

Statement for the Record
U.S. Department of the Interior
before the
House Committee on Natural Resources
Subcommittee on National Parks, Forests and Public Lands

To Designate as Wilderness Certain Land and Inland Water Within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes.

October 25, 2011

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 977, a bill to designate the Sleeping Bear Dunes Wilderness at Sleeping Bear Dunes National Lakeshore in the State of Michigan.

The Department strongly supports enactment of H.R. 977. This legislation would designate 32,557 acres, or 46 percent, of Sleeping Bear Dunes National Lakeshore in Michigan's Lower Peninsula as federally protected wilderness. Management of the wilderness area would be in accordance with the 1964 Wilderness Act (16 U.S.C. 1131 et seq.).

P.L. 91-479 established Sleeping Bear Dunes National Lakeshore on October 21, 1970, in order "...that certain outstanding natural features including forests, beaches, dune formations, and ancient (glacial) phenomena...be preserved in their natural setting and protected from developments and uses which would destroy the scenic beauty and natural character of the area...for the benefit, inspiration, education, recreation, and enjoyment of the public." This bill clearly supports the intent of that law.

The park extends nearly 30 miles along the eastern shore of Lake Michigan. It also includes two large Lake Michigan islands with an additional 35 miles of shoreline. The park protects and preserves superlative scenic and recreational resources including towering perched sand dunes that rise as high as 450 feet above Lake Michigan. The park contains several federally threatened and endangered species, including the Piping Plover, Pitcher's Thistle and Michigan Monkeyflower. The park also includes many historic features, including a lighthouse and three U.S. life-saving service stations, coastal villages, and picturesque farmsteads. Permanent wilderness designation will ensure protection of these significant natural, cultural and historical resources.

The park receives nearly 1.2 million visitors each year who enjoy the beaches, over 100 miles of backcountry trails and eight campgrounds. The region surrounding the park is a popular vacation and summer home destination as visitors and residents take advantage of a variety of recreational opportunities, including hiking, camping, backpacking, hunting, fishing, bird watching, boating, cross-country skiing and snowshoeing. The National Park Service estimates

that the presence of the National Lakeshore brings nearly \$78 million of economic benefit to the local community each year.* Designation of the wilderness area will not limit public access or change the way the area is currently being managed for public use and enjoyment.

Native American use of the area extends some 3,000 years into the past and is represented today primarily by the Grand Traverse Band of Ottawa and Chippewa Indians. Nothing in H.R. 977 would modify, alter, or affect any treaty rights.

The park encompasses a total of 71,291 acres; about 58,571 acres of land and 12,720 acres of water. Over 30,000 acres of the proposed 32,557-acre wilderness area have been managed as wilderness since 1981, when a wilderness proposal produced under the park's first comprehensive General Management Plan (GMP) was published. Since that time, the five areas of the park proposed as wilderness have provided outstanding recreational opportunities for hikers, backpackers, anglers, paddlers, and hunters with hunting being allowed in accordance with State regulations. A network of hiking trails and numerous camping opportunities will continue to be maintained in this portion of the park, even with the wilderness designation. The additional acres in the current proposal arise from the inclusion of the Sleeping Bear Plateau, an area only suitable for foot travel that continues to offer outstanding opportunities for solitude. Since formal wilderness designation would not change the way in which visitor use is currently managed in the area proposed as wilderness, there is no reason to believe it would have any detrimental impact on visitation or the local economy, and formal designation may actually have a beneficial impact.

The proposed wilderness area does not include any existing county roads or areas managed primarily for historic resources. This is to ensure the continued availability of the county roads for visitors accessing remote trailheads, beaches, backcountry areas and historic areas. Although the park's boundary extends one-quarter mile out into Lake Michigan, none of the waters of Lake Michigan are proposed as wilderness. H.R. 977 would authorize the use of boat motors on the surface water of Lake Michigan adjacent to the wilderness and beaching of those boats, subject to applicable laws. This is to ensure continued access by boaters to the shoreline beach adjacent to the wilderness area. These have been areas of significant public concern.

Between 2006 and 2009, the NPS developed an updated GMP for the park. Because of public concern over the 1981 wilderness proposal, and its inclusion of county roads and historic sites, a formal Wilderness Study was conducted as part of this comprehensive planning effort. After extensive public involvement, review, and comment, including overwhelming public support for wilderness designation, the preferred alternative in the final GMP/Wilderness Study was approved by the Midwest Regional Director on January 6, 2009. The area of proposed wilderness was mapped at 32,557 acres, with a portion in all five eligible areas, and is the same as the proposed wilderness designation in H.R. 977. The final GMP/Wilderness Study does not propose wilderness in several eligible areas, including those areas fragmented by the road corridors near the Otter Creek area of the Lakeshore; the land within the Port Oneida Rural Historic District; the lands in the historic "Cottage Row" on North Manitou Island; the area in the South Manitou Island historic farm loop; an area near the historic Bufka Farm identified for a bicycle trail; and the congested area at the top of the Dune Climb.

