

STATEMENT OF
LESLIE WELDON
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
U.S. FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING
JULY 30, 2013

CONCERNING
S. 37, THE 'FOREST JOBS AND RECREATION ACT OF 2013'

Mr. Chairman, Members of the Committee, I am Leslie Weldon, Deputy Chief, National Forest System, U.S. Forest Service, United States Department Of Agriculture. Thank you for the opportunity to share the Department of Agriculture's views on S. 37, the 'Forest Jobs and Recreation Act of 2013.'

S. 37 directs the Secretary of Agriculture to develop and implement forest and watershed restoration projects on 70,000 acres of the Beaverhead-Deerlodge National Forest and 30,000 acres of the Kootenai National Forest within 15 years of enactment. The bill prescribes treatment methods, annual acreage targets, and standardized criteria to prioritize areas for restoration and hazardous fuel reduction projects. It also requires consultation with an advisory committee or collaborative group for each restoration project implemented by the Secretary, and calls for a monitoring report every five years. The bill designates twenty-four wilderness areas totaling approximately 666,260 acres, six recreation areas totaling approximately 288,780 acres, and three special management areas totaling approximately 80,720 acres. Some of the designations apply to lands managed by the Bureau of Land Management and we defer to the Department of the Interior on those provisions.

The Department (USDA) supports S. 37 and looks forward to continuing to work with the Committee and Sponsor to develop modifications to the bill that could provide greater opportunities to accomplish the shared goals of restoration, recreation and economic development.

The concepts embodied in this legislation, collaboratively developed landscape scale projects, increased use of stewardship contracting, and the importance of a viable forest products industry in restoring ecosystems and economies are fundamentally sound. USDA does have reservations about legislating forest management decisions and would hope that the work the Forest Service is doing to increase the pace and scale of forest restoration and management of the National Forests will make this type of legislation unnecessary in the future. In fact, the Forest Service is currently engaged in numerous programs and activities on the National Forests of Montana and around the nation that embrace the concepts in this bill.

Examples of the work we are carrying out in the spirit of this legislation are underway as large-scale restoration projects on the national forests of Montana include: the Larry Bass Stewardship Project on the Bitterroot National Forest where we are completing hazardous fuel reduction work and are re-investing stewardship receipts to accomplish hazardous fuel/bark beetle work within and around a popular ski area on the forest; Sparring Bulls and Young Dodge, two large landscape projects on the Kootenai National Forest developed with a local collaborative group; and the Southwestern Crown of the Continent project, which will treat close to 200,000 acres on the Lolo, Flathead and Helena National Forests with funding provided under the Collaborative Forest Landscape Restoration Program.

Planned projects are increasingly focused on large landscape ecosystems to address shared issues across forest boundaries. For example, the Boulder Vegetation Project and a complex of projects planned on the Helena National Forest that focus on bark beetle infestations occurring on the two forests.

Efforts such as these have helped the agency and stakeholders gain experience in identifying the factors necessary for the success of large-scale restoration projects, and I acknowledge the Senator's incorporation of their input into this legislation. I offer our continued support for further collaboration on addressing remaining concerns to ensure that it can serve as a model for similar efforts elsewhere.

We recognize that the proposed bill is the product of a collaborative effort. Such efforts are critically important to increasing public support for needed forest management activities, particularly in light of the bark beetle crisis facing Montana and other western states. We believe these efforts can significantly advance forest restoration, reduce litigation surrounding restoration where parties are willing to collaborate, and make it easier to provide jobs and opportunities in the forest industry for rural communities. While we have seen significant successes from collaboration in some parts of the country, there are areas where groups are not interested in collaboration and continue to use appeals and litigation as methods to delay or stop forest treatments that restore resilient forests, reduce severe wildfire potential and other objectives. Montana in particular continues to see substantial litigation activity.

As noted above, USDA is concerned about legislating forest management direction or specific treatment levels on a site-specific basis. USDA wants to work with the Committee to ensure that this does not negatively impact other Forest Service priorities in Region 1 or draw important resources from priority work on other units of the National Forest System. We also would like to work with the Committee and sponsor on other aspects of the bill such as defining mechanical treatments, establishing reporting requirements, and provisions effecting other funds and road-density standards found in Title I.

