

**Statement of
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Deputy Director
Bureau of Land Management, Department of the Interior
Senate Energy and Natural Resources
Subcommittee on Public Lands and Forests
S. 233, North Fork Watershed Protection Act of 2011
May 25, 2011**

Thank you for the invitation to testify on S. 233, the North Fork Watershed Protection Act of 2011. The Department of the Interior supports S. 233, which would withdraw Federal lands within the North Fork watershed of Montana's Flathead River from all forms of location, entry, and patent under the mining laws and from disposition under all laws related to mineral or geothermal leasing. Enactment of S. 233 would mark an important milestone in the work occurring across multiple jurisdictions to help preserve the remarkable resources in the Crown of the Continent ecosystem.

Background

The Flathead River Basin, a key portion of an area known as the Crown of the Continent ecosystem, spans the boundaries of the United States and Canada. It includes part of the United States' Glacier National Park and borders Canada's Waterton Lakes National Park. These two parks comprise the world's first International Peace Park as well as a World Heritage Site. The U.S. Forest Service's Flathead National Forest is also located within the Flathead River watershed. The Bureau of Land Management manages the Federal mineral estate underlying the Flathead National Forest.

Running along the west side of the Continental Divide, the North Fork of the Flathead River enters the United States at the Canadian border and forms the western border of Glacier National Park until its confluence with the Middle Fork of the Flathead River near the southern end of Glacier National Park. The North Fork watershed, a sub-basin of the Flathead River watershed, includes areas currently managed by the National Park Service, the State of Montana, the U.S. Forest Service, and some private landowners.

The Flathead River Basin is recognized for its natural resource values, including wildlife corridors for large and medium-sized carnivores, aquatic habitat, and plant species diversity. The area is rich in cultural heritage resources, with archeological evidence of human habitation starting 10,000 years ago. Several Indian tribes, including the Blackfeet, the Salish, and the Kootenai, have a well-established presence in the area. The area also has celebrated recreational opportunities, including hunting, fishing, and backcountry hiking and camping.

There has been interest in protecting the Crown of the Continent resources for some time. On February 18, 2010, the State of Montana and the Province of British Columbia executed a Memorandum of Understanding which addresses a myriad of issues related to the Flathead River Basin on both sides of the U.S. – Canada border. The intention of Part I.A. of that memorandum

is to “[r]emove mining, oil and gas, and coal development as permissible land uses in the Flathead River Basin.”

The Flathead River Basin contains Federally-owned subsurface mineral estate under National Forest System lands that the Federal government has leased for oil and gas development. At the time legislation was proposed in 2010, there were 115 oil and gas leases in the North Fork watershed that the BLM issued between 1982 and 1985. The leases, which cover over 238,000 acres, are inactive and under suspension as part of the 1985 court case *Conner v. Burford*. At the request of Montana Senators Max Baucus and John Tester, leaseholders have voluntarily relinquished 76 leases consisting of almost 182,000 acres. The BLM has not offered any other leases in the Flathead National Forest since the *Conner v. Burford* litigation suspended the existing leases in 1985.

The U.S. Forest Service is responsible for the surface management of National Forest System land; however, as noted earlier, the Secretary of the Interior and the BLM are responsible for administering the Federal subsurface mineral estate under the Mining Law of 1872, the Mineral Leasing Act of 1920, and various mineral leasing acts. With respect to locatable minerals and oil and gas resources, the Forest Service has authority to regulate the effects of mineral operations upon National Forest System resources. The BLM only issues mineral leases for locatable minerals and oil and gas resources upon concurrence of the surface management agency and always works cooperatively with the agency to ensure that management goals and objectives for mineral exploration and development activities are achieved, that operations are conducted to minimize effects on natural resources, and that the land affected by operations is reclaimed.

