

**Statement of  
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U.S. Department of the Interior  
Senate Energy & Natural Resources Committee  
Subcommittee on Public Lands and Forests  
H.R. 3603, Central Idaho Economic Development and Recreation Act  
September 27, 2006**

Thank you for the opportunity to testify on H.R. 3603, the Central Idaho Economic Development and Recreation Act (CIEDRA) as passed by the House of Representatives on July 24. We support the goals of the bill and the collaborative approach taken by Congressman Simpson in crafting it. While generally supportive of the legislation, as discussed in more detail below the Administration continues to oppose the provisions relating to the transfer of Federal lands without compensation, the buyout of patented mining claims, and the acquisition of unpatented mining claims.

We recognize that H.R. 3603 is the result of a lengthy and very thorough collaborative process led by Congressman Mike Simpson of Idaho. Congressman Simpson and his staff have spent a substantial amount of time and energy on this legislation. We look forward to continuing to work with the Congressman and the Committee to address our concerns with the bill.

My comments today will only address issues of interest to the DOI and the BLM. We defer to the Department of Agriculture and the Forest Service on those matters that lie strictly within their jurisdiction.

We would also note that the BLM has been working with Congressman Simpson on accurate maps for Sections 102, 104, 105 and 106 as well as for the Jerry Peak Wilderness described in section 201(a)(3). Therefore our comments today will reflect the information on those maps dated September 13, 2006 for sections 102, 104, 105 and 106 and dated August 30, 2006 for Jerry Peak Wilderness.

In addition to the specific items we outline below, we would like the opportunity to work on a number of minor technical issues including timeframes and resolution of any mapping inconsistencies.

Title I—Land Transfers and Recreation Promotion

Title I of the legislation proposes a number of land transfers by the BLM to local governments, including Blaine County, the cities of Clayton, Mackay, and Challis, as well as to the State of Idaho. In addition, this title authorizes the BLM to undertake additional trail construction and maintenance and campground improvements as well as to extend outfitter and guide permits. Finally Title I proposes a series of land exchanges with the State of Idaho.

The land conveyances to local communities in sections 102, 104, 105, and 106 all require conveyance at no cost to the benefiting entity while requiring that the Secretary of the Interior bear the cost of the survey; other costs related to the transfer are not addressed. The legislation does not clarify the purposes for these transfers. If the transfers are for public purposes, we ask the Congress to consider whether these transfers should be done under the auspices of, or at least consistent with, the Recreation and Public Purposes Act (R&PP). If the transfers are intended for subsequent sale or development for nongovernmental purposes, we would instead recommend that the bill direct the BLM to sell the identified lands at auction or through a modified competitive sale to local governments for fair market value.

The various transfers outlined in sections 102, 104, 105, and 106 comprise 21 parcels totaling approximately 4,500 acres. It should be noted that we have neither undertaken surveys of these lands, nor can provide estimates of values without substantial additional work. Some of the lands have been identified for disposal by the BLM through its land use planning process, and others have not. Most of the parcels have current uses, including grazing, recreation, and hunting. In addition, there are a number of

encumbrances, including roads, power lines, and pipelines. The BLM could support disposal of some of these parcels if they were transferred consistent with the suggestions we have outlined.

In addition, all costs related to the transfers, including surveys, National Environmental Policy Act (NEPA) compliance, and related clearances should be borne by the benefiting entity, not by the Federal government. Furthermore, it should be made clear that these transfers are subject to valid existing rights.

Section 107 directs the transfer, without consideration, of 960 acres of public land near Boise to the State of Idaho for a motorized recreation park to be administered by the State. At this time, the 960 acres to be transferred have not been specifically identified. Until we know which acres are proposed for transfer, we cannot fully analyze any possible conflicts, or identify current uses or encumbrances. As noted above, all costs associated with this transfer should be borne by the benefiting entity. Furthermore, we note that the various conditions of the transfer should be included as deed restrictions to provide for the currently authorized uses and to avoid the necessity of the Federal government retaining the responsibility for monitoring.