Regarding the land designations in Title II that pertain to lands under the jurisdiction of the Forest Service, we support the wilderness recommendations made in each Forest's land and resource management plan given the depth of analysis and public collaboration that goes into them. Regarding the input from the Department that the Senator has incorporated, there are two items in S. 37 for which I would like to express the Department's appreciation in particular: (1) the adjustments to wilderness area designations in Title II, which more closely reflect the

extensive collaboration, analysis and resulting recommendations of the Beaverhead-Deerlodge 2009 Forest Plan and other forest plans; and (2) the incorporation of the CFR 212.1 definitions of “designated road, trail or area” in the bill provides for consistency of implementation.

In closing, I want to thank Senator Tester once again for his strong commitment to Montana’s communities and natural resources. We appreciate the close work of the Senator’s staff with the Forest Service to refine legislation that would provide a full suite of significant benefits for the people, economy, and forests of Montana and the nation. The continuing commitment to bring diverse interests together to find solutions that provide a context for restoration, renewal, and sustainability of public landscapes and to foster healthy rural economies is evident in the legislation being considered by this Committee today.

We want to underscore our commitment to the continuing collaboration with the Senator and his staff, the Committee, and all interested stakeholders in an open, inclusive and transparent manner to provide the best land stewardship for our National Forest System Lands.

This concludes my prepared statement, and I would be pleased to answer any questions you may have.

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CONCERNING
S. 364 THE ‘ROCKY MOUNTAIN FRONT HERITAGE ACT OF 2013’

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you today and provide the Department of Agriculture’s views regarding S. 364, the “Rocky Mountain Front Heritage Act of 2013”, which would establish The Rocky Mountain Front Conservation Management Area in Montana.

The Department supports S. 364 and would like to work with the Committee to define and clarify questions of scope and timing for the noxious weed management and the non-motorized recreation opportunities.

The Rocky Mountain Front area of Montana on the Lewis and Clark National Forest lies just to the south of Glacier National Park and the Blackfeet Indian Reservation. It is an area where the plains meet the great continental divide. The area is marked by spectacular scenery and lush grasslands and that is home to a broad range of Montana’s fauna and flora. The west side of the area is adjacent to the 1.5 million acre Bob Marshall Wilderness Complex most of which was designated by the original 1964 Wilderness Act. The east side of the area is bordered by vast private ranchlands that have helped define Montana’s western heritage.

S. 364 would designate approximately 195,000 acres of Federal land managed by the Forest Service and approximately 13,000 acres of Federal land managed by the Bureau of Land Management (BLM) as the Rocky Mountain Front Conservation Management Area (CMA). The bill would also designate additions to the National Wilderness Preservation System of approximately 50,400 acres to the Bob Marshall Wilderness and approximately 16,700 acres to the Scapegoat Wilderness; both areas would be managed by the Forest Service. The Department defers to the Department of the Interior on the designation of lands managed by the Bureau of Land Management (BLM).

The Rocky Mountain Front CMA would be managed to conserve, protect, and enhance its recreation, scenic, historical, cultural, fish, wildlife, roadless, and ecological values. Within the CMA, S. 364 would permit the use of motorized vehicles only on existing roads, motorized trails and designated areas. S. 364 would allow for the construction of temporary roads as part of a vegetation management project in any portion of the CMA not more than ¼ mile from designated roads. The bill also would authorize the use of motorized vehicles for administrative purposes including noxious weed eradication or grazing management. Livestock grazing would continue within the Conservation Area and Wilderness Areas where established prior to the date of enactment.

S. 364 would require the Secretary to prepare a comprehensive management strategy for the Rocky Mountain Ranger District on the Lewis and Clark National Forest to prevent, control, and eradicate noxious weeds. The Secretary also would be required to conduct a study to improve non-motorized recreation trail opportunities.

