 643 as a benefit to efficient management of the Arapaho National Forest and to promoting emergency services for citizens in the Fire Protection District.

And last, the Department supports H.R. 765, the "Ski Area Recreational Opportunity Enhancement Act." We appreciate the Committee's efforts to address concerns expressed previously. Americans see ski areas and experience ski areas as portals to the National Forests and a means to greater appreciation of nature. Over one-fifth of the entire number of visits to National Forests occur in ski areas. This legislation encourages greater recreation use at our most developed sites, enhances the long-term viability of ski areas, and sustains the adjoining gateway communities.

Mr. Chairman, Ranking Member Grijalva, members of the Committee, this concludes my comments and I would be happy to answer your questions.

[The prepared statement of Ms. Wagner follows:]

**Statement of Mary Wagner, Associate Chief, Forest Service,
U.S. Department of Agriculture, on H.R. 241, H R. 643, and H.R. 765**

Mr. Chairman and Members of the Subcommittee, I am Mary Wagner, Associate Chief for the U.S. Forest Service. Thank you for the opportunity to appear before you to provide the views of the U.S. Department of Agriculture (USDA) on three of the bills that you are considering today.

H.R. 241 TO AUTHORIZE THE CONVEYANCE OF CERTAIN NATIONAL FOREST SYSTEM LANDS IN THE LOS PADRES NATIONAL FOREST IN CALIFORNIA

H.R. 241 is intended to address a longstanding encroachment by the White Lotus Foundation (Foundation) on National Forest System lands managed by the Los Padres National Forest in Santa Barbara County, California. The encroachment does not qualify for resolution under existing authorities, namely, the Small Tracts Act (P. L. 97-465). The Department appreciates this Committee's efforts to resolve this issue; however, we do not support H.R. 241 because there would be limited benefit to the public from this conveyance.

H.R. 241 differs from the bill introduced last Congress (H.R. 129) in that it includes the provision for a land exchange and the requirement that the Foundation pay for the reasonable costs of any surveys, appraisals, and any other administrative costs associated with the proposed land exchange or sale. This legislation would require the Secretary to exchange up to five acres of National Forest System land upon which the Foundation has encroached if the Foundation offers to convey a parcel of non-Federal land that is acceptable to the Secretary and if the Secretary determines that the public interest would be served by making the exchange. If the land exchange is not completed within 2 years following the date of enactment of the Act, the Secretary would have the option of selling the encroached-upon National Forest System land to the Foundation for fair market value.

It is unlikely a land exchange could be completed within two years of enactment because the Foundation has not been in consultation with the Forest Service about potential properties to be exchanged and the normal time frame for these exchanges exceeds a two year time frame. For lands to become part of the National Forest System, a rigorous and thorough vetting process that includes title and boundary work as well as surveys for hazardous materials must be completed prior to the exchange. Currently there is a two to three year wait in the Pacific Southwest Region for land exchanges. Therefore, the provision for a land exchange would likely not be used and instead, after two years, the land sale option to convey the land to the Foundation would be utilized.

Last Congress, the Department testified before this Subcommittee on H.R. 129 which authorized the sale of the same lands to the Foundation. As previously stated on H.R. 129, our concern is that H.R. 241 would benefit only the Foundation with no public benefit. This legislation would serve only a small, select group of citizens—the White Lotus Foundation. In addition, the conveyance would legitimize the Foundation's long standing encroachments on lands in the Los Padres National Forest by allowing the Foundation to acquire the encroached land through legislation for the Foundation's private use and enjoyment. There are other adjacent landowners in the area with similar encroachments on National Forest System lands in the Los Padres National Forest. These landowners are following this legislation with interest, as a model for resolving their encroachment cases. Resolving the White Lotus Foundation encroachments through H.R. 241 would therefore set a precedent for resolution of other encroachment cases through case-specific legislation.

H.R. 643 SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT

H.R. 643 would provide for the exchange or sale of two parcels of National Forest System lands within the boundaries of the Arapaho National Forest in Colorado to the Sugar Loaf Fire Protection District (SLFPD). A portion of one parcel is currently being used by SLFPD as a fire station under special use permit. The other parcel was under a similar permit that has expired. The Department supports this legislation and wishes to thank the Members of the Committee for addressing the concerns expressed when we testified on the bill under consideration last Congress (H.R. 3923).

The National Forest System lands proposed for conveyance have lost their national forest character. The lands that would be conveyed to the United States have suitable national forest character and would contribute to increased management efficiency. In addition, thanks in large part to previous work that has been done between the Forest Service (Arapaho-Roosevelt National Forest) and The Sugar Loaf

Fire Protection District, we believe that the Forest Service and SLFPD will meet Congress' intent to have the parcels exchanged within 1 year.

The Department supports the work of the SLFPD and its efforts to improve facilities to deliver services more effectively. We view H.R. 643 as both benefitting management of the Arapaho National Forest and promoting emergency services in the fire protection district.

H.R. 765 SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT OF 2011

H.R. 765 would amend the National Forest Ski Area Permit Act of 1986 to authorize the Secretary to permit seasonal or year-round natural resource-based recreational activities and associated facilities at ski areas, in addition to those that support Nordic and alpine skiing and other snow sports that are currently authorized by the Act. The Department supports H.R. 765 and wishes to thank the Members of the Committee for addressing the concerns expressed when we testified last Congress on H.R. 2476. Like its predecessor, H.R. 765 would promote seasonal or year-round recreation opportunities at ski resorts on National Forest System lands and, by doing so, would expand the opportunities for ski areas to attract visitors during all four seasons.

The additional seasonal or year-round recreational activities and associated facilities authorized by the bill would have to encourage outdoor recreation and enjoyment of nature and, to the extent practicable, would have to harmonize with the natural environment. The bill specifies certain recreational activities and facilities that could, under appropriate circumstances, be authorized and those that would be excluded from authorization. The bill would make clear that the primary purpose of the authorized use and occupancy would continue to be skiing and other snow sports.

There are 122 ski areas operating under permit on National Forest System lands. These ski areas occupy less than 1 percent of all National Forest System lands. Nevertheless, about one-fifth of all recreation in national forests occurs at these ski areas. The ski areas are some of the most developed sites in the national forests. However, for many Americans, ski areas are portals to the national forests and a means to greater appreciation of the natural world.

Focusing more of developed outdoor recreational activities within ski areas is appropriate and would reduce impacts on less developed areas in the national forests. If H.R. 765 is enacted, we would develop criteria for the types of seasonal or year-round activities that would be appropriate at ski areas to provide a basis for case-specific proposals at the local level in accordance with established law, regulations, and procedures including the Secretary's duties to involve the public in his decision-making and planning for the national forests.

In summary, this legislation would encourage greater recreational use of the national forests and would concentrate highly developed recreation in areas that are currently among the most developed sites in national forests. In addition, the legislation would enhance the long-term viability of the ski areas on National Forest System lands and the adjoining rural economies.

Mr. Chairman, Ranking Member Grijalva and Members of the Subcommittee, this concludes my testimony. I'll be happy to answer any of your questions.

Mr. BISHOP. Thank you. Ms. Ganz, if you could speak to the one, I think you are here for the one bill, right?

Ms. GANZ. Right.

Mr. BISHOP. If you could speak to that, I would appreciate it.

STATEMENT OF BETH GANZ, VICE PRESIDENT OF PUBLIC AFFAIRS AND SUSTAINABILITY, VAIL RESORTS, COLORADO

Ms. GANZ. Mr. Chairman, Ranking Member Grijalva and members of the Committee, my name is Beth Ganz and I am the Vice President of Public Affairs and Sustainability at Vail Resorts. Thank you for the opportunity to testify on behalf of the National Ski Areas Association and Vail Resorts in strong support of H.R. 765, the "Ski Area Recreational Area Opportunity Enhancement Act." I would like to recognize Chairman Bishop for his leadership on this important legislation.

NSAA is an association of 326 ski resorts across the country, 121 of which operate on public lands. Vail Resorts has six of these mountains in Colorado, California and Nevada, five of which are in the National Forest. Ski areas occupy less than one-tenth of one percent of Forest Service lands, yet they serve as one of the primary gateways to our public lands and the outdoors. The 60 million people who visit ski resorts annually represent 20 percent of all recreation visits to the National Forest. The partnership between the ski area operators and the U.S. Forest Service yields tremendous recreation opportunities while also providing economic, conservation and forest education benefits.

H.R. 765 is intended to update some antiquated provisions in the Ski Area Permit Act, clarify the Forest Service's authority, and provide guidance related to the permitting of appropriate seasonal and year-round recreational activities and facilities at ski areas.

The bill also represents a unique opportunity to provide economic stimulus to the rural economies that surround the resorts. And to do so in an environmentally sustainable way. Ski resorts companies are frequently one of the largest employers in the small mountain regions in which they operate, as well as create other economic opportunities for the local population base. With the successful passage of this bill, ski areas and their communities can transform from winter season destinations into year-round destinations. Year-round visitation creates year-round employment opportunities and bolsters local government and state coffers with increased tourism revenues. Revenues to the Forest Service will also increase via year-round permit fees that public land resorts generate.

As I mentioned earlier, there is also conservation value in allowing and encouraging year-round recreation at ski areas. Ski areas are developed recreation sites, with the infrastructure needed to support high levels of visitation. Such as parking lots, restaurants, rest rooms and other facilities. By providing high quality and accessible recreation at ski areas, the potentially undesirable impacts of unmanaged recreation can be avoided in other parts of the forest.

The intent of this bill is not to change the nature of ski areas on public lands. We believe there is great potential for resorts to expand their offerings of seasonal and year-round recreational activities in a manner that fully appreciates the landscape of the forest. An activity or facility should primarily benefit from or utilize the natural features of the mountain, the way zip lines and alpine slides use the downward sloping contours of a mountain.

We firmly believe that H.R. 765 will provide additional year-round activities that will greatly increase the public's enjoyment of their national forests. Thank you again for the opportunity to appear before the Committee. NSAA and Vail Resorts stand ready to work with Chairman Bishop and the Committee to move this important legislation forward. Thank you.

[The prepared statements of Ms. Ganz follow:]

Statement of Beth Ganz, Vice President of Public Affairs and Sustainability, Vail Resorts, on behalf of the National Ski Areas Association, on H.R. 765

Chairman Bishop, Ranking Member Grijalva and members of the Committee, thank you for the opportunity to appear before you today. On behalf of Vail Resorts and the National Ski Areas Association I am pleased to provide the following testi-

mony in support of H.R. 765, the Ski Area Recreational Opportunity Enhancement Act.

NSAA has 121 member ski areas that operate on National Forest System lands. These public land resorts are in the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Hampshire, New Mexico, Oregon, Utah, Vermont, Washington and Wyoming. Vail Resorts owns and operates six resorts in Colorado, Nevada and California of which five are located on public lands.

At the outset, we would like to thank Chairman Bishop for his leadership on this bill.

Background

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

In addition to the recreation benefits that ski areas provide throughout the year there are economic benefits that must be considered. Resorts are frequently one of the largest employers in the rural regions in which they operate, providing important employment and other economic opportunities for their local population base. The presence of resorts provides a critical component of the economy in many areas of the country.

Over the past five years, we have averaged 58.6 million skier/snowboarder visits annually, and about 60% of those visits occurred on public land. Yet ski areas occupy less than one-tenth of one percent of Forest Service lands.

Ski areas are the perfect place to accommodate these large numbers of forest visitors and not just in the winter. It is important to remember that ski areas are *developed* sites. They inspire appreciation for the natural environment, but they also represent a built environment that is accessible and convenient for visitors. Ski areas already have the parking lots, bathrooms, trails and other facilities to accommodate millions of summer visitors. Use of developed ski areas during all times of the year allows the Forest Service to provide recreation opportunities to millions of visitors in a controlled and mitigated environment thus alleviating the impacts *elsewhere* on the forests.

Summer and Year-Round Activities

Summer and year-round activities are not new to ski areas. Resorts across the country have offered summer activities for decades, with scenic chairlift rides dating back to the 1960s. These activities include mountain biking, scenic chairlift rides, hiking, ziplines, alpine slides, climbing walls, Frisbee golf and others. Until very recently, the authorization of summer activities at public land resorts occurred without issue. Many ski area special use permits reference “year-round” or “four season” resorts. The Forest Service Manual expressly encourages the year-round use of resort facilities. Even Congress recognized the four-season nature of resorts back in 1996 by including the term “gross year-round revenue” in our fee system (16 USC 497c). Resorts have acted in reliance of these authorities, and the federal government has collected fees on summer activities, for decades.

