

STATEMENT OF STEPHEN E. WHITESELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, OF THE COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 3425, TO AUTHORIZE THE FAIR HOUSING COMMEMORATIVE FOUNDATION TO ESTABLISH A COMMEMORATIVE WORK ON FEDERAL LAND IN THE DISTRICT OF COLUMBIA TO COMMEMORATE THE ENACTMENT OF THE FAIR HOUSING ACT IN 1968.

FEBRUARY 25, 2010

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. 3425, a bill to authorize the Fair Housing Commemorative Foundation to establish a commemorative work on Federal land in the District of Columbia to commemorate the enactment of the Fair Housing Act.

The Department appreciates the importance of the Fair Housing Act, a landmark law in a continuum of notable strides legislators and we as a Nation have undertaken to further the cause of civil rights for every American. However, the Department believes that the establishment of a memorial by an Act of Congress through the Commemorative Works Act (CWA) is not the most appropriate way to celebrate this important law. There are alternative means to acknowledge this achievement; therefore, we do not support this bill.

The Commemorative Works Act has facilitated the establishment of memorials to prominent figures in our Nation's history, such as Dr. Martin Luther King, to events, such as the Korean War Veterans Memorial, and to concepts, such as Japanese-American Patriotism in World War II. H.R. 3425 would be the first proposal to establish a memorial to a law.

There has certainly been landmark legislation which, like the Fair Housing Act, has improved the quality of life and opportunities for Americans in all walks of life such as the Civil Rights Act, the National Environmental Policy Act, and the National Aeronautics and Space Act. The list is honorable and long, but it is our opinion that the CWA was not intended to provide for the establishment of a national memorial to each law that could be nominated from this remarkable and growing list.

The National Capital Memorial Advisory Commission (Commission) met on December 4, 2009, to consider this legislation and evaluate its conformance to the provisions of the CWA. As you are aware, the Commission was established by the CWA to provide advice to the Secretary of the Interior and to report to committees of Congress on proposals to establish commemorative works in the District of Columbia and its environs. The Commission found that establishing a memorial to individual laws is without precedent and that the establishment of a memorial to the passage of the Fair Housing Act would raise concerns about both the setting of such a precedent and the relative importance of this particular Act of Congress. For these reasons, the Commission voted unanimously to oppose this proposal and recommended that further counsel

be sought from organizations with particular expertise on this subject matter (i.e., Department of Housing & Urban Development) regarding methods of commemorating this important law.

While not part of the Commission's motion, the members voiced support for a commemoration of this law within the Capitol Visitor Center or at a housing development identified as a hallmark of the success of the Fair Housing Act.

The Department concurs with the findings of the Commission. We would be pleased to offer whatever assistance we can provide to the Committee or the sponsor in developing any of the Commission's suggestions to more fully explain the important role the Fair Housing Act has played in the history of our Nation.

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

STATEMENT OF STEPHEN E. WHITESELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, OF THE COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 4438, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENTER INTO AN AGREEMENT TO LEASE SPACE FROM A NONPROFIT GROUP OR OTHER GOVERNMENT ENTITY FOR A PARK HEADQUARTERS AT SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK, TO EXPAND THE BOUNDARY OF THE PARK, TO CONDUCT A STUDY OF POTENTIAL LAND ACQUISITIONS AND FOR OTHER PURPOSES.

FEBRUARY 25, 2010

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. 4438, a bill to authorize the Secretary of the Interior to enter into an agreement to lease space from a nonprofit group or other government entity for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes.

The Department supports H.R. 4438 with the amendments discussed in this testimony.

This bill would amend Section 201 of Public Law 95-629 to direct the Secretary of the Interior (Secretary) to conduct a study of lands in Bexar and Wilson Counties to identify lands that would be appropriate to include within the boundaries of San Antonio Missions National Historical Park (Park). The Secretary is directed to report on the findings of the study three years after funds are made available. The Secretary would also be authorized to enter into a lease agreement with a non-profit organization, or State or local governmental agency, for office space outside the boundary of the park for a headquarters and operational support building and

construction, management, or both, of a center for research and education. Finally, the boundary of the park would be expanded by approximately 151 acres.

San Antonio Missions National Historical Park preserves a significant link to Mexico and Spain that has influenced the culture and history of the United States since before its inception. San Antonio is now the seventh largest and third fastest growing city in the United States. The city grew 68 percent between 1980 and 2007 and now almost entirely surrounds the Park with urban development, threatening areas that contain significant Spanish colonial resources historically associated with the Park.

