

# PUBLIC LANDS, FORESTS, AND MINING BILLS

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## HEARING BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE ONE HUNDRED THIRTEENTH CONGRESS SECOND SESSION

ON

|                |                  |
|----------------|------------------|
| <b>S. 1049</b> | <b>S. 2123</b>   |
| <b>S. 1437</b> | <b>S. 2616</b>   |
| <b>S. 1554</b> | <b>H.R. 1241</b> |
| <b>S. 1605</b> | <b>H.R. 1684</b> |
| <b>S. 1640</b> | <b>H.R. 2166</b> |
| <b>S. 1888</b> | <b>H.R. 3008</b> |

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JULY 30, 2014



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## **PUBLIC LANDS, FORESTS, AND MINING BILLS**

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**WEDNESDAY, JULY 30, 2014**

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

The subcommittee met, pursuant to notice, at 9:36 a.m. in room SD-366, Dirksen Senate Office Building, Hon. Joe Manchin presiding.

### **OPENING STATEMENT OF HON. JOE MANCHIN, U.S. SENATOR FROM WEST VIRGINIA**

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

This morning the subcommittee will consider 10 bills. Many of these bills deal with local Federal land matters from around the country including Oregon, Alaska, Nevada, California, Minnesota, Idaho and Wyoming.

One such bill is S. 1888 and H.R. 1241, the Inyo National Forest Land Exchange Act. This bill authorizes a land exchange between the Forest Service and the Mammoth Mountain Ski area, Mammoth, California. I understand the House version of this legislation passed the House of Representatives by a voice vote under suspension of the rules in December of last year. I hope we can do our part to move this important legislation through our committee in the limited amount of legislative days left in Congress.

A few of the bills today have national policy implications.

For example, our subcommittee colleague, Senator Heinrich, has introduced the Hunt Act. The Hunt Act would require Federal land management agencies to identify which lands under their management currently lack public access routes for recreational users. Then they would be required to come up with a plan to provide public access to those lands that have significant potential for hunting, fishing or other recreational use. This bill, supported by sportsmen organizations such as the National Wildlife Federation, Back Country Hunters and Anglers, Trout Unlimited and the Bull Moose Sportsmen Alliance and the Theodore Roosevelt Conservation Partnership, I have long been an advocate for increased hunting and fishing opportunities on Federal lands. Look forward to hearing more about the HUNT Act today.

We have a lot of bills to cover this morning with a limited amount of time. In addition to statements from Ranking Members, Barrasso and myself, we have some of our members, committee,

here wishing to speak. We're going to recognize first is our good friend, Senator Wyden, from Oregon.

Senator WYDEN. I'm happy to go after Senator Barrasso.

Senator MANCHIN. I'm not quite finished.

Senator WYDEN. Oh, excuse me. Excuse me.

[Laughter.]

Senator MANCHIN. I've just got a little bit to finish up.

Senator WYDEN. Excuse me.

Senator MANCHIN. I'm sorry, Mr. Chairman.

[Laughter.]

Senator MANCHIN. On our first panel we will be hearing from the Forest Service and the Bureau of Land Management.

I want to thank you all for joining us and I kindly ask that you keep your remarks as brief as possible in the interest of time.

With that, I would like to turn to Ranking Member Barrasso, who is going to now defer to our friend and Chairman, Senator Wyden, from Oregon.

Senator.

[The prepared statement of Senator Murkowski follows]

PREPARED STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA ON  
S. 1605

Mr. Chairman, thank you for scheduling this hearing on a number of public lands bills. I wanted to take a moment briefly to talk about a bill I have sponsored that is included on the agenda for this hearing—S. 1605 which would reinstate Michael Faber, an Alaska Native into his rightful status respecting Sealaska Corporation, an Alaska Native corporation formed under the Alaska Native Claims Settlement Act of 1971 (ANCSA), a settlement of all aboriginal claims within the state of Alaska between Alaska Natives and the federal government.

This bill will not have a large impacts on society, but it is huge from an equity standpoint, because it fixes a mistake by a federal agency. And we in Congress should never be so busy that we don't take the time to remedy a clear mistake by a federal agency, even if that mistake only affects a few individuals.

Michael Faber is an Army veteran who for the past 40 years has been trying to get the federal government to fix a mistake. In the mid-1960s Mr. Faber joined the U.S. Army and was stationed in Germany. At some point in 1976, while Mr. Faber was on duty, and consequently had an out-of-Alaska mailing address, someone in BIA moved to shift his enrollment from the Sealaska Corporation to the then newly created 13th Corporation based in Seattle.

Under the law, Mr. Faber was sent a ballot that he was required to sign to accept the shift in enrollment. However, he never received the ballot; in fact, his ballot was returned to BIA— unopened and unsigned.

Mr. Faber never received this ballot because he was in and out of rehabilitation hospitals and clinics at different locations in Europe and the Lower 48 States, recovering from bad burns. It wasn't until after his recovery that he fully realized he had been shifted from Sealaska to the 13th Corporation, and it was then that he began his effort to be reenrolled.

The record indicates that as early as 1991 BIA acknowledged it made an error in shifting Mr. Faber's enrollment without his approval. Unfortunately, by then, BIA believed it did not have the legal authority to reenroll Mr. Faber in the Sealaska Corporation. Admittedly, this case has been complicated by that fact that Mr. Faber moved to the community of Metlakatla, Alaska in the mid-1990s to work as the Executive Director of the Metlakatla Housing Authority. That complicated this case since Metlakatla, on the Annette Island Indian Reservation, is the only place in Alaska that did not participate in the claims settlement act. This legislation, to prevent any precedents and to clarify the factual record, requires Mr. Faber to surrender or abrogate any possible benefits from the the Metlakatla Indian Community before his enrollment in the Sealaska Corporation can take effect. It in no way alters the Section 19(a) provisions of ANCSA involving Metlakatla reservation status.

Mr. Faber has been waiting for nearly 40 years for someone to champion his quest to be restored to the Sealaska Corporation, a legacy he wants largely for his chil-

dren. This legislation will allow Mr. Faber retroactive benefits only to 2011. In that year, Sealaska's board voted to welcome Mr. Faber back to its membership. The bill sets no precedents for other Natives to seek changes in their ANCSA enrollments.

This bill will simply treat Mr. Faber and his descendants humanely and formally recognize their legal and cultural status as Alaska Natives. I hope that we will see fit to pass this bill promptly—truly the right and just result in this case given the BIA's error. It is least we owe this Alaska Native military veteran to honor his service to the country.

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

Senator WYDEN. Chairman Manchin, thank you and to my good friend from Wyoming, once again Senator Barrasso is above and beyond in collegiality. I thank him for today is going to be a hectic day. I'm trying to forge a bipartisan agreement on transportation. I thank both of my colleagues.

I'll be very brief.

Want to just touch on S. 1437, the bill to remove the Federal reversionary interest in reserve mineral rights in 290 acres of land that Oregon State University operates the Hermiston Agricultural Research and Extension Center on.

Hermiston, an important part of Oregon's rural life, has been well served by agriculture experimentation work for over 100 years. The Oregon Congressional Delegation wants to make sure it can do it for the next 100 years.

We're lucky to have Oregon State University as a hub of agricultural research and innovation to train the next generation of farmers, ranchers and foresters. Over the past 60 years Oregon State University has run the Hermiston Agricultural Research and Extension Center and consistently it's helped to provide solutions for the region's many Ag growers.

The Columbia Basin is Ag country. The Ag Research Center is going to help ensure it stays that way by identifying new crop opportunities and improving production practices that save money. Just as agriculture in the Columbia Basin has grown by leaps and bounds since 1954 so has Hermiston.

This bill would replace the Federal clause in the original land grant which was meant to keep the land operating as an Ag center with the direction that any proceeds from a sale or a lease of the land must be used by the State to advance agricultural research. With this change if there ever comes a time when Oregon State needs to move the Ag Center outside of an expanded urban growth area to a more rural location it will be able to do so.

A similar bill has been introduced in the other body. I want to thank Chairman Manchin and Senator Barrasso for giving me this opportunity so that the Senate can start talking about following suit and give Oregon State, Hermiston and the Columbia Basin region the flexibility they need to continue their important agricultural research.

Again, with my thanks to Chairman Manchin and Senator Barrasso, I very much appreciate the courtesy. I also have a written question for Mr. Roberson with respect to the Administration. We want to work closely with them and we'll submit that for the record in writing.

Thank you, Mr. Chairman.

Senator MANCHIN. Thank you, Senator. This time I will turn to our Ranking Member, Senator Barrasso.

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

Senator BARRASSO. thank you very much, Mr. Chairman, for convening this subcommittee hearing. I welcome each of our witnesses today.

We have 10 bills on the agenda, some of which our House colleagues have passed and sent to us.

I want to touch briefly on one of those House bills, H.R. 1684, to consolidate the historic Ranch A in my home State of Wyoming, sponsored by Representative Lummis.

Ranch A is a historic property with a rich history. The Ranch A name comes from Moses Annenberg, a European immigrant who bought the land and employed craftsmen to build the lodge, guest cabins, barns and other supporting ranch structures. At one point in the ranch's history it was used as a fish hatchery. When the federally owned fish hatchery was closed in 1997 the Ranch was conveyed to the State of Wyoming. The Ranch A Restoration Foundation began at that time working to restore, maintain and operate the then run down property.

When Ranch A was conveyed to the State and oversight retained 10 acres under Federal ownership one of the buildings and infrastructure owned by the State is actually located on those 10 acres. The Ranch A Consolidation and Management Act Improvement Act would convey these 10 acres of National Forest System land to the State of Wyoming and allow for the foundation to make additional use enjoyment and improvements to the facilities.

Mr. Chairman, I would also submit for the record a letter from the Wyoming Office of State Lands and Investments to the House Natural Resource Public Lands Subcommittee requesting favorable consideration of H.R. 1684.

Senator BARRASSO. I also want to flag an issue with one of the other bills before us, S. 1554. My colleague, Senator Heinrich is sponsoring this bill to address the lack of public access to back country hunting and fishing is a worthy goal. I do have some concerns that the bill, as drafted, may have unintended consequences of pressing upon the rights of private property owners on State owned lands.

So I'd like to work with my colleague, Senator Heinrich, to address these issues.

Thank you, Mr. Chairman. I look forward to the hearing and hearing more about that legislation today.

Senator MANCHIN. Thank you, Senator Barrasso.

At this time we will move to Senator Heinrich, who will make a statement on his legislation the HUNT Act.

Senator Heinrich.

**STATEMENT OF HON. MARTIN HEINRICH, U.S. SENATOR  
FROM NEW MEXICO**

Senator HEINRICH. Thank you.

Let me start by just saying I look forward to working with Ranking Member Barrasso. Obviously the HUNT Act is meant to deal

in easements purely on a voluntary basis. We'll be happy to work with you on that.

Chairman Manchin, Ranking Member Barrasso, I want to thank you both for allowing this hearing today on the HUNT Act.

As an avid public land hunter myself I know firsthand that our public lands provide some of the best hunting and fishing opportunities for American families, some of the best hunting opportunities in the world really in places like Wyoming and Colorado, Montana and New Mexico. But too often in recent years hunting and fishing lands have been made inaccessible by the lack of a public road or trail to be able to reach them. In many cases the land management agencies don't even know that they have lands that the public can't access.

S. 1554, the HUNT Act would require the Federal land management agencies to identify lands under their jurisdiction and management that lack a reasonable public route to access them and come up with a plan to provide access to those lands that will have a significant potential, that have a significant potential, for hunting, fishing or other recreational use. Those plans might include purchasing an easement from a willing neighboring land owner or working with the State land office to secure public access across State trust land.

The bill targets lands that are technically open to the public but are impossible to reach legally because there is no public trail or road leading to them. It would help provide access to those lands by opening up existing roads and trails to public use.

Let me give you a little bit of an example.

Last night I was watching an episode of a show called Fresh Tracks with Randy Newberg. It's on the Sportsman's Channel. Randy Newberg is a board member of the Rocky Mountain Elk Foundation.

In this particular episode he takes his son hunting after returning from college and they literally have to helicopter in to public land in Montana because there's no legal way for them to get to that land.

Last, the bill would require 1.5 percent of funds provided by the Land and Water Conservation Fund each year to be used for the purchase of easements or rights of way from willing sellers that would improve access to public lands for hunting, fishing and other recreational uses. In 2014 this would have provided \$4.6 million dedicated to providing access to public lands. In many cases public access can be gained by working cooperatively with local land owners.

In New Mexico the BLM worked with Freeport-McMoRan to allow the public to use 3 miles of an existing road on the company's private land to access the Alamo Hueco Wilderness Study area in Southwestern New Mexico, an area with tremendous hunting opportunities that was completely inaccessible until 2012.

Mr. Roberson, actually, I want to recognize work to open up access to Cooke's Peak, another Wilderness Study area in New Mexico after access was closed off by a local landowner.

But we still have far too many cases in too many areas where the public can't get to public lands.

In Northeastern New Mexico the Sabinoso Wilderness is 16,000 acres of narrow mesas, rugged canyons and spectacular grasslands, home to mule deer, Barbary sheep and elk. But without a legal road to get there the public can't visit it.

In many cases we don't even know what public lands lack public access. A study last year by the Center for Western Priorities identified more than 4,000,000 acres of inaccessible public lands in just 6 Western States. The study's authors say that their method of gauging access through GIS analysis almost certainly undercounts rather than over counts the number of inaccessible acres.

Hunting and fishing are an integral part of our American heritage but without our public lands in the West that tradition will be lost.

Thank you again, Mr. Chairman, for considering this bill today. I'll yield back my time.

Senator MANCHIN. Thank you, Senator.

At this time we'll turn to Senator Jim Risch.

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

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

I'm here today to talk about S. 2616, sponsored by myself and co-sponsored by Senator Crapo. The title of the Act is the Idaho County Shooting Range Land Conveyance Act. It, you know, works to transfer 31 acres from the BLM to Idaho County. It is to be used specifically for a shooting range.

This is widely supported in the area because they need a particular place to do this. The Sheriff's office is very much in favor of this. They need it for training, also for safety for training for kids as they learn to shoot.

To my knowledge there's really no opposition to this. It's a good piece of legislation. It is unfortunately designated for a potential of other use and therefore the BLM can't transfer it directly so it takes an Act of Congress.

In any event I'm under—I understand that the agency wants reversionary clause that if it's not used for public service that it goes back. We have no objection to that at all. I think it's a good piece of legislation. It should pass.

Thank you, Mr. Chairman.

Senator MANCHIN. Thank you.

Senator Heinrich.

Senator HEINRICH. Mr. Chair, I would just ask quickly for unanimous consent to offer a couple of letters, recent letters, into the record in support of the HUNT Act. The American Wildlife Conservation Partners which includes groups like the Archery Trade Association, Boone and Crockett Club, Congressional Sportsmen Foundation, Dallas Safari Club Mule Deer Foundation, National Wild Turkey Foundation and many other sportsmen groups sent a recent letter.

I'd ask unanimous consent to enter that into the record.

Senator MANCHIN. Without objection.

Senator HEINRICH. As well as the letter from a number of New Mexico Sportsmen groups including the Dona Ana County Associ-

ated Sportsmen, New Mexico Wildlife Federation, TU, the Wild Turkey Sportsmen Association, Back Country Horsemen and quite a few others.

I would also ask unanimous consent.

Senator MANCHIN. Without objection, so entered into the record.

Senator MANCHIN. With that we will have our 2 panelists. Mr. Roberson and Mr. Smith come forward, please.

What we'll do, if you don't mind how—if you all have a preference to who starts and who doesn't start. If we can we'll just go left to right to Mr. Roberson.

Mr. Roberson is Assistant Director, Renewable Resources and Planning, Bureau of Land Management, Department of the Interior.

Mr. Roberson, it's good to have you at our subcommittee hearing here. We'd love for you to go ahead and give us your statement.

**STATEMENT OF ED ROBERSON, ASSISTANT DIRECTOR, RENEWABLE RESOURCES AND PLANNING, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY DEAN ROSS, DEPUTY CHIEF, LAW ENFORCEMENT, SECURITY AND EMERGENCY SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. ROBERSON. Thank you, Mr. Chairman.

Mr. Chairman, ranking member and members of the Senate Subcommittee, thank you for the opportunity to present the views of the Department of Interior on 7 bills today. I'm joined by Dean Ross and Brenda Pierce of the National Park Service.

Dean is the Deputy Chief for Emergency Services and Brenda is the Acting Deputy Associate Director for Natural Resources and Stewardship in Science for the Park Service.

Mr. Spike Bighorn from the Bureau of Indian Affairs, he is the Associate Deputy Director for Bureau of Indian Affairs.

They are available to respond to questions you have with regard to their agencies and the bills related to them.

I will briefly summarize our position on each of the bills and ask that the entirety of the written statement be included for the record.

S. 1640, the Piñon-Juniper Related Projects Implementation Act amends the Lincoln County Lands Act of 2000 and the Lincoln County Conservation Recreation Development Act of 2004 to allow funding from the Federal special account for those acts to be used for restoration projects in Piñon-Juniper dominated landscapes and other purposes in Lincoln County, Nevada. These acts have been instrumental in providing for community growth while protecting public lands and resources.

The BLM supports the goals of S. 1640 and looks forward to working with the bill's sponsor and the subcommittee on concerns that we have discussed in our written testimony.

With regard to S. 1437 which Chairman Wyden just spoke about. It would release the reversionary interest of the United States and lands conveyed to the State of Oregon for the Hermiston Agricultural Research Extension Center. The extension lands were conveyed below fair market value and the reversionary clause has ensured that it is used solely for public purposes.

The BLM supports the goal of conveying the remaining interest in the parcel and could support the S. 1437 if amended to ensure the payment of fair market value for reversionary interest in these parcels which is consistent with previous legislative proposals.

With regard to Senator Risch's discussion on S. 2616, it requires the Secretary to convey a 31 acre parcel of public land in Idaho to Idaho County to be used for a shooting range subject to valid existing rights without consideration.

The BLM supports conveyance but would like to work with the sponsors on an amendment to add the reversionary clause to ensure the parcel is used as a shooting range and for other public purposes consistent with the legislative proposal.