So why are we here? NSAA strongly supports H.R. 765 to create a national comprehensive approach to growing seasonal and year-round recreational opportunities. Such an approach will provide for more consistent decision making and more accurately reflect what is now taking place at modern four-season resorts.

Summer and year-round recreation can transform ski areas and their rural communities from single season destinations into year-round destinations. Year-round visitation increases year-round employment opportunities in rural resort communities, creating a more stable workforce and local economy. It should also be noted that public land resorts generate permit fees for the Forest Service from all revenues generated by activities at ski areas. The Congressional Budget Office confirmed this last point in the 111th Congress stating that the bill would not negatively impact the federal budget and that it will minimally increase receipts to the Treasury.

We believe that there is great potential for resorts to expand their offerings of seasonal and year-round recreational activities. According to NSAA statistics, the average resort’s non-ski season operations account for just 6.9 percent of overall revenues illustrating this point. H.R. 765 could prove to be an economic boost to many rural areas improving local employment, food and beverage receipts, lodging and providing gateway access to the public’s enjoyment of their public lands.

The Bill

Specifically, H.R. 765 clarifies the Forest Service's authority to permit appropriate seasonal or year-round recreational activities and facilities subject to ski area permits issued by the Secretary under section 3 of the National Forest Ski Area Permit Act of 1986 (16 USC 497b). The bill is also an opportunity to update the language used to describe snow-sports to better reflect the wide range of snow sports (including snowboarding, snow-biking, etc) taking place at modern ski-areas. NSAA notes and appreciates the discretion and guidance the bill provides to the Secretary to make site-specific decisions on appropriate activities and facilities that are natural resource-based, outdoor developed recreation that harmonize with the natural environment of the public lands.

In the 110th and 111th Congress, the Administration testified in support of the bill and stated that further clarifications would assist the Forest Service in its interpretation and implementation of the bill. During consideration in the 111th Congress the legislation was amended with the input of the National Ski Areas Association, U.S. Forest Service, committee staff and other stakeholders. The bill as you see it today reflects those amendments as agreed to in the Senate which are largely similar to the House passed version of the bill.

Thank you for your consideration of H.R. 765. This bi-partisan, no-cost and non-controversial legislation is important to ski areas across the country and we encourage its swift passage.

Thank you again for the opportunity to appear here today.

Mr. BISHOP. I thank you for your testimony. What I would like to do is do this a little bit differently to try and expedite the situation. There are three bills that been testified to by the Forest Service, impact the Forest Service: H.R. 241, H.R. 643. H.R. 241 is the California Forest, H.R. 643 is the Colorado Fire issue, and H.R. 765, the Ski link bill. I have no questions on those three bills. I would like to deal with those first, and then we can go back to the other bills later.

Are there questions specifically for those three, Forest Service. Ranking Member?

Mr. GRIJALVA. I have no questions on those.

Mr. BISHOP. Mr. Kildee, do you have a question on those three? On either of those three? The three that have the Forest Service impact, H.R. 241, H.R. 643 and H.R. 765.

Mr. KILDEE. I want to ask about H.R. 850.

Mr. BISHOP. All right, let us wait for that one then. Representative, the gentleman from Florida, did you have any questions on these three bills? The gentleman from California.

Mr. GARAMENDI. Just on a related issue, and this question goes to Ms. Wagner. Representative Lungren and I have been working on a historic cabin located in the Mokelumne Wilderness Area. We have not had a satisfactory answer from the Forest Service on how it will protect and maintain that and we have withheld legislation pending a satisfactory answer. We may very well have to introduce legislation to compel a satisfactory answer. I would like your attention to that matter. Monty Wolf Cabin, Mokelumne Wilderness Area, California, in Mr. Lungren's district. Thank you. Thank you, Mr. Chairman.

Mr. BISHOP. Are there any other questions, then on those three bills. If not, we appreciate the testimony. Ms. Wagner, hopefully it was painless. And Ms. Ganz, I appreciate you being here on those three issues. If you would like to leave now, you are free to. Mr. Whitesell, I hope you would stay here for a minute as we go through the Bureau of Land Management bills that are there.

As I said, Mr. Young has joined us now. He has, which one is yours, you are H.R. 441? H.R. 441. And I would recognize Mr. Young for his statement if he has one.

**STATEMENT OF HON. DON YOUNG, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ALASKA**

Mr. YOUNG. Mr. Chairman, thank you. And I will submit a statement for the record. This is a piece of legislation I am happy to say the Park Service supports. That makes me feel quite good. We have had our little differences in the past month, and Mr. Chairman I hope we can address those differences. This is the way something should work. This is helping everyone, it is a win-win situation. We have taken, we will replace diesel fuel with a microhydro situation that will make and produce clean energy and everybody will be happy. And I just hope, Mr. Chairman, that this bill moves forward in an expeditious way. And again I urge you and the Park Service to understand that we can work together as long as you listen to the people and not just the Park Service. I am very serious about that. If you just listen to the Park Service, you are going to have a dog-fight, because you are not always right—especially, when you sit here in Washington, D.C. or downtown Anchorage—listening to those who don't know squat about the Park Service in Alaska.

But this is a situation where, very frankly, I am quite pleased that they support it. It is good for the Doyon Corporation. It is good for the Park Service and we will have clean air using hydro as we should be able to do so. Mr. Chairman, with that, I just submit my statement for the record.

[The prepared statement of Mr. Young follows:]

**Statement of The Honorable Don Young, a Representative
in Congress from the State of Alaska, on H.R. 441**

Chairman Bishop and Ranking Member Grijalva, thank you for holding a hearing on this important legislation.

H.R. 441, the Kantishna Hills Renewable Energy Act would authorize the Secretary of the Interior to issue permits for a micro-hydro project within a non-Wilderness area of Denali National Park. Additionally, it will facilitate a small land exchange between the National Parks Service and Doyon, Ltd, which owns and operates the facilities that will take advantage of the proposed micro-hydro project. Roughly, only six acres of land would be affected. Doyon is one of thirteen Alaska Native Regional Corporations, formed under the Alaska Native Claims Settlement Act (ANCSA).

Currently, the facilities at Kantishna, which is located at the end of the 90-mile park road, operate exclusively off diesel fuel. Not being connected to any grid system, the Roadhouse must produce all of its energy onsite. This means trucking thousands of gallons of diesel fuel over the long and treacherous park road. Energy created by this microhydro project could cut the Roadhouse's diesel usage in half, and drastically reduce the need for these trips.

Down the road at the new Eielson Visitors Center, the National Parks Service operates a similar microhydro project to great success, and the Kantishna Roadhouse seeks to take advantage of similar technology to help rid their reliance on costly diesel fuel.

In conclusion, this legislation is a win-win that benefits the environment and all parties involved. Again, I thank the Chairman and Ranking Member for including this bill in today's hearing and I look forward to working with the Members of this Committee in advancing this bill.

Mr. BISHOP. Thank you very much. Now let me try and once again expedite this as we can. There are one, two, three, four, five, six, seven, eight bills to which you testified. Are there any ques-

tions? Let me go through the H.R. 290, the "War Memorial Protection Act" for this witness? What about the "Distinguished Flying Cross National Monument," any questions to that one? Any question to deal with Mr. Young's bill on Renewable Energy Act? Nope? OK, the "Utah National Guard Readiness Act."

I do have one statement to make and a question. You said there were two things you would like to do. If you do have a new map, I would be happy deal with that. If you want changes in the reversonary language, I really don't care. But the language that is in there was requested of us last year by staff. So, you get them to like it, I will like it as well.

H.R. 850 I believe is going to have more comments. Oh, I am sorry. I will come back to H.R. 850. OK. H.R. 945, H.R. 944 was the rocks in California. Any questions to that measure? And then H.R. 1022 was the "Buffalo Soldier in the National Park Study Act." And then the final one is the "Rota Cultural and Natural Resources Study Act," any questions to that? OK, then last bill is then H.R. 850 and I am assuming there are going to be some questions to that. So, what I would ask, Mr. Whitesell, if you would stay there and let me have the other three panelists who are going to testify to that come up and join you there at the table, we will go through their testimony then ask questions of H.R. 850, if that is OK. Mr. Garamendi.

Mr. GARAMENDI. It may very well be that the issue that I have can be resolved with the question to the National Park Service, and not necessarily to the witnesses, so.

Mr. BISHOP. I am sorry.

Mr. GARAMENDI. My question goes to the National Park Service, but fine let us go ahead.

Mr. BISHOP. On H.R. 850? Yes, OK. Mr. Young, you have something you want to submit for the record?

Mr. YOUNG. Mr. Chairman, I apologize, I would ask the consent that the testimony from Doyon Limited will be submitted for the record at this time.

Mr. BISHOP. Thank you, without objection, so ordered.

I would ask to come to the panel, Mayor David, I am screwing your name up, I apologize, Beaudet, of City of Oak Park Heights, and I believe that is in Wisconsin?

Mr. BEAUDET. Minnesota.

Mr. BISHOP. Minnesota, I am sorry. If you will come forward. Mayor Ken Harycki, of Stillwater, Minnesota, if you will come and join us. And Mr. Curt Geissler, President, Lakeview Memorial Hospital in Stillwater, if you will join us as well. And, I think the three of you are going to testify to H.R. 850. What I would like to do is hear your testimony, first on H.R. 850. Then we will open it up for all four of you to answer questions of the Committee. So, with that once again, I think we went through that. Your written statements will appear in the record. This is the oral part that we add. We ask you to keep it to five minutes. You can see in front of you the red light. It means that is when the time is up. The yellow, you got a minute left, so hustle. And the green says you are on. OK? So, Mayor Beaudet. Was that close?

Mr. BEAUDET. Close.

Mr. BISHOP. From Oak Park, you are recognized for five minutes.

**STATEMENT OF HON. DAVID BEAUDET, MAYOR,
CITY OF OAK PARK HEIGHTS, MINNESOTA**

Mr. BEAUDET. Thank you. Good morning, Mr. Chairman, Ranking Member Grijalva, and members of the Subcommittee. I am David Beaudet, Mayor of the City of Oak Park Heights and testifying on behalf of myself.

Mr. BISHOP. Can I have you speak a little bit closer to that mike?

Mr. BEAUDET. Yes. The City is just under 5,000 people, is located along the St. Croix National Scenic Riverway, exactly where the new bridge is proposed. I appreciate the opportunity to speak, to testify in opposition to House Resolution 850. We need a new bridge crossing the St. Croix River. But the bridge that is referenced in H.R. 850 is a project that is inflated out of scale. It is out of scale for the taxpayers who will pay for it, out of scale for the property owners who will live with the impact of the giant structure, and out of scale with the river itself and the Lower St. Croix River Valley.

Of course, the Wild and Scenic Rivers Act was passed in 1968, an historic act, to actually preserve and protect selected, certain wild and scenic rivers. The Upper St. Croix was one of the original selected eight rivers to be included in the Act and the lower 52 miles of the St. Croix River was proposed to be studied and then finally designated in 1972.

Over the years, property owners have worked together to protect and improve the St. Croix Riverway, giving up improvements to their homes, businesses and the grading of land that would have harmed the river. It was the construction of the controversial Allen S. King plant, which Representative Bachmann showed in her photograph, that caused bridge to actually, caused the Lower St. Croix River to be included in the Riverway, in the Wild and Scenic Riverway, to protect the river. Northern States Power Company [NSP], then the utility, donated over 70 percent of the land that is now owned by the National Park Service in the Upper Wild and Scenic River area. NSP further decided not to build the second power plant there in due deference to its mistake.

Let us not make another mistake of this critical magnitude on the St. Croix River. We have already made one. The river has been protected and people have been sacrificing and the Riverway has improved over the last 35 years.

This project is out of sight in terms of cost and its scale. \$700 million of new borrowed money for the states to construct this project at a time when we don't have enough money to support our current infrastructure needs within the State of Minnesota. The megabridge will crater the entire transportation corridor to Minneapolis, which will cost an additional \$263 million in 2004 dollars to upgrade the corridor so that the new driving members coming across the bridge can be served adequately to the Twin Cities Metropolitan Area.

The size of the bridge is out of scale and our region does need a lower, smaller scale bridge that will fit within the Riverway as it is today.

The Wisconsin and Minnesota Department of Transportation did build, has built four new bridges across the Wild and Scenic River in existing corridors today without needing any special legislation.