S. 233

S. 233 withdraws all Federal lands or interest in lands, comprised of approximately 430,000 acres of the Flathead National Forest, within the North and Middle Fork watersheds of the Flathead River from all forms of location, entry, and patent under the mining laws and from disposition under all laws related to mineral or geothermal leasing. We note that National Park acreage within the watershed is already unavailable for mineral entry. S. 233 does not affect valid, existing rights, including the 39 leases in the North Fork watershed that are suspended under the *Conner v. Burford* litigation. The Department fully supports S. 233 as it furthers the goal of preserving the important resources of this region.

The Waterton-Glacier International Peace Park, which extends from Canada into the United States, is one of the great protected ecosystems on the North American continent. A 2010 World Heritage Center/International Union for the Conservation of Nature Report noted that the International Peace Park is “one of the largest, most pristine, intact, and best protected expanses of natural terrain in North America. It provides the wide range of non-fragmented habitats and key ecological connections that are vital for the survival and security of wildlife and plants in the Waterton-Glacier property and the Flathead watershed.” Retaining this expanse of natural landscape in the Crown of the Continent ecosystem is of vital importance for providing ecosystem connectivity, which is essential for the growth and survival of plants and animals in the region. S. 233 will help accomplish this goal.

The Department of the Interior is also committed to maintaining the ecological integrity of Glacier National Park, one of the most noteworthy natural and cultural treasures of our Nation. Preserving the region's and the park's water resources is also critical. The rich aquatic ecosystems provide breeding and feeding habitats for a variety of important species, and the Department recognizes the importance of maintaining critical habitat corridors when planning for resources uses. S. 233 will help protect and preserve the important resources of the greater Crown of the Continent ecosystem, including those within Glacier National Park.

Conclusion

The Department supports S. 233 and commends the many parties involved in protecting the North Fork of the Flathead River and the important resources shared by the United States and Canada. We hope that this legislation and the efforts of the federal and state/provincial governments add to the important legacy of conservation in the Glacier/Waterton Lakes area and Flathead River basin.

**Statement of
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Senate Energy & Natural Resources Committee
Subcommittee on Public Lands and Forests
S. 268, Forest Jobs and Recreation Act
May 25, 2011**

Thank you for inviting the Department of the Interior to testify on S. 268, the Forest Jobs and Recreation Act of 2011. The Bureau of Land Management (BLM) supports the wilderness designations on BLM-managed lands included in S. 268.

The vast majority of the designations and other substantive provisions of S. 268 apply to activities on National Forest System lands. We defer to the Department of Agriculture on those provisions.

Background

The southwestern corner of Montana is a critically important biological region. Linking the Greater Yellowstone Area and the Bitterroot Mountains of Idaho and Montana, these areas include important wildlife corridors that allow natural migrations of wildlife and help prevent species isolation. The Centennial Mountains are particularly noteworthy in this regard. The diversity of wildlife throughout this area is a strong indicator of its importance. Elk, mule deer, bighorn sheep, and moose, as well as their predators, such as bears, mountain lions and wolves, travel through this corner of Montana.

Outstanding dispersed recreational opportunities abound in this region as well. A day's hunting, hiking or fishing may be pursued in the splendid isolation of the steeply forested Ruby Mountains or in the foothill prairies of the Blacktail Mountains, areas largely untouched and pristine. For the more adventurous, Humbug Spire offers 65 million year-old rocks now eroded into fanciful spires, appreciated both for their climbing challenges as well as their scientific value.

S. 268

Title I of S. 268, applies solely to National Forest System Lands. Accordingly the Department of the Interior defers to the Department of Agriculture on those provisions. The majority of the designations in Title II of the bill are also on National Forest System Lands, and again we defer to the Department of Agriculture.

