

**Statement of Frank R. Beum, Acting Associate Deputy Chief, National Forest System
USDA Forest Service
Before
The Senate Energy and Natural Resources Committee, Public Lands, Forests, and Mining
Subcommittee
On
S. 242, Lowell Observatory Conveyance Act
S. 258, Ruby Mountains Protection Act
S. 490, B-47 Ridge Designation Act
S. 1262, Oregon Recreation Enhancement Act
May 14 2019, 2:30 p.m.**

Mr. Chairman and members of the Subcommittee, thank you for inviting me to share the Administration's position on several bills that would affect the USDA Forest Service.

S. 242, Lowell Observatory Conveyance Act

S. 242 would direct the Secretary of Agriculture to convey, without consideration and by quitclaim deed, all right, title, and interest of the United States in land owned and occupied by the Lowell Observatory near Flagstaff, Arizona. Specifically, this land is owned by a Trust established by Percival Lowell and his heirs. However, the Forest Service retained a timber reservation and reversionary interest when the land was originally conveyed in 1910. The Forest Service has many legal authorities to convey lands. However none appears appropriate to process the Observatory's request to remove the timber-reservation and convey the United States' reversionary interest. If this bill were enacted, it would provide the authority needed to complete the conveyance to the Observatory. The USDA Forest Service has no concerns with and does not oppose S. 242.

S. 258, Ruby Mountains Protection Act

S. 258 would prohibit the Department of the Interior from issuing oil or gas leases, subject to valid existing rights, on National Forest System land in the Ruby Mountain Ranger District on the Humboldt-Toiyabe National Forest in Nevada. The Ruby Mountains, known as the "Alps of Nevada," offer extensive cultural, scenic and ecological values that help to support a \$165 million recreation industry in Elko County. Mapping of the area has determined that there is little to no potential for oil or gas resources because of unfavorable geologic conditions.

The USDA Forest Service recently conducted a detailed analysis for oil and gas leasing availability for nominations on a portion of lands within the Ruby Mountains. In March 2019 the agency released a draft Record of Decision and final Environmental Assessment concluding that no leasing should occur due to the low potential for oil and gas resources in the area and extensive citizen and community involvement with strong support for no leasing at this time. The decision notice was signed by the Humboldt-Toiyabe National Forest's, Forest Supervisor on May 7, 2019. The Department does not support S. 258. There are administrative tools, such as the environmental assessment that was completed on the Ruby Mountains that provide data to determine if prohibition on oil and gas leasing, or other withdrawals are needed.

S. 490, B-47 Ridge Designation Act

S. 490 would designate a currently unnamed mountain ridge located on the Gallatin National Forest near Emigrant Peak in Montana as the “B-47 Ridge.” The bill would also authorize a plaque memorializing the 1962 crash of a B-47 to be placed on this ridge. The plaque would honor the four-man crew that perished in the crash. The proposed location of the memorial is within steep and rugged designated back country with no trail access near the top of Emigrant Peak. We have encouraged proponents to consider an alternate location such as the Old Chico Cemetery. The Department supports honoring the brave individuals who have served our country and died tragically in this ridgetop crash. The department has no concerns, and does not oppose S. 490.

S. 1262, Oregon Recreation Enhancement Act of 2019

This bill would expand an existing wilderness boundary, establish two national recreation areas, and would permanently withdraw two areas of federal land from the mining laws of the United States to protect them from new mining claims, other mineral leasing, and geothermal leasing. Restrictive land use designations can pose significant challenges for land managers’ ability to actively manage forest lands and reduce hazardous fuels around communities, create access issues for diverse land users and have impacts on rural economies. The Department would like to work with the bill’s sponsor and the committee to address these potential challenges.

Section 3: Establishment of Rogue Canyon and Molalla National Recreation Areas

Molalla National Recreation Area: As the language and the map referenced in Section 3(a)(2) of the bill indicate, the establishment would consist only of Department of Interior Bureau of Land Management lands with no adjacent National Forest System land. The Department defers to the Department of the Interior regarding the establishment of this National Recreation Area.