Park headquarters for San Antonio Missions are currently inadequate; do not meet fire, safety or security standards; and exist in an expired lease space not adjacent to the Park. The Park's maintenance operations are dispersed in three separate locations. The Park's curatorial collection, which contains almost one million Spanish Colonial period objects, is stored in four different locations, including two locations that do not meet National Park Service (NPS) Curatorial Storage Standards.

The City of San Antonio, Texas, has acquired lands adjacent to Mission San José and has proposed a partnership with the Park and one of its partners for the construction of a new public library and park headquarters. A leasing arrangement such as the one described in H.R. 4438 would provide the NPS with the option to enter into a lease agreement with an entity, such as Los Compadres de San Antonio Missions National Historical Park (Los Compadres), or a State or local government agency. As a part of the lease agreement, assistance with construction or

management of a center for research and education might be possible. However, since there is ambiguity in this leasing language amending subsection (d) of P.L. 95-629, we would like to work with the committee on revising this subsection.

H.R. 4438 would also expand the boundary of San Antonio Missions National Historical Park by approximately 151 acres, of which 118 acres are either currently owned by the NPS, are being donated, or are being transferred through a land exchange to the Park. All costs associated with the land exchange will be paid for by the San Antonio River Authority with the NPS only paying for minimal transaction costs. Thirty-three acres would either be purchased by the NPS from willing sellers or donated to the Park. It is estimated that the acquisition of these 33 acres could cost as much as \$3,587,110 and operational costs associated with adding the 151 acres of land are not expected to exceed \$100,000 per year. Associated land acquisition funding requests would be subject to the Administration's prioritization process that uses consistent and merit-based criteria to select projects and the availability of appropriations.

The Park's General Management Plan and Land Protection Plan acknowledge that the current boundary is insufficient to fully achieve the Park's purpose. The Park's most recent feasibility study recommended a much larger area to best protect the cultural resources associated with the Park. Numerous areas that contain significant Spanish colonial resources historically associated with the Park, still remain outside the boundary. In addition, the Park has acquired lands that are outside the current boundary and is in the process of accepting additional lands that will be included within the boundary as a part of a land exchange with the San Antonio River Authority and U.S. Army Corps of Engineers to facilitate restoration of the San Antonio River.

H.R. 4438 would also authorize the Secretary to conduct a study of lands within Bexar and Wilson counties, in the State of Texas, to identify lands that would be suitable for inclusion within the boundaries of the Park. The study should also explore management alternatives that would best ensure public access, preservation, protection, and interpretation of the Missions. We estimate that this study will cost approximately \$350,000.

H.R. 4438 enjoys the strong support of officials from Bexar County, Wilson County, the City of San Antonio, the City of Floresville, the San Antonio River Authority, the San Antonio Conservation Society, Los Compadres, and others. This bill would help guarantee the preservation, protection, restoration, and interpretation of the missions for current and future generations.

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

STATEMENT OF MR. STEPHEN E. WHITESELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS CONCERNING H.R. 4491, A BILL TO AUTHORIZE A STUDY OF ALTERNATIVES FOR COMMEMORATING AND INTERPRETING THE ROLE OF THE BUFFALO SOLDIERS IN THE EARLY YEARS OF THE NATIONAL PARKS.

February 25, 2010

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. 4491, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes.

The Department supports H.R. 4491. However, we feel that priority should be given to the 48 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System have not yet been transmitted to Congress.

H.R. 4491 would authorize a study to determine the most effective ways to increase understanding and public awareness of the critical role that the Buffalo Soldiers, segregated units composed of African-American cavalymen, played in the early years of the National Parks. It would evaluate the suitability and feasibility of a National Historic Trail along the routes between their post at the Presidio of San Francisco and the parks they protected, notably Yosemite and Sequoia. The study would also identify properties that could meet the criteria for listing in the National Register of Historic Places or designation as National Historic Landmarks. We estimate that this study will cost approximately \$400,000.

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

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

There is, however, a little known chapter within the story of the U.S. Army in the parks. It revolves around the participation of African-American troops of the 24th Infantry and 9th Cavalry, the Buffalo Soldiers, who protected both Sequoia and Yosemite National Parks in 1899, 1903, and 1904. These troops and their contributions should be recognized and honored, and this bill does just that.

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

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

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

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

In recent years the National Park Service has made an effort to chronicle the achievements of these men in San Francisco, Sequoia and Yosemite National Parks. In the Presidio of San Francisco, Golden Gate National Recreation Area and the Presidio Trust have developed an education program using the historic stables that the Buffalo Soldiers actually used to house their horses. In Yosemite National Park, Ranger Shelton Johnson portrays one of the U.S. Army's Buffalo Soldiers as part of his interpretation of Yosemite's history. Sequoia National Park has a giant Sequoia named for Colonel Young in honor of his lasting legacy in that park. These isolated, but important efforts to educate the public on the important role of the Buffalo Soldiers could be heightened by this consolidated study.