Section 203(b) of S. 268 designates five wilderness areas on lands administered by the BLM in southwestern Montana: the Blacktail Mountains Wilderness (10,675 acres), Centennial Mountains Wilderness (23,700 acres), Humbug Spire Wilderness (8,900 acres), East Fork Blacktail Wilderness (6,125 acres), and Ruby Mountains Wilderness (16,300 acres). The BLM supports these designations and we appreciate the Sponsor and the Committee working with us over the last year to refine these boundaries. All of these areas meet the definitions of wilderness in that they are areas where the land and its community of life are untrammelled. These areas have retained their primeval character and have been influenced primarily by the forces of

nature, with outstanding opportunities for primitive recreation or solitude. We continue to encourage the Sponsor and the Committee to consider expanding the boundaries of the Centennial Mountains Wilderness in order to protect this area as a single coherent corridor, thereby providing enhanced benefit for the genetic diversity of the fauna inhabiting the Greater Yellowstone Area and the Bitterroot Range.

Furthermore, we support the transfer of administrative jurisdiction over the 660-acre Farlin Creek area to the Forest Service for inclusion in the adjoining 77,000 acre East Pioneers Wilderness Area.

Section 205 of S. 268 proposes to fully release four BLM-managed wilderness study areas (WSAs) in Beaverhead and Madison counties from WSA management thereby allowing the consideration of a full range of multiple uses. In addition, in five other WSAs, some areas would be released from WSA status and other areas would be partially designated as wilderness, as noted above. In all, over 66,000 acres of WSAs are proposed for release, and nearly 66,000 acres are proposed for wilderness designation; we support these provisions.

Conclusion

Thank you for the opportunity to testify. We look forward to working cooperatively with the Congress to designate these special and biologically significant areas in this dramatic corner of Montana as wilderness.

**Testimony of
Marcilynn Burke
Deputy Director
Bureau of Land Management
Senate Energy & Natural Resources Committee
Subcommittee on Public Lands and Forests
S. 375, Good Neighbor Forestry Act
May 25, 2011**

Thank you for inviting the Department of the Interior to testify on S. 375, the Good Neighbor Forestry Act. The bill authorizes the Secretary of the Interior to enter into cooperative agreements or contracts with a state forester to provide forest, rangeland, and watershed restoration and protection services on lands managed by the Bureau of Land Management (BLM). The Administration supports Good Neighbor Authority, but we believe further study and analysis are needed to better understand the interplay of state and federal contracting and labor law and regulation before expansion of the authority is authorized. We look forward to working with the committee, States, and federal agencies to develop a better understanding of the issues and to improve the bill in a manner that meets the needs of key stakeholders. We welcome opportunities to enhance our capability to manage our natural resources through a landscape-scale approach that crosses a diverse spectrum of land ownerships.

Background

The BLM is increasingly taking a landscape-scale approach to managing natural resources on the public lands. Recent drought cycles, catastrophic fires, large-scale insect and disease outbreaks, the impacts of global climate change, and invasions of harmful non-native species all threaten the health of the public lands. They also tax a land manager's ability to ensure ecological integrity, while accommodating increased demands for public land uses across the landscape. The BLM engages in land restoration and hazardous fuels reduction activities with interagency partners and affected landowners to expand and accelerate forest ecosystem restoration. The "Good Neighbor" concept provides a mechanism to facilitate treatments across the landscape, inclusive of all ownerships, and enhances relationships between Federal, state, and private land managers.

In Fiscal Year (FY) 2001, Congress authorized the U.S. Forest Service to allow the Colorado State Forest Service (CSFS) to conduct activities such as hazardous fuels reduction on U.S. Forest Service lands when performing similar activities on adjacent state or private lands. The BLM received similar authority in Colorado in FY 2004, as did the U.S. Forest Service in Utah.

The BLM used this "Good Neighbor" authority beginning in 2006 in the agency's Royal Gorge Field Office. Through an assistance agreement with the CSFS, the BLM accomplished a fuels reduction and mitigation project within and adjacent to the Gold Hill Subdivision of Boulder County. The Gold Hill Project treated a total of 372 acres of wildland urban interface consisting of 122 acres of BLM land, 27 acres of U.S. Forest Service land, and 223 acres of private land. All of these acres were identified as priorities within the Gold Hill Community Wildfire Protection Plan. Through the assistance agreement, the CSFS delineated the areas to be treated

within the Gold Hill Project, managed the project, administered contracts, monitored firewood removal, and monitored forestry and fuels projects on BLM and U.S. Forest Service lands. No timber was harvested or sold from the BLM lands. The BLM and the U.S. Forest Service conducted the project planning and fulfilled NEPA requirements on their respective lands.