For decades, the Forest Service has worked in partnership with landowners to protect the economic and social value of the land considered for designation as the CMA. There are 21 Federal land grazing allotments in the CMA. The landscape also provides some of the best backcountry recreation experiences in the world. Because of the popularity of the area, Federal and private land managers have realized that there must be specific management emphasis placed on how the lands are used and protected. As more people enjoy and use this area,

influxes of noxious weeds have occurred that could change the native ecosystem structure and function and seriously impact the private ranches. S. 364 calls for measures that would direct Federal agencies to work with State and private organizations to implement projects that concentrate on the prevention, control and eradication of invasive plants such as spotted knapweed (*Centaurea maculosa* Lam.) that are threatening to change the ecosystem. The Lewis and Clark National Forest routinely works with other agencies and land owners to address noxious and invasive weed concerns. The Lewis and Clark National Forest is in the process of developing a memorandum of understanding with the U. S. Department of Agriculture Natural Resources and Conservation Service (NRCS) that addresses how the agencies will work together regarding noxious weed control measures on the interface between private and Federal lands.

The Department supports the intent described in the bill to address noxious weeds.

The Department also supports the National Forest System lands identified for motorized and non-motorized recreation use, including mountain biking, in the conservation areas. The provisions in S. 364 are consistent with the current travel management plan for the Rocky Mountain Ranger District. The travel management plan was approved by the Lewis and Clark National Forest Supervisor in October of 2007 after extensive public participation.

Approximately 67,000 acres of land are identified in the forest plan for the Lewis and Clark as either recommended to Congress for wilderness designation or for further study for their potential as wilderness. The Department supports the wilderness designations included in this bill.

The Department recognizes the management of vegetation along current motorized forest roads is an important component of this bill. Public safety is an important consideration in an area that is impacted by mountain pine beetle, which has created physical risk to the roadways and possible increased fire risk due to ignitions from road users. The Beaver-Willow Road, a previously established road, crosses through the Bear-Marshall-Scapegoat-Swan inventoried roadless area. As we understand the bill, the road's location in an inventoried roadless area would not preclude timber harvest within ¼ mile of the Beaver-Willow Road.

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CONCERNING
S. 404 ‘TO PRESERVE THE GREEN MOUNTAIN LOOKOUT IN THE GLACIER PEAK
WILDERNESS FO THE MOUNT BAKER-SNOWQUALMIE NATIONAL FOREST’

S. 404, “To Preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snowqualmie National Forest”, would amend the Washington State Wilderness Act of 1984 (Public Law 98-339; 98 Stat.300; 16 U.S.C. 1131 note) by inserting language that would allow for the operation and maintenance of Green Mountain Lookout. The Department supports the bill.

The Green Mountain Lookout represents a slice in time of the history of the area, and is a feature that is appreciated by many visitors. S.404 would provide the opportunity for future wilderness visitors to see how human influence has shaped our wildlands. This legislation provides sufficient latitude to the Secretary of Agriculture to consider appropriate management strategies for the future, including removal of the lookout to a different location if the condition of the facility or use in the area warrants such action.

The Lookout was built in 1933 for fire detection on Green Mountain in what is now known as the Mt. Baker-Snoqualmie National Forest. In 1968 the Glacier Peak Wilderness Area was

expanded by Congress to include a portion of the lookout site. In 1984 Congress passed the Washington Wilderness Act which designated the remainder of the peak as wilderness. In 1988 Green Mountain lookout was listed on the National Register of Historic Places. The Forest Service regularly staffed the lookout through 1984, and subsequently it was used for fire detection on an as-needed basis. It was closed in 1995 due to its deteriorating condition which posed a safety hazard to the public.