* Stynes, Daniel J. "National Park Visitor Spending and Payroll Impacts: 2009." National Park Service, 2011.

Passage of H.R. 977 would support the vision in the new GMP. The bill has very strong, broad-based public support. The overwhelming majority of local officials, the conservation community, and the Michigan delegation are united in their support for this bill as a winning resolution to an issue that has been debated since the park's establishment in 1970. Parties that had been bitterly polarized over earlier proposals have reached consensus that this bill strikes an appropriate balance between preserving access and guaranteeing outstanding primitive recreational opportunities.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

**Statement of
Mike Pool
Deputy Director
Bureau of Land Management
Department of the Interior
House Natural Resources Committee
Subcommittee on National Parks, Forests and Public Lands
H.R. 1413, Devil's Staircase Wilderness Act
October 25, 2011**

Thank you for inviting the Department of the Interior to testify on H.R. 1413, the Devil's Staircase Wilderness Act of 2011. The Bureau of Land Management (BLM) supports H.R. 1413 as it applies to lands we manage.

Background

The proposed Devil's Staircase Wilderness, near the coast of southwestern Oregon, is not for the faint of heart. Mostly wild land and difficult to access, the Devil's Staircase reminds us of what much of this land looked like hundreds of years ago. A multi-storied forest of Douglas fir and western hemlock towers over underbrush of giant ferns, providing critical habitat for the threatened Northern Spotted Owl and Marbled Murrelet. The remote and rugged nature of this area provides a truly wild experience for any hiker.

H.R. 1413

H.R. 1413 proposes to designate over 30,000 acres as wilderness, as well as portions of both Franklin Creek and Wasson Creek as components of the Wild and Scenic Rivers System. The majority of these designations are on lands managed by the U.S. Forest Service. The Department of the Interior defers to the U.S. Department of Agriculture on those designations.

Approximately 6,830 acres of the proposed Devil's Staircase Wilderness and 4.2 miles of the Wasson Creek proposed designation are within lands managed by the BLM. The Department of the Interior supports these designations.

We note that while the vast majority of the acres proposed for designation are Oregon & California (O&C) lands, identified under the 1937 O&C Lands Act for timber production, the BLM currently restricts timber production on these lands. These lands are administratively withdrawn from timber production by the BLM through various administrative classifications. Additionally, the BLM estimates that nearly 90 percent of the area proposed for designation is comprised of forest stands that are over 100 years old, and provides critical habitat for the threatened Marbled Murrelet and Northern Spotted Owl.

The 4.2 miles of Wasson Creek would be designated as a wild river to be managed by the BLM under H.R. 1413. The majority of the acres protected through this designation would be within the proposed Devil's Staircase wilderness designation, though 376 acres would be outside the proposed wilderness on adjacent BLM lands.

The designations identified on BLM-managed lands under H.R. 1413 would result in only minor modification of current management of the area and would preserve these wild lands for future generations.

Conclusion

Thank you for the opportunity to testify in support of these important Oregon designations. The Department of the Interior looks forward to welcoming these units into the BLM's National Landscape Conservation System.

**Statement of
Mike Pool
Deputy Director
Bureau of Land Management, Department of the Interior**

**House Natural Resources Committee
Subcommittee on National Parks, Forests, and Public Lands**

H.R. 490, Cibola National Forest Boundary Expansion

October 25, 2011

Thank you for the opportunity to testify on H.R. 490, a bill that would expand the boundaries of the Cibola National Forest in New Mexico by transferring to the U.S. Forest Service (Forest Service) administrative jurisdiction of the Manzano Wilderness Study Area (WSA) and designating it as wilderness. The Manzano WSA is currently managed by the Bureau of Land Management (BLM). The Department of the Interior supports H.R. 490.

Background

The 896-acre Manzano WSA is adjacent to the existing Manzano Mountain Wilderness on the southern end of the Cibola National Forest. The landscape, located on the west face of the Manzano Mountains, includes pinon-juniper with extensive wildlife populations, such as mule deer, bear, coyotes, numerous raptors, and mountain lions.