The project area consisted of small parcels of Federal lands interspersed with state and private lands. Since all the landowners used the same State contract, treatments were accomplished concurrently and with consistency in treatment methods, thereby achieving hazardous fuels reductions across a larger area to reduce the risk of wildfire. Efficiencies were also realized by utilizing a single contractor to treat one large project area. The BLM also realized savings in personnel resources. Although the project area was located nearly 200 miles from the BLM field office, CSFS personnel were in the immediate vicinity and were able to conduct the field work for the BLM. In addition, the CSFS regularly worked with private landowners in the area and easily gained access through the private lands to conduct work on the Federal lands, which allowed the work to begin quickly. Simplified state contracting procedures also expedited the project. The project was completed in 2008.

A February 2009 GAO report examined state service contracting procedures regarding transparency, competitiveness, and oversight, and found that the state requirements generally addressed each of these areas. (GAO-09-277). The GAO issued two recommendations to the BLM: 1) To develop written procedures for Good Neighbor timber sales in collaboration with each state to better ensure accountability for federal timber; and 2) To document how prior experiences with Good Neighbor projects offer ways to enhance the use of the authority in the future and make such information available to current and prospective users of the authority. The BLM's Forest and Woodlands Division completed the final corrective action plan incorporating these suggestions in September of 2010.

S. 375

S. 375 provides for the Secretaries of Agriculture and Interior to enter into cooperative agreements and contracts with state foresters in any state west of the 100th meridian, to provide forest, rangeland, and watershed restoration and protection services on National Forest System land or BLM land. The success that the BLM experienced in using the Good Neighbor authority in Colorado as a cross-boundary management tool would be available under S. 375 to all BLM-managed lands throughout the west. The authority provided by the bill is discretionary; each BLM office could determine on a case-by-case basis whether or not the Good Neighbor authority is a desirable option. All Good Neighbor projects would be undertaken in conformance with land use plans and comply with the National Environmental Policy Act, if applicable.

Section 3(a) of the bill would authorize the Secretary to enter into a cooperative agreement or contract with a state Forester. For clarification, the BLM suggests an amendment to the language to add "notwithstanding the Federal Grants and Cooperative Agreements Act."

The provisions in section 3(b) authorize services to include activities that treat insect-infected trees; reduce hazardous fuels; and any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat. There is no requirement that the BLM-managed lands be adjacent to state or private lands to be eligible for services. This expansion of

authority could be beneficial in watershed restoration projects where state and Federal lands might not be immediately adjacent to one another, but are within the same watershed. Accordingly, this expanded authority could enhance the effectiveness of landscape-scale treatment.

Conclusion

Thank you for the opportunity to testify about Good Neighbor Authority and S. 375. The Department of the Interior and the BLM welcome opportunities to engage in efforts that can advance cooperation of all landowners, improve the effectiveness of restoration and fuels treatments, and provide cost-effective tools for managing natural resources. I would be happy to answer any questions.

**Statement of
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Department of the Interior
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands and Forests
S. 714, Federal Land Transaction Facilitation Act Reauthorization
May 25, 2011**

Thank you for the opportunity to testify on S. 714, the Federal Land Transaction Facilitation Act (FLTFA) Reauthorization of 2011. The Administration strongly supports S. 714 and encourages the Congress to move swiftly to reauthorize the FLTFA. Over the past decade, the Department of the Interior has made a number of important acquisitions using the FLTFA's provisions. Reauthorization of the FLTFA will allow us to continue to use this critical tool for enhancing our Nation's treasured landscapes.