There is a growing concern that youth are becoming increasingly disconnected with wild places and our national heritage. Additionally, many people of color are not necessarily aware of national parks and the role their ancestors may have played in shaping the national park system. NPS can help foster a stronger sense of awareness and knowledge about the natural and cultural

history preserved in our natural parks by connecting people, especially these audiences, to the critical roles of African-American Buffalo Soldiers in the protection and development of natural treasures like Sequoia and Yosemite National Parks. By amplifying the story of the Buffalo Soldiers, this bill could help bridge cultural divides and expand opportunities to appeal to an all-inclusive audience. As the 2016 centennial of the National Park Service approaches, it is an especially appropriate time to conduct research and increase public awareness of the stewardship role the Buffalo Soldiers played in the early years of the National Parks.

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

STATEMENT OF STEPHEN E. WHITESELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS OF THE HOUSE COMMITTEE ON NATURAL RESOURCES ON H.R. 4524, A BILL TO AUTHORIZE FUNDING TO PROTECT AND CONSERVE LANDS CONTIGUOUS WITH THE BLUE RIDGE PARKWAY TO SERVE THE PUBLIC, AND FOR OTHER PURPOSES.

FEBRUARY 25, 2010

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 4524, a bill to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and for other purposes.

The Department appreciates the strong interest in protecting scenic vistas along the Blue Ridge Parkway and the desire to have a major initiative for the parkway's 75th anniversary that the introduction of H.R. 4524 demonstrates. The magnificent views and recreational opportunities along the 469-mile parkway are the major reason why the parkway has long been the National Park Service's most heavily visited unit. However, the Department does not support this legislation in its current form. We would welcome the opportunity to work with the committee and the bill's sponsors to develop a different approach toward promoting and incorporating the work of nonprofit conservation organizations in the protection of the parkway's scenic resources.

We are sympathetic to the desire of supporters of the Blue Ridge Parkway to find a mechanism to quickly channel land acquisition funds to protect the stunning views and the recreational opportunities that are so highly valued by visitors to the parkway. The parkway has identified a number of land acquisition goals in its Land Protection Plan that, along with the lands adjacent to

the parkway threatened by encroaching development, could easily add up to the 50,000 acres envisioned to be protected under H.R. 4524.

Other units of the National Park System have also identified opportunities for land acquisition to protect resources from encroaching development. The Administration proposes to begin addressing these needs with a request in the FY 2011 budget of \$106 million for National Park Service land acquisition—a significantly larger amount than has been requested or appropriated for many years. The FY 2011 request is the first step toward the Administration’s goal of providing a total of \$900 million a year – full funding – for federal land acquisition and other programs funded through the Land and Water Conservation Fund, and it holds the hope that within a few years we will be able to better address the needs at many more of our units, including the Blue Ridge Parkway.

As desirable as it would be to acquire more land at the Blue Ridge Parkway, we find the approach taken by H.R. 4524 problematic, as it would duplicate existing law in some instances and establish new law that would not be appropriate in others. It would also conflict with the Administration’s specific land acquisition priorities for FY 2011.

Section 4 of H.R. 4524 would authorize the Secretary of the Interior to acquire up to 50,000 acres of adjacent land that is identified in the parkway’s Land Protection Plan or that meets the plan’s amendment criteria. However, the authority to acquire lands contiguous to the parkway already exists; therefore this language is unnecessary.

Section 5(a) would authorize appropriations of \$15 million for each of fiscal years 2011 through 2015 for the land acquisition authorized by this bill. As with section 4, this subsection is unnecessary because unlimited authority for appropriations for land acquisition at the parkway already exists.

Although subsection 5(a) may be viewed as sending a message that Congress desires that \$15 million a year for five years be appropriated for the parkway, we note that such funding is not included in the Administration's FY 2011 budget request. Although we cannot predict what the Administration might request for specific land acquisition projects for the next four years, it would be unusual, even with higher overall levels of land acquisition funding, to request this much for one park. Any request for this park would be subject to the Administration's prioritization process that uses consistent and merit-based criteria to select projects.

