

**STATEMENT OF CHRIS FRENCH  
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**Before the  
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING**

**Regarding**

**S.2890 – DOUGLAS COUNTY ECONOMIC DEVELOPMENT  
AND CONSERVATION ACT**

**September 16, 2020**

Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the U.S. Department of (USDA) Forest Service regarding S.2890 – Douglas County Economic Development and Conservation Act.

S. 2890 would require conveyance, disposal or congressionally directed special use permits of National Forest System lands in Douglas County, Nevada. The Department would like to work with the bill’s sponsor and the Subcommittee to address some remaining issues posed by this bill and the map.

**TITLE I—LAND CONVEYANCES AND SALES**

**Section 101: CONVEYANCE TO STATE**

This section would direct the conveyance to the State of Nevada, without consideration, all right, title, and interest of the United States, of approximately 67 acres of National Forest System (NFS) land.

USDA supports the goal of this conveyance, which achieves a demonstrated need and benefit for consolidation of Nevada State Park management. USDA, however, has concerns related to the proposed conveyance without consideration. The current authority to transfer NFS lands to a state requires payment for the fair market value of the land, which is waived in this legislation.

**Section 102: TAHOE RIM TRAIL**

This section would implement a cooperative management agreement for 13 acres constituting the “Tahoe Rim Trail North Parcel” to improve the quality of recreation access, provide additional amenities, and to conserve the natural resource values of the land.

The goals of this section have been accomplished. Over the past two years, the Forest Service has entered into a multi-party cooperative management agreement with Douglas County and Kingsbury General Improvement District to construct Tahoe Rim Trail trailhead improvements including parking areas, accessible restroom, emergency vehicle turn-around, and off-highway-vehicle unloading facilities.

### **Section 103: CONVEYANCE TO COUNTY**

This section would direct the conveyance of a parcel known as “Pine Basin” on the Carson Ranger District of the Humboldt-Toiyabe National Forest to Douglas County, Nevada. USDA generally supports conveyance of the parcel for public access and outdoor recreation purposes but has technical concerns with this provision, including the language related to the reversionary interest and its acquisition. We would like to work with the Subcommittee and bill sponsors to address these issues while still meeting the objectives of the section.

### **Section 104: SALE OF CERTAIN FEDERAL LAND**

This section designates two parcels on the Carson Ranger District of the Humboldt-Toiyabe National Forest for disposal. One of the parcels identified for disposal is approximately 24 acres adjacent to the Forest Service’s Plymouth Interagency Work Center. USDA has a number of concerns with the proposal, including the impact on the Forest Service’s current use of the area and potential impact on wildfire response and access to public recreation sites.

Should the parcel be conveyed under the bill, USDA is concerned that residential development of this area would further encroach on the Wildland-Urban Interface increasing risk to the future residents and first responders. This parcel is in an area that has been repeatedly threatened by wildfire in recent years. Further, the parcel is contiguous to the Forest Service Jacks Valley Wildlife Area and a significant public access point. Development could impact wildlife and the public’s access to recreation sites.

Additionally, USDA has invested significant public funds into the Work Center and surrounding area and has concerns about its disposal. The parcel has been identified as the location for a future expansion of the Work Center; the Forest Service completed the environmental analysis on the proposed expansion in 2010. The site also contains a “Common Use Garden” that supports research into post-fire plant restoration. Finally, the area has also been identified as the location for additional interagency barracks, a critical need given the steep increase in housing prices in the nearby community. Both the Bureau of Land Management and the Forest Service continue to have a need for these facilities, which are pending available funding. USDA would like to work with the bill sponsors to discuss further how the proposal might accommodate current uses in the area.

With respect to the second parcel proposed for disposal in this section, the Forest Service is currently pursuing disposal of this property known as the “Big Box Parcel” under its Facilities Realignment and Enhancement Act authority. We would like to work the sponsor and this Subcommittee related to the technical details regarding the disposition of proceeds for this parcel.

## **TITLE IV -- TRANSFER OF ADMINISTRATIVE JURISDICTION OVER FOREST SERVICE LAND**

### **Section 401: AUTHORITY TO TRANSFER**

This section would authorize the Secretary of Agriculture to transfer any land acquired under the Santini-Burton Act, without consideration, to the State of Nevada or Douglas County in order to

protect the environmental quality and public recreation use of the land. Land approved for transfer must either be unsuitable for Forest Service administration or necessary for public purpose. The transferred land must be managed by the State of Nevada or Douglas County. Additionally, the land may be used by the State of County for recreation and other public purposes consistent with the Recreation and Public Purposes Act of 1926.

These environmentally sensitive lands are managed by the Forest Service to maintain undeveloped open space; preserve the lands natural characteristics; and protect water quality, stream environment zones, and important wildlife habitat. There is no demonstrated need to convey these lands, and USDA has concerns related to the proposed ability for conveyance without consideration. Further, as previously noted, the current authority to transfer NFS lands to a state requires payment for the fair market value of the land, which is waived in this legislation.

#### **Section 402: SPECIAL USE PERMITS FOR RECREATION AND PUBLIC PURPOSES**

This section directs the Forest Service to issue special use permits at the request of Douglas County for lands identified on the legislative map. The Forest Service currently has authority to issue special use permits for activities appropriate for these NFS lands. This section does not exempt the Forest Service from the need to comply with all other applicable laws in consideration of applications for special use permits, such as the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act.

#### **CONCLUSION**

We would be interested in working with the sponsor and the Subcommittee to address the specific concerns noted in our testimony. That concludes my testimony, Mr. Chairman. I would be happy to answer any questions you or the other members have for me.