The last large bridge was the Prescott, Wisconsin bridge. It was going to be a bridge that was going to be 150 feet above the Riverway, approximately one mile north of the existing corridor. The Governors of Minnesota and Wisconsin decided that was not in the best interest of the Wild and Scenic River and therefore, that bridge was reduced. And, it is a four lane bridge that runs through the City of Prescott. That is a photograph that is an attachment to my testimony showing approximately, where the new bridge is and you can see where the proposed about a mile north in that photograph would have been.

More fundamentally, the Minnesota Department of Transportation is not the best authority for ascertaining environmental aspects of the impacts to the Lower St. Croix River. Indeed, MinnDot has twice proposed bridges that violate the Wild and Scenic Rivers Act. The 1995 bridge is just within the same location on the Minnesota side and slight different on the Wisconsin side.

Furthermore, the National Park Service, in 1990, in a letter indicated that if a new river crossing was required, this crossing, and I will just read out from the letter, as a quote: "If a need for a new crossing is identified as a result of the above planning, we would recommend as a matter of general policy, such a crossing be placed in or near the existing transportation corridor. In the present place, this approximates a central corridor alternative as depicted on the draft document."

Mr. Chair, the Wild and Scenic Rivers Act was passed and the upper river protected under the original legislation. The lower part of the river was studied for inclusion and it is protected by Congress in 1972. Since then property owners have followed the rules of the Riverway Management Plan required under the Wild and Scenic Rivers Act. The government also must comply with those same rules, or the equal protection under the law will have no meaning. I urge the Subcommittee not to change the Wild and Scenic Rivers Act to allow new river bridge crossings where none have existed before. Thank you, Mr. Chairman.

[The prepared statement of Mr. Beaudet follows:]

**Statement of David A. Beaudet, Mayor,
City of Oak Park Heights, Minnesota, in opposition to H.R. 850**

Mr. Chairman, Ranking Member Raúl Grijalva and members of the subcommittee, I am David Beaudet, Mayor of the City of Oak Park Heights Minnesota. My city, of just under 5,000 people, is located along the St. Croix National Scenic Riverway exactly where this new bridge is proposed. I appreciate the opportunity to testify in opposition to House Resolution 850.

We need a new bridge crossing the St. Croix River. But the bridge that is referenced in H.R. 850 is a project that is inflated and out of scale. It is out of scale for the taxpayers who will pay for it; it is out of scale for the property owners who will live with the impact of this giant structure; and it is out of scale for the river itself and the Lower St. Croix Valley.

On October 2, 1968, the historic Wild & Scenic Rivers Act was signed and for the past 43 years over 200 Wild & Scenic Rivers, including the St. Croix are protected by this act which states "It is hereby declared to be the national policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstanding remarkable scenic, recreational, geologic, fish and wildlife, historical, cultural or similar values, shall be preserved in free-flowing condition and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

The upper portion of the St. Croix River was one of the original eight rivers included in the Wild & Scenic Act; and the Lower 27 miles of the St. Croix, where

this bridge is proposed, was designated Wild & Scenic in 1972. Over the years, property owners have worked together to protect and improve the St. Croix riverway giving up improvements to homes, building and the grading of land that would harm their River. It was the construction of the controversial A.S. King power plant that lead to "Save the St Croix," a citizen's initiative, which tried to protect the St. Croix River from the King Plant. After permits were granted, these citizens worked with other groups to get the entire St. Croix River protected from future damaging developments. After the King Plant was built, everyone agreed and realized that a mistake had been made by not including the Lower St. Croix in the original designation. Let's not make that same mistake today by adding yet another oversized structure to this beautiful river.

The cost of this project is out of scale and irresponsible, especially in this fiscal environment. The latest cost estimate for the bridge project is \$574—\$690 million. Minnesota's project share is about \$380 million and Wisconsin's project share is between \$250—\$310 million. The State of Minnesota has one of the nation's largest roadway systems and the Twin Cities region has one of our nation's largest regional highway systems. We have many, many unmet needs for repair now, and the list is growing. Minnesota Department of Transportation reports that over the next decade it has unmet needs for pavement repair of \$1.7 billion and can only meet 85% of the need for bridge repair. Building a costly new highway-style St. Croix Bridge would take money away from pressing repair needs across the state.

And the fiscal issues in the state of Wisconsin have been the subject of national news.

With the construction of the Mega Bridge the entire transportation corridor would collapse requiring millions of additional transportation dollars to be spent on connecting roads. In a May 2001 Minnesota Department of Transportation Study, the trip home from North St. Paul, Minnesota to Oak Park Heights Minnesota, would be 45 MPH, this same trip after a proposed bridge is completed would be at 32MPH for a road posted speed of 60 to 65 MPH. The cost to upgrade the road to a freeway is \$43.5 (2000 dollars) from the City of North St. Paul to West edge of the City of Oak Park Heights, add \$100 million (2004 dollars) to construct freeway thru the City Oak Park Heights. From the City of North St. Paul Minnesota to Minneapolis Minnesota an upgrade of the freeway system is required with an additional lane of traffic in each direction with a cost estimate of \$120 million (2002 Dollars).

So the cost of the bridge itself is just the beginning.

The size of this bridge is out of scale with the need our region has now, and in the future, to move people to and from their jobs. And we have looked at smaller options in the past that would provide an adequate crossing and at the same time be in line with the Wild & Scenic River.

The Wisconsin and Minnesota Departments of Transportation recommendation for a high level, (150) feet above the St. Croix River (bluff to bluff bridge) and approximately 1 mile upstream from the existing bridge, was proposed as the preferred alternative, B-1, despite the fact that this alternative would cost \$20 million more than a replacement bridge next to the existing river bridge. The Riverway Managing Partners including the National Park Service, the state of Minnesota, Wisconsin Department of Natural Resources and others, objected to the plan and indicated the proposed bridge would have to comply with the Wild & Scenic Rivers Act. Governors Anthony Earl of Wisconsin and Rudy Perpich of Minnesota announced that the states had selected a location for a replacement bridge in the corridor adjacent to the existing river crossing. The press release noted, "primary concerns include preserving the integrity of the St. Croix River Valley as a natural scenic waterway and the high cost of Corridor C." The April FEIS noted the reasons why the preferred crossing was not chosen "were perceived as (1) required too many agricultural acres; (2) causing too many farm severances; (3) being detrimental to the aesthetic qualities of the federal designated recreational segment of the Wild and Scenic St. Croix River; or (4) having bridge construction cost that were too high." The crossing has been open for more than 20 years serving the needs of the transportation system and the City of Prescott Wisconsin.

Now that the National Park Service has been able to reevaluate this massive bridge project under a new administration, the agency has determined that alternative B-1 would irreparably harm the Lower St. Croix's scenic and recreational values.

More fundamentally, Minnesota Department of Transportation is not the best authority for ascertaining environmental impacts to the Lower St. Croix. Indeed, MnDOT has twice proposed bridges that would violate the Wild and Scenic Rivers Act. Because the National Park Service is the designated steward of the Riverway, we should place far much weight on their judgments. And the NPS has found that

construction of a massive bridge in the B-1 corridor would violate the Wild and Scenic Rivers Act.

Furthermore, the National Park Service and other Riverway agencies in a DEIS comment letter dated July 10, 1990 stated, "If a need for a new crossing is identified as a result of the above planning, we would recommend, as a matter of general policy, that such a crossing be placed in or near an existing transportation corridor. In the present case, this approximates the Central Corridor Alternative as depicted in the draft document."

This Central Corridor Alternative is the most cost effective choice as indicated in St. Croix Crossing, Benefit-Cost analysis Memorandum, dated May 5, 2004. The Central Corridor Alternative would be 20% more cost effective than the route selected. The St. Croix Riverway Agencies and Minnesota Taxpayers League President Phil Krinkie agree this proposed project is not in the taxpayer's best interest.

Building a bridge in this corridor would also be consistent with the Management Plan for the Riverway, which states that (a) new bridges should be located within or adjacent to existing transportation corridors, and (b) that any new bridge "must be of a scale and character that minimizes impact to the values for which the [Lower St. Croix] was designated under the National Wild and Scenic Rivers Act (scenic, recreational, geologic)."

This Mega Bridge project would be detrimental to the people of The City of Oak Park Heights. In a study commissioned by the City in 2004, the city property tax base would be reduced by 17% and property owners viewing the St. Croix River would have home values reduced by up to 30%. This is equivalent to the Government taking 30% of the value of our homes, and this bill paves the way for just that.

The start date of the proposed project in 2013 is 100 years after Congressional action allowed the building of the Hetch Hetchy Dam in Yosemite National Park. The bridge project over the St. Croix River, if approved by Congressional action, will turn out to be the Hetch Hetchy of the Wild and Scenic Rivers System, potentially setting the stage to damage all Wild & Scenic Rivers. Mister Chairman, I invite you and the members of the committee to visit and view the St. Croix River from the Scenic Overlook in Oak Park Heights before passing the Resolution 850 and before the committee approves an exemption of bridges from the Wild and Scenic Rivers Act.

When the Wild and Scenic Rivers Act was passed and the upper St. Croix River protected under the original legislation, the lower part of the river was to be studied for inclusion. In 1972 Congressional action added the lower St. Croix River into the Wild & Scenic River System. Since then property owners have followed the rules in the Riverway Management Plan required under the Wild & Scenic Rivers Act. The Government must also comply with the plan and the Federal Government or equal protection under the law will have no meaning. I urge the Subcommittee not to change the Wild & Scenic Rivers Act to allow new river bridge crossings where none existed before.

Mr. BISHOP. Thank you. We will now hear from Mayor Ken Harycki—I hope I put the emphasis in the right place on that—from Stillwater, Minnesota. You are recognized for five minutes. Pull the mike right into your face so we can actually hear it.

**STATEMENT OF HON. KEN HARYCKI, MAYOR,
CITY OF STILLWATER, MINNESOTA**

Mr. HARYCKI. Thank you, Chairman Bishop and Ranking Member Grijalva and members of the Committee. I am Ken Harycki, the Mayor of Stillwater, Co-Chairman of the Coalition for the St. Croix River Crossing, a community organization formed to advocate for the new bridge. I also brought along pieces of our bridge today, some cement and some steel that came off of it.

My home town, Stillwater, is a beautiful and historic city on the St. Croix River. It is protected by the National Register of Historic Places. The counties on both sides of the river are parts of the Minneapolis-St. Paul Metropolitan Area. In 1931, a lift bridge was built across the river as our communities grew. Through the 1940s

and 1950s, the bridge was able to handle the traffic. But by the 1960s it was apparent that the traffic was exceeding the design.

Now, in 2011, our bridge is dangerously outdated. The lift bridge was designed to handle 11,000 cars per day. But that has grown to 18,400 vehicles daily. In the summer, traffic can peak to 25,000 vehicles. The road to the bridge has an accident rate double that of the state average. Many years and too much traffic have taken a toll on the existing bridge. Maintenance and flooding force traffic to divert elsewhere, sending tens of thousands of cars elsewhere throughout the region.

This bridge is functionally obsolete, factually critical, meaning that if something fails on the bridge, it would collapse. The bridge's sufficiency rating 33, is lower than that of the I-35W bridge before it collapsed in 2007, killing 13 and injuring 144. As you can see from our handout, it has been difficult to find the right plan that balances three very important laws—the Wild and Scenic Rivers Act, the Transportation Act of 1996 and the National Historic Preservation Act.

The St. Croix River is an important natural resource and is recognized and protected as a Wild and Scenic Rivers Act. Area residents want to continue to protect the river from over-development and to protect historic sites throughout the region. But we still need a safe and reliable crossing.

The Udall Institute brought together 27 different stakeholders organizations to find a compromise, many years ago. The stakeholder group staffed by a team of engineering, environmental and design professionals worked together to study a multitude of options, designs and features. These organizations represented the community, state, Federal regulatory agencies, environmental organizations, historic preservation, economic development interests and local government. The City of Stillwater, Oak Park Heights and National Park Service were a very important part of this process. This diverse group looked at every possible idea and location of a new crossing. We even looked at tunneling under the river. Your handout includes a map of a dozen routes that were reviewed. The result was a plan that balances the three very important laws. All but one of the groups involved in the process supported the plan and we received a record decision that validated the work we did.