Background

Congress enacted the FLTFA in July of 2000 as Title II of Public Law 106-248 (formerly referred to as the "Baca Bill"). FLTFA expired on July 25, 2010. At that time, the balance in the FLTFA account (approximately \$50 million) was transferred to the Land and Water Conservation Fund. FLTFA was reauthorized through July 25, 2011, by the 2010 Supplemental Appropriations Act (PL 111-212). Since the one-year extension became law, approximately \$3 million from the sale of 800 acres of public lands has been deposited into the FLTFA account.

Under the FLTFA, the Bureau of Land Management (BLM) may 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 may then use those funds to acquire, from willing sellers, inholdings within certain Federally designated areas and lands that are adjacent to those areas that contain exceptional resources. Lands may be acquired within and/or adjacent to 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. To date, approximately 26,600 acres have been sold under this authority and approximately 18,000 acres of high resource value lands have been acquired.

The 2012 Budget includes a proposal to eliminate FLTFA's July 2011 sunset date and allow lands identified as suitable for disposal in recent land use plans to be sold using the FLTFA authority. FLTFA sales revenues would continue to be used to fund the acquisition of environmentally sensitive lands and the administrative costs associated with conducting sales.

The 1976 Federal Land Policy and Management Act (FLPMA) provides clear policy direction to the BLM that public lands should generally be retained in public ownership. However, section 203 of FLPMA allows the BLM to identify lands as potentially available for disposal if they meet one or more of the following criteria:

- Lands consisting of scattered, isolated tracts that are difficult or uneconomic to manage; or

- Lands that were acquired for a specific purpose and are no longer needed for that purpose; or
- 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 identifies lands that may be suitable for disposal through its land use planning process, which involves full public participation. Before the BLM can sell, exchange, or otherwise dispose of these lands, however, it must undertake extensive environmental impact analyses, clearances, surveys, and appraisals for the individual parcels.

Before the enactment of the FLTFA, the BLM had the authority under FLPMA to sell lands identified for disposal. The proceeds from those sales were deposited into the General Fund of the Treasury. However, because of the costs associated with those sales (including environmental and cultural clearances, appraisals, and surveys), few sales were undertaken. Rather, the BLM relied largely on land exchanges to adjust land tenure. This can often be a less efficient process.

Once the FLTFA was enacted, the BLM developed guidance, processes, and tools to complete the FLTFA land sales. Working cooperatively, the BLM, NPS, FWS, and FS then developed guidance, processes, and tools for subsequent FLTFA land acquisitions. The BLM markedly increased sales under the program over the last few years. Recent market conditions, however, have led to less robust sales than earlier in the life of the program.

Since it was enacted, the BLM utilized FLTFA to sell 327 parcels previously identified for disposal totaling 26,437 acres, with a total value of approximately \$116.3 million. Over the same time period, the Federal government acquired 36 parcels totaling 18,135 acres, with a total value of approximately \$49.2 million using FLTFA authority.

Some lands identified for disposal and sold through the FLTFA process are high-value lands in the urban interface. For example, in 2007 the BLM in Arizona sold at auction a 282-acre parcel in the suburban Phoenix area for \$7 million. However, many of the lands the BLM identified for disposal prior to July 2000 that are eligible under FLTFA are isolated or scattered parcels in remote areas with relatively low value. Frequently, there is limited interest in acquiring these lands, and the costs of preparing them for sale may exceed their market value.

Since the inception of the FLTFA, the BLM has deposited \$111.7 million into the Federal Land Disposal Account. That figure represents 96% of the total revenues from these sales. Approximately \$4.6 million has been transferred to the states in which the sales originated, as provided for in individual Statehood Acts (typically 4% of the sale price).