The 1990 Mt.Baker-Snoqualmie National Forest Land and Resource Management Plan (Forest Plan) designated Green Mountain Lookout as a special wilderness allocation that accepted the non-conforming use of the lookout along with direction to “stabilize and preserve” the structure. An analysis using a categorical exclusion which did not analyze alternatives for dealing with the lookout was prepared under the National Environmental Policy Act (NEPA) and a decision memo was completed in September 1998 which authorized the use of a helicopter and mechanized tools to rehabilitate the lookout. Rehabilitation efforts, including replacement of the deteriorated substructure, occurred from 1999 to 2001 with the help of grant money and the contribution of thousands of volunteer hours. Heavy snow during the winter of 2002 resulted in damage to the new foundation. Later that year, after consultation with the Washington State Historic Preservation Officer, the Forest Service authorized the dismantling and removal of the structure to a temporary site outside of Wilderness on the Mt. Baker-Snoqualmie National Forest. In doing so, each piece was identified and individually tagged so that it could be reassembled and restored to its exact original location and position, retaining those features which convey its historical significance. All work on the lookout was done in conformance with the *Secretary of the Interior’s Standards and Guidelines for Rehabilitation of Historic Properties*.

Many volunteer workshops over the years repaired and custom-manufactured missing parts to the original specifications. The lookout foundation was prepared on-site in 2009 and the disassembled lookout was flown back to Green Mountain and reassembled on the new substructure.

A complaint was filed in the United States District Court by Wilderness Watch during the fall of 2010, alleging the repairs violated the NEPA and the Wilderness Act. In March, 2012, the District Court issued a decision in favor of the plaintiff. The Court determined that the Forest Service failed to justify an exception to prohibited conduct in a wilderness area with the 2002 decision to rehabilitate and reconstruct the lookout using helicopters and mechanized tools. The Court also found a NEPA violation based on the failure to conduct an Environmental Assessment, an Environmental Impact Statement, or, at a minimum, a reassessment of whether a categorical exclusion intended for repair and maintenance of recreation sites and facilities was applicable to the plans to dismantle, restore, and reconstruct the lookout in a wilderness area. In September 2012, the Court directed the Forest Service to determine how to move forward.

The Forest Service is currently implementing the Court's order. The initial steps have been taken to prepare the plan and draft an Environmental Impact Statement that will determine the specific action to be taken. A final decision is expected by June 2014. Should the bill become law, the Forest Service will use the planning and EIS process to consider appropriate management strategies for the future, including removal of the lookout to a different location if the condition of the facility or use in the wilderness area warrants such action.

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CONCERNING
S.509 THE 'FRUIT HEIGHTS LAND CONVEYANCE ACT'

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify on S.509, the 'Fruit Heights Land Conveyance Act.'

S.509 would require the Secretary of Agriculture to convey without consideration approximately 101 acres of land from the Uinta-Wasatch-Cache National Forest to Fruit Heights City, Utah for public purposes. While supportive of the City's desire to expand for public purposes, the Department does not support S.509.

It is long standing policy that the United States receive market value for the sale, exchange, or use of National Forest System land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of the Federal Land Policy and Management Act (43 U.S.C. 1701), as well as numerous land exchange authorities.

The parcel to be conveyed was purchased by the United States in 2002 using appropriated Land and Water Conservation Act funds appropriated for the purpose of securing an important North-

South route for the Bonneville Shoreline Trail and to protect valuable winter range for mule deer. The land was acquired from a willing seller at market value for \$3,244,000 with the assistance of the Trust for Public Land.

The parcel was conveyed to the United States subject to valid existing rights, and the conveyance of the parcel by the United States and subsequent development by the City would be subject to the same rights. Specifically, the mineral estate is owned by a third party and there are easements for power lines, two buried irrigation pipelines, and access easements for multiple private homes.

Under S.509, the conveyance would also be conditioned upon the City using the conveyed land for public purposes. If the land is ever used for anything other than public purposes, the land would revert to the United States at the election of the Secretary. Public purposes are not defined and could cover a vast array of land uses including municipal waste treatment facilities and industrial parks. This lack of public purpose definition could cause future management conflicts with adjacent National Forest System land.

Although the Department does not support S.509, we are willing to work with the Bill sponsors, Fruit Heights City, and the Committee, to explore alternatives to this conveyance without consideration to achieve the goals of the City.

This concludes my statement and I would be happy to answer any questions you may have.