The New Mexico offices of the BLM and the Forest Service periodically discuss opportunities to adjust boundaries to improve the management of Federal land in order to manage parcels more effectively and efficiently on the ground. Through these discussions, the Manzano WSA was identified as a parcel that could be managed more efficiently by the Forest Service than by the BLM. We look forward to continuing our work with the Forest Service to explore opportunities to provide for more efficient and effective management of BLM and Forest Service lands.

During the 111th Congress, the House Natural Resources Committee favorably reported legislation (H.R. 5388) after adopting an amendment in the nature of a substitute that addressed concerns raised by the Department of the Interior on the introduced bill. H.R. 490 is identical to H.R. 5388 as reported by the Committee.

H.R. 490

The bill (Section 1(c)) transfers administrative jurisdiction of the Manzano Wilderness Study Area from the Secretary of the Interior to the Secretary of Agriculture to be managed by the Forest Service as part of the Manzano Wilderness Area. This area is adjacent to Forest Service-managed National Forest System lands (the Cibola National Forest), but isolated from other BLM-managed lands. The BLM supports this transfer. The remaining provisions of H.R. 490 pertain exclusively to the U.S. Forest Service's management of these lands after the transfer of administrative jurisdiction. We defer to the U.S. Department of Agriculture on issues affecting management of National Forest System lands.

Conclusion

Thank you for the opportunity to testify on H.R. 490. I am happy to answer any questions.

**Statement of
Mike Pool
Deputy Director
Bureau of Land Management
Department of the Interior
House Natural Resources Committee
Subcommittee on National Parks, Forests, and Public Lands
H.R. 41, Beauty Mountain and Agua Tibia Wilderness Act of 2011
October 25, 2011**

Thank you for inviting the Department of the Interior to testify on H.R. 41, the Beauty Mountain and Agua Tibia Wilderness Act of 2011. H.R. 41 significantly expands the Beauty Mountain Wilderness established by the Omnibus Public Land Management Act (P.L. 111-11). The Department welcomes the opportunity to enhance protection for this important area and supports this wilderness expansion. We would also like the opportunity to work with the sponsor and the Committee on minor and technical amendments to the bill, and note that the BLM can administratively accomplish the placement of recreational facilities described in the bill. The Department defers to the Department of Agriculture regarding the expansion of the Agua Tibia Wilderness involving National Forest System Lands.

Background

The Omnibus Public Land Management Act (P.L. 111-11) designated the Beauty Mountain Wilderness on 15,600 acres of public lands managed by the Bureau of Land Management (BLM) in Riverside County, California. This designation constituted the northern half of the Beauty Mountain Wilderness Study Area (WSA) within Riverside County; the law did not address the southern half of Beauty Mountain within San Diego County.

The Beauty Mountain area supports a rich complement of wildlife species because of its location within the transition zone from the oak woodlands and mountain chaparral of the eastern edge of the Peninsular Range to the creosote bush scrub at the western edge of the Colorado Desert. Home to several threatened or endangered desert species, these public lands enhance important wildlife corridors and landscape connections to the expansive Anza Borrego Desert State Park. Within an hour's drive of the major population centers of San Diego and Riverside, this area is a popular destination for a variety of dispersed outdoor recreational activities including camping, hiking, horseback riding and hunting.

H.R. 41

H.R. 41 enlarges the existing Beauty Mountain Wilderness by approximately 14,000 acres. The expansion of the wilderness area is critical to maintain open space and to protect this significant area of chaparral, canyons and forest in northern San Diego County. In 2007 and 2008, the BLM testified in support of the wilderness designation of Beauty Mountain, but noted that the southern boundary of the area was arbitrarily cut off at the county line. We welcome the completion of this wilderness area provided for in this legislation.

H.R. 41 represents several years of collaborative effort by Representative Issa that involved close coordination with elected officials, environmental organizations, community groups, adjacent

landowners, and concerned individuals in San Diego County. Representative Issa worked diligently to seek consensus on the wilderness expansion from all segments of the public as well as private landowners adjacent to the wilderness.

There are several minor amendments to H.R. 41 that we would like to address. First, the BLM prepared a new map for Congressman Issa last year, dated March 2, 2010. This map more accurately reflects current land status showing the recent acquisition of private lands (largely through donation to the Federal government) within the proposed wilderness area. We recommend that the bill be updated to reference the new map from 2010, which reflects a wilderness addition of just over 14,000 acres.

Additionally, the BLM would like the opportunity to work on technical language modifications for consistency with other wilderness legislation. Finally, while we do not object to the intent of section 201 regarding the placement of recreational facilities such as a campground, parking areas and related facilities on adjacent lands, we prefer that these proposals be analyzed through the land management planning process, which includes public input and review. We request that it not be included in legislative language as it may reduce the agency's flexibility in the future. The BLM recommends that these issues instead be addressed in Committee report language.

