

**STATEMENT
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BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
OCTOBER 29, 2009**

CONCERNING

**S. 555, SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT
OF 2009**

Mr. Chairman, Ranking Member Barrasso, and Members of the Subcommittee, I appreciate the opportunity to appear before you today to provide the Department's views on S. 555, regarding the exchange of certain lands in the Arapaho National Forest.

S.555 would provide for the exchange or sale of two federal parcels within the boundaries of the Arapaho National Forest in Colorado to the Sugar Loaf Fire Protection District (SLFPD). A portion of one parcel is under special-use permit for a fire station. The other was under a similar permit that has expired. The bill allows the SLFPD to make modifications to the permitted area in the interim period between enactment and conveyance without further authorization by the Secretary of Agriculture.

The Department supports S. 555, but would like to work with bill sponsors and the Committee on some minor modifications to the bill. The Department supports the work of the SLFPD and its efforts to improve facilities to more effectively deliver services. The federal lands proposed for conveyance have lost their national forest character due to past permitted activities and are better suited to private ownership. The lands proposed for conveyance to the United States have suitable national forest character and could contribute to increased management efficiency.

However, we are concerned that the 120-day timeline is not adequate to ensure compliance with all statutory requirements, including National Environmental Policy Act, the Endangered Species Act, the Antiquities Act of 1906, and myriad other laws requiring compliance prior to conveyance of federal lands. We suggest that a year is a realistic timeframe to complete all requirements.

The Department does not support the provisions of Sec. 4 (e), which allow the SLFPD to modify the fire stations located on federal lands during the period between enactment of the Act and completion of the land exchange without any additional authorization from the Department. We are confident that given a reasonable timeframe for completion of a

conveyance, the Forest Service can work with the SLFPD to accommodate any confirmed construction plans, negating the need for this provision.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement. I am happy to answer any questions that you or Members of the Committee may have.