Our plan and the communities vision are for more than just a new bridge. We will be using Federal and state highway funds to make significant park improvements and environmental remediation as part of the project. We will preserve the historic bridge, converting it into a key element of a new bicycle and pedestrian loop trail, giving people new and exciting ways to access and enjoy the river valley and this national park. Bluff lands where present day roadway is located will be restored. The pilings of the old coal barge terminal will be removed. The new bridge will decrease the amount of phosphorus pollution entering the river by 20 percent, a number one goal of the St. Croix River Basin team.

The new crossing will also reduce dangerous levels of traffic and automotive pollution from our small, historic downtown.

And finally, the bridge design and location. As you can see from our posters, the bridge is gorgeous. The stakeholders wanted a sig-

nature bridge that is worth of the St. Croix valley. Also note the location. We think it is appropriate to build the new crossing within the industrial part of the Riverway, next to a power plant, a sewage treatment plant and a marina. This portion of the river is assuredly not wild and not historic, like downtown Stillwater. It is the correct location for the crossing. The National Park Service has determined that the Wild and Scenic Rivers Act does not allow them to grant a permit for any new construction in a designated Riverway. This is important. The National Park Service has not just blocked this bridge, has rejected any new construction in a Wild and Scenic Riverway. Only Congress is allowed to review and approve and review new construction. The longer we wait, the more expensive the solution will get and the greater risk that something tragic could happen.

We are especially pleased to say that throughout the decades, we have received bipartisan support for this project. Now is no different with the Governors in Minnesota and Wisconsin and your Congressional colleagues, Representatives Bachmann and Kline supporting this project. I assure you the people who live and work in the St. Croix Valley have done everything possible to create the best plan for the entire region. We care deeply about the river that unites our communities. It is now up to you to take action and help us resolve this very important matter. I thank you for your time, and again, ask for your help and support.

[The prepared statement of Mr. Harycki follows:]

**Statement of The Honorable Ken Harycki, Mayor,
Stillwater, Minnesota, on H.R. 850**

Chairman Bishop, ranking member Grijalva and members of the committee.

My name is Ken Harycki. I am the Mayor of Stillwater, Minnesota, and also co-chairman of the Coalition for the St. Croix River Crossing, a two-state regional community organization that has been formed to advocate for the new bridge project.

My hometown is a beautiful and historic city located on the St. Croix River, which creates the border between Minnesota and Wisconsin. Our downtown is protected by the National Register of Historic Places, and the counties on both sides of the river are part of the Minneapolis-St. Paul metropolitan area.

Since even before 1848, when Wisconsin was admitted by Congress into the Union, communities on both sides of the river have been connected by a river crossing at Stillwater.

In 1931, 80 years ago, a lift bridge was built across the river as our communities grew. Through the 1940's and 50's the bridge was able to handle the demands of people who needed to cross between our communities, but in the 1960's it became apparent that demand was exceeding this design.

Now, in 2011 our bridge is dangerously outdated.

The lift bridge was designed to handle a capacity of 11,000 cars per day, but today it is overburdened by an average of 18,400 vehicles daily. In the summer, traffic can jump to over 25,000 cars a day.

The road that leads up to the bridge has a traffic accident rate that is nearly twice the state average for comparable roadways.

Cars idle for hours on both sides waiting to cross the bridge, creating pollution and making it challenging for residents and visitors to navigate Stillwater's historic downtown.

Too many years and too much traffic have taken a toll on the bridge. Flooding and maintenance force the bridge to close on a regular basis, sending tens of thousands of cars and trucks elsewhere.

This bridge is a functionally-obsolete, fracture-critical structure, meaning that if something fails on the bridge, it would collapse. The bridge's sufficiency rating of 33 is lower than that of the I-35W Bridge before it collapsed in 2007, killing 13 and injuring 144 people.

As you can see from the handout that we've provided to the committee, it has been difficult to find the right plan that is consistent with three important federal laws.

- Section 7 of the Wild and Scenic Rivers Act;
- Section 4 of the Transportation Act of 1996; and
- Section 106 of the National Historic Preservation Act.

In particular, the St. Croix River is an important natural resource that is recognized and protected by the Wild and Scenic Rivers Act. Area residents want to continue to protect the river from over-development and protect historic sites throughout the region. But we still need a safe, reliable crossing.

The project that we are asking the Congress to permit to go forward was developed through an unprecedented environmental mediation process that was administered by the Udall Institute for Environmental Conflict Resolution.

To make sure every possible idea for a new bridge was considered, the Udall Institute brought together 27 different stakeholder organizations. They are listed in your materials, and also on the poster board behind us. The group met in Stillwater City Hall at least monthly for three years.

The Stakeholder Group, staffed by a team of engineering, environmental and design professionals, worked together to study a multitude of options, designs and features. These organizations represented the community, state and federal regulatory agencies, environmental organizations, historic preservation interests, economic development interests, and local governments from both sides of the river.

The City of Stillwater and our sister city, the City of Oak Park Heights were important parts of this exhaustive planning process. And so was the National Park Service.

This diverse group looked at every possible idea and location for a new crossing. We even looked at tunneling under the river in order to protect the scenic views. Your handout includes a map of the dozen or so routes that were reviewed as part of the Stakeholder process.

The Stakeholders considered ways to protect the river, to make this national resource more accessible to people, and respect the history of Stillwater and the region— all while making sure the metro area has a transportation resource that is capable of meeting current and future needs.

The result was a plan that balances the three laws. All but one of the groups involved supported the plan. We received a Record of Decision by the Federal Highway Administration that validated the work we did and the final result.

Our plan and the community's vision are for more than just a new bridge. We'll be using federal and state highway funds to make significant park improvements and environmental remediation as part of the project.

The project will preserve the historic bridge by converting it into the key element of a new bicycle and pedestrian loop trail along and above the river, giving people a new and exciting way to access and enjoy the river valley and this national park.

Bluff lands on both sides of the river where the present-day roadway is located will be restored.

The pilings and the riverfront for the old coal barge terminal in front of the power plant will be removed.

The new bridge will also decrease the amount of phosphorous pollution entering the river by 20 percent—the number one goal of the St. Croix River Basin Team. The new crossing will also reduce the dangerous levels of traffic and automotive pollution from our small, historic downtown area.

And finally, the bridge design and location. As you can see from our posters, the bridge is gorgeous. It's a modified cable stay design that has been built in only two other locations in North America. The Stakeholders wanted a "signature bridge" that is worthy of the St. Croix Valley. We believe it will become as iconic as the Lift Bridge.

Also, note the location. We think it's appropriate to build the new crossing within the industrial part of the riverway, next to a power plant, a sewage treatment plant and a marina. This portion of the river is assuredly not wild, and not historic like downtown Stillwater. It is the correct location for the crossing.

The National Park Service has determined that the Wild and Scenic Rivers Act does not allow them to grant a permit for any new construction in a designated riverway. This is an important point: the NPS has not just blocked this bridge; it has rejected any new construction in a Wild and Scenic Riverway. Only Congress is allowed to review and approve new construction.

The longer we wait, the more expensive the solution will get and the greater the risk that something tragic could happen. Living in Minnesota, after the 35W bridge collapse, we are especially sensitive about our bridges.

It's worth noting that support for the project is not universal. Like all large public projects, there will always be opponents. But make no mistake, the public strongly supports this new bridge. So do a majority of elected local officials in Stillwater and Oak Park Heights in Minnesota, and our counterparts in Wisconsin overwhelmingly support this project. All of our state legislators representing us on both sides of the river are in support for this project.

And we are especially pleased to say that throughout the decades this support has been bi-partisan. Now is no different, with the Governors in Minnesota and Wisconsin, and your Congressional colleagues Representatives Bachmann and Kind supporting our project.

I assure you that the people who live and work in the St. Croix River Valley have done everything possible to create the best plan for the entire region. We care deeply about the river that unites our communities.

Together, with the help of federal and state officials, we have created a project that

- Meets current and future traffic demands
- Respects the river and its scenic beauty
- Protects the historic lift bridge and historic sites throughout the region.

It's now up to you to take action and help us resolve this matter. I thank you for your time and again ask for your help and support.

Mr. BISHOP. Thank you. Mr. Geissler, President of the Lakeview Memorial Hospital in Stillwater.

**STATEMENT OF CURT GEISSLER, PRESIDENT,
LAKEVIEW MEMORIAL HOSPITAL, STILLWATER, MINNESOTA**

Mr. GEISSLER. Thank you, Chairman Bishop, Ranking Member Grijalva and members of the Committee. My name is Curt Geissler and I am the President of Lakeview Hospital in Stillwater and I am here today on behalf of our hospital and five clinics that operate in both Minnesota and Wisconsin. I also believe I speak on behalf of the majority of our patients, our employees and employers in both Minnesota and Wisconsin who badly need a new crossing to be built.

I have also served on the Greater Stillwater Area Chamber of Commerce Board of Directors for seven years, three of them as the Board Chair. And, finally, like the Mayor I am also a board member of the bi-state Coalition for the St. Croix River Crossing.

Lakeview Hospital was founded in 1880 and has always served the medical needs of people on both sides of the river. We are the only level-three trauma center serving the region. In addition to our Minnesota communities, our primary service area includes 30 miles into western Wisconsin. Roughly one-third of our patients come from Wisconsin, as do about one-third of our employees.

In round numbers, each year approximately 20,000 hospital patients and 70,000 clinic patients are dependent on the river bridge crossing. Additionally, about 350 of our doctors, nurses and other health professionals depend on the bridge to get back and forth to work.

Our ambulances must cross the bridge daily to respond to and provide care in emergency medical situations. We are the only advanced life-support ambulance provider serving western Wisconsin. The current bridge causes significant delays to provide field and hospital care to patients.

First of all, because the bridge operates every 30 minutes during peak summer areas, crossing delays are inevitable. Even though the bridge operator can be contacted to lower the bridge, the traffic backups that occur when the bridge is up cannot be quickly miti-

gated. During daily rush hours and in summer months, traffic backups can be over a mile long. Because the 1931 bridge was built without shoulders, our ambulances cannot cross the bridge any faster than traffic can be cleared.

To emphasize just how narrow the bridge is, we routinely break off side view mirrors off of our ambulance and other vehicles attempting to cross the bridge. So essentially, we either have to wait our turn in line on the bridge or travel 25 miles to reach a location that is visible from Stillwater across the river.

Some opponents of this project have suggested that a new bridge is not necessary because the round-trip to the Interstate 94 bridge in Hudson is only 25 miles. Even ignoring the deterioration in the safety of the 80-year old lift bridge, I can tell you that a new crossing is desperately needed. For people in critical condition, minutes count. If this was your loved one, you would not want timely medical care to be dependent upon a lift bridge schedule or the amount of traffic on a particular day or time. Adding 25 miles to an ambulance ride is unacceptable.

When we know that the bridge will be closed because of spring flooding or repair work, or that traffic will be snarled because of community festivals and events, we pre-position an ambulance in Wisconsin. That allows us to staff only one ambulance to serve western Wisconsin and prevents patients from being transferred to a hospital with a higher level of care. Only lower-level, critical care access hospitals exist in western Wisconsin.

As a member of the Greater Stillwater Chamber of Commerce, I hear a great deal about the challenges business people have in getting the Wisconsin employees to work. Bridge traffic and frequent closures cause inefficiencies and delays that increase the cost of doing business on both sides of the river and is a real impediment to job creation. A long term bridge failure, one we ultimately will face in a matter of time, will have a negative economic impact, not only on our hospital and clinical care, but on the entire Twin Cities Metropolitan Area.

This is a critical point. This section of the river is in an urban area. An urban area with a population of 3.2 million people. Washington County, where Stillwater is located, has a population of 234,000 people. We are a vibrant and growing area and our transportation system must reflect that. This bridge is on the national highway system, the corridor is a major route to the east for a metro area. As I said with over 3 million residents.

As well as the economic impacts, this has Homeland Security implications. When the lift bridge closes, the 18,000 cars per day currently crossing it shift primarily to the Hudson bridge for a total of 32,000 more cars each day. The Hudson bridge is the only major bridge crossing in our region and this level of traffic is nearly 30 percent higher than what is presently forecast. There would be massive traffic problems on I-94 leading into and out of the St. Paul/Minneapolis area.

While Lakeview Hospital and the Stillwater Clinic stand ready to care for the sick and injured, we cannot stand still and wait for a fractured, critical, functionally obsolete bridge to deteriorate further. A bridge failure that causes preventable injury or death would weigh heavily on our conscience.