Section 5(b) would authorize the Secretary to use funds appropriated for land acquisition at the Blue Ridge Parkway to award grants for certain purposes. This grant authority would be unprecedented. One purpose of the grants would be to acquire land and interests in land, although the bill does not specify what guarantee the taxpayer would receive that the lands would be permanently protected. We would like to consider how such authority might be used to supplement, yet not duplicate, the National Park Service's own land acquisition capability, which is funded directly by Congress. We are fortunate to have an office that handles land acquisition for the Blue Ridge Parkway—the National Park Service's National Trails Office in Martinsburg, West Virginia—that is so well regarded for its expertise in acquisition at linear units that other federal agencies have used its services for that purpose. We are also fortunate to

have the expertise and leveraging capability of several nonprofit land conservation organizations in protecting lands that are critical to the integrity of the Blue Ridge Parkway. We need to employ both capabilities in this cause.

Subsection 5(b) as introduced lacks provisions regarding intended recipients and requirements for disposition of the land acquired through grants, so we are unclear about exactly what is intended. However, this proposed authority may be the seed of an idea for better utilizing the capabilities of nonprofit land conservation organizations in the protection of the Blue Ridge Parkway. The organizations have at their disposal certain resources and tools that federal land acquisition officials lack. We would like to work with the committee and the bill's sponsors to explore ways to enhance the use of the organizations' capabilities in the cause of protecting the parkway.

The second purpose of the grants would be to enter into cooperative agreements with nonprofit conservation organizations for technical expense assistance, such as appraisals and hazardous material surveys, for lands the organizations acquire for conveyance to the parkway. It is a common practice for conservation organizations to acquire land for potential addition to National Park Service units with the intent of holding the properties until the National Park Service is able to acquire them. However, in these cases, the expenses associated with acquiring these lands are borne by the organizations; they are not paid by the National Park Service unless arrangements are made in advance to coordinate the ordering of these services to avoid duplication of the expenses. We are concerned that paying for expenses associated with acquisition in advance of a conveyance would raise expectations about acquiring property that might not be met. In

addition, setting this precedent for federal funding of non-federal administrative costs would treat land acquisition at the Blue Ridge Parkway differently than acquisition at every other unit of the National Park System, which would not be fair or appropriate.

Finally, Section 5(d) makes clear that the cooperative agreement arrangements with nonprofit organizations that are contemplated in this legislation could entail annual payments of as much as \$250,000 a year to defray the organizations' "administrative expenses," which would not necessarily be limited to costs associated directly with land acquisition. This could open the door to the reimbursement of costs that are unrelated to the purposes of the Land and Water Conservation Act. Since the act prohibits federal employees from being paid for any expenses not related to federal land acquisition from funds appropriated for land acquisition, it would run counter to the spirit of the act to allow non-federal employees to be paid for expenses not related to federal land acquisition.

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

Statement for the Record
Bureau of Land Management
Department of the Interior
House Natural Resources Committee
Subcommittee on National Parks, Forests and Public Lands
H.R. 2100, Mohave County Shooting Range
February 25, 2010

Thank you for the opportunity to testify on H.R. 2100, which proposes to transfer 315 acres of public lands managed by the Bureau of Land Management (BLM) to the Arizona Game and Fish Department (AGFD) for use as a public shooting range. The BLM supports the goals of the legislation, but we note that BLM is nearing completion of the administrative process to accomplish the transfer that the BLM has been following for the last ten years with the AGFD, the Fort Mojave Indian Tribe, the Hualapai Tribe, and the public to find appropriate lands for a public shooting range within the Mohave Valley in Arizona.

On February 10, 2010, the BLM approved the decision to authorize the disposal of BLM lands to the AGFD (through the Recreation and Public Purposes Act; R&PP) to be used as a public shooting range. The decision, which is consistent with the goals of HR 2100, provides a safe, designated shooting environment for the public and includes stipulations to respect the traditional beliefs of the Fort Mojave and Hualapai Tribes. The near conclusion of the administrative process obviates the need for a legislatively mandated transfer. Since a final decision has been made through the administrative process, the BLM will continue working with interested parties as we move forward with implementation of the shooting range.

Background

In 1999, the AGFD first submitted an application to the BLM for development of a public shooting range on BLM-managed lands in Mohave County, north of Bullhead City in northwestern Arizona. As a result, the BLM began working with AGFD and other interested parties to assess appropriate lands to transfer to the AGFD for the purposes of a shooting range under the R&PP.

The BLM evaluated AGFD's application through an environmental assessment (EA) and considered numerous alternative locations throughout the Mohave Valley. The evaluation process was conducted with full public and tribal participation. There is an identified need for a designated public shooting range in this region because of the lack of a nearby facility, the amount of dispersed recreational shooting occurring on public and private lands raising public safety concerns, and the associated natural resource impacts from spent ammunition and associated waste.