Using the FLTFA proceeds, the BLM, NPS, FWS, and FS have acquired significant inholdings and adjacent lands from willing sellers, consistent with the provisions of the Act. For example, in November 2009 the BLM used FLTFA funds to complete the acquisition of 4,573 acres within the BLM's Canyons of the Ancients National Monument in southwest Colorado. These

inholdings encompass 25 documented cultural sites, and archaeologists expect to record an additional 700 significant finds. The acquisition also included two particularly important areas: “Jackson’s Castle,” which is archaeologically significant; and the “Skywatcher Site,” a one-of-a-kind, 1,000-year-old solstice marker. The following are a few additional examples of important FLTFA acquisitions:

- Elk Springs Area of Critical Environmental Concern (ACEC), New Mexico/BLM – This 2,280-acre acquisition protects critical elk wintering habitat.
- Hells Canyon Wilderness, Arizona/BLM – A 640-acre parcel constituting the last inholding within the Hells Canyon Wilderness, located just 25 miles northwest of Phoenix.
- Grand Teton National Park, Wyoming/NPS – This small (1.38 acres), but critical inholding within the Park was acquired and protected from development.
- Zion National Park, Utah/NPS – A combination of FLTFA and Land and Water Conservation Fund monies were used to acquire two 5-acre inholdings that overlook some of the Park’s outstanding geologic formations. These areas were previously target for development.
- Nestucca Bay National Wildlife Refuge, Oregon/FWS – This 92-acre dairy farm on the outskirts of Pacific City, Oregon, was slated for residential development and was acquired to protect a significant portion of the world’s population of the Semidi Islands Aleutian Cackling Goose.
- Six Rivers National Forest, California/FS – Over 4,400 acres were acquired within the Goose Creek National Wild and Scenic River corridor, preserving 4 miles of the river known for dense stands of Douglas fir, redwoods, and Port Orford cedar.

S. 714

S. 714 would both extend and enhance the original FLTFA through four major changes.

First, the bill extends the program for 10 years to July 2021. This change would enable the BLM to plan for and implement this program on a long-term basis.

Second, under the original FLTFA, only lands identified for disposal prior to July 25, 2000, were eligible to be sold. S. 714 modifies that restriction by allowing any lands identified for disposal through the BLM’s land use planning process by the date of enactment of S. 714 to be sold through the FLTFA process. The Department supports this change, which recognizes the usefulness and importance of the BLM’s land use planning process. However, we would recommend eliminating this restriction rather than simply moving the date forward.

The BLM currently oversees the public lands through 159 Resource Management Plans (RMPs). Since 2000, the BLM has completed 75 RMP revisions and major plan amendments. Additionally, the BLM is currently involved in planning efforts on 45 new RMPs, all of which the agency expects to complete within the next three to four years. Planning updates are an ongoing part of the BLM’s mandate under FLPMA. In this process, the BLM often makes incremental modifications to the plans, and identifies lands that may be suitable for disposal. All of these planning modifications or revisions are made in compliance with the National Environmental Policy Act, and are undertaken through a process that invites full public

participation. If the enactment date is again utilized as the cut-off date, the BLM may, in a few years, face the same challenges it does with the program today. Many of the high-valued lands have been sold and the remaining eligible lands are isolated or scattered parcels in remote areas with relatively low value. Eliminating the restriction to provide more flexibility on the lands eligible for FLTFA will allow the BLM to maintain a more consistent program over time.

Third, the original FLTFA allows acquisitions of inholdings within, or special lands adjacent to Federal units only if those units existed prior to July 25, 2000. S. 714 eliminates this limitation as well, and we support this change. In March of 2009, President Obama signed the Omnibus Public Land Management Act of 2009 (Public Law 111-11) into law, which designates or expands numerous wilderness areas, wild and scenic rivers, national park units, and other units of the BLM's National Landscape Conservation System. S. 714 will allow the use of FLTFA funds to acquire inholdings within these areas and areas designated by other legislation enacted after July 2000.

Finally, S. 714 adds exceptions to the FLTFA in recognition of specific laws that modify the FLTFA with respect to some particular locations. The FLTFA does not apply to lands available for sale under the Santini-Burton Act (P.L. 96-586) and the Southern Nevada Public Land Management Act (P.L. 105-263). S. 714 additionally exempts lands included in the White Pine County Conservation, Recreation, and Development Act (P.L. 109-432) and the Lincoln County Conservation, Recreation and Development Act (P.L. 108-424). Finally, a number of provisions of the Omnibus Public Land Management Act of 2009 (P.L. 111-11) modify FLTFA at specific sites or for specific purposes. These exceptions are also captured by S. 714.