In closing, I want to acknowledge that I have spoken a lot more about traffic than what the Subcommittee might be used to hearing, but it is important that you understand the substantial impacts of delaying action any further. We have had a river crossing in Stillwater since before our statehood. Our communities have planned and prepared and waited over 50 years for this bridge. The stakeholder group has created a project that balances pressing transportation needs, historic preservation and environmental protection. We only need Congressional approval for it to move ahead. We urge you not to delay the replacement of the bridge any longer. Please act this year to permit the St. Croix Crossing Project to go forward. Thank you for your time.

[The prepared statements of Mr. Geissler follow:]

Statement of Curt Geissler, President, Lakeview Hospital, on H.R. 850

Chairman Bishop, Ranking member Grijalva and members, my name is Curt Geissler. I'm the President of Lakeview Hospital in Stillwater. I'm here today on behalf of our hospital and five clinics that operate in both Minnesota and Wisconsin. I also believe I speak on behalf of the majority of our patients, employees and employers in both Minnesota and Wisconsin who badly need a new crossing to be built.

I have also served on the Greater Stillwater Area Chamber of Commerce Board of Directors for 7 years, three of them as Board Chair, so I believe I can represent many employer positions in our economic region.

And finally, like the Mayor, I am also a board member of the bi-state Coalition for the St. Croix River Crossing.

Lakeview Hospital was founded in 1880, and has always served the medical needs of people on both sides of the river. Ironically the original hospital was built to provide health care for the lumber jacks working on the St. Croix River, the same river that needs our attention today. We are the eastern most hospital in the St. Paul/Minneapolis Metropolitan Area, and the only level 3 trauma center serving the region. We are proud of the high quality of care and the significant level of medical service we give to our Minnesota and Wisconsin communities.

In addition to our Minnesota communities, our primary service area includes the Wisconsin communities of Somerset, and New Richmond, 30 miles into Western Wisconsin across the St. Croix River. Roughly one-third of our patients come from Wisconsin, as do about one-third of our employees.

In raw numbers, each year approximately 20,000 hospital patients and 70,000 clinic patients are dependent on the river bridge crossing. Additionally, about 350 of our doctors, nurses and other health professionals depend on the bridge to get back and forth to work.

Our ambulances must cross the bridge daily to respond to and provide care in emergency medical situations. We are the only advanced life support ambulance provider serving the geographical area in western Wisconsin. The current bridge causes significant delays to provide field and hospital care to patients.

First, because the lift bridge operates every 30 minutes during peak summer areas, crossing delays are inevitable. Even though the bridge operator can be contacted to lower the bridge, the traffic backups that occur when the bridge is up cannot be quickly mitigated.

In summer months, traffic backups can be over a mile long for people waiting to cross the bridge in either direction. Because the 1931 bridge was built without shoulders, our ambulances cannot cross the bridge any faster than traffic can be cleared. We have to either wait our turn in line on the bridge, or travel the 25 miles through Hudson to reach a location that is visible from Stillwater across the river.

Some opponents of this project have suggested that a new bridge isn't necessary, because the round-trip to the Interstate 94 Bridge located in Hudson is only about 25 miles. Even ignoring the deteriorating state and safety of the 80 year old lift bridge, I can tell you that a new crossing is desperately needed.

For people with critical injuries or in critical conditions, minutes count. If this was your or my loved one, you would not want timely medical care to be dependent upon a lift bridge schedule, or the amount of traffic on a particular time or day. Adding 25 miles onto an ambulance ride is unacceptable.

When we know that the bridge will be closed because of spring flooding or repair work, or that traffic will be snarled because of community festivals and events, we pre-position an ambulance in Wisconsin. This is less than ideal and causes oper-

ational challenges. Also, it allows only one ambulance to serve Western Wisconsin and also prevents patients from being transferred to a hospital with higher level of care. Only lower-level critical access hospitals exist in western Wisconsin.

As I mentioned, our hospital is a member of the Greater Stillwater Chamber of Commerce, and so we hear a great deal about the challenges that businesspeople have in getting their Wisconsin employees to work. Bridge traffic and frequent closures cause inefficiencies and delays that increase the cost of doing business on both sides of the river, and is a real impediment to job creation.

A long-term bridge failure, one we ultimately will face in a matter of time, will have a negative economic impact not only on our hospital and clinical care, but on the entire Twin Cities Metropolitan economy. This is a crucial point: this section of the river is in an urban area, an urban area with a population of 3.2 million. Washington County, where Stillwater is located has a population of 234,000. We are vibrant and growing and our transportation system must reflect that.

This bridge is on the National Highway System, the corridor is a major route to the east for a metro as I said with over 3 million residents. As well as the economic impacts, this has homeland security implications.

But when the Lift Bridge closes, the 18,000 cars per day currently crossing it will shift primarily to the Hudson Bridge—for a total of 32,000 more cars each day. The Hudson Bridge is the only major bridge crossing in our region, and this level of traffic is nearly 30 percent higher than what is presently forecast. There would be massive traffic problems on I-94 leading in and out of St. Paul/Minneapolis.

While Lakeview Hospital and the Stillwater Clinics stand ready to care for the sick and injured, we cannot stand still and wait for a fracture-critical, functionally obsolete bridge to deteriorate further. A bridge failure that causes preventable injury or death would weigh heavily on our conscience.

In closing, I want to acknowledge that I've spoken a lot more about traffic than what this subcommittee might be used to hearing. But it is important that you understand the substantial impacts of delaying action any further.

We have had a river crossing in Stillwater since before statehood. Our communities have planned and prepared and waited over 50 years for this bridge. The Stakeholder Group has created a project that balances pressing transportation needs, historic preservation and environmental protection. We only need Congressional approval for it to move ahead.

We urge you to not delay the replacement of this bridge any longer. Please act this year to permit the St. Croix Crossing project to go forward.

Mr. BISHOP. I thank all the witnesses for your testimony. We will now turn to questions. We will start with Mr. Grijalva, unless he wants the other Members to go first on his side.

Mr. GRIJALVA. Yes, if I may. Mayor Beaudet, Mr. Geissler just argues that public health and safety are endangered by the current bridge situation. Can you talk about those concerns and do those concerns about public health and safety exist, to be quite frank?

Mr. BEAUDET. It is, I think that the Hudson Hospital and the New Richmond Hospital would be jumping for joy that perhaps maybe they will be able to serve the township of St. George Township, which is the area that does not have ambulance service provided by either Hudson or New Richmond. Those two hospitals serve area much closer to the population involved. They also have advanced life support ambulances. But in Wisconsin law there is a little quirk. That is if you are affiliated with a hospital in Wisconsin, you have to pay a little property tax to support the ambulance service. Obviously, Lakeview Hospital provides that free to St. Joseph Township. And so, that is why no town board, it is up to the town board whether they are going to have an ambulance, if they are. And they are never going to jeopardize their residents health care and safety based on the fact of the existing bridge when they have two other hospital choices that can provide the same level of service.

If there is truly an automobile accident, all three hospitals air lift the person to Regions Hospital in St. Paul. That is where all the advanced trauma care is.

Mr. GRIJALVA. What is the current cost estimate for the project that we are——

Mr. BEAUDET. The current cost estimate of the project is nearly \$700 million of borrowed money split by the states of Minnesota and Wisconsin. And I know that Congresswoman Bachmann urged you rapid approval of this. There is money to start this project until the year 2013, at the earliest. And Governor Dayton has not committed the State of Minnesota's borrowing authority to actually do the project, even in 2013. So there is still some question there. He supports the project, probably looks at it more as a jobs project. And if Congresswoman Bachmann would like to earmark the money, I am sure he would say he would take it. But, as I said, 2013 would be the potential start date. And it is borrowed money.

Mr. GRIJALVA. Mr. Whitesell. The legislation includes the, does it include that so-called stakeholder mitigation provisions and why are those provisions so important——

Mr. WHITESELL. No.

Mr. GRIJALVA. We were presented with the stakeholder group and I am certain they made recommendations. What happens to those provisions?

Mr. WHITESELL. As written in H.R. 850, there is no mention of those mitigation measures. So, unless Congress were to add those, they would not be part of this bill.

Mr. GRIJALVA. So, but that has been one of the bigger points of selling the project, is that you went through this tremendous stakeholder, with great provisions about mitigation, etc., etc., etc., and they are not part of the legislation.

Mr. WHITESELL. Correct.

Mr. GRIJALVA. You reference a provision in Wild and Scenic Rivers in your testimony that allows a Federal agency to instigate Congressional consideration of a project like this one. Can explain, can you expand on that process and your understanding of how that would work?

Mr. WHITESELL. Certainly. The law we believe is very clear on this matter. The Wild and Scenic Rivers Act is very clear. And that is that the sponsoring Federal agency, in particular case the U.S. Department of Transportation along with its local sponsors in Minnesota and Wisconsin, have the, we provide an evaluation of the Wild and Scenic Rivers Act as to whether there are impacts to the Act as a result of the project that is being proposed. The project proponent, once they have that evaluation, and if it is negative, has the ability to come back before Congress and ask for an exception to the Wild and Scenic Rivers Act. That has not happened as far as I know.

Mr. GRIJALVA. So the Department of Transportation could come to Congress, do this bridge. We will pay for it, and you don't have to go through the process of setting a precedent under the Wild and Scenic Rivers Act?

Mr. WHITESELL. That is correct.

Mr. GRIJALVA. Thank you.

Mr. BISHOP. Representative Kildee?

Mr. KILDEE. To follow up on a question asked by my colleague, Mr. Whitesell, are there objective criteria for the lessening of negative effects on the wild and scenic characteristics on Wild and Scenic designated rivers, such as the St. Croix. Are there objective criteria to measure the negative effects on——

Mr. WHITESELL. Congressman, if I might, I just want to make sure I understand the correctly. Are you asking within the Act itself or in terms of our evaluation that the Park Service does?

Mr. KILDEE. The general bill on the question of Wild and Scenic Rivers?

Mr. WHITESELL. Right.

Mr. KILDEE. I was to sponsor a bill for Michigan. It set aside 500 miles of designation of Wild and Scenic Rivers and 500 miles of study for that. In that organic bill, are you required to look at certain criteria to see how much it may affect the characteristics of that river that earn it the right to be designated as wild and scenic?

Mr. WHITESELL. Right, as part of the designation of the wild and scenic river, there are outstanding remarkable values that are noted, of which, in the case of the Lower St. Croix River, it is the scenic value that is, is as a designated outstanding remarkable value. And so it is in evaluation of that scenic character that the National Park Service made its determination that there was a direct and adverse effect as a result of the proposed, if the bridge as proposed were to be constructed. As part of that, as well, there was this whole consideration of mitigation measures which came about as a result of the stakeholders group that others refer to. And those mitigation measures do not mitigate the direct and adverse impact to the scenic values. In fact, they are of value because they are, they provide mitigation to Section 4f of the Federal Transportation Act, which looks to minimize the impacts on lands and waters that would be impacted by this particular project.

Mr. KILDEE. So they don't reach the level that you would ordinarily require under the organic act and your authority?

Mr. WHITESELL. Right.

Mr. KILDEE. In other words, they fall short.

Mr. WHITESELL. This bridge falls short of meeting, of being exempt or to be. I am sorry. It falls short of our being able to say there is not a direct and adverse impact.

Mr. KILDEE. And that was why, when we passed the Wild and Scenic Rivers Act we really wanted to make it important that you look at those mitigating factors and sometimes, as in this instance, there was input from stakeholders or people around there, but they do not quite reach the level that you would want for mitigation.

Mr. WHITESELL. We don't believe there is any way for mitigation measure to be established that would mitigate the direct and adverse impact of this particular bridge design. Every proposal needs to be evaluated on the merits of the individual design as opposed to the entirety of the crossing.

Mr. KILDEE. So this would not then meet the requirements we really put in the Wild and Scenic Rivers Act to make sure we did not adversely affect those qualities that give it the right to be designated as Wild and Scenic.

Mr. WHITESELL. That is our belief, yes.

Mr. KILDEE. We are short of that then.

Mr. WHITESELL. You are short, that is correct.