In 2002, the BLM began consultations with the Fort Mojave Indian Tribe and the Hualapai Tribe. In 2003, the BLM began formal consultation with the Arizona State Historic Preservation Officer (SHPO); and in 2006, the BLM began formal Section 106 consultation with the Advisory Council on Historic Preservation (ACHP). These consultations, as required by Section 106 of the National Historic Preservation Act and other authorities, ensure Federal Agencies consider

the effects of their actions on historic properties, and provide the ACHP and SHPO an opportunity to comment on Federal projects prior to implementation.

In addition to the consultation process, the BLM initiated a year-long Alternative Dispute Resolution (ADR) process in 2004 to help identify issues, stakeholder perspectives, and additional alternatives to meet the criteria for a safe and effective public shooting range in the Mohave Valley. However, the ADR process failed to reconcile the differences between the consulting parties regarding a proposed location.

In 2006, the BLM continued Section 106 consultation with the ACHP. This effort included site visits by the concerned parties and multiple efforts to determine possible mitigation and alternative sites. Regrettably, through all these efforts, the BLM was unable to reach an agreement with the tribes on any area within the Mohave Valley that they would find acceptable for a shooting range. The tribes maintained their position that there is no place suitable to them within the Mohave Valley, which encompasses approximately 140 square miles between Bullhead City, Arizona, and Needles, California.

Through the EA process, the BLM identified the Boundary Cone Road alternative to be the preferred location. Boundary Cone Butte, one of the highly visible mountains in the Mohave Valley, lies east of the Boundary Cone Road site, and is of cultural, religious, and traditional importance to the Fort Mojave Indian Tribe and the Hualapai Tribe. In an effort to address the primary concerns expressed by the tribes over visual and sound issues, the BLM and AGFD developed a set of mitigation measures. Again, there was a failure to agree between the consulting parties on possible mitigation. In the end, the BLM formally terminated the Section 106 process with the ACHP in September 2008. In November, 2008, ACHP provided their final comments in a letter from the Chairman to Secretary Kempthorne.

Although the Section 106 process has concluded, the BLM has continued ongoing government-to-government consultations with the tribes. In May of 2009, the BLM met with the Chairman of the Fort Mojave Indian Tribe, the AGFD, and the Tri-State Shooting Club in a renewed effort to find a resolution. On February 3, 2010, after continued efforts to reach a mutually agreeable solution, the BLM presented the decision to approve the shooting range to the Fort Mojave Indian Tribe and the AGFD. The final decision includes mitigation measures to address the concerns of the tribes such as reducing the amount of actual ground disturbance; reducing noise levels with berm construction; monitoring noise levels and reporting annually; and fencing to avoid culturally sensitive areas. The Secretary has the authority to invalidate the patent if the AGFD fails to comply with mitigation measures. The final decision to amend the Kingman Resource Management Plan and dispose of the lands through the R&PP was signed on February 10, 2010. The 30-day appeal period expires at the end of March 2010, after which BLM will work to resolve any appeals. Baring any outstanding issues the BLM then plans to issue the patent to transfer the public land after pre-construction requirements described in the final decision are completed.

H.R. 2100

H.R. 2100 provides for the conveyance at no cost of approximately 315 acres of BLM-managed public lands in Mohave County to the AGFD to be used as a public shooting range. These are generally the same lands that were approved for a public shooting range through the R&PP process as discussed above. The conveyance would be subject to valid existing rights and is intended to provide a suitable location for the establishment of a centralized public shooting facility in the Mohave Valley and the Tri-State Area (Arizona, Nevada, and California).

As a matter of policy, the BLM supports working with local governments and tribes to resolve land tenure issues that advance worthwhile public policy objectives. BLM acknowledges the lands are of cultural, religious and traditional significance to the tribes which is why we support mitigation measures as part of H.R. 2100. In general, the BLM supports the goals of the proposed conveyance, as it is similar to the transfer BLM has been addressing through its administrative process for the last ten years. However, since a final decision has been made through the administrative process, the BLM will continue working with the interested parties, including tribes, during implementation of the shooting range to address their concerns. The BLM strongly believes that open communication between the BLM and tribes is essential in maintaining effective government-to-government relationships.

If the Congress chooses to legislate this conveyance, the BLM would recommend some technical improvements to the bill, including the incorporation of mitigation measures to address tribal and other concerns, as well as a clause to allow the lands to revert back to BLM at the discretion of the Secretary if the lands are not being used consistent with the purposes allowed in the R&PP act.

Conclusion

Thank you for the opportunity to testify. Resolution of this conveyance in a manner that is acceptable to all parties has been an important goal of the BLM as evidenced by more than 10 years of negotiations and review. The BLM is confident the recently approved decision adequately addresses the concerns of the interested parties, while providing critical recreational opportunities and benefits to the public.