With regard to Senator Heinrich's 1554, the HUNT, Unrestricted on National Treasures Act it would require BLM, the National Park Service, Fish and Wildlife Service and the U.S. Forest Service to produce a report identifying all parcels greater than 640 acres for which hunting, fishing or other recreational uses are allowed by law but without adequate public access.

S. 1554 further requires the agencies to evaluate the potential for these uses on other parcels on these parcels and to develop strategies for acquiring access to those parcels.

The Department strongly supports the goal of making access to both public lands and to information about the public lands available to the public. The Department would like to work with the sponsor and the committee, the subcommittee, to ensure that the bill's reporting requirements can be met with our existing data and staffing limitations.

S. 1049 and H.R. 2166 direct the Secretaries of Interior and Agriculture to expedite access to certain Federal lands under the administrative jurisdiction of each Secretary for Good Samaritan search and recovery.

The Department supports these bills with amendments detailed in our written statement.

S. 2123, Land Exchange in Minnesota. The Department supports S. 2123, the School District 318 Land Exchange Act. The bill directs the Secretary to accept an offer of exchange for certain lands, Federal lands and non-Federal parcels in Grand Rapids, Minnesota.

We appreciate the efforts of the sponsors and the committee to resolve a long standing request of the School District 318.

S. 1605 would correct the long standing clerical error in the enrollment of Mr. Michael G. Faber in the Sealaska Native Regional Corporation in Alaska.

The Department does not oppose S. 1605, but has concerns about the Secretary's ability to provide the relief that the bill offers.

Thank you for the opportunity to testify on these bills. We look forward to working with the sponsors and the subcommittee and would be happy to answer any questions.

[The prepared statement of Mr. Roberson follows:]

PREPARED STATEMENT OF ED ROBERSON, ASSISTANT DIRECTOR, RENEWABLE RESOURCES & PLANNING, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ON S.1640

Thank you for the opportunity to present the views of the Department of the Interior on S. 1640, the Pinyon-Juniper Related Projects Implementation Act. S. 1640

authorizes funding for pinyon-juniper thinning and habitat enhancement projects through the Lincoln County Land Act of 2000 (LCLA) and the Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA). The Bureau of Land Management (BLM) appreciates the positive impacts LCLA and LCCRDA have had on land-management in Lincoln County. The BLM supports many of the goals of S. 1640 and we look forward to working with the bill's sponsor and the Subcommittee on the concerns discussed below and on the continued implementation of LCLA and LCCRDA.

#### *Background*

The Lincoln County Land Act of 2000 (LCLA, P.L. 106-298) provides for the disposal of 13,500 acres of public land in Lincoln County, Nevada, with the proceeds paid to the State of Nevada (5 percent), Lincoln County (10 percent) and a special account in the U.S. Treasury (85 percent). Under the LCLA, the Secretary of the Interior can expend revenue held in the special account on archaeological resources activities; development of a Multi-Species Habitat Conservation Plan (MSHCP) in the County; acquisition of environmentally sensitive lands; and reimbursement of costs associated with land sales preparation and processing public land use authorizations as well as rights-of-way stemming from the development of the conveyed lands.

The Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA, P.L. 108-424) provides for the disposal of up to 90,000 acres of public land in Lincoln County, Nevada, with the proceeds paid to the State of Nevada (5 percent), Lincoln County (10 percent) and a special account in the U.S. Treasury (85 percent). Under the LCCRDA, the Secretary of the Interior can expend revenue from the special account on archeological resources activities; reimbursement of costs associated with preparing land sales; development and implementation of a MSHCP; processing and implementing the Silver State Off-Highway Vehicle (OHV) Trail management plan; and costs related to enforcement of designated wilderness areas.

The land sales authorized by the LCLA were completed in 2005 and grossed over \$47 million. About \$31 million currently remains in the LCLA Federal special account. The initial land sale under the LCCRDA took place this year, and the current LCCRDA Federal special account balance is \$3.1 million. To guide the expenditures over the next 10 years and ensure the long-term stability of the program, the BLM, in consultation with the County, developed the "LincolnCounty Business Plan" in January 2013, which identifies the priorities for the LCLA and LCCRDA Federal special accounts. To date, the BLM has used the funds to acquire sensitive lands for conservation, to complete development of the MSHCP, and to finalize management plans for wilderness areas and the OHV trail. The BLM has also undertaken archeological inventories on over 46,000 acres with the funding. Additional lands sales under the LCCRDA have been identified for 2015 and 2016, in coordination with the County. These Acts have been instrumental in providing valuable resources for both Lincoln County and the BLM.

#### *S. 1640*

S. 1640 amends the Lincoln County Land Act of 2000 (LCLA) and the Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA) to allow funding from the Federal special accounts for those Acts to be used for restoration projects in pinyon-juniper dominated landscapes. S. 1640 will allow LCLA funding to be used for implementation of the MSHCP. Under the bill, funds from the Acts could be used to pay for planning activities addressing proposed land-use authorizations, rights-of-way for development of conveyed land, and projects in the Dry Lake Valley North Solar Energy Zone. The bill would waive cost-recovery fees for processing of local or regional government right-of-way applications and allow the County to use proceeds of the Acts for economic development activities. Under the bill, the Secretary would be required to establish cooperative agreements for law enforcement and planning activities for wilderness, cultural resources management, and land disposal and related land-use authorizations under the Acts, as well as for the Silver State OHV Trail designated by the LCCRDA. Finally, the bill amends the land withdrawal in the LCCRDA for a utility corridor.

The BLM shares the sponsor's strong interest in treating rangelands that are seeing incredible rates of encroachment from pinyon-juniper. The BLM's Ely District Resource Management Plan identifies treatment for more than 700,000 acres of pinyon-juniper woodland—projects which could improve habitat for the Greater Sage-Grouse and other sage-brush dependent wildlife species, provide opportunities to establish native vegetation, and reduce the risks of resource damage from catastrophic wildfires. However, the BLM encourages Congress to consider whether

LCLA and LCCRDA Federal special accounts are the appropriate mechanisms to support these projects.

The LCLA and LCCRDA have been instrumental in providing for community growth while protecting public land resources. The BLM acknowledges the careful consideration of the Congress, in close coordination with local governments and stakeholders, in establishing the current uses of the LCLA and LCCRDA funding. The BLM has worked closely with the County to prioritize implementation of the provisions of the Acts, and the Lincoln County Business Plan carefully lays out these funding priorities over the next 10 years. Longer-term funding also is envisioned for continued implementation of conservation projects, protection of archaeological resources, and support for future land sales to provide for the County's economic growth.

If the Congress chooses to revisit the allocations of the LCLA and LCCRDA, the BLM recommends that, to maximize consistency with ongoing efforts and existing law, the sponsor and the Committee consider language similar to that found in the White Pine County Conservation, Recreation, and Development Act of 2006 (P.L. 109-432), which amended the uses of funding under the Southern Nevada Public Land Management Act (P.L. 105-263) to allow for pinyon-juniper management, as well as other ecosystem health actions in eastern Nevada. The BLM also would like to ensure that the agency and the County continue to collaborate on funding priorities if S. 1640 is enacted.

Additionally, the BLM currently works closely with the County on projects related to these Acts and has existing authorities to utilize cooperative agreements under the Federal Land Policy and Management Act (FLPMA) similar to the provision in S. 1640 requiring cooperative agreements for law enforcement and planning. The BLM also does not support the provision which would expand the authority under the Acts to allow for payment of costs for certain environmental reviews for proposed land use authorizations and rights-of-way to include the Dry Lake Valley North Solar Energy Zone. Under FLPMA and the BLM's Regulations (43 CFR Subpart 2805), project proponents pay for costs associated with processing right-of-way applications, and this provision could set an unfavorable precedent. Finally, the BLM supports the provision (Sec. 4) of the bill, amending the withdrawn lands, but has technical corrections to ensure that the entirety of the unused land is released from the corridor withdrawal.

#### *Conclusion*

The BLM looks forward to working with the sponsor and the Subcommittee to further the various land management goals in Lincoln County. Thank you for the opportunity to testify on these important issues. I would be happy to answer any questions.

S. 1437

Thank you for inviting the Department of the Interior to testify on S. 1437, which provides for the release of the interests of the United States in lands used for the Hermiston Agricultural Research and Extension Center in Umatilla County, Oregon. While we cannot support the bill as written, the Bureau of Land Management (BLM) could support S. 1437 if amended to ensure the payment of fair market value for the conveyance of reversionary and reserved mineral interest in these parcels to the State of Oregon, consistent with previous legislative proposals. The Department of the Interior defers to the Department of Agriculture with regard to a possible contingent interest of the Agricultural Research Service.

#### *Background*

The BLM regularly leases and conveys lands to local governments and nonprofit entities for a variety of public purposes. These leases and conveyances are typically accomplished under the provisions of the Recreation and Public Purposes Act (R&PP) or through direction supplied by specific Acts of Congress. Such direction allows the BLM to help states, local communities, and nonprofit organizations obtain lands at no or low cost for important public purposes, including research facilities. Because these lands are conveyed at far below market value, they include a reversionary clause requiring that lands be used for specific public purposes or revert to the Federal government. Over the years, the BLM has addressed many administrative and legislative requests to release the Federal government's reversionary interest in such lands. In these instances, the BLM has consistently required the payment of fair market value for the interest on behalf of the American taxpayer.

In 1950, Public Law 81-825 authorized the Secretaries of Agriculture and the Interior to convey certain lands in Montana, Nebraska, Nevada, New Mexico, Oregon,

and Wyoming to the respective States for no consideration for the development of agricultural research and cooperative extension facilities. Among the lands included in the bill were public domain lands in Hermiston, Oregon. The 1950 law further provided that any such conveyances reserve the minerals in the land to the United States. In 1954, the BLM issued a patent (#166221) conveying approximately 450 acres to the State of Oregon for the cooperative agricultural experimental work of the Department of Agriculture and the State of Oregon, with a clause requiring that if the State of Oregon ceases to use the property for agricultural experimental work or attempts to “alienate” all or any part of the land, all right, title, and interest in the property shall revert to the United States. Subsequently, roughly 170 unused acres of the conveyance were returned to the BLM by Oregon State University.

#### *S. 1437*

S. 1437 would release the reversionary as well as the reserved mineral interests of the United States in approximately 290 acres of land currently held by Oregon State University for the Hermiston Agricultural Research and Extension Center. The BLM supports the goal of conveying the reversionary interest on these parcels to the State of Oregon. As with previous such proposals, we recommend amending the legislation to ensure the payment of fair market value for the reversionary and mineral interest and to ensure that the State’s acceptance of the interest is voluntary. The value of the reversionary and mineral interest would be established through an appraisal by the Department of the Interior’s Office of Valuation Services. Upon receipt of the appraisal, the State could make a decision about purchasing the reversionary and mineral interest, thus acquiring the land outright. We further recommend that all costs associated with this conveyance, including the appraisal, be the responsibility of the recipient.

We also recommend that the bill be amended so that the conveyance occurs subject to valid existing rights. In addition, the BLM would like to work with the sponsor on a few technical concerns. Finally, the BLM believes that, according to the conditions of Patent No. 166221, the Agricultural Research Service (ARS) has a contingent interest in the continued use of the property for agricultural research purposes. We defer to the Department of Agriculture regarding any contingent interest that ARS may have.

#### *Conclusion*

Thank you for the opportunity to testify. We look forward to working with the sponsor and the Committee to address the land use needs of the State of Oregon.

#### *S. 2616*

Thank you for the opportunity to present the views of the Department of Interior on S. 2616, the Idaho County Shooting Range Land Conveyance Act, which conveys a 31-acre parcel of BLM-managed public land to Idaho County, Idaho, for use as a shooting range. The Bureau of Land Management (BLM) supports the conveyance and supports S. 2616 with an amendment to add a reversionary clause if the land was to be used for non-public purposes.

#### *Background*

Idaho County is the largest county in Idaho, covering over 5.4 million acres of land in north-central Idaho. Approximately 4.4 million acres of these steep, heavily-forested lands are administered by the U.S. Forest Service; the BLM manages 91,000 acres of public land in the County, most at lower elevations. While recreational opportunities in Idaho County are abundant, the steep topography and densely-forested landscape yield few opportunities for safe recreational target shooting.

The BLM has been working in partnership with Idaho County for several years to address the County’s strong interest in the establishment of a shooting range site on a 31-acre parcel of public land near Riggins. The parcel is currently being used recreationally by local hunters and residents of Riggins. The County would also like to use the range for law enforcement purposes. There is no sanctioned shooting range in Idaho County, and the BLM understands that the County is willing to regulate and maintain the shooting range for both recreational and law enforcement use.

The BLM regularly leases and conveys lands to local governments and nonprofit entities for a variety of public purposes. These leases and conveyances are typically accomplished under the provisions of the Recreation and Public Purposes Act (R&PP) or through direction supplied by specific Acts of Congress. Such direction allows the BLM to help states, local communities, and nonprofit organizations ob-

tain lands at no or low cost for important public purposes, including shooting ranges.

In June of 2011, Idaho County submitted an R&PP application to the BLM for a public shooting range on the 31-acre parcel near Riggins. The parcel is located east of the Lower Salmon River and State Route 95, and is within a portion of the Lower Salmon River corridor that was identified by the BLM for potential inclusion in the National Wild and Scenic River System. Additionally, the parcel lies within an Area of Critical Environmental Concern (ACEC) established by the BLM due to the presence of MacFarlane's four-o'clock, which is listed as a threatened plant. Surveys have determined that the plant is not present on this parcel. Nonetheless, the parcel cannot be transferred administratively because of these restrictions.

#### *S. 2616*

S. 2616 requires the Secretary of the Interior to convey a 31-acre parcel of public land to Idaho County to be used as a shooting range, subject to valid existing rights and without consideration. The County is required to pay all survey costs and other administrative costs associated with the conveyance, and to release the United States from liability for uses on the land prior to the conveyance. The BLM notes that inventories and surveys conducted when analyzing the County's 2011 conveyance proposal have already been completed, and we believe these prior analyses should reduce conveyance costs for the County. The County is also required to accept reasonable terms and conditions that the Secretary determines necessary.

The BLM supports the conveyance, but would like to work with the sponsor on an amendment to S. 2616. As is standard with these types of conveyances, we recommend the addition of a reversionary clause to ensure that the parcel continues to be used as a shooting range or for other public purposes. If an effort were made to sell the land or use it for non-public purposes it would revert to the Federal government at the discretion of the Secretary.

#### *Conclusion*

Thank you again for the opportunity to testify in support of S. 2616, the Idaho County Shooting Range Land Conveyance Act. We appreciate the sponsor's work on this legislation, and we look forward to working with the sponsor and the Committee to meet the needs of Idaho County.

Senator MANCHIN. Thank you, Mr. Roberson.

To Mr. Smith, he's the Acting Associate Deputy Chief, Forest Service, Department of Agriculture.

Mr. Smith.

#### **STATEMENT OF ACTING ASSOCIATE DEPUTY CHIEF GREGORY C. SMITH, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE**

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Chairman, my name is Greg Smith and I thank you for the opportunity to testify, the Acting Associate Deputy Chief, U.S. Forest Service.

First, S. 1049 directs the Secretaries of Agriculture and Interior to expedite access to Federal lands for the Good Samaritan Search and Recovery missions by eligible organizations and individuals. S. 1049 would provide that an eligible organization or individual may not be required to have liability insurance if the organization or the individual agrees to release the United States from all liability.

Additionally S. 1049 would require the Secretary to approve or deny a request not more than 48 hours after the request is made. It requires the Secretary to develop search and recovery focus partnerships with search and recovery organizations and requires the Secretary to submit a report to Congress.

The Department supports S. 1049 with technical amendments.

The provision specified in S. 1049 and the objective of the act to allow expedited access to Federal lands for search and recovery missions are substantially consistent with current Forest Service

policies and guidelines. There are some restrictions for wilderness and other closures such as fire or avalanche closures.

In wilderness areas current policy will allow for access without a permit or approval if motorized equipment or mechanical transport was not utilized. If motorized equipment or mechanical transport was needed, current policy would allow for a rapid review of a request that an approval or a permit an immediate approval is prescribed for an emergency situation which involves a threat to life or property or a deceased individual.

The Department feels that the provisions requiring the development and implementation of a process to expedite access would be unnecessary in search and rescue missions on National Forest cases.

In most areas the County Sheriff has primary responsibility for search and rescue operations. The Forest Service currently has cooperative agreements with many individual County Sheriffs in our State Associations that clarify procedures to provide guidelines and guidance for rapidly obtaining any approvals or permits.

We would also suggest that an amendment that all search and recovery groups work in coordination with the county search and rescue as the lead organization.

USDA would like to work with the committee to make these technical changes to the bill.

The second bill, S. 1554 directs the heads of the 4 Federal agencies, the National Park Service, the U.S. Fish and Wildlife Service, Forest Service and the Bureau of Land Management to each prepare and make available the report identifying parcels of 640 acres in size or more with restrictions public access and then requires agencies to characterize which of those parcels have significant potential for hunting, fishing or other recreational purposes.

With those parcels the agency would be required to develop a plan on how access could be obtained through easement and fee title implementation acquisition within 180 days of the date of enactment.

The act further requires that within 1 year the heads of the Federal management agencies prepare a listing of roads and trails providing access to boundaries of parcels of 640 acres or more in size on which the public is allowed to hunt, fish or use the land for other recreational purposes or to allow modes of access.

Finally the act would amend the Land and Water Conservation Fund to require not less than 1.5 percent of such moneys are used to secure public access from willing sellers.

USDA does not object to this provision.

USDA supports the goal of continuing to improve public access on public lands for recreational uses including hunting and fishing which is available across the vast majority of the 193 million acres comprised of the National Forest system.

We further recognize the economic and community benefits associated with hunting, fishing and outdoor recreation within our budget allocations. We invest in improving and enhancing our opportunities. However, the Department does not support the reporting requirements required by S. 1554.

Mr. Chairman, the Forest Service does not have the data requested by the bill. It would be costly, time consuming to collect

and verify the information and that task could be completed within the timeframes required by the bill. The exercise would also draw considerable time, staff time, and limited resources away from critical projects.

The accuracy of the report would be short lived due to the constant changing ownerships and subdivisions of properties and lands outside of the National Forest boundary and ownership. More importantly the data set would not provide the product that would essentially help resolve the specific issue here of restricted and limited access that is well known at the local level.