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CONCERNING
S. 1300 THE ‘STEWARDSHIP CONTRACTING
REAUTHORIZATION AND IMPROVEMENT ACT’

Mr. Chairman and Members of the Committee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 1300, the “Stewardship Contracting Reauthorization and Improvement Act.” The Forest Service supports reauthorization of stewardship contracting and could support the bill if amended.

Stewardship contracting is a critical tool that allows the Forest Service to more efficiently complete restoration activities. Reauthorizing stewardship contracting authority and expanding the use of this tool are crucial to our ability to restore landscapes collaboratively. The authority allows the government to carry out restoration work at a reduced cost by offsetting the value of the services received with the value of forest products removed. In fiscal year 2012, approximately 25 percent of all timber volume sold on National Forest System lands was under a stewardship contract. The stewardship contracting authority has proved to be a valuable tool in many locations to implement restoration activities and meet multiple land management objectives including hazardous fuels reduction, wildlife habitat improvement, forest health improvement, and non-native invasive plant species control.

S.1300 would repeal the existing stewardship contracting authority in section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 and replace it with a provision that would be added to the Healthy Forests Restoration Act of 2003. That provision would reauthorize stewardship contracting for 10 years and provide authority that is substantively the same as the existing authority with a few exceptions. The bill contains new authority that would:

- Clarify the contracting procedure for stewardship contracting by making clear that the various statutes that apply to normal Federal procurement actions do not apply these activities;
- Modify the requirement to obligate funds to cover any potential cancellation or termination costs to allow the obligation of funds in economically or programmatically viable stages, providing advance notification of Congress and OMB;
- Require the Chief and Director to modify the fire liability provisions for all stewardship contracts and agreements to mirror the fire liability provisions currently contained in the Forest Service Integrated Resource Timber Contract and Forest Service Timber Sale contracts which limit the contractor's liability for non-negligent fire. Allow the Chief and the Director to use excess receipts to satisfy outstanding liabilities for cancelled stewardship agreements and contracts; and
- Allow the Chief and Director to offset spending on stewardship contracting using any additional amounts that may be made available to the Chief or the Director for the applicable fiscal year.

Consistent with the purposes of S. 1300, the Forest Service supports efforts to increase the amount of forest restoration work on NFS lands. However, the Forest Service would like to work with the Committee on several aspects of the language related to the offset for stewardship contracts and agreements in this bill as well as to rethink provisions that would waive current acquisition laws and practices and not require potential termination and cancellation costs to be fully funded.

I want to thank the Committee for its interest, leadership, and commitment to stewardship contracting, our national forests and their surrounding communities. This concludes my prepared statement and I would be pleased to answer any questions you may have.

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CONCERNING
S. 1301 'OREGON EASTSIDE FORESTS RESTORATION,
OLD GROWTH PROTECTION AND JOBS ACT OF 2013'

Mr. Chairman, and Members of the Subcommittee, I am Leslie Weldon, Deputy Chief for the U.S. Forest Service. Thank you for the opportunity to share the Administration's views on S. 1301, Oregon Eastside Forests Restoration, Old Growth Protection and Jobs Act of 2013. We would like to express our appreciation to Chairman Wyden for the leadership, energy and effort that went into developing this legislation and for his work to bring diverse interests together.

The Administration supports S. 1301; however, we are concerned that the agency may not have the capacity required to achieve the management targets prescribed in the bill. We want to continue to work with the Committee and the Chairman on this and other issues. USDA also has reservations about legislating forest management decisions and would hope that the work the Forest Service is doing to increase the pace and scale of forest restoration and management of the National Forests will make this type of legislation unnecessary in the future.

There are numerous concepts in the legislation that the Department strongly supports including: conducting assessments at a broad landscape scale to focus our efforts to achieve restoration

results on the ground, reducing our road system to what is needed, maintaining a much needed wood products industry and infrastructure, promoting sustainable use of biomass as an energy source, and collaborating with interested parties. We recognize the need to substantially increase the number of treatment acres for ecological reasons. We look forward to working with the Chairman and the Committee to ensure good alignment between the legislation and our current efforts to achieve our common goal of restoration that provides ecological, social and economic benefits.