Sections 109 and 110 authorize \$550,000 for the construction and maintenance of bike and snowmobile trails in Idaho by the Secretaries of Agriculture and the Interior. While we support bike trails and outdoor recreation, we believe these are expenses more appropriately borne by State and local governments, especially when they are not on Federal lands.

Section 111 provides for a 10-year extension of permits for each guide or outfitter currently operating within the areas designated by the bill as wilderness or within the Boulder-White Cloud Management Area established by the bill. The BLM currently allows for the granting of 10-year permits. We would prefer to renew or issue new permits in accordance with established policies and the existing public process.

Section 114 calls for the expansion and improvement of the Herd Lake Campground facilities and authorizes \$500,000 for this purpose. Currently, that campground consists of a single campsite. We note that this is simply an authorization and this project would need to compete with other similar projects, and the needs of the public lands in general, for actual funding.

Finally, section 115 authorizes land exchanges between the State of Idaho and the Departments of the Interior and Agriculture in order to eliminate State inholdings within the wilderness areas designated by the bill and in the Sawtooth National Recreation Area. It is our understanding that neither the map of the State inholdings nor the lands proposed for exchange by the Federal government have been finalized. Until that information is available we are unable to comment on this section of the bill.

#### Title II—Central Idaho Wilderness

The bill would establish three wilderness areas, the Ernest Hemingway-Boulder Wilderness, White Clouds Wilderness, and Jerry Peak Wilderness. Only the Jerry Peak Wilderness includes lands managed by the BLM. Under the bill, Jerry Peak Wilderness would total approximately 131,700 acres including approximately 31,700 acres of BLM-managed lands. This wilderness area would include portions of the Jerry Peak Wilderness Study Area (WSA), the Jerry Peak West WSA, and the Boulder Creek WSA. The portions of those WSAs not designated as wilderness as well as the Corral Horse Basin WSA (approximately 79,384 acres) are released under the legislation from WSA status and are incorporated into the Boulder-White Cloud Management Area established by Title III of the bill. We support the designation of this Wilderness Area and believe that the BLM lands included could be managed as wilderness. We would like the opportunity to work with the sponsor and the committee on minor boundary modifications to ensure manageability. Additionally, we would like to work on standardizing the management language to be consistent with other wilderness designations. By making minor adjustments to the language of the bill, we believe we can both protect the wilderness character and allow important uses in a manner consistent with wilderness management.

We oppose section 203 of this title, which provides for the purchase of all patented mining claims within the designated wilderness at \$20,000 a claim. Any proposal to buy out private inholdings or property interests should be based on the appraised fair market value and subject to the availability of funds.

#### Title III—Boulder White Cloud Management Area

Title III of the bill creates a new and unique entity, the Boulder-White Clouds Management Area. Both Forest Service lands and BLM-managed lands released from WSA status would be managed for multiple use, including recreation, grazing, conservation, and resource protection. We support the establishment of this area. Title III includes an authorization of appropriations for this title totaling nearly \$7 million. We are concerned that the local community may have heightened expectations that the BLM may not be able to fulfill. Congress and the local community must be aware that competing budget priorities may prevent full funding of these initiatives. In addition, we would like to work with the sponsor and committee to ensure that the language on trails is workable and consistent with both BLM regulations and practicalities on the ground.

A new subsection 302(b) has been added to the legislation since we testified during House Resources consideration in October of 2005. This subsection requires the Secretaries of Interior and Agriculture to accept charitable contributions of unpatented mining claims within the boundary of the Boulder-White Management Area. As we understand it, the donor of that claim would then be allowed a tax deduction for that contribution. Furthermore, the bill appears to allow a business entity to value itself for donation purposes if the assets of that business are substantially based upon the ownership of the mining claim. We oppose these provisions, because it is inappropriate to attribute value to claims without a demonstration of validity under the mining laws, and the Department defers to the Department of Treasury regarding additional information on the tax implications of the charitable donation element of this section. There are currently over 1300 unpatented mining claims within the proposed Boulder-White Cloud Management Area.

#### Conclusion

We appreciate the hard work and collaborative spirit that has brought the bill to this point and we applaud Congressman Simpson for his leadership and dedication. We would be happy to work with the sponsor and the Committee to further improve the bill to a point where the Administration could fully support it.