However, we look forward to working with the committee to strengthen our ability to continue the public with ample opportunities to access National Forest system lands for hunting, fishing and other outdoor recreation activities and fully support the reauthorization of the Land and Water Conservation Fund.

The third bill, S. 1888 would allow the Secretary of Agriculture in a proposed land exchange involving conveyances of National Forest located within the boundaries of the Inyo National Forest in California lying outside the boundaries. The company owning the Mammoth Mountain Lodge wishes to acquire 20 acres of National Forest System lands in the main lodge currently managed as a part of a ski area special use permit so it can redevelop aging lodging facilities, increase capacity and develop employee housing.

In addition S. 1888 would allow the Secretary of Agriculture to accept cash equalization in excess of 25 percent which would be deposited into an account of the Treasury of the United States established by the Sisk Act and would be made available for the Secretary for acquisition of lands for addition to the National Forest system.

The Department supports S. 1888 if it will facilitate acquisition of highly desirable properties outside the National Forest boundaries. It would also simplify the process of changing and authorizing catch utilization in excess of 25 percent.

The fourth bill, H.R. 1684, Ranch A Consolidation and Management Improvement Act, would direct the Secretary of Agriculture to convey to the State of Wyoming approximately 10 acres of parcel of National Forest System land on the Black Hills National Forest. It would allow the Ranch A Foundation to broaden types of uses of this land to include non-education events, including weddings and reunions.

Public Law 104-276 conveyed the Babcock housing. Other improvements such as a well to the State of Wyoming, but the land where the house and improvements stands were conveyed to the Forest Service, conveyance of the property with some issues associated with the State owner improvements and the United States only the underlying lands.

The Department supports the conveyance of this property to the State. However, we cannot support the conveyance of the National Forest system land without consideration.

We recommend that the deal be amended to require consideration to be determined by an appraisal according to the uniform standards of Federal land acquisition.

In addition the Department defers to the Department of Interior on Section Four amendments which would repeal use restrictions

and reversionary clauses on properties that were conveyed to the State of Wyoming under the Public Law 104–276.

The fifth bill, H.R. 338 would require the Secretary to exchange approximately 5 acres with the Los Padres National Forest located in Santa Barbara County, California to the White Lotus Foundation if the Foundation conveys an acceptable parcel of non-Federal land. The bill specifies an exchange be completed in 2 years. The Secretary would collect, complete and sell 5 acres parcel to the Foundation for fair market value.

The Department appreciates the change made to the bill during the House consideration. That change would require the Foundation to be responsible for reasonable costs associated with the exchange or sale. However we do not support the reasonable associated change because it will be a limited benefit for the public.

The conveyance would legitimize the Foundation's long standing encroachments on lands in the Los Padres National Forest. The Department believes that addressing this encroachment issues legislatively would set an unwelcome precedent for undercutting the Forest Service's ability to address other encroachments on National Forest Systems lands.

If Congress determines that the Department should convey the lands to—that have been encroached upon, we recommend that H.R. 3008 be modified to eliminate the requirement to complete a land exchange and instead direct a sale. The public would be better served by a direct sale with the proceeds retained by the Forest Service to be used to supplement existing land acquisition funding or to acquire larger parcel or to hold it for a suitable time when a parcel is identified.

Mr. Chairman, this concludes my statement. I'd be happy to answer any questions.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF ACTING ASSOCIATE DEPUTY CHIEF GREGORY C. SMITH, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, ON S. 1554

Thank you for the opportunity to present the views of the United States Department of Agriculture (USDA) regarding S. 1554, the, "Hunt Unrestricted on National Treasures Act". I am Gregory C. Smith, Acting Associate Deputy Chief, National Forest System, USDA Forest Service.

S. 1554 directs the heads of four Federal land management agencies (National Park Service, United States Fish and Wildlife Service, Forest Service and Bureau of Land Management) to each prepare and make available to the public a report identifying parcels of 640 acres or more in size with no, or restricted, public access. The Act would further require the agency heads to characterize which of those parcels have significant potential for hunting, fishing or other recreational purposes. For those parcels with significant hunting, fishing or recreational opportunities the agency would be required to develop a plan on how minimally disruptive access could be obtained through easement and fee title acquisitions. The Act would require these reports and plans to be available within 180 days after enactment and annually thereafter.

The Act further requires that within one year the heads of the Federal land management agencies prepare a listing of the roads and trails that provide public access to the boundaries of parcels 640 acres or more in size on which the public is allowed to hunt and fish or use the land for other recreational purposes and the allowable modes of access. The listing would be thereafter revised as the head of the Federal public land management agency determines appropriate.

USDA strongly supports the goals of continuing to improve public access to all public lands for recreational uses, including hunting and fishing. We further recognize the economic and community benefits associated with hunting, fishing and out-

door recreation. However, the Department does not support the extensive and unnecessary reporting required by S. 1554. I defer to the witnesses from the Department of the Interior agencies to provide their perspectives on S. 1554.

The Forest Service enthusiastically supports hunting and fishing and many additional recreational opportunities that are available to the public across the vast majority of 193 million acres that comprise the National Forest System (NFS). Within our budget allocation, we invest in improving facilities that enhance these opportunities including trails, roads and campgrounds.

Mr. Chairman, the Forest Service does not have the data requested by the bill. It would be costly and time consuming to collect and verify the information and that task could not be completed within the timeframes required by the bill. The exercise would also draw considerable staff time and limited resources away from projects critical to the restoration of the health and vitality of NFS lands, including many projects that enhance hunting, fishing and recreational access. The accuracy of the report would be short-lived because of the constant changing of ownerships and subdivision of properties on lands outside Federal ownership. More importantly, this data set would not provide a product that will help to resolve the specific issue of restricted or limited access as problem access points are generally known at the field level.

All national forests are generally open to the public for recreational uses, including hunting and fishing. In some instances, such as high fire danger, temporary closures may be implemented to address immediate resource or human health and safety concerns. Occasionally, longer term closures on Federal land are necessary such as damage due to flooding or wildfire.

NFS land access issues are complex and multi-faceted and most cannot be resolved through simple easement or fee title acquisition. The issue is compounded by some private land owners adjacent to NFS lands not wanting to give the public access to their private lands. It is common in eastern states for access to isolated NFS land parcels to be granted to the Forest Service for administrative purposes but not for the general public. This is not always the case across the west.

The Forest Service's travel management policy requires each national forest and grassland to identify and designate roads, trails and areas that are open to motor vehicle use and complete motor vehicle use maps (MVUMs). As of the end of FY 2013, approximately 82 percent of NFS administrative units had completed route and area designations for motor vehicle use. The agency will continue to involve the public and local governments in local decisions and work collaboratively to ensure all public input is considered in the travel management planning process.

Finally, the Act would amend the Land and Water Conservation Act of 1965 (LWCF) to require not less than 1.5 percent of such monies are used to secure public access from willing sellers. USDA supports the goals of providing acquisition of easements, rights-of-way, and fee title acquisitions for the purpose of enhancing access to public lands. However, we feel the permanent set-aside may be premature and access issues can be addressed administratively through the annual LWCF prioritization process. The President's 2015 Budget also proposes \$900 million in combined discretionary (\$350 million) and mandatory (\$550 million) funds for FY 2015, and permanent authorization of \$900 million in annual mandatory funding beginning in 2016.

Forest Service LWCF projects either directly provide recreational access or create new NFS land which is often open for hunting, fishing, and other outdoor pursuits. The President's Fiscal Year 2015 Budget request for the agency proposed using \$4 million from the Land and Water Conservation Fund (\$2 million in discretionary funds and \$2 million in mandatory funding) to acquire strategically-located parcels that secure or improve access, both motorized and non-motorized, to NFS lands where access is currently unavailable or inadequate. Those funds will also be used to acquire parcels which provide direct use of important recreation resources, such as hunting and fishing opportunities, climbing routes and motorized uses. The agency's goal with recreational access is to invest LWCF funds to better meet recreation and other management needs. While we do not support the extensive data collection and reporting requirements of S. 1554, we look forward to working with the committee to strengthen our ability to continue to provide the public with ample opportunities and access to NFS lands for hunting, fishing and other outdoor recreation and to fully support reauthorization and full funding of the Land and Water Conservation Fund.

Mr. Chairman, this concludes my testimony. I am prepared to answer any questions from members of the Committee.

S. 1049 AND H.R. 2166 (S. 1049)

Mr. Chairman and members of the Sub-Committee, thank you for the opportunity to testify before you today on S. 1049, a bill that directs the Secretaries of the Interior and Agriculture to expedite access to Federal lands for Good Samaritan search-and-recovery missions.

S. 1049 would direct the Secretary of Agriculture to develop and implement a process to expedite access to National Forest System (NFS) lands for Good Samaritan search-and-recovery missions for eligible organizations and individuals. S. 1049 would provide that an eligible organization or individual may not be required to have liability insurance if the organization or individual agrees to release the United States from all liability. The bill also would require that the process include provisions clarifying that an eligible organization or individual would not be considered to be a Federal volunteer when carrying out a Good Samaritan search-and-rescue mission, and that the Federal Torts Claims Act and the Federal Employee Compensation Act would not apply to a Good Samaritan search-and-rescue mission.

Additionally, S. 1049 would require the Secretary to provide notification of the approval or denial of a request to carry out a mission not more than 48 hours after the request is made, and, if the request is denied, to provide the reason for the denial and any actions the organization or individual can take to meet the requirements for approval. S. 1049 also requires the Secretary to develop search and recovery focused partnerships with search and recovery organizations to help coordinate, expedite, and accelerate mission efforts and requires the Secretary to submit a report to Congress no later than 180 days after the date of enactment. The plans would describe efforts to develop the partnerships and actions being taken to expedite and accelerate Good Samaritan search-and-recovery mission efforts for missing individuals on Federal lands.

The Department supports S. 1049 with technical amendments. The provisions specified in S. 1049 and the objective of the Act, to allow expedited access to Federal lands for search and recovery missions, are substantially consistent with current Forest Service policies and guidelines governing these types of activities and access. Notable exceptions would include some restrictions to areas designated as Wilderness and access to special area closures such as fire or avalanche closures. In Wilderness areas, current policy would allow for access without a permit or approval if motorized equipment or mechanical transport was not utilized. If motorized equipment or mechanical transport was needed, current policy and decision matrixes would allow for a rapid review of a request for approval or permit; an immediate approval is prescribed for an emergency situation involving imminent threat to life and property, or a deceased individual. In special area closures, current policy would also allow for a rapid review of a request for access.

The Department feels that the provisions requiring the development and implementation of a process to expedite access would be unnecessary in most search and recovery cases on NFS lands.

In most areas, the County Sheriff has the primary responsibility for search and rescue operations on National Forest System lands. The Forest Service currently has cooperative agreements with many individual County Sheriffs and or statewide associations that clarify procedures and provide guidance on rapidly obtaining any approvals or permits. It is also common practice among the eligible organizations or individuals to work closely with County search and rescue organizations. Any approvals or permits necessary for the eligible organizations or individuals to conduct a search and recovery mission would be expedited by using our current cooperative agreements or processes. We would also suggest that any search and recovery missions conducted by eligible organizations or individuals are carried out in partnership and in coordination with the County search and rescue as the lead organization.

USDA would like to work with the Committee on technical amendments to this bill.

Mr. Chairman, regardless of the ultimate outcome of the congressional consideration of S. 1049, the Forest Service is committed to working with all organizations and the dedicated men and women who volunteer their time and expertise to assist in the search and recovery of those missing.

S. 1888 AND H.R. 1241

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to provide the U.S. Department of Agriculture's (USDA) views regarding S. 1888.

S. 1888 would allow the Secretary of Agriculture, in a proposed land exchange involving the conveyance of certain National Forest System land located within the

boundaries of the Inyo National Forest, to accept for acquisition certain non-Federal lands in California lying outside the boundaries of the Inyo National Forest, if the Secretary determines that the acquisition of the non-Federal lands is desirable for National Forest System purposes. In addition, S. 1888 would allow the Secretary of Agriculture to accept a cash equalization payment in excess of 25 percent, which would be deposited into the account in the Treasury of the United States, established by the Sisk Act, and would be made available to the Secretary for acquisition of land for addition to the National Forest System.

The Department supports S. 1888 as it will facilitate acquisition of highly-desirable parcels currently located outside the National Forest boundary. It will also simplify the land exchange process by authorizing a cash equalization payment in excess of 25 percent. All requirements otherwise applicable to the land exchange would continue to apply.

Mammoth Mountain Lodge Redevelopment LLC, commonly known as Mammoth Mountain Ski Area (MMSA), wishes to acquire 20 acres of National Forest System land in the Main Lodge area, currently managed as part of a Ski Area Term Special Use Permit, so it can redevelop aging lodging facilities, increase capacity, and develop employee housing and whole and fractional ownership condominiums. These latter plans are inconsistent with its Ski Area Term Special Use Permit.

MMSA has selected 12 non-Federal parcels suitable for acquisition in the Inyo, Stanislaus, Plumas, and Eldorado National Forests for the proposed exchange. These parcels were selected based on priorities identified in the respective Forest's Land Acquisition Plans, and include two Los Angeles Department of Water and Power (LADWP) parcels that are leased by the Forest Service as administrative sites. The southern parcel houses the Interagency Visitor Center near Lone Pine, California. The northern parcel is adjacent to the White Mountain Ranger Station in Bishop California, and serves as a storage area for construction materials, recreation supplies and larger maintenance trucks. Legislation is needed to acquire the LADWP parcels because they are located outside the declared boundary of the Inyo National Forest.

In addition, because the values of the agreed upon Federal and non-Federal lands are not likely to be within the 25 percent range limit as provided in the Federal Land Policy and Management Act (FLPMA), legislation is needed to authorize the Forest Service to accept cash equalization in excess of the limit. The Department recommends the legislation be modified to clarify that funds deposited in the Sisk Act account shall be made available to the Secretary without further appropriation to acquire land in the State of California as additions to the National Forest System.

H.R. 1684

Thank you for the opportunity to present the views of the U.S. department of Agriculture (USDA) regarding H.R. 1684, the "Ranch A Consolidation and Management Improvement Act".

The bill would direct the Secretary of Agriculture to convey to the State of Wyoming an approximately 10-acre parcel of National Forest System land located on the Black Hills National Forest. The bill also would remove a reversionary interest on land previously conveyed to the State under Public Law 104-276.

Public Law 104-276 directed the Secretary of the Interior to convey approximately 600 acres of the Ranch A property, containing a fish and wildlife facility, to the State of Wyoming for the limited purposes of "fish and wildlife management and educational activities." Public Law 104-276 also provided that the property would revert to the United States if it was used for other purposes.

H.R. 1684 would remove this reversionary interest to accommodate the desire of the State and the Ranch A Foundation to broaden the purposes of the State's use of this land to include non-educational events, including weddings and reunions. The Ranch A Foundation was created to protect the Ranch A property while maintaining the ranch as an educational facility. The increased revenue generated from these additional purposes would result in better custodial care and restoration of Ranch A.

Under Public Law 104-276, the United States retained 80 acres of the Ranch A property, and the administrative jurisdiction over that land was transferred to the Secretary of Agriculture. H.R. 1684 would require the Secretary to convey approximately 10 of the 80 acres to the State without consideration. If the Secretary deems it necessary, the exact acreage and legal description of the parcel of land to be conveyed would be determined by a survey that is approved by the Secretary and paid for by the State.

Public Law 104-276 conveyed the Babcock House and other improvements such as a well to the State of Wyoming. But, the land where the house and improvements stand on were conveyed to the Forest Service. Public Law 104-276 also granted a right-of-way to the State of Wyoming for access to use the Babcock House and the other improvements on the land conveyed to the Forest Service.

The right-of-way has presented a number of management challenges to the Forest Service, the Ranch A Trust and the State of Wyoming. Conveyance of the property would solve issues associated with the State owning the improvements and the Forest Service owning the property the improvements reside upon.

The Department supports the conveyance of this parcel to the State; however, we cannot support conveyance of National Forest System lands without consideration. We recommend that the Bill be amended to require consideration to be determined by an appraisal completed according to the Uniform Appraisal Standards for Federal Land acquisitions.

In addition, the Department of Agriculture defers to the Department of the Interior on Section 4. Amendments, which would repeal the use restrictions and the reversionary clause on properties that were conveyed to the State of Wyoming by Public Law 104-276.

Mr. Chairman, this concludes my testimony. I look forward to working with the Committee on this bill. I am prepared to answer any questions from members of the Committee.

H.R. 3008

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to appear before you today to provide the views of the U.S. Department of Agriculture (USDA) regarding H.R. 3008.

This legislation would require the Secretary to exchange approximately five acres of land within the Los Padres National Forest located in Santa Barbara County, California to the White Lotus Foundation if the Foundation offers to convey an acceptable parcel of non-Federal parcel. The bill specifies that if a land exchange is not completed in two years, the Secretary would be compelled to sell the five acre parcel to the Foundation for fair market value.

The Department appreciates the change made to the bill during House consideration. That change would require the Foundation to be responsible for the reasonable costs associated with the exchange or sale; however, we do not support H.R. 3008 because there would be limited benefit to the public from this conveyance. This legislation would serve only the White Lotus Foundation. In addition, the conveyance would legitimize the Foundation's long-standing encroachments on lands in the Los Padres National Forest, which continue today, by allowing the Foundation to acquire these public lands through legislation for the Foundation's private use and enjoyment.

The Department believes that addressing this encroachment issue legislatively would set an unwelcome precedent and undercut the Forest Service's ability to address other encroachments of National Forest System lands. Specifically, there are other landowners in the area with encroachments on federal lands in the Los Padres National Forest who are following H.R. 3008 with interest and who may seek to use the bill as a model for resolving their encroachment cases.

If Congress determines that the Department should be directed to convey the lands that have been encroached upon, we recommend that H.R. 3008 be modified to eliminate the initial requirement to complete a land exchange and instead direct a sale. The public would be better served by a direct sale, with the proceeds retained by the Forest Service to be used to supplement existing land acquisition funding to acquire a larger parcel or be held until a suitable parcel is identified.