Rogue Canyon National Recreation Area: As the language and the map referenced in Section 3(a)(1) of the bill indicate, the expansion of this area would consist only of Department of Interior Bureau of Land Management lands. The Department defers to the Department of Interior regarding the establishment of this National Recreation Area. However, the Department would like to work with the Committee to develop a detailed "inset map" in the legislation to ensure that the boundaries between the Bureau of Land Management and USDA Forest Service parcels are clear and unambiguous.

Section 4: Expansion of the Wild Rogue Wilderness Area

The Department has several concerns related to management of the expansion of this Wilderness area. The expansion would consist of 59,512 acres of federal land and directs the Secretaries of Agriculture and the Interior to administer lands under their jurisdiction within the expansion Section 4(b)(1)(A). However, given the scale of the map referenced in Section 4(a)(1), it is unclear if any acreage of National Forest System land is included in the proposed expansion

Under P.L. 95-237, the Forest Service has administered a portion of the existing Wild Rogue Wilderness that is otherwise under the jurisdiction of the Bureau of Land Management. Under Section 4(b)(1)(A), the administration of this portion would shift back to Bureau of Land Management. Given the proposed additions of contiguous Bureau of Land Management land to the Wild Rogue Wilderness, the Department supports having the Bureau of Land Management administer land under its jurisdiction. However, we would like to work with the Committee and Bureau of Land Management to develop a plan for administration and detailed "inset map" in the legislation to ensure that the boundaries between Bureau of Land Management and USDA Forest Service parcels are clear and unambiguous to mitigate management challenges associated with non-contiguous lands. Specifically, several non-contiguous portions of the Wild Rogue Wilderness under the management of the Forest Service lie adjacent to the Bureau of Land Management portion of the wilderness but outside the proposed wilderness expansion and outside the proposed National Recreation Area. These parcels are likely to pose management challenges (T31S, R10W, sect. 10, 11, 14, 15 and T32S, R10W, Sect. 19, 20, 21, & 22).

Section 5: Withdrawal

The maps referenced in Section 5(a)(2) of the bill depict National Forest System and Bureau of Land Management lands that would be subject to the mineral withdrawal in Section 5(b) which are subject to valid existing rights, entry, appropriation or disposal under the public land laws; location, entry, and patent under the mining laws; and operation under the mineral leasing and geothermal leasing laws. Acreage included in the two proposed withdrawal areas – known as Rough and Ready, Baldface and Hunter Creek Pistol River Headwaters – totals 95,806 acres located on National Forest System lands on the Rogue River-Siskiyou National Forest. The remaining 5,216 acres are located on public land managed by the Department of the Interior (DOI) Bureau of Land Management (BLM).

On December 30, 2016, the Assistant Secretary of the Interior for Land and Minerals Management issued Public Land Orders (PLO) 7859 withdrawing approximately 5,216 acres of public lands and 95,806 acres of National Forest System lands, subject to valid, existing rights, for a 20-year term while Congress considers legislation to permanently withdraw those areas. There were 279 existing mining claims in the withdrawn area that may be developed for mining if valid existing rights can be shown. Currently, the Forest Service is undergoing a Surface Use Determination (SUD) to ascertain the appropriateness of confirmation drilling locations and depth. The SUD is anticipated to be completed in August of 2019, which will determine if some or all of the drilling proposed can be approved under certain conditions associated with a valid existing rights determination.

Conclusion

Delivering dependable energy and providing jobs and economic benefits for rural communities while restoring ecosystems is a top priority of our agency. We would be interested in working with the sponsors and the Subcommittee to address the specific concerns noted in our testimony to accomplish our shared multiple use goals for National Forest System lands.

That concludes my testimony, Mr. Chairman. I would be happy to answer any questions you or the Subcommittee members have for me.