Mr. KILDEE. I appreciate you answering that. May I address the Mayor. My mayor is in town today, too, so this is Mayor's day, so I welcome you here. And I have great admiration for mayors. At least we can say blame the other 434 Members of Congress when something goes wrong, but the buck stops at your desk there. Congresswoman Bachmann mentioned that there were outside special interests. What were they and how far outside were they, the special interests that—

Mr. HARYCKI. They were 27 members on the stakeholders group and of them there was one that did not sign off on the approval to build a \$633 million dollar bridge, which includes \$110 million of contingency, and so I believe she was referring to the Sierra Club that did not, that was the one dissenting member of the stakeholders group and has also filed numerous lawsuits delaying it and forcing us to this position today where we literally need an Act of Congress to go forward. In fact, our own Governor Dayton won't commit to the project until he has the Act of Congress and in conversations with him, he said once we have that Act of Congress, we are there, we are funded, we are fully funded at the State of Minnesota and Wisconsin is mostly funded and ready to go.

Mr. KILDEE. Thank you very much and thank you Mr. Chairman.

Mr. BISHOP. We can have some other rounds if you want to stay. The gentleman from California?

Mr. GARAMENDI. Thank you, Mr. Chairman. I actually have two sets of questions. There are existing transportation corridors in which bridges and other transportation facilities could be built. Is that correct under the existing law?

Mr. WHITESELL. Are you referring specifically to the Lower St. Croix? I don't know, Congressman. I could find out and get back to you.

Mr. GARAMENDI. I thought the testimony as I was trying to interpret it, that that is the case. If that is the case, then why are the, is the new bridge not in an existing corridor? I will take either of the two mayors.

Mr. BEAUDET. That has been the difficulty with this entire process, that a bridge would be in the existing corridor would cost much less dollars. And for reasons not clear to anyone, at least from the Park Service river protection viewpoint it has been a mystery as to why, what was delineated in 1990 was never really seriously reviewed. And it would have, there would be, it depends on how you want to rank these. The Transportation Agency advocates, they want a large inter-regional corridor design which does not allow it to have a design like would be in the City of Prescott which is an existing bridge. And there are several other corridors. The highway, Interstate 94 bridge is only five miles away from the proposed existing bridge location that is on the Minnesota side. And there are other corridors. So Interstate 94, Prescott, which is another, and of course there are pipelines and power lines that do cross the river, those have been enlarged over the time when the Wild and Scenic Rives Act—

Mr. GARAMENDI. Good. Mayor?

Mr. HARYCKI. Yes, if I could address that. There was an, like I said, we had studied pretty close to a dozen possible routes, including using the existing corridor. And the problem we have is that the existing bridge is two lanes on each side of the river, you have four lanes of traffic. And we got to the point of why build a bottleneck? Why take four lanes, reduce it down to two and then expand it up to four? It would not accomplish anything. In fact, the preferred, the Sierra Club's preferred alternative, I have a picture of it that I could circulate around, is to build a very much longer bridge, that would have a very drastic and severe impact on the view from downtown Stillwater. In fact, when we showed it to Governor Dayton, he said well, why would anyone want to build this, this is disingenuous. It is so ugly. And basically they want to stretch, from downtown Stillwater right now we have very green backdrop, it is a very scenic area. And they want to take and build a 40-foot high bridge, roughly about a mile in length across a diagonal of the river so that if you are in the Stillwater area, all you would see is bridges. And that is why we are looking at it and saying the best solution is to put it up against the power plant, close to the Mayor's house, you know up against the sewage treatment plant.

Mr. GARAMENDI. So the real question here is whose backward is going to have a visual impairment?

Mr. HARYCKI. Somewhat, and in fact that is why the original alignment of Highway 36 was chosen, when they put it in, it was to line up with the bridge.

Mr. GARAMENDI. My district is a long way from there and I am not going to get into your local tit for tats, but I was curious why the existing corridors are not being used. And, frankly, the answers are insufficient. But, it is not my turf. What is my turf is the Wild and Scenic Rivers Act, and the Park Service has suggested that if this bill is to move forward that it be significantly modified so that this is not a project that is allowed under the Act but rather an exception to the Act. And second that the mitigation measures that are apparently connected as a result of the Department of Transportation's requirements be built, be added to the Act so that we have assurances that at least those mitigations, which understandably don't deal with the visual mitigation requirements of the Wild and Scenic Rivers Act, that at least those go forward. So my question, and the author is not here, but I guess I am going to the Chairman here. If this bill is to move forward, that it be modified to address those two concerns. So, Mr. Chairman, if you would consider that in discussions with the author, it would seem to me that at least that would be taken care of.

My question to the Department is, am I correct at least that part of your concerns?

Mr. WHITESELL. You are correct, sir.

Mr. GARAMENDI. Thank you, Mr. Chairman, I leave it in your hands.

Mr. BISHOP. Do you have other questions you had? Or, we will come back again? Let me ask a few if I could. Starting with Mayor Beaudet. As I understand it, you are not opposed to a bridge, you are just opposed to this particular.

Mr. BEAUDET. Yes, Mr. Chair.

Mr. BISHOP. And, so——

Mr. BEAUDET. Can I just expand a little bit? Mayor Harycki suggested that the current highway layout was for the current proposed bridge. Actually, the current highway layout was a replacement bridge in the central corridor, which the Park Service could support in the late '50s and early '60s and the City of Stillwater decided not to leave, not to have the traffic on its main street and wanted that bridge not to be built. So the original highway plan, at the time when that road was built was to actually have a central corridor bridge.

Mr. BISHOP. All right, but any bridge would then take some kind of a waiver?

Mr. BEAUDET. No, that would not be true, Mr. Chair. There have been four bridges replaced in the Wild and Scenic River today, from the time that this act was created. Two bridges in the northern unit between Minnesota and Wisconsin. The Prescott Bridge was replaced and one of the bridges of Interstate 94 have all been replaced, all within, with approval of the administration of the National Park Service.

Mr. BISHOP. Mr. Whitesell, do you agree with that?

Mr. WHITESELL. I am not, I don't know the specifics of those other bridges. What I can say, Mr. Chairman, is that the Park Service would evaluate any bridge proposal on the merits of that particular proposal.

Mr. BISHOP. All right. I have some other questions for you later here. I do have a resolution, Mr. Beaudet, from Oak Park Heights regarding this, that says they have not taken a position on this particular bill. But it does show that they have concerns about the financing of this particular bill, so I am assuming that is what you are saying as well. I am asking now for consent to put that in the record.

From the Stillwater mayor, if I could ask you, why were a smaller, maybe less expensive bridge option abandoned in favor of this current proposal?

Mr. HARYCKI. It was quite simply we were looking at the future transportation needs of the region. And we did not want to build a bottleneck. We wanted to build something that would serve the needs of the region for many years to come.

Mr. BISHOP. OK, Mr. Geissler, it is mentioned that there are a couple of other hospital options that are in the area. Why is it important that residents have the access to your hospital as opposed to those that may be further?

Mr. GEISLER. The two hospitals in Wisconsin, which are also by the way part of our system of health partners, system of care. Both of those hospitals are critical access hospitals, so the capabilities of those facilities versus Lakeview Hospital in Stillwater are quite different. I would differ with Mayor Beaudet's opinion about advanced life support. I do believe one of the communities does offer that, offer advanced life support, which is the furthest from our service area. I don't believe the other does, but I could be wrong with that.

And relative to transferring critical patients by helicopter, that works great when the helicopters are flying. Many times mechanical problems and weather prevents that. And, for example from

our hospital, we don't ever use air transportation, it is always ground.

Mr. BISHOP. Thank you. Mr. Whitesell, the power plant that is built there, was that built before or after the designation as a Wild and Scenic River?

Mr. WHITESELL. My understanding was that it was before, sir.

Mr. BISHOP. Before the designation. OK. And you took that into consideration when you created the, as far as the criteria—

Mr. WHITESELL. Keep in mind it was Congress that created the Wild and Scenic River, not the National Park Service.

Mr. BISHOP. Yes, I know. Over the last couple of years, we have been doing a couple of those strange rivers in urban areas which have a difficult time meeting criteria. Let me ask you this. When the Park Service approved the bridge in 2005, it was based on a mitigation package which was the result of the negotiations from all those people. Do you now believe that there is no mitigation effort that will allow you to approve this bridge?

Mr. WHITESELL. This bridge as designed, that is correct. There is no mitigation measure that we are aware of that would—

Mr. BISHOP. Can mitigation be used to allow exceptions to other laws, like the Wilderness Act?

Mr. WHITESELL. I don't know, sir.

Mr. BISHOP. If you would find out and answer that in a written form, I would be appreciative of it. So tell me why you chose not to defend that 2005 evaluation. Who made the decision to completely reverse the course and abandon the work that you had done with the group?

Mr. WHITESELL. If I might, the Park Service has always maintained that there is a direct and adverse impact to the bridges that have been proposed. That part has never changed. What changed from the 2006 decision, or 2005, was in regards to whether the mitigation measures mitigated those direct and adverse impacts. Based on what the Court's evaluation in 2010 and in our own subsequent follow up to that we believe there was an error in the decision that was made in 2005. And we believe that, as we noted to the Department of Transportation, that while we believe that should Congress decide to grant an exception, that the mitigation measures needed to be added to that, those mitigation measures do not eliminate the direct and adverse impact to the Wild and Scenic Rivers Act.

Mr. BISHOP. I have other questions, but Mr. Grijalva, do you have others?

Mr. GRIJALVA. Not at this time.

Mr. BISHOP. Can I just finish off with you then? Mr. Whitesell, it would seem then that your request for the mitigation seems unusual in the fact that it does not ever solve any of your problems. You would have a problem with this bridge whether there is mitigation or not.

Mr. WHITESELL. That is, we do. The mitigation is actually, are mitigation measures that would be needed to mitigate, as I mentioned before, Section 4f of the Federal Transportation Act. Separate issues.

Mr. BISHOP. Like you say, it is a Congressional decision that would be made. That is why I find it unusual that you would insist

on having the mitigation when it has no impact on moving the project forward or not. Whether it is mitigation or not, you are still not going to like the bridge.

Mr. WHITESELL. That is correct. But——

Mr. BISHOP. So, we will cram it down your throat but you still want us to pay on the side, as well.

Mr. WHITESELL. We want you to make this project as, if it were to go forward, as visually unintrusive as possible. And so we are recommending to Congress, as part of our evaluation of Section 4f, that those mitigation measures be included.

Mr. BISHOP. Well, let us pretend that I am not a teacher and I was a business man, why would I want to support you when you are not going to help me out in the end?

Mr. WHITESELL. I am not sure we are negotiating this matter, sir. All we are saying is that Congress has said to us to provide our best evaluation and our evaluation is that there is a direct and adverse impact.

Mr. BISHOP. But we have precedents to waivers all over the place. I mean, every, in many Wild and Scenic Rivers there are waivers that have been added to do things. Even having a Wild and Scenic River in that urban setting does not necessarily meet the criteria of a Wild and Scenic River. And, as you told me, the power plant was there before the designation——

Mr. WHITESELL. That is my understanding.

Mr. BISHOP. And that did not, you did not discriminate on that as a waiver of all impact before you created the Wild and Scenic River. It is difficult for me to understand the higher standard that you are trying to put on it now. And maybe that is simply because of the lawsuits that you have faced. But it seems strange. And I am sure that Congress will do what Congress will always do.

Mr. HARYCKI, where will the new bridge be in relation to that power plant, and why does that new bridge help or hurt the scenic value of the area?

Mr. HARYCKI. Well, in that area, just south of the power plant, Anderson Corporation has a very big factory. It is an industrial area of the river. You have the Anderson Plant, you go to the coal plant. There is a prison on top of the hill. There is a sewage treatment plant right at the base of the bridge. So the diagram shows the placement of the proposed bridge and it would be in that industrial area of the river versus the Sierra Club's proposal and we can distribute this afterwards to put it downtown, where if you are standing in our parks or anywhere in the historic area of Stillwater, all you would be seeing is bridge structures.

Mr. BISHOP. To create Wild and Scenic Rivers, we have different standards that have to be there. Recreation standards, that kind of stuff. Am I assuming that the objection to this particular bridge is only scenic and it does not impact recreation or any of the other crap that goes on in Wild and Scenic Rivers?

Mr. HARYCKI. That would be correct. And in fact we are in support of this bridge, just to make that clear. It would add some access with the proposed mitigation package to put in bicycle trails and it would be a whole new group of people down to that section of the river to enjoy it. But like I said, right now it is a very industrial portion of the river. And so there is not, in my opinion, and

I think in the opinion of probably the stakeholders too, that particular section of the river is not scenic. It is certainly not wild.

