

1 **STATEMENT OF**
2 **HARRIS SHERMAN**
3 **UNDERSECRETARY NATURAL RESOURCES AND ENVIRONMENT**
4 **UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE**
5 **UNITED STATES SENATE**
6 **COMMITTEE ON ENERGY AND NATURAL RESOURCES**
7 **SUBCOMMITTEE ON**
8 **PUBLIC LANDS AND FORESTS**
9 **DECEMBER 17, 2009**
10 **CONCERNING**
11 **S. 1470 THE FOREST JOBS AND RECREATION ACT OF 2009**

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13 Mr. Chairman, Members of the Committee, I am Harris Sherman, Undersecretary of Agriculture
14 for Natural Resources and Environment. Thank you for the opportunity to share the
15 Department's views on S. 1470, the Forest Jobs and Recreation Act of 2009.

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17 S. 1470 directs the Secretary of Agriculture to select areas of at least 50,000 acres to carry out
18 landscape-scale restoration projects. In selecting the areas, the Secretary would be required to
19 give priority to landscapes on the Beaverhead Deerlodge National Forests and specific ranger
20 districts on the Lolo and Kootenai National Forests. The bill requires a decision to carry out at
21 least one landscape-scale restoration project annually for 10 years or until a certain number of
22 acres have been treated mechanically. The bill provides very specific management direction and
23 establishes timeframes and targets for the identified portions of the three national forests. The
24 bill also requires an advisory committee for each landscape-scale restoration project
25 implemented by the Secretary, a monitoring report every five years, and a biomass study and
26 plan. The bill designates twenty wilderness areas totaling 624,000 acres, three recreation areas
27 totaling 245,300 acres, and a special management area of 74,000 acres. Some of the
28 designations apply to lands managed by the Bureau of Land Management and we defer to the
29 Department of the Interior on those provisions.

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31 I want to thank Senator Tester for his engagement and involvement with stakeholders in
32 Montana in the development of this bill. The legislation recognizes the diverse interests that
33 look to the National Forests and Grasslands for their livelihood and recreation. I applaud his
34 effort to bring diverse interests together to find solutions that provide a context for restoration,
35 renewal and sustainability of public landscapes.

The Department supports the concepts embodied in this legislation including collaboratively developed landscape scale projects, increased use of stewardship contracting, active restoration of the national forests, and the designation of wilderness. I understand and share in the frustration over how controversial and contentious the debate surrounding management of natural resources in Montana has become. I sincerely appreciate the efforts of all involved in developing a legislative framework to address the issues that drive the debate and are represented in the bill being considered by the committee today. While we support the concepts of the legislation, the Department has concerns regarding components of Title I which I will address later in my testimony.

Background

Throughout the nation, the Forest Service is working with citizens' groups to develop collaborative solutions to help us provide the best possible stewardship of the national forests. Two notable efforts in Montana include the Montana Forest Restoration Committee and the group working on the "Southwestern Crown of the Continent." The Montana Forest Restoration Committee is a group consisting of thirty-four members representing conservationists, motorized users, outfitters, loggers, mill operators, state government and the Forest Service. This group recently developed a set of 13 forest restoration principles and an associated implementation plan that the Committee members unanimously support. Projects that will help rejuvenate and restore National Forest System lands at a landscape level are in both the planning and implementation phases as a result of this ongoing effort. As important as the development of a meaningful set of restoration principles is, even more important is the collaborative process that has resulted in relationships built on trust that will provide the basis for future collaborative work and specific projects that restore our national forests over the long term.

The second Montana collaborative group is working on a proposal for the "Southwestern Crown of the Continent" through the Collaborative Forest Landscape Restoration Program authorized under the Forest Landscape Restoration Act. This large and very diverse group consists of many Federal, State and private entities who share the common interest of restoration and stewardship of the national forests as well as surrounding state and private lands. The group is currently looking at ecological and economic opportunities on a landscape of up to 1 million acres and plans to submit its proposal this spring.

I also want to thank the Senator for addressing the long-standing issue of wilderness designation in Montana. Designation of additional wilderness areas in the National Forest System can help sustain biodiversity, connect landscapes, and increase our understanding of ecological systems. As a result, the Forest Service is better equipped to respond to a changing climate and to provide ecosystem services. Additionally wilderness can play a role in fostering the connection between people and nature. However, conflict and controversy over which lands should be included in the National Wilderness Preservation System has too long divided people who treasure these public lands. This bill not only proposes to designate lands as Wilderness, but also includes nearly 320,000 acres as National Recreation Areas or other special areas. The resolution of those lands included in the Montana Wilderness Study Act of 1977 is especially important.

Each of the national forests included in this legislation has a Land and Resource Management Plan that was developed with full public involvement. The Beaverhead –Deerlodge National Forests completed a revision of the plan in January of 2009. These plans include recommendations on which lands would be most suitable for inclusion into the National Wilderness Preservation System.

I would like to now turn to specific comments on the bill.

Comments on Title I

While the Department supports the concepts of the legislation, we have concerns regarding components of Title I, including the highly prescriptive provisions related to the National Environmental Policy Act and the specificity regarding levels of treatment and outputs. The prescriptive language would limit the discretion of land management professionals to select landscape projects based on broader criteria, such as the condition of forest resources and community needs and capacity. Further, the bill would create unrealistic expectations on the part of communities and forest products stakeholders that the agency would accomplish the quantity of mechanical treatments required. If we were unable to meet the requirements of the bill, there could be profound impacts upon local, rural economies and on the credibility of the agency.

The bill also contains provisions which are duplicative of existing authorities. These provisions could be problematic because they could lead to confusion during implementation.