Conclusion

Thank you again for the opportunity to testify in support of the provisions of H.R. 41 regarding the expansion of the Beauty Mountain Wilderness. I will be happy to answer any questions.

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The park receives nearly 1.2 million visitors each year who enjoy the beaches, over 100 miles of backcountry trails and eight campgrounds. The region surrounding the park is a popular vacation and summer home destination as visitors and residents take advantage of a variety of recreational opportunities, including hiking, camping, backpacking, hunting, fishing, bird watching, boating, cross-country skiing and snowshoeing. The National Park Service estimates

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Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

**Statement of
Mike Pool
Deputy Director
Bureau of Land Management
Department of the Interior
House Natural Resources Committee
Subcommittee on National Parks, Forests, and Public Lands
H.R. 1126, Disposal of Excess Federal Lands Act of 2011
October 25, 2011**

Thank you for inviting the Department of the Interior to testify on H.R. 1126, the Disposal of Excess Federal Lands Act. The Administration strongly opposes H.R. 1126 and instead encourages the Congress to reauthorize the Federal Land Transaction Facilitation Act (FLTFA) which has a proven track record of providing for the thoughtful, efficient, and economical disposal of appropriate public lands.

Background

Congress has long recognized the national interest in preserving and conserving the public lands for present and future generations of Americans. In 1976, Congress declared it the policy of the United States that "...the public lands be retained in federal ownership, unless as a result of land use planning...it is determined that disposal of a particular parcel will serve the national interest" (Federal Land Policy and Management Act of 1976 (FLPMA); Public Law 94-579). Section 203 of FLPMA allows the BLM to identify lands as potentially available for sale through the land use planning process, provided they meet one or more of the following criteria:

- Lands consisting of scattered, isolated tracts that are difficult or uneconomic to manage;
- Lands that were acquired for a specific purpose and are no longer needed for that purpose; and
- Lands that could serve important public objectives, such as community expansion and economic development, which outweigh other public objectives and values that could be served by retaining the land in Federal ownership.

The BLM oversees the public lands through 157 Resource Management Plans (RMPs). Since 2000, the BLM has completed 70 RMP revisions and major plan amendments. Additionally, the BLM is currently working on planning efforts for 46 new RMPs. Each land use planning document is unique and typically identifies lands as potentially available for disposal through sale, exchange (typically to further particular resource goals), or for conveyance under the Recreation and Public Purposes Act (R&PP) for public purposes such as schools, fire stations, and community parks. Lands identified for potential disposal may be available for any or all of these purposes. The BLM may only dispose of lands that are identified for disposal in the appropriate land use plan unless otherwise directed by Congress.

Lands that are identified for disposal in RMPs do not represent a Federal "multiple listing service" and there may be substantial impediments to disposal. The process of identifying these lands as potentially available for disposal in an RMP typically does not include site-specific identification of impediments to disposal, such as the presence of threatened or endangered

species, cultural or historic resources, mining claims, mineral leases, rights-of-way, and grazing permits. Also not included in this identification process is an appraisal to establish market value or a specific survey of the lands. Furthermore, because land use plans typically extend over many years, lands identified as potentially available for disposal at one point in time may be found later to be unsuitable because of new circumstances such as oil and gas leasing, the listing of threatened and endangered species, the establishment of rights-of-way, or other encumbrances.

Disposal of BLM-Managed Lands

A number of authorities and mechanisms currently exist that provide for the disposal of BLM-managed public lands. The BLM has the authority under FLPMA (Section 203) to sell lands identified for disposal. The proceeds from sales are deposited into the General Fund of the Treasury. Typically these sales have been for low value lands, for example isolated parcels surrounded by private land.

FLPMA (Section 206) also provides the agency with administrative land exchange authority. To be eligible for exchange, BLM-managed lands must be identified for disposal through the land use planning process. Exchanges allow the BLM to acquire environmentally-sensitive lands while transferring public lands into private ownership for local needs and to consolidate scattered tracts.

Congress also has provided specific direction to the BLM through legislated land exchanges. For example, the Utah Recreational Land Exchange Act of 2009 (Public Law 111-53) mandated the exchange of specific public lands in Grand and Uintah Counties in Utah for state lands in those same counties. Another example is the Southern Nevada Public Land Management Act (Public Law 105-263, as amended), whereby Congress provided for competitive auction of public lands in the Las Vegas Valley with the proceeds from those sales used to acquire environmentally-sensitive lands and other purposes.