Mr. BISHOP. You said that there is a threat to health and safety of human life in that you are having all sorts of accidents that occur there because you are going from two to four then back to two, then back to four again. And this is in an area which, as far as its scenic beauty, is questionable at best.

All right. I don't have any other questions, unless Mr. Grijalva does. I thank the witnesses for your testimony, for your time with us here. And, with that, I do want to announce the consent to put this resolution in the record. I think I already did that. And, Representative Young has some questions that we would like to put in the record for various individuals. We would ask for your response in a timely for that. I appreciate your patience with being here. And, with that if there is no further business, obviously not.

Without objection, we stand adjourned.

[Whereupon, at 11:35 a.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

**Statement submitted for the record by The Honorable Elton Gallegly,
a Representative in Congress from the State of California, on H.R. 241**

Thank you Chairman Bishop and Ranking Member Grijalva for scheduling this hearing today on my bill, H.R. 241. This bill would authorize the Forest Service to conduct a land exchange with the White Lotus Foundation for a small parcel of land located on the perimeter of the Los Padres National.

The White Lotus Foundation, a non-profit organization, has been on San Marcos Pass Road, about six miles north of Santa Barbara, for the past 25 years. The Foundation's property is adjacent to the Los Padres National Forest.

Upon the purchase of this property, the Foundation began using the only road that allows White Lotus and the rest of the public access from San Marcos Pass Road to and from their property. Then, shortly afterwards the Forest Service notified the Foundation this short access road loops into Forest Service land and then back onto private property.

In early 2008, the Forest Service sent a letter to the Foundation requiring them to remove all encroachments on Forest Service land by December 31, 2008, or they would begin enforcement action against the foundation.

However, due to the very steep topography, the Foundation has no reasonable alternatives to move the portion of the access road that encroaches on the Forest Service property. The loops lies on flat ground, which has held equipment storage for fire and flood emergencies, and provided access to a water pump and other necessary equipment. There is no other flat ground on which to move these items, and without this space the Foundation will be forced to cease its operations.

The actual loop area in question is approximately 2,000 square feet, or 0.05 acres. I think you can judge by the size of this encroachment that I am merely trying to solve this issue in a manner that will satisfy all the involved parties.

My legislation will not cost the taxpayers. The White Lotus Foundation will pay for the land, the survey, and all administrative costs. There are no exemptions from NEPA or any other environmental laws. The land in question is not protected wilderness or any other specially designated area. And finally, my legislation doesn't even mandate the Forest Service to do anything. It merely allows the Forest Service to conduct a land exchange with White Lotus within two years of the bill becoming law, then if no piece of land is found to exchange, the Forest will have the authority, if they so choose, to convey the land to White Lotus.

It is also my understanding that the Committee will offer a minor technical amendment to this legislation during Committee markup. I am fully supportive of this amendment.

I look forward to this hearing and your questions. Thank you.

**Statement of The Honorable Ron Kind, a Representative
in Congress from the State of Wisconsin, on H.R. 850**

Mr. Chairman, thank you for the opportunity to submit testimony in regards to H.R. 850, a bill that would facilitate the construction of a bridge in the Lower St. Croix Riverway. A new bridge is a top priority for my constituents in Western Wisconsin and I have worked for more than 14 years to help resolve issues surrounding its design, development, and construction. While I understand the concerns some may have about this project, and its potential impact on the Wild and Scenic Rivers Act, there exists today a broad consensus that the current crossing is in need of replacement and that Congress must act to allow for the construction of a new bridge. I strongly support legislation that would authorize the St. Croix River Crossing Project to move forward, in accordance with the Federal Highway Administration's 2006 Record of Decision, which includes a detailed mitigation package developed in a unique stakeholder review process.

Today, motor vehicles crossing the St. Croix rely on the Stillwater Lift Bridge, which was built in 1931. The bridge includes a vertical lift span that rises to allow boat traffic through the river. This historic 80-year old structure is closely identified with the Lower St. Croix Riverway and was placed on the National Registry of Historic Places in 1989. While an admirable structure and innovative for its time, today the Lift Bridge is woefully inadequate in handling the region's transportation needs. The region immediately east of the current crossing has seen significant population and economic growth in recent years. We have also seen an increase in tourism as more and more Americans come to visit the St. Croix Valley and see this remarkable place, which I am proud to represent. The increase in motor vehicle traffic crossing the Lift Bridge has resulted in extensive congestion on both sides of the border. The roadways leading to the bridge are already at full capacity and simply cannot be expanded or improved under the status quo. Traffic is stopped on a regular basis to allow for the Lift Bridge to raise and allow boat traffic to pass through the river, again adding to the congestion. And just last month, as floodwaters rose, the Stillwater Lift Bridge was forced to close for 10 days and travelers were forced to detour 15 miles to the next nearest crossing.

Aside from these concerns, the Lift Bridge suffers from severe structural, operational, and maintenance issues—not uncommon for an 80-year old structure. The Lift Bridge is “structurally deficient” due to its high potential for flooding, which requires closing the crossing; “functionally obsolete” due to its narrow lanes, lack of shoulders, and low vertical clearance; and “fracture-critical” due to a design that would lead to a collapse of the bridge if just one of its main trusses were to fail.

I am very familiar with this Project and have worked closely with all stakeholders to generate consensus around a way forward. After an initial effort in 1998 was halted in 2001 due to lack of funding, I worked with the U.S. Institute of Environmental Conflict Resolution and the facilitation firm RESOLVE to bring together 28 different stakeholders representing a wide variety of interests associated with the Project at the federal, state, and local level. In 2002, President George W. Bush helpfully contributed to this process by issuing Executive Order 13274, which sought to streamline the environmental review of seven transportation infrastructure projects, including the St. Croix River Crossing Project.

I was pleased that all stakeholders faithfully participated in the process and meaningfully contributed to its improvement. As a result of their work, a new and different universe of alternatives was considered, featuring different locations, sizes, and types of bridges. The stakeholders carefully crafted extensive mitigation measures designed to restore some developed areas to a more natural state, preserve the riverway, implement growth management, and preserve historical resources. The new Project now featured a different location, with a shorter, more perpendicular river crossing. The initially proposed steel/concrete girder bridge was abandoned in favor of an extradosed bridge, which would have fewer piers in the water. These stakeholders met 19 times over the course of three years to work through all issues associated with the development of this Project. Every stakeholder made concessions to accommodate the concerns of others and I appreciate that 27 of the 28 organizations agreed to allow the newly redesigned St. Croix River Crossing Project to move forward.

The Sierra Club North Star Chapter dissented and subsequently sued to halt work on the Project, arguing that the Project was in violation of the Wild and Scenic Rivers Act. In March 2010, the U.S. District Court of Minnesota ruled that the National Park Service's 2005 Section 7(a) evaluation was “arbitrary and capricious” in finding that its proposed mitigation package could offset a direct and adverse impact the new structure would have on the Riverway's scenic and recreational value. The National Park Service then produced an updated Section 7(a) evaluation in

2010 that reversed key findings of its 2005 evaluation, now finding that the Wild and Scenic Rivers Act does not allow for any mitigation measures to offset the direct and adverse impact any new structure would have on the Riverway's scenic and recreational value. As a result of this legal impasse, Congressional authorization is now needed to move the Project forward.

Today, the organizations that are in opposition to this Project advocate for a "lower, slower" bridge that has the potential to be less costly and have less of a visual impact on the viewshed of the Riverway. The suggestion underlying this notion is that the Stakeholder Review Process failed to consider an adequate range of alternatives in reaching its conclusion. This is simply not true. Stakeholders analyzed alternate locations and sizes and reached two major conclusions. First, the alternate locations would have a greater impact on Section 106 properties, Section 4(f) park properties, Section 7(a) bluff areas, floodplains and wetlands than the preferred project. Second, the alternatives would fail to meet the transportation needs of the project. It simply does not make sense to build an expensive structure that fails to address the immediate and long-term congestion problems facing the region.

Furthermore, even if stakeholders were to design a "lower, slower" bridge, National Park Service Director Jon Jarvis has testified that such a bridge would still require Congressional authorization to overcome its direct and adverse impact on the Lower St. Croix Riverway.

As a former member of the Natural Resources Committee, I am acutely aware of the importance of the Wild and Scenic Rivers Act and have consistently sought to ensure its integrity throughout this process. It is my understanding that the National Park Service will provide testimony identifying ways that this bill can be improved. I strongly believe that the Committee should work with the Park Service to make these changes to the bill's language. It is essential that the Committee narrowly tailor the bill as this has the potential to set a precedent when needed transportation projects are found to be in conflict with the Wild and Scenic Rivers Act.

Today, residents throughout Western Wisconsin find the status quo to be simply untenable. Notably, of the seven projects that President Bush sought to streamline in his 2002 executive order, the St. Croix River Crossing Project is the only one that today remains incomplete. Suggestions that the Project needs to go through yet another redesign are not productive and will only result in further delaying construction and raising the cost of a much-needed replacement bridge. I look forward to working with the Committee, the National Park Service and the Department of Transportation to ensure that the St. Croix River Crossing Project is allowed to move forward as quickly as possible.

The documents listed below were submitted for the record and have been retained in the Committee's official files.

- American Rivers, Letter to Chairman Bishop and Ranking Member Grijalva dated May 3, 2011, from David Moryc, Senior Director, River Protection Program
- Bonestroo, Rosene, Anderlik and Associates, Inc., "Economic Impact of St. Croix River Crossing"
- Letter in opposition to H.R. 850 from group of organizations for environmental protection (individual organizations listed below):
 - Alliance for Metropolitan Stability
 - Alliance for Sustainability
 - Audubon Minnesota
 - Carpenter /St. Croix Valley Nature Center
 - Clean Up the River Environment (CURE)
 - Duluth Audubon Society
 - Environmental Law and Policy Center
 - Fresh Energy
 - Friends of the Mississippi River
 - Institute for Local Self-Reliance
 - Izaak Walton League of America—Midwest Office
 - Izaak Walton League of America—Minnesota Division
 - Land Stewardship Project
 - Mankato Area Environmentalists
 - Minnesota Center for Environmental Advocacy
 - Minnesota Food Association
 - Parks and Trails Council of Minnesota
 - Sierra Club North Star Chapter
 - Sierra Club John Muir Chapter
 - St. Croix River Association

- St. Croix Scenic Coalition
- St. Paul Audubon Society
- Transit for Livable Communities
- Voyageurs National Park Association
- Manglona, Hon. Paul A., Senate President, Northern Marianas Commonwealth Legislature, Letter to Delegate Gregorio Sablan dated March 15, 2011
- Mendiola, Hon. Melchor A., Mayor, Municipality of Rota, Commonwealth of the Northern Mariana Islands, Letter to Delegate Gregorio Sablan dated March 30, 2011
- Minnesota Department of Transportation, TH 36 Corridor Management Plan, dated May 2001
- National Park Service, U.S. Department of the Interior, “Section 7(a) Evaluation, Wild and Scenic Rivers Act, Proposed New St. Croix River Crossing”
- Newspaper article, “Funding for bridge appears to be lining up” by Jeff Holmquist
- City of Oak Park Heights, Memorandum to Oak Park Heights Business Community, regarding “Communication to City Businesses—STH 36/St. Croix River Crossing Project—Current Position of City of Oak Park Heights” dated October 15, 2010
- City of Oak Park Heights, Resolution regarding H.R. 850
- Photo, Old Bridge Crossing 2011
- Photo, Powerplant 2011
- Photo, Prescott Bridge 2011
- Polis, Hon. Jared, a Representative in Congress from the State of Colorado, Testimony of John Winchester on H.R. 3923, Sugar Loaf Fire Protection District Land Exchange Act of 2009, dated April 27, 2010 submitted for the record
- Polis, Hon. Jared, a Representative in Congress from the State of Colorado, Letter in support of H.R. 765
- Santos, Hon. Teresita A., Representative, 17th Northern Marianas Commonwealth Legislature, Written testimony on H.R. 4686 dated April 27, 2010, submitted for the record by Hon. Gregorio Sablan regarding H.R. 1141
- Santos, Hon. Teresita, Representative Marianas Commonwealth Legislature, Letter to Chairman Bishop
- SRF Consulting Group, Inc., “St. Croix River Crossing Benefit-Cost Analysis Memorandum” dated May 5, 2004
- United States Department of the Interior, Memorandum regarding “Section 7 determination for proposed new crossing of the St. Croix River (Public Notice 96-04143-IP-RJA)”
- Wisconsin Department of Transportation, Photo of proposed St. Croix Bridge

Statement of The Honorable Betty McCollum, a Representative in Congress from the State of Minnesota, in Opposition to St. Croix Bridge Legislation

Chairman Bishop, Ranking Member Grijalva, Members of the Subcommittee:

Minnesota residents deserve a replacement for the existing, outdated lift bridge over the St. Croix River connecting Stillwater, MN to western Wisconsin. I strongly support a fiscally responsible, appropriately-scaled transportation solution for the St. Croix River crossing in Stillwater. There is consensus that a new bridge is needed. However, there is intense debate and controversy over the specific design and overall cost of the proposed replacement bridge that H.R. 850 would permit. Therefore, this legislation can only be described as a stalking horse for an excessively expensive mega-bridge to be built only six miles from the existing eight lane Interstate-94 St. Croix River crossing.