Conclusion

Thank you for the opportunity to testify in strong support of S. 714, the Federal Land Transaction Facilitation Act Reauthorization of 2011. By extending the FLTFA, the Congress will allow the BLM to continue a rational process of land disposal that is anchored in public participation and sound land use planning, while providing for land acquisitions to augment and strengthen our Nation's treasured landscapes.

**Statement of
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Senate Energy & Natural Resources Committee
Subcommittee on Public Lands and Forests
S. 730, Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act
May 25, 2011**

Thank you for the opportunity to provide the views of the Department of the Interior (Department) on S. 730, the Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act. My comments are limited to the programs administered by agencies of the Department, including the administration of the Alaska Land Conveyance Program by the Bureau of Land Management (BLM). The Department defers to the U.S. Forest Service on the important policy issues affecting the management of National Forest System lands.

S.730 would amend the Alaska Native Claims Settlement Act (ANCSA) to allow the Southeast Alaska Native Corporation (Sealaska) to select and receive conveyance of federal lands from areas of Alaska outside of originally designated withdrawal areas. The Department supports the goals of completing ANCSA entitlements as soon as possible so that Alaska Native corporations, including Sealaska, may each have the full economic benefits of completed land entitlements. While the legislation addresses several concerns the Department raised during consideration of earlier legislation, the Administration continues to have concerns. We look forward to working with the Congress, Sealaska, and community partners and interests to fulfill entitlements. Over the past year, the BLM has maintained an accelerated pace in administering the ANCSA land conveyance program; at mid-Fiscal Year 2011, the BLM has surveyed and patented to Native corporations 61 percent of ANCSA entitlements and has granted interim conveyance (all right, title, and interest of the federal government) on an additional 34 percent of entitlements.

Background

The BLM is responsible for expediting federal land conveyances to individual Alaska Natives, Native corporations, and the State of Alaska under four major statutes: the Alaska Native Allotment Act of 1906, the Alaska Statehood Act of 1958, the Alaska Native Veterans Allotment Act of 1998, and ANCSA. When these land conveyances are completed, about 150 million acres, or approximately 42 percent of the land area of Alaska, will have been transferred from federal to State and private (Native) ownership.

ANCSA established a framework under which Alaska Natives formed private corporations to select and receive title to 44 million acres of public land in Alaska and receive payment of \$962.5 million in settlement of aboriginal claims to land in the State. Sealaska is one of 12 regional corporations formed under ANCSA.

S. 730

S. 730 would amend ANCSA to allow Sealaska to select and receive conveyance of lands outside of the original withdrawal areas established by the Act in 1971; specifically, to select and

receive conveyance of lands in the Tongass National Forest other than those that were originally available for selection.

The legislation also establishes timeframes for Sealaska to identify and select the lands it desires and for the Department to substantially complete the conveyance. The Department interprets this as meaning an interim conveyance of the lands could be issued. Section 4(a) of S. 730 directs the Secretary of the Interior to work with Sealaska to develop a “mutually agreeable” schedule to finalize conveyance.

The Department notes that S. 730, if enacted, may set a precedent for other corporations to seek similar legislation for the substitution of new lands. We also note that if S. 730 is enacted as proposed and the Tongass Forest Management Plan is modified, the U.S. Fish and Wildlife Service may have to review its findings not to list the southeast Alaska distinct population segment (DPS) of Queen Charlotte goshawk and the Alexander Archipelago wolf.

Conclusion

The BLM in Alaska has made significant progress since the enactment of the Alaska Land Transfer Acceleration Act, which gave the BLM tools to expedite land conveyances. We look forward to continuing to work with all of the Alaska Native corporations, other agencies and interests to fulfill the ANCSA entitlements. Thank you for the opportunity to testify. I will be glad to answer any questions.