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UNITED STATES DEPARTMENT OF AGRICULTURE—FOREST SERVICE  
BEFORE THE UNITED STATES SENATE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
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CONCERNING IMPLEMENTATION OF THE  
LAND AND WATER CONSERVATION FUND**

Madam Chairman, Ranking Member and Members of the Committee, thank you for the opportunity to appear before you today to discuss the important role of the Land and Water Conservation Fund (LWCF). My testimony today will focus on implementation of the LWCF by the Forest Service.

**FOREST SERVICE IMPLEMENTATION OF LWCF**

Created by Congress in 1964 and permanently authorized by the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Dingell Act), the LWCF provides money to Federal, State and local governments to purchase or permanently protect land, water and wetlands for the benefit of all Americans. LWCF receives money from fees paid by companies drilling offshore for oil and gas, the sale of surplus Federal property, and taxes on motorboat fuel. Congress appropriates from the LWCF to the U.S. Department of Agriculture's Forest Service for Land Acquisition, which is the agency program for real estate transactions.

The Land Acquisition program at the Forest Service utilizes LWCF appropriations within the boundaries of national forests and grasslands to acquire conservation lands and inholdings and provide recreational access. LWCF appropriations also support land exchanges by funding cash equalization payments and staff needed to process lands transactions. The President's FY 2020 budget proposes no funding for the land acquisition program in order to focus resources on reducing wildland fire risk, contributing to the improvement of forest and grassland conditions across shared landscapes, and contributing to rural economic prosperity. With more than 80 million acres of land across the U.S. at high risk of wildfire and more than \$5 billion in deferred maintenance costs across the National Forest System, we must reprioritize to focus on caring for the lands we currently own.

Much of the National Forest System was reserved out of public domain lands in states west of the 100<sup>th</sup> Meridian. As of 2018, the Forest Service manages approximately 193 million acres of National Forest System lands. Since the creation of the LWCF in 1964, the Forest Service has acquired approximately 6.5 million acres of new land as the result of land exchanges, donations and purchases, some of which were supported by appropriations from LWCF. Nationwide, there are approximately 47 million acres managed as Congressionally Designated Areas: 36.6 million acres managed as Wilderness Areas; 264,689 acres managed as National Scenic Areas; 1.47 million acres managed as Wild and Scenic Rivers; 3 million acres managed as National Recreation Areas; 1.2 million acres managed as National Game Refuge and Wildlife Preserves; 4.3 million acres managed as National Monuments; 169,427 acres managed as National Volcanic Monuments; and 7,793 acres managed as National Historic Areas.

The Forest Service Land Acquisition program activities include land exchanges, land donations and land purchases using LWCF and other funds authorized by Congress. These real estate transactions are all characterized as land adjustments. For land purchases, the Forest Service works with a variety of non-governmental organizations (NGOs) and other willing sellers from the general public.

Acquisition projects using LWCF are prioritized based on: (1) the significance of the acquisition; (2) the urgency of the acquisition; (3) management efficiencies; (4) management cost savings; (5) geographic distribution; (6) threats to the integrity of the land; and (7) the recreational value of the land. The Forest Service's nine regions identify the projects from units within the region's national forests and grasslands through a competitive process, then submit the top projects for final approval to the Washington Office.

Funding provided for Recreational Access is used to meet public recreation access needs, such as large, intact areas for recreation, by working with willing landowners to secure rights-of-way, easements, or fee simple lands that provide or improve public access to existing public lands. The Forest Service prioritizes land acquisitions that have the broad support of stakeholders, local officials, and others who want to remove barriers to public access and attract more visitors to recreate in a safe, accessible environment. The agency evaluates proposed recreational access tracts for LWCF funding based on criteria in the LWCF as amended by the Dingell Act. In addition, the Forest Service is creating a Priority Access List, which will be available for public input within one year. The Recreational Access funds are divided among the regions and the regions propose projects that meet the LWCF criteria.

The Forest Service uses appropriations provided for Critical Inholdings to fund the purchase of lands from willing sellers that are within the boundaries of national forests and grasslands. Reducing inholdings can increase the efficiency of federal land management and reduce potential conflicts. The Critical Inholding funds are divided among the nine regions of the Forest Service, which utilize the funds for smaller projects that meet the inholding criteria.

Appropriations for Acquisition Management support processing the land adjustment cases. To acquire public lands, an appraisal is required as well as surveys of resources such as boundaries, species, wetlands, floodplains and hazardous wastes to determine the value the United States can pay for the lands. The USDA Office of General Counsel must approve the title to the lands. In addition, some projects require oversight by the Department of Agriculture and/or Congress.

The Government Accountability Office recently completed an audit of the LWCF. The final audit report was released on June 20th and did not include recommendations for the Forest Service.

### **ADDRESSING DEFERRED MAINTENANCE THROUGH LWCF**

The Forest Service has more than \$5.2 billion in deferred maintenance related to infrastructure that includes over 370,000 miles of roads, 13,400 bridges and trails, dams and both administrative and wildfire facilities that impact every aspect of the Forest Service mission. Addressing this deferred maintenance is a critical issue affecting the agency's ability to achieve its mission, which is why the Administration is proposing to establish the Public Lands

Infrastructure Fund. This proposal would provide mandatory spending for the Forest Service and Department of the Interior land management agencies to address deferred maintenance, including infrastructure needs associated with access and management of the National Forest System.

**CONCLUSION**

The Forest Service strives to effectively maintain and improve the management of the National Forest System for the benefit of public recreation, public and emergency access, environmental conservation and the overall sustainability of the national forests and grasslands for the many public benefits which are derived from them. I appreciate the opportunity to testify today regarding Forest Service implementation of LWCF and am happy to answer any questions the Committee may have.