While this debate is new to most Members of Congress, it is a debate that I have been involved in throughout my twenty-five year career in public service. In fact, the St. Croix crossing has been discussed locally for thirty years. During that period, numerous bridge replacement proposals have come and gone. Be assured, passage of H.R. 850 will not end debate or controversy over this proposed St. Croix crossing.

Irrespective of the bridge proposal in question, this Committee should reject H.R. 850 as an unprecedented assault on one of the most successful laws to protect America's natural treasures. The Wild and Scenic Rivers Act preserves the nation's finest rivers for future generations. The Act protects 11,000 miles of 166 rivers in 38 states and the Commonwealth of Puerto Rico. Inclusion in this system is a highly selective distinction: protected rivers amount to one-quarter of one percent of America's rivers. The St. Croix is the only river in Minnesota protected under the Wild

and Scenic Rivers Act and gained this protection only after enormous effort from leaders such as former-U.S. Senator and Vice-President Walter Mondale.

Since the Act was passed in 1968, only extremely rare modifications have been granted by Congress. Passage of H.R. 850 would set a new, dangerously low standard for granting exemptions to the Wild and Scenic Rivers Act that threatens every mile of every protected river in this national system.

The legislation under review today capriciously ignores the legacy of stewardship that millions of Americans enjoy today because of the law. H.R. 850 uses only 41 words to end over 40 years of federal protection for the St. Croix River. Regretfully, the effect of this legislation would be far less economical than its language. This legislation would "deem" a \$700 million bridge over the St. Croix River to be consistent with the Wild and Scenic Rivers Act. But in October 2010, after careful review, the National Park Service determined this specific bridge proposal was not consistent with the Act. H.R. 850 simply disregards the Park Service finding and states fiction as fact.

If Congress were to take the extraordinary step of granting an exemption to the Wild and Scenic Rivers Act, the bridge proposed in H.R. 850 is not deserving of the precedent. This \$700 million bridge proposal is excessively expensive and would likely impose huge unfunded costs on the communities I represent.

Following the 2007 collapse of the Interstate 35 Bridge over the Mississippi River in Minneapolis, a new state-of-the-art bridge was constructed in record time for \$260 million (this figure includes a \$27 million contractor bonus for early completion). The bridge H.R. 850 enables to be built would cost taxpayers nearly three times as much the Interstate 35W Bridge, but serve only a fraction of the traffic. (Currently, around 18,000 vehicles cross the St. Croix River in Stillwater each day.) In this time of record deficits at the federal, state and local level, elected leaders must carefully consider the value of every investment. The bridge in H.R. 850 fails every common-sense test of taxpayer value.

Closer inspection of the proposed St. Croix Bridge reveals the true costs of the project may be much higher. There has been little attention paid to the traffic congestion that a new interstate-style bridge in Stillwater would add to the State Highway 36 corridor, including the cities of Oakdale, Maplewood, Mahtomedi, Roseville and North St. Paul. If there is enough traffic projected to justify building a bridge that costs nearly three times as much as the new Interstate 35W Bridge in Minneapolis then the communities along State Highway 36 should expect to be overrun with thousands more semi-trucks, buses, and daily commuters. Expanding State Highway 36 to accommodate an interstate-style bridge in Stillwater could raise the true cost of the mega-bridge project close to one billion dollars. Local elected officials from communities along State Highway 36 are raising concerns over the unfunded costs that H.R. 850 could impose on their taxpayers.

The full cost of the bridge proposed in H.R. 850 is unknown and the value of this public investment is deeply in doubt. Thankfully, the Wild and Scenic Rivers Act is forcing a closer review of this proposal. The Act is safeguarding the environmental integrity of the St. Croix River and also protecting taxpayers from wasteful government spending. Granting an exemption to the Wild and Scenic Rivers Act would be nothing short of fiscally reckless and a violation of the principle of local control.

It is possible to build a new bridge that meets the requirements of the Wild and Scenic Rivers Act, solves the longstanding transportation problem in Stillwater, and guarantees state and federal taxpayers a responsible return on their investment. I strongly support construction of a bridge that satisfies these reasonable expectations. My experience—and plain Minnesota common sense—suggests the fastest path to a new bridge is the path of consensus and fiscal responsibility. The Interstate-35W Bridge over the Mississippi River in Minneapolis is proof that Minnesota can build a new bridge in record time when there's community consensus around a sensible plan. An affordable St. Croix bridge could be designed and constructed long before the interstate-style bridge proposal and offer taxpayers much greater value.

I strongly urge Members of this Committee to support fiscal responsibility and environmental protection and oppose H.R. 850.

Mr. Chair, I request permission to insert the attached letter addressed to the Committee from Maplewood, Minnesota Mayor Will Rossbach into the hearing record.

[The letter from The Honorable Will Rossbach, Mayor, City of Maplewood, Minnesota, submitted for the record by Ms. McCollum follows:]

May 2, 2011

To Members of the House Committee on Natural Resources,

I am writing to ask your consideration of the difficulties which will be created for the local government units which lie west of the cities of Stillwater and Oak Park Heights along the Highway 36 corridor if the current proposal for a new freeway type bridge is approved as an individual improvement and not as a regional project.

I want to be clear that a new bridge is absolutely necessary to cross the St. Croix River in the Stillwater, Oak Park Heights area. The existing bridge is in a condition which should have warranted its closure years ago and only is still in use due to the lack of ability to find common ground for an alternative. The current bridge rating is below the rating of the Interstate 35 Bridge when it collapsed into the Mississippi River.

This being understood if a new bridge is approved without consideration of the impacts that will be had by all of the communities which share the Hwy 36 corridor the problems which are currently being experienced at the river will simply be transferred to the West and will create unnecessary burdens for those communities.

The Highway 36 corridor is currently operating at or near capacity and the existing bridge carries 18000 vehicles per day. The 2030 projections for a new bridge indicate that approximately 30,000 additional trips will be generated in the corridor which passes through the communities which lie to the West of the area. There is not any plan in place at this time to deal with the additional traffic which will be generated in the corridor without a new bridge let alone with the addition of the additional traffic which a new bridge would create. This situation on a regional basis needs to be considered with the understanding that there are no approved mass transit corridors anywhere in the region which could be viewed as a means to help to reduce the future flow of traffic in the Hwy. 36 corridor.

The current corridor is not currently at, nor is it currently planned, to have improvements constructed to bring it up to freeway standards in the 2030 planning period. Instead it is a corridor with limited lane volume restricted by several bridges and right of way which uses semaphores as traffic control devices a numerous intersections along its route.

The cost that is currently being contemplated for the bridge is to me unbelievable. In the City of Maplewood we have been attempting to find funding to eliminate one of the existing semaphores which would be a project that would help to enhance traffic flow that is currently backed up by the intersection control for miles during rush hour, and have not to date been able to secure the 5 to 6 million dollars we need to supplement our funding to proceed with the project. It would be a poor use of funds to dedicate close to 700 million dollars to a bridge that would create lack of capacity all along the corridor it is intended to serve. A more reasoned approach would be to construct a bridge which would be sized to accommodate the current traffic flow along with the reduced projections which would be generated by a properly scaled bridge and at the same time make the improvements needed to provide a fully functioning corridor.

You have an opportunity before you to resolve a dispute that has been ongoing for 20 to 30 years and desperately needs to have a solution, I urge you to find that solution but do so in a way that creates a fully functional traffic corridor and not waste such a large amount of funds over building one part of the corridor while creating numerous new problems along the entire length of the remaining corridor.

Respectfully submitted,

Will Rossbach
Mayor, City of Maplewood

Statement submitted for the record by Aaron Schutt, Senior Vice President and Chief Operating Officer, Doyon, Limited, on H.R. 441

Mr. Chairman and Members of the subcommittee, thank you for the opportunity to provide written testimony on HR. 441, a bill to authorize the Secretary of the Interior to issue permits for a micro hydro project in non-wilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes. I would especially like to thank my home state Representative. Congressman Don

Young, former Chairman of this Committee and current Chairman of the Indian and Alaska Native Affairs Subcommittee, is the sponsor of this legislation. My name is Aaron Schutt, I am the Senior Vice President and Chief Operating Officer of Doyon, Limited.

Doyon is one of thirteen Alaska Native Regional Corporations, formed under the Alaska Native Claims Settlement Act of 1971 (ANCSA). Doyon has more than 18,000 Alaska Native shareholders, and we are proud of our record on behalf of those shareholders. Our mission is to promote the economic and social well-being of our shareholders and future shareholders, to strengthen our Native way of life and to protect and enhance our land and resources.

The issue that brings my interest to you today involves Doyon's effort to improve our energy efficiency and environmental footprint on our in-holdings within the Denali National Park. The Kantishna Hills Renewable Energy Act provides an avenue for Doyon to develop a renewable energy system to provide electrical power to the Kantishna Roadhouse. The Kantishna Roadhouse is a full service wilderness lodge providing overnight accommodations to Denali National Park visitors.

Owned and operated by Doyon Tourism, a wholly-owned Doyon subsidiary, the Kantishna Roadhouse is located on an in-holding within Denali National Park. Kantishna Roadhouse serves thousands of Park visitors each year. As it is located 100 miles inside the Park, the Roadhouse is not connected to any utility grid and must produce 100% of its electrical energy onsite. Currently, our power comes from a diesel generator. This system requires trucking several thousand gallons of diesel fuel through the Park each year. We run the generator on a twenty four hour basis through the entire operating season. Doyon Tourism strives to provide our services in the Park and on our lands in the most environmentally respectful way.

Doyon is facing several problems with the construction of this renewable energy project, thus the need for this legislation. Of primary concern is the land ownership. While Doyon currently owns the proposed location of the microhydro power plant, it does not own some of the land needed for the project. This legislation addresses this problem.

In early 2010, Doyon received a Tribal Renewable Energy Grant from the Department of Energy. We wanted to use part of that grant to install a micro-hydro power generation system at the Kantishna Roadhouse. However, due to time limitations on the use of those funds, restricted access periods to our facility inside the Park, the limited construction season in Alaska and the lack of an access point from the National Park Service we do not believe we will be able to make use of this grant at this time. Doyon remains committed to this project, however, if the land ownership issues can be addressed.

This micro-hydro project is modeled after the system installed at the Park Service's recently renovated Eielson Visitors Center, also located deep within Denali National Park and Preserve. This renewable energy system would potentially provide up to half of our current electrical energy needs, offsetting an equivalent amount of diesel usage and its incumbent environmental footprint.

Doyon has worked with the National Park Service for the past year to develop this legislation. HR. 441 has two parts. First, it allows the Park Service to issue a permit to Doyon Tourism to build the proposed renewable energy project. Second, it calls on the Park Service to exchange lands with Doyon so that all of the lands needed for the construction and operation of the micro-hydro project are owned by Doyon Tourism. In exchange, Doyon would provide an equivalent amount of acreage on a value-for-value basis from its other land holdings in the vicinity of the Kantishna Roadhouse. Under the current agreement, six to seven acres would be exchanged between each of the two parties.

In conclusion, I would like to reinforce my comments that this legislation is good for all the parties involved. HR. 441 will allow Doyon to move forward with a small renewable energy project. The project will substantially reduce all aspects of environmental footprint related to our current power generation system: fewer truckloads of diesel trucked in over the remote Park roads which in turn results in cleaner local air quality and less sound pollution in this remote area. Doyon believes this project mirrors the recent efforts of the National Park Service to achieve greater use of renewable energy at its facilities.

Thank you for the opportunity to provide input to the subcommittee today. I would be pleased to provide written responses to any questions the Members of the Subcommittees may have regarding the Kantishna Hill Renewable Energy Act of 2011.