The language contained in section 2(e)(2) prescribing that the Secretary may make a finding that the public is well served by an exchange or sale only creates ambiguity over the non-discretionary nature of this bill. As we have discussed in this testimony, the Department does not believe the public is well served by conveying this land. A finding that an exchange would be in the public interest is highly unlikely; it would be dependent on the Secretary determining that the natural resource values to be acquired in the exchange were so extraordinary that they outweigh the merits of conveying NFS lands to the Foundation.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement.

Senator MANCHIN. Thank you very much, Mr. Smith.

At this time I'll turn to our Senator from Nevada, Senator Heller for his opening statement.

**STATEMENT OF HON. DEAN HELLER, U.S. SENATOR  
FROM NEVADA**

Senator HELLER. Mr. Chairman, thank you and also the ranking member for holding this hearing today. I think these—there's a couple of bills here and if there is no objection I'd like to say a few words for just a couple of minutes.

The first of the 2 bills that I've introduced is the Good Samaritan Search and Recovery Act which would solve a long standing public safety issue in our national parks, forests and public lands. My friend and colleague in the House, Congressman Joe Heck and I, introduced this legislation in response to the tragic stories of Mr. Keith Goldberg and Air Force Staff Sergeant Antonio Tucker. Both of these individuals were missing for over a year before volunteer, Good Samaritan rescue teams received government authorization to begin searching.

This bipartisan, common sense legislation would allow for expedited access to public lands for Good Samaritan search and recovery organizations so that they may conduct searches for missing persons.

I'd personally like to thank Keith Goldberg's sister, Jody and her husband, Paul Thompson, for being here today. Also, Keith's brother, Jeff Goldberg, has also joined us and thank them for their support and tireless work and advocacy on behalf of this piece of legislation. This family's courage and resilience is truly inspiring. I'm grateful for the sacrifices they've made to advance this piece of legislation.

Their brother, Keith, disappeared on January 31, 2012. He was believed to be a victim of murder, but the police, operating on thin resources, were unable to continue the search for his body in the Las Vegas desert. His family went without closure for far too long.

But when new evidence pointed toward the Lake Mead Recreation area, Mr. Goldberg's sister, Jodi, reached out to a private search and rescue team to look for her brother. All that prevented the rescue team from—all that prevented the rescue team from discovering Mr. Goldberg's body was the bureaucratic red tape of the National Park Service which refused to allow them to search the area without a permit and a \$1 million insurance policy.

After the family spent 6 months finding an insurer and raising the money to buy the policy the search team found Keith Goldberg's body in 2 hours.

Staff Sergeant Antonio Tucker's family suffered a similar frustrating ordeal. Staff Sergeant Tucker was stationed at Creech Air Force Base when he went missing June 23, 2012. He was believed drown.

A Good Samaritan team offered to look for Staff Sergeant Tucker but was blocked by the Park Service which required insurance and a special search permit. These hurdles were finally overcome about a year later. The team, possessing superior equipment to government divers, found the body within 2 days.

No family should have to go through what the Goldberg and Tucker families have had to endure by waiting a year to recover a loved one. Our legislation will prevent such needless red tape from interfering in a search and recovery of lost persons. It will

provide qualified and trained search and rescue groups with expedited access to Park Service land, if they sign a liability waiver.

It requires the Secretary of the Interior and the Secretary of Agriculture to implement a process to expedite access to Federal lands for Good Samaritan search and recovery operations. It will give the Secretary the authority to develop long term partnerships with search and recovery organizations to help facilitate and expedite Good Samaritan missions for missing persons.

The Good Samaritan Search and Recovery Act has the ability to conserve government resources, to provide families closure and even to save lives.

The House version of this bill passed the House of Representatives unanimously last year.

I would also like to thank Senators Warner, Tester, Hatch and Chambliss for co-sponsoring my bill. I'm confident it can garner similar overwhelming support in the Senate if given the opportunity.

Second bill, Mr. Chairman, before this committee is the Piñon-Juniper Related Projects Implementation Act and also is a bipartisan bill requested by the local government officials from Lincoln County, Nevada.

The bill will amend existing law to provide local officials more flexibility to carry out conservation and land use goals such as infrastructure development, wildlife conservation and wildlife prevention because nearly 85 percent of the land in Nevada is administered by the Federal Government. It presents our local and State governments with many unique challenges. In order to accommodate the needs of Lincoln County, Congress passed the Lincoln County Land Act in 2000 and the Lincoln County Conservation Recreation Development Act in 2004. It has become apparent that the current authorities of those existing laws do not serve to effectively facilitate the successful implementation of these important environmental protections and land use initiatives.

To address these limitations I introduced this bill to make minor improvements to those laws by improving the Bureau of Land Management's administration of watersheds and wildlife habitat and to enhance economic development in Lincoln County. Nevada Congressman, Mark Amodei and Steve Horsford introduced nearly identical, bipartisan legislation in the House as well.

Given that this bill will spur economic growth, create much needed jobs in a county faced with an unemployment rate of greater than 10 percent, I look forward to working with the members of this committee to move this important legislation.

Once again, I'd like to express my appreciation to this committee for holding this hearing and if I may quickly conclude, I'd like to submit for the record a letter of support by Chairman Ed Higby on behalf of Lincoln County Board of Commissioners.

Senator MANCHIN. Thank you, Senator.

I'll start the questioning just to get things started and then we'll switch back to Senator Barrasso and Senator Heinrich and then Senator Heller, if he's still hopefully, with us.

Let me just say this, I think that you've heard the concerns of the Senate, the Senators here. They're basically reaching out from their constituent base. I think in a nutshell what happens with the

people, not just in just West Virginia, I mean, in our State we don't deal that much with the BLM, but the Western States do more so that we do.

With that though, we have a lot of people that try to access and want access and want to enhance the access and want to be able to work with the government and work with the agencies in a partnership. I think the frustration you might hear from all of us is that sometimes we don't see that willing partnership coming from the agencies. They're pretty rigid and set.

So, I think, in general what I would ask both of you all, how much flexibility do you have to address the concerns you've heard from the Senators that have been here, to submit bills, that are asking for your consideration on these? I think by us introducing a bill it shows the desperation that we have to try to get some answers and try to answer our constituent's needs. A lot of this can be done administratively, you know, you can just change the whole attitude and atmosphere, if you will.

The things they've asked for to search and quick ability, you know, for someone wants to do that they just sign a waiver. It's pretty simple. You're able to do what needs to be done or in the case of the HUNT, you know, we've always tried to enhance the habitat, but also make it accessible. These are just common sense procedures that we're asking for.

I think what I'm asking, in general, to both of you, does it take legislation? Do we have to move on legislation in order to get the agencies or do we have you so tied down because of the way the code is written and your duties are written that you need the relief from us, you need us to do this?

So with Mr. Roberson, if you can, in a nutshell, you've looked at all these bills. You've showed your concern that you might have and some adjustments. Do you think you have the flexibility to do a lot of that without the bills that we're introducing?

Mr. ROBERSON. Thank you, Mr. Chairman.

It's a difficult question.

Senator MANCHIN. I'm sure.

Mr. ROBERSON. I think we all seek common sense solutions.

Senator MANCHIN. Sure.

Mr. ROBERSON. To the common problems. Many of the provisions of the bills are things that we can do, administratively, that we do administratively.

One issue that we have is with resources. I mean, we have to set priorities because there are multiple priorities established through appropriations and authorizations. So we, that said, you're focusing on certain aspects of the need of your constituencies does help us focus, reset, our priorities. Or assure that we are on the same page with regard to priorities.

Senator MANCHIN. I'm saying—

Mr. ROBERSON. Many of the bills we support, I think, I said we support all the bills. What we've done to meet some of them is to work in partnership with others.

Senator MANCHIN. We made the concerns known.

Mr. ROBERSON. Right.

Senator MANCHIN. I think Senator Heinrich's been very clear in where he's coming from, what he's trying to do and it really affects

all of us because I think all of us have constituents that want access and want to be able to have access to the lands their taxes are paying for and maintaining.

I think that Senator Barrasso and his approach to where he's having some concerns. Senator Heller you just heard from.

How much of this can you accomplish without legislation. We've already introduced changes. Can you move or do you have to wait until we pass legislation to give you the ability to do it or do you need that type of point of direction of what needs to be done?

Mr. Smith, maybe you can speak to that.

Mr. SMITH. Thank you, Mr. Chairman.

I think we have a lot of flexibility to do things administratively, particularly on Senator Heinrich's bill. Most of our land management plans specifically focus on access. We work with conservation groups all over, you know, to try to make access available. We have special provisions in the Land and Water Conservation Act where a lot of that is targeted for recreational access and other kinds of access, hunting and fishing.

So we think we have great flexibility in terms of doing some of it administratively. There are certain things statutorily that we might, probably, can't do, but I think we do have a great deal of flexibility. That's something, a goal, an objective, of the Forest Service for sure, is trying to provide more recreational access for hunting and fishing.

Senator MANCHIN. Let me just throw this at you and I'll finish up quickly and turn it over.

If this committee, this is a subcommittee that reports to the full Energy Committee. If this subcommittee reported in favor of a bill and do everything that's just been introduced today that we would have the sense of the Energy Committee sent to your respected agencies of what we wanted to have accomplish without passing a piece of legislation, could you react to that?

Does that give you a direction of what we're asking for before we'd have to go down the path of changing the law? Because things are a little bit challenging here right now with pieces of legislation where they get tagged on to, even do they even get voted on, do they even get passed. We can get there. It might take a while.

But if the agencies are willing to work with us and we're willing to give you a sense of where we're coming from such as the HUNT Act and we give you a letter directing your agency the sense of the Energy Senate Energy Committee requesting you all to take the actions that you can that we think is flexible within your agency.

Would that be enough to move you all in showing what our sense or do—then we can come back, if not, and we can say, you know, we've asked you to cooperate. For some reason you have some bureaucrats that are prohibiting that from happening. So we're going to have to pass this legislation now. We're going to have to go for the jugular, OK?

We don't want to do that.

I think what we've done is brought it to a level that the quicker we can get this done, the better. So does that give you any pathway? Could you accept it? Does that give you clarity?

Mr. SMITH. I think, certainly, the USDA Forest Service would certainly be willing to work with you guys on that. I think we'd be committed to do that.

Senator MANCHIN. So basically a letter about the sense of the Senate Energy Committee would help, you think, in moving and giving you the direction you need with the flexibility you already have?

Because we can look at that too and work with your counsel, if you will to see if that's something that would really help and see if we can promote good government a little quicker than what it's giving you right now

Mr. SMITH. Yes, I don't think we would object to that.

Senator MANCHIN. OK.

Yourselves?

Mr. ROBERSON. I think we would urge that. We always do better when we actually sit down.

Senator MANCHIN. Yes.

Mr. ROBERSON. Talk about the common problem and how we can solve it. A letter from—

Senator MANCHIN. If we come to an impasse.

Mr. ROBERSON. Go ahead, Senator.

Senator MANCHIN. I don't think we've come to an impasse on this. We know we have some—you have some adjustments you want to make and all that. You probably can do it anyway.

Even if we pass legislation on the rules and regulations you're going to have interpretations anyway.

So why not work from the get go? I mean, we can get a lot of this stuff accomplished, I think, that the Senators are asking you. I think we can get a sense of the entire Energy committee here if that's what we all support and go for it.

Mr. ROBERSON. Yes, sir.

Senator MANCHIN. With that being said, I'm going to turn it over to our ranking member here, Senator Barrasso.

Senator BARRASSO. Thank you, Mr. Chairman.

I agree exactly with what you said. Your comments are right on the mark. I think a bipartisan agreement on the committee that what you're talking about just makes sense. That's, you know, if you played your comments in Wyoming or West Virginia or wherever they're going to be accepted as you think that's the way effective, efficient government ought to work.

So I appreciate your comments and hope you've taken those to heart.

Mr. Smith, I wanted to ask you about the Ranch A Foundation.

For many years, as you know, the State and the Foundation have managed the property for the limited purpose of managing fish and wildlife in educational activities. The limited purposes were outlined in the original public purposes conveyance. The State and the Foundation want to continue these purposes and properly maintain and manage this historic property.

Maintenance and management require revenue and the expressed purpose in the original act is not raising the kind of revenue needed. So I'm glad to see in your testimony the Forest Service recognizes that increased revenue generated from additional

purposes would result in better custodial care and restoration of the ranch.

Your testimony also states that the right of way has presented a number of management challenges to the Forest Service, the Ranch A Foundation and the State of Wyoming. That the conveyance of the property would solve issues that are associated with the State owning the improvements on the land and then the Forest Service itself, owning the property that the improvements reside upon.

You do, however, mention that you support the conveyance—I'm sorry, do not support the conveyance without a consideration. I think that to come up with the value of the parcel to be conveyed about \$25,000 or less than \$25,000.

I was wondering if that \$25,000 figure takes into account that under Federal law the State has an easement for the use of the land. If the Forest Service acknowledges the Ranch A Foundation and the State have already invested over a million dollars in the overall property.

I'm just kind of wondering how that figures in because I know the Forest Service does spend money managing the property in the current ownership agreement and if there were things we could do differently.

Mr. SMITH. Yes, I don't have any specific figures for that. But certainly the general policy of the Forest Service is generally we just, without legislation, we can't convey without consideration. So that's just the general principle that we have.

We can certainly look at the economics there. But we do think there are some costs associated with that. We're certainly willing to look into that and see can we make that—can we work out something with the committee on that.

Senator BARRASSO. That would be terrific because it does—I think it would be safe to say that if the agency no longer has the management challenges that were involved with it that would actually save the Forest Service time and resources if you didn't have to deal with it.

I wanted to ask you about the HUNT Act as well. In your testimony you made clear your support of the goals of the HUNT Act, but not as you call them, the extensive and unnecessary reporting requirements required by the bill.

Is it the position of the Forest Service that you can meet the goals of increasing access to public land without collecting the data and meeting the reporting requirements in the bill and if so, how?

Mr. SMITH. I think, as I said earlier, we have it in our land management plans to provide extensive access. We have special provisions in the Land and Water Conservation Act when we do our acquisition funding that we specifically focus on priority to recreation access for that. So we just think that we can do that administratively.

But particularly concerned was the timelines in the bill, the 180 days and that. We don't think that we could make that based on capacity and staff that would be pretty hard to turn around and gather that information. Some of that is not in our current data base. So you're talking about creating another data base to try to funnel that information out.

Senator BARRASSO. Mr. Roberson, the bill would also dedicate, I think, 1.5 percent of the Land and Water Conservation Fund monies to be used for securing public access. The Interior Department claims that it can address these access issues through the current Land and Water Conservation Fund prioritization process. This raises an interesting question.

What level of priority does the type of small right of way or access acquisitions, what kind of prioritization does that get in this sort of bill?

Mr. ROBERSON. Access is a major priority for us. I can tell you that in the 2015 Land and Water Conservation projects that we are considering for funding in 2015 every single one of the projects that we are proposing to move forward with has an access component or is primarily for access.

So we—access is one of the main criteria that we use as we're considering LWCF projects.

Senator BARRASSO. I guess then my final question I would ask both of you for your—if your agencies would provide this subcommittee with perhaps a breakdown of LWCF funds going to these kinds of right of ways or acquisitions by land management agencies and the project name with a dollar amount for say, the last 5 years just so we can get a handle on that thing.

Mr. SMITH. Certainly we will.

Senator BARRASSO. Thank you, Mr. Chairman.

Senator HEINRICH [presiding]. I think I'm going to let Senator Heller go next and then I'll wrap up with some questions for Mr. Smith.

I wanted to just take a moment and express my willingness to work with the Senator from Nevada on his search and rescue legislation.

Senator HELLER. With that I thank the chairman and those on this subcommittee for their support of this search and rescue bill also.

Mr. Roberson, I have more broader questions on this search and rescue question related to recent events in my State. We had a fire earlier this month that burned in the Desatoya Mountain Wilderness Study Area, east of Fallon in Churchill County.

Fires in wilderness areas, obviously, are not uncommon and they can be quite heavy at times especially this time, during a drought. Could you, for me, clarify the department's authority to allow local law enforcement agencies to conduct search and rescue missions within wilderness areas and wilderness study areas?

Mr. ROBERSON. Let me ask, Deputy Chief, Dean Ross, from the Park Service to come forward. Let's see if he can help me with this.

Senator HELLER. Thank you.

Mr. ROBERSON. He's in charge of emergency service for the Park Service.

Senator HELLER. The reason I raise—

Mr. ROBERSON. It's outside my area of expertise.

Senator HELLER. OK.

The reason I raise the question is there does seem to be some confusions. So if you could clarify?

Mr. ROSS. Certainly, thank you, Senator, for the question.

In the—now on National Park Service lands and in wilderness areas we often have to conduct search and rescue operations internally. There are some limitations to the mechanized capabilities that we can put forth into that particular operation. There are some administrative releases to those requirements related to the use of equipment or mechanized components in the wilderness areas.

But those are the—basically were the requirements that—our constraints.

Senator HELLER. do you endorse the Good Samaritan Search and Rescue and Recovery Act?

Mr. ROSS. Yes, sir.

We actually, administratively, we have that capacity currently within the National Park Service to, under the Superintendent's authority to waive the liability requirement. The National Park Service conducts approximately 5,000 search and rescues a year. We have partners all across America in all 50 States that we work with on a routine basis to conduct search and rescue with local government, private organizations and State government as well.

Senator HELLER. Thank you for your comments.

Now back to you, Mr. Roberson.

In your testimony you state that the Elias District Resource Management plan identifies over 700,000 acres of land within its jurisdiction that requires restoration work that would reduce fire risks, perhaps improve sage grouse habitat and other priorities that your agency has.

What's the pace, current pace, of your agency in treating these lands?

Mr. ROBERSON. Senator, we're—we are working with every resource that we have, whether it's fuel money through the fire program or emergency stabilization money through the fire program, we have a healthy lands initiative where we focus dollars on areas where we can work, not only to address fuel situations, but then also as an PGA component of your bill, also try to improve habitat for sage grouse.

So we are—we always can use more resources. We are in the process of completing land use plans, as I'm sure you are aware, in Nevada for sage grouse habitat, management and improvement. We will be working as we are able to implement those plans we will be moving forward with several projects to address both the fire component, fuels component and the restoration component.