S. 1301 would authorize the Secretary to select all or part of one or more National Forests in Oregon as part of the Initiative. The provisions of the bill would apply to the covered area selected by the Secretary for a period of 15 years. In the covered area, the Secretary would be directed to seek accomplishment of certain land management goals, consider opportunities to carry out certain objectives, use landscape scale planning, prioritize vegetative management and hazardous fuel reduction to achieve performance goals, and carry out projects that would, to the maximum extent practicable, mechanically treat not less than 60,000 acres in the first fiscal year following enactment, not less than 80,000 acres in the second fiscal year; and not less than 100,000 acres in each of the subsequent years.

S. 1301 also would direct the Secretary to delineate areas of aquatic and riparian resources in the covered area and would provide that vegetative management projects in the delineated areas protect and restore those resources and comply with aquatic and riparian protection requirements in the existing land management plans. The Secretary would be directed to have an advisory panel prepare a restoration report of the covered area to establish land management goals and carry out ecological restoration projects including projects at a landscape scale.

In implementing these provisions, the Secretary would seek advice from the scientific advisory panel established under the bill. The Secretary also would consult with collaborative groups. On National Forests in Oregon and Washington, we are currently engaged in an eastside restoration strategy and are engaged in numerous efforts to encourage and expand programs and activities that embrace many of the concepts in this legislation.

When Secretary Vilsack articulated his vision for America's forests, he underscored the overriding importance of forest restoration by calling for complete commitment to restoration. He also highlighted the need for pursuing an "all-lands" approach to forest restoration and for close coordination with other landowners to encourage collaborative solutions.

To that end, the President's FY 14 budget proposal includes a \$757 million Integrated Resource Restoration line-item. This integrated funding approach will allow the Forest Service to apply the landscape scale concept, similar to the landscape scale efforts envisioned in this bill, across the entire National Forest System. In addition, the FY 14 budget provides \$40 million, the full authorized amount, for the Collaborative Forest Landscape Restoration Program (CFLRP).

Three notable and selected CFLRP projects in eastern Oregon include the Skyline Project, the Lakeview Stewardship Project, and the Southern Blue Mtn. Projects. These three projects represent over 1,600,000 acres of landscapes in eastern Oregon in desperate need of restoration work, which has begun. On all three projects, the Forest Service is working with the associated collaboratives to prioritize accomplishment of restoration work. CFLRP funding for these three projects is over \$5 million dollars per year for the next 8 years. This funding is combined with matching National Forest System funding to increase the pace of restoration implementation in the project areas and doubles the amount of acres we can restore.

The Forest Service is very interested in expanding collaborative restoration efforts within the State of Oregon and throughout the country. We are focusing on advancing several principles we believe are paramount to accomplishing restoration on the entire National Forest System. These principles include collaboration with diverse stakeholders, efficient implementation of the National Environmental Policy Act, greater dialogue areas of conflict prior to the decision, ensuring opportunities for local contractors, expansion of the use of stewardship contracting if reauthorized, and monitoring to track our results on the ground.

As Secretary Vilsack has noted previously, the Forest Service has reservations about legislating specific treatment levels and other aspects of our forest plans and identified several items of concern with the legislation. However, the Senator's office, Committee staff, and the Forest

Service worked together and made significant progress in addressing these concerns. The Agency has a meaningful national approach to management of the national forests that takes into account local conditions and circumstances through the development and implementation of Land and Resource Management Plans. Achieving performance levels proposed in this bill may be outside agency current capacity. USDA wants to ensure that this does not negatively impact other Forest Service priorities in Region 6 as well as shift funds from other areas of the country where high priority work is also underway and important to achieve. In addition, specific levels of treatment may also result in unrealistic expectations on the part of the communities and forest product stakeholders that the agency would accomplish the quantity of treatment required. In addition, we have various corrections, clarifications, and modifications to suggest and would be happy to work with the Committee staff to address these matters. They include the number of forests covered by this legislation, suggested planning area acres thresholds, the setting of age limits for harvest, compatibility with PACfish and Infish, Environmental Impact Statement timelines, and budgets.

