Testimony of

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Hearing on National Landscape Conservation System

Mr. Chairman and Members of the subcommittee, thank you for the opportunity to testify on HR 2016, a bill to establish the National Landscape Conservation System (NLCS). I would especially like to thank my Congressman, Don Young, who is also the Ranking Republican Member of the Full Committee for his invitation to me to testify today. My name is Orie Williams, I am the CEO of Doyon Limited, an Alaska Native Corporation. I appear here today on behalf of Doyon's more than 14,000 members and Tribal shareholders.

Doyon is one of thirteen Alaska Native Regional Corporations (ANCs), formed under congressional direction of the Alaska Native Claims Settlement Act. Doyon has more than 14,000 Alaska Native shareholders, and we are proud of our record on behalf of those shareholders. Our mission is to provide economic and social opportunity for our people, to strengthen our Native way of life and to protect and enhance our land and resources. We have worked with Congress and the federal government to meet the economic development promises made in the enactment of ANCSA in 1971 to settle the claims of Alaska Natives over use of Alaska lands.

Doyon and several of the other Corporations have lands that border on major areas of land covered by this legislation----the Steese National Conservation area, the Central Arctic Management Area (which is a wilderness study area), and several Wild and Scenic Rivers. Under current law, Alaskans would have a right of access through these areas, including under Title XI of the Alaska National Interest Lands Conservation Act. These rights of access meet the promise of ANSCA to provide for economic use of ANCSA lands. These were hard-won rights, secured by our Congressman, the Ranking Republican of this Committee, Congressman Young. In fact, there are several major portions of law, including the "No More" clause in ANILCA, that provide specific rights that would be affected by this legislation. Under the "No More" clause, the ability of the President to withdraw vast amounts of federal lands using Monument designation was prevented by Act of Congress. That protection should not be lost to a "locking in" of special management for wilderness study areas, which have never been approved by Congress.

We have a long and positive relationship with federal land management agencies, including the Bureau of Land Management. However, perhaps because we are interested in continuing that positive relationship, we are concerned about the burden placed on the BLM by this legislation. We have no objection to the current National Landscape Conservation System, but it is important to note that that is built upon a recognition that

existing law and regulation applicable to each individual unit shall remain in place. There is no overriding "system-wide" standard. The existing NLCS expressly recognizes that "the NLCS does not create any new legal protections." This guarantee of specific land management law and regulation is missing from the legislation before this committee.

We understand that the Congressional sponsors want to add a statutory underpinning to this system. But the current administrative system is new since it was created by the BLM in 2000. It is largely untested. We have not seen any justification to change the management laws and regulations over these 800 units that are currently in the administrative system, and provide new and overriding conservation requirements. The Administration has testified that it supports this legislation because the legislation recognizes that individual management standards remain applicable to individual units. We don't see that language in the bill.

It is important to understand the sweep of this legislation. If enacted, without change, it would cover over 800 separate areas of land, totaling approximately 50 million acres of land, some of which (wilderness study areas and most National Monuments) have never been designated by Congress for special management. It applies to 161 wilderness areas, totaling more than 6 million acres of land; 600 wilderness study areas, totaling almost 18 million acres; 38 Wild and Scenic Rivers, covering over 2,000 miles; Ten Historic Trails; 17 National Conservation Areas, totaling 15.4 million acres; 15 national Monuments, totaling 4.8 million acres, Two National Scenic Trails and a number of areas called "outstanding natural areas", which are currently not listed in the NLCS. For a new system of management to apply to these lands, the public and interested parties in and around these BLM areas should receive far greater notice that management could be changed in one bill in Congress. Millions of people around this country, especially in western states, will be affected by this legislation.

As land managers charged with protecting our heritage, our lands, and providing economic opportunity, we understand the burden of balancing multiple uses of important lands. In our view, land management requirements must be clear, and, in almost every event for federal lands, should be specified by Congress when considering the best balance of uses for that particular land area. It is hard to see that the rules set by section 3 of this legislation for all of the new system considers what is best for each land area to be covered by the bill.

Our fundamental concern with H.R. 2016 is that it appears to set a new land management requirement for the 800+ areas subject to the bill. Subsection 3c is simply not clear as to which laws and regulations apply to the federal lands that would be within the new system. Subsection 3c requires the Secretary to "manage the system in accordance with any applicable law or regulation relating to any component of the system" and in a manner that protects the values for which the components of the system were designated. This standard would inevitably leave the land managers with great uncertainty, and lead only to prolonged litigation. Unlike the current administrative program which expressly states that each unit is to be managed under the laws and regulations applicable to that unit, subsection 3c provides no standard for each individual unit or land area, and instead

puts in place a general, system-wide standard. Further, it is not clear if the law and regulation applicable to any component, such as a wilderness area, should be applicable to any other unit in the system, such as a Monument. These are drastically different types of units, subject to much different management. Congress should not be vague in specifying what is the management standard. In our view, the current management standard, one that is applied on a unit-by-unit basis, based on enacted laws establishing the unit, is the proper standard. If Congress now intends to provide a new and sweeping standard applicable to all of these lands, it must be clear about that intent.

Finally, it is very important to clearly specify if and how existing federal land management laws are being changed. The provisions of the Federal Land Policy and Management Act of 1976 (FLPMA) and the major Alaska Lands Acts, ANILCA and ANCSA, were extremely hard fought, and in many cases, bargained for, here in Congress and with stakeholders. The Alaska Native community gave up many rights and access to traditional lands to reach agreement on these Lands Acts. We are now living with and respecting these laws, Congress should too. If they are to be changed, particularly for a large amount of federal lands, we believe that it is the duty of Congress to fully inform the affected communities. Since that is impossible on short notice, we ask that Congress respect the hard-fought Alaska lands battles of the past, and remove Alaska lands from this bill or, at minimum, provide in bill language that the bill does not modify, amend, or supersede the existing land use rights, requirements and responsibilities of FLPMA, ANCSA or ANILCA.

We understand the intent of the sponsors is to provide for a cohesive system for the BLM, but not undermine or modify FLPMA, ANILCA or other federal laws. If that is the case, that intent needs to be more clearly stated in bill language, and to become part of the federal law. Without a statutory clarification concerning the impact of this legislation on FLPMA, and rights under other major federal laws such as the access rights under Title XI of ANILCA, there will be many years of litigation and uncertainty for the communities and people who live, work and rely on these areas every day. We ask, respectfully, that the management standard to be used for lands within the bill recognize and defer to existing laws applicable to those units. We believe that is the congressional intent, as we understand it. A simple clarifying amendment could accomplish that result.

If, on the other hand, the Committee and sponsors seek to change FLPMA and other federal land management laws on a system-wide basis, we ask again, respectfully, that you do so only after full notice to communities around the country which would be impacted by such a change.

Thank you for the opportunity to testify before the Subcommittee today. I would be pleased to answer any questions the Members of the Subcommittee may have.