Senator HELLER. Are you limited by the availability of resources?

Mr. ROBERSON. We do have to set priorities, sir. Yes, sir.

There are, I think, we have, each year we move through a set of priority projects and get, you know, we are focusing using resilience and resistance models for landscapes in the sage grouse habitat to identify areas where we can get in and do the best job of preventing fire and of restoring habitat.

Senator HELLER. I hear frequently from those on the ground that the agency struggles with resources to implement some of these projects. Yet you mentioned that the Lincoln County Lands Act has over \$31,000,000 available in it.

Why do you have a resource issue?

Mr. ROBERSON. The Lincoln County Lands Act and the Lincoln County Conservation Recreation Development Act have limitations on where the funds can be spent. We have developed a 10-year plan in 2012 that addresses all of the opportunities to improve both conservation, restoration development, recreation in the counties and in Lincoln County. We are following that plan.

Senator HELLER. OK.

If I can, just for a minute, Mr. Chairman, I want to express frustration that I have with the testimony.

You state that and I quote that the BLM, "Encourages Congress to consider whether the Lincoln County accounts are the appropriate mechanism to support these projects." Yet the agency frequently complains about a lack of resources.

Yet, when the local government takes matters in their own hands and develops new authorities to do the work, like our county bills, the BLM expresses concerns about them.

If the agency would do their job managing our lands we wouldn't have to pursue these types of proposals. Rather than make an excuses and broad statements about precedent and process I think we feel, that we all feel, that the agency should just work with communities to implement these badly needed projects. I think that would better serve the land and frankly, better serve our constituents.

With that, Mr. Chairman, I yield back.

Senator HEINRICH. Thank you, Senator Heller.

I want to take a couple of minutes and return to the HUNT Act. First let me start, I've got a couple of questions for Mr. Smith. But I want to start by saying I'm more than happy to work with the Forest Service on the issues of timelines and reporting requirements.

But I think we haven't completely got at the underlying issues that are driving this. While there's an enormous amount of administrative latitude on these issues, I think, if they were adequately prioritized you wouldn't see the kind of incredibly broad support, you know, when you look at that letter from the American Wildlife Conservation Partnership. I mean, you have organizations there that run across the entire West, the Mule Deer Foundation, Dallas Safari Club, every game association you can imagine because I can tell you when I'm talking to sportsmen in my home State this is the issue that comes up time and time again.

They've seen access routes that used to be able to utilized, closed off over time. I've experienced this myself. I've drawn—I've driven up in the middle of deer season to a road, a maintained road, graded road. We're not talking about something that a travel management plan or closed or that someone—it was a user created road, literally something that used to be county maintained that all of a sudden had a locked gate across it. Without tracking that information it becomes very hard to know exactly what we have access to that's in the public domain and what we don't.

Mr. Smith, I wanted to ask you how many acres of National Forest System lands are currently legally inaccessible? By legally inaccessible I mean no ability to either walk, hike or drive to? You shouldn't have to use a helicopter to access public lands.

Mr. SMITH. That I'll have to get back to you, Mr. Chairman. I'm not sure. I know a great deal of it is open, but you're right a lot of it is inaccessible. But we'll certainly get back to you on that.

Senator HEINRICH. I appreciate that.

This is one of the challenges we've had is we have not been able to get a real handle on the magnitude of that problem through the agency. I think we need to track the data better in order to know where to place priority and where to put effort.

Do you know if that number or the amount of land, basically, that is inaccessible has increased or decreased over the last decade?

Mr. SMITH. We certainly will follow up on that also.

Senator HEINRICH. OK.

Senator HEINRICH. I know there have been a lot of LWCF projects that have been focused on access. But I think this gets to the heart of the issue because I think not only do you have that information, I think it's very hard to get that information accurately.

I think one of the things we need to be doing is working with individual National Forests and the Bureau of Land Management in these various districts to make sure that while we're doing some good things on the access front, that we're not just winning the battle and losing the war because things are changing on the ground. That's what I hear all too often from sportsmen in New Mexico.

Do you know how does the Forest Service typically learn when access routes, that have been used historically, have been closed to the public?

Mr. SMITH. That's generally through our travel management activities. At the local ranger district we can try to determine from them what's going on on the ground basically. So it's generally planned through the Travel Management Access plans.

Senator HEINRICH. Let me shift gears here for a second to Mr. Roberson. First, let me give you some credit where credit is due. I know you worked on the Cooks Peak access issue a number of years ago in New Mexico.

For my colleagues, there is a, I don't know if any of you have ever had an opportunity to hunt Coues deer, it is one of those species that people travel from all over the world, not just the West, to hunt in New Mexico and Arizona for Coues deer. Jack O'Connor was a famous hunting and fishing writer, who described them as one of the most challenging hunts in the world.

Cooks Peak is one of the places people go on public land to hunt Coues deer. Making sure that that access route was open had a very positive effect on not only the people's experiences but on the local economy.

I think we're very fortunate, Mr. Roberson in New Mexico to have a very good State director and some exceptional district managers, who have taken an interest in this access issue, like yourself and have made some real progress in recent years. But it hasn't always been that way.

There's a lot more work to be done. One of the things I'm interested in doing is making sure that the priority that this takes is commensurate with the interest from local residents.

How can we take the lessons that we've learned which have been universally popular in New Mexico and make sure that the agencies, particularly the Bureau of Land Management, are placing that kind of priority on a system wide basis?

Mr. ROBERSON. Thank you, Senator Heinrich.

The, you know, what we did in New Mexico, I mean the challenge is overwhelming. Ten percent of our lands and public ownership managed by BLM are available for recreation, but not accessible. So it's a big challenge.

What we had to do to attack the challenge is identify those high-priority areas. We did that through interaction with the public like the Dona Ana County sportsmen, who I worked with quite a bit when I was down there. Then we identified the challenges to access that came with each one of those types of projects that we would undertake.

With regard to Cooks Peak the county had stopped maintaining the road up to a certain point. That is a challenge we face across the West with counties not having the funds to maintain roads. So, you have that issue going.

So how do we address it nationally?

When I came back to DC in 2007 we issued guidance in 2008 that said all field offices as you're doing your travel management planning, as Greg Smith talked about, identify these challenges and opportunities and start to build a strategy. So we think—we feel that was in 2007.

In 2011 we also identified the fact that not only do we have a problem with limited staff and an amazingly large problem, but also staff that's trained to undertake the work.

So we put, in 2011, put forth a proposal to improve the training for our folks in reality.

We've issued travel management guidance that also focuses on the issue.

I'm working with Federal lands hunting, fishing, shooting, sports round table to identify areas that have been closed or are inaccessible to figure out how we can open them.

We have a Wildlife Hunting Heritage Conservation Council which is a Federal advisory committee group that's also working directly with the agencies of Interior and Agriculture on issues like access.

I think it is a major part of the strategic plan for Interior.

So we are pushing down on it, but we still have those resource issues. I think a phased approach where we can start to identify some basic problem areas and start to move forward on those nationally is how to start.

Senator HEINRICH. I can't thank you enough because those are all concrete, not a morphosis ideas. They're concrete ways that you're getting at the problem.

First off, you said exactly what percentage of your lands are inaccessible. That's progress because if you don't know what's out there, if you don't have the data, you can't fix it.

Certainly BLM has a bigger challenge since other agencies because your lands are by their very nature, more fragmented, often times more checker boarded than other agencies. You're identifying the highest priorities in the places you can make a difference. I

think that's an approach that we'd like to see across the board with all the agencies.

I appreciate your efforts on that front.

Senator MANCHIN [presiding]. Sir, I'll follow with my second round of questioning and then we'll go to the Senators who might have another round.

So first of all I just want to ask, I only have one, Mr. Roberson on regarding S. 2616, the Idaho County Shooting Range Land Conveyance Act.

In the State of West Virginia we did something with our natural resource department and basically all of our State parks. We made all of our State parks and we're starting to look at it now and we've done this in many of our State parks which is a shooting range, skeet shooting, sport shooting. We have people that teach the children how to properly shoot in a whole family outing.

It's been also additional revenue source. It's also a year round activity that they can do when there's other things not as—parks aren't quite as active. I don't know what you all are doing or what you can do and if you're looking at that to see if you can enhance that in other areas.

I know that Senator Risch had a concern about the 2616 introducing that bill for that. But are you all expanding in looking at ways that you can expand on public lands shooting opportunities?

Mr. ROBERSON. We are in the process of signing an MOU, an interagency MOU, that the Forest Service is also signing with the shooting sports round table to improve both the relationship that our folks have with shooting sports enthusiasts, bringing their expertise into our planning process and helping us identify those areas where shooting, recreational shooting is important and is perhaps limited. So we've—we're working with them to identify those areas to become more open to recreational shooting.

We also—we do have recreation purposes act, the Public Purposes Act, that allows us to sell land to local communities for purposes such as a real shooting range. I think that was one of the challenges that we had, the issue of when you develop a shooting range it needs to be state-of-the-art.

Senator MANCHIN. Sure.

Mr. ROBERSON. You have to have safety fans and all that. We were willing to transfer those lands if they're identified for sale in our land use plans. The Idaho parcel—

Senator MANCHIN. You are not going to operate and you do not operate, nor you do not intend to operate?

Mr. ROBERSON. No, sir. No, sir.

Senator MANCHIN. OK.

But you're not objectionable to people basically who have the expertise to do so, more of a non-profit or State agency or something of that sort.

Mr. ROBERSON. Yes, sir.

Senator MANCHIN. Gotcha.

Senator BARRASSO.

Senator BARRASSO. Thank you, Mr. Chairman.

First, I'd ask that Senator Murkowski's statement on S. 1605 to reinstate Michael Faber into the Sealaska Corporation be included

in the record along with the resolution from the Sealaska Corporation on this issue.

Without objection, apparently it would be OK.

Senator BARRASSO. The other question, Mr. Roberson. Do I understand, I know you had someone come over from the Park Service to talk a little bit, that the Park Service has the administrative authority to waive the liability in order to conduct search and rescue?

Mr. ROBERSON. I would ask Deputy Chief, Dean Ross, to come back out.

Thank you, sir.

Mr. ROSS. Thank you for your question, Senator.

Each superintendent at every National Park has the ability in the issuance of a permit to examine the requirement for liability insurance. That superintendent has the authority to make a determination whether that liability insurance is a requirement or not.

Senator BARRASSO. I mean, because if so, if they have that authority and I would say why did these families have to wait for over a year to get closure when, you know, the teams were finally allowed to recover their loved ones. That's, kind of, the question if they have that authority?

Mr. ROSS. Correct.

Again, it's a—the Park Service works on a very, we'll call it, distributed set of authorities out in the different parks, not being a direct participant in the discussions that I couldn't give you a direct answer, sir. Sorry.

Senator BARRASSO. You can see why that question might arise?

Mr. ROSS. Absolutely. I understand.

Senator BARRASSO. Alright. Thank you.

Thank you, Mr. Chairman.

Senator MANCHIN. Let me thank all of you for coming and being so forthright in your discussions and also in your answers.

We will be getting with Chairman Landrieu, the Chairman of Energy, and see if we can start developing the sense of this committee that might give you some clearance of direction of what we're asking.

It might also help enhance our relationship, so that there is a partnership more. We can show the public there is a partnership and that we do want to work with them.

I thank you all again.

This subcommittee meeting is adjourned.

[Whereupon, at 10:43 a.m. the hearing was adjourned.]

## APPENDIXES

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### APPENDIX I

#### Responses to Additional Questions

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##### RESPONSE OF GREGORY C. SMITH TO QUESTION FROM SENATOR MANCHIN

*Question 1.* In the Public Lands, Forests, and Mining Subcommittee hearing on July 30, 2014 I asked each of you about the level of flexibility your agencies have in being able to act administratively on the bills being considered. Both of you said your agencies have some degree of flexibility.

For each of the ten bills considered by the subcommittee on that day, I ask that you:

(1) Enumerate specifically which parts of the bill you can and cannot implement administratively.

(2) Detail precisely where current law does and does not allow you to act and why.

(3) Explain, where appropriate, why your agency has not implemented the provisions in these bills.

Answer.

##### *S. 1888 as introduced; H.R. 1241 as passed by the House*

1. The Forest Service may exchange land with a non-Federal party administratively when the exchange is in the public interest, land values are equal, and the non-Federal land is located within the boundaries of a National Forest. If land values are not equal, either party may compensate the other for the difference by making a cash payment; however, the amount of cash that can be paid to equalize values is capped at 25 percent of the Federal land value.

2. The bill will allow the Forest Service to consummate a land exchange where the non-Federal land is outside of the boundaries of the National Forest and also allow the Secretary to accept a cash equalization payment in excess of 25 percent of the value of the Federal land. The restriction on exchanging land outside of the National Forest boundaries is in the General Exchange Act (16 U.S.C. 485). The cash equalization restriction is in Section 206(b) of FLPMA (43 U.S.C. 1716(b)). Additionally, the bill will allow the Forest Service to retain any cash equalization payment and use the funds to acquire other NFS lands.

3. The agency has not implemented the exchange as two desirable parcels of the non-Federal party's land are located outside the boundary of the Inyo National Forest, and the value of the Federal land is expected to exceed the value of the non-Federal land in excess of the 25% limitation. If this exchange is consummated, the Forest Service would likely wait to expend the cash payment until additional highly desirable parcels come on the market.

##### *H.R. 3008 as passed by the House*

1. The Forest Service has authority to convey this parcel under the provisions of the General Exchange Act (16 U.S.C. 1716(a)) if the exchange were in the public interest. However, the Forest Service has determined that the exchange would not be in the public interest, as it is bad public policy to legitimize encroachments by conveying away the land. The parcel is not eligible for conveyance under the requirements of the Small Tracts Act (16 U.S.C. 521c - 521i).

2. FLPMA (43 U.S.C. 1716(a)) and agency regulations at 36 C.F.R. 254 require a finding that land exchanges completed under the General Exchange Act (16 U.S.C. 485) be in the public interest. The Forest Service does not believe that a land exchange to convey the parcel at issue would be in the public interest as it is bad public policy to legitimize encroachments by conveying away the land. The Forest Serv-

ice has authority to resolve certain encroachments under the Small Tracts Act (P.L. 97-465). To qualify under the Small Tracts Act, the encroachment must have occurred based on the property owner's reliance on an erroneous survey, title search, or land description. The Small Tracts Act also requires a public interest determination. In the case of the White Lotus Foundation, the Los Padres National Forest determined that the encroachment is not eligible for conveyance under the Small Tracts Act, because the encroachment is not based on erroneous survey, deed or other title evidence. Furthermore, it does not meet the eligibility requirements due to the nature of the improvements located on National Forest System lands (e.g. yurts, statues). Even if it were eligible, it would not be in the public interest to do so, because it does not meet the public interest criteria in the Regulations.

3. The encroachment could be solved administratively under the General Exchange Act. However, the Forest Service does not believe that the conveyance would meet the public interest requirement for the reason stated above, nor is it eligible for conveyance under the Small Tracts Act (16 U.S.C. 521c-521i).

*S. 1554 as introduced*

1. The reporting requirements of the bill could be implemented administratively. The agency could choose to dedicate 1.5% of Land and Water Conservation Fund (LWCF) funds to secure public access to Federal land for hunting, fishing, and other recreational purposes.

2. The reporting requirements would not be restricted by other law if the Agency followed them administratively.

3. Currently, the Forest Service does not have the data requested by the bill. The legal status of access to many of the parcels cannot be established without significant historical and legal research on a case-by-case basis. As stated in the Department's testimony, acquiring meaningful data would also be costly and time consuming and it would probably be outdated by the time it was compiled because of constantly changing ownerships and subdivision of properties. Another reason the Agency has not compiled this information is that it would not provide a product that will help to resolve these access issues and would also draw considerable resources away from working on actual access projects. At the local level, units already know where the lack of legal access is a problem.

*H.R. 1684 as passed by the House*

1. The Forest Service does not have authority to sell the parcel or convey it under other authorities without consideration.

2. Current law allows the Forest Service to exchange land at market value, but it cannot convey land, with or without consideration.

3. The Forest Service does not have authority to sell this parcel or convey it under other authorities without consideration.

*H.R. 2166 as passed by the House; S 1049 as introduced*

1. The Forest Service will be able to implement provisions in S. 1049 which require development of a process designed to expedite access to Forest Service lands to eligible organizations and individuals to conduct Good Samaritan Search and Rescue missions. The Forest Service will not be able to implement the liability provisions administratively.

2. The Forest Service can implement the Search and Rescue provisions in areas designated with special area closures such as fire or avalanche closures; however access may be limited or modified due to safety concerns. In Wilderness areas, the bill could be implemented administratively, but the Wilderness Act (16 U.S.C. 1131(note)) would limit the use of motorized equipment or mechanical transport. Emergency motorized use can be granted where "the situation involves an inescapable urgency and temporary need for speed beyond that available by primitive means" for emergency situations involving imminent threat to life and property, or a deceased individual.

3. The Forest Service has already substantially implemented the provisions of this bill. We do not have the authority to waive liability and Wilderness Act provisions. If the bill were to become law, we would still consider the safety of allowing access if it were requested in an area with a special closure like avalanche or wildfire closures.

RESPONSES OF GREGORY C. SMITH TO QUESTIONS FROM SENATOR HEINRICH

*Question 1.* How many acres of national forest system land are legally inaccessible to the public? What forests or grasslands are those inaccessible lands located in?

Answer. Currently, the Forest Service does not have National-level data on the number of acres or location of land that is legally inaccessible to the public. Gath-

ering legal access information may be somewhat informative, but would do little to solve the public's access needs. At the local level, units know where the lack of legal access is a significant problem. There are many areas of the National Forest System where the public has no legal right of access, but where public access is based on historical use or goodwill of landowners. These traditional arrangements are gradually disappearing as landowners change and as tolerance for user abuses of private land decreases. The number of cases in this category may represent the largest access issue for the Forest Service. In many of these situations, only the courts will be in a position to establish where the United States holds a legal right to public access. The need for a case-by-case determination makes nationwide data collection essentially useless. Another complicating factor is that the public often considers lack of convenient access or lack of road and trail systems as access problems.

