

STATEMENT OF
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UNDER SECRETARY NATURAL RESOURCES AND THE ENVIRONMENT
UNITED STATES DEPARTMENT OF AGRICULTURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
MARCH 10, 2010
CONCERNING
S. 2907 THE FEDERAL LAND AVALANCHE PROTECTION ACT OF 2009

Mr. Chairman, Members of the Committee, I am Harris Sherman, Under Secretary of Agriculture for Natural Resources and the Environment. Thank you for the opportunity to share the Department's views on S. 2970, the Federal Land Avalanche Protection Act of 2009.

S. 2970 directs the Secretary of Agriculture to establish a coordinated avalanche protection program to identify the potential for avalanches on Federal lands and inform the public about the hazard; to carry out research related to avalanches to improve forecasting; and to reduce the risk and mitigate the effects of avalanches on Federal lands. S. 2970 also requires the Secretary to establish an advisory committee to assist in the development and implementation of the avalanche protection program. The bill would require the establishment of a central repository

for weapons for avalanche control purposes, and would authorize the Secretary to make grants to carry out projects and activities under the avalanche control program.

I would like to thank the sponsors of this legislation and the committee for recognizing the importance of the Forest Service avalanche program. The Forest Service supports the general concept of S. 2907, but asks the committee to consider revising Section 3 to clarify intent and to reflect changes to the Forest Service avalanche program that have occurred in the last several years. We would like to work with the committee and the sponsors in this regard.

Background

The Forest Service was the first agency to initiate avalanche control and forecasting in the United States. When the first ski areas began operating on National Forest System lands in the 1930s, the Forest Service began using explosives for avalanche control work to protect visitors. In 1948, the agency worked with the U.S. Army and pioneered the use of artillery for avalanche control. In the years since, the Forest Service has gradually transferred day-to-day responsibilities for avalanche control work to ski areas, though it supervises and manages the artillery program at the resorts. This is the case because the Department of Defense prohibits acquisition of artillery by private entities and because the Bureau of Alcohol, Tobacco, and Firearms requires that artillery programs be under federal “dominion and control” at ski areas. Departments of transportation in Alaska, California, Colorado, Utah, and Washington also use artillery to control the avalanche danger in a number of transportation corridors in those States.

In these areas, artillery is fired into avalanche starting zones on National Forest System lands. This effort is usually authorized and monitored by the Forest Service under a special use permit issued to the respective transportation department.

As the Forest Service gradually moved into more of an oversight role for avalanche control work, the agency increasingly focused on providing forest visitors the education and information necessary to avoid or minimize avalanche hazards in the mountain backcountry. In the early 1970's, the Forest Service established the Colorado Avalanche Information Center. Through the 1980's the agency created a number of other backcountry avalanche centers around the country. Today, there are a total of 15 avalanche forecast centers operating in nine States, providing avalanche training and regular backcountry avalanche hazard forecasts throughout the winter.

Were it not for these avalanche centers and the information they provide, the number of avalanche-related fatalities would be much greater than the 28 that have occurred each year on average over the past 15 years. Nearly all of these avalanche-related fatalities were on National Forest System lands and involved backcountry recreationists, including snowmobilers, skiers, and others. As populations increase and technology supports easier access to avalanche-prone areas, public exposure to this hazard has been heightened.

We are convinced the avalanche forecast and education programs literally save lives. We are fortunate that others, including States and local community non-profit organizations, have joined with us to provide these services.

Comments on Sections 3(a) and 3(b)

We are concerned that parts of subsections 3(a) and 3(b) may be interpreted to require the Forest Service to move beyond its traditional role of informing and educating backcountry users, into active avalanche control work. This concern is heightened if the intent is to have the Forest Service assume responsibilities on both National Forest System lands and federal lands managed by agencies in the Department of the Interior or others such as the Department of Defense. We would like to work with the Committee to clarify and limit the scope of Forest Service responsibilities under this legislation.

Comments on Sections 3(c) and 3(d)

Presently, the Forest Service avalanche program has three main components. The first is avalanche backcountry forecasting, public education and information distribution, and research and technology transfer to avalanche forecast centers. The second is oversight of permitted ski areas and their avalanche control programs. The third component is oversight of the military weapons used for avalanche control.

Section 3(c) mandates that the Secretary establish a 15-member advisory committee to assist in the development and implementation of the avalanche protection program. As it concerns the

avalanche forecast centers and their information and education programs, we do not believe an advisory committee is necessary. As it concerns civilian use of military weapons for avalanche control, the Avalanche Artillery Users of North America Committee (AAUNAC) was formed in 1987 and encompasses all of the users of avalanche artillery in Canada and the U.S., as well as the U.S. Army. AAUNAC is an ad hoc consensus-based working group established to address the need for an informal coordination body for civilian use of military weapons for avalanche control. AAUNAC has proven to be an effective organization to establish standard operating procedures, conduct training, and provide a central point of contact for U.S. Army. We feel it would be helpful if AAUNAC could be formally recognized as the coordinating body for using military weapons for avalanche control purposes. We look forward to working with this Committee to determine the best approach for providing this designation.

Section 3(d) requires the establishment of a central Depository for weapons for avalanche control purposes. A central depository has already been established by AAUNAC, working with the Department of Defense. The facility is located at the Sierra Army Depot in Herlong, California and contains an estimated 20-year supply of artillery and parts. The Army has assured AAUNAC that the Army will reserve at least a twenty year supply of ordnance for AAUNAC users. Additionally, ski areas operating under a permit issued by the Forest Service can obtain ordnance for future use in their programs and store that ordnance at other Army Depots. Consequently, section 3(d) is not necessary.

Comments on Section 3(e)

We request removal of the grant program. This subsection also identifies two criteria for awarding grants. If a grant program is retained in S.2907, we ask the committee to consider

recognizing the avalanche centers, and their forecasting and education work, as the first priority, and public safety the primary criteria for any grants.

Comments on Subsection 3(f)

This section amends Section 549(c) (3) of title 40, United States Code to provide that, when a state agency selects surplus artillery ordnance suitable for avalanche control for distribution through donation within the state, the Administrator of the General Services administration shall transfer the ordnance to the user of the ordnance. Currently, munitions are purchased by the various entities in the military weapons program. We defer to the Department of Defense and the General Services Administration on this proposed change.

In closing, I want to thank the Committee for the opportunity to be with you today to provide testimony on this legislation and we look forward to working with you on refinements to S.2970.