We have a strong interest in accelerating our restoration activities to achieve resilient landscapes and ecologically and economically healthy communities and we look forward to working with you to achieve these common objectives.

I want to again thank Chairman Wyden for his leadership and strong commitment to Oregon's national forests, their surrounding communities, and forest products infrastructure. I look forward to working with the Senator, his staff, and the Committee, and all interested stakeholders to help ensure sustainable communities and provide the best land stewardship for our national forests. This concludes my prepared statement and I would be pleased to answer any questions you may have.

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CONCERNING

H.R. 862, 'TO AUTHORIZE THE CONVEYANCE OF TWO SMALL PARCELS OF LAND WITHING THE BOUNDARIES OF THE COCONINO NATIONAL FOREST CONTAINING PRIVATE IMPROVEMENTS THAT WERE DEVELOPED BASED UPON THE RELIANCE OF THE LANDOWNERS IN AN ERRONEOUS SURVEY CONDUCTED IN MAY 1960'

Chairman Manchin and members of the Subcommittee, thank you for the opportunity to appear before you today to provide the Department of Agriculture's views on H.R. 862, a bill designed to correct an erroneous, private survey on the Coconino National Forest in Arizona.

The Department supports this bill.

In 1960-61, privately contracted surveyors surveyed two sections of land in what is now known as the Mountaineer Subdivision, which largely abuts the Coconino National Forest. Both surveys were found to be inaccurate when the Bureau of Land Management conducted a survey in 2007. The BLM survey correctly re-established the boundary of the National Forest System lands.

Because of the erroneous private surveys, approximately 19 parcels totaling 2.67 acres of National Forest System land now have structures built on them. Although the Forest Service has authority under the Small Tracts Act (Public Law 97-465) to sell this land to the homeowners, H.R. 862 would more quickly and efficiently resolve the issue with all property owners at the same time.

Section 1(c) of the bill would provide for consideration in a fixed amount of \$20,000. To ensure that appropriate compensation for the land to be conveyed is recovered on behalf of the American taxpayer, an appraisal should be done consistent with Federal appraisal standards and the homeowner would pay the appraised value. The bill should also provide that the homeowner should bear other administrative costs associated with the conveyance.

I would be happy to answer any questions you may have.

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CONCERNING
H.R. 876 THE 'IDAHO WILDERNESS WATER RESOURCES PROTECTION ACT'

Mr. Chairman, and Members of the Committee, thank you for the opportunity to share the Administration's views on H.R. 876, the 'Idaho Wilderness Water Resources Protection Act.'

The U.S. Forest Service supports H.R. 876. The bill authorizes the issuance of a special use permit for the continued use of water storage, transport, or diversion facility located on National Forest System lands in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in Idaho. The permits will only be issued to the water system owners of the water systems identified within these two wilderness areas and if certain conditions are met. We would like to work with the committee and the sponsor to locate on a map the water facilities authorized under this bill.

Currently, there are over 20 water developments within the Frank Church-River of No Return and Selway-Bitterroot Wilderness Areas that predate establishment of the wilderness, in some cases by decades.

These developments include hydropower developments, irrigation, and domestic water uses. The legislation establishing both wilderness areas did not address these pre-existing water developments. H.R. 876 would direct the Forest Service to issue special use authorizations, if the Secretary makes the following determinations: the facility was in existence when the wilderness area on which the facility is located was designated as part of the National Wilderness Preservation System; the facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation; the owner of the facility has a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that pre-dates the date of designation; and it is not practicable or feasible to relocate the facility outside the wilderness and achieve the continued beneficial use of water on non-Federal land. We understand that the bill does not create any rights beyond what is provided in the special use permit and that both maintenance responsibilities and liabilities continue with the permit holder, and not the Federal government.

This concludes my prepared statement and I would be pleased to answer any questions you may have.