The problem of obtaining access to the National Forest System is a very complicated situation. We are working to finalize a report on the topic requested by OMB. When finished we would be happy to share the report with you and others on the committee and work toward a better understanding of the complexity of the problem and potential solutions.

*Question 2.* Has the number in question 1 increased or decreased over the last five years? Over the last ten years?

Answer. As explained in response to Question 1, the Forest Service does not have National-level data on the number of acres or location of land that is legally inaccessible to the public so the differences from the current situation to the situation 5 or 10 years prior cannot be determined empirically. Anecdotally, we believe the public is losing access to National Forest System lands based on historical use and practices. Access, in many areas, is based on the goodwill of landowners who have allowed the public and Agency staff to travel across their land to gain access to other areas of the national forests. As demographics have shifted and lands are sold, the new property owners are installing gates and blocking access to these areas that may have no other convenient, legal or practical access. In many of these cases access will need to be determined in a legal proceeding. This trend of loss of historical access will probably continue to increase in magnitude, and new owners have generally proven unwilling to sell rights-of-way to the United States that would allow these areas to remain open. These parcels are often are not available for outright purchase. The Forest Service actively defends attempts to shut off access on those routes where the United States clearly has legal access.

*Question 3.* During the hearing, you said that the Forest Service considers access to lands during the travel management planning process. Can you provide more detail on how TMPs assess and improve public access to the boundary of national forest system lands (as opposed to the question of how people travel once they have reached FS lands)?

Answer. To the extent possible, the status of legal access is evaluated during the travel management planning process. However, the legal status of access to many parcels cannot be established without significant historical and legal research on a case-by-case basis. Ultimately, in some cases it can only be determined through litigation. There are many areas of the National Forest where we have no legal access but there is still public access based on historical use or goodwill of landowners. It is also believed that lack of convenient access or lack of road and trail systems is often how the public defines public land access problems. These elements are clearly considered through the travel management planning process.

*Question 4.* How often are travel management plans scheduled to be updated? In practice, what is the average time between TMP updates?

Answer. There is no requirement for scheduled updates. Revisions are made as needed. The Forest Service Manual envisions annual review and reissue of motor vehicle use maps.

*Question 5.* When developing a forest plan under the new forest planning rule, how do forests assess the availability of public access to forests lands, and do the forests plans include any mechanism to recommend actions to improve public access?

Answer. Under the new planning rule, the Forest Service is required to assess recreational access and infrastructure in each national forest, including transportation corridors in the assessment phase of the planning process (36 CFR 219.6 (b)(9) and (11); see also the proposed planning directives at FSH 1909.12, Ch. 10, sec 13). In the development of plan components, the Forest Service is also required to consider appropriate placement and sustainable management of transportation corridors (36 CFR 219.10 (a)(3); see also the proposed planning directives at FSH 1909.12, Ch. 20, sec. 23.22o). The proposed planning directives emphasize evaluating lands in terms of the different kinds of recreational settings and opportunities appropriate for the use of plan areas and portions thereof, and the type of access

needed for those areas (proposed planning directives at FSH 1909.12, Ch. 20, and sec 23.22b). Note, the proposed planning directives were made available for public review and comment on February 27, 2013 (78 FR 13316; see also: <http://www.fs.usda.gov/detail/planningrule/home/?cid=stelprdb5403924>). The final directives are expected to be issued before the end of the calendar year.

RESPONSE OF GREGORY C. SMITH TO QUESTIONS FROM SENATOR MURKOWSKI

*Question 1.* In your testimony on H.R. 3008, “to provide for the conveyance of a small parcel of land in Los Padres National Forest,” you expressed concern about the precedent this bill would set because it would resolve an encroachment legislatively.

a. Please explain why the Forest Service sees this as an “encroachment” case that would set a bad precedent and not simply a resolution of a public access problem?

Answer. There are thousands of encroachments on our national forests. The number is growing rapidly given the increase in development adjacent to the national forests. Generally, these encroachments chip away at public ownership and cause conflicts with legal users. Many of these encroachments are created by property owners who are aware of the legal boundaries or by those who have failed to do minimal due diligence necessary to determine their property boundaries. If this or similar legislation is passed, it could potentially encourage additional encroachment knowing that a legislative fix may be available.

One of the primary purposes of the Small Tracts Act (P.L. 97-465) is to address substantial encroachments on National Forest System lands due to legitimate title and survey issues. The Act also further defined those eligible cases which were in the public interest. The White Lotus Foundation parcel is not eligible under the Small Tracts Act.

b. Is legislation necessary to resolve this “encroachment?” Why or why not?

Answer. The Forest Service has authority to convey this parcel under the provisions of the General Exchange Act (P.L. 67-173); however, the Forest Service has been unwilling to do so, believing it not in the public interest. The parcel is not eligible for conveyance under the requirements of the Small Tracts Act (P.L. 97-465).

RESPONSE OF GREGORY C. SMITH TO QUESTION FROM SENATOR HELLER

*Question 1.* I would like to ask a broader search and rescue question related question that has come up recently in my state. Fires in wilderness areas are not uncommon, and many are heavily recreated. Could you clarify the department’s authority to allow local law enforcement to conduct search and rescue missions within Inventory Roadless Areas? What are the limitations on these types of missions?

Answer. The Department has full authority to allow search and rescue missions in Inventoried Roadless Areas. Roadless area prohibitions are generally for road construction and timber harvest, and do not usually limit access for search and rescue operation, even those including motorized equipment and mechanical transport.

RESPONSE OF ED ROBERSON TO QUESTION FROM SENATOR MANCHIN

*Question 1.* In the Public Lands, Forests, and Mining Subcommittee hearing on July 30, 2014, I asked each of you about the level of flexibility your agencies have in being able to act administratively on the bills being considered. Both of you said your agencies have some degree flexibility

For each of the ten bills considered by the subcommittee on that day, I ask you:

(1) Enumerate specifically which parts of the bill you can and cannot implement administratively.

(2) Detail precisely where current law does and does not allow you to act and why.

(3) Explain, where appropriate, why your agency has not implemented the provisions in these bills.

Answer.

S. 1437

S. 1437 would release the reversionary as well as the reserved mineral interests of the United States in approximately 290 acres of land currently held by Oregon State University for the Hermiston Agricultural Research and Extension Center. The 1950 law (P.L. 81-825) and Patent #166211, under which the land was conveyed without consideration to Oregon, both state that if the conveyed land is not used for agriculture research and extension purposes, the land and interests in the land revert to the United States. The BLM does not have the administrative authority

to release these reversionary and reserved mineral interests. The BLM would support S. 1437 if amended to ensure the payment of fair market value for the conveyance of reversionary and reserved mineral interests in these parcels to the State of Oregon, consistent with previous legislative proposals.

*S. 1554*

S. 1554 would require the BLM, National Park Service, Fish and Wildlife Service, and the U.S. Forest Service, to produce a report, within 180 days and annually thereafter, identifying all parcels greater than 640 acres for which hunting, fishing, or recreational uses are allowed by law but public access is inadequate or unavailable; to analyze whether that list of parcels has significant potential to be used for hunting, fishing, or recreation; and to develop a plan that outlines the most reasonable course of actions needed to obtain or acquire access. The bill also requires that within one year, the agencies make available on a website a list of roads and trails that are the primary access and egress for all parcels greater than 640 acres. Additionally, the bill requires that 1.5 percent of LWCF monies be allocated for acquiring access to inaccessible land.

As discussed in the statement for this bill, providing access to recreation on public lands is one of the Department's primary missions, and the Department's bureaus carry out the management of the lands under their jurisdiction according to the organic statutes that authorize their activities.

The BLM's implementation of the goals of S. 1554 under existing administrative authority is ongoing. More than 90 percent of BLM-managed lands are accessible to the public for recreational purposes. The agency inventories public lands, and manages the land according to resource management plans (RMP.) As part of travel management planning, access to public lands is assessed through field GPS data collection as well as significant research on road and trail ownership and legal access status. (BLM's RMPs are regularly updated; some older RMPs may not yet have been revised to include travel management planning.) Both the RMP process and the development of travel management plans offer opportunities for public involvement (identifying priority desired access, for example), and the BLM's management plans are available to the public on our website. Site-specific recreational information is available to the public on the BLM's website. Additionally, the BLM prioritizes LWCF funding to enhance opportunities to expand opportunities for hunting, fishing, and recreation and already has the authority to allocate 1.5 percent administratively.

Hunting and fishing are two priority public uses of the National Wildlife Refuge System, managed by the U.S. Fish and Wildlife Service (FWS). Over 500 national wildlife refuges and wetland management districts are open for fishing, wildlife watching, hunting, photography and other forms of recreation, with 335 refuges open for hunting and 271 for fishing. Refuges rely upon comprehensive conservation plans to identify areas to be opened to the public and are required to undertake appropriate use and compatibility reviews before new recreation programs can be offered. Refuge Managers often need to balance interests in opening new public use areas against other management considerations, such as emergency closures to protect critical resources that may change frequently. Many of the FWS's LWCF acquisition projects provide or enhance public outdoor recreation, including through acquisition of fee title or conservation easements. In fact, a number of the acquisition projects included in the FWS's fiscal year 2015 budget request include providing public access to refuge lands as a purpose for the acquisition.

The National Park Service (NPS) manages 84 million acres of land in 401 national parks across the United States. The National Park System was created to conserve unimpaired many of the world's most magnificent landscapes. These special places must be managed in a special way, as required by the 1916 Organic Act, that will allow them to be enjoyed not just by those who are here today but also by the generations that follow. Congress has authorized hunting in 61 of the 401 units of the national park system. The NPS's land acquisition program is an important tool for enhancing recreational access and opportunities, in addition to its role in realizing other key goals of the NPS, such as protecting America's historic and cultural resources and supporting the restoration and conservation of rivers, bays, coasts, lakes, and estuaries for recreation, healthy fisheries, and wildlife habitat.

While the reporting requirements could be carried out administratively, as noted in the statement for this bill, we are concerned about the volume of data collection and analysis required by the legislation, which would require extensive staff time to complete, diverting staff from other tasks. In particular, this seems unnecessary when Congress has only authorized hunting in 61 out of 401 units of the national park system.

The Department would like to work with the sponsor and the committee to ensure that the bill's reporting requirements can be met given existing data and staffing limitations.

*S. 2616*

S. 2616 would require the conveyance (without consideration) of a 31-acre parcel of BLM-managed land to Idaho County, Idaho, to be used as a shooting range. While the BLM does have the authority to convey certain lands at very low or no cost for public purposes under the Recreation and Public Purposes Act (R&PP), this proposed conveyance does not meet the requirements for an R&PP conveyance. The parcel to be conveyed by S. 2616 is part of a larger area of public lands withdrawn by Public Land Order 7671 of September 8, 2006, to protect the Lower Salmon River in Idaho, Lewis, and Nez Perce Counties. As a result, the BLM lacks the authority to dispose of these lands administratively. However, the BLM supports a legislative conveyance of this parcel for a shooting range or other public purposes and would support S.2616 if amended to include a reversionary clause to ensure that the parcel continues to be used for public purposes.

*S. 1640*

S. 1640 would amend the Lincoln County Land Act of 2000 (LCLA) and Lincoln County Conservation Recreation and Development Act of 2004 (LCCRDA) to allow the BLM to use the Federal special accounts for implementation of the multispecies habitat conservation plan (MSHCP), pinyon-juniper restoration projects, and compliance activities for the Dry Lake Valley North Solar Energy Zone. S. 1640 also directs the BLM to enter into cooperative agreements with Lincoln County for planning and law enforcement activities.

Because spending of the Federal special accounts is explicitly directed by Congress in those Acts, the BLM does not have the authority to implement the provisions of S. 1640 administratively. The BLM is currently implementing all the provisions of the LCLA and LCCRDA as directed.

The BLM does have administrative authority to manage vegetation, including pinyon-juniper, on the lands it manages, using appropriated funding. Under the provisions of FLPMA, the BLM also has the authority to enter into cooperative agreements. The BLM currently has a cooperative agreement with Lincoln County for the support of a MSHCP coordinator, with funding provided under LCCRDA.

S. 1640 also amends LCCRDA's utility corridor withdrawal boundaries, and the BLM has technical corrections to ensure that the entirety of the unused land is released from the corridor withdrawal. The BLM does not have the ability to administratively release these unused lands and supports the legislative provision with technical corrections. The BLM supports many of the goals of S. 1640 and looks forward to working with the sponsor and the Subcommittee on issues raised in our testimony and on the continued implementation of LCLA and LCCRDA.

*S. 1605*

As noted in the statement for this bill, S. 1605 is a private relief bill on behalf of Michael G. Faber, who formally renounced eligibility for benefits or shareholder status in an Alaska Native Corporation through enrollment with the Metlakatla Indian Community of the Annette Island Indian Reservation in Southeast Alaska. While the Department did not oppose the relief provided in the bill, the Department lacks the authority, without legislation, to correct the Alaska Native Roll and because Sealaska is a for-profit corporation chartered under the laws of the State of Alaska, cannot ensure the issuance of stock to Mr. Faber even if the legislation is enacted.

*S. 1049 and H.R. 2166*

S. 1049 and H.R. 2166 would require the Secretaries of the Interior and Agriculture to develop and implement a process to expedite access to federal lands for eligible organizations and individuals who request access to federal lands to conduct good Samaritan search and recovery missions. There is nothing in current law that would prevent the NPS from carrying out any of the provisions of S. 1049 and H.R. 2166, therefore all of the provisions in these bills could be implemented administratively.

Park superintendents have the authority to require liability insurance for higher risk activities to protect the federal government and the search organization from liability. Some searches are considered higher risk activities, for example because of the terrain, extreme temperatures, because the search and rescue organization seeking to carry out the activity may not have established qualifications. NPS can and does waive liability insurance for qualified search organizations, and routinely partners with search groups throughout the country, both through formal partner-

ships and through volunteer organizations, to conduct search and rescue, and search and recovery operations.

*S. 2123*

S. 2123 would resolve a long-standing effort to exchange certain federal land held by the U.S. Geological Survey and non-federal parcels held by a school district in Grand Rapids, Minnesota. USGS and the school district had been discussing exchange of these parcels for over a decade, but USGS lacks the authority to carry out such an exchange. S. 2123 would provide that authority, and USGS supports the legislation. Question from

#### RESPONSE OF ED ROBERSON TO QUESTION FROM SENATOR WYDEN

*Question 1.* I understand the concerns the Administration has about this bill and it is my hope that we can continue to work with you to iron out these differences and give Oregon State University the best opportunity to grow and invest in their agricultural efforts for years to come. Can I get your assurance that you and your colleagues will continue to communicate and work with the folks at Oregon State University and the State of Oregon on this important issue?

Answer. Yes, the BLM will continue to work with Oregon on this issue.

#### RESPONSES OF ED ROBERSON TO QUESTIONS FROM SENATOR HELLER

*Question 1.* In the Administration's testimony, you stated that land sales under the Lincoln County Land Act of 2000 has yielded over \$47 million, \$31 million still currently within that account.

S. 1640 allows the Department to utilize those funds for restoration projects in pinyon-juniper dominated landscapes. Any activities authorized under this bill would utilize funds already in that account, correct?

Answer. Correct. S. 1640 would authorize additional uses for the funds in the Federal special account for the Lincoln County Land Act of 2000, which currently totals \$31 million.

*Question 2.* Some members unfamiliar with federal lands issues sometimes get confused about these types of public lands proposals, Congress would not have to appropriate any new dollars to implement the conservation projects allowed for this act? This bill would have no new costs?

Answer. S. 1640 would authorize additional uses for the existing funds in the Federal special accounts for the Lincoln County Land Act of 2000 and the Lincoln County Conservation, Recreation and Development Act of 2004.

*Question 3.* I would like to ask a broader search and rescue question related question that has come up recently in my state. Fires in wilderness areas are not uncommon, and many are heavily recreated. Could you clarify the department's authority to allow local law enforcement to conduct search and rescue missions within Wilderness Areas and Wilderness Study Areas? What are the limitations on these types of missions?

Answer. Search and rescue does occur within wilderness, normally without on-the-ground vehicles, but vehicles may be used when required in an emergency. This would be the case in situations such as life or death, search and rescue, and when concern for human life and safety is present.

*Question 4.* In my questioning regarding S. 1049 and H.R. 2166, the National Park Service stated that these bills are not necessary because the Administration already has the flexibility under existing law to enter into these good Samaritan partnerships. If that is the case, why did it take the NPS over a year to allow a search and rescue crew to search Lake Mead National Recreation Area for Mr. Keith Goldberg's remains?

Answer. The NPS recognizes the anguish to the Goldberg family caused by the delay in the search for the remains of Mr. Keith Goldberg and has great sympathy for the family.

Rangers at Lake Mead National Recreation Area respond successfully to hundreds of searches, rescues and recoveries every year, and understand the importance of helping families find closure when a loved one has lost his or her life. Our intent for every search and recovery mission is to recover the remains of deceased individuals without putting others at risk of injury or death.

The delay in allowing Red Rock Search and Rescue to search within Lake Mead National Recreation Area was due to the fact that the volunteers did not have liability insurance or established search and rescue qualifications. Park superintendents have the authority to require liability insurance for higher risk activities both to protect both the federal government and the search organization from liability arising from injury or damage associated with the search. The search for Mr. Goldberg's

remains was considered a moderate- to high-risk activity because of uneven, rocky terrain, extreme desert temperatures, and because Red Rocks Search and Rescue, at that time, did not have established qualifications. Today, Red Rocks Search and Rescue has dozens of members certified to National Association of Search and Rescue standards, and have an active partnership with Lake Mead National Recreation Area where they regularly assist with search missions.

## APPENDIX II

### Additional Material Submitted for the Record

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STATEMENT OF GARRETT VENEKLASEN, EXECUTIVE DIRECTOR, NEW MEXICO  
WILDLIFE FEDERATION, ALBUQUERQUE, NM

Chairman Manchin, Ranking Member Barrasso, members of the Subcommittee:  
Thank you for giving me the opportunity to present my perspective on the HUNT Act, especially as it pertains to access to federal lands in New Mexico.

My name is Garrett VeneKlasen. I am a native New Mexican and have spent my entire life hunting and fishing throughout the Southwest. Before taking my current position as the Executive Director of the New Mexico Wildlife Federation, I was the Southwest Director for Trout Unlimited, working on coldwater restoration and public land protection projects throughout New Mexico, Arizona and Colorado.