I recognize and value the importance of the concepts in S. 1470 and this administration can and will reach out and work with collaborative groups to achieve the goal of restoring our national forests. However, I believe site specific legislation is not necessary to facilitate this effort. The Department would prefer to have the opportunity to demonstrate our commitment and capability to bring diverse interests to the table to work toward the goals this bill includes, not just in Montana, but in all of the National Forest System.

Further, S. 1470 directs the Secretary to place priority use of existing resources on portions of these three national forests. This establishes a potentially harmful precedent because it may lead to multiple site specific legislative efforts transferring much needed resources from other units of the National Forest System where priority work must also be accomplished.

S. 1470 in particular includes levels of mechanical treatment that are likely unachievable and perhaps unsustainable. The levels of mechanical treatment called for in the bill far exceed historic treatment levels on these forests, and would require an enormous shift in resources from other forests in Montana and other states to accomplish the treatment levels specified in the bill.

116 Lastly, the bill sets direction for how the agency must meet the requirements of the National
117 Environmental Policy Act (NEPA). This provision, subsection 102(b)(6), raises new challenges
118 for effective planning, analysis and implementation of restoration projects by requiring analysis
119 of large areas, without the opportunity to tier to site- or project-specific analyses, thereby
120 requiring analysis for all permitting and approval actions at a landscape scale. By prescribing
121 how NEPA should be accomplished, the bill complicates of the agency's approach to NEPA
122 implementation and could result in greater controversy as the agency determines how to
123 harmonize the requirements of the bill, the requirements of NEPA, CEQ regulations
124 implementing NEPA, and the Forest Service's own regulations. We look forward to working
125 with the staff to address concerns and provide for an integrated, inclusive approach to planning
126 on a more defined scale.

129 **Comments on Title II**

130 We defer to the Department of the Interior on the wilderness provisions of Title II pertaining to
131 lands under the jurisdiction of the Bureau of Land Management. Most land designations
132 included in Title II of this bill are generally consistent with the direction and recommendations in
133 the land and resource management plans mentioned earlier. Specifically:

- 134 • Thirteen of the wilderness areas are generally consistent with our land and resource
135 management plan wilderness recommendations.
- 136 • Seven additional wilderness areas are not recommended in the land and resource
137 management plans but the plan direction is to maintain their semi-primitive non-
138 motorized characteristics.
- 139 • The six other congressionally designated areas are consistent with Forest Plan direction to
140 manage for recreation and thus we support these designations.

141 We would like to work with the Committee to address some technical boundary issues and in
142 particular I want to highlight four areas:

- 143 • **Highlands:** This area was recommended for wilderness in the Beaverhead-Deerlodge
144 Land and Resource Management Plan. S.1470 includes a number of special provisions.
145 Specifically the bill allows for helicopter landings for military exercises. When the
146 Forest Service made its wilderness recommendation it envisioned the military flights
147 being relocated to a different location when the special use authorization expired, and
148 thus viewed them as temporary in nature. S. 1470 would permanently authorize
149 helicopter landings for military training within the Highlands area. We are not aware of a
150 military landings being legislatively authorized in wilderness before and we are
151 concerned that a precedent may be established by this legislation. We would like to work
152 with the committee to either remove this requirement or explore alternative designations
153 for the Highlands area.
- 154 • **West Pioneers:** West Pioneers is a Wilderness Study Area and we very much appreciate
155 the Senator's progress toward resolution of the area. The Beaverhead Deerlodge Land
156 and Resource Management Plan did not recommend this area for wilderness because the

relatively gentle terrain will make the wilderness boundary very difficult to implement and make any motorized closures difficult to enforce. We support the entire area being designated in this bill as a national recreation area, as this designation is generally aligned with and the land and resource management plan direction for this area which is to manage for a variety of recreation opportunities.

- **Mt. Jefferson:** During the development of the Beaverhead-Deerlodge Land and Resource Management Plan, the recommended wilderness boundary was drawn to exclude a very popular snowmobiling area. The boundary in S. 1470 as proposed includes this snowmobiling area in the wilderness and therefore snowmobiling would be prohibited. Snowmobilers access the area primarily from Island Park, Idaho where that small community relies on the income from snowmobilers to sustain it through the winter months. We ask that the committee accept the Land and Resource Management Plan recommended wilderness boundary for this area.
- **East Pioneers:** The Beaverhead Deerlodge Land and Resource Management Plan wilderness recommendation for this area included the trail to Tendoy Lake. The proposed wilderness boundary in S. 1470 excludes the trail to Tendoy Lake specifically to provide access for Off Highway Vehicles. This Off Highway Vehicle trail has significant resource damage that cannot be mitigated because of the terrain. We suggest that the committee follow the Forest Service recommendation to include the entire area in the East Pioneers Wilderness.

S. 1470 contains instructions for administration of the wilderness and special management areas. Though several of the provisions in the bill are the result of consideration of specific situations, some may not be necessary and could result in confusion and negative effects to wilderness character. We look forward to working with the committee to address concerns regarding provisions related to fire prevention in wilderness, motorized access for grazing purposes in the proposed Snowcrest Wilderness, installation or maintenance of hydrological, meteorological or climatological instrumentation in wilderness, outfitter-and guide permits, language for managing special management areas through timber harvest, jurisdiction for regulating types of access and activities; and authorization of motorized access to operate and maintain water improvements.

We have begun discussions with Senator Tester's staff on the provisions with which we have concern and offer our assistance to the Senator and the committee to continue the dialogue on these provisions.

In closing, I want to thank Senator Tester for his strong commitment to Montana's communities and natural resources. We look forward to working with the Senator and his staff, the committee, and all interested stakeholders in an open, inclusive and transparent manner to help ensure sustainable communities and provide the best land stewardship for our National Forests.