The R&PP Act is an extremely important authority utilized by the BLM to help states, local communities, and nonprofit organizations obtain at no or low cost lands for important public purposes. Examples include parks, schools, hospitals and other health facilities, fire and law enforcement facilities, courthouses, social services facilities, and public works projects. Since 2000, the BLM has disposed of over 31,000 acres of public land through the R&PP process and currently leases an nearly 80,000 acres of public land under the Act.

Finally, enactment of the FLTFA in 2000 (Public Law 106-248), which expired on July 25, 2011, allowed the BLM to sell public lands identified for disposal through the land use planning process prior to July 2000, and retain the proceeds from those sales in a special account in the Treasury. The BLM could then use those funds to acquire, from willing sellers, inholdings within and adjacent to certain federally designated areas that contain exceptional resources, including areas managed by the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), the U.S. Forest Service (FS), and the BLM. Approximately 26,000 acres were sold under this authority and over 18,000 acres of high resource value lands were acquired.

1997 Lands Report to Congress

In 1996, the Congress (Public Law 104-127, Section 390) directed the Secretary of the Interior to report to Congress on lands that may be suitable for disposal or exchange to benefit the Everglades Restoration effort in Florida. The Department of the Interior's May 27, 1997 report to Congress included a list of BLM-managed lands that had been identified for disposal through the BLM's land use planning process, while excluding lands that had been withdrawn, segregated, or identified for other specific purposes detailed in the report. The report was a general county-by-county summary and did not provide individual parcel information, though it did include a list of potential impediments to disposal, including lack of legal access; the presence of mineral leases and mining claims; threatened and endangered species habitat; historical and cultural values; hazardous material contamination; and title conflicts. No appraisals or surveys were conducted of the lands included in the 1997 report. Lands were not identified in California or Alaska because public lands in those states that were identified for disposal were committed to needs identified under other Acts of Congress.

H.R. 1126

H.R. 1126 directs the Secretary of the Interior to sell at competitive sale, for no less than fair market value, all lands included in the Department of the Interior's 1997 Report to Congress. The bill excludes from consideration lands that are no longer identified for disposal, under an R&PP application, identified for state selection, identified for tribal allotments, or identified for local government use. Under the bill, proceeds from the sale of these lands are to be deposited in the U.S. Treasury. While a time frame for sales is not established, a report to Congress is required four years after enactment that includes a list of unsold lands and the reasons lands have not been sold. The bill provides no exceptions to the requirement to dispose of identified Federal land for resource or value reasons.

Before any parcels could be sold at auction, the BLM may need to undertake a comprehensive NEPA review of every parcel (including cultural resource and threatened and endangered species inventories), and a survey and appraisal of every parcel. These actions would be both time-consuming and costly, requiring the BLM to redirect limited resources from other more critical priorities. With limited resources and competing priorities such as oil and gas leasing, and renewable energy rights-of-way, a mandate to sell large blocks of land would severely affect the BLM's ability to respond to the Nation's energy needs and the needs of local communities. In many cases, the end result would be costs in excess of any value realized, and further deflated land values in struggling western communities.

Furthermore, the bill could negatively affect public land ranchers. Many of the lands identified for disposal are within existing grazing allotments. In the past, grazing permittees have frequently declined to acquire these lands when they are offered for sale, for financial or other reasons. Moving these lands into other private hands could have a deleterious effect on ranching communities.

Many of the lands that BLM has identified for potential disposal through the land use planning process are isolated, rural parcels with minimal market value. Others are in or adjacent to communities that have seen a dramatic erosion of land values. Flooding those markets with additional land could further undermine the economic health of those communities. Still others

may have important historic or cultural sites that deserve to be protected for future generations. Important energy resources may yet be tapped on other lands which could provide a revenue stream to the Treasury and state governments.

The Administration strongly opposes H.R. 1126. H.R. 1126 would be costly, harmful to local economies and communities, and undermine important resource values. It also would be unlikely to generate significant revenues to the U.S. Treasury.

The Federal Land Transaction Facilitation Act addressed many of these impediments to disposal by providing a careful, thoughtful process for land disposal together with a mechanism for funding that disposal. Furthermore, the proceeds of the sale of BLM-managed lands under the FLTFA are used to acquire inholdings from willing sellers in the most environmentally-sensitive areas. Thus, the long-term interest of the American public and future generations is protected. The Administration continues to urge the Congress to reauthorize the FLTFA and allow the BLM to continue with a rational process of land disposal that is anchored in public participation and sound land use planning, while providing for land acquisition to strengthen this Nation's conservation heritage.

Conclusion

Thank you for the opportunity to testify. We would like to work with Congress so that the thoughtful, efficient and economical disposal of public lands appropriate for disposal can go forward.