Hunting and fishing are more than just “sport” in New Mexico. They are the oldest of our core cultural land use values with a 10,000-year tradition.

Today, hunting and fishing are also a key part of our state’s economy. In addition to the tens of thousands of non-resident hunters and anglers who visit New Mexico each year, more than 300,000 state residents hunt, fish or both. Economic studies show that New Mexico resident sportsmen and women spend \$579 million statewide every year. Those dollars support \$258 million in salaries and wages, contribute \$58 million to state and local taxes and create 7,695 jobs annually—many in rural parts of the state—according to the Outdoor Industry Association of Boulder, Colo.

This vibrant industry and our cultural values and lifestyle are dependent upon two things: healthy, viable habitat for our fish and wildlife, and large, undeveloped tracts of public lands in which our rapidly growing community can recreate.

Public lands, both state and federal, are a crucial component of New Mexico’s outdoor recreation economy and tradition. Eighty-nine percent of New Mexico sportsmen and women rely on public lands to hunt and fish.

Let me repeat that: Eighty-nine percent of New Mexico sportsmen and women rely on public lands to hunt and fish.

Hunters and anglers throughout the West are blessed to live in close proximity to federal public lands managed by the U.S. Forest Service, Bureau of Land Management and other agencies. Unfortunately, millions of those acres are not open to the very people who hold title to them—the American public. A recent study by the Center for Western Priorities found more than 4 million acres of federal public land in the West is off-limits to the public because there is no legal access.

My state is a case in point. The same report found the public is locked out of more than half a million acres of federal public lands in New Mexico. The number is actually higher because many of our State Trust Lands are also inaccessible.

There are many reasons why these so-called public lands are no longer open to the public. In some cases, there is one road leading to a parcel of Forest Service or BLM land and that road goes through private property. When a landowner locks the gate, there’s nothing the public can do about it.

In other cases, agencies or individuals including previous New Mexico Commissioners of Public Lands have sold or traded parcels that provided the only reasonable access to portions of national forests or BLM holdings.

We have had numerous instances in New Mexico where a county commission will permanently vacate a county road under its jurisdiction, thereby eliminating access to federal public land at the end of that road.

And we recently learned of instances where private landowners have blocked access to federal public land by moving or locking a driveway gate without permission of the New Mexico Department of Transportation.

The fact is, we don’t really know how much federal public land is actually closed to the public because the land management agencies do not track such things. Nor

do they have the staff to monitor illegally locked gates on every tiny backcountry road that leads to federal public land.

So it should be no surprise that New Mexico sportsmen strongly support the HUNT Act, sponsored by our own Sen. Martin Heinrich. As a hunter himself, Sen. Heinrich probably knows from personal experience the disappointment of finding a locked gate and blocked access to land that should be open to the public but is not.

Perhaps one of the most important aspects of the HUNT Act is that it would require federal land management agencies to inventory their holdings and identify large tracts—parcels one square mile or larger—that have hunting or fishing potential but that currently have no or inadequate access. This is crucial because, as the saying goes, “We don’t know what we don’t know.”

The Act requires agencies to continue monitoring their inventories and report back to Congress whether public land access is improving or shrinking.

The HUNT Act is not just a fact-finding mission, however. After determining which large parcels have hunting or fishing potential but lack access, the agencies must propose plans to create access.

Access plans might include working with a willing landowner to purchase permanent easements through private land, or developing minimal access roads to respectfully circumvent private property. The legislation does not call for creating new roads through inaccessible parcels, but rather new roads to the boundary of those landlocked public lands.

Hunters and anglers realize neither the Forest Service nor the BLM currently has the funding to acquire access to our public lands, but the HUNT Act comes with its own funding. By using 1.5 percent of the Land and Water Conservation Fund, the agencies will be able to fulfill the goals of the HUNT Act.

The Land and Water Conservation Fund was created specifically to do the kind of work outlined in the HUNT Act—to provide the American public with outdoor recreational opportunity. Creating access to our existing treasure trove of public lands will pay dividends many times over by bolstering our outdoor recreation economy.

In closing, I reiterate the support of thousands of New Mexico hunters and anglers for passage of the HUNT Act. It is commonsense, fiscally responsible legislation that will ensure millions of Americans have an opportunity to enjoy the public lands so sensibly protected years ago through the bipartisan support of Congress.

Thank you.

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STATEMENT OF GANGA WHITE, PRESIDENT WHITE LOTUS FOUNDATION, SANTA BARBARA, CA, ON H.R. 3008

Thank you Chairman Manchin and Ranking Member Barrasso for scheduling this hearing today on H.R. 3008. I am Ganga White, President of the White Lotus Foundation, a small non-profit educational organization located on San Marcos Pass Road about six miles north of Santa Barbara and adjacent to the Los Padres National Forest. The Foundation has called this location home since 1983. This bill, sponsored by Congresswoman Lois Capps would authorize the Forest Service to conduct a land exchange with the White Lotus Foundation for a small discontinuous parcel of land located on the perimeter of the Los Padres National Forest. In the event that no piece of land is found to exchange, the Forest Service will have the authority to convey the land to White Lotus.

As I mentioned, The White Lotus Foundation has been located on San Marcos Pass Road just north of Santa Barbara since 1983. Shortly after purchasing the land, we received notice from the Forest Service that we were encroaching on Forest Service Land. Apparently, the short access road that provides the only access to the Foundation’s property loops onto Forest Service land and then back onto private property. The encroachment was created when the State moved Highway 154. Access to our land is now on the abandoned old section of highway that crosses the National Forest.

However, due to the very steep topography, the Foundation has no possible alternatives to move the portion of the access road that encroaches on the Forest Service property. The loop lies on flat ground, which has held equipment storage for fire and flood emergencies, and provides the only access to our land from Hwy 154 and the only access to water pumps 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.

To avoid such a consequence, the Foundation and the Forest Service explored all administrative remedies available to the Forest Service. Having exhausted all possible solutions, it was at the direction of our local Forest Service that we originally

came to Congress four years ago. During that time previous versions of H.R. 3008 have passed the full House and the Senate Committee of jurisdiction, but have yet to be considered on the Senate floor.

The actual loop area in question is approximately 5,000 square feet, or 0.5 acres and is discontinuous from the larger National Forest.

H.R. 3008 will cost the taxpayers nothing. The White Lotus Foundation will pay for the land, the survey, and all administrative costs potentially involved in an exchange. There are no exemptions from NEPA or any other environmental laws. Additionally, the land proposed for conveyance is not protected wilderness or any other specially designated area.

Thank you.

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STATEMENT OF THE BACKCOUNTRY HUNTERS AND ANGLERS, BULL MOOSE SPORTSMEN'S ALLIANCE, NATIONAL WILDLIFE FEDERATION, THEODORE ROOSEVELT CONSERVATION PARTNERSHIP, TROUT UNLIMITED, ON S. 1554

Each year, America's 40 million hunters and anglers contribute \$200 billion to the national economy, and support millions of American jobs. Hunting and fishing aren't mere pastimes, they are lifestyles; lifestyles that depend fundamentally on access to quality fish and wildlife habitat. For many hunters, including 72 percent of all hunters in the Mountain West and Pacific states, access means public lands. Without reliable access to quality habitat, sportsmen reduce their days afield and reduce their economic impact. For small towns across the country, fewer sportsmen mean fewer customers, fewer jobs, and a lower quality of life. Of course, it is no mystery why sportsmen and women stay home: the single most prevalent reason hunters and anglers stop hunting and fishing is lack of access.

Generally speaking, much of the federal estate is open to hunting and fishing; indeed hunting and fishing, and outdoor recreation more broadly, comprise a very core function of these public landscapes. However, a 2004 report to the United States House of Representatives Appropriations Committee concluded that 35 million acres of Bureau of Land Management (BLM) and US Forest Service (USFS) land has inadequate access. In some cases, this may mean insufficient parking, poorly maintained trails, or deficient signage. Sportsmen of course need no formal reports to know that quality access is an ongoing challenge, with hunters and anglers increasingly running into locked gates and posted signs.

S.1554, The Hunt Unrestricted on National Treasures (HUNT) Act, before the subcommittee today, would help to solve a particularly problematic, yet highly avoidable, form of restricted access: that of public lands surrounded in close proximity, or "landlocked," by privately-owned lands. A 2013 report found that more than four million acres of public lands in the West remain inaccessible to outdoor recreation because of challenges related to proximate private land ownership.

The HUNT Act begins the process of addressing de facto access closures by identifying public tracts larger than 640 acres that, due to prevailing land ownership patterns, are off limits to public access. For each of those major parcels, the legislation would seek to establish the most appropriate method for providing public access, working with willing landowners to purchase voluntary access easements. When signed by the president, the HUNT Act will represent the only federal program specifically targeting landlocked public lands for enhanced access.

In some cases, a simple spur trail across private lands acquired under HUNT Act provisions could quite literally open thousands of acres to appropriate public use. In this way, the HUNT Act represents a cost-effective way to make sure Americans are permitted the fullest access possible to their public land legacy.

What's more is the sensible way in which the HUNT Act funds the acquisition of voluntary access easements from willing landowners, by designating 1.5 percent of Land and Water Conservation Fund dollars specifically for establishing bona fide access to these large tracts currently inaccessible to outdoor recreation enthusiasts. By using this appropriate funding mechanism, the HUNT Act requires no increase in federal expenditures, while guaranteeing a significant return on investment.

The Theodore Roosevelt Conservation Partnership, Backcountry Hunters and Anglers, Bull Moose Sportsmen's Alliance, National Wildlife Federation, and Trout Unlimited support better recreational access across the federal land management paradigm and we view Senator Heinrich's HUNT Act as an important step forward in the issue of making public lands public. We encourage the Energy and Natural Resources Committee to move ahead expeditiously with favorable consideration of Senate bill 1554. We appreciate the opportunity to share our thoughts with you today, please be in touch with additional questions or concerns.

## STATEMENT OF HON. JOE HECK, U.S. REPRESENTATIVE, ON H.R. 2166

I want to thank Senator Manchin, Senator Barrasso, Senator Landrieu, and Senator Murkowski for holding this important hearing on my bill, H.R. 2166, the Good Samaritan Search and Recovery Act. I also want to thank Senator Heller for introducing companion legislation in the Senate. This bill addresses an issue that has become very visible in my Congressional district in Nevada, and I am grateful that the Committee is looking more thoroughly into the issue of bureaucratic impediments to volunteer search and recovery efforts on public lands.

On January 31, 2012, Las Vegas taxi driver Keith Goldberg went missing. Investigators believed that he was killed and the body disposed of in the desert in the vicinity of the Lake Mead National Recreation Area. Local law enforcement suspended their search when Keith was not found and arrests were made in April 2012. But the Goldberg family still wanted answers. They wanted to find Keith and bring closure to what had been a heart-wrenching experience.

The Goldberg family turned to Red Rock Search and Rescue, a non-profit search and rescue team that helps families like the Goldberg's when loved ones go missing. The team at Red Rock SAR is a trained group of volunteers with extensive experience. The Goldberg's were hopeful that with Red Rock's help they would be able to close this tragic chapter of their lives.

As Red Rock prepared to start their search they ran into a number of bureaucratic road blocks. They needed to obtain a special use permit and they needed to obtain a liability insurance policy. Though the obtaining of a special use permit was more of a formality and not a major hindrance of Red Rock's efforts, the requirement that it obtain an expensive liability insurance policy was, especially when the organization worked off of a very meager operating budget of \$25,000 per year.

Recall, this is a trained, non-profit, volunteer, Good Samaritan organization trying to bring closure to a family by searching for their lost family member for free and at no expense to the taxpayer. They provide a valuable community service, and they needed to be able to gain access to the public park in order to conduct their search.

Some fifteen months after Keith Goldberg disappeared, Red Rock was able to find an insurance policy and obtain the requisite permits that would allow them to start their search.

In less than 2 hours of Red Rock SAR beginning its search, it discovered remains that have been matched to Keith Goldberg. The Goldberg family had their closure.

But the Goldberg's story is not unique. Air Force Staff Sergeant Antonio Tucker was presumed drowned on June 23, 2012. As the National Park Service searched, they were contacted by Steve Schafer, owner of a company specializing in underwater survey and recovery work. He offered to help, but was told the Park Service had all the help it needed. 10 months later, after hiring an attorney, filing a request for public documents, and applying for a special use permit, Mr. Schafer was finally cleared to search the lake.

Once Mr. Schafer was cleared to begin his search, Staff Sergeant Antonio Tucker's body was discovered in less than 2 days. Antonio Tucker's family waited 10 months for closure.

A spokesperson for the Lake Mead National Recreation Area acknowledged that Schafer and his team had more advanced equipment than the service does and stated, "We should be able to utilize their services much more rapidly."

Having thought about these issues as a former member of the Las Vegas Metropolitan Police Department's Search and Rescue Team, I introduced H.R. 2166, the Good Samaritan Search and Recovery Act. This legislation requires the Secretary of the Interior and the Secretary of Agriculture to expedite access to federal lands to allow for individuals or entities acting in a not-for-profit capacity to carry about privately requested, Good Samaritan search and recovery missions. Additionally, this legislation prevents the Secretaries from requiring such entities to obtain a liability insurance policy provided that the entity releases the federal government from liability. Lastly, H.R. 2166 directs the Secretaries to establish local partnerships with Good Samaritan search and recovery organizations for the purpose of being able to easily mobilize individuals for missions so that families do not have to wait months, like families of Keith Goldberg and Antonio Tucker, to get closure from the loss of a loved one. Since its inception, H.R. 2166 has enjoyed bipartisan support, passing the House of Representatives with a unanimous 394-0 vote.

In closing, I would like to be clear that neither of these examples is intended to be an indictment of the men and women who work at Lake Mead National Recreation Area, the National Park Service, or any of our public lands. They are all dedicated professionals working to the best of their ability within the bureaucratic framework that hinders the acceptance of good Samaritans offering help. In fact, from the beginning I have had an open dialogue with Lake Mead and NPS on this

issue and in the development of this legislation, and I look forward to working with them as we move forward on H.R. 2166.

Again, I thank Senator Manchin, Senator Barrasso, Senator Landrieu, and Senator Murkowski for holding this hearing, and I remain committed to working with the Committee, and both the Secretary of the Interior and the Secretary of Agriculture to ensure that incidents such as those surrounding the deaths of Keith Goldberg and Antonio Tucker do not happen again.

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NATIONALS CATTLEMEN'S BEEF ASSOCIATION,  
Centennial, CO, July 29, 2014.

Hon. JOE MANCHIN,  
Chairman, 306 Hart Senate Office Building, Washington, DC.

Hon. JOHN BARRASSO,  
Ranking Member, 307 Dirksen Senate Office Building, Washington, DC.

RE: Livestock Industry Concerns over S. 1554, the Hunt Unrestricted on National Treasures Act

DEAR CHAIRMAN MANCHIN, RANKING MEMBER BARRASSO AND MEMBERS OF THE COMMITTEE: The Public Lands Council (PLC) and National Cattlemen's Beef Association (NCBA) have concerns with the Hunt Unrestricted on National Treasures Act (S. 1554). PLC is the only national organization dedicated solely to representing the roughly 22,000 ranchers who operate on federal lands. NCBA is the beef industry's largest and oldest national marketing and trade association, representing American cattlemen and women who provide much of the nation's supply of food and own or manage a large portion of America's private property.

The Hunt Unrestricted on National Treasures Act, introduced by Senator Martin Heinrich (D-NM) would direct the heads of Federal land management agencies to prepare reports on the availability of public access and egress to public land for hunting, fishing and other recreational purposes. Further, the bill would amend the Land and Water Conservation Fund (LWCF) Act of 1965 to provide funding for recreational public access to Federal land by purchasing road and trail easements, rights-of-way and property from private land owners adjacent to inaccessible public lands.

Provisions included in the bill are concerning to PLC and NCBA. Specifically, we believe that the Federal government, who already owns approximately 50 percent of land in the west, should not be expanding the federal estate by decreasing private land holdings, especially by using the LWCF to do so. Further, although the HUNT bill states that the sale of easements, rights-of-way, and land would be "voluntary", that is not always the case as special interest groups have historically applied pressure to private landowners to create willing sellers. Instead of trying to expand federal land holdings and adding to the workload of land management agencies, the bill should focus on providing sufficient authorities to allow existing multiple uses and property rights on federal lands to be fully realized.

PLC and NCBA appreciate the opportunity to provide our input on behalf of our members—the nation's food and fiber producers. We encourage members of the Subcommittee on Public Lands, Forests and Mining to consider our concerns before advancing the HUNT Act.

Sincerely,

BRICE LEE,  
PLC President.

BOB MCCAN,  
NCBA President.

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July 30, 2014.

Hon. MARY LANDRIEU,  
Chairwoman, Committee on Energy and Natural Resources, United States Senate,  
703 Hart Senate Office Building, Washington, DC.

Hon. LISA MURKOWSKI,  
Ranking Member, Committee on Energy and Natural Resources, United States Senate,  
709 Hart Senate Office Building, Washington, DC.

DEAR CHAIRWOMAN LANDRIEU AND RANKING MEMBER MURKOWSKI:

As sportsmen conservation organizations representing millions of hunters, anglers, and wildlife enthusiasts, we ask that you support S.1554: The Hunt Unrestricted on National Treasures (HUNT) Act. Introduced by Senator Martin Heinrich,

this bill would improve sportsmen's access to millions of acres of virtually inaccessible public lands.

The concept that this legislation embodies, Making Public Lands Public (MPLP), has been a priority for the sportsmen's conservation community for over 5 years and worked on through the Hunting and Shooting Sports Roundtable (HSSR). The HSSR is made up of representatives from organizations and federal land management agencies who signed the Federal Lands Hunting, Fishing and Shooting Sports Roundtable Memorandum of Understanding (MOU) and who are interested in promoting recreational hunting and shooting on federal lands. Over the years, the MPLP concept has been introduced in stand-alone legislation, included as part of a greater sportsmen's package of bills (S. 2363), and funding for access has been included in USFS and BLM annual budgets.

America's 47 million hunters and anglers represent a vital part of our nation's heritage and economy, accounting for more than \$200 billion in economic activity and supporting 1.5 million jobs across the country. But this key demographic is being threatened by a lack of access, an issue that becomes more imposing with each passing year.

As it currently stands, millions of acres of public lands are inaccessible to the American public. These acres are often surrounded by private ownership that makes public use nearly impossible. The HUNT Act, and the MPLP concept, would not only identify and publish landlocked parcels greater than 640 acres, but would designate 1.5 percent of the Land and Water Conservation Fund (LWCF) toward acquiring easements, rights of way, or land acquisitions from willing sellers. This funding mechanism provides a strong funding base while ensuring no increases in Federal expenditures.

Dwindling access to public lands remains the greatest threat to American sportsmen. The HUNT Act is a necessary and sensible step toward providing America's hunters and anglers needed access to landlocked public lands, ensuring the continued health, growth, and sustainability of the sportsmen's community. This bill should be seen as a small investment that is assured to generate huge returns for years to come.

Sincerely,

ARCHERY TRADE ASSOCIATION,  
 BEAR TRUST INTERNATIONAL,  
 BOONE AND CROCKETT CLUB,  
 BOWHUNTING PRESERVATION ALLIANCE,  
 CATCH-A-DREAM FOUNDATION,  
 CONGRESSIONAL SPORTSMEN'S FOUNDATION,  
 CONSERVATION FORCE,  
 DALLAS SAFARI CLUB,  
 DELTA WATERFOWL,  
 DUCKS UNLIMITED,  
 IZAAK WALTON LEAGUE OF AMERICA,  
 MASTERS OF FOXHOUNDS ASSOCIATION,  
 MULE DEER FOUNDATION,  
 NATIONAL SHOOTING SPORTS FOUNDATION,  
 NATIONAL TRAPPERS ASSOCIATION,  
 NATIONAL WILD TURKEY FEDERATION,  
 NORTH AMERICAN BEAR FOUNDATION,  
 NORTH AMERICAN GROUSE PARTNERSHIP,  
 PHEASANTS FOREVER,  
 PUBLIC LANDS FOUNDATION,  
 QUAIL FOREVER,  
 QUALITY DEER MANAGEMENT ASSOCIATION,  
 RUFFED GROUSE SOCIETY,  
 THEODORE ROOSEVELT CONSERVATION PARTNERSHIP,  
 TREAD LIGHTLY,  
 WHITETAILS UNLIMITED,  
 WILDLIFE FOREVER,  
 WILDLIFE MANAGEMENT INSTITUTE,  
 WILDLIFE MISSISSIPPI.

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STATEMENT FOR THE DEPARTMENT OF INTERIOR, ON S. 1554

Thank you for the opportunity to discuss the views of the Department of the Interior on S. 1554, the Hunt Unrestricted on National Treasures (HUNT) Act. We appreciate the committee's attention to the important issue of hunting, fishing, and

recreational access to public lands, and we share the sponsor's commitment to assuring access to public lands for recreational uses as authorized in applicable land use plans. The Department strongly supports the goal of increasing recreational access to public lands. However, the Department does not support the extensive reporting required by S. 1554 and would like to work with the sponsor on the reporting provisions of the bill so the bureaus can feasibly meet its requirements as efficiently and effectively as possible.

#### *Background*

The Department's bureaus manage 19 percent of the Nation's land area, much of it for recreation. Providing access to quality recreation on public lands is one of the Department of the Interior's primary missions as outlined in the current Strategic Plan which commits to improving outdoor recreation access and increasing opportunities for public enjoyment of Federal lands and waters. In addition to drawing young people outdoors to play, serve, learn, and work, outdoor recreation is a significant contributor to the national economy and the economies of communities that surround the lands we manage. It is important that we make recreational opportunities available in communities across the nation, to promote health and fitness, engage our youth, and inspire the next generations to conserve and protect America's precious resources. In 2012, the Outdoor Industry Association reported that recreation activities generate \$646 billion dollars in spending each year and support 6.1 million jobs. The approximately 417 million visits to DOI-managed lands in 2012 contributed an estimated \$45 billion in economic output to the surrounding economies through trip-related spending.

The FY 2014 Consolidated Appropriations Act (PL 113-76) directed the Department and the U.S. Forest Service to report to Congress on actions they are taking to preserve and improve access to public lands for hunting, fishing, shooting and other recreational activities, including proposed improvements for public involvement in agency decision-making and coordination with State and local governments. The Department is finalizing that report and looks forward to sharing it with the Congress in the near future, as well as using it as a basis for further discussions with the bill's sponsor and the Committee.

#### *Bureau of Land Management*

The Bureau of Land Management (BLM) manages roughly 245 million acres nationwide according to its multiple use and sustained yield mission. These public lands receive an estimated 60 million visits annually from hunters, anglers, hikers, bikers, OHV riders, climbers, boaters, and other recreationists. The BLM actively seeks to improve access to public lands and has conducted several comprehensive analyses that reported on acres of land with inadequate access. More than 90 percent of BLM-managed lands are accessible to the public for recreational purposes. The BLM continually seeks opportunities to acquire access to those public lands which are inaccessible because of private or state land ownership patterns that block reasonable access.

The BLM uses information from these reports as well as input from the public during the land use planning process to drive the expansion of hunting, fishing, and recreational access opportunities through the acquisition of easements, rights-of-ways, and other means. For example, recently the BLM acquired the 920-acre Cross Mountain Ranch parcel in northwest Colorado using the Land and Water Conservation Fund (LWCF). This acquisition opened access to 88,000 acres of public land for outstanding fishing, hunting, wildlife watching, and whitewater rafting opportunities. The BLM's 2015 funding request for LWCF is \$25 million for 14 projects in eight states, all of which would provide access to public lands that user groups have identified as being high priority. BLM field offices are also continually updating local maps and online resources such as web-based maps with improved access information that incorporate the unique user needs of each local area. In an effort to utilize technologies that will allow the public to produce and view web maps, the BLM is also developing an interactive web-based interface for public to access BLM maps, data, and information.

#### *National Park Service*

The National Park Service (NPS) manages 84 million acres of land in 401 national parks across the U.S. Since 1916, the American people have entrusted the NPS with the care of their national parks. With the help of volunteers and park partners, the NPS is proud to safeguard these special places and to share their stories with visitors across the nation. Each of these special places reflects a fundamental truth about the American experience, whether it is the natural beauty of our lands or the historic importance of the people and events that have shaped this nation. Our nation's 401 national parks welcomed more than 273.6 million visitors in 2013, con-

tributed \$26.5 billion to the nation's economy, and supported 240,000 jobs nationwide.

The National Park System was created to conserve unimpaired many of the world's most magnificent landscapes. They are a remarkable collection of places in America for recreation and learning. As required by the 1916 Organic Act, these special places must be managed in a special way—a way that allows them to be enjoyed not just by those who are here today, but also by generations that follow.

The NPS manages programs that work with and beyond parks to help extend the benefits of natural and cultural resource conservation and outdoor recreation throughout the country. The NPS supports outdoor recreation that connects all Americans to their parks, trails, rivers, and other special places. The NPS provides grants to communities for the acquisition and development of outdoor recreational resources, and to help provide financial and technical assistance to communities across the country to eliminate barriers to accessing parks and recreational facilities.

The NPS also manages the 54,000-mile National Trail System, which provides recreational opportunities across the nation. These trails provide contact with the natural world, which improves the visitor's physical and psychological health and reduce stress.

#### *U.S. Fish and Wildlife Service*

Hunting and fishing are two priority public uses of the National Wildlife Refuge System. Over 500 national wildlife refuges and wetland management districts are open for fishing, wildlife watching, hunting, photography and other forms of recreation. Currently, 335 national wildlife refuges are open for hunting and 271 are open for fishing.

As a way to improve access for all Americans, the U.S. Fish and Wildlife Service (FWS) manages over 3,500 small outdoor recreation facilities on national wildlife refuges that are accessible for hunters, anglers, and other outdoor enthusiasts. These include boat ramps, hunting blinds, trails, fishing piers, boardwalks, visitor contact stations, interpretive kiosks, and observation platforms. These small facilities are supported by a network of well managed roads and trails that enhance access for the public. In Fiscal Year 2013, nearly 50 million National Wildlife Refuge System visitors took advantage of 2,700 special events and hundreds of quality hunting and fishing opportunities. Based upon public surveys, on average, 90 percent of visitors to national wildlife refuges gave high marks on their overall experiences, the responsiveness of staff, and access to our facilities and programs.

Refuges rely upon comprehensive conservation plans to identify areas to be opened to the public and are required to undertake appropriate use and compatibility reviews before new recreation programs can be offered. Refuge Managers often need to balance interests in opening new public use areas against other management considerations, such as emergency closures to protect critical resources that may change frequently. While supporting greater appropriate and compatible recreation on refuges, managers are mindful not to overbuild access points that could contribute to larger deferred maintenance backlogs or create potential conflicts with our habitat management goals.

#### *S. 1554*

S. 1554 would require the BLM, NPS, FWS, and the U.S. Forest Service, to produce a report, within 180 days and annually thereafter, identifying all parcels greater than 640 acres for which hunting, fishing, or recreational uses are allowed by law but public access is inadequate or unavailable. S. 1554 further requires the agencies to analyze whether that list of parcels has significant potential to be used for hunting, fishing, or recreation—and if so, to develop a plan that outlines the most reasonable course of actions needed to obtain or acquire access. The bill also requires that within one year, the agencies make available on a website a list of roads and trails that are the primary access and egress for all parcels greater than 640 acres.

The Department of the Interior supports the goal of collecting and making information about recreational access available to the public. However, we are concerned about the volume of data collection and analysis the bill would require, and would like to work with the sponsor and the Committee on an approach to prioritize the areas to be analyzed. Such reporting would help the Department prioritize recreation access projects. Further, we recommend that the sponsor exclude from the hunting access reporting requirement areas where hunting is not authorized by law, such as in certain units of the National Park System. We look forward to working with the sponsor and the Committee to outline specific reporting requirements that

could be successfully achieved given available staff and resources to meet the public's need for information.

S. 1554 also amends LWCF to require not less than 1.5 percent of the funds go to public access. The Department supports the goals of providing acquisition of easements, rights-of-way, and fee title acquisitions for the purpose of enhancing access to public lands, but we would like to note that a permanent set-aside may be premature, and access issues can be addressed administratively through the bureaus' annual LWCF prioritization process.

#### *Conclusion*

The Department strongly supports the goal of increasing access to public lands for hunting, fishing and other recreational purposes and we support making information about opportunities for public access available to the public. The Department would like to work with the sponsor and the committee to ensure that the bill's reporting requirements can be met given existing data and staffing limitations.

#### S. 1049 AND H.R. 2166

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 1049 and H.R. 2166, bills to direct the Secretary of the Interior and Secretary of Agriculture to expedite access to certain Federal lands under the administrative jurisdiction of each Secretary for good Samaritan search-and-recovery missions, and for other purposes.

The Department supports S. 1049 and H.R. 2166 with amendments.

S. 1049 and H.R. 2166 would require the Secretary of the Interior and Secretary of Agriculture (Secretaries) to develop and implement a process to expedite access to federal lands for eligible organizations and individuals who request access to Federal lands to conduct good Samaritan search and recovery missions. The bills would require these procedures to include provisions clarifying that such groups are not considered Federal volunteers, and exempting such groups from the Volunteers in the Parks Act of 1969, the Federal Tort Claims Act, and the Federal Employee Compensation Act. The bills would also prohibit the Secretaries from requiring such organizations or individuals to have liability insurance as a condition of accessing federal lands if they acknowledge and consent, in writing, that they understand they are not protected under federal law and sign a waiver releasing the federal government from all liability related to the access granted.

The bills would require the Secretaries to notify an eligible organization or individual of the approval or denial of a request within 48 hours after the request is made and, in the case of a denial, notify the organization or individual of the reason for denial and any actions that they can take to meet the requirements for the request to be approved. The bills would also require the Secretaries to develop partnerships with search-and-recovery organizations to coordinate and expedite good Samaritan search-and-recovery missions on federal lands. Within 180 days after enactment, the bills would require the Secretaries to submit a joint report to Congress describing plans to develop partnerships and efforts being taken to expedite and accelerate good Samaritan search-and-recovery mission efforts on federal lands.

We believe that we can work with the sponsor and the committee to amend S. 1049 and H.R. 2166 so that they would facilitate this process, without creating an undue burden on the land management bureaus or the applicants.

We recommend amending the bills to ensure that the document required to be signed as a condition of accessing federal lands both waives rights, claims, and causes of action against the United States, and releases the United States from liability. This would provide more comprehensive protection for the federal government against lawsuits than the legislation does as currently written.

We also recommend amending the bills to provide 2 business days, rather than 48 hours, for the approval or denial of a permit, and the time period for approval or denial would start only after the land management agency has received a complete application. This would make the permit approval process more practical, as land management agencies may not have staff available to process permits after the close of business or on weekends.

In addition, we note technical issues with the definitions contained in the bills. For example, the meaning of the term "not-for profit capacity," which is used in the definition of eligible organization and eligible individuals, is not clear. The requirement that eligible organizations and eligible individuals have certification in training that meets or exceeds standards established by the American Society for Testing and Materials is not needed, in our view, because federal agencies use other standards for verifying a prospective provider's qualifications and medical/fitness level.

With the amendments described in this statement, the Department believes that the legislation would allow expedited access for good Samaritan search-and-recovery

missions without complicating existing procedures, or causing unintended impacts to existing relationships between federal agencies and search organizations. We would welcome the opportunity to work with the bills' sponsors and this committee on these amendments.

Mr. Chairman, this concludes this statement.

S. 1605

Thank you for the opportunity to present a statement for the record on S. 1605, a bill for the relief of Michael G. Faber. The Department of the Interior (Department) does not oppose S. 1605, but has concerns about the Secretary's ability to provide the relief the bill contains.

#### *Background*

S. 1605 is an individual relief bill on behalf of Michael G. Faber. Mr. Faber is a Tsimshian Indian with family roots in Southeast Alaska. Mr. Faber was initially granted membership and stock in 1973 in the Sealaska Native Regional Corporation (Sealaska). Sealaska is made up of Southeast Alaska Natives formed as a result of the aboriginal land claims settlement between the Federal Government and Alaska Natives accomplished through passage of the Alaska Native Claims Settlement Act, ANCSA, of 1971.

During the original enrollment process following passage of the Alaska Native Claims Settlement Act, Mr. Faber enrolled in the Sealaska Corporation, the tenth of the thirteen corporations created by the Act, along with other members of his family. Mr. Faber's enrollment was approved by the Bureau of Indian Affairs, and he received Sealaska share number 13-752-39665-01, and an initial 100 shares of stock in the Sealaska Corporation. The family lived in Metlakatla, Alaska prior to passage of the claims act, and by the time of implementation of the act had moved to Juneau, AK.

At some point in 1976, while Mr. Faber was on duty with the Army, and had an out-of-Alaska mailing address, the BIA apparently moved to shift his enrollment from Sealaska to the then newly created 13th Regional Corporation. This 13th Regional Corporation was intended to serve the needs of Alaska Natives living outside of Alaska. Mr. Faber was shifted to the out-of-state 13th Regional Corporation in late 1976 due to a clerical error by the Bureau of Indian Affairs (BIA). Although the BIA transferred Mr. Faber to the 13th Regional Corporation, it appears Mr. Faber did not actually request or approve the transfer of his corporate enrollment. Subsequently, in 1992, Mr. Faber formally enrolled in the Metlakatla Indian Community of the Annette Indian Reserve, and thereby formally renounced eligibility for benefits or shareholder status in any Native Corporation established under ANCSA.

#### *S. 1605*

S. 1605 seeks to authorize Mr. Faber's reinstatement to the Sealaska roll by directing the Secretary of the Interior to reinstate Mr. Faber to the shareholder roll of Sealaska Corporation, and directs the Secretary to "ensure the provision to the affected individual of the number of shares originally allocated to the affected individual by Sealaska Corporation."

While the Department does not oppose the relief contemplated by S. 1605, we are concerned that the Secretary lacks the authority to grant all such relief. While the Secretary may be able to correct the Alaska Native Roll with passage of the legislation, ensuring the issuance of stock to Mr. Faber in Sealaska, a for-profit corporation chartered under the laws of the State of Alaska, is beyond the authority of the Secretary.

This concludes the Department's statement for the record.

S. 2123

Thank you for the opportunity to present the Department of the Interior's views on S. 2123, the School District 318 Land Exchange Act, which directs the Secretary to accept an offer to exchange certain Federal and non-Federal parcels of land in Grand Rapids, Minnesota. The Department supports S. 2123, which is a thoughtful effort toward resolving a long-standing request of School District 318.

The bill directs the Secretary of the Interior to (1) accept an offer by the Minnesota Independent School District number 318 in Grand Rapids, Minnesota, to convey to the United States approximately 1.6 acres of specified non-federal land (including any structures on it), and (2) convey to the District in exchange approximately 1.3 acres of specified U.S. Geological Survey (USGS) land. The Federal land described in the bill adjoins Robert J. Elkington Middle School. The Federal land is used to store equipment and vehicles and because of its proximity to the campus, as well as the security fencing, it is suitable for management by the School District.

The non-Federal land to be exchanged is closer to the USGS Minnesota Water Science Center and has better access to that facility. All structures on the Federal and non-Federal land are to be included in the exchange. School District 318 and the USGS have discussed exchanging these parcels of land for over a decade and so we appreciate Senator Franken introducing S. 2123 to resolve this matter through legislation.

The bill requires valuation by an independent appraiser in accordance with the Uniform Appraisal Standards for Federal land acquisitions as applicable to land exchanges. The values of the Federal and non-Federal lands to be exchanged would be equalized by payment to the Secretary. We note two technical components of the bill that we feel we can work with the committee to provide additional clarity. First, the bill does not address the issue of equalization in the event the value of the non-Federal land to be exchanged exceeds the value of the Federal land. Second, S. 2123 does not address the issue of which parties to the exchange will assume the responsibility of funding the property valuation. We look forward to working with the Committee to address these technical issues.

Thank you for the opportunity to present the views of the Department on S. 2123. We appreciate the efforts of the sponsors and the Committee to resolve this long-standing issue.

